

changes in the federal Internal Revenue Code that eliminated the tax incentive for these bonds. As an alternative to clean air financing bonds, companies today may apply for *ad valorem* tax relief for new air pollution control equipment under 30 TAC Chapter 17, concerning Tax Relief for Property Used for Environmental Protection. Accordingly, the repeal of Chapter 104 is adopted.

SECTION BY SECTION DISCUSSION

Section 104.1, concerning Control Facility, which establishes the criteria to be demonstrated by an applicant for equipment for which certification is requested, is repealed. Section 104.2, concerning Fuel Treatment, which specifies that if the equipment to be certified is used to treat fuel to prevent emissions of air contaminants due to the use of the fuel, then the treated fuel must be consumed entirely on-site at the plant property, is repealed. Section 104.3, concerning Certification, which states that the process of certification under Chapter 104 will not include any consideration of the material recovered or produced as a result of operation of the certified equipment, is repealed.

REGULATORY IMPACT ASSESSMENT

The commission has reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in that statute. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Because the specific intent of the rulemaking is to repeal outdated and unnecessary rules, and does not add regulatory requirements to existing rules, the rulemaking is not anticipated to have an adverse material effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Therefore, this rulemaking does not meet the definition of a "major environmental rule." In addition, §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

This rulemaking does not meet any of these four applicability requirements of a "major environmental rule." Specifically, the adopted repeals do not exceed a standard set by federal law, or exceed an express requirement of state law, or exceed a requirement of a delegation agreement. In addition, the adoption is specifically to repeal outdated and unnecessary rules.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact assessment for this adoption under the Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the rulemaking is to repeal Chapter 104 because it is no longer needed. Prior to June 1986, the United States Internal

Revenue Code, provided a public bond program to help companies finance new air pollution control equipment at attractive interest rates. Since Congress deleted the bond program for new air pollution control equipment in 1986, no new applications for bond certification have been received. Further, while the TCAFA still allows the commission to issue bond certifications, it does not require rules to do so. Adoption of the repeals will not affect private real property which is the subject of the rules because this rulemaking action does not restrict or limit the owner's right to the property that otherwise would exist in the absence of the rulemaking. Further, this rulemaking is not the producing cause of the reduction in the market value of private real property and, therefore, does not create a burden on private real property.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission has reviewed the rulemaking and found that the rules are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, relating to Actions and Rules Subject to the Texas Coastal Management Program (CMP), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC 505.11. Therefore, the rulemaking is not subject to the CMP.

HEARING AND COMMENTERS

A public hearing on the repeals was held on April 11, 2000. No comments were received at the public hearing or during the public comment period which closed on April 17, 2000.

STATUTORY AUTHORITY

The repeals are adopted under Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policies and purposes of the TCAA and under Texas Government Code, §2001.039, and the General Appropriations Act, Article IX, §9 - 10.13, 76th Legislature, 1999, which requires state agencies to review and consider for re-adoption each of their rules every four years.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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CHAPTER 115. CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS

SUBCHAPTER E. SOLVENT-USING PROCESSES

DIVISION 2. SURFACE COATING PROCESSES

30 TAC §§115.420 - 115.427, 115.429

The Texas Natural Resource Conservation Commission (commission) adopts amendments to §115.420, Surface Coating Definitions; §115.421, Emission Specifications; §115.422, Control Requirements; §115.423, Alternate Control Requirements; §115.424, Inspection Requirements; §115.425, Testing Requirements; §115.426, Monitoring and Recordkeeping Requirements; §115.427, Exemptions; and §115.429, Counties and Compliance Schedules. Sections 115.420, 115.422, 115.426, and 115.427 are adopted with changes to the proposed text as published in the April 7, 2000, issue of the *Texas Register* (25 TexReg 2936). The remaining sections are adopted without changes and will not be republished.

The commission adopts these revisions to Chapter 115, Control of Air Pollution from Volatile Organic Compounds, and to the state implementation plan (SIP) to incorporate the requirement of Aerospace Manufacturing and Rework Operations Control Techniques Guideline (CTG) guidance document into the chapter. This incorporation will provide consistent control requirements to aerospace companies and prevent the necessity to review individual control plans every two years. In an effort to improve implementation of the existing Chapter 115 surface coating rules which apply in the Beaumont/Port Arthur (BPA), Dallas/Fort Worth (DFW), El Paso (EP), and Houston/Galveston (HGA) ozone nonattainment areas and in Gregg, Nueces, and Victoria Counties, the commission adopts amendments to §§115.420 - 115.427 and 115.429 which delete unnecessary requirements and clarify a variety of requirements and rule references; and associated revisions to the SIP. At the request of Lockheed-Martin, Raytheon Company, and Bell Helicopter, the commission is also asking the United States Environmental Protection Agency (EPA) to withdraw from the SIP the alternate reasonably available control technology (ARACT) determinations issued to these companies under the existing §115.423(a)(4). The companies will instead be required to comply directly with the new Chapter 115 aerospace requirements. The commission's request that these ARACT determinations be withdrawn from the SIP will be included in the transmittal letter for these adopted rule revisions which will be sent to the EPA through the Governor's office.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

AEROSPACE COATINGS

Under the 1990 Amendments to the Federal Clean Air Act (FCAA), §183, the EPA is required to issue various CTG guidance documents for the purpose of assisting states in developing reasonably achievable control technology (RACT) controls for sources of volatile organic compound (VOC) emissions. The EPA was required under FCAA, §183(b)(3), to issue an aerospace CTG by November 15, 1993. The EPA published the final aerospace CTG in the March 27, 1998 issue of the *Federal Register* (63 FR 15005). The aerospace CTG was developed concurrently with the maximum achievable control technology (MACT) air toxics standards which the EPA promulgated on September 1, 1995 for Aerospace Manufacturing and Rework Facilities (60 FR 45948).

Each state is required to submit a revision to its SIP which implements RACT regulations for VOC sources in moderate or above ozone nonattainment areas. Specifically, FCAA, §182(b)(2)(A), requires states to submit RACT regulations for VOC sources that

are covered by a CTG issued after November 15, 1990 (the enactment date of the 1990 FCAA), but prior to the time of attainment. Limits in state rules must be at least as stringent as the CTG limits or otherwise must be determined to meet RACT.

Each CTG contains a "presumptive norm" for RACT for a specific source category, based on the EPA's evaluation of the capabilities and problems general to that category. Where applicable, the EPA recommends that states adopt requirements consistent with the presumptive norm. However, the presumptive norm is only a recommendation. States may choose to develop their own RACT requirements on a case-by-case basis, considering the emission reductions needed to obtain achievement of the national ambient air quality standards and the economic and technical circumstances of the individual source.

ARCHITECTURAL COATINGS

Chapter 115 currently includes rules which regulate nine categories of architectural coatings in the BPA, DFW, EP, and HGA ozone nonattainment areas. These rules were initially adopted on December 18, 1987 for Dallas and Tarrant Counties. The rules were amended on May 8, 1992 to include the remaining 14 counties in the four ozone nonattainment areas.

The FCAA, §183(e), established a new regulatory program for controlling VOC emissions from consumer and commercial products. Section 183(e) requires the EPA to list, and schedule for regulation, categories of consumer and commercial products after completion of a study and report to Congress concerning the products and their potential to contribute to levels of ozone which violate the ozone National Ambient Air Quality Standards. In 1992, the EPA initiated a regulatory negotiation ("reg-neg") to address architectural & industrial maintenance (AIM) coatings as an alternative to the traditional approach to rulemaking. The AIM coatings reg-neg committee members represented the affected industries, consumers, federal agencies, state and local air pollution control agencies, environmental groups, and labor organizations. Reg-neg meetings were held from October 1992 to February 1994, but the committee was unable to reach consensus. On September 23, 1994, the reg-neg concluded without consensus, and the EPA initiated development of the AIM coatings rule using the information it had gathered during the reg-neg process.

In the September 11, 1998 issue of the *Federal Register* (63 FR 48848), EPA adopted a national AIM coatings rule with a final compliance date of September 11, 1999. The EPA's AIM coatings rule addresses 61 coating categories and is expected to achieve a 20% VOC emission reduction. The commission's strategy for reducing VOC emissions in the nonattainment areas of the state, particularly DFW, relies on this projected 20% emission reduction. Because the national AIM coatings rules are much more comprehensive than the Chapter 115 architectural coatings rules, the commission is adopting the deletion of these Chapter 115 rules.

SECTION BY SECTION DISCUSSION

The rule amendments incorporate the requirements for Aerospace Manufacturing and Rework Operations which the EPA outlined in the CTG for this industry. This includes emissions limitations for VOC used for coating and clean up. The commission is also adopting amendments which reorganize and clarify the surface coating rules. These clarifying/reorganizing revisions include, where possible, consolidation or elimination of redundant language or requirements, the use of the active

(rather than passive) voice, incorporation of a variety of interpretations made by the agency's Air Rule Interpretation Team (RIT) and relocation of rule language to more logical locations. In general, the commission's goal is to make the rules easier to read and more explicit concerning which requirements apply.

The amendments to §115.420, Surface Coating Definitions, add new definitions for aerosol coating (spray paint), daily weighted average, and spray gun which are intended to clarify the existing Chapter 115 surface coating requirements. The definition of daily weighted average incorporates the concepts of Air RIT's Rule Interpretation Code Number R5-421.006, concerning daily weighted average, in order to address questions raised to the commission's staff. As adopted, the daily weighted average is VOC content for all coatings subject to the same content standard applied in a single day instead of the average for one coating only. The commission believes that this procedure would most accurately reflect daily VOC emissions from a coating operation. The amendments also correct a typographical error.

The amendments to §115.420 also revise the definitions of miscellaneous metal parts and products coating and vehicle refinishing (body shops). The amendment to the definition of "miscellaneous metal parts and products coating" incorporates the Air RIT's Rule Interpretation Code Number R5-421.005, concerning the applicability of the miscellaneous metal parts and products (MMPP) surface coating rules. In order to address questions from regulated operators, and to clearly state to what operations the MMPP surface coating rules would apply, the commission clarifies that the rules apply to: 1) original equipment manufacturing operations; 2) designed on-site maintenance shops which recoat used parts and products; and 3) off-site job shops which coat new parts and products or which recoat used parts and products. The amendments to the definition of vehicle refinishing (body shops) replace the phrase "repair and recoating" with "coating" because in some cases the vehicle is not repaired but is simply painted (e.g., a vehicle with no body damage which is being painted the same or a different color) and delete the word "commercial" from the phrase "commercial operation" because an exemption for in-house (fleet) vehicle refinishing operations was added as §115.427(a)(6) on April 30, 1997. (See the May 13, 1997 issue of the *Texas Register* (22 TexReg 2213)). The definition of vehicle refinishing (body shops) is also being relocated because it was inadvertently not in alphabetical order.

In addition, the amendments to §115.420 delete the definitions of architectural coating and non-flat architectural coating. These definitions are no longer needed due to the deletion of the Chapter 115 architectural coating rules.

Finally, the amendments to §115.420 add 84 new definitions for aerospace coating, including: ablative coating, adhesion promoter, adhesive bonding primer, aerospace vehicle or component, aircraft fluid systems, aircraft transparency, antichafe coating, antique aerospace vehicle or component, aqueous cleaning solvent, bearing coating, bonding maskant, caulking and smoothing compounds, chemical agent-resistant coating (CARC), chemical milling maskant, cleaning operation, cleaning solvent, clear coating, closed-cycle depainting system, coating operation, coating unit, commercial exterior aerodynamic structure primer, commercial interior adhesive, compatible substrate primer, confined space, corrosion prevention coating, critical use and line sealer maskant, cryogenic flexible primer, cryoprotective coating, cyanoacrylate adhesive, dry lubricative material, electric or radiation-effect coating, electrostatic discharge and electromagnetic interference (EMI) coating,

elevated-temperature Skydrol-resistant commercial primer, epoxy polyamide topcoat, fire-resistant (interior) coating, flexible primer, flight test coating, flush cleaning, fuel tank adhesive, fuel tank coating, grams of VOC per liter of coating (less water and less exempt solvent), hand-wipe cleaning operation, high temperature coating, insulation covering, intermediate release coating, lacquer, limited access space, metalized epoxy coating, mold release, monthly weighted average, nonstructural adhesive, operating parameter value, optical antireflection coating, part marking coating, pretreatment coating, primer, radome, rain erosion-resistant coating, research and development, rocket motor bonding adhesive, rocket motor nozzle coating, rubber-based adhesive, scale inhibitor, screen print ink, sealant, seal coat maskant, self-priming topcoat, semiaqueous cleaning solvent, silicone insulation material, solid film lubricant, space vehicle, specialty coating, specialized function coating, structural autoclavable adhesive, structural nonautoclavable adhesive, surface preparation, temporary protective coating, thermal control coating, topcoat, touch-up and repair coating, touch-up and repair operation, VOC composite vapor pressure, waterborne (water-reducible) coating, wet fastener installation coating, and wing coating. The amendments to §115.420 also renumber the existing surface coating definitions as necessary to accommodate inclusion of the new definitions and deletion of the existing architectural coating definitions. Finally, the definition of high-volume/low-pressure (HVLP) spray guns was modified to clarify that the operating pressure of this equipment is to be measured at the air cap.

The amendments to §115.421, Emission Specifications, add emission limitations in the form of a table for aerospace coatings. These limits are for all coating materials that contain VOCs and for any VOC-containing materials added to the original coating supplied by the manufacturer.

The amendments to §115.421 also delete the emissions limitations for architectural coatings as described earlier in this preamble. In addition, the amendments to the lead-in paragraphs of §115.421(a) and (b) delete language concerning the calculation of daily weighted average which is being addressed through the addition of a definition of daily weighted average to §115.420(a). The commission is also adding an option for sources subject to the aerospace coating limits to use a monthly weighted average for application to operations not conducted on a daily basis. A new definition of monthly weighted average is included in §115.420.

In separate rulemaking published in the July 16, 1999 issue of the *Texas Register* (24 TexReg 5490) the commission added a definition of vapor control system to §115.10 which is identical to the existing definition of vapor recovery system. This will facilitate a transition in the Chapter 115 rules to this term from the misleading term "vapor recovery system," which is defined to include both recovery and combustion control devices. Consequently, the amendments to §115.421 change a reference from "vapor recovery system" to "vapor control system" for clarification.

Finally, the amendments to §115.421 delete references to compliance dates which have passed and update rule references that have changed because of the additions, deletions, and reordering in the chapter.

The amendments to §115.422, Control Requirements, add control requirements for aerospace vehicle or component coating processes subject to §115.421(a)(11) or (b)(10), as well as related clean-up operations. In addition, the amendments to

§115.422 revise the "once-in, always-in" (OIAI) rule (currently found in §115.422(5)) by updating the term "standard exemption" to "exemption from permitting" and "permit by rule" to reflect changes in terms in Chapter 106 of this title. OIAI is an EPA concept which means that once emissions from a source exceed the applicability cutoff for a particular VOC regulation in the SIP, that source is always subject to the control requirements of the regulation.

The amendments to §115.423, Alternate Control Requirements, incorporate Gregg, Nueces, and Victoria Counties into subsection (a) and delete all of subsection (b) which currently contains the alternate control requirements for these three counties. The amendments also specify that the existing capture efficiency testing requirements apply only in the BPA, DFW, EP, and HGA areas, update rule references, and change a reference from "vapor recovery system" to "vapor control system" for clarification.

The amendments to §115.423 change the review schedule for ARACT determinations under the existing §115.421(a)(4) and (b)(4) from every two years to every five years. Because of the time required to process and review an ARACT, the current two-year review schedule means that at any given time, companies with ARACTs are either preparing ARACT review applications or are in the actual review process. The amendments also modify a cross reference in the equation in §115.423(1).

The amendments to §115.424, Inspection Requirements, incorporate Gregg, Nueces, and Victoria Counties into subsection (a) and delete all of subsection (b) which currently contains the inspection requirements for these three counties.

The amendments to §115.425, concerning Testing Requirements, incorporate Gregg, Nueces, and Victoria Counties into subsection (a) and delete all of subsection (b) which currently contains the testing requirements for these three counties. The amendments to §115.425 also clarify that if a test method inadvertently measures compounds that are exempt solvent (i.e., non-VOC), these exempt solvents may be excluded when determining compliance with an emission standard.

The amendments to §115.425 also specify that the existing capture efficiency testing requirements apply only in the BPA, DFW, EP, and HGA areas; update rule references; and change references from "TACB," "vapor recovery system," and "carbon adsorber" to "executive director," "vapor control system," and "carbon adsorption system," respectively, for clarification. In addition, the amendments to the exemption from capture efficiency testing found in the existing §115.425(a)(4)(A)(ii) to clarify that "daily" refers to each 24-hour period of the 30-day period. Also, a new paragraph (5) is added to §115.425 that includes testing requirements for aerospace vehicle or component coating facilities subject to §115.421(a)(11) or (b)(10).

Finally, the amendments to §115.425 also add a new paragraph (6), which authorizes the use of test methods other than those specifically listed in §115.425, provided that any new test method is validated using the procedures in 40 Code of Federal Regulations (CFR) 63, Appendix A, Test Method 301, with the executive director acting as the administrator. This revision is necessary because in some specific unique situations the listed test methods may be inappropriate. The new paragraph (6) increases flexibility by allowing the use of additional test methods which may be more cost-effective and more appropriate in certain unique situations.

The amendments to §115.426, Monitoring and Recordkeeping Requirements, incorporate Gregg, Nueces, and Victoria Counties into subsection (a) and delete all of subsection (b) which currently contains the monitoring and recordkeeping requirements for these three counties. Additionally, the amendments update rule references; change references from "TACB" and "vapor recovery system" to "executive director" and "vapor control system," respectively, for clarification; add a requirement for monitoring and recording of appropriate operating parameters for types of vapor control systems not specifically listed in §115.426(3); specify a temperature for the measurement of the vapor pressure of regulated cleaning solvents; and delete the existing §115.426(a)(2)(A)(iv), which concerns records associated with control device maintenance activities, because maintenance activities are already addressed in §101.7, Maintenance, Start-up and Shutdown Reporting, Recordkeeping, and Operational Requirements. In addition, the new paragraph (5) specifies the recordkeeping requirements for aerospace manufacturing and rework operations. Also, the new paragraph (6) specifies that with the exception of specialty coatings, compliance with the recordkeeping requirements of 40 CFR §63.752 (National Emission Standards for Aerospace Manufacturing and Rework Facilities) is considered to represent compliance with the requirements of §115.426. Finally, the amendments to §115.426 add alternative recordkeeping requirements for surface coating operations that qualify for the new exemption in §115.427 for surface coating operations on a property in the BPA, DFW, EP, and HGA areas for which total coating and solvent use does not exceed 150 gallons in any consecutive 12-month period.

The amendments to §115.427, Exemptions, exempt all aerospace vehicles and components from the MMPP requirements after the December 31, 2001 compliance date for the new aerospace requirements, and revise the exemption for aerosol coatings (spray paint) for consistency with the new definition of this term in §115.420(a). The amendments also delete the exemptions for architectural coatings due to the deletion of the architectural coating requirements in the existing §115.421(a)(11), and change a reference from "facility" to "property" for clarification.

The amendments to §115.427 also add an exemption from §115.421(a) and §115.423 for surface coating operations on a property in the BPA, DFW, EP, and HGA areas for which total coating and solvent use does not exceed 150 gallons in any consecutive 12-month period. This exemption is being added to ease the recordkeeping burden on very small surface coating operations. Coatings which are not subject to a standard in §115.421(a)(1) - (15) are not included in the 150-gallon exemption calculation. The exemption level would represent a maximum VOC emission rate of at most 1,200 pounds per year (lb/yr), or 0.6 tons per year (tpy), assuming a worst-case scenario of eight pounds of VOC per gallon. By comparison, the existing 15 pounds per day (lb/day) and three pounds per hour (lb/hr) exemption of §115.427(a)(3)(A) could allow up to 5475 lbs/yr, or 2.7 tpy, of VOC emissions.

On page 1-1 of the EPA document Issues Relating to VOC Regulation Cutpoints, Deficiencies, And Deviations -- Clarification to Appendix D of November 24, 1987 Federal Register (May 25, 1988), the EPA states: "Where EPA has previously specified 3 lb VOC/hr or 15 lb VOC/day cutoff, State may use it on actual emissions basis or use 10 tpy theoretical potential emissions (design capacity (or maximum production) and 8760 hr/yr) before add-on

control. Care should be taken to make enforceable any regulations specified on an 'actual' emissions basis."

The commission believes that the new exemption is at least as stringent as the ten tpy theoretical maximum emissions cutoff specified in the federal guidance. Specifically, the ten tpy cutoff represents an average VOC emission rate of 55 lb/day. An owner or operator could apply coatings for ten hours at five lb/hr and still be below this cutoff. With a VOC emission limit of at most 1,200 lb/yr, the owner or operator would be unable to apply coatings for ten hours at five lb/hr very often; at most, 24 days per year at the 50 lb/day maximum.

The amendments to §115.429, Counties and Compliance Schedules, specify a December 31, 2001 compliance date for the new aerospace vehicle and component coating requirements and delete unnecessary language. The amendments to §115.429 also specify that aerospace vehicle and component coating processes which are subject to the new aerospace coating requirements must continue to comply with the existing miscellaneous metal parts and products coating requirements until these processes are in compliance with the new aerospace requirements.

EFFECT ON SITES SUBJECT TO THE FEDERAL OPERATING PERMITS PROGRAM

Since 30 TAC Chapter 115 is an applicable requirement under 30 TAC Chapter 122, owners or operators subject to the Federal Operating Permit Program must, consistent with the revision process in Chapter 122, revise their operating permits to include the revised Chapter 115 requirements for each emission unit affected by the revisions to Chapter 115 at their sites.

FINAL REGULATORY IMPACT ANALYSIS DETERMINATION

The commission has reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and has determined that the rulemaking does not meet the definition of a "major environmental rule" as defined in that statute. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The new aerospace CTG rules do not add more stringent standards than those currently existing under the aerospace MACT.

Section 2001.0225(a) only applies to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program, or; 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

This rulemaking does not meet any of these four applicability requirements of §2001.0225(a). This rulemaking was not developed under the general powers of the agency under Chapter 5 of the Texas Water Code. Instead, the rulemaking was specifically developed under the Texas Clean Air Act (TCAA), §382.011, General Powers and Duties, which provides the commission with the authority to establish the level of quality to be maintained in the state's air and the authority to control the quality of the state's

air; §382.017, Rules, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.012, State Air Control Plan, which requires the commission to develop plans for protection of the state's air. Specifically, this rulemaking does not exceed a standard set by state or federal law, but complies with federal law requiring adoption, for moderate or above ozone nonattainment areas, of RACT standards covered by a CTG issued after November 15, 1990. This rulemaking does not exceed a requirement of a delegation agreement. No comments were received during the comment period regarding the draft regulatory impact analysis.

TAKINGS IMPACT ASSESSMENT

The commission has completed a takings impact assessment for these rules pursuant to Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of this rulemaking is to add aerospace coating rules which are based upon a CTG guidance document issued by the EPA, as required by the FCAA, §182(b)(2)(A). Promulgation and enforcement of the rule amendments will not affect private real property which is the subject of the rules because this action does not restrict or limit an owner's right to their property that would otherwise exist in the absence of governmental action.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission has determined that this rulemaking relates to an action or actions subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et seq.), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the CMP. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3), relating to actions and rules subject to the CMP, commission rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this action for consistency with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Council. For this rulemaking, the commission has determined that the rules are consistent with the applicable CMP goal expressed in 31 TAC §501.12(1), of protecting and preserving the quality and values of coastal natural resource areas and the policy in 31 TAC §501.14(q), which requires that the commission protect air quality in coastal areas. No new sources of air contaminants will be authorized by the rule revisions concerning aerospace control technique guidelines or by the deletion of the current architectural coating requirements. Therefore, in compliance with 31 TAC §505.22(e), the commission affirms that the rulemaking is consistent with CMP goals and policies. No comments were received during the comment period regarding the consistency of the rulemaking with the CMP goals and policies.

HEARING AND COMMENTERS

A public hearing on this proposal was held in Austin on May 2, 2000. The comment period closed on May 8, 2000.

The EPA submitted a letter saying it had no comments. No other correspondence or comments were received during the comment period.

ANALYSIS OF TESTIMONY

No comments were received on §115.422. However, the commission has revised the proposed §115.422(6) to refer to "permit by rule" rather than "exemption from permitting" due to the

proposed change in terminology associated with the implementation of Senate Bill 766 (76th Legislature, 1999). (See the April 7, 2000 issue of the *Texas Register* (25 TexReg 2597).)

No comments were received on §115.426. However, the commission has modified the proposed §115.426(5)(D), which specifies the recordkeeping requirements for cleaning solvents with a vapor pressure greater than 45 mm Hg used in exempt hand-wipe cleaning operations, to include a temperature at which the vapor pressure is determined. For consistency with §115.422(5)(B), the commission has revised §115.426(5)(D) to specify that the vapor pressure is determined at 20 degrees Celsius.

No comments were received on the proposed exemption of §115.427(a)(3)(C) for surface coating operations on a property for which total coating and solvent usage does not exceed 150 gallons in any consecutive 12-month period from §115.421(a) and §115.423. However, in order to make the exemption meaningful and useful, the commission has revised §115.427(a)(3)(C) to clarify that this exemption limit does not include coatings and solvents used in surface coating activities which are not addressed by the specific surface coating categories of §115.421(a)(1) - (15). For example, architectural coatings (i.e., coatings which are applied in the field to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs) at a property would not be included in the calculation.

STATUTORY AUTHORITY

The amendments are adopted under the Texas Health and Safety Code, TCAA, §382.011, General Powers and Duties, which provides the commission with the authority to establish the level of quality to be maintained in the state's air and the authority to control the quality of the state's air; §382.017, Rules, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA; and §382.012, State Air Control Plan, which requires the commission to develop plans for protection of the state's air, such as the SIP.

§115.420. *Surface Coating Definitions.*

(a) General surface coating definitions. The following terms, when used in this division (relating to Surface Coating Processes), shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions for terms used in this division are found in §115.10 of this title (relating to Definitions), §101.1 of this title (relating to Definitions), and §3.2 of this title (relating to Definitions).

(1) Aerosol coating (spray paint) - A hand-held, pressurized, nonrefillable container that expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.

(2) Coating - A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, thinners, diluents, inks, maskants, and temporary protective coatings.

(3) Coating application system - Devices or equipment designed for the purpose of applying a coating material to a surface. The devices may include, but are not limited to, brushes, sprayers, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters.

(4) Coating line - An operation consisting of a series of one or more coating application systems and including associated flashoff area(s), drying area(s), and oven(s) wherein a surface coating is applied, dried, or cured.

(5) Coating solids (or solids) - The part of a coating that remains after the coating is dried or cured.

(6) Daily weighted average - The total weight of volatile organic compound (VOC) emissions from all coatings subject to the same emission standard in §115.421 of this title (relating to Emission Specifications), divided by the total volume of those coatings (minus water and exempt solvent) delivered to the application system each day. Coatings subject to different emission standards in §115.421 of this title shall not be combined for purposes of calculating the daily weighted average. In addition, determination of compliance is based on each individual coating line.

(7) High-volume low-pressure spray guns - Equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure at the air cap.

(8) Normally closed container - A container that is closed unless an operator is actively engaged in activities such as adding or removing material.

(9) Pounds of VOC per gallon of coating (minus water and exempt solvents) - Basis for emission limits for surface coating processes. Can be calculated by the following equation:
Figure: 30 TAC §115.420(a)(9)

(10) Pounds of VOC per gallon of solids - Basis for emission limits for surface coating process. Can be calculated by the following equation:
Figure: 30 TAC §115.420(a)(10)

(11) Spray gun - A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

(12) Surface coating processes - Operations which utilize a coating application system.

(13) Transfer efficiency - The amount of coating solids deposited onto the surface of a part or product divided by the total amount of coating solids delivered to the coating application system.

(b) Specific surface coating definitions. The following terms, when used in this division (relating to Surface Coating Processes), shall have the following meanings, unless the context clearly indicates otherwise.

(1) Aerospace coating.

(A) Ablative coating - A coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulative barrier, protecting adjacent components from the heat or open flame.

(B) Adhesion promoter - A very thin coating applied to a substrate to promote wetting and form a chemical bond with the subsequently applied material.

(C) Adhesive bonding primer - A primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers: primers with a design cure at 250 degrees Fahrenheit or below and primers with a design cure above 250 degrees Fahrenheit.

(D) Aerospace vehicle or component - Any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft including but not limited to airplanes, helicopters, missiles, rockets, and space vehicles.

(E) Aircraft fluid systems - Those systems that handle hydraulic fluids, fuel, cooling fluids, or oils.

(F) Aircraft transparency - The aircraft windshield, canopy, passenger windows, lenses, and other components which are constructed of transparent materials.

(G) Antichafe coating - A coating applied to areas of moving aerospace components that may rub during normal operations or installation.

(H) Antique aerospace vehicle or component - An aerospace vehicle or component thereof that was built at least 30 years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

(I) Aqueous cleaning solvent - A solvent in which water is at least 80% by volume of the solvent as applied.

(J) Bearing coating - A coating applied to an antifric-tion bearing, a bearing housing, or the area adjacent to such a bearing in order to facilitate bearing function or to protect base material from excessive wear. A material shall not be classified as a bearing coating if it can also be classified as a dry lubricative material or a solid film lubricant.

(K) Bonding maskant - A temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

(L) Caulking and smoothing compounds - Semi-solid materials which are applied by hand application methods and are used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can also be classified as a sealant.

(M) Chemical agent-resistant coating - An exterior top-coat designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

(N) Chemical milling maskant - A coating that is applied directly to aluminum components to protect surface areas when chemically milling the component with a Type I or II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Additionally, maskants that must be used with a combination of Type I or II etchants and any of the above types of maskants (i.e., bonding, critical use and line sealer, and seal coat) are not included. Maskants that are defined as specialty coatings are not included under this definition.

(O) Cleaning operation - Spray-gun, hand-wipe, and flush cleaning operations.

(P) Cleaning solvent - A liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain no VOC.

(Q) Clear coating - A transparent coating usually applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat.

(R) Closed-cycle depainting system - A dust free, auto-mated process that removes permanent coating in small sections at a time, and maintains a continuous vacuum around the area(s) being de-painted to capture emissions.

(S) Coating operation - Using a spray booth, tank, or other enclosure or any area (such as a hangar) for applying a single

type of coating (e.g., primer); using the same spray booth for applying another type of coating (e.g., topcoat) constitutes a separate coating operation for which compliance determinations are performed separately.

(T) Coating unit - A series of one or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating.

(U) Commercial exterior aerodynamic structure primer - A primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae, and landing gear and doors, for the purpose of extended corrosion protection and enhanced adhesion.

(V) Commercial interior adhesive - Materials used in the bonding of passenger cabin interior components. These components must meet the Federal Aviation Administration (FAA) fireworthiness requirements.

(W) Compatible substrate primer - Either compatible epoxy primer or adhesive primer. Compatible epoxy primer is primer that is compatible with the filled elastomeric coating and is epoxy based. The compatible substrate primer is an epoxy-polyamide primer used to promote adhesion of elastomeric coatings such as impact-resistant coatings. Adhesive primer is a coating that:

(i) inhibits corrosion and serves as a primer applied to bare metal surfaces or prior to adhesive application; or

(ii) is applied to surfaces that can be expected to contain fuel. Fuel tank coatings are excluded from this category.

(X) Confined space - A space that:

(i) is large enough and so configured that a person can bodily enter and perform assigned work;

(ii) has limited or restricted means for entry or exit (for example, fuel tanks, fuel vessels, and other spaces that have limited means of entry); and

(iii) is not suitable for continuous occupancy.

(Y) Corrosion prevention compound - A coating system or compound that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.

(Z) Critical use and line sealer maskant - A temporary coating, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium, or high-strength steel, high-precision aluminum chemical milling of deep cuts, and aluminum chemical milling of complex shapes. Materials used for repairs or to bridge gaps left by scribing operations (i.e., line sealer) are also included in this category.

(AA) Cryogenic flexible primer - A primer designed to provide corrosion resistance, flexibility, and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (-275 degrees Fahrenheit and below).

(BB) Cryoprotective coating - A coating that insulates cryogenic or subcooled surfaces to limit propellant boil-off, maintain structural integrity of metallic structures during ascent or re-entry, and prevent ice formation.

(CC) Cyanoacrylate adhesive - A fast-setting, single component adhesive that cures at room temperature. Also known as "super glue."

(DD) Dry lubricative material - A coating consisting of lauric acid, cetyl alcohol, waxes, or other noncross linked or resin-bound materials that act as a dry lubricant.

(EE) Electric or radiation-effect coating - A coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lightning strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. Coatings that have been designated as "classified" by the Department of Defense are excluded.

(FF) Electrostatic discharge and electromagnetic interference coating - A coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference.

(GG) Elevated-temperature Skydrol-resistant commercial primer - A primer applied primarily to commercial aircraft (or commercial aircraft adapted for military use) that must withstand immersion in phosphate-ester hydraulic fluid (Skydrol 500b or equivalent) at the elevated temperature of 150 degrees Fahrenheit for 1,000 hours.

(HH) Epoxy polyamide topcoat - A coating used where harder films are required or in some areas where engraving is accomplished in camouflage colors.

(II) Fire-resistant (interior) coating - For civilian aircraft, fire-resistant interior coatings are used on passenger cabin interior parts that are subject to the FAA fireworthiness requirements. For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721. For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.

(JJ) Flexible primer - A primer that meets flexibility requirements such as those needed for adhesive bond primed fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between the fasteners, skin, and skin-to-skin joints on outer aircraft skins. This flexible bridge allows more topcoat flexibility around fasteners and decreases the chance of the topcoat cracking around the fasteners. The result is better corrosion resistance.

(KK) Flight test coating - A coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.

(LL) Flush cleaning - Removal of contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item being cleaned and then drained, or assisted by air or hydraulic pressure, or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand action are used are not included.

(MM) Fuel tank adhesive - An adhesive used to bond components exposed to fuel and must be compatible with fuel tank coatings.

(NN) Fuel tank coating - A coating applied to fuel tank components for the purpose of corrosion and/or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions.

(OO) Grams of VOC per liter of coating (less water and less exempt solvent) - The weight of VOC per combined volume of total volatiles and coating solids, less water and exempt compounds. Can be calculated by the following equation:

Figure: 30 TAC §115.420(b)(1)(OO)

(PP) Hand-wipe cleaning operation - Removing contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component by physically rubbing it with a material such as a rag, paper, or cotton swab that has been moistened with a cleaning solvent.

(QQ) High temperature coating - A coating designed to withstand temperatures of more than 350 degrees Fahrenheit.

(RR) Insulation covering - Material that is applied to foam insulation to protect the insulation from mechanical or environmental damage.

(SS) Intermediate release coating - A thin coating applied beneath topcoats to assist in removing the topcoat in depainting operations and generally to allow the use of less hazardous depainting methods.

(TT) Lacquer - A clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resoluble in their original solvent.

(UU) Limited access space - Internal surfaces or passages of an aerospace vehicle or component that cannot be reached without the aid of an airbrush or a spray gun extension for the application of coatings.

(VV) Metalized epoxy coating - A coating that contains relatively large quantities of metallic pigmentation for appearance and/or added protection.

(WW) Mold release - A coating applied to a mold surface to prevent the molded piece from sticking to the mold as it is removed.

(XX) Monthly weighted average - the total weight of VOC emission from all coatings divided by the total volume of those coatings (minus water and exempt solvents) delivered to the application system each calendar month. Coatings shall not be combined for purposes of calculating the monthly weighted average. In addition, determination of compliance is based on each individual coating operation.

(YY) Nonstructural adhesive - An adhesive that bonds nonload bearing aerospace components in noncritical applications and is not covered in any other specialty adhesive categories.

(ZZ) Operating parameter value - A minimum or maximum value established for a control equipment or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has continued to comply with an applicable emission limitation.

(AAA) Optical antireflection coating - A coating with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.

(BBB) Part marking coating - Coatings or inks used to make identifying markings on materials, components, and/or assemblies of aerospace vehicles. These markings may be either permanent or temporary.

(CCC) Pretreatment coating - An organic coating that contains at least 0.5% acids by weight and is applied directly to metal or composite surfaces to provide surface etching, corrosion resistance, adhesion, and ease of stripping.

(DDD) Primer - The first layer and any subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings. Primers that are defined as specialty coatings are not included under this definition.

(EEE) Radome - The nonmetallic protective housing for electromagnetic transmitters and receivers (e.g., radar, electronic countermeasures, etc.).

(FFF) Rain erosion-resistant coating - A coating or coating system used to protect the leading edges of parts such as flaps, stabilizers, radomes, engine inlet nacelles, etc. against erosion caused by rain impact during flight.

(GGG) Research and development - An operation whose primary purpose is for research and development of new processes and products and that is conducted under the close supervision of technically trained personnel and is not involved in the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

(HHH) Rocket motor bonding adhesive - An adhesive used in rocket motor bonding applications.

(III) Rocket motor nozzle coating - A catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles.

(JJJ) Rubber-based adhesive - A quick setting contact cement that provides a strong, yet flexible bond between two mating surfaces that may be of dissimilar materials.

(KKK) Scale inhibitor - A coating that is applied to the surface of a part prior to thermal processing to inhibit the formation of scale.

(LLL) Screen print ink - An ink used in screen printing processes during fabrication of decorative laminates and decals.

(MMM) Sealant - A material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components. There are two categories of sealants: extrudable/rollable/brushable sealants and sprayable sealants.

(NNN) Seal coat maskant - An overcoat applied over a maskant to improve abrasion and chemical resistance during production operations.

(OOO) Self-priming topcoat - A topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection, and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component.

(PPP) Semiaqueous cleaning solvent - A solution in which water is a primary ingredient. More than 60% by volume of the solvent solution as applied must be water.

(QQQ) Silicone insulation material - An insulating material applied to exterior metal surfaces for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not "sacrificial."

(RRR) Solid film lubricant - A very thin coating consisting of a binder system containing as its chief pigment material one or more of the following: molybdenum, graphite, polytetrafluoroethylene, or other solids that act as a dry lubricant between faying (i.e., closely or tightly fitting) surfaces.

(SSS) Space vehicle - A man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. Also included is auxiliary equipment associated with test, transport, and storage, that through contamination can compromise the space vehicle performance.

(TTT) Specialty coating - A coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(UUU) Specialized function coating - A coating that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings covered in other specialty coating categories.

(VVV) Structural autoclavable adhesive - An adhesive used to bond load-carrying aerospace components that is cured by heat and pressure in an autoclave.

(WWW) Structural nonautoclavable adhesive - An adhesive cured under ambient conditions that is used to bond load-carrying aerospace components or other critical functions, such as nonstructural bonding in the proximity of engines.

(XXX) Surface preparation - The removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating.

(YYY) Temporary protective coating - A coating applied to provide scratch or corrosion protection during manufacturing, storage, or transportation. Two types include peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions. Coatings that provide this type of protection from chemical processing are not included in this category.

(ZZZ) Thermal control coating - A coating formulated with specific thermal conductive or radiative properties to permit temperature control of the substrate.

(AAAA) Topcoat - A coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

(BBBB) Touch-up and repair coating - A coating used to cover minor coating imperfections appearing after the main coating operation.

(CCCC) Touch-up and repair operation - That portion of the coating operation that is the incidental application of coating

used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.

(DDDD) VOC composite vapor pressure - The sum of the partial pressures of the compounds defined as VOCs and is determined by the following calculation:

Figure: 30 TAC §115.420(b)(1)(DDDD)

(EEEE) Waterborne (water-reducible) coating - A coating which contains more than 5.0% water by weight as applied in its volatile fraction.

(FFFF) Wet fastener installation coating - A primer or sealant applied by dipping, brushing, or daubing to fasteners that are installed before the coating is cured.

(GGGG) Wing coating - A corrosion-resistant topcoat that is resilient enough to withstand the flexing of the wings.

(2) Can coating - The coating of cans for beverages (including beer), edible products (including meats, fruit, vegetables, and others), tennis balls, motor oil, paints, and other mass-produced cans.

(3) Coil coating - The coating of any flat metal sheet or strip supplied in rolls or coils.

(4) Fabric coating - The application of coatings to fabric, which includes rubber application (rainwear, tents, and industrial products such as gaskets and diaphragms).

(5) Factory surface coating of flat wood paneling - Coating of flat wood paneling products, including hardboard, hardwood plywood, particle board, printed interior paneling, and tile board.

(6) Large appliance coating - The coating of doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other large appliances.

(7) Metal furniture coating - The coating of metal furniture (tables, chairs, wastebaskets, beds, desks, lockers, benches, shelves, file cabinets, lamps, and other metal furniture products) or the coating of any metal part which will be a part of a nonmetal furniture product.

(8) Mirror backing coating - The application of coatings to the silvered surface of a mirror.

(9) Miscellaneous metal parts and products coating.

(A) Clear coat - A coating which lacks opacity or which is transparent and which may or may not have an undercoat that is used as a reflectant base or undertone color.

(B) Drum (metal) - Any cylindrical metal shipping container with a nominal capacity equal to or greater than 12 gallons (45.4 liters) but equal to or less than 110 gallons (416 liters).

(C) Extreme performance coating - A coating intended for exposure to extreme environmental conditions, such as continuous outdoor exposure; temperatures frequently above 95 degrees Celsius (203 degrees Fahrenheit); detergents; abrasive and scouring agents; solvents; and corrosive solutions, chemicals, or atmospheres.

(D) High-bake coatings - Coatings designed to cure at temperatures above 194 degrees Fahrenheit.

(E) Low-bake coatings - Coatings designed to cure at temperatures of 194 degrees Fahrenheit or less.

(F) Miscellaneous metal parts and products (MMPP) coating - The coating of MMPP in the following categories at original equipment manufacturing operations; designated on-site maintenance shops which recoat used parts and products; and off-site job shops which coat new parts and products or which recoat used parts and products:

(i) large farm machinery (harvesting, fertilizing, and planting machines, tractors, combines, etc.);

(ii) small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) commercial machinery (computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) fabricated metal products (metal-covered doors, frames, etc.); and

(vii) any other category of coated metal products, including, but not limited to, those which are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries). Excluded are those surface coating processes specified in paragraphs (1) - (8) and (10) - (14) of this subsection.

(G) Pail (metal) - Any cylindrical metal shipping container with a nominal capacity equal to or greater than 1 gallon (3.8 liters) but less than 12 gallons (45.4 liters) and constructed of 29 gauge or heavier material.

(10) Paper coating - The coating of paper and pressure-sensitive tapes (regardless of substrate and including paper, fabric, and plastic film) and related web coating processes on plastic film (including typewriter ribbons, photographic film, and magnetic tape) and metal foil (including decorative, gift wrap, and packaging).

(11) Marine coatings.

(A) Air flask specialty coating - Any special composition coating applied to interior surfaces of high pressure breathing air flasks to provide corrosion resistance and that is certified safe for use with breathing air supplies.

(B) Antenna specialty coating - Any coating applied to equipment through which electromagnetic signals must pass for reception or transmission.

(C) Antifoulant specialty coating - Any coating that is applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and that is registered with the EPA as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act.

(D) Batch - The product of an individual production run of a coating manufacturer's process. (A batch may vary in composition from other batches of the same product.)

(E) Bitumens - Black or brown materials that are soluble in carbon disulfide, which consist mainly of hydrocarbons.

(F) Bituminous resin coating - Any coating that incorporates bitumens as a principal component and is formulated primarily to be applied to a substrate or surface to resist ultraviolet radiation and/or water.

(G) Epoxy - Any thermoset coating formed by reaction of an epoxy resin (i.e., a resin containing a reactive epoxide with a curing agent).

(H) General use coating - Any coating that is not a specialty coating.

(I) Heat resistant specialty coating - Any coating that during normal use must withstand a temperature of at least 204 degrees Celsius (400 degrees Fahrenheit).

(J) High-gloss specialty coating - Any coating that achieves at least 85% reflectance on a 60 degree meter when tested by the American Society for Testing and Materials (ASTM) Method D-523.

(K) High-temperature specialty coating - Any coating that during normal use must withstand a temperature of at least 426 degrees Celsius (800 degrees Fahrenheit).

(L) Inorganic zinc (high-build) specialty coating - A coating that contains 960 grams per liter (eight pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. (These coatings are typically applied at more than two mil dry film thickness.)

(M) Maximum allowable thinning ratio--The maximum volume of thinner that can be added per volume of coating without exceeding the applicable VOC limit of §115.421(a)(15)(A) of this title.

(N) Military exterior specialty coating--Any exterior topcoat applied to military or United States Coast Guard vessels that are subject to specific chemical, biological, and radiological washdown requirements.

(O) Mist specialty coating - Any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing.

(P) Navigational aids specialty coating - Any coating applied to Coast Guard buoys or other Coast Guard waterway markers when they are recoated aboard ship at their usage site and immediately returned to the water.

(Q) Nonskid specialty coating - Any coating applied to the horizontal surfaces of a marine vessel for the specific purpose of providing slip resistance for personnel, vehicles, or aircraft.

(R) Nonvolatiles (or volume solids) - Substances that do not evaporate readily. This term refers to the film-forming material of a coating.

(S) Nuclear specialty coating - Any protective coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure (ASTM D4082-83), relatively easy to decontaminate (ASTM D4256-83), and resistant to various chemicals to which the coatings are likely to be exposed (ASTM 3912-80). (For nuclear coatings, see the general protective requirements outlined by the U.S. Atomic Energy Commission in a report entitled "U.S. Atomic Energy Commission Regulatory Guide 1.54" dated June 1973, available through the Government Printing Office at (202) 512-2249 as document number A74062-00001.)

(T) Organic zinc specialty coating - Any coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (eight pounds per gallon) of coating, as applied, and that is used for the expressed purpose of corrosion protection.

(U) Pleasure craft - Any marine or fresh-water vessel used by individuals for noncommercial, nonmilitary, and recreational purposes that is less than 20 meters (65.6 feet) in length. A vessel rented exclusively to, or chartered for, individuals for such purposes shall be considered a pleasure craft.

(V) Pretreatment wash primer specialty coating - Any coating that contains a minimum of 0.5% acid by weight that is applied only to bare metal surfaces to etch the metal surface for corrosion resistance and adhesion of subsequent coatings.

(W) Repair and maintenance of thermoplastic coating of commercial vessels (specialty coating) - Any vinyl, chlorinated rubber, or bituminous resin coating that is applied over the same type of existing coating to perform the partial recoating of any in-use commercial vessel. (This definition does not include coal tar epoxy coatings, which are considered "general use" coatings.)

(X) Rubber camouflage specialty coating - Any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.

(Y) Sealant for thermal spray aluminum - Any epoxy coating applied to thermal spray aluminum surfaces at a maximum thickness of one dry mil.

(Z) Ship - Any marine or fresh-water vessel, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). This definition includes, but is not limited to, all military and Coast Guard vessels, commercial cargo and passenger (cruise) ships, ferries, barges, tankers, container ships, patrol and pilot boats, and dredges. Pleasure craft and offshore oil or gas drilling platforms are not considered ships.

(AA) Shipbuilding and ship repair operations - Any building, repair, repainting, converting, or alteration of ships or offshore oil or gas drilling platforms.

(BB) Special marking specialty coating - Any coating that is used for safety or identification applications, such as ship numbers and markings on flight decks.

(CC) Specialty interior coating--Any coating used on interior surfaces aboard United States military vessels pursuant to a coating specification that requires the coating to meet specified fire retardant and low toxicity requirements, in addition to the other applicable military physical and performance requirements.

(DD) Tack coat specialty coating - Any thin film epoxy coating applied at a maximum thickness of two dry mils to prepare an epoxy coating that has dried beyond the time limit specified by the manufacturer for the application of the next coat.

(EE) Undersea weapons systems specialty coating - Any coating applied to any component of a weapons system intended to be launched or fired from under the sea.

(FF) Weld-through preconstruction primer (specialty coating) - A coating that provides corrosion protection for steel during inventory, is typically applied at less than one mil dry film thickness, does not require removal prior to welding, is temperature resistant (burn back from a weld is less than 1.25 centimeters (0.5 inches)), and does not normally require removal before applying film-building coatings, including inorganic zinc high-build coatings.

When constructing new vessels, there may be a need to remove areas of weld-through preconstruction primer due to surface damage or contamination prior to application of film-building coatings.

(12) Vehicle coating.

(A) Automobile and light-duty truck manufacturing.

(i) Automobile coating - The assembly-line coating of passenger cars, or passenger car derivatives, capable of seating 12 or fewer passengers.

(ii) Light-duty truck coating - The assembly-line coating of motor vehicles rated at 8,500 pounds (3,855.5 kg) gross vehicle weight or less and designed primarily for the transportation of property, or derivatives such as pickups, vans, and window vans.

(B) Vehicle refinishing (body shops).

(i) Basecoat/clearcoat system - A topcoat system composed of a pigmented basecoat portion and a transparent clearcoat portion. The VOC content of a basecoat (Bc)/clearcoat (cc) system shall be calculated according to the following formula:
Figure: 30 TAC §115.420(b)(12)(B)(i)

(ii) Precoat - Any coating that is applied to bare metal to deactivate the metal surface for corrosion resistance to a subsequent water-based primer. This coating is applied to bare metal solely for the prevention of flash rusting.

(iii) Pretreatment - Any coating which contains a minimum of 0.5% acid by weight that is applied directly to bare metal surfaces to etch the metal surface for corrosion resistance and adhesion of subsequent coatings.

(iv) Primer or primer surfacers - Any base coat, sealer, or intermediate coat which is applied prior to colorant or aesthetic coats.

(v) Sealers - Coatings that are formulated with resins which, when dried, are not readily soluble in typical solvents. These coatings act as a shield for surfaces over which they are sprayed by resisting the penetration of solvents which are in the final topcoat.

(vi) Specialty coatings - Coatings or additives which are necessary due to unusual job performance requirements. These coatings or additives prevent the occurrence of surface defects and impart or improve desirable coating properties. These products include, but are not limited to, uniform finish blenders, elastomeric materials for coating of flexible plastic parts, coatings for non-metallic parts, jambing clear coatings, gloss flatteners, and anti-glare/safety coatings.

(vii) Three-stage system - A topcoat system composed of a pigmented basecoat portion, a semitransparent midcoat portion, and a transparent clearcoat portion. The VOC content of a three-stage system shall be calculated according to the following formula:
Figure: 30 TAC §115.420(b)(12)(B)(vii)

(viii) Vehicle refinishing (body shops) - The coating of vehicles, including, but not limited to, motorcycles, passenger cars, vans, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses, and other vehicle body parts, bodies, and cabs by an operation other than the original manufacturer. The coating of trailers and construction equipment is not included.

(ix) Wipe-down solutions - Any solution used for cleaning and surface preparation.

(13) Vinyl coating - The use of printing or any decorative or protective topcoat applied over vinyl sheets or vinyl-coated fabric.

(14) Wood parts and products coating.

(A) The following terms apply to wood parts and products coating facilities subject to §115.421(a)(13) of this title.

(i) Clear coat - A coating which lacks opacity or which is transparent and uses the undercoat as a reflectant base or undertone color.

(ii) Clear sealers - Liquids applied over stains, toners, and other coatings to protect these coatings from marring during handling and to limit absorption of succeeding coatings.

(iii) Final repair coat - Liquids applied to correct imperfections or damage to the topcoat.

(iv) Opaque ground coats and enamels - Colored, opaque liquids applied to wood or wood composition substrates which completely hide the color of the substrate in a single coat.

(v) Semitransparent spray stains and toners - Colored liquids applied to wood to change or enhance the surface without concealing the surface, including but not limited to, toners and non-grain-raising stains.

(vi) Semitransparent wiping and glazing stains - Colored liquids applied to wood that require multiple wiping steps to enhance the grain character and to partially fill the porous surface of the wood.

(vii) Shellacs - Coatings formulated solely with the resinous secretions of the lac beetle (*laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

(viii) Topcoat - A coating which provides the final protective and aesthetic properties to wood finishes.

(ix) Varnishes - Clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air.

(x) Wash coat - A low-solids clear liquid applied over semitransparent stains and toners to protect the color coats and to set the fibers for subsequent sanding or to separate spray stains from wiping stains to enhance color depth.

(xi) Wood parts and products coating - The coating of wood parts and products, excluding factory surface coating of flat wood paneling.

(B) The following terms apply to wood furniture manufacturing facilities subject to §115.421(a)(14) of this title.

(i) Adhesive - Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. Adhesives are not considered to be coatings or finishing materials for wood furniture manufacturing facilities subject to §115.421(a)(14) of this title.

(ii) Basecoat - A coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.

(iii) Cleaning operations - Operations in which organic solvent is used to remove coating materials from equipment used in wood furniture manufacturing operations.

(iv) Continuous coater - A finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater, including spraying, curtain coating, roll coating, dip coating, and flow coating.

(v) Conventional air spray - A spray coating method in which the coating is atomized by mixing it with compressed air at an

air pressure greater than 10 pounds per square inch gauge (psig) at the point of atomization. Airless and air-assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air. Electrostatic spray technology is also not conventional air spray because an electrostatic charge is employed to attract the coating to the workpiece. In addition, high-volume low-pressure (HVLP) spray technology is not conventional air spray because its pressure is less than 10 psig.

(vi) Finishing application station - The part of a finishing operation where the finishing material is applied (for example, a spray booth).

(vii) Finishing material - A coating used in the wood furniture industry. For the wood furniture manufacturing industry, such materials include, but are not limited to, basecoats, stains, washcoats, sealers, and topcoats.

(viii) Finishing operation - Those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

(ix) Organic solvent - A liquid containing VOCs that is used for dissolving or dispersing constituents in a coating; adjusting the viscosity of a coating; cleaning; or washoff. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.

(x) Sealer - A finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

(xi) Stain - Any color coat having a solids content of no more than 8.0% by weight that is applied in single or multiple coats directly to the substrate. Includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

(xii) Strippable booth coating - A coating that is applied to a booth wall to provide a protective film to receive overspray during finishing operations; is subsequently peeled off and disposed; and reduces or eliminates the need to use organic solvents to clean booth walls.

(xiii) Topcoat - The last film-building finishing material applied in a finishing system. A material such as a wax, polish, nonoxidizing oil, or similar substance that must be periodically reapplied to a surface over its lifetime to maintain or restore the reapplied material's intended effect is not considered to be a topcoat.

(xiv) Touch-up and repair - The application of finishing materials to cover minor finishing imperfections.

(xv) Washcoat - A transparent special purpose coating having a solids content of 12% by weight or less. Washcoats are applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

(xvi) Washoff operations - Those operations in which organic solvent is used to remove coating from a substrate.

(xvii) Wood furniture - Any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434 (wood kitchen cabinets), 2511 (wood household furniture, except upholstered), 2512 (wood household furniture, upholstered), 2517 (wood television, radios, phonograph and sewing machine cabinets), 2519 (household furniture not elsewhere classified), 2521 (wood office furniture), 2531

(public building and related furniture), 2541 (wood office and store fixtures, partitions, shelving and lockers), 2599 (furniture and fixtures not elsewhere classified), or 5712 (custom kitchen cabinets).

(xviii) Wood furniture component - Any part that is used in the manufacture of wood furniture. Examples include, but are not limited to, drawer sides, cabinet doors, seat cushions, and laminated tops. However, foam seat cushions manufactured and fabricated at a facility that does not engage in any other wood furniture or wood furniture component manufacturing operation are excluded from this definition.

(xix) Wood furniture manufacturing operations - The finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

§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) The owner or operator of each vehicle refinishing (body shop) operation shall minimize volatile organic compound (VOC) emissions during equipment cleanup by utilizing the following procedures:

(A) install and operate a system which totally encloses spray guns, cups, nozzles, bowls, and other parts during washing, rinsing, and draining procedures. Non-enclosed cleaners may be used if the vapor pressure of the cleaning solvent is less than 100 millimeters of mercury (mm Hg) at 68 degrees Fahrenheit and the solvent is directed towards a drain that leads directly to an enclosed remote reservoir;

(B) keep all wash solvents in an enclosed reservoir that is covered at all times, except when being refilled with fresh solvents; and

(C) keep all waste solvents and other cleaning materials in closed containers.

(2) Each vehicle refinishing (body shop) operation 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 are assumed to comply with the 65% transfer efficiency requirement.

(3) The following requirements apply to each wood furniture manufacturing facility subject to §115.421(a)(14) of this title (relating to Emission Specifications).

(A) No compounds containing more than 8.0% by weight of VOC shall be used for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and/or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, no more than 1.0 gallon of organic solvent shall be used to prepare the booth prior to applying the booth coating.

(B) Only normally closed containers shall be used for storage of finishing, cleaning, and washoff materials.

(C) Conventional air spray guns shall not be used for applying finishing materials except under one or more of the following circumstances:

(i) To apply finishing materials that have a VOC content no greater than 1.0 kilograms of VOC per kilogram of solids (1.0 pounds of VOC per pound of solids), as delivered to the application system;

(ii) For touch-up and repair under the following circumstances:

(I) The finishing materials are applied after completion of the finishing operation; or

(II) The finishing materials are applied after the stain and before any other type of finishing material is applied, and the finishing materials are applied from a container that has a volume of no more than 2.0 gallons.

(iii) If spray is automated, that is, the spray gun is aimed and triggered automatically, not manually;

(iv) If emissions from the finishing application station are directed to a vapor control system;

(v) The conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0% of the total gallons of finishing material used during that semiannual period; or

(vi) The conventional air gun is used to apply stain on a part for which:

(I) the production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(II) the excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(D) All organic solvent used for line cleaning or to clean spray guns shall be pumped or drained into a normally closed container.

(E) Emissions from washoff operations shall be minimized by:

(i) using normally closed tanks for washoff; and

(ii) minimizing dripping by tilting or rotating the part to drain as much organic solvent as possible.

(4) The following requirements apply to each shipbuilding and ship repair surface coating facility subject to §115.421(a)(15) of this title.

(A) All handling and transfer of VOC-containing materials to and from containers, tanks, vats, drums, and piping systems shall be conducted in a manner that minimizes spills.

(B) All containers, tanks, vats, drums, and piping systems shall be free of cracks, holes, and other defects and remain closed unless materials are being added to or removed from them.

(C) All organic solvent used for line cleaning or to clean spray guns shall be pumped or drained into a normally closed container.

(5) The following requirements apply to each aerospace vehicle or component coating process subject to §115.421(a)(11) or (b)(10) of this title.

(A) One or more of the following application techniques shall be used to apply any primer or topcoat to aerospace vehicles or components: flow/curtain coating; dip coating; roll coating; brush coating; cotton-tipped swab application; electrodeposition coating; HVLP spraying; electrostatic spraying; or other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods, unless one of the following situations apply:

(i) any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces;

(ii) the application of specialty coatings;

(iii) the application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that the executive director has determined cannot be applied by any of the specified application methods;

(iv) the application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 in.) and that the executive director has determined cannot be applied by any of the specified application methods in this subparagraph;

(v) the use of airbrush application methods for stenciling, lettering, and other identification markings;

(vi) the use of aerosol coating (spray paint) application methods; and

(vii) touch-up and repair operations.

(B) Cleaning solvents used in hand-wipe cleaning operations shall meet the definition of aqueous cleaning solvent in §115.420(b)(1)(I) of this title (relating to Surface Coating Definitions) or have a VOC composite vapor pressure less than or equal to 45 mm Hg at 20 degrees Celsius, unless one of the following situations apply:

(i) cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;

(ii) cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, hydrazine);

(iii) cleaning and surface activation prior to adhesive bonding;

(iv) cleaning of electronics parts and assemblies containing electronics parts;

(v) cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems;

(vi) cleaning of fuel cells, fuel tanks, and confined spaces;

(vii) surface cleaning of solar cells, coated optics, and thermal control surfaces;

(viii) cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used on the interior of the aircraft;

(ix) cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components;

(x) cleaning of aircraft transparencies, polycarbonate, or glass substrates;

(xi) cleaning and solvent usage associated with research and development, quality control, or laboratory testing;

(xii) cleaning operations, using nonflammable liquids, conducted within 5 feet of energized electrical systems. Energized electrical systems means any alternating current (AC) or direct

current (DC) electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells and tail sections; and

(xiii) cleaning operations identified as essential uses under the Montreal Protocol for which EPA has allocated essential use allowances or exemptions in 40 Code of Federal Regulations §82.4, including any future amendments promulgated by EPA.

(C) For cleaning solvents used in the flush cleaning of parts, assemblies, and coating unit components, the used cleaning solvent must be emptied into an enclosed container or collection system that is kept closed when not in use or captured with wipers provided they comply with the housekeeping requirements of subparagraph (E) of this paragraph. Aqueous and semiaqueous cleaning solvents are exempt from this subparagraph.

(D) All spray guns must be cleaned by one or more of the following methods:

(i) enclosed spray gun cleaning system provided that it is kept closed when not in use and leaks are repaired within 14 days from when the leak is first discovered. If the leak is not repaired by the 15th day after detection, the solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued;

(ii) unatomized discharge of solvent into a waste container that is kept closed when not in use;

(iii) disassembly of the spray gun and cleaning in a vat that is kept closed when not in use; or

(iv) atomized spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.

(E) All fresh and used cleaning solvents used in solvent cleaning operations shall be stored in containers that are kept closed at all times except when filling or emptying. Cloth and paper, or other absorbent applicators, moistened with cleaning solvents shall be stored in closed containers. Cotton-tipped swabs used for very small cleaning operations are exempt from this subparagraph. In addition, the owner or operator must implement handling and transfer procedures to minimize spills during filling and transferring the cleaning solvent to or from enclosed systems, vats, waste containers, and other cleaning operation equipment that hold or store fresh or used cleaning solvents. The requirements of this subparagraph are known collectively as housekeeping measures. Aqueous and semiaqueous cleaning solvents are exempt from this subparagraph.

(6) Any surface coating operation that becomes subject to the provisions of §115.421(a) of this title by exceeding the provisions of §115.427(a) of this title (relating to Exemptions) shall remain subject to the provisions in §115.421(a) of this title, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.427(a) of this title, and

(A) the project by which throughput or emission rate was reduced is authorized by any permit or permit amendment or standard permit or permit by rule required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Permits By Rule). If a permit by rule is available for the project, compliance with this subsection must be maintained for 30 days after the filing of documentation of compliance with that permit by rule; or

(B) if authorization by permit, permit amendment, standard permit, or permit by rule is not required for the project, the owner/operator has given the executive director 30 days' notice of the project in writing.

§115.426. Monitoring and Recordkeeping Requirements.

The following recordkeeping requirements apply to the owner or operator of each surface coating process in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties:

(1) The owner or operator 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.

(i) As an alternative to the recordkeeping requirements of this subparagraph, any vehicle refinishing (body shop) operation subject to §115.421(a)(8)(B) of this title may substitute the recordkeeping requirements specified in §106.436 of this title (relating to Auto Body Refinishing Facility (Previously Standard Exemption 124)) provided that all coatings and solvents meet the emission limits of §115.421(a)(8)(B) of this title. If a vehicle refinishing (body shop) operation uses any coating(s) or solvent(s) which exceeds the limits of §115.421(a)(8)(B) of this title, then that vehicle refinishing (body shop) operation shall maintain daily records of the quantity and type of each coating and solvent consumed in sufficient detail to calculate the daily weighted average of VOC for all coatings and solvents.

(ii) As an alternative to the recordkeeping requirements of this subparagraph, any wood parts and products coating operation subject to §115.421(a)(13) of this title may substitute the recordkeeping requirements specified in §106.231 of this title (relating to Manufacturing, Refinishing, and Restoring Wood Products) provided that all coatings and solvents meet the emission limits of §115.421(a)(13) of this title. If a wood parts and products coating operation uses any coating(s) or solvent(s) which exceeds the limits of §115.421(a)(13) of this title, then that wood parts and products coating operation shall maintain daily records of the quantity and type of each coating and solvent consumed in sufficient detail to calculate the daily weighted average of VOC for all coatings and solvents.

(iii) As an alternative to the recordkeeping requirements of this subparagraph, any surface coating operation that qualifies for exemption under §115.427(a)(3)(C) of this title (relating to Exemptions) shall maintain records of total gallons of coating and solvent used in each month, and total gallons of coating and solvent used in the previous 12 months.

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

(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 executive director, EPA, or any local air pollution control agency.

(2) The owner or operator of any surface coating facility which utilizes a vapor control system approved by the executive director in accordance with §115.423(3) of this title (relating to Alternate Control Requirements) 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) continuous monitoring of the exhaust gas temperature immediately downstream of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst 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; and

(iv) appropriate operating parameters for vapor control systems other than those specified in clauses (i) - (iii) of this subparagraph;

(B) maintain records of any testing conducted in accordance with the provisions specified in §115.425(2) of this title; and

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

(3) The owner or operator shall maintain, on file, the capture efficiency protocol submitted under §115.425(4) of this title. The owner or operator shall submit all results of the test methods and capture efficiency protocols to the executive director within 60 days of the actual test date. The 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) Records shall be maintained sufficient to document the applicability of the conditions for exemptions referenced in §115.427 of this title.

(5) The following additional requirements apply to each aerospace vehicle or component coating process subject to §115.421(a)(11) or (b)(10) of this title. The owner or operator shall:

(A) for coatings:

(i) maintain a current list of coatings in use with category and VOC content as applied; and

(ii) record coating usage on an annual basis;

(B) for aqueous and semiaqueous hand-wipe cleaning solvents, maintain a list of materials used with corresponding water contents;

(C) for vapor pressure compliant hand-wipe cleaning solvents:

(i) maintain a current list of cleaning solvents in use with their respective vapor pressures or, for blended solvents, VOC composite vapor pressures; and

(ii) maintain a record cleaning solvent usage on an annual basis;

(D) for cleaning solvents with a vapor pressure greater than 45 mm Hg at 20 degrees Celsius used in exempt hand-wipe cleaning operations:

(i) maintain a list of exempt hand-wipe cleaning processes;

(ii) maintain a record cleaning solvent usage on an annual basis.

(6) Except for specialty coatings, compliance with the recordkeeping requirements of 40 CFR §63.752, (National Emission Standards for Aerospace Manufacturing and Rework Facilities), is considered to represent compliance with the requirements of this section (relating to Monitoring and Recordkeeping Requirements).

§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 §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, and after December 31, 2001, all aerospace vehicles and components;

(B) vehicle refinishing (body shops), except as required by §115.421(a)(8)(B) and (C) of this title; and

(C) ships and offshore oil or gas drilling platforms, except as required by §115.421(a)(15) of this title.

(2) The following coating operations are exempt from §115.421(a)(10) of this title:

(A) the manufacture of exterior siding;

(B) tile board; or

(C) particle board used as a furniture component.

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

(A) Surface coating operations on a property which, when uncontrolled, will emit a combined weight of volatile organic compound (VOC) of less than 3 pounds per hour and 15 pounds in any consecutive 24-hour period are exempt from §115.421(a) of this title and §115.423 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 are exempt from §115.421(a) and §115.423 of this title if documentation is provided to and approved by both the executive director and the EPA to demonstrate that necessary coating performance criteria cannot be achieved with coatings which satisfy applicable emission specifications and that control equipment is not technically or economically feasible.

(C) Surface coating operations on a property for which total coating and solvent usage does not exceed 150 gallons in any consecutive 12-month period are exempt from §115.421(a) and §115.423 of this title. Excluded from this calculation are coatings and solvents used in surface coating activities which are not addressed by the surface coating categories of §115.421(a)(1) - (15) of this title. For example, architectural coatings (i.e., coatings which are applied in the field to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs) at a property would not be included in the calculation.

(D) Mirror backing coating operations located on a property which, when uncontrolled, emit a combined weight of VOC less than 25 tons in one year (based on historical coating and solvent usage) are exempt from this division (relating to Surface Coating Processes).

(E) Wood furniture manufacturing facilities which are subject to and are complying with §115.421(a)(14) of this title and §115.422(3) of this title (relating to Control Requirements) are exempt from §115.421(a)(13) of this title. These wood furniture manufacturing facilities shall continue to comply with §115.421(a)(13) of this title until these facilities are in compliance with §115.421(a)(14) and §115.422(3) of this title.

(F) Wood furniture manufacturing facilities which, when uncontrolled, emit a combined weight of VOC from wood furniture manufacturing operations less than 25 tons per year are exempt from §115.421(a)(14) and §115.422(3) of this title.

(G) Wood parts and products coating facilities in Hardin, Jefferson, and Orange Counties are exempt from §115.421(a)(13) of this title.

(H) Shipbuilding and ship repair operations in Hardin, Jefferson, and Orange Counties which, when uncontrolled, emit a combined weight of VOC from ship and offshore oil or gas drilling platform surface coating operations less than 100 tons per year are exempt from §115.421(a)(15) and §115.422(4) of this title.

(I) Shipbuilding and ship repair operations in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties which, when uncontrolled, emit a combined weight of VOC from ship and offshore oil or gas drilling platform surface coating operations less than 25 tons per year are exempt from §115.421(a)(15) and §115.422(4) of this title.

(J) Aerosol coatings (spray paint) are exempt from this division.

(K) The following activities where cleaning and coating of aerospace vehicles or components may take place: research and development, quality control, laboratory testing, and electronic parts and assemblies; except for cleaning and coating of completed assemblies.

(4) Vehicle refinishing (body shops) in Hardin, Jefferson, and Orange Counties are exempt from §115.421(a)(8)(B) and §115.422(1) and (2) of this title.

(5) The coating of vehicles at in-house (fleet) vehicle refinishing operations and the coating of vehicles by private individuals are exempt from §115.421(a)(8)(B) and §115.422(1) and (2) of this title. This exemption is not applicable if the coating of a vehicle by a private individual occurs at a commercial operation.

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

(1) Surface coating operations located at any property 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 §115.421(b) of this title.

(2) The following coating operations are exempt from §115.421(b)(8) of this title:

(A) exterior of fully assembled aircraft, and after December 31, 2001, all aerospace vehicles and components;

(B) vehicle refinishing (body shops);

(C) exterior of fully assembled marine vessels; and

(D) exterior of fully assembled fixed offshore structures.

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

(A) the manufacture of exterior siding;

(B) tile board; or

(C) particle board used as a furniture component.

(4) Aerosol coatings (spray paint) are exempt from this division.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 239-4712



CHAPTER 281. APPLICATIONS PROCESSING

SUBCHAPTER A. APPLICATIONS PROCESSING

30 TAC §281.18

The Texas Natural Resource Conservation Commission (commission) adopts an amendment to §281.18, Applications Returned. This amendment implements certain requirements of Senate Bill (SB) 486, 76th Legislature, 1999 by changing the maximum response time an applicant has to submit information or material the executive director needs to declare a permit application administratively complete. Section 281.18 is adopted without changes to the proposed text as published in the February 25, 2000 issue of the *Texas Register* (25 TexReg 1562) and will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULE

SB 486, 76th Legislature, 1999, amended Texas Health and Safety Code (THSC), §361.066 by requiring the commission to establish a rule that sets a submittal deadline for a permit applicant who has received notice from the commission that the executive director needs additional information or materials to declare the application administratively complete. Additionally, the bill deleted from THSC, §361.066 the 270-day deadline for receipt of additional information or materials after the applicant receives notice of the deficiency. To incorporate these statutory changes, the commission adopts an amendment to §281.18.

Section 281.18 sets out certain procedures for applications which are not administratively complete. Under this section, if an application is received which is not administratively complete, the executive director notifies the applicant of the deficiencies and if the necessary additional information is received within 30 days of receipt of the deficiency notice, the executive director evaluates the information and, where applicable, prepares

Figure: 30 TAC §115.420(a)(9)

$$\text{Pounds of VOC per gallon of coating (minus water and exempt solvents)} = \frac{W_v}{V_m - V_w - V_{es}}$$

Where:

W_v = weight of VOC, in pounds, contained in V_m gallons of coating

V_m = volume of coating, generally assumed to be one gallon

V_w = volume of water, in gallons, contained in V_m gallons of coating

V_{es} = volume of exempt solvents, in gallons, contained in V_m gallons of coating

Figure: 30 TAC §115.420(a)(10)

$$\text{Pounds of VOC per gallon of solids} = \frac{W_v}{V_m - V_v - V_w - V_{es}}$$

Where:

W_v = weight of VOC, in pounds, contained in V_m gallons of coating

V_m = volume of coating, generally assumed to be one gallon

V_v = volume of VOC, in gallons, contained in V_m gallons of coating

V_w = volume of water, in gallons, contained in V_m gallons of coating

V_{es} = volume of exempt solvents, in gallons, contained in V_m gallons of coating

Figure: 30 TAC §115.420(b)(1)(OO)

$$\begin{array}{l} \text{grams of VOC per liter of coating} \\ \text{(less water and less exempt solvent)} \end{array} = \frac{W_s - W_w - W_{es}}{V_s - V_w - V_{es}}$$

W_s = weight of total volatiles in grams

W_w = weight of water in grams

W_{es} = weight of exempt compounds in grams

V_s = volume of coating in liters

V_w = volume of water in liters

V_{es} = volume of exempt compounds in liters

Figure: 30 TAC §115.420(b)(1)(DDDD)

$$PP_c = \frac{\sum_{i=1}^n \frac{W_i}{MW_i} \times VP_i}{\frac{W_w}{MW_w} + \frac{\sum_{i=1}^n W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

- W_i = Weight of the "i"th VOC compound, grams.
- W_w = Weight of water, grams.
- W_e = Weight of nonwater, non-VOC compound, grams.
- MW_i = Molecular weight of the "i"th VOC compound, g/g-mole.
- MW_w = Molecular weight of water, g/g-mole.
- MW_e = Molecular weight of exempt compound, g/g-mole.
- PP_c = VOC composite partial pressure at 20 degrees Celsius, millimeters of mercury (mm Hg).
- VP_i = Vapor pressure of the "i"th VOC compound at 20 degrees Celsius, mm Hg.

Figure: 30 TAC §115.420(b)(12)(B)(i)

$$\text{VOC } T_{bc/cc} = \frac{\text{VOC}_{bc} + (2 \times \text{VOC}_{cc})}{3}$$

where:

VOC $T_{bc/cc}$ is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, in the basecoat/clearcoat system;

VOC_{bc} is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given basecoat; and

VOC_{cc} is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given clearcoat.

Figure: 30 TAC §115.420(b)(12)(B)(vii)

$$\text{VOC } T_{3\text{-stage}} = \frac{\text{VOC}_{bc} + \text{VOC}_{mc} + (2 \times \text{VOC}_{cc})}{4}$$

where:

$\text{VOC } T_{3\text{-stage}}$ is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, in the three-stage system;

VOC_{bc} is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given basecoat;

VOC_{mc} is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given midcoat; and

VOC_{cc} is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given clearcoat.