

A public hearing on this proposal was held December 1, 2003, and the public comment period closed on December 1, 2003. No oral comments were received at the public hearing. The commission received written comments during the comment period from the Houston Regional Group of the Sierra Club (Houston Sierra Club) and the EPA. Houston Sierra Club opposed the proposed rules. EPA supported the proposed rules.

RESPONSE TO COMMENTS

Houston Sierra Club did not support the use of guidelines for the creation and implementation of the TERP regulations because guidelines are voluntary, arbitrary, capricious, waiveable, and are not enforceable.

The commission responds that under Texas Health and Safety Code, §386.053, the commission is required to develop and adopt guidelines and criteria consistent with the requirements of the grants program. The guidelines are not guidance documents, but are binding criteria that are adopted under a prescribed statutory procedure. The statute provides that changes made to the guidelines shall be available for 45 days for public review and comment. In addition, a public meeting will be held to consider public comments. Input is also solicited from a TERP advisory board. Grant recipients must enter into a legally binding contract which requires adherence to the grant criteria. While participation in the program is voluntary, once a grant is awarded and accepted, the grant recipient is required to comply with the program guidelines. Penalties for noncompliance are established in the contract, including provisions for return of the grant funds. No changes were made to the rules in response to this comment.

Houston Sierra Club expressed concern that the TERP is a voluntary program which cannot be enforced by the EPA and will not generate the nitrogen oxide and volatile organic compound emission reductions required for the Houston SIP. The Houston Sierra Club indicated that Houston is a severe ozone nonattainment area, and requires the mandatory implementation of control strategies and measures.

The TERP meets the requirements of a Financial Mechanism Economic Incentive Program (EIP) under the EPA's EIP guidance. The TERP program criteria are structured to ensure that the emission reductions generated by the program are surplus, enforceable, quantifiable, and permanent. Program results will be closely tracked, and adjustments will be made to the program as needed to ensure that the emission reduction targets are being met. No changes were made to the rules in response to this comment.

EPA expressed support for the rule changes, including the addition of Henderson, Hood, and Hunt Counties to the list of applicable counties in the incentive program, and the expansion of the list of persons who may apply for and receive a grant. EPA encouraged the commission to remain flexible under Regulatory Guidance 388 and to consider funding projects which come very close to meeting the percent reduction set forth in the guidance.

The commission appreciates the EPA's support for the TERP program. The commission intends to closely monitor the status and results of the program, and will consider adjustments to the program criteria as needed to ensure that the needed emission reductions are achieved. Changes to the guidelines will be made according to the procedure described by state statute. No changes were made to the rules in response to this comment.

STATUTORY AUTHORITY

The amendments and new section are proposed under Texas Water Code, §5.102, which provides the commission with the general powers to carry out its duties under the Texas Water Code; §5.103, which authorizes the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state; and §5.105, which authorizes the commission by rule to establish and approve all general policy of the commission. The amendments and new section are also proposed under Texas Health and Safety Code, Texas Clean Air Act, §382.017, which authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act; §382.011, which authorizes the commission to establish the level of quality to be maintained in the state's air and to control the quality of the state's air; §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; and Chapter 386, which establishes the TERP. Finally, the amendments and new section are proposed as part of the implementation of House Bill 1365.

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 G. CONSUMER-RELATED SOURCES

The Texas Commission on Environmental Quality (commission) adopts the amendments to §§115.600, 115.610, 115.612, 115.613, 115.615 - 115.617, and 115.619; the repeal of §115.614; and corresponding revisions to the state implementation plan (SIP) *without changes* to the proposed text as published in the September 26, 2003 issue of the *Texas Register* (28 TexReg 8287). The adopted amendments and repeal will not be republished.

The commission adopts these revisions to Chapter 115, concerning Control of Air Pollution from Volatile Organic Compounds, in order to delete requirements which are duplicated by a federal consumer products rule and to update and correct a variety of references in the commission consumer products rule. These amended and repealed sections and corresponding revisions to the SIP will be submitted to the United States Environmental Protection Agency (EPA).

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

The commission adopted the existing Chapter 115 consumer products rule on May 4, 1994 in response to the 1990 Amendments to the Federal Clean Air Act and EPA requirements for states to develop and adopt rules relating to the rate-of-progress requirement. The Rate-of-Progress SIP revision and associated rules were required to achieve and maintain volatile organic compound (VOC) emissions levels by 1996 that are 15% below the 1990 base year levels in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston ozone nonattainment areas. The existing Chapter 115 consumer products rule established VOC content standards for various consumer products, and established compliance dates for the requirements in order to allow manufacturers time to develop new product formulations. The final compliance date was January 1, 1995, except for two product categories which had a January 1, 1996 compliance date. The Chapter 115 consumer products rule applies in all counties in the state to maximize the effectiveness of these rules and the subsequent reduction in VOC emissions, and was based in large part upon the California Air Resources Board (CARB) statewide consumer products rule and the standards of the CARB rule that had a January 1, 1996 compliance date.

In the September 11, 1998 issue of the *Federal Register* (63 FR 48819), the EPA published national VOC emission standards as 40 Code of Federal Regulations Part 59, Subpart C, for certain categories of consumer products under the Federal Clean Air Act, §183(e), as codified in 42 United States Code, §7511b(e). Through this provision, Congress required the EPA to conduct a study of VOC emissions from consumer and commercial products and to list for regulation, based on the study, categories of products that have the potential to contribute to ozone nonattainment. The final federal rule was based on the EPA's determination that VOC emissions from the use of consumer products can cause or contribute to ozone levels that violate the national ambient air quality standards for ozone.

The federal consumer products rule established a compliance date of December 10, 1998 for all products that are not registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code, §§136 - 136y) (FIFRA). Because of the time needed for registration of new or reformulated products under FIFRA, the compliance date for FIFRA-regulated products was one year later than that for non-FIFRA-regulated products (i.e., December 10, 1999).

The federal consumer products rule was modeled heavily on the Chapter 115 and CARB consumer products rules. Consequently, the emission standards for nearly all products categories in the federal rule are identical to the Chapter 115 consumer products rule. The five product categories for which the Chapter 115 consumer products rule is different from the federal rule are as follows.

Figure: 30 TAC Chapter 115--Preamble

Elimination of duplicative requirements will allow regulators and consumer product manufacturers to focus on one set of rules for compliance in Texas. Slight inconsistencies in language will be eliminated and manufacturers will only have to submit requests for innovative product exemptions to EPA in lieu of the current process, which requires action by both the EPA and Texas. Fewer requirements with equivalent environmental protection are expected to be easier to enforce and easier to comply with, thus enhancing protection of the environment.

In the Dallas/Fort Worth 9% Rate-of-Progress SIP revision adopted on October 27, 1999, the commission took VOC

emission reduction credit for the difference of windshield washer fluid standards between the federal consumer products rule and Texas consumer products rule (35% vs 23.5% by weight) because windshield washer fluid represents a large percentage of the estimated emissions from consumer products, and emission reductions were needed to make up a shortfall in Dallas/Fort Worth in order to ensure the approval of the SIP. The VOC credit is 0.2944 tons per day. The commission has not taken any credit for the difference between the state and federal consumer products rule for non-aerosol glass cleaners, nail polish removers, and non-aerosol antiperspirant/deodorant because these three categories represent a minor component of the estimated emissions from consumer products. Therefore, the commission is proposing to revise the Chapter 115 consumer products rule to include only the automotive windshield washer fluid category.

SECTION BY SECTION DISCUSSION

The amendment to §115.600, Definitions, deletes the definitions of terms which are no longer necessary because the Chapter 115 consumer products rule is revised to include only automotive windshield washer fluid. These terms are: aerosol product; agricultural use; air freshener; all other forms; antiperspirant; American Society for Testing and Materials; bait station insecticide; bathroom and tile cleaner; carburetor-choke cleaner; charcoal lighter material; construction and panel adhesive; contact adhesive; cooking spray aerosols; crawling bug insecticide; deodorant; disinfectant; double-phase aerosol air freshener; dusting aid; engine degreaser; fabric protectant; flea and tick insecticide; flexible flooring material; floor polish or wax; flying bug insecticide; furniture maintenance product; gel; general purpose adhesive; general purpose cleaner; glass cleaner; hair-spray; hair mousse; hair styling gel; high volatility organic compound; household adhesive; household product; insect repellent; insecticide; insecticide fogger; institutional product; laundry prewash; laundry starch product; lawn and garden insecticide; liquid; medium volatility organic compound; nail polish; nail polish remover; non-aerosol product; nonresilient flooring; oven cleaner; pesticide; product category; product form; propellant; pump spray; restricted materials; single-phase aerosol air freshener; shaving cream; solid; spray buff product; wasp and hornet insecticide; wax; and wood floor wax.

The amendment to §115.600 also revises the definition of automotive windshield washer fluid by deleting an exemption for automotive windshield washer fluid in the washer fluid system of a motor vehicle before the initial sale because this situation is already addressed by existing §115.612(g). In addition, the amendment to §115.600 deletes the definition of executive director because this term is already defined in 30 TAC §3.2(16), concerning Definitions. The amendment to §115.600 also revises the definition of fragrance by replacing the term "Centigrade" with the more commonly used term "Celsius." In addition, the amendment to §115.600 revises the definition of percent by weight by correcting a reference to §115.617.

The amendment to §115.600 also replaces the term "subchapter" with the more specific term "division" and revises a reference to "Texas Natural Resource Conservation Commission" to "commission" for consistency with the commission's style guidelines. Finally, for the convenience of the reader the amendment to §115.600 also adds a reference to other sections where definitions of the terms used in the Chapter 115 consumer products rule may be found, and changes the title of §115.600 from "Definitions" to "Consumer Products Definitions."

The amendment to §115.610, Applicability, replaces the term "subchapter" with the more specific term "division" and replaces the term "consumer products" with "automotive windshield washer fluid" to reflect the scope of the revisions to the consumer products rule.

The amendment to §115.612, Control Requirements, deletes 39 consumer product categories which have limits identical to those in the federal rule. The amendment to §115.612 also deletes three consumer product categories (non-aerosol glass cleaners; nail polish removers; and non-aerosol antiperspirant/deodorant) for which the limits in §115.612 are more stringent than the federal consumer products rule, but which represent a minor component of the estimated emissions from consumer products. The amendment to §115.612 further deletes a reference to §115.614, concerning Innovative Products, because this section is being repealed as described further in this preamble.

In addition, the amendment to §115.612 deletes rule language which is specifically associated with one or more of the 42 product categories that this amendment deletes. Therefore, Tables III and IV, which specify the VOC content limits of the various consumer product categories, are deleted from §115.612(a) and replaced by the automotive windshield washer fluid VOC content limit of 23.5% by weight. In addition, §115.612(b) is revised to refer specifically to automotive windshield washer fluid rather than more broadly to consumer products. The commission also changed the example that illustrates use of a concentrated product in §115.612(b) to a reference applicable to windshield washer fluid. Therefore, a reference to "hard-to-remove soils or stains" is changed to a reference to extremely cold weather because an automotive windshield washer fluid containing 23.5% by weight of methanol (the most common VOC in windshield washer fluid) provides freeze protection to zero degrees Fahrenheit. In addition, §115.612(d) - (f) are deleted because these subsections are no longer needed due to the deletion of the consumer product categories in §115.612(a) other than automotive windshield washer fluid.

The amendment to §115.612 also deletes §115.612(c) because automotive windshield washer fluid manufactured in 1994 or earlier is no longer expected to be in the product distribution system over eight years after the final compliance date. Finally, existing §115.612(g) is relettered as §115.612(c) due to the deletion of existing §115.612(c) - (f).

The amendment to §115.613, Alternate Control Requirements, revises existing §115.613(a) by replacing the term "section" (which should have been "undesignated head") with the correct term "division" in response to rules revised in the February 13, 1998 issue of the *Texas Register* (23 TexReg 1289), deleting superfluous language, updating a reference to §115.910, and reflecting a section title change.

The amendment to §115.613 also deletes §115.613(b) because this subsection was developed for product categories other than automotive windshield washer fluid and therefore is no longer necessary due to the deletion of the other 42 consumer product categories. For example, §115.613(b) refers to CARB variances, but no CARB variance for automotive windshield washer fluid would be valid in Texas because the CARB limit is less stringent than the Texas standard.

In addition, the amendment to §115.613 revises §115.613(c)(2) and deletes paragraph (7) in order to remove references to §§103.11, 103.31, and 103.33 to reflect the repeal of Chapter 103, concerning Procedural Rules. The amendment to

§115.613 also revises §115.613(c)(3) by replacing the term "this rule" with a reference to §115.612(a) in order to make the intent of this paragraph more explicit. The amendment to §115.613 further reletters existing §115.613(c) as §115.613(b) due to the deletion of existing §115.613(b) as described in the preceding paragraph.

Section 115.614, Innovative Products, is repealed because this section was developed for product categories other than automotive windshield washer fluid and therefore is no longer necessary due to the deletion of the other 42 consumer product categories.

The amendment to §115.615, Testing Requirements, replaces the term "subchapter" with the more specific term "division"; replaces the term "consumer product" with "automotive windshield washer fluid" to reflect the scope of the revisions to the consumer products rule; and deletes the testing requirements in §115.615(c) - (e) for product categories other than automotive windshield washer fluid, which are no longer necessary due to the deletion of the other 42 consumer product categories.

The amendment to §115.616, Recordkeeping and Reporting Requirements, replaces the term "subchapter" with the more specific term "division" and replaces the term "consumer product" with "automotive windshield washer fluid" to reflect the scope of the revisions to the consumer products rule. The amendment to §115.616 also deletes §115.616(d) because this subsection was developed for the antiperspirant/deodorant product category and therefore is no longer necessary due to the deletion of this consumer product category.

The amendment to §115.617, Exemptions, replaces the term "consumer product" in §115.617(a) - (c) with "automotive windshield washer fluid" to reflect the scope of the revisions to the consumer products rule and revises the term "undesignated head" in §115.617(b) to "division" in response to rules revised in the February 13, 1998 issue of the *Texas Register* (23 TexReg 1289).

The amendment to §115.617 also updates a reference in §115.617(d) from §115.612(a)(1) to §115.612(a), and replaces the term "Centigrade" in §115.617(d)(2) with the more commonly used term "Celsius." In addition, the amendment to §115.617 deletes exemptions in §115.617(d)(3) and (e) - (j) which are no longer necessary due to the deletion of the 42 consumer product categories other than automotive windshield washer fluid.

The amendment to §115.619, Counties and Compliance Schedules, revises the term "undesignated head" to "division" in response to rules revised in the February 13, 1998 issue of the *Texas Register* (23 TexReg 1289) and deletes references to dates that are obsolete by the passing of the January 1, 1995 and January 1, 1996 compliance dates.

Finally, the division title is changed from "Consumer Products" to "Automotive Windshield Washer Fluid" to more accurately reflect the content of the division.

FINAL REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that this adoption 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, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

The amendments and repeal to Chapter 115 are not major environmental rules because they are administrative in nature and are not specifically intended to protect the environment. The purpose of the rulemaking is to eliminate existing commission Chapter 115 consumer products rules that are duplicated by EPA's consumer products rule and to update and correct a variety of references in the state rule. The rulemaking reduces the scope of the existing rules and will not add any additional regulatory requirements that are not already required by federal or state consumer products rules.

In addition, a regulatory impact analysis is not required because the amendments and repeal do not meet any of the four applicability criteria for requiring a regulatory analysis of a "major environmental rule" as defined in the Texas Government Code. Section 2001.0225 applies only 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 adoption does not exceed a standard set by federal law, and the technical requirements are consistent with applicable federal standards. In addition, this adoption does not exceed an express requirement of state law and is not adopted solely under the general powers of the agency, but is specifically authorized by the provisions cited in the STATUTORY AUTHORITY section of this preamble. Finally, this adoption does not exceed a requirement of a delegation agreement or contract to implement a state and federal program.

TAKINGS IMPACT ASSESSMENT

The commission evaluated this rulemaking action and performed an analysis of whether the amendments and repeal are subject to Texas Government Code, Chapter 2007. The primary purpose of this rulemaking is to delete requirements that are duplicated by a federal consumer products rule and to update and correct a variety of references. The rulemaking reduces the scope of the existing rules. Promulgation and enforcement of these amendments and repeal are neither a statutory nor a constitutional taking because they do not affect private real property. Specifically, the amendments and repeal do not affect a landowner's rights in private real property because this adoption does not burden (constitutionally), nor restrict or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the amendments and repeal. Therefore, these amendments and repeal do not constitute a takings under Texas Government Code, Chapter 2007.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the rulemaking and found that the adoption is subject to the Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies.

The commission determined that the adopted rulemaking is consistent with the applicable CMP goals and policies. The

CMP goal applicable to this rulemaking action is the goal to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(1)). No new sources of air contaminants will be authorized. The CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations in 40 Code of Federal Regulations, to protect and enhance air quality in the coastal area (31 TAC §501.14(q)). This rulemaking action complies with 40 Code of Federal Regulations. Therefore, in compliance with 31 TAC §505.22(e), this rulemaking action is consistent with CMP goals and policies.

PUBLIC COMMENT

A public hearing was held in Austin, Texas, on October 20, 2003. One oral comment was submitted in support of the rule by the Cosmetic, Toiletry, and Fragrance Association (CTFA). The public comment period ended at 5:00 p.m. on October 27, 2003. Written comments were submitted by EPA and the Consumer Specialty Products Association (CSPA). CTFA and CSPA supported the proposed amendments. EPA stated that since the purpose of the proposed rules is to remove duplicative requirements, it had no comments concerning the proposed rule revisions.

RESPONSE TO COMMENTS

CSPA stated that the amendments will enhance greater uniformity of applicable federal and state consumer product regulations. CSPA also commented that it is both reasonable and appropriate that the commission eliminate duplication of state and federal regulations. CTFA stated that since the EPA has adopted consumer product standards and since many other states have repealed their consumer product standards, it supported the repeal of the Texas standards. CTFA stated that this would be a more efficient use of agency and industry time.

RESPONSE

The commission agrees with the comments. The elimination of duplicative requirements will allow regulators and consumer product manufacturers to focus on one set of rules for compliance in Texas. Slight inconsistencies in language will be eliminated and manufacturers will only have to submit requests for innovative product exemptions to EPA, in lieu of the current process that requires action by both EPA and Texas. Fewer requirements with equivalent environmental protection are expected to be easier to enforce and easier to comply with, thus enhancing protection of the environment.

CSPA stated that the amendments will provide a benefit to small businesses because they will result in streamlined, understandable regulations that will help facilitate compliance.

RESPONSE

The commission agrees with the comment. It is the commission's position that these amendments will help facilitate compliance for all affected businesses, both large and small.

DIVISION 1. AUTOMOTIVE WINDSHIELD WASHER FLUID

30 TAC §§115.600, 115.610, 115.612, 155.613, 115.615 - 115.617, 115.619

STATUTORY AUTHORITY

The amendments are adopted under Texas Water Code, §5.103, concerning Rules, and §5.105, concerning General Policy, which

authorize the commission to adopt rules necessary to carry out its powers and duties under Texas Water Code; and under Texas Health and Safety Code, §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amendments are also adopted under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; §382.012, concerning State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; and §382.016, concerning Monitoring Requirement; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants.

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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DIVISION 1. CONSUMER PRODUCTS

30 TAC §115.614

STATUTORY AUTHORITY

The repeal is adopted under Texas Water Code, §5.103, concerning Rules, and §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under Texas Water Code; and under Texas Health and Safety Code, §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The repeal is also adopted under Texas Health and Safety Code, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; §382.012, concerning State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; and §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants.

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 116. CONTROL OF AIR POLLUTION BY PERMITS FOR NEW CONSTRUCTION OR MODIFICATION

SUBCHAPTER H. PERMITS FOR GRANDFATHERED FACILITIES

The Texas Commission on Environmental Quality (commission) adopts amendments to §§116.770, 116.772, and 116.776 *without changes* to the proposed text as published in the October 10, 2003, issue of the *Texas Register* (28 TexReg 8814). Sections 116.770, 116.772, and 116.776 will not be republished.

Sections 116.770 and 116.772 are adopted as revisions to the state implementation plan (SIP) and will be submitted to the United States Environmental Protection Agency (EPA).

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

When the legislature first created the Texas Clean Air Act in 1971, the legislature did not require existing significant sources of air emissions to comply with (i.e., were grandfathered from) the then new requirement to obtain a permit. These existing sources are commonly known as grandfathered facilities. If grandfathered facilities had not been modified since 1971, they continued to be authorized to operate without a permit. The legislature addressed the issue of grandfathered facilities in 1997 and 1999, requiring the creation of: 1) a voluntary emissions reduction plan for the permitting of grandfathered facilities; and 2) directing the commission to implement directives regarding the permitting of grandfathered electric generating facilities. Then, the 77th Legislature, 2001, amended the Texas Health and Safety Code, Texas Clean Air Act, to require that all grandfathered facilities obtain permits. The mandatory permitting requirements of House Bill 2912 were the culmination of legislative efforts, beginning in 1997, to permit or otherwise authorize all grandfathered facilities. House Bill 2912 created four new types of permits for grandfathered facilities: existing facility permits, small business stationary source permits, electric generating facility permits, and pipeline facility permits. House Bill 2912 also mandated the dates by which grandfathered facilities must apply for a permit and have controls operational or submit a shutdown notice. Grandfathered reciprocating internal combustion engines that are part of the processing, treating, compression, or pumping facilities connected to, or part of, a gathering or transmission pipeline may apply for a pipeline facilities permit.

Additionally, House Bill 2914, §78, created a new incentive program to assist in retrofitting reciprocating internal combustion engines associated with pipelines. To implement this incentive program, the commission adopted §116.776, Distribution of Funds

TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 30 TAC Chapter 115--Preamble

Product Category	VOC Content Limit (in percent by weight, except as noted)	
	State	Federal
Windshield washer fluid	23.5	35
Non-aerosol glass cleaners	6 ¹	8
Nail polish removers	75 ¹	85
Household adhesives - structural waterproof	---	15
Antiperspirant/deodorant - nonaerosol products	0 % by weight high volatility VOC ¹	---

¹ consistent with California Air Resources Board standards in effect as of January 1, 1996