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*Rosemeree Morones
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(1) the total amount of actual HRVOC emissions from each affected facility at the site during the preceding control period;

(2) the method or methods used to determine the actual HRVOC emissions for each affected facility, including, but not limited to, monitoring protocol and results, calculation methodologies, and emission factors; and

(3) a summary of all final transactions for the preceding control period.

(b) For the owner or operator of a site failing to submit an annual compliance report by the required deadline in subsection (a) of this section, the executive director may withhold approval of any proposed trades from that site involving allowances allocated for the control period for which the report is due or to be allocated in subsequent control periods.

(c) The owner or operator of a site subject to this division that no longer has authorization to operate any affected facilities may request a waiver from the reporting requirements in this section. If approved, the annual compliance report will not be required until a new affected facility is authorized at the site.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 5, 2015.

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Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

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For further information, please call: (512) 239-6812



CHAPTER 115. CONTROL OF AIR POLLUTION FROM VOLATILE ORGANIC COMPOUNDS

The Texas Commission on Environmental Quality (TCEQ, agency, commission) adopts the repeal of §§115.417; new §§115.410; and amendments to §§115.110 - 115.112, 115.115, 115.117, 115.118, 115.121, 115.122, 115.125 - 115.127, 115.215, 115.415, 115.416, 115.422, 115.423, 115.425, 115.427, 115.442, 115.446, 115.450, 115.451, 115.460, 115.461, and 115.471 *without changes* to the proposed text as published in the December 26, 2014, issue of the *Texas Register* (39 TexReg 10246) and will not be republished. The commission adopts the amendments to §§115.10, 115.114, 115.119, 115.129, 115.139, 115.219, 115.229, 115.239, 115.359, 115.419, 115.420, 115.421, 115.426, 115.429, 115.440, 115.441, 115.449, 115.453, 115.459, 115.469, 115.473, 115.479, and 115.519; and new §115.411 *with changes* to the proposed text as published.

The adopted new, amended, and repealed sections of Chapter 115 will be submitted to the United States Environmental Protection Agency (EPA) as revisions to the state implementation plan (SIP).

Background and Summary of the Factual Basis for the Adopted Rules

The 1990 Federal Clean Air Act (FCAA) Amendments (42 United States Code (USC), §§7401 *et seq.*) require the EPA to establish primary National Ambient Air Quality Standards (NAAQS) that protect public health and to designate areas as either in attainment or nonattainment with the NAAQS, or as unclassifiable. Each state is required to submit a SIP to the EPA that provides for attainment and maintenance of the NAAQS.

On March 27, 2008, the EPA revised both the primary and secondary ozone NAAQS to a level of 0.075 parts per million (ppm) with an effective date of May 27, 2008 (73 FR 16436). On May 21, 2012, the EPA established initial air quality designations for the 2008 eight-hour ozone NAAQS. Effective July 20, 2012, the Dallas-Fort Worth (DFW) 2008 eight-hour ozone nonattainment area, consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, was classified as a moderate nonattainment area with a December 31, 2018 attainment deadline (77 FR 30088). On December 23, 2014, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) ruled on a lawsuit filed by the Natural Resources Defense Council, which resulted in vacatur of the EPA's December 31 attainment date for the 2008 Ozone NAAQS. As part of the EPA's Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements; Final Rule, published in the *Federal Register* (FR) on March 6, 2015 (80 FR 12264), the EPA modified 40 Code of Federal Regulations (CFR) §51.1103 consistent with the D.C. Circuit Court decision to establish attainment dates that run from the effective date of designation, i.e., July 20, 2012, rather than the end of the 2012 calendar year. As a result, the attainment date for the DFW moderate nonattainment area has changed from December 31, 2018 to July 20, 2018. In addition, because the attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment date, the attainment year for the DFW moderate nonattainment area has changed from 2018 to 2017. The change in attainment date will not impact this rulemaking because the compliance date for implementing reasonably available control technology (RACT) remains January 1, 2017, as required by the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

Nonattainment areas classified as moderate and above are required to meet the mandates of FCAA, §172(c)(1) and §182(b)(2). FCAA, §172(c)(1) requires the state to submit a SIP revision that incorporates all reasonably available control measures (RACT), including RACT, for sources of relevant pollutants. FCAA, §182(b)(2) requires the state to submit a SIP revision that implements RACT for all emission sources addressed in a Control Techniques Guidelines (CTG) and all non-CTG major sources of volatile organic compounds (VOC), including emission sources covered in an Alternative Control Technology (ACT) document. The EPA defines RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761, September 17, 1979).

The CTG documents provide information to assist states and local air pollution control authorities in determining RACT for specific emission sources. The CTG documents describe the EPA's evaluation of available information, including emission control options and associated costs, and provide the EPA's RACT recommendations for controlling emissions from these sources. The CTG documents do not impose any legally binding regulations or change any applicable regulations. While ACT documents also provide available information, such as emission

control options and associated costs for an industry sector, this information does not constitute presumptive RACT and the same FCAA obligations required for CTG do not apply to ACT documents. Although the FCAA requires the state to implement RACT, EPA guidance provides states with the flexibility to determine the most technologically and economically feasible RACT requirements for a nonattainment area. The EPA's guidance on RACT indicates that states can choose to implement the CTG recommendations, implement an alternative approach, or demonstrate that additional control for the CTG emission source category is not technologically or not economically feasible in the area.

Depending on the classification of an area designated nonattainment for a standard, the major source threshold for which sources are subject to RACT requirements varies. Under the 1997 eight-hour ozone NAAQS, the DFW area consisted of nine counties (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties) and was classified as a serious nonattainment area. The EPA's implementation rule for the 2008 eight-hour ozone NAAQS requires retaining the most stringent major source emission threshold level for sources in an area to prevent backsliding (80 FR 12264, March 6, 2015). For this reason, the major source emission threshold remains at the serious classification level, which is the potential to emit (PTE) 50 tons per year (tpy) of VOC for Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties. For Wise County, however, the major source threshold is the moderate classification level, which is the PTE 100 tpy of VOC.

The state previously adopted Chapter 115 RACT rules for VOC sources in most of the DFW area as part of the SIP for the 1997 eight-hour ozone standard. On January 14, 2009, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 as meeting the RACT requirements for VOC for the 1997 eight-hour ozone NAAQS (74 FR 1903). State regulations in Chapter 115 that implement the controls recommended in CTG or ACT documents or that implement equivalent or superior emission control strategies were determined to fulfill RACT requirements for any CTG or ACT documents issued prior to 2006 for the nine-county DFW 1997 eight-hour ozone nonattainment area. The commission adopted RACT rules for VOC emission source categories addressed by CTG documents that were issued between 2006 and 2008, as well as for non-CTG major source storage tanks (Rule Project Nos. 2010-016-115-EN and 2010-025-115-EN, respectively). On September 9, 2014, the EPA approved the non-CTG major source storage tanks rulemaking for the DFW as meeting VOC RACT requirements (79 FR 53299), and on January 21, 2015, the EPA proposed approval of the VOC CTG RACT rulemaking (80 FR 2846).

The purpose of this adopted rulemaking is to revise Chapter 115 to implement RACT for all VOC CTG emission source categories in the DFW 2008 eight-hour ozone nonattainment area as required by FCAA, §172(c)(1) and §182(b)(2). RACT requirements must be implemented in the DFW area no later than January 1, 2017. The commission adopts revisions to implement RACT for the following rules:

Subchapter B, Division 1, Storage of Volatile Organic Compounds; Subchapter B, Division 2, Vent Gas Control; Subchapter B, Division 3, Water Separation; Subchapter C, Division 1, Loading and Unloading of Volatile Organic Compounds; Subchapter C, Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; Subchapter C, Division 3, Control of Volatile Organic Compound Leaks from Transport

Vessels; Subchapter D, Division 3, Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas; Subchapter E, Division 1, Degreasing Processes; Subchapter E, Division 2, Surface Coating Processes; Subchapter E, Division 4, Offset Lithographic Printing; Subchapter E, Division 5, Control Requirements for Surface Coating Processes; Subchapter E, Division 6, Industrial Cleaning Solvents; Subchapter E, Division 7, Miscellaneous Industrial Adhesives; and Subchapter F, Division 1, Cutback Asphalt.

The commission is not adopting amendments to implement RACT for certain emission source categories because the commission's analyses of point source emissions inventory, Title V permits, new source review permits, and central registry databases revealed that there would be no affected sources that would meet the rule applicability or that would be affected by the rule requirements. The commission is providing negative declarations for these categories. Subchapter B, Division 4, Industrial Wastewater (issued as an ACT); Subchapter B, Division 5, Municipal Solid Waste Landfills (not an EPA-issued document); Subchapter B, Division 6, Batch Processes (issued as an ACT); Subchapter D, Division 1, Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries (issued as a CTG); Subchapter E, Division 3, Flexographic and Rotogravure Printing (issued as a CTG); and Subchapter F, Division 2, Pharmaceutical Manufacturing Facilities (issued as a CTG).

Certain coating categories in the Subchapter E, Division 2 rules are also not being revised for reasons provided in the Section by Section Discussion section of this preamble for those rules. These emission source categories are not discussed beyond this Background section of the rulemaking. For additional information, see the Appendix F: "Reasonably Available Control Technology Analysis" of the DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) being adopted concurrently with this rulemaking.

This rulemaking includes Wise County as part of the DFW 2008 eight-hour ozone nonattainment area since it was designated as nonattainment by the EPA in the final designations rule published in the *Federal Register* on May 21, 2012 (77 FR 30088). The TCEQ and other concerned parties are currently challenging whether the EPA's inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area was lawful. These challenges are currently pending in the D.C. Circuit Court. If the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area is overturned before this rulemaking is adopted, the TCEQ will take action to revise this rulemaking appropriately. Because the TCEQ cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). Should Wise County be removed from the DFW 2008 eight-hour ozone nonattainment area after the adoption of these rules, the adopted rules will allow the commission to exempt sources in Wise County from RACT requirements upon notice by the TCEQ via publication in the *Texas Register* that Wise County is no longer a part of the DFW 2008 eight-hour ozone nonattainment area.

Demonstrating Noninterference under FCAA, Section 110(l)

The state has previously adopted Chapter 115 VOC RACT rules for sources in the DFW area as part of the 1997 eight-hour ozone standard. Because Wise County was classified as attainment

under the 1997 eight-hour ozone standard, the existing Chapter 115 VOC RACT rules currently do not extend to sources in Wise County. The revisions adopted as part of this rulemaking fulfill the state's obligations by ensuring all major sources and non-major sources operating in the DFW area are subject to RACT, as required under the FCAA, §172(c)(1) and §182(b)(2). As part of this rulemaking, the commission is also adopting other technical revisions intended to add compliance flexibility, streamline and consolidate requirements, remove obsolete language and requirements that have been superseded by more stringent rules, and clarify the rules for consistency with the agency's intent and with CTG recommendations. Non-substantive revisions are also being adopted as part of this rulemaking that would remove obsolete language, establish consistent terminology, and update the rule language to current *Texas Register* and TCEQ style and format requirements. The technical corrections and non-substantive revisions are only adopted for the rules that are simultaneously being revised to implement RACT. The commission has determined that the adopted revisions would not negatively affect the status of the state's progress towards attainment with the ozone NAAQS, would not interfere with control measures, and would not prevent reasonable further progress toward attainment of the ozone NAAQS.

Section by Section Discussion

In addition to adopting rules to implement RACT in the DFW area, the commission adopts grammatical, stylistic, and various other non-substantive changes to update the rule in accordance with current *Texas Register* style and format requirements, improve readability, establish consistency in the rules, and conform to the standards in the *Texas Legislative Council Drafting Manual*, August 2014. Such changes include appropriate and consistent use of acronyms, punctuation, section references, and certain terminology like "that," "which," "shall," "must," "owner or operator," and "all persons." References to the "Beaumont/Port Arthur area," "Dallas/Fort Worth area," and the "Houston/Galveston area" have been updated to the "Beaumont-Port Arthur area," "Dallas-Fort Worth area," and the "Houston-Galveston-Brazoria area," respectively to be consistent with current terminology for the region. The adopted rulemaking will change references throughout the division to the CFR by adding "Part" or the section symbol before numerical references, whichever is appropriate. Adopted revisions will delete metric units, in certain instances, that have been determined to be obsolete. These non-substantive changes are not intended to alter the existing rule requirements in any way and are not specifically discussed in this preamble.

Although the purpose of this rulemaking is to implement RACT for the DFW 2008 eight-hour ozone nonattainment area, the commission is revising portions of the rules to make technical corrections that may not be directly related to implementing RACT. These technical corrections are potentially substantive, affect the Houston-Galveston-Brazoria (HGB) ozone nonattainment area (Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties), and are intended to clarify the rules to be consistent with the agency's original intent and CTG recommendations, add flexibility, and streamline requirements where appropriate. Additionally, the commission adopts changes that will affect areas that are currently attaining the ozone NAAQS (e.g., the Beaumont-Port Arthur (BPA) area and El Paso area as well as Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties and other counties listed in §115.10 as a covered attainment county). The specific changes are discussed in greater detail in

this Section by Section Discussion in the corresponding portions related to the affected rule sections. The commission solicited comment on different portions of the proposed revisions. The comments received pertaining to this rulemaking are listed in the Response to Comments section of this preamble.

The commission adopts revisions to the compliance schedule section of each division to delete the reference to §115.930, which specifies general compliance dates for sources subject to the Chapter 115 rules. The commission adopts replacing the reference to §115.930 with a statement of the actual language in §115.930 that indicates the compliance date has already passed and that owners and operators affected by this should continue to comply with the requirements in the division. This change improves readability and increases usability of the rule by appropriately instituting plain language. Each instance this change is made in the rules is not specifically explained beyond this portion of the Section by Section Discussion section.

SUBCHAPTER A, DEFINITIONS

Section 115.10, Definitions

Adopted revisions remove Wise County from the definition in paragraph (10) of "Covered ozone attainment counties" since it is now part of the DFW 2008 ozone nonattainment area. In addition, the commission adopts deleting the word "ozone" from this defined term. During a recent rulemaking, the commission adopted changes which added "ozone." However, "Covered ozone attainment counties" is inconsistent with the references used throughout the divisions in Chapter 115, so rather than alter the sections that still refer to "Covered attainment counties," the commission is adopting to simply delete the word "ozone" to maintain consistency. In the event Wise County is no longer designated as nonattainment under the 2008 eight-hour ozone NAAQS, the commission adopts revisions to this definition to accommodate the transition of Wise County as a DFW area county to a covered attainment county. The adopted revision states that upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone NAAQS is no longer legally effective, Wise County is covered under this definition of covered attainment counties as it was prior to January 1, 2017. As discussed elsewhere in this preamble discussion, the change in designation status for Wise County is dependent on decisions not yet made by the D.C. Circuit Court.

The commission adopts the amendment to the definition in paragraph (11) to incorporate Wise County into the "Dallas-Fort Worth area" for the specific divisions that apply to Wise County. However, not all Chapter 115 rules are adopted to be applied in Wise County. For some source categories, the commission is making a negative declaration for RACT purposes, making it unnecessary to expand the corresponding Chapter 115 rules to Wise County. Additionally, some Chapter 115 requirements were adopted for purposes other than RACT, such as contingency measures and 15% Rate of Progress SIP revisions. The commission is only applying the Chapter 115 rules to Wise County that are necessary to fulfill FCAA RACT requirements. Therefore, the revisions to the definition of "Dallas-Fort Worth area" will restructure the definition into three separate subparagraphs to delineate which Chapter 115 divisions apply in which counties of the 10-county DFW 2008 eight-hour ozone nonattainment area.

Paragraph (11)(A) lists those Chapter 115 rules that only apply in Collin, Dallas, Denton, and Tarrant Counties. Consistent with

the current definition, Subchapter B, Division 5, is included as only applying to Collin, Dallas, Denton, and Tarrant Counties. In addition, the current definition of "Dallas-Fort Worth area" applies to Subchapter F, Division 3, Degassing of Storage Tanks, Transport Vessels, and Marine Vessels, and Division 4, Petroleum Dry Cleaning Systems, to all nine counties. However, the rule requirements in Subchapter F, Divisions 3 and 4, specifically §115.540(a)(2) and §115.559(a), only apply to those rules to Collin, Dallas, Denton, and Tarrant Counties. Therefore, the commission is adopting to include Subchapter F, Divisions 3 and 4 under subparagraph (A) to be consistent with the actual rule requirements in those divisions.

Subparagraph (11)(B) lists those Chapter 115 rules that only apply in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties, but not in Wise County. The divisions under subparagraph (B) that currently and will continue to apply to these nine counties include: Subchapter B, Division 4; Subchapter D, Division 1; Subchapter E, Division 3; and Subchapter F, Division 2.

Subparagraph (11)(C) specifies that all other Chapter 115 divisions apply to Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, i.e., all ten counties in the 2008 eight-hour ozone nonattainment area. The specific divisions to be applied to Wise County include: Subchapter B, Divisions, 1 - 3; Subchapter C, Divisions 1 - 3; Subchapter D, Divisions 3; Subchapter E, Divisions 1 and 2, and 4 - 7; and Subchapter F, Division 1. In response to comments received, the commission is adding language to clarify that Wise County is no longer included in the definition of the DFW area upon the commission's publication in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone NAAQS is no longer legally effective. This action would cease compliance obligations for sources subject to the divisions covered under this subparagraph in Wise County. This change is made to clarify the commission's intended applicability of this subparagraph for Wise County in the event Wise County is excluded from the 2008 DFW eight-hour ozone nonattainment area, as discussed elsewhere in this preamble.

The existing definition, "El Paso," in paragraph (13) is being adopted as "El Paso area." During a recent rulemaking, the commission adopted changes that eliminated "area." However, "El Paso" is inconsistent with the references used throughout the divisions in Chapter 115, so rather than alter the sections that still refer to "El Paso area," the commission simply adds the word "area" to maintain consistency.

The commission adds "or internal floating roof" to the definition of "Internal floating cover" in paragraph (24) to indicate that these terms can be used interchangeably. Corresponding changes are included in the storage tank rule in Subchapter B, Division 1 to only refer to internal floating roofs and not internal floating covers since internal floating roofs aligns with the standard terminology for that industry. This change is not intended to impact the other divisions in the chapter that reference internal floating cover.

SUBCHAPTER B, GENERAL VOLATILE ORGANIC COMPOUNDS

DIVISION 1, STORAGE OF VOLATILE ORGANIC COMPOUNDS

The adopted rulemaking changes "Internal floating cover" to "Internal floating roof" in each instance it is referenced throughout the division. As part of this rulemaking, the commission is updating the "Internal floating cover" definition in §115.10(24) to

include "internal floating roof" to accommodate the use of either term, where appropriate throughout the chapter. Although the definition itself is not being revised, the term is revised to more appropriately align with terminology used by industry. The adopted rulemaking would likewise change references throughout the division to "roof or cover" to "roof" where roof refers to an internal or external floating roof.

Section 115.110, Applicability and Definitions

The adopted rulemaking adds a definition in subsection (b), "Closure device" as paragraph (1). As a result of the adopted definition, the commission is renumbering existing paragraphs (1) - (13) as (2) - (14), respectively.

The adopted definition of "Closure device" in paragraph (1) refers to one of several pieces of equipment designed to cover openings in the roof of a fixed roof storage tank. These devices can either be temporarily opened or have a component that provides a temporary opening. The adopted definition is used in §§115.112, 115.114, and 115.118.

Section 115.111, Exemptions

The commission adopts the amendment to subsection (a)(4), (6), and (7) that revokes exemptions for certain floating roof storage tanks in the DFW area constructed or modified prior to 1983. To reflect that these exemptions no longer apply in the DFW area, the adopted exemption is revised to explicitly state that the Beaumont-Port Arthur, El Paso, and HGB areas are affected. Staff analyzed information in the commission's 2011 and 2012 Point Source Emissions Inventory and found no tanks to which these exemptions would apply. Adopted subsection (a)(4) revokes the exemption for tanks with a shoe-mounted secondary seal installed or scheduled for installation before August 22, 1980. Adopted subsection (a)(6) revokes the exemption for welded tanks storing liquids with true vapor pressure less than 4.0 pounds per square inch absolute (psia) under a floating roof with certain specified types of primary seals installed before August 22, 1980. Adopted subsection (a)(7) revokes the exemption for welded tanks storing liquids with true vapor pressure between 4.0 and 6.0 psia under a floating roof with certain specified types of primary seals installed before December 10, 1982.

The adopted rulemaking amends subsections (a)(8), (b)(8), and (c)(5) to change the current exemption for storage tanks less than 1,000 gallons to apply to tanks with a storage capacity of less than or equal to 1,000 gallons. This amendment will correct an inadvertent change made during the last rulemaking affecting this section (Rule Project No. 2010-025-115-AI) and restore the intended exemption as it existed prior to that rulemaking.

The commission is adopting the amendment to exclude Wise County from the existing exemptions in subsection (a)(10) and (11), which apply to owners or operators of storage tanks storing condensate in the nine-county DFW area. These exemptions were adopted for the nine-county DFW serious ozone nonattainment area under the 1997 eight-hour ozone NAAQS; however, Wise County was not a part of the DFW area at that time and does not share the same serious nonattainment classification as the other DFW counties under the 2008 eight-hour ozone NAAQS. A similar exemption is provided in adopted subsection (a)(12) for storage tanks in Wise County at the moderate nonattainment major source level.

The commission adopts the exemption in subsection (a)(12) from the flashed gases control requirements for owners or

operators of condensate storage tanks in Wise County with an annual condensate throughput of at least 6,000 barrels (bbl) of condensate. This exemption would apply if a VOC measurement from the condensate, according to the test methods in §115.117, showed that the annual uncontrolled VOC measurement is less than 100 tpy. This language parallels exemptions in other areas and provides affected owners and operators producing low-VOC condensate below the 100 tpy major source threshold to vent the VOC emissions to the atmosphere without control, while assuring that owners and operators use an approved test method for emission measurement.

Section 115.112, Control Requirements

The adopted rulemaking amends subsection (e)(4)(B) and (5)(B) to exclude Wise County from the control requirement applicable to the nine-county DFW area since the major source applicability threshold for Wise County is not equivalent to the major source threshold for the other nine counties. The adopted rulemaking adds subsection (e)(4)(C) and (5)(C) to extend the control requirement for flashed gases from crude oil and condensate tanks to Wise County with a throughput of 6,000 bbl of condensate. This throughput level is consistent with the condensate VOC emission factor used throughout this section that equates the throughput with the major source applicability threshold, which is 100 tpy of uncontrolled VOC emissions for Wise County.

The commission adopts an amendment to subsection (e)(5) to harmonize the applicability of the control requirement for storage tanks prior to custody transfer and at pipeline breakout stations in the DFW area. The adopted change clarifies that the control requirements of this paragraph apply to the aggregate of all storage tanks at a pipeline breakout station, in addition to the existing applicability. Currently, individual storage tanks and the aggregate of storage tanks at an upstream tank battery are specified in paragraph (5). The adopted change ensures all storage tanks originally intended to be controlled are explicitly listed and is limited to the DFW area because the purpose of this rulemaking is to implement RACT for the DFW area.

Adopted subsection (e)(7) requires owners and operators of storage tanks in the DFW area with a flashed gas control requirement to equip such tanks with closure devices, as defined in adopted §115.110(b)(1), that close all openings not routed to a control device. The amendment also require owners or operators to maintain the storage tank and its closure devices in accordance with manufacturer instructions, or industry standards if manufacturer instructions are not available. Several major closure device manufacturers provide maintenance instructions on their websites. The American Petroleum Institute (API) has developed an industry standard for upstream storage tank and closure device maintenance, API Recommended Practice 12R1: *Recommended Practice for Setting, Maintenance, Inspection, Operation, and Repair of Tanks in Production Service*. Proper maintenance of the tank and its attached closure devices is necessary to assure that vapors are routed to the required control device.

The adopted rulemaking also sets specific operational requirements for the closure devices in subsection (e)(7)(A) - (D). These requirements are necessary to assure that as much of the tank vapor as practicable is routed to the required control device.

The commission adopts subsection (e)(7)(A), requiring that all closure devices, including thief hatches and pressure or pressure-vacuum relief valves, be closed at all times except when required to be open for temporary access or to relieve excess

pressure or vacuum in accordance with the manufacturer's design and consistent with good air pollution control practices. Such opening, actuation, or use must be limited to minimize vapor loss. Thief hatches and pressure or pressure-vacuum relief valves are necessary operational and safety devices on a fixed roof storage tank that must be open at times to function. However, a thief hatch that is left open longer than required for access to the tank or a relief valve that does not close properly allows more VOC vapors than necessary to vent to the atmosphere rather than pass to the required control device. Inspection requirements in §115.114(a)(5) being adopted as part of this rulemaking will assure compliance with this provision.

Adopted subsection (e)(7)(B) requires that all closure devices be properly sealed to minimize vapor loss when closed. This requirement sets a performance criterion for a typical failure point of the device.

In adopted subsection (e)(7)(C), the commission requires all devices to be latched closed or, if designed to relieve excess pressure, to be set to open at a pressure that will ensure all vapors are routed to the vapor recovery unit or other vapor control device under normal operating conditions. This requirement assures that the required control device is the first to receive VOC vapors as pressure in the tank rises, while allowing venting to the atmosphere in an emergency over-pressurization event such as a fire. The commission acknowledges that manual opening of a thief hatch for tank gauging and sampling is a normal operating procedure and that VOC vapors from the tank will vent uncontrolled during this temporary activity. Adopted subsection (e)(7)(A) will require minimization of this open time. The commission does not consider an upstream dump valve stuck in the open position to be normal operation because it allows liquid and gas above design pressure to enter the storage tank.

Adopted subsection (e)(7)(D) requires repair of leaking closure devices by setting a 15-day limit for repairs. The adopted rule defines a leak as the exuding of gasses from a closed device based on sight, smell, or sound. The leak definition and repair time limit are consistent with the commission's leak definition for similar detection methods and repair requirements in nonattainment areas. Although detecting a leak with an instrument would provide a more accurate measurement, for the sake of expedient measurement by personnel without special equipment, the commission adopts using the typical audio/visual/olfactory monitoring methods to determine a leak. The adopted language also includes a delay of repair option for a lack of parts or a required shutdown. If parts are unavailable, the owner or operator may delay repair until five days after receipt of promptly-ordered parts. If the repair requires a shutdown that would create more emissions than the repair would eliminate, the owner or operator could delay repair until the next shutdown. The burden of proof that the shutdown would create more emissions than the repair is the responsibility of the owner or operator.

Section 115.114, Inspection Requirements

The adopted rulemaking will add "and Repair" to the title of this section to better describe the existing and adopted repair requirements.

The commission adopts subsection (a)(5), which will require owners and operators of condensate storage tanks in the DFW area with a flashed gas control requirement to inspect and repair all closure devices that are not connected to a control device as specified in the remainder of the adopted paragraph.

In adopted subsection (a)(5)(A), the commission will add a requirement for audio, visual, and olfactory inspection of each closure device not connected to a control device to assure compliance with the closure requirement in adopted §115.112(e)(7)(A). The inspection will need to occur within one business day after sampling or gauging through a thief or access hatch or when liquids are unloaded from the tank. The inspection will need to occur while liquids are not being loaded into or out of the tank. The inspection assures that openings on the storage tank remain closed with VOC vapors routed to the required control device after sampling, gauging, or unloading events require a temporary opening in the tank. The inspection timing mirrors the 24-hour inspection of relief valves in the commission's leak detection and repair (LDAR) regulations in Subchapter D, with additional flexibility for weekends and holidays. The commission anticipates that although each inspection method may not be pertinent to every device, the combination will provide sufficient data to determine if the device is open. Since the inspection will not require specialized equipment, the owner or operator's environmental compliance personnel or contract workers responsible for the sampling, gauging, or unloading activity that triggered the inspection could perform it. If multiple tank openings due to gauging, sampling, or unloading event occur in a day, a single inspection within a business day of the last event would suffice. If a closure device is found open, adopted subsection (a)(5)(A) will require an attempt to close it. If the attempt fails, the device would be leaking, as defined in adopted §115.112(e)(7)(D) and will need to be repaired. If someone other than the owner or operator performs the inspection and closure attempt, sufficient time is built into the repair requirement for the owner or operator's personnel to complete a repair.

The adopted rulemaking also includes a more detailed inspection in subsection (a)(5)(B). This inspection will occur quarterly and target all gaskets and seals of thief hatches and pressure or pressure-vacuum relief valves and other closure devices on DFW area condensate tanks with a flashed gas control requirement. The inspection will determine if the devices are properly sealed to minimize vapor loss, as required in adopted §115.112(e)(7)(B). This inspection will also be an audio/visual/olfactory inspection; however, in many cases it will require the owner or operator to partially disassemble the component to access the seal or gasket. This inspection is designed to complement the control requirement in adopted §115.112(e)(7) for the affected devices, which will require the devices to be maintained according to manufacturer's instructions. For instance, one manufacturer of thief hatches and pressure or pressure-vacuum relief valves recommends quarterly maintenance that requires partially disassembling the device to clean the internal gaskets.

Adopted subparagraph (B) will also include a repair requirement with a first attempt at repair within five calendar days and completed repair within 15 calendar days after the inspection unless delay of repair is allowed under specified conditions. This requirement will assure timely repairs and continued routing of VOC vapors to the required control device. The adopted rulemaking will also state that a repair is complete if the device no longer exudes process gasses based on sight, smell, or sound. The adopted repair monitoring definition in §115.112(e)(7)(D) uses the same inspection method used to determine if a device is leaking. The repair times mirror the commission's LDAR regulations in Subchapter D. In response to comments received on this rulemaking, the commission revises subparagraph (B) to explicitly include the same delay of repair

options stated in §115.112(e)(7)(D) that allows delayed repair for lack of available parts or a repair that will generate more emissions than a shutdown.

Section 115.115, Monitoring Requirements

The commission adopts the amendment to subsection (a)(3)(A) and (B) for carbon adsorbers and carbon adsorption systems. These two adopted revisions will apply to the BPA, DFW, El Paso, and HGB areas and are intended to clarify the existing rule requirements.

The adopted amendment to subsection (a)(3)(A) will remove the option to use Method 21 as a monitoring method for measurement of VOC concentration every seven days. The commission does not anticipate that any owners or operators are using this method to measure VOC concentrations on self-regenerating carbon adsorption systems installed on storage tanks.

The adopted amendment to subsection (a)(3)(B) will specify that switching the vent gas flow to fresh carbon at a regular pre-determined time interval option is only available for carbon adsorbers and carbon adsorption systems that do not self-regenerate carbon directly. It was the commission's original intent that this would apply to adsorbers and carbon adsorption systems for which owners or operators remove a nearly-saturated carbon container and insert a fresh carbon container.

Section 115.117, Approved Test Methods

In adopted amended subsection (a)(8), the commission adds ASTM International, formerly known as American Society for Testing and Materials (ASTM), Method D6377, *Standard Test Method for Determination of Vapor Pressure of Crude Oil: VPCRx Expansion Method* (ASTM D6377), to the list of approved test methods for the measurement of true vapor pressure of crude oils. The EPA approved ASTM D6377 as a broadly applicable alternative test method for the determination of vapor pressure of crude oils that have a vapor pressure within the range of 3.6 to 26.1 psia at 100 degrees Fahrenheit at vapor-liquid ratios from 4:1 to 0.02:1 (79 FR 14033, March 12, 2014). However, the EPA did not approve the method for crude oils that exhibit a vapor pressure less than 3.6 pounds per square inch (psi) at 100 degrees Fahrenheit.

Section 115.118, Recordkeeping Requirements

The commission adopts subsection (a)(6)(D) to require affected owners of condensate storage tanks in the DFW area to maintain records of manufacturer maintenance instructions or applicable industry standards that adopted §115.112(e)(7) requires them to follow. It is necessary to maintain these records to ensure enforceability of the adopted control requirement.

The commission adopts subsection (a)(6)(E) to prescribe recordkeeping requirements for the inspection and repair of affected condensate storage tanks in the DFW area covered under adopted §115.114(a)(5). The adopted regulations in subparagraph (E) will require records of each inspection; adopted clause (i) will require the inspection date; and adopted clause (ii) will require the status of the device during inspection. Adopted clause (iii) requires the length of time a closure device was open for reasons not allowed by §115.112(e)(7)(A) since the last inspection. Adopted clause (iv) will require the date of repair attempts and repair completion. Adopted clause (v) will require a list of closure devices awaiting repair. The adopted recordkeeping requirements are necessary to ensure enforceability of the control and inspection requirements and assure that VOC vapors are routed to the required control device. Examples of

device status during inspection in clause (ii) include "closed; found open, closed during inspection;" or "open, unable to close" for closure devices inspected according to adopted §115.114(a)(5)(A); and "sealed" or "not sealed, repaired during inspection" for gaskets inspected under §115.114(a)(5)(B). The commission anticipates that some seal and gasket repairs can and will occur during the inspection.

Section 115.119, Compliance Schedules

The commission adopts excluding Wise County from the existing compliance schedule in subsection (b)(1)(C), which applies to owners or operators of storage tanks storing crude oil or condensate in the nine-county DFW area. These exemptions were adopted for the nine-county DFW serious ozone nonattainment area under the 1997 eight-hour ozone NAAQS; however, Wise County was not a part of the DFW area at that time and is classified as moderate nonattainment under the 2008 eight-hour ozone NAAQS.

In adopted subsection (b)(3), the commission specifies that affected storage tank owners or operators in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties will need to comply with control, inspection, and recordkeeping requirements in §§115.112(e)(7), 115.114(a)(5), and 115.118(a)(6)(D) and (E) by January 1, 2017. This is the same date specified in subsection (f) by which compliance is required for storage tanks in Wise County and provides owners and operators approximately a year and a half to train personnel and develop necessary procedures. The commission contends this is a sufficient lead time. In response to comments received on this rulemaking, the commission deletes the reference to the DFW area as written at proposal and instead lists the counties that comprise this area. Because the DFW area has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (f) requires the owner or operator of storage tanks in Wise County to comply with the requirements in the division as soon as practicable, but no later than January 1, 2017. This compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264). It is also consistent with the 15-month compliance timeframe provided to owners and operators of storage tanks in the December 2011 (Rule Project No. 2010-025-115-EN) amendments to this division.

The adopted rulemaking re-letters existing subsection (f) as subsection (g) to accommodate the compliance schedule adopted as subsection (f) for affected owners and operators in Wise County.

Adopted subsection (h) will specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each storage tank will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in

this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented, then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER B, GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 2, VENT GAS CONTROL

Section 115.121, Emission Specifications

In the adopted amendment to subsection (a)(1), the commission clarifies that emissions from compressor rod packing that are contained and routed through a vent are a vent gas stream potentially requiring control. The adopted rulemaking also notes that a glycol dehydrator still vent is a vent gas stream potentially requiring control. This adopted clarification to paragraph (1) applies to affected owners and operators in the BPA, DFW, El Paso, and HGB areas.

The formal interpretation regarding compressor emissions, TCEQ interpretation number R5-121.012, relies on the definition of "Vent" in §101.1 as "any duct, stack, chimney, flu, conduit, or other device used to conduct air contaminants into the atmosphere." If emissions from compressor rod packings are fully contained and routed to the atmosphere through a duct or other device, the emissions are not fugitive emissions and the vent gas rules apply.

In the formal interpretation regarding glycol dehydrators, TCEQ interpretation number R5-121.005, the commission determined that the still vent is a process vent subject to the vent gas rules because the glycol reboiler is a process, as defined in §101.1, and the still vent meets the §101.1 definition of a vent. When the still vent emissions are routed to the glycol reboiler, the reboiler is acting as a control device.

Section 115.122, Control Requirements

The changes being adopted in this section are intended to clarify certain existing requirements that affect the BPA, DFW, and HGB areas. The adopted rulemaking specifies that flares used as control devices must be lit at all times when VOC vapors are routed to the flare. The changes are made in subsections (a)(1)(B) and (2)(A), (b)(2), and (c)(1)(B) and (4)(A). The commission adopts this requirement to clarify that the intent of the control requirement is for both the flare flame and the pilot to be lit at all times when VOC vapors are routed to the device. This is not a new requirement and is not intended to increase the compliance burden for affected owners and operators.

The adopted rulemaking also specifies in subsection (a)(1)(C) that a glycol dehydrator reboiler receiving emissions from a still vent is a vapor control system. This is consistent with the published rule interpretation referenced elsewhere in this Section by Section Discussion.

The revision adopted in subsection (a)(3)(E) changes the title of the division referencing Chapter 101, Subchapter H, Division 1 to "Emission Credit Program." In a separate rulemaking (Rule No. 2014-007-101-AI), the commission is adopting this change to the name of this division.

The commission excludes Wise County from the control requirements in subsection (a)(3)(B), applicable to bakery ovens. The major source threshold for Wise County, as discussed in the Background and Summary of the Factual Basis for the Adopted Rules portion of this preamble, is the PTE 100 tpy of VOC. The commission did not identify any bakeries meeting this applicability threshold.

Section 115.125, Testing Requirements

Adopted paragraph (2)(B) adds EPA Test Method 21 to the list of approved test methods for the purpose of determining breakthrough on a carbon adsorption system or carbon adsorber.

Section 115.126, Monitoring and Recordkeeping Requirements

The adopted rulemaking removes an outdated statement in the introductory paragraph of §115.126 that records generated prior to December 31, 2000 do not need to be kept for a full five years. This adopted change affects Aransas, Bexar, Calhoun, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties and the BPA, DFW, El Paso, and HGB areas.

The commission adopts renumbering existing paragraph (1)(A)(iv) as paragraph (1)(A)(iii) and replacing the contents of existing clause (iv) with requirements for a carbon adsorption system or carbon adsorber, while maintaining consistent sentence structure. This adopted change affects the BPA, DFW, El Paso, and HGB and Victoria County.

Adopted paragraph (1)(A)(iv) specifies that an owner or operator shall monitor a carbon adsorption system according to one of the options in subclauses (I) or (II). The language in this clause replaces the language in existing paragraph (1)(A)(iii) that currently requires continuous VOC concentration measurement. Subclause (I) specifies that the monitoring is to determine if breakthrough has occurred, and for the purposes of this rule, breakthrough is defined as a VOC concentration measured over 100 parts per million by volume (ppmv) above background expressed as methane. The 100 ppmv concentration defining breakthrough is chosen to coincide with TCEQ's Air Permits Division guidance on best available control technology for carbon adsorption systems, which currently identifies 100 ppmv as an appropriate upper-bound concentration for determining breakthrough. Subclause (II) provides an alternative engineering safeguard to switch the vent gas flow to fresh carbon at a regular predetermined time interval for a carbon adsorber or carbon adsorption system that does not regenerate the carbon directly. The time interval must be less than the carbon replacement interval determined by the maximum design flow rate and the VOC concentration in the gas stream vented to the carbon adsorption system or carbon adsorber. The alternative requirement assures protection at least equivalent to the current provision since owners and operators are required to switch to fresh carbon in all possible operating scenarios before the system reaches its absorption capacity rather than switching after measurements, which can be as much as 15 minutes apart, that detect breakthrough. In conjunction with the testing requirements in §115.125, pre-breakthrough operation of the carbon adsorption system or carbon adsorber will be in compliance with applicable control requirements.

Section 115.127, Exemptions

The adopted rulemaking clarifies that compliance with the exemptions for combined vent streams should be determined after the combination of the streams, but prior to the combined stream entering a control device, if present. The commission adds this language to subsections (a) - (c) to be consistent with a published rule interpretation made in 1998. In the formal rule interpretation, TCEQ interpretation number R5-121.009, the commission stated that testing individual vent gas streams prior to combination to determine exemption status may be impossible, and that a 1992 agency legal opinion required any testing of the vent gas stream to be conducted prior to a control device.

Section 115.129, Counties and Compliance Schedules

Adopted subsection (e) requires the owner or operator of a vent gas stream in Wise County to comply with the requirements in the division as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The adopted rulemaking also adds subsection (f) to provide 60 days for owners and operators of vent gas streams in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that become subject to the division after the appropriate compliance date to comply with the requirements in the division. In response to comments received on this rulemaking, the commission deletes the reference to the DFW area as written at proposal and instead lists the counties that comprise this area. Because the DFW area has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (g) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each vent gas stream will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER B, GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 3, WATER SEPARATION

Section 115.139, Counties and Compliance Schedules

Adopted subsection (c) specifies that compliance with this division for owners and operators in Wise County is required as soon as practicable but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The commission adopts subsection (d) to provide 60 days for owners and operators of facilities in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that become subject to the requirements of this division after the compliance date to come into full compliance. The commission maintains that 60 days is a sufficient amount of time for both an existing source that crosses an exemption threshold and a newly-constructed source to make necessary adjustments to achieve compliance. For example, water separators placed into service after January 1, 2017 would be required to comply within 60 days after installation. Existing water separators previously exempt from the rule but no longer qualifying for that exemption after the applicable compliance date would be required to comply with the rule no later than 60 days after the separator no longer qualifies for the exemption.

In response to comments received on this rulemaking, the commission deletes the reference to the DFW area as written at proposal and instead lists the counties that comprise this area. Because the DFW area has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (g) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each water separator will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER C, VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 1, LOADING AND UNLOADING OF VOLATILE ORGANIC COMPOUNDS

The commission is replacing the term "tank-truck" with the term "tank-truck tank" in each occurrence throughout the division. In the existing rule, tank-truck and tank-truck tank are used interchangeably; however, the defined term in §115.10 is tank-truck tank. This change establishes consistency and improves the usability of this rule by using only the defined term. These changes are not intended to alter the existing rule requirements in any way and are not specifically discussed in this preamble.

Section 115.215, Approved Test Methods

The commission revises paragraph (4) to add ASTM Test Method D6377, "Standard Test Method for Determination of Vapor Pressure of Crude Oil: VPCRx Expansion Method" (ASTM D6377) to the list of approved test methods for measuring the true vapor pressure of crude oils. The EPA approved ASTM D6377 as a broadly applicable alternative test method for the determination of vapor pressure of crude oils that have a vapor pressure within the range of 3.6 to 26.1 psia at 100 degrees Fahrenheit at vapor-liquid ratios from 4:1 to 0.02:1 (79 FR 14033, March 12, 2014). However, the EPA did not approve the method for crude oils that exhibit a vapor pressure less than 3.6 psi at 100 degrees Fahrenheit.

In addition, adopted paragraph (4) states that true vapor pressure must be corrected to storage temperature using the measured actual storage temperature or the maximum local monthly average ambient temperature as reported by the National Weather Service. The National Weather Service data can be obtained from the Monthly Weather Summary published for each major observation location. These data are available online after the observation month in the Monthly Weather Summary for the nearest observation location. Since the temperature of a heated storage tank differs from ambient conditions, this temperature must be determined by either the measured temperature, if available, or the set point of the heating system.

Adopted paragraph (10) deletes the December 29, 1992 reference date related to Test Method 301 specified by 40 CFR Part 63, Appendix A. Test Method 301 is a standard method and the EPA updates it periodically. Removing the reference date ensures the latest version of the test method is used at all times.

Section 115.219, Counties and Compliance Schedules

Adopted subsection (d) deletes the compliance requirements for the owner or operator of each gasoline terminal, gasoline bulk plant, and VOC transfer operation in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties to comply with the requirements applicable to covered attainment counties in §§115.211(2), 115.212(b), and 115.214(b) because these counties are no longer included in the "Covered attainment counties" definition in §115.10.

Adopted subsection (e) specifies that the owner or operator of each gasoline terminal, gasoline bulk plant, and VOC transfer operation in Wise County must comply with this division as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

Adopted subsection (e) also specifies that the owner or operator of each gasoline terminal and gasoline bulk plant in Wise County must continue to comply with the applicable requirements in §§115.211(2), 115.212(b), and 115.214(b) until the facility achieves compliance with the newly applicable requirements in §§115.211(1), 115.212(a), and 115.214(a). Upon the rule effective date, Wise County will no longer be defined as a covered attainment county; therefore, it is necessary to specify that the owner or operator of each gasoline terminal or gasoline bulk plant in Wise County must continue to comply with the currently applicable requirements in §§115.211(2), 115.212(b), and 115.214(b) until the January 1, 2017 compliance date, at which time §§115.211(1), 115.212(a), and 115.214(a) will apply.

Adopted subsection (e) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each gasoline terminal, gasoline bulk plant, and VOC transfer operation will not be required to comply with the requirements in §§115.211(1), 115.212(a), and 115.214(a) and will be required to continue to comply with the requirements in §§115.211(2), 115.212(b), and 115.214(b). The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. An owner or operator in Wise County will not be required to comply with any of the requirements applicable to the nine-county DFW area, but will continue to be subject to the same requirements applicable to Wise County while defined as a covered attainment county, as was required prior to this rulemaking.

Adopted subsection (f) requires that the owner or operator in the DFW area that becomes subject to the requirements of this division after the applicable compliance date in subsections (a), (d), or (e) to comply with the requirements in this division no later than 60 days after becoming subject. Adopted subsection (f) is consistent with the compliance schedule format adopted in other Chapter 115 rules. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators to comply with the rule requirements. For example, each new gasoline terminal, gasoline bulk plant, and VOC transfer operation beginning service after January 1, 2017 would be required to comply within 60 days. Existing gasoline terminal, gasoline bulk plant, and VOC transfer operation previously exempt from the rule but no longer qualifying for that exemption after January 1, 2017 would be required to comply with the adopted rule no later than 60 days after the gasoline terminal, gasoline bulk plant, and VOC transfer operation no longer qualifies for the exemption.

In response to comments received on this rulemaking, the commission deletes the reference to the DFW area as written at proposal and instead lists the counties that comprise this area. Because the DFW area has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

The addition of subsection (g) is adopted because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demon-

stration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER C, VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 2, FILLING OF GASOLINE STORAGE VESSELS (STAGE I) FOR MOTOR VEHICLE FUEL DISPENSING FACILITIES

Section 115.229, Counties and Compliance Schedules

The adopted amendment adds subsection (e) to specify that the owner or operator of a gasoline dispensing facility (GDF) in Wise County is required to continue to comply with the requirements applicable to covered attainment counties, as defined in §115.10, until compliance with the requirements applicable to the DFW area is achieved. Compliance with the requirements applicable to the DFW area is required as soon as practicable, but no later than January 1, 2017. Proposed subsection (e) did not clearly address compliance requirements for Wise County as it transitions from a covered attainment county to a DFW area county; therefore, the adopted rule adds clarifying language. The January 1, 2017 compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT compliance deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

Adopted subsection (f) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each GDF will be required to continue to comply with the requirements in this division applicable to the covered attainment counties. The requirements in the DFW area will no longer apply to GDFs in Wise County. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. An owner or operator in Wise County will not be required to comply with any of the requirements applicable to the nine-county DFW area, but will continue to be subject to the same requirements applicable to Wise County while classified as a covered attainment county, defined in §115.10, as was required prior to this rulemaking.

The addition of subsection (f) is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality

Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

In other divisions of this rulemaking, the commission adopts adding a compliance schedule requiring owners and operators in the DFW area to comply with the applicable rules no later than 60 days after becoming subject. However, in §115.222, the control requirements for GDFs, a requirement currently exists mandating an owner or operator exceeding an exemption level based on throughput to comply with the applicable portions of the section within 120 days. This provision applies to new GDFs and GDFs that no longer qualify for exemption.

SUBCHAPTER C, VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 3, CONTROL OF VOLATILE ORGANIC COMPOUND LEAKS FROM TRANSPORT VESSELS

Section 115.239, Counties and Compliance Schedules

Adopted subsection (c) deletes the compliance requirements for the owner or operator of each gasoline tank-truck tank in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties to comply with the requirements in §115.234(b) and §115.235(b). The requirements in these sections no longer apply since these five counties are part of the DFW area and are no longer considered covered attainment counties.

The commission adopts subsection (d) to specify that the owner or operator of each non-gasoline VOC tank-truck tank in Wise County must comply with the applicable requirements as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264). Gasoline tank-truck tanks in Wise County are currently subject to the inspection requirements specified for covered attainment counties. The adopted rule requires owners or operators of gasoline tank-truck tanks to continue to comply with the requirements applicable in the covered attainment counties until compliance with the DFW area requirements in §115.234(a) and §115.235(a) is achieved.

Adopted subsection (e) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each tank-truck tank will not be required to comply with the requirements in §115.234(a) and §115.235(a) and will be required to continue to comply with the requirements in §115.234(b) and §115.235(b). The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. An owner or operator in Wise County will not be required to comply with any of the requirements applicable to the nine-county DFW area, but will continue to be subject to the same requirements applicable to Wise County while classified as a covered attainment county, as was required prior to this rulemaking. At proposal, the commission referenced "gasoline terminal, gasoline bulk plant, or volatile organic compound transfer operations" as the affected operations; however, "tank-truck tank" should be cited since this is the only source-type affected by this division. Adopted revisions to subsection (e) specify tank-truck tanks as affected by the compliance schedule.

The addition of subsection (e) is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

In other divisions of this rulemaking, the commission is adding a compliance schedule requiring owners and operators in the DFW area to comply with the applicable rules no later than 60 days after becoming subject. For this division, however, the commission determined it is not necessary to provide the owner or operator of the tank-truck tanks in the DFW area an additional 60 days to comply with the requirements of this division. The cost to conduct the Test Method 27 leak-tight test, required prior to loading or unloading VOC, is about \$250 per test and should take approximately two to five hours to complete. Because the leak-tight test can be done within one day at a reasonable cost, it is not necessary for an additional 60 days to conduct the leak-tight test.

SUBCHAPTER D, PETROLEUM REFINING, NATURAL GAS PROCESSING, AND PETROCHEMICAL PROCESSES

DIVISION 3, FUGITIVE EMISSION CONTROL IN PETROLEUM REFINING, NATURAL GAS/GASOLINE PROCESSING, AND PETROCHEMICAL PROCESSES IN OZONE NONATTAINMENT AREAS

Section 115.359, Counties and Compliance Schedules

The adopted rulemaking adds subsection (c) requiring compliance with the division for owners and operators in Wise County no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

Adopted subsection (d) also adds a requirement for the owners or operators of sources in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that become subject to the division to comply with the division within 60 days of becoming subject. Adopted subsection (d) is consistent with the compliance schedule format adopted in other Chapter 115 rules. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators to comply with the rule requirements. Owners and operators affected by adopted subsection (d) would include those that were not in operation by the applicable date of compliance as well as those that no longer qualify for exemption. In response to comments received on this rulemaking, the commission deletes the reference to the DFW area as written at proposal and instead lists the counties that comprise this area. Because the DFW area

has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (e) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each affected source will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 1, DEGREASING PROCESSES

Section 115.410, Applicability and Definitions

The commission adopts new §115.410 to clearly identify the degreasing processes affected by the requirements in this division and to specify the rule citations that contain the definitions related to degreasing processes covered by this division.

New subsection (a) establishes that the provisions in this division apply in the BPA, DFW, El Paso, and HGB areas as defined in §115.10 and in Bastrop, Bexar, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson Counties to cold solvent degreasing processes, open-top vapor degreasing processes, and conveyORIZED degreasing processes using VOC-containing solvent. Explicitly stating the applicability in the beginning of the division increases the usability and flow of the rule and provides owners and operators the information to determine whether their process is regulated under this division. Adopted new subsection (a) is not intended to alter the existing applicability for any area or county.

Adopted new subsection (a) indicates that the division only applies to degreasing processes using VOC-containing solvents. Although the division currently does not contain a statement of applicability, the division prescribes operating requirements and equipment specifications for reducing VOC emissions resulting from degreasing processes. Regulating degreasing processes using materials other than those containing VOC is not necessary since there would be no resulting VOC emitted.

The commission adopts new subsection (b) to state that unless specifically defined in the Texas Clean Air Act or in 30 TAC §§3.2, 101.1, or 115.10, the terms in this division have the meanings commonly used in the field of air pollution control. Currently,

there are no definitions located in the division and the absence of a definition section could imply that no applicable definitions exist. The majority of the terms that are unique to degreasing processes are located in §101.1. Since the definitions in §101.1 apply to more rules than just the rules in Chapter 115 and to avoid duplicative definitions the subsection (b) will simply reference §§3.2, 101.1, and 115.10.

Section 115.411, Exemptions

The commission adopts new §115.411 to list the exemptions that apply to the owner or operator of degreasing processes subject to this division. The exemptions were simply moved from §115.417 to §115.411 to improve usability, consistent with other divisions in the chapter and only minor, non-substantive revisions necessary to conform to *Texas Register* formatting guidelines are made to the existing language currently located in §115.417, which is currently being repealed.

Section 115.415, Testing Requirements

The adopted changes to paragraph (1)(B) specify that the test methods to which minor modifications can be made are in paragraph (1)(A). The adopted revisions in paragraph (1)(B) accommodate the addition of the testing option adopted in paragraph (1)(C) since subparagraph (B) does not apply to adopted paragraph (1)(C) and (D). The adopted testing requirements in paragraph (1)(C) and (D) apply to all areas currently affected by paragraph (1).

The adopted rulemaking adds paragraph (1)(C) to allow the owner or operator of cold solvent cleaning to rely on standard reference materials for the true vapor pressure of each VOC to demonstrate compliance with the vapor pressure control requirements in §115.412(1) in lieu of requiring the use of one of the approved ASTM International Test Methods listed in paragraph (1)(A). The commission expects that relying on this type of information is adequate to verify the vapor pressure of a degreasing solvent. Allowing owners and operators to choose this option reduces the compliance burden while maintaining the effectiveness of the rule.

Similarly, the adopted changes add paragraph (1)(D) allowing the owner or operator to use analytical data from the degreasing solvent supplier or manufacturer's material safety data sheet to demonstrate compliance with the vapor pressure control requirements in §115.412(1) instead of requiring the use of one of the approved ASTM Methods listed in paragraph (1)(A). The commission expects that relying on this type of information is adequate to verify the vapor pressure of a degreasing solvent. Allowing owners and operators to choose this option reduces the compliance burden while maintaining the effectiveness of the rule.

Section 115.416, Recordkeeping Requirements

The adopted rulemaking modifies paragraph (3) to replace the word "operation" with the word "process" because the regulations of this division reference degreasing processes, not degreasing operations. The rulemaking updates the exemption section reference from §115.417(5) to §115.411(5) reflecting the relocation of the existing exemptions to new §115.411. These changes are not intended to change the meaning or applicability of paragraph (3).

Adopted paragraph (4) requires degreasing processes in the DFW area to sufficiently demonstrate continuous compliance with the conditions listed in paragraph (4)(A) and (B). The existing recordkeeping requirements in §115.416 do not contain

provisions requiring owners and operators in the DFW area to maintain records demonstrating compliance with the vapor pressure testing in §115.415 or the exemptions in existing §115.417. Owners and operators could be expected to present records containing sufficient information or data to the appropriate authorities upon request. Under this division, similar records are required to be maintained for other degreasing processes and for other geographic locations subject to this rule. The adopted requirement is not intended to impose a burden on owners and operators and the commission anticipates the adopted record-keeping minimizes the impact to affected sources and ensures the state has adequate information to determine compliance with the rules. The records that are currently required to be kept under this section must be retained for at least two years, which is consistent throughout the Chapter 115, Subchapter E rules. Accordingly, the records in subparagraphs (A) and (B) are required to be maintained for two years. The adopted requirement only applies to the DFW area and not to any of the other areas listed in this rule.

Adopted paragraph (4)(A) imposes recordkeeping for degreasing processes in the DFW area sufficient to demonstrate compliance with the vapor pressure requirements specified in §115.415(1). The testing requirements contained in §115.415(1) prescribe the appropriate ASTM methods for owners and operators of cold solvent degreasing processes to conduct to determine the vapor pressure of degreasing solvents to then determine whether the conditions of §115.412(1) have been met.

Adopted paragraph (4)(B) imposes recordkeeping for degreasing processes in the DFW area sufficient to demonstrate compliance with the applicable exemptions in adopted new §115.411.

§115.417, Exemptions

The commission adopts the repeal of this section and relocates the existing exemptions to adopted new §115.411.

Section 115.419, Counties and Compliance Schedules

The commission adopts adding subsection (d) to specify that compliance with the division for owners and operators in Wise County is required no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The commission adopts adding subsection (e) requiring an owner or operator in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to the requirements of this division after the applicable compliance dates specified in subsections (a), (c), or (d) to comply with the requirements in the division no later than 60 days after becoming subject. Adopted subsection (e) is consistent with the compliance schedule format adopted in other Chapter 115 rules. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators to comply with the rule requirements. Owners and operators affected by adopted subsection (e) include those that were not in operation by the appropriate date of compliance as well as those that no longer qualify for exemption. In response to comments received on this rulemaking, the commission deletes the reference to the DFW area as written at proposal and instead lists the counties that comprise this area. Because the DFW area has been defined as a four-county area, a

nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (f) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each degreasing process is not required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 2, SURFACE COATING PROCESSES

For certain surface coating categories regulated under this division, the applicability will not be extended to Wise County for reasons explained in other portions of this Section by Section Discussion. Shipbuilding and ship repair coating, wood furniture coating, wood parts and products, vehicle refinishing (body shop), and mirror backing coating categories do not affect Wise County.

In some instances, the commission adds Wise County to the surface coating processes rule applicability in Subchapter E, Divisions 2 and 5 to mitigate the administrative burden for an owner or operator when determining whether a coating process is required to comply with the rule requirements.

As part of this rulemaking, many changes are adopted to update rule citations, including those for tables and equations, that have been renumbered as a result of the reorganization and consolidation of existing requirements adopted in §§115.420, 115.421, and 115.427. These updates are only for purposes of referencing the correct citations and are not intended to substantively change any existing requirements. Each occurrence is not explicitly discussed; only revisions to the content of the tables and equations are discussed.

Section 115.420, Surface Coating Definitions

The adopted rulemaking changes the section title from "Surface Coating Definitions" to "Applicability and Definitions" to reflect the incorporation of the applicability into this section. Currently, this division does not have a designated portion of the rule that clearly conveys the applicability. Establishing the applicability ensures that internal and external users are able to easily ac-

cess the information necessary to determine how each surface coating process is affected by the division.

The commission adopts reorganizational changes to this section to accommodate the inclusion of the applicability for the rules in this division. Adopted subsection (a) states that the owner or operator of a surface coating process in the BPA, DFW, El Paso, HGB areas and in Gregg, Nueces, and Victoria Counties, as specified in adopted §115.420(a)(1) - (16), is subject to this division in accordance with the compliance schedules listed in §115.429. The addition of the rule applicability in adopted subsection (a) is not intended to change the current applicability of these rules. Any changes to the applicability are separate actions and are discussed elsewhere in this Section by Section Discussion portion of the preamble; the particular changes described here are only to address content formatting.

Adopted subsection (a)(1) states that the requirements in this division apply to large appliance coatings in the BPA and El Paso areas and in Gregg, Nueces, and Victoria Counties. Large appliance coating in the DFW and HGB areas is covered under Subchapter E, Division 5.

Adopted subsection (a)(2) states that the requirements in this division apply to metal furniture coatings in the BPA and El Paso areas and in Gregg, Nueces, and Victoria Counties. Metal furniture coating in the DFW and HGB areas is covered under Subchapter E, Division 5. The commission adopts subsection (a)(3) to state that the requirements in this division apply to coil coating in the BPA, DFW, El Paso, and HGB areas and in Gregg, Nueces, and Victoria Counties.

Adopted subsection (a)(4) states that the requirements in this division apply to paper coating in the BPA, DFW, El Paso, and HGB areas and in Gregg, Nueces, and Victoria Counties. In the DFW and HGB areas, applicability is determined by the VOC emissions from each individual paper coating line. Adopted subparagraph (A) specifies that each paper coating line in the DFW and HGB areas that has the PTE less than 25 tpy of VOC is subject to this division. Adopted subparagraph (B) specifies that each paper coating line in the DFW and HGB areas that has the PTE equal to or greater than 25 tpy of VOC is subject to the requirements in Subchapter, E, Division 5.

Adopted subsection (a)(5) states that the requirements in this division apply to fabric coating in the BPA, DFW, El Paso, and HGB areas and in Gregg, Nueces, and Victoria Counties. Adopted subsection (a)(6) states that the requirements in this division apply to vinyl coating in the BPA, DFW, El Paso, HGB areas and in Gregg, Nueces, and Victoria Counties. Adopted subsection (a)(7) states that the requirements in this division apply to can coating in the BPA, DFW, El Paso, and HGB areas and in Gregg, Nueces, and Victoria Counties.

Adopted subsection (a)(8) states that the requirements in this division apply to automobile and light-duty truck coating in the BPA, El Paso, and HGB areas. Automobile and light-duty truck coating in the DFW area is covered under the rules in Subchapter E, Division 5.

Adopted subsection (a)(9) states that the requirements in this division apply to vehicle refinishing coating in the DFW area, except in Wise County, and in the El Paso and HGB areas. The vehicle refinishing coating rules currently do not apply in the BPA area or in Gregg, Nueces, and Victoria Counties. The commission is not expanding the applicability to include Wise County for this surface coating category because in the available data relied upon for this portion of the rulemaking, as described in the

Background and Summary of the Factual Basis for the Adopted Rules section of this preamble, there were no sources identified. RACT is required for vehicle refinishing, which is an ACT emission source category, by the FCAA for sources that have the PTE equal to or greater than 100 tpy of VOC.

Adopted subsection (a)(10) states that the requirements in this division apply to miscellaneous metal parts and products coating in the DFW area, except in Wise County, and the El Paso and HGB areas and in Gregg, Nueces, and Victoria Counties. The commission is also including that this division only applies to designated on-site maintenance shops for the DFW and HGB areas, as specified in the existing exemption in §115.427(a)(8), adopted as §115.427(8).

Adopted subsection (a)(11) states that the requirements in this division apply to factory surface coating of flat wood paneling in the BPA, DFW, and El Paso area, and the HGB area and in Gregg, Nueces, and Victoria Counties. The commission is including Wise County in the applicability for this CTG emission source category for administrative convenience purposes only. The commission's review of available data reveals no affected sources in Wise County or in any of the other nine counties in the DFW area. The commission continues to make a negative declaration for the flat wood paneling coating 2006 CTG (EPA-453/R-06-004) emission source category because no sources were identified in the DFW area that perform this type of coating process (see DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

Adopted subsection (a)(12) states that the requirements in this division apply to aerospace coating in the BPA, DFW, El Paso, and HGB areas and in Gregg, Nueces, and Victoria Counties. Adopted subsection (a)(13) states that the requirements in this division apply to mirror backing coatings in the BPA area, the DFW area, except in Wise County, and the El Paso and HGB areas. Mirror backing coating is not a CTG emission source category and in order to fulfill RACT requirements, the state is only obligated to implement RACT for major sources of mirror backing coating. No major sources performing mirror backing coating were identified in Wise County; therefore, the commission is providing a negative declaration for this emission source category (see DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

Adopted subsection (a)(14) states that the requirements in this division apply to wood parts and products coatings in the DFW, El Paso, and HGB areas. The commission is not including Wise County in the applicability for this coating category since this rule was adopted for Rate of Progress SIP purposes. Wood parts and products is not a CTG emission source category and in order to fulfill RACT requirements, the state is only obligated to implement RACT for major sources of wood parts and products coating. No major sources performing wood parts and products coating were identified in Wise County; therefore, the commission is providing a negative declaration for this emission source category (see DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

Adopted subsection (a)(15) states that the requirements in this division apply to wood furniture manufacturing coatings in the DFW area, except in Wise County, and the El Paso and HGB areas. The commission is providing a negative declaration for the wood furniture manufacturing coating CTG emission source category because the threshold is 25 tpy of VOC emissions. There were no affected sources identified in Wise County that perform this type of coating process (see DFW 2008 Eight-Hour Ozone

Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

Adopted subsection (a)(16) states that the requirements in this division apply to marine coatings in the BPA and HGB areas. The commission continues to make a negative declaration for this emission source category because there were no affected sources identified in the DFW area that perform this type of coating process (see DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

To accommodate the adopted applicability in subsection (a), the commission is re-lettering existing subsections (a) and (b) as subsections (b) and (c), respectively. The commission is deleting the "Vehicle coating" catchline in existing subsection (b)(12), renumber subsection (b)(12)(A) as subsection (c)(12), and re-letter subsection (b)(12)(A)(i) and (ii) as subsection (c)(12)(A) and (B), respectively. Adopted paragraph (12) contains the definitions for automobile and light-duty truck manufacturing coating. Similarly, existing subsection (b)(12)(B) is adopted as subsection (c)(13), and subsection (b)(12)(B)(i) - (ix) is adopted as subsection (c)(13)(A) - (I), respectively. Adopted subsection (c)(13) contains the definitions for vehicle refinishing (body shops). These are two different coating categories with separate requirements in the division and do not share any of the same specialty definitions within existing subsection (b)(12). The adopted changes allow users to more easily navigate through the definitions and more appropriately mirrors the formatting scheme of the other coating categories in this section and in the Subchapter E, Division 5 surface coating definitions section.

Existing subsection (b)(13) is being adopted as subsection (c)(14). Existing paragraph (13) defines vinyl coating. This change is necessary as a result of the renumbering of other definitions in this section.

The commission adopts the deletion of the "Wood parts and products coating" catchline in existing subsection (b)(14). Existing subsection (b)(14)(A) is adopted as subsection (c)(15), and existing clauses (i) - (xi) are adopted as subparagraphs (A) - (K). Adopted subsection (c)(15) contains the definitions for wood parts and products coating facilities that are subject to adopted §115.421(14). Similarly, existing subsection (b)(14)(B) is adopted as subsection (c)(16), and existing clauses (i) - (xix) are adopted as subparagraphs (A) - (S). Adopted subsection (c)(16) contains definitions for wood furniture manufacturing facilities subject to adopted §115.421(15). These are two different coating categories with separate requirements in the division that do not share any of the same specialty definitions within existing subsection (b)(14). The adopted changes allow users to more easily navigate through the definitions and more appropriately mirror the formatting scheme of the other coating categories in this section and in the Subchapter E, Division 5 surface coating definition section.

The commission adopts changing subsection (c)(1)(EEEE) to state "Volatile organic compound" instead of "VOC." Per *Texas Register* guidelines, each definition should acronym a phrase only when the phrase has already been defined within that definition. The existing definition in paragraph (1)(EEEE) does not previously define VOC; therefore, the commission adopts this change.

Section 115.421, Emission Specifications

The commission adopts removing the existing subsection (a) designation to accommodate the deletion of existing subsec-

tion (b) and to conform to *Texas Register* formatting guidelines. Adopted changes to subsection (a) remove reference to the areas affected by this section and state that the owner or operator of the surface coating processes specified in §115.420(a) shall not cause, suffer, allow, or permit VOC emissions to exceed the emission limits in paragraphs (1) - (16), which are existing paragraphs (1) - (15). The citations in existing subsection (a) are also updated to correspond to the adopted numbering scheme. Finally, the commission adopts correcting the definition citation from §115.420(b)(1)(XX) to §115.420(c)(1)(YY). The current citation erroneously references "Mold release" instead of "Monthly weighted average."

The adopted rulemaking renumbers the existing paragraphs in subsection (a) to accommodate the consolidation of subsections (a) and (b). Since the requirements for the surface coating categories regulated in subsection (b) are identical to those in subsection (a), the commission deletes subsection (b) and to include Gregg, Nueces, and Victoria Counties in the rules of subsection (a).

The commission modifies existing paragraph (7) to correctly describe the units of the VOC emission limits as solvent content per unit of volume instead of solvent content per gallon of coating. Because the existing table lists the emission limits in both pounds of VOC per gallon and kilogram of VOC per liter, the adopted revisions specify that the basis of the VOC emission limits in this paragraph is solvent "VOC" content per "unit volume."

Another change made to this section in each instance it occurs without explicit discussion is the deletion of the geographic locations that are specifically listed in a paragraph to indicate that the applicability for a certain surface coating process is different than for the other processes regulated in the section. This modification is adopted for existing paragraphs (13) - (15), which are adopted as paragraphs (14) - (16), respectively, as a result of the adopted addition of the comprehensive rule applicability for each surface coating category as §115.420(a). The inclusion of areas affected in individual paragraphs is no longer necessary.

Existing subsection (a)(9) - (11) is adopted as paragraphs (8) - (10), respectively. The commission adopts deleting the content of existing paragraph (8), dividing the two surface coating categories comprising existing paragraph (8), and renumbering as paragraphs (11) and (12) for automobile and light-duty truck surface coating and vehicle refinishing surface coating (body shops), respectively. Existing subsection (a)(12) - (15) is adopted as paragraphs (13) - (16), respectively. In addition, the existing tables containing the VOC emission limits for the paragraphs that are being renumbered in this rulemaking are also being renumbered accordingly. The renumbering of the paragraphs in this section allows all of the coating categories affecting Gregg, Nueces, and Victoria Counties to be in uninterrupted numerical order since these three counties are not subject to all of the surface coating category rules the El Paso, BPA, DFW, and HGB areas are subject to.

The current rule structure combines automobile and light-duty truck surface coating and vehicle refinishing surface coating in paragraph (8). However, the rulemaking separates these two vehicle surface coating processes because each of the other surface coating processes in the division are regulated in individual paragraphs and because there are no common rule requirements between the two. The adopted applicability in §115.420(a) also reserves separate paragraphs for the two processes. The automobile and light-duty truck surface coating is adopted as

paragraph (11) and vehicle refinishing is adopted as paragraph (12). The requirements in each of the paragraphs are not being amended.

Amendments to existing paragraph (9)(A), renumbered as paragraph (8)(A), creates a table to display the VOC emission limits for miscellaneous metal parts and products coating. The adopted revisions delete the clauses in existing subparagraph (A), which list the emission limits in tabular format. The adopted table improves readability of the rule by presenting the data more clearly and concisely. The table contains the same coating types and VOC limits, in both pound per gallon (lb/gal) and kilogram per liter (kg/liter), as in existing subparagraph (A).

Adopted paragraph (11) incorporates the emission specifications for automobile and light-duty truck manufacturing coating from existing paragraph (8)(A). The existing paragraph (11) is adopted as paragraph (10). No changes are adopted to the content of the paragraph. As discussed elsewhere in this Section by Section, this change is part of the reorganization of this division and lists all surface coating categories affecting Gregg, Nueces, and Victoria Counties, which comprise existing subsection (b), in uninterrupted numerical order.

Adopted paragraph (12) incorporates the emission specifications for vehicle refinishing coating (body shops) from existing paragraph (8)(B). The existing paragraph (12) is adopted as paragraph (13). The adopted rule will add a table displaying the coating VOC emission limits. The adopted table improves readability of the rule by presenting the data more clearly and concisely. No other substantive changes are made to the content of the paragraph. As discussed elsewhere in this Section by Section Discussion portion of the preamble, this change is part of the reorganization of this division.

The adopted amendment to existing paragraph (13), renumbered as paragraph (14), creates a table to display the VOC emission limits for the surface coating of wood parts and products. The adopted revisions delete the clauses in existing subparagraph (A), which list the emission limits in tabular format. The adopted table improves readability of the rule by presenting the data more clearly and concisely. The table contains the same coating types and VOC limits, in both lb/gal and kg/liter, as in existing subparagraph (A). While not in response to comments, the commission adopts the addition of "of VOC" to the column header providing the VOC limits in kilograms. This clarification is made to properly conform to *Texas Register* formatting guidelines.

The commission also adopts to move the contents of existing paragraph (13)(B) to paragraph (14), delete the contents of existing paragraph (13)(C), and eliminate paragraph (13)(B) and (C). The relocation of the contents in subparagraph (B) conforms to *Texas Register* formatting since both subparagraphs (A) and (C) are being adopted for deletion.

The adopted deletion of existing paragraph (13)(C) eliminates the compliance option that states the alternate control requirements in §115.423(3) do not apply if a vapor control system is used to control emissions from wood parts and products coating operations in addition to all wood parts and products coatings complying with the emission limits in existing subparagraph (A). Providing this option is not necessary since an owner or operator meeting the requirements in clause (ii) already satisfies compliance with the rule and thus does not need to comply with §115.423(3).

The commission amends existing subsection (a)(15)(B)(ii), being adopted as paragraph (16)(B)(ii), to include the description of the variable V_s in this equation, which is the volume fraction of solids in the batch in liter of solids per liter of coating, within the figure itself.

The commission adopts deleting the entire subsection (b) and integrating the requirements for Gregg, Nueces, and Victoria Counties with the requirements for the BPA, DFW, El Paso, and HGB areas. Since the surface coating requirements in subsection (b) are applicable to just Gregg, Nueces, and Victoria Counties, the commission is deleting subsection (b) and including Gregg, Nueces, and Victoria Counties in the subsection (a) rules.

Section 115.422, Control Requirements

The adopted revisions state that the owner or operator of a surface coating process in Gregg, Nueces, and Victoria Counties shall comply with the requirements in paragraph (5). The requirements in paragraph (5) apply to aerospace coating processes. The existing rule does not prescribe any requirements for Gregg, Nueces, and Victoria Counties in this section; however, the existing emission specifications in §115.421(b) refers owners and operators to this section to comply with the control requirements in paragraph (5). Since the existing emissions specifications in §115.421(b) are being deleted along with the reference to paragraph (5), the commission indicates at the beginning of the section that the requirements of paragraph (5) apply to affected owners and operators in Gregg, Nueces, and Victoria Counties.

Although this section is being adopted to include Gregg, Nueces, and Victoria Counties, paragraph (6) only continues to apply to the BPA, DFW, El Paso, and HGB areas. The emission specification citations are updated from §115.421(a) to §115.421 and the exemption citations are updated from §115.427(a) to §115.427.

Similarly, changes to paragraph (6)(A) update the rule citations to correctly match the rule being referenced, which are renumbered due to the reorganization of that section. The emission specification citations are updated from §115.421(a) to §115.421 and the exemption citations are updated from §115.427(a) to §115.427.

Adopted changes to paragraph (7) eliminate the March 1, 2013 compliance date for paper surface coating lines in the DFW and HGB areas that are subject to this division. This compliance date has already passed and is now obsolete.

Section 115.423, Alternate Control Requirements

The commission adopts revising the equation in paragraph (3)(A) to correct the coating content units for variable VOC_a , the VOC content of the coatings used on the coating line expressed on a pounds of VOC per gallon of solids basis. In the existing rule, the variable is defined as pounds of VOC per gallon of coating, but in order for the required overall control efficiency, represented as variable E, to be correctly calculated, VOC_a needs to be defined as pound of VOC per gallon of solids basis. This rule change is not anticipated to impact any current users of this option since the commission expects that an owner or operator choosing this equation is already calculating on a solids basis to yield the correct value.

Section 115.425, Testing Requirements

In addition to updating cross-references based on the renumbering in §115.421, the commission adopts various non-substan-

tive formatting and stylistic changes to §115.425 consistent with commission and *Texas Register* guidelines.

Section 115.426, Monitoring and Recordkeeping Requirements

In addition to updating cross-references based on the adopted renumbering in §115.421, the commission adopts various non-substantive formatting and stylistic changes to §115.425 consistent with commission and *Texas Register* guidelines.

The adopted changes to paragraph (1)(C) and (D) update the existing language to accommodate the formatting changes adopted for the entire paragraph. Changes to paragraph (1)(D) also clarify that the local air pollution control agency has jurisdiction to request records maintained by affected owners and operators. The minor change to paragraph (2)(C) adds language to ensure any local air pollution control agency has jurisdiction when requesting records. At proposal, a bracket was inserted indicating "be maintained" should be deleted from the paragraph (1)(C); however, this bracket was erroneously inserted. Paragraph (1)(C) is adopted without this bracket and correctly requires that a material data sheet be maintained that documents the criteria specified in this provision. In addition, paragraph (1)(D) was erroneously revised at proposal and has been changed to reflect the existing intent of the requirement. Specifically, "shall" is updated in two instances to "must" and the portion of the requirement indicating the records must be made available upon request by the listed officials is restored. These changes are meant to retain this requirement as it currently exists in the Chapter 115 rules.

Section 115.427, Exemptions

The commission adopts the consolidation of the exemptions for all of the areas affected by this section. As a result, the contents of this section are significantly reorganized, improving the readability. The commission is adding language to indicate the areas affected for each exemption which does not apply in all areas so that owners and operators are able to easily navigate through the exemptions. The changes in this section are not intended to alter the processes or activities for which an exemption is provided.

Revisions to paragraph (1) specify that miscellaneous metal parts and products surface coating emission specifications in adopted revised §115.421(8) is the emission source category being referred to, instead of only citing the rule reference.

Adopted changes to paragraph (1)(B) and (C) delete reference to the vehicle refinishing and ships and offshore oil or gas drilling platforms emission specifications. These subparagraphs currently state that these two coating processes are exempt from the miscellaneous metal parts and products surface coating emission specifications except as required by §115.421(a)(8)(B) and (C) and (15). However, these references are not necessary since the emission specifications for these two rule categories do not state any instances in which the miscellaneous metal parts and products emission specifications apply. The changes to this exemption result in an exemption worded similarly to existing subsection (b)(2) for Gregg, Nueces, and Victoria Counties.

Also, in paragraph (1)(B) and (C), the areas for which the exemption applies are listed because the two coating categories in subparagraphs (B) and (C) do not apply in the other areas listed for regulation in this section. Adopted changes renumber existing paragraphs (7) and (8) as paragraphs (8) and (9), respectively. Adopted paragraph (7) exempts surface coating op-

erations located at any property in Gregg, Nueces, and Victoria Counties that when uncontrolled, will emit a combined weight of VOC less than 550 pounds in any continuous 24-hour period from §115.421. Excluded from this calculation are coatings and solvents used in surface coating activities that are not addressed by the surface coating categories of §115.421(1) - (10), which are the categories that apply in these three counties. For example, architectural coatings (i.e., coatings that 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. This exemption is identical to the exemption in existing subsection (b)(1) and is only being relocated as a result of the consolidation of existing subsections (a) and (b).

The commission revises the exemption in existing paragraph (7), adopted as paragraph (8), to delete the date that this paragraph began to apply since the date has already passed and the exemption now applies.

Existing paragraph (8) is being renumbered as paragraph (9) and exempts miscellaneous metal parts and product coating processes in Wise County from this division. This exemption was adopted during the 2011 rulemaking (Rule Project No. 2010-016-115-EN) to no longer require designated on-site maintenance shops to comply with the miscellaneous metal parts and products rule requirements that were not already subject to the requirements. However, because Wise County has not previously been included in the applicability for the miscellaneous metal parts and products rule in Division 2, the commission is only requiring affected owners and operators that meet the applicability in the Division 5 rule to comply with the Division 5 rule. No part of the Division 2 miscellaneous metal and plastic parts coating rule will apply in Wise County.

Existing exemptions in subsection (b) are being relocated into adopted designated subsection (a). The contents of existing paragraph (1) will become paragraph (7). Existing paragraphs (2) and (3) will be incorporated into adopted paragraphs (1) and (2). The exemptions for Gregg, Nueces, and Victoria Counties are not intended to be altered. Finally, existing paragraph (4) is identical to the exemption provided in adopted paragraph (6).

Section 115.429, Counties and Compliance Schedules

Adopted revisions to subsection (a) add Ellis, Johnson, Kaufman, Parker, and Rockwall to the list of counties for which the compliance date has already passed. Because Ellis, Johnson, Kaufman, Parker, and Rockwall Counties are included in subsection (a), the commission is deleting subsection (b). Accordingly, existing subsections (c) and (d) are re-lettered as subsections (b) and (c), respectively. Additionally, adopted subsection (c) excludes Wise County since this compliance date is already passed.

The commission adds subsections (d) and (e). Adopted subsection (d) specifies that compliance with the division for owners and operators in Wise County is required no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The commission adopts subsection (e) to require an owner or operator in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to the requirements of this division after the applicable compliance

dates to comply with the requirements in the division no later than 60 days after becoming subject. Adopted subsection (e) is consistent with the compliance schedule format adopted in other Chapter 115 rules. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators to comply with the rule requirements. Owners and operators affected by adopted subsection (e) include those that were not in operation by the appropriate date of compliance as well as those that no longer qualify for exemption.

In response to comments received on this rulemaking, the commission deletes the reference to the DFW area in subsection (e) as written at proposal and instead lists the counties that comprise this area. Because the DFW area has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (f) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each surface coating process will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 4, OFFSET LITHOGRAPHIC PRINTING

The exemption level in the current rule impacts sources that emit less than the reporting level required by the agency, making a negative declaration not possible; however, the commission did not identify sources in Wise County that would be directly affected by the requirements. Additional information is provided in other portions of this preamble.

Section 115.440, Applicability and Definitions

The commission revises the definition of "Major printing source" in subsection (b)(8)(A) to incorporate the major source emissions threshold for offset lithographic printers in Wise County. The major source definition for Wise County is different than the major source definition for the other nine DFW counties. Specifically, the commission excludes Wise County from the DFW area in subsection (b)(8)(A) and revises paragraph (8)(C) to define a major printing source in Wise County as all offset lithographic printing lines located on a property with combined uncontrolled emissions of VOC greater than or equal to 100 tons of VOC per

calendar year. The commission adopts the replacement of "and" with "or" in paragraph (8)(B) to indicate that an offset lithographic printer does not have to meet all three provisions in paragraph (8)(A) - (C), but rather only meet one to trigger applicability to the rule. This change is made to clarify the commission's intended applicability of this paragraph.

The commission also revises the definition of "Minor printing source" in subsection (b)(9)(A) to incorporate the minor source emissions threshold for offset lithographic printers in Wise County because the minor source definition for Wise County is different than the minor source definition for the other nine DFW counties. Specifically, the commission excludes Wise County from the DFW area in subsection (b)(9)(A) and revises paragraph (9)(C) to define a minor printing source in Wise County as all offset lithographic printing lines located on a property with combined uncontrolled emissions of VOC less than 100 tons of VOC per calendar year. The commission adopts the replacement of "and" with "or" in paragraph (9)(B) to indicate that an offset lithographic printer does not have to meet all three provisions in paragraph (9)(A) - (C), but rather only meet one to trigger applicability to the rule. This change is made to clarify the commission's intended applicability of this paragraph.

Section 115.441, Exemptions

The exemptions that currently apply to minor printing sources, as defined in §115.440, apply to both minor and major printing sources in Wise County. These exemptions were adopted during a previous rulemaking (Rule No. 2008-019-115-EN) only for minor printing sources in the DFW and HGB areas because major printing sources in the DFW and HGB areas were already required to be in compliance with the rules which exemptions were being provided for, prior to that rulemaking.

Adopted revisions to subsection (b) specify that the owner or operator of a major printing source or minor printing source in Wise County qualifies for the listed exemptions. Major printing sources are defined in §115.440 as all offset lithographic printing lines located on a property with combined uncontrolled emissions of VOC greater than or equal to 100 tpy of VOC per calendar year in Wise County. This subsection does not alter the applicability of exemption for printing sources in the other nine DFW counties or in the HGB area.

The exemption in subsection (b)(1) is deleted since this exemption has expired. Accordingly, existing subsection (b)(2) - (4) is re-lettered as subsection (b)(1) - (3), respectively. No changes are made to the contents of these exemptions.

The adopted rulemaking deletes the existing contents in subsection (c), which exempts offset lithographic printers in the DFW and HGB areas from §115.442(a) and §115.446(a) beginning March 1, 2011. The printers that were once covered by this exemption are no longer affected by the requirements in §115.442(a) and §115.446(a), rendering this exemption obsolete with the passing of the March 1, 2011 date. As part of this rulemaking, the commission is concurrently removing reference to the DFW and HGB areas in subsections §115.442(a) and §115.446(a).

Section 115.442, Control Requirements

The commission adopts revising subsection (a) to delete the DFW and HGB areas from the rule applicability of this subsection and to delete the language that indicates beginning March 1, 2011 this subsection no longer applies in these two areas. This language was adopted as part of a previous rulemaking to en-

sure printers in the DFW and HGB areas were only subject to one set of control requirements. This language is now obsolete; beginning March 1, 2011, this subsection ceased to apply in the DFW and HGB areas and subsections (b) and (c) began to apply.

Adopted revisions to subsection (b) delete reference to the specific compliance dates in existing §115.449(e) and (g) and instead reference §115.449, the "Counties and Compliance Schedules" section. The compliance date in §115.449(e) has already passed and the compliance date in §115.449(g) indicates when affected printers which become subject to the requirements after any of the stated compliance dates must comply with the rules. Generally referencing §115.449 sufficiently directs owners and operators to the correct section to determine the appropriate compliance date for their process.

Adopted revisions to subsection (c) delete reference to the specific compliance dates in §115.449(f) and (g) and instead reference §115.449, the "Counties and Compliance Schedules" section. The compliance date in §115.449(f) has already passed and the compliance date in §115.449(g) indicates when affected printers that become subject to the requirements after their compliance date must comply with the rules. Generally referencing §115.449 sufficiently directs owners and operators to the correct section to determine the appropriate compliance date for their process.

Section 115.446, Monitoring and Recordkeeping Requirements

Adopted revisions to subsection (a) remove the DFW and HGB areas from the rule applicability and delete the language that indicates beginning March 1, 2011 this subsection no longer applies in these two areas. This language was adopted as part of a previous rulemaking to make clear that printers in the DFW and HGB areas were only subject to one set of monitoring and recordkeeping requirements. This language is now obsolete; beginning March 1, 2011, this subsection ceased to apply in the DFW and HGB areas and subsection (b) began to apply. Adopted revisions to subsection (b) delete reference to the specific compliance dates in existing §115.449(e) - (g) and instead reference §115.449, the "Counties and Compliance Schedules" section. The compliance dates in §115.449(e) and (f) have already passed and the compliance date in §115.449(g) indicates when affected printers which become subject to the requirements after any of the stated compliance dates must comply with the rules. Generally referencing §115.449 sufficiently directs owners and operators to the correct section to determine the appropriate compliance date for their process.

Section 115.449, Compliance Schedules

Adopted modifications to subsection (a) replace El Paso County with El Paso area since this is the term used throughout the rule and is the defined term in §115.10. This change is meant to make the terminology consistent throughout the rules in Chapter 115 and is not intended to substantively alter the applicability for El Paso since the El Paso area is comprised of El Paso County.

In response to comments received on this rulemaking, the commission deletes the reference to the DFW and HGB areas as written at proposal in subsections (e) and (f) and instead lists the counties that comprise these areas. The affected counties are Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties. Because this rulemaking addresses RACT in the DFW area, this change is made in response to a comment that warranted clarification

of the DFW area definition. However, the commission made similar clarification of the HGB area to clearly indicate which counties in both the DFW and HGB areas are intended as used in this instance. This change is made to clarify the commission's intended applicability of this subsection. Adopted revisions to subsections (e) and (f) exclude Wise County because, although Wise County is now part of the DFW area, sources in Wise County affected by this current rulemaking were not required to be in compliance by March 1, 2011, as stated in these two subsections. The March 1, 2011 compliance date applied to revisions affecting the nine DFW counties comprising the 1997 eight-hour ozone nonattainment area as part of a previous rulemaking.

The commission adopts subsection (g) to establish the compliance schedule for offset lithographic printers in Wise County. Beginning January 1, 2017, all affected offset lithographic printers, both minor and major printing sources, are required to be in compliance with the appropriate RACT requirements. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The commission adopts re-lettering subsection (g) as subsection (h). The commission adopts adding Wise County into subsection (h), which indicates that an owner or operator in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, Waller, and Wise Counties that becomes subject to the requirements of this division on or after the either of the appropriate compliance dates in subsection (e) or (f) has 60 days to comply. This requirement currently applies to the HGB and DFW counties, but is new for Wise County. This compliance schedule approach is consistent with the requirements of the existing rule.

In response to comments received on this rulemaking, the commission deletes the reference to the DFW and HGB areas as written at proposal in subsection (h) and instead lists the counties that comprise these areas. The affected counties are Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties. Because the DFW area has been defined as a four-county area, a nine-county area, and now a 10-county area, the commission makes this change to clearly indicate which counties in the DFW area are intended to be covered in this instance. This change is made to clarify the commission's intended applicability of this subsection.

Adopted subsection (i) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each offset lithographic printing line will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer des-

igned nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 5, CONTROL REQUIREMENTS FOR SURFACE COATING PROCESSES

The adopted rulemaking expands the applicability of all surface coating categories covered by the Division 5 rules to include Wise County. The commission did not identify any paper, film, and foil coating lines meeting the applicability threshold or any large appliance coating sources in the available data relied upon for this portion of the rulemaking, as described in the Background and Summary of the Factual Basis for the Adopted Rules section of this preamble. Although no sources were identified, these rules apply in Wise County for administrative convenience, the same approach implemented in the surface coating rules in Subchapter E, Division 2.

Because this division applies in the DFW and HGB areas, some of the changes could affect both of these areas. Many changes to the Subchapter E, Division 2 rules reorganize and consolidate existing requirements. As a result of these changes, the commission updates the citations in this division that reference the Division 2 rules. The updates in these instances are only for purposes of referencing the correct citations and are not intended to substantively change any existing requirements. Each occurrence is not explicitly discussed.

Section 115.450, Applicability and Definitions

The adopted change to subsection (a)(3) adds the word "surface" to the miscellaneous plastic parts and products coating applicability for consistency with the use of terminology throughout this division. This change is not intended to substantively change the applicability of this paragraph.

The commission adopts changes to subsection (a)(4) to clarify that motor vehicle materials applied to miscellaneous metal and plastic parts specified in subsection (a)(3) applied at the original equipment manufacturer, off-site job shops that coat new parts and products, and that re-coat used parts and products are all subject to the requirements in this division. The existing applicability, adopted during the December 2011 RACT rulemaking (2010-016-115-EN), includes coatings applied at the original equipment manufacturer and at off-site job shops that coat new parts and products. The Section by Section Discussion section for December 2011 rulemaking describes the applicability for motor vehicle materials as the changes are described in this Section by Section Discussion section of this preamble; however, off-site job shops that re-coat used parts and products were excluded from the 2011 adopted rule, implying these processes are not covered. To ensure RACT is implemented for the motor vehicle material portion of the miscellaneous metal parts and products coating CTG category, the commission clarifies the intended applicability by adding the re-coating of used parts and products into paragraph (4) as a regulated process coating in this division.

Adopted changes to the equation in subsection (b)(12) correctly subscript the variables. There are no substantive changes being made to this equation.

The commission adopts subsection (c)(2)(B) to add a definition for "Automotive/transportation plastic parts." For purposes of this division, an automotive/transportation plastic part is defined as the interior and exterior plastic components of automobiles, trucks, tractors, lawnmowers, and other mobile equipment. The commission adopted rules for this category in the December 2011 rulemaking (2010-016-115-EN) and relied largely on the recommendations in the EPA's 2008 Miscellaneous Metal and Plastic Parts CTG to establish the definitions for automotive/transportation plastic parts in these Division 5 rules, except where discussed in the Section by Section Discussion portion of that rulemaking. To develop the recommendations contained in the 2008 CTG, the EPA relied, at least partially, on its initial guidance document, *Alternative Control Techniques Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts* (EPA-453/R-94-017). The recommended definitions in the EPA's 2008 CTG do not include a specific definition of automotive/transportation plastic parts, but the initial guidance document, *Alternative Control Techniques Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts* (EPA-453/R-94-017), provides a description of the automotive/transportation sector intended to be covered in the document. Therefore, the commission uses the description provided in the initial document as the definition in this rule for automotive/transportation plastic parts. During the December 2011 rulemaking, the commission similarly incorporated EPA descriptions of specific solvent-using processes into the respective rules in order to clearly indicate what types of parts or operations are intended to be covered.

As a result of the definition adopted in subsection (c)(2)(B), the commission adopts re-lettering existing subparagraphs (B) - (O) as subparagraphs (C) - (P), respectively. No other changes are adopted to the contents of the definitions in these subparagraphs.

The commission amends subsection (c)(6)(A) to improve the readability of this definition by removing commas and inserting "and is." This change provides consistency with the other definitions in this paragraph and is not intended to alter the meaning of this definition.

The commission adopts the references to the automobile and light-duty truck manufacturing coating processes throughout the subparagraphs in subsection (c)(6) since this is the defined term. The existing subparagraphs cite automobile and light-duty truck assembly coating processes. The commission also amends subsection (c)(6)(B) - (E), (G), and (H) to improve the readability of these definitions by inserting the word "is." This change provides consistency among all of the defined terms for the motor vehicle materials emission source category.

Section 115.451, Exemptions

The commission amends the rule citations referencing the surface coating categories in subsection (a). With the reorganization of the emission specifications in §115.421, the citations need to be changed to correspond to the correct surface coating paragraphs intended to be included in the calculation described in this subsection. The emission source category paragraphs that are included are §115.421(3) - (7), (9), (10), and (13) - (16). The paper coating category in §115.421(a)(4), being adopted as §115.421(4) as part of this rulemaking, is currently not included

in this exemption because it was inadvertently left out during the last rule revisions (Rule Project No. 2013-016-115-EN). However, some sources could still be subject to the paper coating requirements in Subchapter E, Division 2, while subject to Division 5 for another coating process, and therefore should be listed as an affected category. This change makes this exemption consistent with the Division 2 exemption, from which it was derived. The last minor revision to subsection (a) is to correct a comma that was erroneously adopted within the parentheses and should be located after the end parenthesis.

The commission incorporates automotive/transportation and business machine plastic parts surface coating VOC limits in §115.453(a)(1)(E) and pleasure craft surface coating surface coating VOC limits in §115.453(a)(1)(F) into the exemption in subsection (b), which currently only exempts §115.453(a)(1)(C) and (D). Adopted subsection (b) exempts the surface coating processes listed in subsection (b)(1) - (4) from all of the miscellaneous metal and plastic parts coating processes, including automotive/transportation and business machine plastic parts and pleasure craft coating. This exemption clarifies that any surface coating process regulated under another coating category in Chapter 115, which are those listed in the paragraphs of this subsection, will not be regulated under the automotive/transportation and business machine plastic parts and pleasure craft surface coating processes rules. This subsection was adopted during the December 2011 VOC RACT rulemaking (2010-016-115-EN) and the intent of this exemption is to ensure that a surface coating process is subject to only one set of control requirements.

Adopted revisions to subsection (b)(4) update the surface coating rule references to the surface coating processes specified in §115.420(a)(1) - (9) and (11) - (16). The commission is adopting to reference the applicability in §115.420(a) more appropriately pointing to the type of the process regulated as opposed to the definitions as in existing paragraph (4). The adopted minor change to subsection (j)(5) makes the coating plural instead of singular for consistency with the other surface coatings listed in the subsection.

The commission adopts revisions to subsection (k) to exempt ultraviolet (UV) curable coatings applied to metal and plastic parts surface coating processes from the requirements in the division, except for the applicable recordkeeping requirements in §115.458(b)(5). This subsection currently exempts powder coatings, which includes UV curable powder coatings, but not UV curable liquid coatings even though these coatings produce inherently low VOC emissions. The existing exemption for powder coatings was derived from discussion regarding the negligible emissions in the EPA's Miscellaneous Metal and Plastic Parts Coating CTG.

In addition, the commission adopts the revisions that refer to the rule citations for metal and plastic parts to avoid confusion as to which substrates are covered under this exemption. The December 2011 rulemaking explicitly lists the surface coating categories in §115.453(a)(1)(C) - (F) and (2) as affected by this exemption for powder coatings, and to ensure this is clearly conveyed, the commission is incorporating §115.453(a)(1)(C) - (F) and (2) in the exemption.

Adopted subsection (p) exempts adhesives applied to miscellaneous metal and plastic parts listed in §115.453(a)(3) and (4) that meet a specific adhesive or adhesive primer application process definition in §115.470, which are regulated in Table 2 of §115.473(a) are not subject to the requirements in this

division. To avoid potential confusion regarding applicability of requirements for adhesives between this division and Subchapter E, Division 7, this exemption clarifies that manufacturers of miscellaneous metal and plastic parts applying any of the specialty adhesives listed in Table 2 of §115.473(a), the VOC limits in Division 7 are subject to the requirements in Division 7 for those adhesives, rather than the requirements of Division 5. An adhesive meeting the contact adhesive definition does not include in this exemption since these are more general adhesives intended to be regulated under the appropriate miscellaneous metal and plastic parts coating category. This exemption makes clear the commission's intent regarding the applicability of the two divisions and continues to satisfy RACT for both the miscellaneous metal and plastic parts coating category and the miscellaneous industrial adhesives category.

Section 115.453, Control Requirements

The commission adopts the amendment to subsection (c)(8) by stating that one of the criteria must be met but not both, in order to comply with the surface coating application system requirement of this rule. Paragraph (8) allows an owner or operator to use a coating application system that is not explicitly listed in subsection (c)(1) - (7). The owner or operator may comply by either demonstrating that the coating application system achieves a transfer efficiency equivalent to high volume low pressure spray systems or that the coating application system achieves a transfer efficiency of 65%.

Section 115.459, Compliance Schedules

The adopted compliance schedule in subsection (a) pertains to Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties, but not to Wise County. In response to comments received on this rulemaking, the commission deletes the existing reference to the DFW and HGB areas, as proposed, and instead lists the counties that comprise these two areas. Because this rulemaking addresses RACT in the DFW area, this change is made in response to a comment that warranted clarification of the DFW area definition. However, the commission made the same clarification of the HGB area and makes this change to clearly indicate which counties in both the DFW and HGB areas are intended to be covered in this instance.

In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not in response to comments, the commission adopts the insertion of the "VOC" acronym after the first time it is defined and replacing "volatile organic compounds" in subsequent uses in the figure with "VOC." This clarification is necessary to conform to *Texas Register* formatting guidelines.

Existing subsection (b) is being re-lettered as subsection (c) to accommodate the compliance schedule adopted as subsection (b) for affected owners and operators in Wise County. The commission adopts subsection (b) specifying that compliance with the division for owners and operators in Wise County is required no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set

in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The commission adopts modifications to existing subsection (c) to include Wise County in the requirement specifying that an owner or operator that becomes subject to the requirements of this division after the applicable compliance dates are required to comply with the requirements in the division no later than 60 days after becoming subject. This compliance requirement is currently in place for affected sources in the other nine DFW counties. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators in Wise County to comply with the rule requirements. Owners and operators affected by adopted subsection (c) include those that were not in operation by the appropriate date of compliance as well as those that no longer qualify for exemption.

Adopted subsection (d) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each surface coating process in Wise County is not required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 6, INDUSTRIAL CLEANING SOLVENTS

Section 115.460, Applicability and Definitions

The commission renumbers and makes various revisions to the definitions in subsection (b). The existing definitions in paragraphs (10) and (11) are renumbered as paragraphs (11) and (12), respectively. The definitions in this section are not altered in any way other than being renumbered, except where specifically discussed. The changes made in this section impact the DFW and HGB areas.

The commission adopts paragraph (10) to define the term "Solvent" to accommodate the revision to the definition of "Solvent cleaning operation." Adopted paragraph (10) states that a solvent is a VOC-containing liquid used to perform solvent cleaning operations. Defining the term helps to clarify that the applicability of this division is limited to VOC solvents used for cleaning and is not intended to affect solvent cleaning operations employing the use of materials containing no VOC. The rules in this division were adopted during the December 2011 VOC RACT rulemaking (2010-016-115-EN) in response to the EPA's 2006 Industrial Cleaning Solvents CTG. The CTG does not contain any recommended definitions for this emission source category so the commission relied on the South Coast Air Quality Management District (SCAQMD) and Bay Area Air Quality Management District (BAAQMD) solvent cleaning rules, as explained in the preamble of the 2011 rulemaking, for definitions related to the industrial cleaning solvents emission source category. Consistent with the

other definitions adopted in this division, the commission is using the definition of "Solvent" from SCAQMD Solvent Cleaning Operations, Regulation XI, Rule 1171, with minor modification for terminology consistency within these rules.

The commission revises the definition of "Solvent cleaning operation," renumbered as paragraph (11), to clarify that a solvent cleaning operation is one that uses a VOC solvent. The scope of this rule only encompasses operations that remove uncured adhesives, inks, and coatings; and contaminants such as dirt, soil, oil, and grease from parts, products, tools, machinery, equipment, vessels, floors, walls, and other work production-related areas using a VOC solvent. The existing solvent cleaning operation definition was adopted during the December 2011 VOC RACT rulemaking (2010-016-115-EN), and is derived from the description provided in the EPA's CTG document. The intended purpose of the rules of this division, which are largely based on the recommendations provided in the CTG document, is to control VOC pollution generated from the use of industrial cleaning solvents. The commission did not intend for non-VOC containing materials to be subject to the requirements. This revision serves to clarify, but not change, the cleaning solvent operations regulated in this division. The commission also adopts minor, non-substantive changes to the equation in subsection (b)(12) to correctly subscript the variables.

Section 115.461, Exemptions

The commission is revising subsection (a) to add the word "solvent" simply for consistency since the defined term is "Solvent cleaning operation." This revision is not intended to alter the meaning of this subsection.

The commission adds the word "aerosol" to the exemption in subsection (e) to clarify that total use refers to total "aerosol" use and not total cleaning solvent use. The commission has received questions from the public regarding the amount of cleaning solvent covered under the exemption, indicating the exemption may not be completely clear. The original exemption was adopted in the December 2011 VOC RACT rulemaking (2010-016-115-EN) and is based on the exemption provided in the SCAQMD Regulation XI, Rule 1171, Section (g)(4). Consistent with exemption in the SCAQMD, the commission's intent is to allow sites to use higher VOC content cleaning solvents in aerosol cans in limited quantities if necessary for situations where low-VOC cleaning solvents may not be as effective, provided the total amount does not meet or exceed 160 fluid ounces per day. Because this division applies to the DFW and HGB areas, this exemption impacts sources in both of these areas.

Section 115.469, Compliance Schedules

The commission revises subsection (a) specifying that the compliance schedule pertains to Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties, but not Wise County. The existing language does not list the counties since the compliance schedule applies to DFW and HGB, the only two areas subject to the division. Since the applicability of the division has been expanded to include Wise County, it is necessary to list the other applicable counties so that all affected owners and operators know which compliance schedule to follow.

Existing subsection (b) is being re-lettered as subsection (c) to accommodate the compliance schedule adopted as subsection (b) for affected owners and operators in Wise County. The commission adopts subsection (b) to specify that compliance with

the division for owners and operators in Wise County is required no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

The commission is modifying existing subsection (c) to include Wise County in the requirement specifying that an owner or operator that becomes subject to the requirements of this division after the applicable compliance dates are required to comply with the requirements in the division no later than 60 days after becoming subject. This compliance requirement is currently in place for affected sources in the other nine DFW counties. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators in Wise County to comply with the rule requirements. Owners and operators affected by adopted subsection (c) would include those that were not in operation by the appropriate date of compliance as well as those that no longer qualify for exemption.

Adopted subsection (d) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each solvent cleaning operation in Wise County is not required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 7, MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 115.471, Exemptions

The commission adopts revisions to the exemption in existing subsection (c) to clarify that adhesives and adhesive primers used for miscellaneous metal and plastic parts surface coating processes in §115.453(a)(1)(C) - (F) and (2) meeting a specialty application process definition in the definitions section of this division are not included in this exemption. The existing exemption states that the owner or operator of any process or operation subject to another division of this chapter that specifies VOC content limits for adhesives or adhesive primers used during any of the application processes listed in §115.473(a), is exempt from the requirements of this division. To avoid confusion regarding applicability of requirements for adhesives between this division and Subchapter E, Division 5, this exemption clarifies that ad-

hesives applied to miscellaneous metal and plastic parts listed in §115.453(a)(3) and (4) that meet a specific adhesive or adhesive primer application process definition in §115.470, which are regulated in Table 2 of §115.473(a), are not subject to the requirements in this division. The revised exemption clarifies that manufacturers of miscellaneous metal and plastic parts applying any of the specialty adhesives listed in Table 2 of the VOC limits in §115.473(a) of the Division 7 miscellaneous industrial adhesives rule, are subject to the requirements in Division 7 for those adhesives, rather than Division 5. An adhesive that meets the contact adhesive definition is not included in this exemption since these are more general adhesives and are intended to be regulated under the appropriate miscellaneous metal and plastic parts coating category. The exemption makes clear the commission's intent regarding the applicability of the two divisions and continues to satisfy RACT for both the miscellaneous metal and plastic parts coating category and the miscellaneous industrial adhesives category.

Section 115.473, Control Requirements

While not in response to comments, the commission adopts inserting the "VOC" acronym after the first time it is defined and replacing "volatile organic compounds" in subsequent uses in the figure with "VOC." This is a minor change necessary to conform to *Texas Register* formatting guidelines.

The commission adopts the amendment to subsection (c)(8) by stating that one of the criteria must be met but not both, in order to comply with the surface coating application system requirement of this rule. Paragraph (8) allows an owner or operator to use a coating application system that is not explicitly listed in subsection (c)(1) - (7). The owner or operator may comply by either demonstrating that the coating application system achieves a transfer efficiency equivalent to high volume low pressure spray systems or that the coating application system achieves a transfer efficiency of 65%.

Section 115.479, Compliance Schedules

The commission revises subsection (a) specifying that the compliance schedule pertains to Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties, but not Wise County. The existing language does not list the counties since the compliance schedule applies to DFW and HGB, the only two areas subject to the division. Since the applicability of the division has been expanded to include Wise County, it is necessary to list the other applicable counties so that all affected owners and operators know which compliance schedule to follow.

Existing subsection (b) is re-lettered as subsection (c) to accommodate the compliance schedule adopted as subsection (b) for affected owners and operators in Wise County. Adopted subsection (b) requires the owner or operator of an application process in Wise County to comply with the requirements in the division as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the mandatory RACT deadline January 1, 2017, set in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

The commission modifies existing subsection (c) to include Wise County in the requirement specifying that an owner or operator that becomes subject to the requirements of this division after

the applicable compliance dates are required to comply with the requirements in the division no later than 60 days after becoming subject. This compliance requirement is currently in place for affected sources in the other nine DFW counties. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators in Wise County to comply with the rule requirements. Owners and operators affected by subsection (c) includes those that were not in operation by the appropriate date of compliance as well as those that no longer qualify for exemption.

Adopted subsection (d) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each application process is not required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is necessary because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

SUBCHAPTER F, MISCELLANEOUS INDUSTRIAL SOURCES DIVISION 1, CUTBACK ASPHALT

§115.519, Counties and Compliance Schedules

Adopted subsection (d) specifies that compliance for all affected persons in Wise County is as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by January 1, 2017, the mandatory RACT compliance deadline set in the EPA's implementation rule for the 2008 eight-hour ozone NAAQS (80 FR 12264).

Adopted subsection (e) specifies that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each will not be required to comply with any of the requirements in this division. The commission will publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is adopted because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is adopting rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). In response to comments on this rulemaking, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the

2008 Eight-Hour Ozone National Ambient Air Quality Standard" with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective" for clarification. While not specifically commented on, the commission adds an additional reference to Wise County in the new subsection to make clear that if the provision were implemented then the cessation of compliance obligations would only apply to Wise County.

In other divisions of this rulemaking, the commission is adopting to add a compliance schedule requiring owners and operators in the DFW area to comply with the applicable rules no later than 60 days after becoming subject. For this division, however, the commission determined it is not necessary to provide affected persons of cutback asphalt in the DFW area an additional 60 days to comply with the requirements.

Final Regulatory Impact Determination

The commission reviewed the adopted rulemaking in light of the regulatory impact analysis requirements of the Texas Government Code, §2001.0225, and determined that the adopted rulemaking meets the definition of a "major environmental rule" as defined in that statute. A "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 adopted rulemaking does not, however, meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in Texas Government Code, §2001.0225(a). Texas Government Code, §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.

The state previously adopted Chapter 115 RACT rules for VOC sources in most of the DFW area as part of the SIP for the 1997 eight-hour ozone standard. On March 27, 2008, the EPA revised the eight-hour ozone NAAQS to a level of 0.075 ppm with an effective date of May 27, 2008 (73 FR 16436). On May 21, 2012 the EPA established initial air quality designations for the 2008 eight-hour ozone NAAQS and effective July 20, 2012, the DFW area consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, was classified as a moderate nonattainment area for the 2008 ozone NAAQS. For nonattainment areas classified as moderate and above, FCAA, §172(b)(1) and §182(b)(2) requires the state to submit a SIP revision that implements RACT for sources of VOC addressed in a CTG document issued from November 15, 1990 through the area's attainment date; CTG documents issued before November 15, 1990; and all other major stationary sources of VOC. FCAA, §172(c)(1) requires the SIP for nonattainment areas to include RACM, including RACT, for sources of pollutants identified by the EPA as required by FCAA, §183(e). The adopted new rules implement RACT for sources of VOCs addressed in a CTG document issued from November 15, 1990 through the area's attainment date; CTG documents issued before November 15, 1990; and all other major station-

ary sources of VOCs. The adopted rules update RACT requirements for the following source categories in 30 TAC Chapter 115: Storage of Volatile Organic Compounds; Vent Gas Control; General Volatile Organic Compound Sources, Water Separation; Loading and Unloading of Volatile Organic Compounds; Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; Control of Volatile Organic Compound Leaks from Transport Vessels; Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas; Degreasing Processes; Surface Coating Processes; Offset Lithographic Printing; Control Requirements for Surface Coating Processes; Industrial Cleaning Solvents; Miscellaneous Industrial Adhesives; and Cutback Asphalt.

The adopted rulemaking implements requirements of 42 USC, §7410, which requires states to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS in each air quality control region of the state. While 42 USC, §7410 generally does not require specific programs, methods, or reductions in order to meet the standard, the SIP must include enforceable emission limitations and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this chapter (42 USC, Chapter 85, Air Pollution Prevention and Control). The provisions of the FCAA recognize that states are in the best position to determine what programs and controls are necessary or appropriate in order to meet the NAAQS. This flexibility allows states, affected industry, and the public, to collaborate on the best methods for attaining the NAAQS for the specific regions in the state. Even though the FCAA allows states to develop their own programs, this flexibility does not relieve a state from developing a program that meets the requirements of 42 USC, §7410. States are not free to ignore the requirements of 42 USC, §7410, and must develop programs to assure that their contributions to nonattainment areas are reduced so that these areas can be brought into attainment on schedule. The adopted rulemaking will revise Chapter 115 to implement RACT for all VOC CTG emission sources categories in the 2008 eight-hour ozone DFW nonattainment area as required by FCAA, §172(c)(1) and §182(b)(2).

The requirement to provide a fiscal analysis of adopted regulations in the Texas Government Code was amended by Senate Bill (SB) 633 during the 75th Legislature, 1997. The intent of SB 633 was to require agencies to conduct a regulatory impact analysis of extraordinary rules. These are identified in the statutory language as major environmental rules that will have a material adverse impact and will exceed a requirement of state law, federal law, or a delegated federal program, or are adopted solely under the general powers of the agency. With the understanding that this requirement would seldom apply, the commission provided a cost estimate for SB 633 concluding that "based on an assessment of rules adopted by the agency in the past, it is not anticipated that the bill will have significant fiscal implications for the agency due to its limited application." The commission also noted that the number of rules that would require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted proposed rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law.

As discussed earlier in this preamble, the FCAA does not always require specific programs, methods, or reductions in order to

meet the NAAQS; thus, states must develop programs for each area contributing to nonattainment to help ensure that those areas will meet the attainment deadlines. Because of the ongoing need to address nonattainment issues, and to meet the requirements of 42 USC, §7410, the commission routinely proposes and adopts SIP rules. The legislature is presumed to understand this federal scheme. If each rule adopted for inclusion in the SIP was considered to be a major environmental rule that exceeds federal law, then every SIP rule would require the full regulatory impact analysis contemplated by SB 633. This conclusion is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the commission believes that the intent of SB 633 was only to require the full regulatory impact analysis for rules that are extraordinary in nature. While the SIP rules will have a broad impact, the impact is no greater than is necessary or appropriate to meet the requirements of the FCAA. For these reasons, rules adopted for inclusion in the SIP fall under the exception in Texas Government Code, §2001.0225(a), because they are required by federal law.

The commission has consistently applied this construction to its rules since this statute was enacted in 1997. Since that time, the legislature has revised the Texas Government Code, but left this provision substantially unamended. It is presumed that "when an agency interpretation is in effect at the time the legislature amends the laws without making substantial change in the statute, the legislature is deemed to have accepted the agency's interpretation." *Central Power & Light Co. v. Sharp*, 919 S.W.2d 485, 489 (Tex. App. Austin 1995), *writ denied with per curiam opinion respecting another issue*, 960 S.W.2d 617 (Tex. 1997); *Bullock v. Marathon Oil Co.*, 798 S.W.2d 353, 357 (Tex. App. Austin 1990, *no writ*). *Cf. Humble Oil & Refining Co. v. Calvert*, 414 S.W.2d 172 (Tex. 1967); *Dudney v. State Farm Mut. Auto Ins. Co.*, 9 S.W.3d 884, 893 (Tex. App. Austin 2000); *Southwestern Life Ins. Co. v. Montemayor*, 24 S.W.3d 581 (Tex. App. Austin 2000, *pet. denied*); and *Coastal Indust. Water Auth. v. Trinity Portland Cement Div.*, 563 S.W.2d 916 (Tex. 1978).

The commission's interpretation of the regulatory impact analysis requirements is also supported by a change made to the Texas Administrative Procedure Act (APA) by the legislature in 1999. In an attempt to limit the number of rule challenges based upon APA requirements, the legislature clarified that state agencies are required to meet these sections of the APA against the standard of "substantial compliance." The legislature specifically identified Texas Government Code, §2001.0225, as falling under this standard. The commission has substantially complied with the requirements of Texas Government Code, §2001.0225.

The specific intent of the adopted rulemaking is to protect the environment and to reduce risks to human health by requiring control measures for VOC emission sources that have been determined by the commission to be RACT for the DFW area. The adopted rulemaking does not exceed a standard set by federal law or exceed an express requirement of state law. No contract or delegation agreement covers the topic that is the subject of this adopted rulemaking. Therefore, this adopted rulemaking is not subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b), because although the adopted rulemaking meets the definition of a "major environmental rule," and it does not meet any of the four applicability criteria for a major environmental rule.

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received.

Takings Impact Assessment

The commission evaluated the adopted rulemaking and performed an assessment of whether Texas Government Code, Chapter 2007, is applicable. The specific purpose of the adopted rulemaking is to revise Chapter 115 to implement RACT for all VOC CTG emission sources categories in the 2008 eight-hour ozone DFW nonattainment area as required by FCAA, §172(c)(1) and §182(b)(2). Texas Government Code, §2007.003(b)(4), provides that Texas Government Code, Chapter 2007 does not apply to this adopted rulemaking because it is an action reasonably taken to fulfill an obligation mandated by federal law.

In addition, the commission's assessment indicates that Texas Government Code, Chapter 2007 does not apply to these adopted rules because this is an action that is taken in response to a real and substantial threat to public health and safety; that is designed to significantly advance the health and safety purpose; and that does not impose a greater burden than is necessary to achieve the health and safety purpose. Thus, this action is exempt under Texas Government Code, §2007.003(b)(13). The adopted rules fulfill the FCAA requirement to implement RACT in nonattainment areas. These revisions will result in VOC emission reductions in ozone nonattainment areas which may contribute to the timely attainment of the ozone standard and reduced public exposure to VOCs. Consequently, the adopted rulemaking meets the exemption criteria in Texas Government Code, §2007.003(b)(4) and (13). For these reasons, Texas Government Code, Chapter 2007 does not apply to this adopted rulemaking.

Consistency with the Coastal Management Program

The commission reviewed the rulemaking and found that it is subject to the Texas 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 conducted a consistency determination for the adopted rules in accordance with Coastal Coordination Act Implementation Rules, 31 TAC §505.22, and found the rulemaking is consistent with the applicable CMP goals and policies.

The CMP goal applicable to the rulemaking 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)). The CMP policy applicable to the adopted rulemaking is the policy that commission rules comply with federal regulations in 40 CFR, to protect and enhance air quality in the coastal areas (31 TAC §501.32). The adopted rulemaking would not increase emissions of air pollutants and is therefore consistent with the CMP goal in 31 TAC §501.12(1) and the CMP policy in 31 TAC §501.32.

Promulgation and enforcement of these rules will not violate or exceed any standards identified in the applicable CMP goals and policies because the adopted rules are consistent with these CMP goals and policies and because these rules do not create or have a direct or significant adverse effect on any coastal natural resource areas. Therefore, in accordance with 31 TAC §505.22(e), the commission affirms that this rulemaking action is consistent with CMP goals and policies.

The commission invited public comment regarding the consistency with the CMP during the public comment period. No comments were received regarding consistency with the CMP.

Effect on Sites Subject to the Federal Operating Permits Program

Chapter 115 is an applicable requirement under 30 TAC Chapter 122, Federal Operating

Permits Program. Owners or operators subject to the federal operating permit program must, consistent with the revision process in Chapter 122, upon the effective date of the rulemaking, revise their operating permit to include the new Chapter 115 requirements.

Public Comment

The commission held public hearings in Arlington on January 15, 2015 at 6:30 p.m. at the City of Arlington Council Chamber 101 W. Abrams Street and in Austin on January 22, 2015 at 10:00 a.m. at the Texas Commission on Environmental Quality, Building E, Room 201S, 12100 Park 35 Circle. The January 22, 2015 hearing scheduled for 10:00 a.m. was not officially opened because no party indicated a desire to provide oral comment. The EPA, the Lone Star Sierra Club, the Texas Pipeline Association (TPA), and two individuals submitted written comments regarding this rulemaking.

Response to Comments

Comment

The TPA commented that the proposed 500 ppmv leak definition for valves at natural gas processing plants in Wise County is not RACT because it is not economically feasible and suggested regulatory alternatives. The TPA estimated that at one affected natural gas processing plant in Wise County, 494 valves would be affected by the 500 ppmv leak definition and that 75% of these valves would need repair and 25% of these valves would need replacing. Using an average cost of \$25,000 per valve to replace and \$1,000 per valve to repair, the TPA estimated the plant to incur a total compliance cost of \$3.45 million. The TPA indicated that the number of components requiring replacement or repair is even higher at another natural gas processing plant in Wise County.

The TPA claimed that the commission's estimate of repair costs is too low. Specifically, the TPA disagreed with the commission's assumption that on-site personnel would conduct monitoring, questioned the commission's assumption of two annual valve repairs per site, and noted an inconsistency in how the commission described repair costs in the fiscal note.

The TPA recommended allowing the two affected natural gas processing plants in Wise County to monitor valves with their current permit-based 10,000 ppmv leak definition. The TPA requested a limited exemption if a Wise County natural gas plant could demonstrate that leak detection and repair of valves with a 500 ppmv leak definition would be economically infeasible. The suggested exemption would expire if the valve became subject to 40 CFR Part 60, Subpart OOOO. The TPA supported its recommendation because DFW area ozone formation is not dependent on Wise County VOC emissions and only two facilities are affected.

Response

The commission disagrees that the fugitive emission control rules in Chapter 115, Subchapter D, Division 3, are not RACT

for natural gas processing plants in Wise County. The 500 ppmv leak definition is already established as RACT for the other nine counties of the DFW 2008 eight-hour ozone nonattainment area, as well as the HGB 1997 eight-hour ozone nonattainment area. The commenter did not provide data demonstrating that unique technological and economic circumstances exist for the natural gas processing plants in Wise County that warrant a leak definition different than the current 500 ppmv RACT-level leak definition to which natural gas processing plants in the other nonattainment counties and areas are subject. The commission determined, and contends, that these rule requirements are just as technologically and economically feasible for the applicable facilities in Wise County as the requirements are for facilities already subject to the rules. The commission's staff based the fiscal analysis, including the repair cost of \$150 per valve, on EPA Natural Gas Star documents and articles published in *Oil and Gas Journal*. The commission continues to expect that Wise County natural gas processing plants will not incur additional expenses for monitoring valves with a 500 ppmv leak definition, whether they are monitored by on-site personnel or a contractor, since these valves are already monitored on the same schedule as those with a 10,000 ppmv leak definition. The commission also expects that the percentage of valves at a natural gas plant leaking more than 500 ppmv should be far lower than the 100% characterized in the comment.

The costs for replacing valves was not considered because the commission anticipates that valves would be designed and maintained to leak less than 500 ppmv. There may be an initial cost to replace leaking valves but adequate information was not provided to justify \$25,000 per replaced valve as an appropriate replacement cost. No changes are made in response to this comment.

Comment

The TPA commented the commission should make clear that maintenance, shutdown, and startup (MSS) emissions are not included in the calculation to determine whether a particular vent gas stream qualifies for exemption by emitting less than or equal to 100 pounds of VOC in a continuous 24-hour period. Without making clear that MSS emissions are excluded in the calculation, the TPA indicated that unintended vent gas streams may trigger applicability to the rule requirements. The TPA expressed concern that the proposed addition of "emissions from compressor rod packing that are contained and routed through a vent" and "emissions from a glycol dehydrator still vent" to the rule applicability in §115.121(a)(1) may require compressor stations to install control devices to control emissions from MSS activities and rod packing vents, which the TPA claimed would be excessively expensive and increase nitrogen oxide emissions. The TPA specifically requested an amendment to the exemption in §115.127(a)(2)(A) to exclude emissions from MSS activities from the 100-pound per 24-hour VOC exemption threshold.

Response

The applicability of MSS activities to the exemption criteria in §115.127(a)(2)(A) is not within the scope of this rulemaking. The commission did not propose any modifications or clarifications to the existing rules with regard to MSS activities and other interested parties would not have adequate opportunity for comment regarding the suggested change. The purpose of this rulemaking is to implement RACT for the DFW area and to incorporate specific modifications for clarification purposes. The addition of "emissions from compressor rod packing that are contained and

routed through a vent" and "emissions from a glycol dehydrator still vent" to the rule applicability in §115.121(a)(1) simply incorporate historical formal rule interpretations that are intended to clearly convey, but not in any way change, the existing applicability. No changes are made in response to this comment.

Comment

The TPA commented that it supports the proposed language in §115.112(e)(7)(D), which states that if a repair requires a shutdown that creates more emissions than the repair would eliminate, then the repair could be delayed until the next shutdown. The TPA suggested including this same repair schedule language into §115.114(a)(5)(B) since the preamble discussion for subparagraph (B) indicates delay of repair is allowed as in §115.112(e)(7)(D).

Response

The commission agrees that the delay of repair circumstances listed in proposed §115.112(e)(7)(D) should be incorporated into §115.114(a)(5)(B). As explained in the rule preamble at proposal, the commission intends to allow a delay of repair for lack of available parts and for a repair that will generate more emissions than a shutdown. Therefore, in response to this comment, §115.114(a)(5)(B) is revised to add the same language as in §115.112(e)(7)(D) allowing delay of repair.

Comment

The EPA commented that it supports the inclusion of major sources of VOC located in Wise County to become subject to the requirements in Chapter 115. The TPA expressed support of the TCEQ's intent to adopt measures in Wise County that fulfill FCAA RACT requirements.

Response

The commission appreciates the EPA's and TPA's support.

Comment

One individual requested that the 2015 DFW Attainment Demonstration SIP revision include control requirements for all stages of flowback following hydraulic fracturing of natural gas and oil wells. The commenter suggested closed flowback tanks that route vapors to vapor recovery units.

Response

The purpose of this Chapter 115 rulemaking is to meet FCAA VOC RACT requirements for the DFW area. The suggested control measure is not a RACT requirement and is outside the scope of this rulemaking. Additional discussion in response to this comment is provided in the 2015 DFW Attainment Demonstration SIP Revision (Non-Rule Project No. 2013-015-SIP-NR) being adopted concurrently with this rulemaking.

Comment

The EPA commented that it cannot approve the proposed compliance schedule stating that upon publishing notice in the *Texas Register* that Wise County is no longer nonattainment for the 2008 eight-hour ozone NAAQS, the rule applicability for sources in Wise County remains as it was prior to this rulemaking. The EPA indicated it cannot approve this provision because it does not contain "a replicable procedure" and to accomplish changing the applicability for sources in Wise County, the state would need to undergo rulemaking and submit a subsequent SIP revision.

Response

The commission disagrees that a replicable procedure is necessary to change the applicability of RACT rules in Wise County in the event the nonattainment designation for Wise County is no longer legally effective. If the nonattainment designation is no longer legally effective, then there is no underlying legal basis or support for the RACT requirement to apply in Wise County. The inclusion of Wise County in the DFW nonattainment area is currently in litigation, awaiting a decision from the D.C. Circuit Court. A final decision from the court that vacates the nonattainment designation for Wise County would mean that EPA would no longer have the authority to require or enforce RACT requirements in an area that is not legally designated nonattainment.

Only in the absence of a legally valid nonattainment designation would the commission be able to act under this rule provision, and such action would merely provide notice that Wise County would no longer be legally required to comply with provisions that are no longer legally valid. Further action from the EPA would not be required if a final court decision vacates the nonattainment designation of Wise County; therefore, no §110(l) demonstration could be required to remove a requirement that would no longer be legally required. Furthermore, the 2018 future year attainment demonstration modeling documented in the 2015 DFW Attainment Demonstration SIP Revision (2013-015-SIP-NR) being adopted concurrently with this rulemaking does not include VOC reductions from any of the RACT rules proposed for Wise County. Since no emissions reductions from this rulemaking were included in the 2018 future case modeling for Wise County, cessation of the compliance obligations for VOC sources in Wise County would not affect the attainment demonstration modeling.

To ensure that the rule language clearly establishes this standard, the commission is replacing the proposed language "Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard" in §§115.119(h), 115.129(g), 115.139(e), 115.219(g), 115.229(f), 115.239(e), 115.359(e), 115.419(f), 115.429(f), 115.449(i), 115.459(d), 115.469(d), 115.479(d), and 115.519(e) with "the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective."

Comment

The Lone Star Sierra Club and one individual requested that vapor recovery units be required on VOC major source condensate tanks.

Response

The adopted changes in Chapter 115, Subchapter B, Division 1, will extend control requirements to Wise County to implement RACT for storage tanks storing condensate with the PTE VOC of at least the applicable major source threshold for all counties in the 2008 DFW eight-hour ozone nonattainment area. The adopted rules require 95% control of VOC from condensate storage tanks in Wise County, as is required in the other nine DFW counties, but do not specify use of vapor recovery units because Texas Health and Safety Code, §382.017, prohibits the commission from adopting rules that require specific types of control equipment unless required by federal law or regulation. The commission makes no changes in response to this comment.

Comment

The Lone Star Sierra Club and one individual suggested that the commission adopt rules similar to the State of Colorado for oil and natural gas production, transmission, and processing, with

a special emphasis on reducing venting and flaring of hydrocarbons and VOC from the largest sources, condensate tanks, and pneumatic devices.

Response

The rule changes in Chapter 115, Subchapter B, Division 1, will implement RACT for storage tanks storing condensate with the potential to emit VOC of at least the applicable major source threshold for all counties in the 2008 DFW eight-hour ozone nonattainment area. Specifically, the rules will require proper maintenance of equipment and additional inspections of tank openings. As part of the RACT evaluation for this rulemaking, staff reviewed available information from many different sources, including the recent rule changes in Colorado and the EPA's new source performance standards for condensate storage tanks. The commission is amending Division 1, Storage of VOC, but is not adding control requirements for pneumatic devices. There is no existing CTG that establishes presumptive RACT for pneumatic devices used in the oil and natural gas industry. In addition, the rule proposal did not include any controls for pneumatics so affected parties would not be afforded the opportunity to provide comment on potential controls. The requested strategies are also not RACM because they would reduce VOC and photochemical modeling indicates VOC reductions will not advance attainment. The commission makes no changes in response to this comment.

Comment

The EPA suggested revising the proposed definition of the DFW area in §115.10 by creating three distinct definitions delineating the DFW four-county area, the DFW nine-county area, and the DFW 10-county area to clarify in each division which DFW area is being referenced. The EPA commented the commission's proposed definition of the DFW area would require cross-referencing particular divisions with the definition in §115.10 to determine which DFW counties are included.

The EPA commented that in the DFW area definition in §115.10, the loading and unloading rules are not delineated in §115.10(11)(A) or (B) and therefore it seems the applicable definition is §115.10(11)(C), which applies to all 10 counties in the DFW area. The EPA commented it believes the TCEQ intended the reference to the DFW area in §115.219(f), to include only nine counties because there is a separate paragraph that provides requirements for the tenth county, Wise County, in §115.219(e).

Response

The commission appreciates the EPA's suggestion. The commission expects that the proposed definition format provides the clearest layout given the complex structure of the Chapter 115 rules. Revising the definition to reflect the EPA's suggested definitions still requires a user to cross-reference the definition in §115.10 with the specific division to determine which counties are intended in each instance the suggested definitions are used.

The commission notes that the definition in §115.10 is specified by division level. For example, because the Loading and Unloading of VOC rule in Chapter C, Division 1 is not listed under either §115.10(11)(A) or (B), it is included in §115.10(11)(C). As written in §115.10(11)(C), each division that is not listed in §115.10(11)(A) or (B), applies in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties.

The compliance schedule in §115.219(e) applies to sources in Wise County and requires these sources to comply with the same requirements currently effective in the other DFW counties. However, the compliance schedule in §115.219(f) is intended to apply to a source in any of the entire 10-county DFW area (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties) in the instance a source becomes subject to the requirements of the division on or after the January 1, 2017 compliance date. As discussed elsewhere in this response to comments section, depending on the D.C. Circuit Court decision, Wise County may no longer be subject to the Chapter 115 requirements, which apply to the DFW nonattainment area, including §115.219(f).

The commission agrees that in the compliance schedule for the Loading and Unloading of VOC division, each compliance schedule, other than §115.219(f), lists the affected counties by name instead of the area. To clarify the compliance schedule in this division, the commission is replacing the DFW area with the specific DFW counties. The commission is also making this change to other compliance schedules in the chapter. Where necessary, the commission is replacing the DFW area with the specific DFW counties affected by each compliance schedule in §§115.119(b)(3); 115.129(f); 115.139(d); 115.219(f); 115.359(d); 115.419(e); 115.429(e); 115.449(e), (f), and (h); and 115.459(a), in response to this comment. For the same reasoning, the commission also replaces the HGB area with the specific HGB counties affected where a compliance schedule covers both the DFW and HGB areas. This occurs in §115.449(e), (f), and (h) and §115.459(a).

Comment

An individual commented that the State's plan is inadequate, leaves no margin of error, and requires no new controls on sources of air pollution. The commenter indicated that the commission supports industry and not public health. The individual expressed disappointment with the State's lack of regard for air quality.

Response

The purpose of this Chapter 115 rulemaking is to meet FCAA VOC RACT requirements for the DFW area. New VOC control requirements are being adopted with this rulemaking for sources in Wise County in order to fulfill those RACT requirements. Additional discussion in response to this comment is provided in the 2015 DFW Attainment Demonstration SIP Revision (Non-Rule Project No. 2013-015-SIP-NR) being adopted concurrently with this rulemaking.

Comment

An individual requested a requirement that compressors pressurizing natural gas be driven by electric motors, not fossil fuel-fired engines. The individual suggested a requirement that all hydrocarbon drilling rigs be driven by electric motors rather than diesel fuel-fired engines. The commenter contended that the commission's decision not to require electrification of natural gas-fired compressors as a RACM strategy was not based on available studies or other supporting information.

Response

The purpose of this Chapter 115 rulemaking is to meet FCAA VOC RACT requirements for the DFW area. The suggested control measure is not a RACT requirement and is outside the scope of this rulemaking. Additional discussion in response to this comment is provided in the 2015 DFW Attainment Demon-

stration SIP Revision (Non-Rule Project No. 2013-015-SIP-NR) being adopted concurrent with this rulemaking.

SUBCHAPTER A. DEFINITIONS

30 TAC §115.10

Statutory Authority

The amended section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended section is also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards (NAAQS) will be achieved and maintained within each air quality control region of the state.

The amended section implements THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §7401 *et seq.*

§115.10. Definitions.

Unless specifically defined in Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by the Texas Clean Air Act, the following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise. Additional definitions for terms used in this chapter are found in §3.2 and §101.1 of this title (relating to Definitions).

(1) Background--The ambient concentration of volatile organic compounds in the air, determined at least one meter upwind of the component to be monitored. Test Method 21 (40 Code of Federal Regulations Part 60, Appendix A) shall be used to determine the background.

(2) Beaumont-Port Arthur area--Hardin, Jefferson, and Orange Counties.

(3) Capture efficiency--The amount of volatile organic compounds (VOC) collected by a capture system that is expressed as a percentage derived from the weight per unit time of VOCs entering a capture system and delivered to a control device divided by the weight per unit time of total VOCs generated by a source of VOCs.

(4) Carbon adsorption system--A carbon adsorber with an inlet and outlet for exhaust gases and a system to regenerate the saturated adsorbent.

(5) Closed-vent system--A system that:

(A) is not open to the atmosphere;

(B) is composed of piping, ductwork, connections, and, if necessary, flow-inducing devices; and

(C) transports gas or vapor from a piece or pieces of equipment directly to a control device.

(6) Coaxial system--A type of system consisting of a tube within a tube that requires only one tank opening. The tank opening allows fuel to flow through the inner tube while vapors are displaced through the annular space between the inner and outer tubes.

(7) Component--A piece of equipment, including, but not limited to, pumps, valves, compressors, connectors, and pressure relief valves, which has the potential to leak volatile organic compounds.

(8) Connector--A flanged, screwed, or other joined fitting used to connect two pipe lines or a pipe line and a piece of equipment. The term connector does not include joined fittings welded completely around the circumference of the interface. A union connecting two pipes is considered to be one connector.

(9) Continuous monitoring--Any monitoring device used to comply with a continuous monitoring requirement of this chapter will be considered continuous if it can be demonstrated that at least 95% of the required data is captured.

(10) Covered attainment counties--Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Karnes, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Polk, Rains, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties. Beginning January 1, 2017 this paragraph no longer applies to Wise County. Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, Wise County is included under this definition of covered attainment counties as it was prior to January 1, 2017.

(11) Dallas-Fort Worth area--As follows:

(A) Collin, Dallas, Denton, and Tarrant Counties for:

(i) Subchapter B, Division 5 of this chapter (relating to Municipal Solid Waste Landfills);

(ii) Subchapter F, Division 3 of this chapter (relating to Degassing of Storage Tanks, Transport Vessels, and Marine Vessels);

(iii) Subchapter F, Division 4 of this chapter (relating to Petroleum Dry Cleaning Systems);

(B) Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties for:

(i) Subchapter B, Division 4 of this chapter (relating to Industrial Wastewater);

(ii) Subchapter D, Division 1 of this chapter (relating to Process Unit Turnaround and Vacuum-Producing Systems in Petroleum Refineries);

(iii) Subchapter E, Division 3 of this chapter (relating to Flexographic and Rotogravure Printing);

(iv) Subchapter F, Division 2 of this chapter (relating to Pharmaceutical Manufacturing Facilities); and

(C) Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties for all other divisions of this chapter. Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, Wise County is no longer included in this definition of the Dallas-Fort Worth area.

(12) Dual-point vapor balance system--A type of vapor balance system in which the storage tank is equipped with an entry port for a gasoline fill pipe and a separate exit port for vapor connection.

(13) El Paso area--El Paso County.

(14) Emergency flare--A flare that only receives emissions during an upset event.

(15) External floating roof--A cover or roof in an open-top tank which rests upon or is floated upon the liquid being contained and is equipped with a single or double seal to close the space between the roof edge and tank shell. A double seal consists of two complete and separate closure seals, one above the other, containing an enclosed space between them. For the purposes of this chapter, an external floating roof storage tank that is equipped with a self-supporting fixed roof (typically a bolted aluminum geodesic dome) shall be considered to be an internal floating roof storage tank.

(16) Fugitive emission--Any volatile organic compound entering the atmosphere that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening designed to direct or control its flow.

(17) Gasoline bulk plant--A gasoline loading and/or unloading facility, excluding marine terminals, having a gasoline throughput less than 20,000 gallons (75,708 liters) per day, averaged over each consecutive 30-day period. A motor vehicle fuel dispensing facility is not a gasoline bulk plant.

(18) Gasoline dispensing facility--A location that dispenses gasoline to motor vehicles and includes retail, private, and commercial outlets.

(19) Gasoline terminal--A gasoline loading and/or unloading facility, excluding marine terminals, having a gasoline throughput equal to or greater than 20,000 gallons (75,708 liters) per day, averaged over each consecutive 30-day period.

(20) Heavy liquid--Volatile organic compounds that have a true vapor pressure equal to or less than 0.044 pounds per square inch absolute (0.3 kiloPascal) at 68 degrees Fahrenheit (20 degrees Celsius).

(21) Highly-reactive volatile organic compound--As follows.

(A) In Harris County, one or more of the following volatile organic compounds (VOC): 1,3-butadiene; all isomers of butene (e.g., isobutene (2-methylpropene or isobutylene), alpha-butylene (ethylethylene), and beta-butylene (dimethylethylene, including both cis- and trans-isomers)); ethylene; and propylene.

(B) In Brazoria, Chambers, Fort Bend, Galveston, Liberty, Montgomery, and Waller Counties, one or more of the following VOC: ethylene and propylene.

(22) Houston-Galveston or Houston-Galveston-Brazoria area--Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.

(23) Incinerator--For the purposes of this chapter, an enclosed control device that combusts or oxidizes volatile organic compound gases or vapors.

(24) Internal floating cover or internal floating roof--A cover or floating roof in a fixed roof tank that rests upon or is floated upon the liquid being contained, and is equipped with a closure seal or seals to close the space between the cover edge and tank shell. For the purposes of this chapter, an external floating roof storage tank that is equipped with a self-supporting fixed roof (typically a bolted aluminum geodesic dome) is considered to be an internal floating roof storage tank.

(25) Leak-free marine vessel--A marine vessel with cargo tank closures (hatch covers, expansion domes, ullage openings, butterfly covers, and gauging covers) that were inspected prior to cargo transfer operations and all such closures were properly secured such that no leaks of liquid or vapors can be detected by sight, sound, or smell. Cargo tank closures must meet the applicable rules or regulations of the marine vessel's classification society or flag state. Cargo tank pressure/vacuum valves must be operating within the range specified by the marine vessel's classification society or flag state and seated when tank pressure is less than 80% of set point pressure such that no vapor leaks can be detected by sight, sound, or smell. As an alternative, a marine vessel operated at negative pressure is assumed to be leak-free for the purpose of this standard.

(26) Light liquid--Volatile organic compounds that have a true vapor pressure greater than 0.044 pounds per square inch absolute (0.3 kiloPascal) at 68 degrees Fahrenheit (20 degrees Celsius), and are a liquid at operating conditions.

(27) Liquefied petroleum gas--Any material that is composed predominantly of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, normal butane, isobutane, and butylenes.

(28) Low-density polyethylene--A thermoplastic polymer or copolymer comprised of at least 50% ethylene by weight and having a density of 0.940 grams per cubic centimeter or less.

(29) Marine loading facility--The loading arm(s), pumps, meters, shutoff valves, relief valves, and other piping and valves that are part of a single system used to fill a marine vessel at a single geographic site. Loading equipment that is physically separate (i.e., does not share common piping, valves, and other loading equipment) is considered to be a separate marine loading facility.

(30) Marine loading operation--The transfer of oil, gasoline, or other volatile organic liquids at any affected marine terminal, beginning with the connections made to a marine vessel and ending with the disconnection from the marine vessel.

(31) Marine terminal--Any marine facility or structure constructed to transfer oil, gasoline, or other volatile organic liquid bulk cargo to or from a marine vessel. A marine terminal may include one or more marine loading facilities.

(32) Metal-to-metal seal--A connection formed by a swage ring that exerts an elastic, radial preload on narrow sealing lands, plastically deforming the pipe being connected, and maintaining sealing pressure indefinitely.

(33) Natural gas/gasoline processing--A process that extracts condensate from gases obtained from natural gas production and/or fractionates natural gas liquids into component products, such as ethane, propane, butane, and natural gasoline. The following facilities shall be included in this definition if, and only if, located on the same property as a natural gas/gasoline processing operation previously defined: compressor stations, dehydration units, sweetening units, field treatment, underground storage, liquefied natural gas units, and field gas gathering systems.

(34) Petroleum refinery--Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of crude oil, or through the redistillation, cracking, extraction, reforming, or other processing of unfinished petroleum derivatives.

(35) Polymer or resin manufacturing process--A process that produces any of the following polymers or resins: polyethylene, polypropylene, polystyrene, and styrenebutadiene latex.

(36) Pressure relief valve or pressure-vacuum relief valve--A safety device used to prevent operating pressures from exceeding the maximum and minimum allowable working pressure of the process equipment. A pressure relief valve or pressure-vacuum relief valve is automatically actuated by the static pressure upstream of the valve but does not include:

(A) a rupture disk; or

(B) a conservation vent or other device on an atmospheric storage tank that is actuated either by a vacuum or a pressure of no more than 2.5 pounds per square inch gauge.

(37) Printing line--An operation consisting of a series of one or more printing processes and including associated drying areas.

(38) Process drain--Any opening (including a covered or controlled opening) that is installed or used to receive or convey wastewater into the wastewater system.

(39) Process unit--The smallest set of process equipment that can operate independently and includes all operations necessary to achieve its process objective.

(40) Rupture disk--A diaphragm held between flanges for the purpose of isolating a volatile organic compound from the atmosphere or from a downstream pressure relief valve.

(41) Shutdown or turnaround--For the purposes of this chapter, a work practice or operational procedure that stops production from a process unit or part of a unit during which time it is technically feasible to clear process material from a process unit or part of a unit consistent with safety constraints, and repairs can be accomplished.

(A) The term shutdown or turnaround does not include a work practice that would stop production from a process unit or part of a unit:

(i) for less than 24 hours; or

(ii) for a shorter period of time than would be required to clear the process unit or part of the unit and start up the unit.

(B) Operation of a process unit or part of a unit in recycle mode (i.e., process material is circulated, but production does not occur) is not considered shutdown.

(42) Startup--For the purposes of this chapter, the setting into operation of a piece of equipment or process unit for the purpose of production or waste management.

(43) Strippable volatile organic compound (VOC)--Any VOC in cooling tower heat exchange system water that is emitted to the atmosphere when the water passes through the cooling tower.

(44) Synthetic organic chemical manufacturing process--A process that produces, as intermediates or final products, one or more of the chemicals listed in 40 Code of Federal Regulations §60.489 (October 17, 2000).

(45) Tank-truck tank--Any storage tank having a capacity greater than 1,000 gallons, mounted on a tank-truck or trailer. Vacuum trucks used exclusively for maintenance and spill response are not considered to be tank-truck tanks.

(46) Transport vessel--Any land-based mode of transportation (truck or rail) equipped with a storage tank having a capacity greater than 1,000 gallons that is used to transport oil, gasoline, or other volatile organic liquid bulk cargo. Vacuum trucks used exclusively for maintenance and spill response are not considered to be transport vessels.

(47) True partial pressure--The absolute aggregate partial pressure of all volatile organic compounds in a gas stream.

(48) Vapor balance system--A system that provides for containment of hydrocarbon vapors by returning displaced vapors from the receiving vessel back to the originating vessel.

(49) Vapor control system or vapor recovery system--Any control system that utilizes vapor collection equipment to route volatile organic compounds (VOC) to a control device that reduces VOC emissions.

(50) Vapor-tight--Not capable of allowing the passage of gases at the pressures encountered except where other acceptable leak-tight conditions are prescribed in this chapter.

(51) Waxy, high pour point crude oil--A crude oil with a pour point of 50 degrees Fahrenheit (10 degrees Celsius) or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Robert Martinez

Director, Environmental Law Division

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For further information, please call: (512) 239-2613



SUBCHAPTER B. GENERAL VOLATILE ORGANIC COMPOUND SOURCES
DIVISION 1. STORAGE OF VOLATILE ORGANIC COMPOUNDS

30 TAC §§115.110 - 115.112, 115.114, 115.115, 115.117 - 115.119

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §7401 *et seq.*

§115.114. *Inspection and Repair Requirements.*

(a) The following inspection requirements apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions).

(1) For an internal floating roof storage tank, the internal floating roof and the primary seal or the secondary seal (if one is in service) must be visually inspected through a fixed roof inspection hatch at least once every 12 months.

(A) If the internal floating roof is not resting on the surface of the volatile organic compounds (VOC) inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with Subchapter F, Division 3 of this chapter (relating to Degassing of Storage Tanks, Transport Vessels, and Marine Vessels).

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(2) For an external floating roof storage tank, the secondary seal gap must be physically measured at least once every 12 months to

insure compliance with §115.112(a)(2)(F), (d)(2)(F), and (e)(2)(G) of this title (relating to Control Requirements).

(A) If the secondary seal gap exceeds the limitations specified by §115.112(a)(2)(F), (d)(2)(F), and (e)(2)(G) of this title, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with Subchapter F, Division 3 of this chapter.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(3) If the storage tank is equipped with a mechanical shoe or liquid-mounted primary seal, compliance with §115.112(a)(2)(F), (d)(2)(F), and (e)(2)(G) of this title can be determined by visual inspection.

(4) For an external floating roof storage tank, the secondary seal must be visually inspected at least once every six months to ensure compliance with §115.112(a)(2)(E) and (F), (d)(2)(E) and (F), and (e)(2)(F) and (G) of this title.

(A) If the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank in accordance with Subchapter F, Division 3 of this chapter.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(5) For fixed roof storage tanks in the Dallas-Fort Worth area storing crude oil or condensate prior to custody transfer or at a pipeline breakout station for which the owner or operator is required by §115.112(e) of this title to control flashed gases, the owner or operator shall inspect and repair all closure devices not connected to a vapor recovery unit or other vapor control device according to the schedule in this paragraph.

(A) The owner or operator shall conduct an audio, visual, and olfactory inspection of each closure device not connected to a vapor recovery unit or other vapor control device to ensure compliance with §115.112(e)(7)(A) of this title. The inspection must occur when liquids are not being added to or unloaded from the tank. If the owner or operator finds the closure device open for reasons not allowed in §115.112(e)(7)(A) of this title, the owner or operator shall attempt to close the device during the inspection. The inspection must occur before the end of one business day after each opening of a thief or access hatch for sampling or gauging, and before the end of one business day after each unloading event. If multiple events occur on a single day, a single inspection within one business day after the last event is sufficient.

(B) The owner or operator shall conduct an audio, visual, and olfactory inspection of all gaskets and vapor sealing surfaces of each closure device not connected to a vapor recovery unit or other vapor control device once per calendar quarter to ensure compliance with §115.112(e)(7)(B) of this title. If the owner or operator finds an improperly sealed closure device, the owner or operator shall make a first attempt at repair no later than five calendar days after the inspection and repair the device no later than 15 calendar days after the inspection unless delay of repair is allowed. If parts are unavailable, repair may be delayed. Parts must be ordered promptly and the repair must be completed within five days of receipt of required parts. Repair may be delayed until the next shutdown if the repair of the component would require a shutdown that would create more emissions than the repair would eliminate. Repair must be completed by the end of the next shutdown. For the purpose of this subparagraph, a repair is complete if the closure device no longer exudes process gasses based on sight, smell, or sound.

(b) The following inspection requirements apply in Gregg, Nueces, and Victoria Counties.

(1) For an internal floating roof storage tank, the following inspection requirements apply.

(A) If during an inspection of an internal floating roof storage tank, the internal floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(2) For an external floating roof storage tank, the secondary seal gap must be physically measured at least once every 12 months to insure compliance with §115.112(b)(2)(F) of this title.

(A) If the secondary seal gap exceeds the limitations specified by §115.112(b)(2)(F) of this title, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(3) If the storage tank is equipped with a mechanical shoe or liquid-mounted primary seal, compliance with §115.112(b)(2)(F) of this title can be determined by visual inspection.

(4) For an external floating roof storage tank, the secondary seal must be visually inspected at least once every 12 months to insure compliance with §115.112(b)(2)(E) - (F) of this title.

(A) If the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(c) The following inspection requirements apply in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties.

(1) For an internal floating roof storage tank, the following inspection requirements apply.

(A) If during an inspection of an internal floating roof storage tank, the internal floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the internal floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

(2) For an external floating roof storage tank, the following inspection requirements apply.

(A) If during an inspection of an external floating roof storage tank, the external floating roof is not resting on the surface of the VOC inside the storage tank and is not resting on the leg supports; or liquid has accumulated on the external floating roof; or the seal is detached; or there are holes or tears in the seal fabric; or there are visible gaps between the seal and the wall of the storage tank, within 60 days of the inspection the owner or operator shall repair the items or shall empty and degas the storage tank.

(B) If a failure cannot be repaired within 60 days and if the storage tank cannot be emptied within 60 days, the owner or operator may submit written requests for up to two extensions of up to 30 additional days each to the appropriate regional office. The owner or operator shall submit a copy to any local air pollution control program with jurisdiction. Each request for an extension must include a statement that alternate storage capacity is unavailable and a schedule that will assure that the repairs will be completed as soon as possible.

§115.119. Compliance Schedules.

(a) In Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, the compliance date has passed and the owner or operator of each storage tank in which any volatile organic compounds (VOC) are placed, stored, or held shall continue to comply with this division except as follows.

(1) The affected owner or operator shall comply with the requirements of §115.112(d); §115.115(a)(1), (2), (3)(A), and (4); §115.117; and §115.118(a) of this title (relating to Control Requirements; Monitoring Requirements; Approved Test Methods; and Recordkeeping Requirements, respectively) no later than January 1, 2009. Section 115.112(d) of this title no longer applies in the Houston-Galveston-Brazoria area beginning March 1, 2013. Prior to March 1, 2013, the owner or operator of a storage tank subject to §115.112(d) of this title shall continue to comply with §115.112(d) of this title until compliance has been demonstrated with the requirements of §115.112(e) of this title.

(A) If compliance with these requirements would require emptying and degassing of the storage tank, compliance is not required until the next time the storage tank is emptied and degassed but no later than January 1, 2017.

(B) The owner or operator of each storage tank with a storage capacity less than 210,000 gallons storing crude oil and condensate prior to custody transfer shall comply with the requirements of this division no later than January 1, 2009, regardless if compliance with these requirements would require emptying and degassing of the storage tank.

(2) The affected owner or operator shall comply with §§115.112(e), 115.115(a)(3)(B), (5), and (6), and 115.116 of this title (relating to Testing Requirements) as soon as practicable, but no later than March 1, 2013.

(A) If compliance with these requirements would require emptying and degassing of the storage tank, compliance is not required until the next time the storage tank is emptied and degassed but no later than January 1, 2017.

(B) The owner or operator of each storage tank with a storage capacity less than 210,000 gallons storing crude oil and condensate prior to custody transfer shall comply with these requirements no later than March 1, 2013, regardless if compliance with these requirements would require emptying and degassing of the storage tank.

(b) In Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties, the owner or operator of each storage tank in which any VOC is placed, stored, or held was required to be in compliance with this division on or before March 1, 2009, and shall continue to comply with this division, except as follows.

(1) The affected owner or operator shall comply with §§115.112(e), 115.115(a)(3)(B), (5), and (6), 115.116, and 115.118(a)(6) of this title as soon as practicable, but no later than March 1, 2013.

(A) If compliance with §115.112(e) of this title would require emptying and degassing of the storage tank, compliance is not required until the next time the storage tank is emptied and degassed but no later than December 1, 2021.

(B) The owner or operator of a storage tank with a storage capacity less than 210,000 gallons storing crude oil and condensate prior to custody transfer shall comply with these requirements no later than March 1, 2013, regardless if compliance with these requirements would require emptying and degassing of the storage tank.

(C) As soon as practicable but no later than 15 months after the commission publishes notice in the *Texas Register* that the Dallas-Fort Worth area, except Wise County, has been reclassified as a severe nonattainment area for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard the owner or operator of a storage tank storing crude oil or condensate prior to custody transfer or at a pipeline

breakout station is required to be in compliance with the control requirements in §115.112(e)(4)(B)(ii) and (5)(B)(ii) of this title except as specified in §115.111(a)(11) of this title (relating to Exemptions).

(2) The owner or operator is no longer required to comply with §115.112(a) of this title beginning March 1, 2013.

(3) The affected owner or operator in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties shall comply with §§115.112(e)(7), 115.114(a)(5), and 115.118(a)(6)(D) and (E) of this title as soon as practicable, but no later than January 1, 2017.

(c) In Hardin, Jefferson, and Orange Counties, the owner or operator of each storage tank in which any VOC is placed, stored, or held was required to be in compliance with this division by March 7, 1997, and shall continue to comply with this division, except that compliance with §115.115(a)(3)(B), (5), and (6), and §115.116 of this title is required as soon as practicable, but no later than March 1, 2013.

(d) In El Paso County, the owner or operator of each storage tank in which any VOC is placed, stored, or held was required to be in compliance with this division by January 1, 1996, and shall continue to comply with this division, except that compliance with §115.115(a)(3)(B), (5), and (6), and §115.116 of this title is required as soon as practicable, but no later than March 1, 2013.

(e) In Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties, the owner or operator of each storage tank in which any VOC is placed, stored, or held was required to be in compliance with this division by July 31, 1993, and shall continue to comply with this division, except that compliance with §115.116(b) of this title is required as soon as practicable, but no later than March 1, 2013.

(f) In Wise County, the owner or operator of each storage tank in which any VOC is placed, stored, or held shall comply with this division as soon as practicable, but no later than January 1, 2017.

(g) The owner or operator of each storage tank in which any VOC is placed, stored, or held that becomes subject to this division on or after the date specified in subsections (a) - (f) of this section, shall comply with the requirements in this division no later than 60 days after becoming subject.

(h) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each storage tank in Wise County is not required to comply with any of the requirements in this division.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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DIVISION 2. VENT GAS CONTROL

30 TAC §§115.121, 155.122, 115.125 - 115.127, 115.129

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.129. Counties and Compliance Schedules.

(a) In Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties, the compliance date has passed and the owner or operator of each vent gas stream shall continue to comply with this division.

(b) The owner or operator of each bakery in Collin, Dallas, Denton, and Tarrant Counties subject to §115.122(a)(3)(C) of this title (relating to Control Requirements) shall comply with §§115.121(a)(3), 115.122(a)(3)(C), and 115.126(6) of this title (relating to Emission Specifications; Control Requirements; and Monitoring and Record-keeping Requirements) as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard (NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in Federal Clean Air Act (FCAA), §172(c)(9).

(c) The owner or operator of each bakery in El Paso County subject to §115.122(a)(3)(D) of this title shall comply with §§115.121(a)(3), 115.122(a)(3)(D), and 115.126(6) of this title as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the NAAQS for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in FCAA, §172(c)(9).

(d) The owner or operator of each vent gas stream in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(e) The owner or operator of each vent gas stream in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(f) The owner or operator of a vent gas stream in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to this division on or after the applicable compliance date in this section shall comply with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

(g) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each vent gas stream in Wise County is not required to comply with any of the requirements in this division.

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DIVISION 3. WATER SEPARATION

30 TAC §115.139

Statutory Authority

The amended section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air

contaminant emissions. The amended section is also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended section implements THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.139. Counties and Compliance Schedules.

(a) In Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties the compliance date has passed and the owner or operator of each volatile organic compound (VOC) water separator shall continue to comply with this division.

(b) The owner or operator of each VOC water separator in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(c) The owner or operator of each VOC water separator in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(d) The owner or operator of a water separator in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to this division on or after the applicable compliance date in subsection (a), (b) or (c) of this section, shall be in compliance with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

(e) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each water separator in Wise County is not required to comply with any of the requirements in this division.

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SUBCHAPTER C. VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS DIVISION 1. LOADING AND UNLOADING OF VOLATILE ORGANIC COMPOUNDS

30 TAC §115.215, §115.219

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.* §115.219. *Counties and Compliance Schedules.*

(a) In Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties, the compliance date has passed and the owner or operator of each volatile organic compound (VOC) transfer operation shall continue to comply with this division.

(b) In the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), the compliance date has passed and the owner or operator of each gasoline bulk plant shall continue to comply with this division.

(c) In the covered attainment counties, as defined in §115.10 of this title, the compliance date has passed and the owner or operator of each gasoline terminal shall continue to comply with this division.

(d) The owner or operator of each gasoline terminal, gasoline bulk plant, or VOC transfer operation in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(e) The owner or operator of each gasoline terminal, gasoline bulk plant, or VOC transfer operation in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017. The owner or operator of each gasoline terminal or gasoline bulk plant in Wise County shall continue to comply with the applicable requirements in §§115.211(2), 115.212(b), and 115.214(b) of this title (relating to Emission Specifications; Control Requirements; and Inspection Requirements) until the facility achieves compliance with the applicable requirements in §§115.211(1), 115.212(a), and 115.214(a) of this title.

(f) The owner or operator of an affected source in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to the requirements of this division on or after the applicable compliance date in subsection (a), (d), or (e) of this section, shall be in compliance with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

(g) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each gasoline terminal, gasoline bulk plant, or VOC transfer operation in Wise County is not required to comply with the requirements in §§115.211(1), 115.212(a), and 115.214(a) of this title and shall continue to comply with the requirements in §§115.211(2), 115.212(b), and 115.214(b) of this title.

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DIVISION 2. FILLING OF GASOLINE STORAGE VESSELS (STAGE I) FOR MOTOR VEHICLE FUEL DISPENSING FACILITIES

30 TAC §115.229

Statutory Authority

The amended section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended section is also adopted

under Federal Clean Air Act (FCAA), 42 United State Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended section implements THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.229. *Counties and Compliance Schedules.*

(a) The owner or operator of each gasoline dispensing facility in the Beaumont-Port Arthur, El Paso, and Houston-Galveston-Brazoria areas and in Collin, Dallas, Denton, and Tarrant Counties shall continue to comply with this division as required by §115.930 of this title (relating to Compliance Dates).

(b) The owner or operator of each gasoline dispensing facility in the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), shall continue to comply with this division as required by §115.930 of this title.

(c) The owner or operator of each gasoline dispensing facility in Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson Counties that has dispensed at least 25,000 gallons of gasoline but less than 125,000 gallons of gasoline in any calendar month after December 31, 2004 shall comply with this division as soon as practicable, but no later than December 31, 2005.

(d) The owner or operator of each gasoline dispensing facility in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties that has dispensed at least 10,000 gallons of gasoline but less than 125,000 gallons of gasoline in any calendar month after April 30, 2005, shall comply with this division as soon as practicable, but no later than June 15, 2007.

(e) The owner or operator of each gasoline dispensing facility in Wise County shall continue to comply with the requirements applicable to covered attainment counties, as defined in §115.10 of this title, until the facility achieves compliance with the requirements applicable to the Dallas-Fort Worth area, as defined in §115.10 of this title. The owner or operator shall comply with the requirements applicable to the Dallas-Fort Worth area as soon as practicable, but no later than January 1, 2017.

(f) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each gasoline dispensing facility in Wise County shall continue to comply with the requirements in this division applicable to the covered attainment counties. The requirements that apply in the Dallas-Fort Worth area no longer apply to gasoline dispensing facilities in Wise County.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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DIVISION 3. CONTROL OF VOLATILE ORGANIC COMPOUND LEAKS FROM TRANSPORT VESSELS

30 TAC §115.239

Statutory Authority

The amended section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended section is also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended section implements THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.239. *Counties and Compliance Schedules.*

(a) In Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties, the compliance date has passed and the owner or operator of each tank-truck tank shall continue to comply with this division.

(b) In the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), the compliance date has passed and the owner or operator of each gasoline tank-truck tank shall continue to comply with this division.

(c) The owner or operator of each tank-truck tank in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(d) The owner or operator of each tank-truck tank in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017. The owner or operator of each gasoline tank-truck tank in Wise County shall continue to comply with the applicable requirements in §115.234(b) and §115.235(b) of this title (relating to Inspection Requirements and Approved Test Methods) until the facility achieves compliance with the newly applicable requirements in §115.234(a) and §115.235(a) of this title.

(e) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each tank-truck tank in Wise County is not required to comply with the requirements in §115.234(a) and §115.235(a) of this title and shall continue to comply with the requirements in §115.234(b) and §115.235(b) of this title.

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**SUBCHAPTER D. PETROLEUM REFINING,
NATURAL GAS PROCESSING, AND
PETROCHEMICAL PROCESSES
DIVISION 3. FUGITIVE EMISSION CONTROL
IN PETROLEUM REFINING, NATURAL
GAS/GASOLINE PROCESSING, AND
PETROCHEMICAL PROCESSES IN OZONE
NONATTAINMENT AREAS**

30 TAC §115.359

Statutory Authority

The amended section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended section is also adopted under Federal Clean Air Act (FCAA), 42 United States Code

(USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended section implements THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.359. *Counties and Compliance Schedules.*

(a) In Brazoria, Chambers, Collin, El Paso, Dallas, Denton, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties, the compliance date has passed and the owner or operator shall continue to comply with this division.

(b) The owner or operator of each affected source in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(c) The owner or operator of each affected source in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(d) The owner or operator of an affected source in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to this division on or after the applicable date specified in subsections (a) - (c) of this section shall comply with the requirements in this division no later than 60 days after becoming subject.

(e) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each affected source in Wise County is not required to comply with any of the requirements in this division.

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**SUBCHAPTER E. SOLVENT-USING
PROCESSES
DIVISION 1. DEGREASING PROCESSES
30 TAC §§115.410, 115.411, 115.415, 115.416, 115.419**

Statutory Authority

The new and amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning

Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The new and amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The new and amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The new and amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.411. Exemptions.

The following exemptions apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Bastrop, Bexar, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson Counties.

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

(2) The following are exempt from the requirements of §115.412(1)(E) of this title:

(A) a cold solvent cleaning system for which the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1 kPa) as measured at 100 degrees Fahrenheit (38 degrees Celsius), provided that the solvent is not heated above 120 degrees Fahrenheit (49 degrees Celsius); and

(B) remote reservoir cold solvent cleaners.

(3) Any conveyORIZED degreaser with less than 20 square feet (ft²) (2 square meters (m²)) of air/vapor interface is exempt from the requirement of §115.412(3)(A) of this title.

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

(5) In Gregg, Nueces, and Victoria Counties, degreasing operations located on any property that can emit, when uncontrolled, a combined weight of volatile organic compounds less than 550 pounds in any consecutive 24-hour period are exempt from the provisions of §115.412 of this title.

§115.419. Counties and Compliance Schedules.

(a) In Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller, Counties, the compliance date has passed and all affected persons shall continue to comply with this division.

(b) All affected persons in Bastrop, Bexar, Caldwell, Comal, Guadalupe, Hays, Travis, Williamson, and Wilson Counties shall comply with this division as soon as practicable, but no later than December 31, 2005.

(c) All affected persons in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(d) All affected persons of a degreasing process in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(e) All affected persons of a degreasing process in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to this division on or after the applicable compliance date in subsection (a), (c), or (d) of this section shall comply with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

(f) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each degreasing process in Wise County is not required to comply with any of the requirements in this division.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Robert Martinez

Director, Environmental Law Division

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For further information, please call: (512) 239-2613



30 TAC §115.417

Statutory Authority

The repealed section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The repealed section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical

property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The repealed section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The repealed section is also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The repealed section implements THSC, §§382.002, 382.011, 382.012, 382.016, and 382.017; and FCAA, 42 USC, §§7401 *et seq.*

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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DIVISION 2. SURFACE COATING PROCESSES

30 TAC §§115.420 - 115.423, 115.425 - 115.427, 115.429

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal

Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, and 382.017; and FCAA, 42 USC, §§7401 *et seq.*

§115.420. *Applicability and Definitions.*

(a) The owner or operator of a surface coating process in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties, as specified in each paragraph below, is subject to this division. All owners and operators shall be in compliance with this division in accordance with the compliance schedules listed in §115.429 of this title (relating to Counties and Compliance Schedules).

(1) Large appliance coating. The requirements in this division apply in the Beaumont-Port Arthur and El Paso areas and in Gregg, Nueces, and Victoria Counties.

(2) Metal furniture coating. The requirements in this division apply in the Beaumont-Port Arthur and El Paso areas and in Gregg, Nueces, and Victoria Counties.

(3) Coil coating. The requirements in this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties.

(4) Paper coating. The requirements in this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties. In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, applicability is determined by the volatile organic compound (VOC) emissions from each individual paper coating line.

(A) Each paper coating line in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas that has the potential to emit less than 25 tons per year (tpy) of VOC is subject to this division.

(B) Each paper coating line in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas that has the potential to emit equal to or greater than 25 tpy of VOC is subject to the requirements in Division 5 of this Subchapter (relating to Control Requirements for Surface Coating Processes).

(5) Fabric coating. The requirements in this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties.

(6) Vinyl coating. The requirements in this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties.

(7) Can coating. The requirements in this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties.

(8) Automobile and light-duty truck coating. The requirements in this division apply in the Beaumont-Port Arthur, El Paso, and Houston-Galveston-Brazoria areas.

(9) Vehicle refinishing coating (body shops). The requirements in this division apply in the Dallas-Fort Worth area, except in Wise County, and in the El Paso and Houston-Galveston-Brazoria areas.

(10) Miscellaneous metal parts and products coating. The requirements in this division apply in the Beaumont-Port Arthur and

El Paso areas and in Gregg, Nueces, and Victoria Counties. In the Dallas-Fort Worth area, except in Wise County, and the Houston-Galveston-Brazoria area, the requirements in this division apply only to designated on-site maintenance shops as specified in §115.427(8) of this title (relating to Exemptions).

(11) Factory surface coating of flat wood paneling. The requirements in this division apply in the Beaumont-Port Arthur area, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties.

(12) Aerospace coating. The requirements in this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties.

(13) Mirror backing coating. The requirements in this division apply in the Beaumont-Port Arthur area, the Dallas-Fort Worth area, except in Wise County, the El Paso area, and the Houston-Galveston-Brazoria area.

(14) Wood parts and products coating. The requirements in this division apply in the Dallas-Fort Worth area, except in Wise County, the El Paso area, and the Houston-Galveston-Brazoria area.

(15) Wood furniture manufacturing coatings. The requirements in this division apply in the Beaumont-Port Arthur area, the Dallas-Fort Worth area, except in Wise County, the El Paso area, and the Houston-Galveston-Brazoria area.

(16) Marine coatings. The requirements in this division apply in the Beaumont-Port Arthur and Houston-Galveston-Brazoria areas.

(b) General surface coating definitions. The following terms, when used in this division have the following meanings, unless the context clearly indicates otherwise. Additional definitions for terms used in this division are found in §§3.2, 101.1, and 115.10 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 must 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(b)(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(b)(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.

(c) Specific surface coating definitions. The following terms, when used in this division, 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 antifriction 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 topcoat 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, automated process that removes permanent coating in small sections at a time, and maintains a continuous vacuum around the area(s) being depainted 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(c)(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) Hydrocarbon-based cleaning solvent--A solvent which is composed of VOC (photochemically reactive hydrocarbons) and/or oxygenated hydrocarbons, has a maximum vapor pressure of seven millimeters of mercury (mm Hg) at 20 degrees Celsius (68 degrees Fahrenheit), and contains no hazardous air pollutant (HAP) identified in the 1990 Amendments to the Federal Clean Air Act (FCAA), §112(b).

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

(TT) 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.

(UU) 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.

(VV) 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.

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

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

(YY) 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.

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

(AAA) 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.

(BBB) 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.

(CCC) 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.

(DDD) 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.

(EEE) 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.

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

(GGG) 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.

(HHH) 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.

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

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

(KKK) 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.

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

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

(NNN) 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.

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

(PPP) 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.

(QQQ) 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.

(RRR) 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."

(SSS) 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.

(TTT) 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.

(UUU) 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.

(VVV) 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.

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

(XXX) 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.

(YYY) 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.

(ZZZ) 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.

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

(BBBB) 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.

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

(DDDD) 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.

(EEEE) Volatile organic compound (VOC) composite vapor pressure--The sum of the partial pressures of the compounds defined as VOCs, determined by the following calculation:
Figure: 30 TAC §115.420(c)(1)(EEEE)

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

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

(HHHH) 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(15) 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) Automobile and light-duty truck manufacturing.

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

(B) 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.

(13) Vehicle refinishing (body shops).

(A) Basecoat/clearcoat system--A topcoat system composed of a pigmented basecoat portion and a transparent clearcoat portion. The VOC content of a basecoat (BCCA-AG)/clearcoat (cc) system shall be calculated according to the following formula:
Figure: 30 TAC §115.420(c)(13)(A)

(B) 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.

(C) 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.

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

(E) 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.

(F) 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.

(G) 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(c)(13)(G)

(H) Vehicle refinishing (body shops)--The coating of motor vehicles, as defined in §114.620 of this title (relating to Definitions), 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 non-road vehicles and non-road equipment, as these terms are defined in §114.3 and §114.6 of this title (relating to Low Emission Vehicle Fleet Definitions; and Low Emission Fuel Definitions), and trailers is not included.

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

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

(15) Wood parts and products. The following terms apply to wood parts and products coating facilities subject to §115.421(14) of this title.

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

(B) 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.

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

(D) 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.

(E) 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.

(F) 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.

(G) 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.

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

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

(J) 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.

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

(16) Wood furniture manufacturing facilities. The following terms apply to wood furniture manufacturing facilities subject to §115.421(15) of this title.

(A) 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(15) of this title.

(B) 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.

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

(D) 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.

(E) 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.

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

(G) 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.

(H) 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.

(I) 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.

(J) 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.

(K) 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.

(L) 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.

(M) 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.

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

(O) 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.

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

(Q) 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).

(R) 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 facil-

ity that does not engage in any other wood furniture or wood furniture component manufacturing operation are excluded from this definition.

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

§115.421. Emission Specifications.

The owner or operator of the surface coating processes specified in §115.420(a) of this title (relating to Applicability and Definitions) shall not cause, suffer, allow, or permit volatile organic compound (VOC) emissions to exceed the specified emission limits in paragraphs (1) - (16) of this subsection. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (9) of this subsection which are based on paneling surface area, and those in paragraph (15) of this subsection which, if using an averaging approach, must use one of the daily averaging equations within that paragraph. The owner or operator of a surface coating operation subject to paragraph (10) of the subsection may choose to comply by using the monthly weighted average option as defined in §115.420(c)(1)(YY) of this title.

(1) Large appliance coating. VOC emissions from the application, flashoff, and oven areas during the coating of large appliances (prime and topcoat, or single coat) must not exceed 2.8 pounds per gallon of coating (minus water and exempt solvent) delivered to the application system (0.34 kilogram/liter (kg/liter)).

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

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

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

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

(6) Vinyl coating. VOC emissions from the coating of vinyl fabrics or sheets must not exceed 3.8 pounds per gallon of coating (minus water and exempt solvent) delivered to the application system (0.45 kg/liter). Plastisol coatings should not be included in calculations.

(7) Can coating. The following VOC emission limits must be achieved, on the basis of VOC solvent content per unit of volume of coating (minus water and exempt solvent) delivered to the application system:
Figure: 30 TAC §115.421(7)

(8) Miscellaneous metal parts and products (MMPP) coating.

(A) VOC emissions from the coating of MMPP must not exceed the following limits for each surface coating type:
Figure: 30 TAC §115.421(8)(A)

(B) If more than one emission limitation in subparagraph (A) of this paragraph applies to a specific coating, then the least stringent emission limitation applies.

(C) All VOC emissions from non-exempt solvent washings must be included in determination of compliance with the emission limitations in subparagraph (A) of this paragraph unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(9) Factory surface coating of flat wood paneling. The following emission limits apply to each product category of factory-finished paneling (regardless of the number of coats applied):
Figure: 30 TAC §115.421(9)

(10) Aerospace coatings. The VOC content of coatings, including any VOC-containing materials added to the original coating supplied by the manufacturer, that are applied to aerospace vehicles or components must not exceed the following limits (in grams of VOC per liter of coating, less water and exempt solvent). The following applications are exempt from the VOC content limits of this paragraph: manufacturing or re-work of space vehicles or antique aerospace vehicles or components of each; touchup; United States Department of Defense classified coatings; and separate coating formulations in volumes less than 50 gallons per year to a maximum of 200 gallons per year for all such formulations at an account.

(A) For the broad categories of primers, topcoats, and chemical milling maskants (Type I/II) which are not specialty coatings as listed in subparagraph (B) of this paragraph:

- (i) primer, 350;
 - (ii) topcoats (including self-priming topcoats), 420;
- and
- (iii) chemical milling maskants:
 - (I) Type I, 622; and
 - (II) Type II, 160.

(B) For specialty coatings:
Figure: 30 TAC §115.421(10)(B)

(11) Automobile and light-duty truck manufacturing coating. The following VOC emission limits must be achieved, on the basis of solvent content per unit volume of coating (minus water and exempt solvents) delivered to the application system or for primer surfacer and top coat application, compliance may be demonstrated on the basis of VOC emissions per unit volume of solids deposited as determined by §115.425(3) of this title (relating to Testing Requirements).
Figure: 30 TAC §115.421(11)

(12) Vehicle refinishing coating (body shops). VOC emissions from coatings or solvents must not exceed the following limits, as delivered to the application system. Additional control requirements for vehicle refinishing (body shops) are referenced in §115.422 of this title (relating to Control Requirements).
Figure: 30 TAC §115.421(12)

(13) Surface coating of mirror backing.

(A) VOC emissions from the coating of mirror backing must not exceed the following limits for each surface coating application method:

- (i) 4.2 pounds per gallon (0.50 kg/liter) of coating (minus water and exempt solvent) delivered to a curtain coating application system; and
- (ii) 3.6 pounds per gallon (0.43 kg/liter) of coating (minus water and exempt solvent) delivered to a roll coating application system.

(B) All VOC emissions from solvent washings must be included in determination of compliance with the emission limitations

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

(14) Surface coating of wood parts and products. VOC emissions from the coating of wood parts and products must not exceed the following limits, as delivered to the application system, for each surface coating type. All VOC emissions from solvent washings must be included in determination of compliance with the emission limitations in this paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.
Figure: 30 TAC §115.421(14)

(15) Surface coating at wood furniture manufacturing facilities. For facilities which are subject to this paragraph, adhesives are not considered to be coatings or finishing materials.

(A) VOC emissions from finishing operations must be limited by:

(i) using topcoats with a VOC content no greater than 0.8 kilogram of VOC per kilogram of solids (0.8 pound of VOC per pound of solids), as delivered to the application system; or

(ii) using a finishing system of sealers with a VOC content no greater than 1.9 kilograms of VOC per kilogram of solids (1.9 pounds of VOC per pound of solids), as applied, and topcoats with a VOC content no greater than 1.8 kilograms of VOC per kilogram of solids (1.8 pounds of VOC per pound of solids), as delivered to the application system; or

(iii) for wood furniture manufacturing facilities using acid-cured alkyd amino vinyl sealers or acid-cured alkyd amino conversion varnish topcoats, using sealers and topcoats that meet the following criteria:

(I) if the wood furniture manufacturing facility uses acid-cured alkyd amino vinyl sealers and acid-cured alkyd amino conversion varnish topcoats, the sealer must contain no more than 2.3 kilograms of VOC per kilogram of solids (2.3 pounds of VOC per pound of solids), as applied, and the topcoat must contain no more than 2.0 kilograms of VOC per kilogram of solids (2.0 pounds of VOC per pound of solids), as delivered to the application system; or

(II) if the wood furniture manufacturing facility uses a sealer other than an acid-cured alkyd amino vinyl sealer and acid-cured alkyd amino conversion varnish topcoats, the sealer must contain no more than 1.9 kilograms of VOC per kilogram of solids (1.9 pounds of VOC per pound of solids), as applied, and the topcoat must contain no more than 2.0 kilograms of VOC per kilogram of solids (2.0 pounds of VOC per pound of solids), as delivered to the application system; or

(III) if the wood furniture manufacturing facility uses an acid-cured alkyd amino vinyl sealer and a topcoat other than an acid-cured alkyd amino conversion varnish topcoat, the sealer must contain no more than 2.3 kilograms of VOC per kilogram of solids (2.3 pounds of VOC per pound of solids), as applied, and the topcoat must contain no more than 1.8 kilograms of VOC per kilogram of solids (1.8 pounds of VOC per pound of solids), as delivered to the application system; or

(iv) using an averaging approach and demonstrating that actual daily emissions from the wood furniture manufacturing facility are less than or equal to the lower of the actual versus allowable emissions using one of the following inequalities:
Figure: 30 TAC §115.421(15)(A)(iv)

(v) using a vapor control system that will achieve an equivalent reduction in emissions as the requirements of clauses (i) or

(ii) of this subparagraph. If this option is used, the requirements of §115.423(3) of this title do not apply; or

(vi) using a combination of the methods presented in clauses (i) - (v) of this subparagraph.

(B) Strippable booth coatings used in cleaning operations must not contain more than 0.8 kilogram of VOC per kilogram of solids (0.8 pound of VOC per pound of solids), as delivered to the application system.

(16) Marine coatings.

(A) The following VOC emission limits apply to the surface coating of ships and offshore oil or gas drilling platforms at shipbuilding and ship repair operations, and are based upon the VOC content of the coatings as delivered to the application system.

Figure: 30 TAC §115.421(16)(A)

(B) For a coating to which thinning solvent is routinely or sometimes added, the owner or operator shall determine the VOC content as follows.

(i) Prior to the first application of each batch, designate a single thinner for the coating and calculate the maximum allowable thinning ratio (or ratios, if the shipbuilding and ship repair operation complies with the cold-weather limits in addition to the other limits specified in subparagraph (A) of this paragraph) for each batch as follows.

Figure: 30 TAC §115.421(16)(B)(i)

(ii) If the volume fraction of solids in the batch as supplied V_s is not supplied directly by the coating manufacturer, the owner or operator shall determine V_s as follows.

Figure: 30 TAC §115.421(16)(B)(ii)

§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-Brazoria areas and in Gregg, Nueces, and Victoria Counties. Records of non-exempt solvent washings are not required to be kept if the non-exempt solvent is directed into containers that prevent evaporation into the atmosphere.

(1) The owner or operator shall satisfy the following recordkeeping requirements.

(A) A material data sheet must be maintained that 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 must 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 must be sufficient to calculate the applicable weighted average of VOC for all coatings.

(i) As an alternative to the recordkeeping requirements of this subparagraph, the owner or operator of any vehicle refinishing (body shop) operation subject to §115.421(11) 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(11) of this title. If the owner or operator of a vehicle refinishing (body shop) operation that uses any coating or solvent which exceeds the limits of §115.421(11) of this title, then the

owner or operator 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, the owner or operator of any wood parts and products coating operation subject to §115.421(14) 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(14) of this title. If the owner or operator of a wood parts and products coating operation uses any coating or solvent which exceeds the limits of §115.421(14) of this title, then the owner or operator 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, the owner or operator of any surface coating operation that qualifies for exemption under §115.427(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 must be maintained for at least two years and must be made available upon request by representatives of the executive director, the United States Environmental Protection Agency (EPA), or any local air pollution control agency with jurisdiction.

(2) The owner or operator of any surface coating facility that 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 with jurisdiction, 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) The owner or operator shall maintain records 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(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; and

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

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

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

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

§115.429. Counties and Compliance Schedules.

(a) In Brazoria, Chambers, Collin, Dallas, Denton, Ellis, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Johnson, Kaufman, Liberty, Montgomery, Nueces, Orange, Parker, Rockwall, Tarrant, Victoria, and Waller Counties, the compliance date has passed and the owner or operator of a surface coating process shall continue to comply with this division.

(b) In Hardin, Jefferson, and Orange Counties the compliance date has passed and the owner or operator of each shipbuilding and ship repair operation that, when uncontrolled, emits a combined weight of volatile organic compounds from ship and offshore oil or gas drilling platform surface coating operations equal to or greater than 50 tons per year and less than 100 tons per year shall continue to comply with this division.

(c) The owner or operator of a paper surface coating process located in the Dallas-Fort Worth area, except Wise County, and Houston-Galveston-Brazoria area, as defined in §115.10 of this title (relating to Definitions), shall comply with the requirements in §115.422(7)

of this title (relating to Control Requirements), no later than March 1, 2013.

(d) The owner or operator of a surface coating process in Wise County shall comply with the requirements in this division as soon as practicable, but no later than January 1, 2017.

(e) The owner or operator of a surface coating process in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to this division on or after the applicable compliance date in this section shall comply with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

(f) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each surface coating process in Wise County is not required to comply with any of the requirements in this division.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Robert Martinez

Director, Environmental Law Division

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DIVISION 4. OFFSET LITHOGRAPHIC PRINTING

30 TAC §§115.440 - 115.442, 115.446, 115.449

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emis-

sions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.* §115.440. *Applicability and Definitions.*

(a) *Applicability.* The provisions in this division apply to offset lithographic printing lines located in the Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions).

(b) *Definitions.* Unless specifically defined in the Texas Clean Air Act (Texas Health and Safety Code, Chapter 382) or in §§3.2, 101.1, and 115.10 of this title (relating to Definitions), the terms in this division have the meanings commonly used in the field of air pollution control. In addition, the following meanings apply unless the context clearly indicates otherwise.

(1) *Alcohol*--Any of the hydroxyl-containing organic compounds with a molecular weight equal to or less than 74.12, which includes methanol, ethanol, propanol, and butanol.

(2) *Alcohol substitutes*--Nonalcohol additives that contain volatile organic compounds and are used in the fountain solution to reduce the surface tension of water or prevent ink piling.

(3) *Batch*--A supply of fountain solution or cleaning solution that is prepared and used without alteration until completely used or removed from the printing process.

(4) *Cleaning solution*--Liquids used to remove ink and debris from the operating surfaces of the printing press and its parts.

(5) *Fountain solution*--A mixture of water, nonvolatile printing chemicals, and a liquid additive that reduces the surface tension of the water so that it spreads easily across the printing plate surface. The fountain solution wets the non-image areas so that the ink is maintained within the image areas.

(6) *Heatset*--Any operation where heat is required to evaporate ink oil from the printing ink.

(7) *Lithography*--A planeographic printing process where the image and non-image areas are on the same plane of the printing plate. The image and non-image areas are chemically differentiated so the image area is oil receptive and the non-image area is water receptive.

(8) *Major printing source*--All offset lithographic printing lines located on a property with combined uncontrolled emissions of volatile organic compounds (VOC) greater than or equal to:

(A) 50 tons of VOC per calendar year in the Dallas-Fort Worth area as defined in §115.10 of this title (relating to Definitions), except Wise County;

(B) 25 tons of VOC per calendar year in the Houston-Galveston-Brazoria area, as defined in §115.10 of this title; or

(C) 100 tons of VOC per calendar year in Wise County.

(9) *Minor printing source*--All offset lithographic printing lines located on a property with combined uncontrolled emissions of volatile organic compounds (VOC) less than:

(A) 50 tons of VOC per calendar year in the Dallas-Fort Worth area, defined in §115.10 of this title (relating to Definitions), except Wise County;

(B) 25 tons of VOC per calendar year in the Houston-Galveston-Brazoria area, as defined in §115.10 of this title; or

(C) 100 tons of VOC per calendar year in Wise County.

(10) *Non-heatset*--Any operation where the printing inks are set without the use of heat. For the purposes of this division, ultraviolet-cured and electron beam-cured inks are considered non-heatset.

(11) *Offset lithography*--A printing process that transfers the ink film from the lithographic plate to an intermediary surface (blanket) that, in turn, transfers the ink film to the substrate.

(12) *Volatile organic compound (VOC) composite partial pressure*--The sum of the partial pressures of the compounds that meet the definition of VOC in §101.1 of this title (relating to Definitions). The VOC composite partial pressure is calculated as follows.

Figure: 30 TAC §115.440(b)(12) (No change.)

§115.441. *Exemptions.*

(a) In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions), the owner or operator of all offset lithographic printing lines located on a property with combined emissions of volatile organic compounds less than 3.0 tons per calendar year when uncontrolled, is exempt from the requirements in this division except as specified in §115.446 of this title (relating to Monitoring and Recordkeeping Requirements).

(b) In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, the owner or operator of a minor printing source, as defined in §115.440 of this title (relating to Applicability and Definitions) and in Wise County the owner or operator of a minor printing source or a major printing source, as defined in §115.440 of this title:

(1) may exempt up to 110 gallons of cleaning solution per calendar year from the content limits in §115.442(c)(1) of this title (relating to Control Requirements);

(2) may exempt any press with a total fountain solution reservoir less than 1.0 gallons from the fountain solution content limits in §115.442(c)(2) - (4) of this title; and

(3) may exempt any sheet-fed press with a maximum sheet size of 11.0 inches by 17.0 inches or less from the fountain solution content limits in §115.442(c)(2) of this title.

§115.449. *Compliance Schedules.*

(a) In the El Paso area, the owner or operator of all offset lithographic printing presses must be in compliance with §§115.442, 115.443, 115.445, and 115.446 of this title (relating to Control Requirements; Alternate Control Requirements; Approved Test Methods; and Monitoring and Recordkeeping Requirements) as soon as practicable, but no later than November 15, 1996.

(b) In Collin, Dallas, Denton, and Tarrant Counties, the owner or operator of all offset lithographic printing presses on a property that, when uncontrolled, emit a combined weight of volatile organic compounds (VOC) equal to or greater than 50 tons per calendar year, must be in compliance with §§115.442(a), 115.443, 115.445, and 115.446(a) of this title as soon as practicable, but no later than December 31, 2000.

(c) In Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, the owner or operator of all offset lithographic printing presses on a property that, when uncontrolled, emit a combined weight of VOC equal to or greater than 25 tons per calendar year, must be in compliance with §§115.442(a), 115.443,

115.445, and 115.446(a) of this title as soon as practicable, but no later than December 31, 2002.

(d) In Ellis, Johnson, Kaufman, Parker, and Rockwall Counties, the owner or operator of all offset lithographic printing presses on a property that, when uncontrolled, emit a combined weight of VOC equal to or greater than 50 tons per calendar year, shall comply with §§115.442(a), 115.443, 115.445, and 115.446(a) of this title as soon as practicable, but no later than March 1, 2009.

(e) The owner or operator of a major printing source, as defined in §115.440 of this title (relating to Applicability and Definitions), in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties, as defined in §115.10 of this title (relating to Definitions), shall comply with the requirements in this division no later than March 1, 2011, except as specified in subsections (b), (c), and (d) of this section.

(f) The owner or operator of a minor printing source, as defined in §115.440 of this title, in the Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties, shall comply with the requirements in this division no later than March 1, 2012.

(g) The owner or operator of a major or minor printing source, as defined in §115.440 of this title, in Wise County, shall comply with the requirements in this division as soon as practicable, but no later than January 1, 2017.

(h) The owner or operator of an offset lithographic printing line in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, Waller, and Wise Counties that becomes subject to this division on or after the date specified in subsections (e) - (g) of this section, shall comply with the requirements in this division no later than 60 days after becoming subject.

(i) Upon the date the commission publishes notice in the Texas Register that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator in Wise County of each offset lithographic printing line is not required to comply with any of the requirements in this division.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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DIVISION 5. CONTROL REQUIREMENTS FOR SURFACE COATING PROCESSES

30 TAC §§115.450, 115.451, 115.453, 115.459

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §7401 *et seq.*

§115.453. Control Requirements.

(a) The following control requirements apply to surface coating processes subject to this division. Except as specified in paragraph (3) of this subsection, these limitations are based on the daily weighted average of all coatings, as defined in §101.1 of this title (relating to Definitions), as delivered to the application system.

(1) The following limits must be met by applying low-volatile organic compound (VOC) coatings to meet the specified VOC content limits on a pound of VOC per gallon of coating basis (lb VOC/gal coating) (minus water and exempt solvent), or by applying coatings in combination with the operation of a vapor control system, as defined in §115.10 (relating to Definitions), to meet the specified VOC emission limits on a pound of VOC per gallon of solids basis (lb VOC/gal solids). If a coating meets more than one coating type definition, then the coating with the least stringent VOC limit applies.

(A) Large appliances. If a coating does not meet a specific coating type definition, then it can be assumed to be a general-use coating and the VOC limit for general coating applies.
Figure: 30 TAC §115.453(a)(1)(A) (No change.)

(B) Metal furniture. If a coating does not meet a specific coating type definition, then it can be assumed to be a general-use coating and the VOC limit for general coating applies.
Figure: 30 TAC §115.453(a)(1)(B) (No change.)

(C) Miscellaneous metal parts and products. If a coating does not meet a specific coating type definition, then it can be assumed to be a general-use coating and the VOC limit for general coating applies.
Figure: 30 TAC §115.453(a)(1)(C) (No change.)

(D) Miscellaneous plastic parts and products. If a coating does not meet a specific coating category definition, then it can be assumed to be a general-use coating and the VOC limit for general coating applies.

Figure: 30 TAC §115.453(a)(1)(D) (No change.)

(E) Automotive/transportation and business machine plastic parts. For red, yellow, and black automotive/transportation coatings, except touch-up and repair coatings, the VOC limit is determined by multiplying the appropriate limit in Table 1 of this subparagraph by 1.15.

Figure: 30 TAC §115.453(a)(1)(E)

(F) Pleasure craft. If a coating does not meet a specific coating category definition, then it can be assumed to be a general-use coating and the VOC limits for other coatings applies.

Figure: 30 TAC §115.453(a)(1)(F) (No change.)

(2) The coating VOC limits for motor vehicle materials applied to the metal and plastic parts in paragraph (1)(C) - (F) of this subsection, as delivered to the application system, must be met using low-VOC coatings (minus water and exempt solvent).

Figure: 30 TAC §115.453(a)(2) (No change.)

(3) The coating VOC limits for automobile and light-duty truck assembly surface coating processes must be met by applying low-VOC coatings.

Figure: 30 TAC §115.453(a)(3) (No change.)

(A) The owner or operator shall determine compliance with the VOC limits for electrodeposition primer operations on a monthly weighted average in accordance with §115.455(a)(2)(D) of this title (relating to Approved Test Methods and Testing Requirements).

(B) As an alternative to the VOC limit in Table 1 of this paragraph for final repair coatings, if an owner or operator does not compile records sufficient to enable determination of the daily weighted average, compliance may be demonstrated each day by meeting a standard of 4.8 lb VOC/gal coating (minus water and exempt solvent) on an occurrence weighted average basis. Compliance with the VOC limits on an occurrence weighted average basis must be determined in accordance with the procedure specified in §115.455(a)(2) of this title.

(C) The owner or operator shall determine compliance with the VOC limits in Table 2 of this paragraph in accordance with §115.455(a)(1) or (2)(C) of this title, as appropriate.

(4) The coating VOC limits for paper, film, and foil surface coating processes must be met by applying low-VOC coatings to meet the specified VOC content limits on a pound of VOC per pound of coating basis, as delivered to the application system, or by applying coatings in combination with the operation of a vapor control system to meet the specified VOC emission limits on a pound of VOC per pound of solids basis, as delivered to the application system.

Figure: 30 TAC §115.453(a)(4) (No change.)

(5) An owner or operator applying coatings in combination with the operation of a vapor control system to meet the VOC emission limits in paragraph (1) or (4) of this subsection shall use the following equation to determine the minimum overall control efficiency necessary to demonstrate equivalency. Control device and capture efficiency testing must be performed in accordance with the testing requirements in §115.455 (a)(3) and (4) of this title.

Figure: 30 TAC §115.453(a)(5) (No change.)

(b) Except for the surface coating process in subsection (a)(2) of this section, the owner or operator of a surface coating process may

operate a vapor control system capable of achieving a 90% overall control efficiency as an alternative to subsection (a) of this section. Control device and capture efficiency testing must be performed in accordance with the testing requirements in §115.455(a)(3) and (4) of this title. If the owner or operator complies with the overall control efficiency option under this subsection, then the owner or operator is exempt from the application system requirements of subsection (c) of this section.

(c) The owner or operator of any surface coating process subject to this division shall not apply coatings unless one of the following coating application systems is used:

- (1) electrostatic application;
- (2) high-volume, low-pressure (HVLP) spray;
- (3) flow coat;
- (4) roller coat;
- (5) dip coat;
- (6) brush coat or hand-held paint rollers; or

(7) for metal and plastic parts surface coating processes specified in §115.450(a)(3) and (4) of this title (relating to Applicability and Definitions), airless spray or air-assisted airless spray; or

(8) other coating application system capable of achieving a transfer efficiency equivalent to or better than that achieved by HVLP spray. For the purpose of this requirement, the transfer efficiency of HVLP spray is assumed to be 65%. The owner or operator shall demonstrate that either the application system being used is equivalent to the transfer efficiency of an HVLP spray or that the application system being used has a transfer efficiency of at least 65%.

(d) The following work practices apply to the owner or operator of each surface coating process subject to this division.

(1) For all coating-related activities including, but not limited to, solvent storage, mixing operations, and handling operations for coatings and coating-related waste materials, the owner or operator shall:

- (A) store all VOC-containing coatings and coating-related waste materials in closed containers;
- (B) minimize spills of VOC-containing coatings;
- (C) convey all coatings in closed containers or pipes;
- (D) close mixing vessels and storage containers that contain VOC coatings and other materials except when specifically in use;
- (E) clean up spills immediately; and
- (F) for automobile and light-duty truck assembly coating processes, minimize VOC emissions from the cleaning of storage, mixing, and conveying equipment.

(2) For all cleaning-related activities including, but not limited to, waste storage, mixing, and handling operations for cleaning materials, the owner or operator shall:

- (A) store all VOC-containing cleaning materials and used shop towels in closed containers;
- (B) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
- (C) minimize spills of VOC-containing cleaning materials;

(D) convey VOC-containing cleaning materials from one location to another in closed containers or pipes;

(E) minimize VOC emissions from cleaning of storage, mixing, and conveying equipment;

(F) clean up spills immediately; and

(G) for metal and plastic parts surface coating processes specified in §115.450(a)(3) - (5) of this title (relating to Applicability and Definitions), minimize VOC emission from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(3) The owner or operator of automobile and light-duty truck assembly surface coating processes shall implement a work practice plan containing procedures to minimize VOC emissions from cleaning activities and purging of coating application equipment. Properties with a work practice plan already in place to comply with requirements specified in 40 Code of Federal Regulations (CFR) §63.3094(b) (as amended through April 20, 2006 (71 FR 20464)), may incorporate procedures for minimizing non-hazardous air pollutant VOC emissions to comply with the work practice plan required by this paragraph.

(e) A surface coating process that becomes subject to subsection (a) of this section by exceeding the exemption limits in §115.451 of this title (relating to Exemptions) is subject to the provisions in subsection (a) of this section even if throughput or emissions later fall below exemption limits unless emissions are maintained at or below the controlled emissions level achieved while complying with subsection (a) of this section and one of the following conditions is met.

(1) The project that caused throughput or emission rate to fall below the exemption limits in §115.451 of this title must be authorized by a permit, permit amendment, standard permit, or permit by rule required by Chapters 106 or 116 of this title (relating to Permits by Rule; and Control of Air Pollution by Permits for New Construction or Modification, respectively). If a permit by rule is available for the project, the owner or operator shall continue to comply with subsection (a) of this section for 30 days after the filing of documentation of compliance with that permit by rule.

(2) If authorization by permit, permit amendment, standard permit, or permit by rule is not required for the project, the owner or operator shall provide the executive director 30 days notice of the project in writing.

§115.459. Compliance Schedules.

(a) The owner or operator of a surface coating process in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties subject to this division shall comply with the requirements of this division no later than March 1, 2013.

(b) The owner or operator of a surface coating process in Wise County shall comply with the requirements in this division as soon as practicable, but no later than January 1, 2017.

(c) The owner or operator of a surface coating process that becomes subject to this division on or after the applicable compliance date of this section shall comply with the requirements in this division no later than 60 days after becoming subject.

(d) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each surface coating process

in Wise County is not required to comply with any of the requirements in this division.

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DIVISION 6. INDUSTRIAL CLEANING SOLVENTS

30 TAC §§115.460, 115.461, 115.469

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.469. Compliance Schedules.

(a) The owner or operator of a solvent cleaning operation in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties shall comply with the requirements in this division no later than March 1, 2013.

(b) The owner or operator of a solvent cleaning operation in Wise County shall comply with the requirements in this division as soon as practicable, but no later than January 1, 2017.

(c) The owner or operator of a solvent cleaning operation that becomes subject to this division on or after the applicable compliance date in this section shall comply with the requirements in this division no later than 60 days after becoming subject.

(d) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each solvent cleaning operation in Wise County is not required to comply with any of the requirements in this division.

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DIVISION 7. MISCELLANEOUS INDUSTRIAL ADHESIVES

30 TAC §§115.471, 115.473, 115.479

Statutory Authority

The amended sections are adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended sections are also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. The amended sections are also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan

revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended sections implement THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.473. Control Requirements.

(a) The owner or operator shall limit volatile organic compounds (VOC) emissions from all adhesives and adhesive primers used during the specified application processes to the following VOC content limits in pounds of VOC per gallon of adhesive (lb VOC/gal adhesive) (minus water and exempt solvent compounds), as delivered to the application system. These limits are based on the daily weighted average of all adhesives or adhesive primers delivered to the application system each day. If an adhesive or adhesive primer is used to bond dissimilar substrates together, then the applicable substrate category with the least stringent VOC content limit applies.

Figure: 30 TAC §115.473(a)

(1) The owner or operator shall meet the VOC content limits in this subsection by using one of the following options.

(A) The owner or operator shall apply low-VOC adhesives or adhesive primers.

(B) The owner or operator shall apply adhesives or adhesive primers in combination with the operation of a vapor control system.

(2) As an alternative to paragraph (1) of this subsection, the owner or operator may operate a vapor control system capable of achieving an overall control efficiency of 85% of the VOC emissions from adhesives and adhesive primers. Control device and capture efficiency testing must be performed in accordance with the testing requirements in §115.475(3) and (4) of this title (relating to Approved Test Methods and Testing Requirements). If the owner or operator complies with the overall control efficiency option under this paragraph, then the owner or operator is exempt from the application system requirements of subsection (b) of this section.

(3) An owner or operator applying adhesives or adhesive primers in combination with a vapor control system to meet the VOC content limits in paragraph (1) of this subsection, shall use the following equation to determine the minimum overall control efficiency necessary to demonstrate equivalency. Control device and capture efficiency testing must be performed in accordance with the testing requirements in §115.475(3) and (4) of this title.

Figure: 30 TAC §115.473(a)(3) (No change.)

(b) The owner or operator of any application process subject to this division shall not apply adhesives or adhesive primers unless one of the following application systems is used:

- (1) electrostatic spray;
- (2) high-volume, low-pressure spray (HVLP);
- (3) flow coat;
- (4) roll coat or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
- (5) dip coat;
- (6) airless spray;
- (7) air-assisted airless spray; or
- (8) other application system capable of achieving a transfer efficiency equivalent to or better than that achieved by HVLP spray.

For the purpose of this requirement, the transfer efficiency of HVLP spray is assumed to be 65%. The owner or operator shall demonstrate that either the application system being used is equivalent to the transfer efficiency of an HVLP spray or that the application system being used has a transfer efficiency of at least 65%.

(c) The following work practices apply to the owner or operator of each application process subject to this division.

(1) For the storage, mixing, and handling of all adhesives, adhesive primers, thinners, and adhesive-related waste materials, the owner or operator shall:

(A) store all VOC-containing adhesives, adhesive primers, and process-related waste materials in closed containers;

(B) ensure that mixing and storage containers used for VOC-containing adhesives, adhesive primers, and process-related waste materials are kept closed at all times;

(C) minimize spills of VOC-containing adhesives, adhesive primers, and process-related waste materials; and

(D) convey VOC-containing adhesives, adhesive primers, and process-related waste materials from one location to another in closed containers or pipes.

(2) For the storage, mixing, and handling of all surface preparation materials and cleaning materials, the owner or operator shall:

(A) store all VOC-containing cleaning materials and used shop towels in closed containers;

(B) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(C) minimize spills of VOC-containing cleaning materials;

(D) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(E) minimize VOC emissions from the cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

(d) An application process that becomes subject to subsection (a) of this section by exceeding the exemption limits in §115.471(a) of this title (relating to Exemptions) is subject to the provisions in subsection (a) of this section even if throughput or emissions later fall below exemption limits unless emissions are maintained at or below the controlled emissions level achieved while complying with subsection (a) of this section and one of the following conditions is met.

(1) The project that caused a throughput or emission rate to fall below the exemption limits in §115.471(a) of this title must be authorized by a permit, permit amendment, standard permit, or permit by rule required by Chapters 106 or 116 of this title (relating to Permits by Rule; and Control of Air Pollution by Permits for New Construction or Modification, respectively). If a permit by rule is available for the project, the owner or operator shall continue to comply with subsection (a) of this section for 30 days after the filing of documentation of compliance with that permit by rule.

(2) If authorization by permit, permit amendment, standard permit, or permit by rule is not required for the project, the owner or operator shall provide the executive director 30 days notice of the project in writing.

§115.479. Compliance Schedules.

(a) The owner or operator of an application process in Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller, Counties shall comply with this division no later than March 1, 2013.

(b) The owner or operator of an application process in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(c) The owner or operator of an application process that becomes subject to this division on or after the applicable compliance date in this section shall comply with the requirements in this division no later than 60 days after becoming subject.

(d) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designation for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator of each application process in Wise County is not required to comply with any of the requirements in this division.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 5, 2015.

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Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

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Proposal publication date: December 26, 2014

For further information, please call: (512) 239-2613



SUBCHAPTER F. MISCELLANEOUS INDUSTRIAL SOURCES

DIVISION 1. CUTBACK ASPHALT

30 TAC §115.519

Statutory Authority

The amended section is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and approve all general policy of the commission; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, that authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act. The amended section is also adopted under THSC, §382.002, concerning Policy and Purpose, that establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, that authorizes the commission to control the quality of the state's air; and THSC, §382.012, concerning State Air Control Plan, that authorizes the commission to prepare and develop a general, comprehensive plan for the proper control

of the state's air. The amended section is also adopted under THSC, §382.016, concerning Monitoring Requirements; Examination of Records, that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended section is also adopted under Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

The amended section implements THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and FCAA, 42 USC, §§7401 *et seq.*

§115.519. *Counties and Compliance Schedules.*

(a) In Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, and Waller Counties, the compliance date has passed and all affected persons shall continue to comply with this division.

(b) All affected persons in Bastrop, Caldwell, Hays, Travis, and Williamson Counties shall comply with this division as soon as practicable, but no later than December 31, 2005.

(c) All affected persons in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009.

(d) All affected persons in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017.

(e) Upon the date the commission publishes notice in the *Texas Register* that the Wise County nonattainment designated for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard is no longer legally effective, the owner or operator in Wise County is not required to comply with any of the requirements in this division.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June 5, 2015.

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Robert Martinez

Director, Environmental Law Division

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CHAPTER 117. CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts the amendments to §§117.10, 117.400, 117.423, 117.425, 117.430, 117.435, 117.440, 117.445, 117.450, 117.454, 117.456, 117.1303, 117.1310, 117.1325, 117.1335, 117.1340, 117.1345, 117.1350, 117.1354, 117.8000, 117.9800, and 117.9810; the repeal of §§117.200, 117.203, 117.205, 117.210, 117.215, 117.223, 117.225, 117.230, 117.235, 117.240, 117.245, 117.252, 117.254, 117.256, 117.1100, 117.1103, 117.1105, 117.1110, 117.1115, 117.1120, 117.1125, 117.1135, 117.1140, 117.1145, 117.1152, 117.1154, 117.1156, 117.9010, and 117.9110; and new §117.452 *without changes*

to the proposed text as published in the December 26, 2014, issue of the *Texas Register* (39 TexReg 10337) and, therefore, will not be republished. The commission adopts amendments to §§117.403, 117.410, 117.9030, and 117.9130; and new §117.405 *with changes* to the proposed text.

The adopted new, amended, and repealed sections of Chapter 117 will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the state implementation plan (SIP), except for: §§117.210(c), 117.225, 117.405(d), 117.410(d), 117.425, 117.1110(b), 117.1125, 117.1310(b), and 117.1325. Sections 117.210(c), 117.225, 117.410(d), 117.425, 117.1110(b), 117.1125, 117.1310(b), and 117.1325 correspond to portions of the existing rule previously excluded from the EPA-approved Texas SIP and will not be submitted with this revision. Similarly, adopted new §117.405(d) will not be submitted to the EPA as a SIP revision.

Background and Summary of the Factual Basis for the Adopted Rules

General Background

The 1990 Federal Clean Air Act (FCAA) Amendments (42 United States Code (USC), §§7401 *et seq.*) require the EPA to establish primary National Ambient Air Quality Standards (NAAQS) that protect public health and to designate areas as either in attainment or nonattainment with the NAAQS or as unclassifiable. States are primarily responsible for ensuring attainment and maintenance of the NAAQS once established by the EPA. Each state is required to submit a SIP to the EPA that provides for attainment and maintenance of the NAAQS.

On March 27, 2008, the EPA revised both the primary and secondary ozone standard (the eight-hour ozone NAAQS) to a level of 0.075 parts per million (ppm) with an effective date of May 27, 2008 (73 FR 16436). On May 21, 2012, the EPA established initial air quality designations for the 2008 eight-hour ozone NAAQS. Effective July 20, 2012, the Dallas-Fort Worth (DFW) 2008 eight-hour ozone nonattainment area, consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, was classified as a moderate nonattainment area with an attainment deadline of December 31, 2018 (77 FR 30088, May 21, 2012).

On December 23, 2014 the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit Court) ruled on a lawsuit filed by the Natural Resources Defense Council, which resulted in vacatur of the EPA's December 31 attainment date for the 2008 Ozone NAAQS. As part of the EPA's Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements; Final Rule, published in the *Federal Register* on March 6, 2015 (80 FR 12264), the EPA modified 40 Code of Federal Regulations (CFR) §51.1103 consistent with the D.C. Circuit Court decision to establish attainment dates that run from the effective date of designation, i.e., July 20, 2012, rather than the end of the 2012 calendar year. As a result, the attainment date for the DFW moderate nonattainment area has changed from December 31, 2018, to July 20, 2018. In addition, because the attainment year ozone season is the ozone season immediately preceding a nonattainment area's attainment date, the attainment year for the DFW moderate nonattainment area has changed from 2018 to 2017. The change in attainment date will not impact this rulemaking because the compliance date for implementing reasonably available control technology (RACT) remains January 1, 2017, as re-

Figure: 30 TAC §115.420(b)(9)

Pounds of volatile organic compounds (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(b)(10)

Pounds of volatile organic compounds (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(c)(1)(OO)

$$\text{Grams of Volatile Organic Compounds per Liter of Coating} = \frac{W_s - W_w - W_{es}}{V_s - V_w - V_{es}}$$

Where:

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(c)(1)(EEEE)

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

Where:

W_i = weight of the "i"th volatile organic compounds (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(c)(13)(A)

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

Where:

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

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

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(c)(13)(G)

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

Where:

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

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

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

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

Figure: 30 TAC §115.421(7)

Affected Operation	Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Kilogram of VOC per Liter of Coating
Sheet Basecoat (Exterior and Interior) and Over-Varnish	2.8	0.34
Two-Piece Can Exterior (Base-Coat and Over-Varnish)	2.8	0.34
Two- and Three-Piece Can Interior Body Spray, Two-Piece Can Exterior End (Spray or Roll Coat)	4.2	0.51
Three-Piece Can Side-Seam Spray	5.5	0.66
End Sealing Compound	3.7	0.44

Figure: 30 TAC §115.421(8)(A)

Coating Type	Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Kilogram of VOC per Gallon of Coating
Clear Coat or an Interior Protective Coating for Pails and Drums	4.3	0.52
Low-Bake Coating or Coating Using Air or Forced Air Driers	3.5	0.42
Extreme Performance Coating, Including Milling Maskants	3.5	0.42
All Other Coating Applications that Pertain to MMPP, Including High-Bake Coatings	3.0	0.36

Figure: 30 TAC §115.421(9)

Product Category	Pounds of volatile organic compounds (VOC) per 1,000 Square Feet of Coated Surface	Kilograms of VOC per 100 Meters Squared of Coated Surface
Printed Interior Wall Panels Made of Hardwood Plywood and Thin Particle Board (Less Than ¼ Inch) in Thickness	6.0	2.9
Natural Finish Hardwood Plywood Panels	12.0	5.8
Hardwood Paneling with Class II Finish (American National Standard Institute Standard PS-59-73)	10.0	4.8
Product Category	Pounds of volatile organic compounds (VOC) per 1,000 Square Feet of Coated Surface	Kilograms of VOC per 100 Meters Squared of Coated Surface

Figure: 30 TAC §115.421(10)(B)

**VOLATILE ORGANIC COMPOUND (VOC) LIMITS FOR SPECIALTY COATINGS
(IN GRAMS OF VOC PER LITER OF COATING, LESS WATER AND EXEMPT SOLVENT)**

Coating type	Limit:
Ablative Coating	600
Adhesion Promoter	890
Adhesive Bonding Primers:	
Cured at 250°F or below	850
Cured above 250°F	1030
Adhesives:	
Commercial Interior Adhesive	760
Cyanoacrylate Adhesive	1,020
Fuel Tank Adhesive	620
Nonstructural Adhesive	360
Rocket Motor Bonding Adhesive	890
Rubber-based Adhesive	850
Structural Autoclavable Adhesive	60
Structural Nonautoclavable Adhesive	850
Antichafe Coating	660
Bearing Coating	620
Caulking and Smoothing Compounds	850
Chemical Agent-Resistant Coating	550
Clear Coating	720
Commercial Exterior Aerodynamic	
Structure Primer	650
Compatible Substrate Primer	780
Corrosion Prevention Compound	710
Cryogenic Flexible Primer	645
Dry Lubricative Material	880
Cryoprotective Coating	600
Electric or Radiation-Effect Coating	800
Electrostatic Discharge and Electromagnetic	
Interference (EMI) Coating	800
Elevated-Temperature Skydrol-Resistant	
Commercial Primer	740
Epoxy Polyamide Topcoat	660
Fire-Resistant (interior) Coating	800
Flexible Primer	640
Flight-Test Coatings:	
Missile or Single Use Aircraft	420
All Other	840
Fuel-Tank Coating	720
High-Temperature Coating	850
Insulation Covering	740
Intermediate Release Coating	750
Lacquer	830
Maskants:	
Bonding Maskant	1,230

Critical Use and Line Sealer Maskant .	1,020
Seal Coat Maskant	1,230
Metallized Epoxy Coating	740
Mold Release	780
Optical Anti-Reflective Coating	750
Part Marking Coating	850
Pretreatment Coating	780
Rain Erosion-Resistant Coating	850
Rocket Motor Nozzle Coating	660
Scale Inhibitor	880
Screen Print Ink	840
Sealants:	
Extrudable/Rollable/Brushable Sealant .	280
Sprayable Sealant	600
Silicone Insulation Material	850
Solid Film Lubricant	880
Specialized Function Coating	890
Temporary Protective Coating	320
Thermal Control Coating	800
Wet Fastener Installation Coating	675
Wing Coating	850

Figure: 30 TAC §115.421(11)

Operation (Including Application, Flashoff, and Oven Areas)	Coating Delivered (Minus Water and Exempt Solvent) Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Coating Delivered (Minus Water and Exempt Solvent) Kilogram of VOC per Liter of Coating	Solids Deposited Pounds of VOC per Gallon of Solids	Solids Deposited Kilograms per Liter of Solids
Prime Application (Body and Front-End Sheet Metal)	1.2	0.15	Not Applicable	Not Applicable
Primer Surfacer Application	2.8	0.34	15.1	1.81
Topcoat Application	2.8	0.34	15.1	1.81
Final Repair Application End Sealing Compound	4.8	0.58	*	*

* As an alternative to the emission limitation of 4.8 pounds of VOC per gallon of coating applied for final repair, if a source owner does not compile records sufficient to enable determination of a daily weighted average VOC content, compliance with the final repair emission limitation may be demonstrated each day by meeting a standard of 4.8 pounds of VOC per gallon of coating (minus water and exempt solvents) on an occurrence weighted average basis. Compliance with such alternative emission limitation shall be determined in accordance with the procedure specified in §115.425(3) of this title.

Figure: 30 TAC §115.421(12)

Coating Type (Minus Water and Exempt Solvent)	Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Kilograms of VOC per Liter of Coating
Primer or Primer Surfacer	5.0	0.60
Precoat	5.5	0.66
Pretreatment	6.5	0.78
Single-Stage Topcoats	5.0	0.60
Basecoat or Clearcoat Systems	5.0	0.60
Three-Stage Systems	5.2	0.62
Specialty Coatings	7.0	0.84
Sealers	6.0	0.72
Wipe-Down Solutions	1.4	0.17

Figure: 30 TAC §115.421(14)

Coating Type (Minus Water and Exempt Solvent)	Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Kilograms of VOC per Liter of Coating
Clear Topcoat	5.9	0.71
Wash Coat	6.5	0.78
Final Repair Coat	6.0	0.72
Semitransparent Wiping and Glazing Stain	6.6	0.79
Semitransparent Spray Stains and Toners	6.9	0.83
Opaque Ground Coats and Enamels	5.5	0.66
Clear Sealers	6.2	0.74
Clear Shellac	5.4	0.65
Opaque Shellac	5.0	0.60
Varnish	5.0	0.60
All Other Coatings	7.0	0.84

Figure: 30 TAC §115.421(15)(A)(iv)

$$0.9 (0.8 (TC_1 + TC_2 + \dots)) \geq (ER_{TC1}) (TC_1) + (ER_{TC2}) (TC_2) + \dots \text{ (Inequality 1)}$$

$$0.9 \{1.8 (TC_1 + TC_2 + \dots)\} + \{1.9 (SE_1 + SE_2 + \dots)\} + \text{ (Inequality 2)} \\ \{9.0 (WC_1 + WC_2 + \dots)\} + \{1.2 (BC_1 + BC_2 + \dots)\} + \\ \{0.791 (ST_1 + ST_2 + \dots)\} \geq \{ER_{TC1} (TC_1) + ER_{TC2} (TC_2) + \dots\} + \\ \{ER_{SE1} (SE_1) + ER_{SE2} (SE_2) + \dots\} + \{ER_{WC1} (WC_1) + ER_{WC2} (WC_2) + \dots\} + \\ \{ER_{BC1} (BC_1) + ER_{BC2} (BC_2) + \dots\} + \{ER_{ST1} (ST_1) + ER_{ST2} (ST_2) + \dots\}$$

Where:

- TC_i = kilograms of solids of topcoat "i" used;
- SE_i = kilograms of solids of sealer "i" used;
- WC_i = kilograms of solids of washcoat "i" used;
- BC_i = kilograms of solids of basecoat "i" used;
- ST_i = liters of stain "i" used;
- ER_{TCi} = volatile organic compounds (VOC) content of topcoat "i" in kilograms of VOC per kilogram of solids, as delivered to the application system;
- ER_{SEi} = VOC content of sealer "i" in kilograms of VOC per kilogram of solids, as delivered to the application system;
- ER_{Wci} = VOC content of washcoat "i" in kilograms of VOC per kilogram of solids, as delivered to the application system;
- ER_{BCi} = VOC content of basecoat "i" in kilograms of VOC per kilogram of solids, as delivered to the application system; and
- ER_{STi} = VOC content of stain "i" in kilograms of VOC per kilogram of solids, as delivered to the application system.

Figure: 30 TAC §115.421(16)(A)

Coating Category	Grams of volatile organic compounds (VOC) per liter coating (minus water and exempt solvent) ^{a, b}	Pounds of VOC per gallon coating (minus water and exempt solvent) ^{a, b}	Grams of VOC per liter solids ^c when $t \geq 4.5^\circ\text{C}$ (40°F)	Grams of VOC per liter of solids ^c when $t < 4.5^\circ\text{C}$ (40°F) ^d
General use	340	2.83	571	728
Specialty:				
Air flask	340	2.83	571	728
Antenna	530	4.42	1,439	-----
Antifoulant	400	3.33	765	971
Heat resistant	420	3.5	841	1,069
High-gloss	420	3.5	841	1,069
High-temperature	500	4.17	1,237	1,597
Inorganic zing high-build	340	2.83	571	728
Military exterior	340	2.83	571	728
Mist	610	2.08	2,235	-----
Navigational aids	550	4.58	1,597	-----
Nonskid	340	2.83	571	728
Nuclear	420	3.50	841	1,069
Organic zinc	360	3.00	630	802
Pretreatment wash primer	780	6.50	11,095	-----
Repair and maintenance of thermoplastics	550	4.58	1,597	-----
Rubber camouflage	340	2.83	571	728
Sealant for thermal spray aluminum	610	5.08	2,235	-----
Special marking	490	4.08	1,178	-----
Specialty interior	340	2.83	571	728
Tack coat	610	5.08	2,235	-----
Undersea weapons systems	340	2.83	571	728
Weld-through preconstruction primer	650	5.42	2,885	-----

^aThe limits are expressed in two sets of equivalent units: grams per liter of coating (minus water and exempt solvent); and grams per liter of solids. Either set of limits may be used to demonstrate compliance.

^b To convert from grams/liter to pounds/gallon, multiply by (3.785 liters/gallon)(pound/453.6 grams) or 1/120. For compliance purposes, metric units define the standards.

^c VOC limits expressed in units of mass of VOC per volume of solids were derived from the VOC limits expressed in units of mass of VOC per volume of coating assuming the coatings contain no water or exempt compounds and that the volumes of all components within a coating are additive.

^d These limits apply during cold-weather time periods (i.e., temperatures below 4.5 degrees Celsius (40 degrees Fahrenheit)). Cold-weather allowances are not given to coatings in categories that permit less than 40% solids nonvolatiles) content by volume. Such coatings are subject to the same limits regardless of weather conditions.

Figure: 30 TAC §115.421(16)(B)(i)

$$R = \frac{(V_s)(\text{VOC limit}) - m_{\text{VOC}}}{D_{\text{th}}} \quad (\text{Equation 1})$$

Where:

R = Maximum allowable thinning ratio for a given batch (liters of thinner per liter of coating as supplied);

V_s = Volume fraction of solids in the batch as supplied (liter of solids per liter of coating as supplied);
VOC limit = Maximum allowable as-applied volatile organic compounds (VOC) content of the coating (grams of VOC per liter of solids);

m_{VOC} = VOC content of the batch as supplied (grams of VOC per liter of coating as supplied); and

D_{th} = Density of the thinner (grams per liter).

Figure: 30 TAC §115.421(16)(B)(ii)

$$V_s = \frac{1 - (m_{\text{volatiles}})}{D_{\text{avg}}} \quad (\text{Equation 2})$$

Where:

V_s = Volume fraction of solids in the batch (liter of solids per liter of coating);

$m_{\text{volatiles}}$ = Total volatiles in the batch, including volatile organic compounds (VOC), water, and exempt compounds (grams per liter of coating); and

D_{avg} = Average density of volatiles in the batch (grams per liter).

Table 1.

Automotive/Transportation Coating Category	Pounds of volatile organic compounds (VOC) per gallon coating	Pounds of VOC per gallon solids
Flexible Primer, Baked, Interior and Exterior Parts	4.5	11.58
Non-flexible Primer, Baked, Interior and Exterior Parts	3.5	6.67
Base Coats, Baked, Interior and Exterior Parts	4.3	10.34
Clear Coat, Baked, Interior and Exterior Parts	4.0	8.76
Non-Base Coat/Clear Coat, Baked, Interior and Exterior Parts	4.3	10.34
Primers, Air-Dried, Exterior Parts	4.8	13.80
Base Coat, Air-Dried, Exterior Parts	5.0	15.59
Clear Coat, Air-Dried, Exterior Parts	4.5	11.58
Non-Base Coat/ Clear Coat, Air-Dried, Exterior Parts	5.0	15.59
Air-Dried Coatings, Interior Parts	5.0	15.59
Touch-Up and Repair Coatings	5.2	17.72

Table 2.

Business Machine Coating Category	Pounds of VOC per gallon coating	Pounds of VOC per gallon solids
Primers	2.9	4.80
Topcoat	2.9	4.80
Texture Coat	2.9	4.80
Fog Coat	2.2	3.14
Touch-Up and Repair	2.9	4.80

Table 1.

General Adhesive Application Processes	Pounds of volatile organic compounds (VOC) per gallon adhesive
Reinforced Plastic Composite	1.7
Flexible Vinyl	2.1
Metal	0.3
Porous Material (Except Wood)	1.0
Rubber	2.1
Wood	0.3
Other Substrates	2.1

Table 2.

Specialty Adhesive Application Processes	Pounds of VOC per gallon adhesive
Ceramic Tile Installation	1.1
Contact Adhesive	2.1
Cove Base Installation	1.3
Floor Covering Installation (Indoor)	1.3
Floor Covering Installation (Outdoor)	2.1
Floor Covering Installation (Perimeter Bonded Sheet Vinyl)	5.5
Metal to Urethane/Rubber Molding or Casting	7.1
Motor Vehicle Adhesive	2.1
Motor Vehicle Weatherstrip Adhesive	6.3
Multipurpose Construction	1.7
Plastic Solvent Welding Acrylonitrile Butadiene Styrene (ABS)	3.3
Plastic Solvent Welding (Except ABS)	4.2
Sheet Rubber Lining Installation	7.1
Single-Ply Roof Membrane Installation/Repair (Except Ethylene Propylene Diene Monomer)	2.1
Structural Glazing	0.8
Thin Metal Laminating	6.5
Tire Repair	0.8
Waterproof Resorcinol Glue	1.4

Table 3.

Adhesive Primer Application Processes	Pounds of VOC per gallon adhesive
Motor Vehicle Glass-Bonding Primer	7.5
Plastic Solvent Welding Adhesive Primer	5.4
Single-Ply Roof Membrane Adhesive Primer	2.1
Other Adhesive Primer	2.1

Figure: 30 TAC §117.410(a)(7)(A)(ii)

$$E_{avg} = \frac{\sum_{i=1}^N (E_i \times PR_i)}{\sum_{i=1}^N PR_i}$$

Where:

E_{avg} = daily production rate weighted average nitrogen oxides (NO_x) emission rate, pounds per ton (lb/ton) of calcium oxide;

E_i = daily average NO_x emission rate for kiln i, lb/ton of calcium oxide;

i = each lime kiln at the site;

N = the total number of kilns at the site; and

PR_i = production rate of calcium oxide for kiln i, tons/day.