

The commission proposes new §106.231, concerning the exemption of surface coating facilities located at wood products manufacturing, restoring, or refinishing operations from the preconstruction air permitting requirements of the Texas Health and Safety Code, the Texas Clean Air Act, §382.057 and §382.0518.

This rulemaking action is part of the commission's plan to recodify standard exemptions in a new Chapter 106, concerning Exemptions from Permitting. The new §106.231 will replace current Standard Exemption (SE) 75, but only for wood products manufacturers, restorers, or refinishers that conduct surface coating operations on-site. Surface coating operations at these types of businesses that are constructed or modified after the effective date of this section will be subject to the requirements of this new section; however, those constructed before the effective date of this exemption may continue to use SE 75 to exempt surface coating operations on-site. In addition, surface coating operations not located at wood products manufacturing, restoring, or refinishing operations must continue to use SE 75.

The agency is also currently offering an amnesty period for small businesses that manufacture, restore, or refinish wood products in order to increase compliance. The agency will begin targeted enforcement on the industry next year. These changes should simplify the control requirements, recordkeeping requirements, and calculation methods and be in effect before enforcement begins. The proposed changes will: provide businesses with flexibility to use different pollution control devices based upon the volume and type of work performed; allow businesses to minimize detailed records previously needed to calculate emission rates; and allow businesses to quantify volatile organic compound emissions with purchase and usage records instead of mathematical equations.

The control strategies and emission limits listed in this proposed exemption are based on business practices found within the industry, which includes typical chemicals used and standard operating hours and procedures. Background information concerning the agency's review of these businesses is available upon request by contacting the Office of Air Quality or the Small Business Assistance Program.

Future rulemaking action will be undertaken to include woodworking operations at wood products manufacturing, restoring, or refinishing operations in this exemption. This will eliminate the need for multiple exemptions and allow one exemption to cover all operations at these sites. Until this rulemaking takes place, Standard Exemption Number 40 is available for businesses using hand-operated tools. Standard Exemption Number 105 is available for automated woodworking systems.

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the section is in effect there should be no significant economic cost to state or local government as a result of enforcing or implementing the section.

Mr. Minick also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more efficient use of commission resources and a clearer understanding of exemptions from permitting. The fiscal implications for facilities and small businesses affected by the section should be a reduction in fees by qualifying for a standard exemption rather than a permit and reduced business costs of compliance. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

A public hearing on this proposal will be held September 12, 1996, at 10:00 a.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96136-106-AI. Comments must be received by 5:00 p.m., September 12, 1996. For further information, contact Lisa Evans, (512) 239-5885 or Phil Harwell, (512) 239-1517.

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

The new section is proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA.

The proposed new section implements Texas Health and Safety Code, §382.057.

SUBCHAPTER L: MANUFACTURING

§106.231

§106.231. Manufacturing, Refinishing, and Restoration of Wood Products.

(a) Introduction. This section exempts types of facilities used for manufacturing, refinishing, and restoration wood products that meet the requirements of this section.

(b) Coating facilities. Facilities at wood product manufacturing, refinishing, and restoration plants used to perform woodparts and products coating that meet the requirements of this subsection are exempt.

(1) General emission reduction practices. The emission reduction practices specified in this paragraph must be met to control emissions of volatile organic compounds (VOCs) from coatings, stripping agents, solvents, and other volatile compounds from brush, spray, wipe, and/or roll-on applications.

(A) The total of all coatings and stripping agents used at a site may not exceed 275 gallons per month.

(B) The total of all solvents used in coating and cleanup at a site may not exceed 275 gallons per month.

(C) Purchase receipts for all coatings, stripping agents, and solvents must be dated and kept-on site for two years.

(D) Records of the amount of coatings and stripping agents used each month must be kept on-site for two years if the total of all coatings and stripping agents purchased in one month exceed 275 gallons.

(E) Records of the amount of solvents used each month must be kept on-site for two years if the total of all solvents purchased in one month exceed 275 gallons.

(F) The VOC content of coatings, stripping agents, and solvents must not exceed the limits in clauses (i)-(xiii) of this subparagraph. Material Safety Data Sheets (MSDS) must be used to determine the VOC content of all coatings, stripping agents, and solvents. VOC content must be determined as pounds of VOC per gallon of coating (minus water and exempt solvents) (lb/gal). A daily weighted average may be used to determine compliance with this section:

(i) clear topcoats-5.9 lb/gal;

(ii) wash coats-6.5 lb/gal;

(iii) final repair coats-6.0 lb/gal;

(iv) semitransparent wiping and glazing stains-6.6 lb/gal;

(v) opaque ground coats and enamels-5.5 lb/gal;

(vi) clear sealers-6.2 lb/gal;

(vii) varnish-5.0 lb/gal;

(viii) semitransparent spray stains and toners-6.9 lb/gal;

(ix) all other coatings-7.0 lb/gal;

(x) shellac (clear)-5.4 lb/gal;

(xi) shellac (opaque)-5.0 lb/gal;

(xii) solvents used in coating or cleanup-8.0 lb/gal;

(xiii) stripping agents-7.0 lb/gal;

(G) All containers with coatings, stripping agents, solvents, or other compounds containing VOCs must be closed or covered when not in use to minimize VOC emissions.

(2) Special emission reduction practices. The emission reduction practices in this paragraph must be followed if the facility has a combined use of coatings, stripping agents, and solvents that exceed one gallon per day (one gal/day).

(A) The application area must be exhausted through a stack, except that, if application is made by spraying, the application area must be vented through a filter and stack.

(B) If application is made by spraying, an enclosed spray gun washer must be used to clean spray guns. An equivalent system may be used in lieu of the enclosed washer if the system results in VOC emissions equal to or less than an enclosed spray gun washer.

(3) Special compound limitations. Coatings, stripping agents, or solvents containing methylene chloride or lead chromate may only be used if the application area is exhausted through a stack when these products are in use. Methylene chloride usage must not exceed one gallon per hour. Usage of exempt solvents, such as methylene chloride, do not count towards the monthly limits specified in paragraph (1)(A) of this subsection.

(4) Ventilation. The ventilation system must meet the following when a stack or a filter is required by this section.

(A) The fan must discharge a minimum of 100 cubic feet of air per minute for each square foot of intake air opening to the application area (e.g., doors, air inlet vents, windows), but not less than 5,000 cubic feet per minute.

(B) The stack must discharge vertically with no obstruction to air flow (such as a rain cap) and the stack height shall be a minimum of six feet above the highest point of the building.

(C) Filters required for spray operations must remove particulate matter with an efficiency of 95% or better.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on July 24, 1996.