

The Texas Natural Resource Conservation Commission (commission) adopts new §106.226, concerning Paints, Varnishes, Ink, and Other Coating Manufacturing and §106.375, concerning Aqueous Solutions for Electrolytic and Electroless Processes; and amendments to §106.351, concerning Salt Water Disposal (Petroleum), §106.435, concerning Classic or Antique Automobile Restoration Facility, and §106.477, concerning Anhydrous Ammonia Storage. The commission also adopts the repeal of the existing §106.226 and §106.375.

Section 106.351 and new §106.226 and §106.375 are adopted with changes to the proposed text as published in the February 20, 1998, issue of the *Texas Register* (23 TexReg 1508). The remaining sections are adopted without changes and will not be republished.

#### EXPLANATION OF ADOPTED RULES

The new §106.226 and §106.375 have been restructured and reorganized for easier understanding and use. The new §106.226 restricts emissions through limits on raw material use rather than stating emission limits, and prohibits the use, under exemption, of the heavy metals strontium and cobalt in concentrations of more than 0.1% by weight. These metals, used to add color to paints and inks, are added to the existing list of heavy metals within the section which already have percentage weight restrictions. Heavy metals can be toxic with sufficient concentration or exposure. To be protective of human health, use of the metals in concentrations above 0.1% would require a detailed review of the facility's operation, and should not be eligible for an exemption from permitting. The commission has also added recordkeeping requirements to aid enforcement.

The adopted amendment to §106.351 requires that new salt water disposal facilities register with the commission using the PI-7 form unless the facility processes the water without exposing it to the atmosphere or processes 540,000 gallons or less of salt water per day. This registration will notify the commission that users of the exemption could exceed the 25-ton per year emission limit of volatile organic compounds (VOCs) established for exempted facilities. The registration should also indicate when the hydrogen sulfide emission limits contained in 30 TAC §112.31, concerning Allowable Emissions - Residential, Business, or Commercial Property and §112.32, concerning Allowable Emissions - Other Property might be exceeded. Registration of the larger facilities will allow the commission to better track and inventory emissions.

The new §106.375 was revised to reduce the risk of potentially harmful exposure to heavy metals and hydrochloric acid (HCl). To prevent emissions of chromium, the new section clarifies the existing prohibition on the use of chromic acid in solutions that are caused to bubble or mist. This restriction is placed because chromium is a heavy metal with exposure limits that would need a more thorough analysis than that allowed by an exemption from permitting. The commission would add new language to the section requiring that emissions from certain authorized operations be vented through a vertical stack to provide good dispersion. A further restriction is placed on the concentrations, temperature, and partial pressure of HCl used in aqueous solutions to reduce emissions of HCl vapor. These restrictions are adopted to reduce the risk of human health effects from operations authorized under the section.

The amendment to §106.435 is purely administrative and changes a reference from the Texas Traffic Laws to the Texas Transportation Code, recognizing recent changes in the Texas Civil Statutes.

The amendment to §106.477 adds clarification that the restrictions in the section apply to permanent ammonia storage tanks and nurse tanks to help prevent nuisances. This section is primarily applied to agricultural operations, and the nurse tanks are those carried to the field and used to inject ammonia into the soil to increase nitrogen levels. The amendments require that connectors, valves, and hoses be maintained leak-free and that any necessary venting of gas be conducted through water, so that the gas is placed into solution and not released to the atmosphere. These restrictions are adopted to protect human health and prevent nuisances.

#### FINAL REGULATORY IMPACT ANALYSIS

The new §106.226, concerning Paints, Varnishes, Ink, and Other Coating Manufacturing, restricts emissions through limitations on material use and has been reorganized. These changes should make the exemption easier to use. The revisions restrict the use of selected heavy metals as pigmentation in paints and inks to 0.1% by weight. This limitation generally reflects current operating practice, and industry work groups agree with the commission that the reorganized section will not have a significant economic effect. This revised section will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

The new §106.375, concerning Aqueous Solutions for Electrolytic and Electroless Processes, allows the same metal plating operations as the repealed section it is replacing. The revisions place operational restrictions that are intended to limit emissions of HCl mist and clarify the existing prohibition against emissions of chromium and should not require significant capital expenses for compliance. The new section requires fume venting through a four-foot vertical stack, and the commission estimates the cost of stack installation to be approximately \$300 per foot. This revised section will not 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 amendment to §106.435, concerning Classic or Antique Automobile Restoration Facility, is administrative to correct a cross-reference and has no substantial effect. The amendment to §106.351, concerning Salt Water Disposal (Petroleum), requires registration of new salt water disposal facilities with the commission using the PI-7 form unless the facility processes the water without exposing it to the atmosphere or processes 540,000 gallons or less of salt water per day. This amendment requires registration only and should have no economic effect. These two amendments will not 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 amendment to §106.477, concerning Anhydrous Ammonia Storage, clarifies which restrictions of the exemption apply to permanent and nurse tanks and which apply to permanent tanks only. The commission believes that this clarification should have little substantial effect on users of the exemption. This amendment will not 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.

This adoption does not exceed a standard set by federal law and is not specifically required by state law. Exemptions from permitting are not addressed in federal law.

This adoption falls within the commission's authority under Texas Health and Safety Code, §382.057, to establish conditions to allow an exemption from permitting.

This adoption does not exceed the requirements of a delegation agreement or contract between the state and federal government as there is no agreement or contract between the commission and the federal government concerning standard exemptions.

These rules are adopted under a specific state law. The commission has the statutory authority to adopt rules concerning exemptions from permitting under Texas Health and Safety Code, §382.057.

#### TAKINGS IMPACT ASSESSMENT

The new §106.226, concerning Paints, Varnishes, Ink, and Other Coating Manufacturing, restricts emissions through limitations on material use and has been reorganized. These changes should make the exemption easier to use. The revisions restrict the use of selected heavy metals as pigmentation in paints and inks to 0.1% by weight. This limitation generally reflects current operating practice, and industry work groups agree with the commission that the reorganized section will not have a significant

economic effect and should not increase regulatory, or private property burden. This adoption is in response to a real and substantial threat to public health and safety, is designed to significantly advance the health and safety purpose, and does not impose a greater burden than is necessary to achieve the health and safety purpose.

The new §106.375, concerning Aqueous Solutions for Electrolytic and Electroless Processes, allows the same metal plating operations as the repealed section it is replacing. The revision restricts how certain metal plating operations are conducted with the purpose of limiting emissions of HCl mist and clarifies the existing prohibition against emissions of chromium. The commission does not anticipate that the revised section would cause a significant expense of capital for compliance. The section requires that aqueous solution tanks be operated under specific conditions to qualify for the exemption. Compliance with the restrictions may impose additional operational costs for those facilities wishing to operate under the exemption. Facilities that cannot meet the restrictions and could not use the exemption would be faced with the cost of obtaining a construction permit. The new section requires fume venting through a four-foot vertical stack, and the commission estimates the cost of stack installation to be approximately \$300 per foot. These amendments do not apply to existing facilities. The revisions are adopted to address a real and substantial threat to public health and safety, are designed to significantly advance the health and safety purpose, and do not impose a greater burden than is necessary to achieve the health and safety purpose.

The amendment to §106.435, concerning Classic or Antique Automobile Restoration Facility, is administrative to correct a cross-reference and has no substantial effect. The amendment to §106.351,

concerning Salt Water Disposal (Petroleum), requires registration of new salt water disposal facilities with the commission using the PI-7 form unless the facility processes the water without exposing it to the atmosphere or processes 540,000 gallons or less of salt water per day. The registration is the only requirement added to this exemption. This amendment therefore does not impose a physical invasion or require a dedication or exaction of private real property.

The amendment to §106.477, concerning Anhydrous Ammonia Storage, clarifies which restrictions of the exemption apply to permanent and nurse tanks and which apply to permanent tanks only. The commission believes that this clarification should have little substantial effect on users of the exemption. This amendment requires that the condition of connectors and valves used on ammonia tanks be secure and leak-free. This does not impose a physical invasion or require a dedication or exaction of private real property.

#### COASTAL MANAGEMENT PLAN

The commission has determined that this rulemaking action relates to an action or actions subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et seq.), and the commission's rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the Texas Coastal Management Program. As required by 31 TAC §505.11(b)(2) and 30 TAC §281.45(a)(3) relating to actions and rules subject to the CMP, commission rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission has reviewed this rulemaking action for consistency with the CMP goals and policies in accordance with the rules of the Coastal Coordination Council, and

has determined that this rulemaking action is consistent with the applicable CMP goal 31 TAC §501.12(1) by protecting and preserving the quality and values of coastal natural resource areas. This action is consistent with 31 TAC §501.14(q), which requires the commission to protect air quality in coastal areas. These amendments will not authorize any increase in air emissions.

#### HEARING AND COMMENTERS

The commission conducted a public hearing concerning these adoptions on March 16, 1998, in Austin, and did not receive any oral testimony. The commission received written comments from Bracewell and Patterson representing the *Houston Chronicle* (*Chronicle*); Curtis, Mallet-Prevost, Colt, and Mosle (CMCM); the United States Environmental Protection Agency (EPA); Kaspar Electroplating Corporation (Kaspar), Lockheed Martin Tactical Aircraft Systems (Lockheed); and the Railroad Commission of Texas (RRC).

The *Chronicle* commented that the new §106.226 appears to contain an overlap with §106.418, regarding printing operations. The commenter stated that it is apparent that §106.226 was not intended to authorize on-site ink mixing at printing facilities and that these operations are part of the normal printing processes which can already be authorized by §106.418. It requested that the commission clarify this distinction either in the final §106.226, or in the explanatory comments accompanying the rule.

**The commission agrees with the interpretation. The respective sections apply to distinct and separate operations. Section 106.226 is only intended to authorize facilities that manufacture paints, inks, and similar material. Section 106.418 is intended to authorize certain types of printing facilities and the incidental processes necessary to operate these facilities, such as final ink preparation and loading into the facility.**

**The commission received a request for clarification that the material use limitations in the proposed §106.226(1)(A) and (B) apply only to coating manufacturing operations at a site. The commenters believed that without clarification, the limitations could be mistakenly applied to unrelated materials at facilities totally unrelated to coating manufacturing which might be located at the same site. For example, they argued that the staff probably did not intend to limit, by this exemption, the amount of inert powdered materials, such as clay, which are added to a water filtration system as a binding agent, especially if the water filtration facility was entirely unrelated to the coating manufacturing facility.**

**The commission intended that the material use restriction only apply to the exempted coating operation and has added the clarifying language to §106.226(1)(A) and (B).**

Kaspar and Lockheed commented that the use of chromic acid in electroless processes does not result in the air emission of chromium unless the solution is bubbled, misted, or agitated, and that the blanket prohibition on the use of chromic acid should be removed. They also commented that the term "alodining" is a proprietary process, and if the proposed wording to the exemption is adopted it would

only allow one manufacturer's product. They suggested the term "chromate conversion coating process."

**The commission agrees that emissions of chromium or any other heavy metal are insignificant in electroless processes and any process where the aqueous solution does not bubble or mist. The commission recognizes that there may be steps in those processes which do not cause bubbling or misting and has included language allowing the use of chromic acid where the solution is not bubbled, misted, or similarly agitated. The commission agrees with the commenters about the use of the term "alodining" and has made the change in the rule language to include all chromate conversion coating processes.**

Kaspar commented that §106.375(1)(a) apparently includes electroplating in the term "electrodeposition." Furthermore, Kaspar commented that "electrodeposition" does not ordinarily translate to include electroplating. Therefore, the commenter suggested adding the word "electroplating" to paragraph (1)(A).

**The commission intended to include electroplating, other than chromium electroplating, as a process which is authorized by this exemption, and did, in fact, assume that electrodeposition could include electroplating. For clarification and given the limitation on the use of chromic acid, the commission has inserted the word "electroplating" as one of the operations authorized under §106.375.**

Kaspar commented that chromium should be added to §106.375 as a metal authorized for plating or stripping from any substrate, since the EPA has found that decorative chrome plating emissions can be effectively controlled by fume suppressants. The commenter stated that cadmium, which is authorized, is more insidious and toxic than chromium. Similarly, it suggested that the wording in §106.375(2)(C) be changed to clarify that aqueous solutions of chromic or HCl baths only are restricted for use in an enclosed building.

**The commission agrees that properly controlled, small decorative chromium electroplating facilities are insignificant sources of emissions, and §106.376 specifically authorizes decorative chromium electroplating facilities. The commission disagrees that emissions of cadmium authorized by this exemption would necessarily be more toxic than chromic acid or chromate emissions. Based on data concerning health, odor, nuisance potential, vegetation damage, or corrosion, commission toxicologists consider cadmium and chromium identical in their potential for effects. Furthermore, the plating efficiency of chromium electroplating is significantly lower than the efficiencies of other plating processes, including cadmium, resulting in significantly higher chromium emission rates. Consequently, the commission disagrees with the suggested changes, which would have the effect of authorizing all chromium electroplating under this exemption from permitting, regardless of size or conditions. The commission does not believe an exemption from permitting to be an adequate regulatory tool for all chromium plating operations. Section 106.375 specifically does not authorize the use of chromic acid in any electrodeposition and electroplating process. The commission intends that emissions from HCl tanks and from any agitated aqueous solutions containing chromic acid must be contained within an enclosed building**

**and exhausted through a vertical stack or controlled with a fume suppressant. The commission has added language to §106.375(2) that clarifies that intent.**

CMCM commented that the temperature and concentration limits on HCl in §106.375(2) do not reflect current operating conditions in the industry. To provide a wider range of operation, the commenter suggested an upper limit on HCl partial pressure of 0.59 millimeters of mercury (mmHg), which is the partial pressure of HCl at 100 degrees Fahrenheit and 19% concentration.

**The commission agrees that emission rates are directly related to the partial pressure of the pollutant gas and that an HCl concentration of 0.59 mmHg roughly corresponds to an HCl concentration of 19% at a temperature of 100 degrees Fahrenheit. The commission has determined that a partial pressure for HCl above that corresponding with this concentration and temperature would cause emissions in an amount requiring a more detailed engineering and toxicological review to determine whether or not the emissions are harmful to human health and would not be eligible to claim exemption from permitting under this section. The commission wants to provide as much operational flexibility as possible for insignificant emissions and has modified the requirements of this section to add the option allowing a range of temperature and concentration of HCl, provided that the acid remains at or below a partial pressure of 0.5 mmHg.**

**It is the commission's understanding that partial pressure is most commonly determined by process operators by finding the pressure on a graph or table that corresponds to a specific temperature and solution concentration. The graphs and tables are based on a logarithmic curve**

**which is difficult to read or interpolate to an accuracy beyond 0.1 mmHg. To allow for a margin of error in reading the graphs and interpolating tables, the commission is fixing the regulated limit at 0.5 mmHg so that a slight error will still result in a good chance of the partial pressure remaining at or below 0.59 mmHg.**

**The commission is also requiring that records demonstrating compliance with the added option be kept and retained for the most recent 24-month period.**

Lockheed commented that the requirements for either ventilation or use of a fume suppressant should apply only to the processes listed in §106.375(1)(A). The argument for this is that a simple soap and water solution might be used in the processes included in §106.375(1)(B). Lockheed also commented that the current §106.375(2)(C) is redundant and confusing. Specifically, the commenter found the wording “aqueous solutions shall be used in an enclosed building” followed by “if the doors and windows...are open for ventilation” to be confusing. It stated that ventilation requirements are often controlled by the Occupational Safety and Health Administration and that doors will always be opening and closing for access, and questioned how the commission would determine if the opening was for ventilation.

**The commission agrees that the proposal might require ventilation or a fume suppressant for processes, or steps in processes, where the aqueous solution is harmless and control requirements would be unnecessary or ineffective. The commission believes that, other than HCl, there are insignificant emissions from other commonly used aqueous solutions in which bubbling or misting**

**does not occur due to electrical current, air agitation, or other factors. Section 106.375(2) has been modified to remove unnecessary control from harmless operations and to clarify what operations will require control.**

EPA commented that Texas had never submitted the base regulation for the initial adoption of the standard exemption list as a revision to the state implementation plan (SIP). EPA also requested that the commission include a basis for each provision and condition of the new or revised section and that meeting the operation and production limits of the sections will result in emissions less than the 25-ton per-year emission threshold that qualifies a source for exemption from permitting. EPA also stated that this submittal should include assurances that emissions will not interfere with achieving or with the maintenance of air quality standards. EPA concluded its remarks by stating that several sections lacked appropriate monitoring and recordkeeping requirements and specifically mentioned §§106.226, 106.351, and 106.375.

**The current list of standard exemptions was compiled after ongoing evaluations by the commission of the effect of a source category on air quality, and they were determined to be insignificant under specified restrictions. The evaluation was based on engineering review, experience with similar or identical sources, and inspections of source operations. In recent years, the commission has reevaluated the exemptions applied to larger facilities or facilities using substances that are potentially harmful with the intent of ensuring that the exemption is protective of human health. This reevaluation was based, in part, on computer dispersion modeling and has resulted in the commission proposing modifications to exemptions applied to operations using heavy metals,**

**ammonia, and other potentially harmful substances. The overall result of the evaluations is that the exemptions remain protective of human health and are not significant contributors to air quality deterioration.**

**The commission has not submitted standard exemptions as SIP revisions since the creation of Chapter 106 in mid-1996. Because the exemptions are used by insignificant sources, the commission desires that monitoring and recordkeeping imposed on these sources remain at a minimum. The commission also believes that it has a state new source review (NSR) program that is equivalently enforceable with federal programs. The standard exemptions are part of that NSR program. The commission believes that it is important that the protectiveness review of standard exemptions continue, and that the result of that review be incorporated into the exemptions. The commission is committed to resolving the issue of the respective roles of the state and federal permitting programs, but believes that this resolution should occur in a separate, non-rulemaking action. This will prevent any delay in amending remaining standard exemptions under protectiveness review.**

The RRC commented that the definition of “facility” in 30 TAC §116.10 is very general and does not clearly identify the specific facilities covered by the exemption. The RRC interprets “facility” to mean a single injection well and associated flow lines. In accordance with this interpretation, the commenter believes that the amendment to §106.351 will have minimal impact because only two RRC-permitted facilities currently in existence exceed the 540,000 gallons per day limitation. The RRC contends that if the commission interprets the term “facility” as used in §106.351 to mean something other than a

single injection well and associated flow lines, a more precise definition must be promulgated and published for comment.

**The definition of facility used in this exemption is contained in the Texas Clean Air Act (TCAA), §382.003. That definition states that a facility means a discrete or identifiable structure, device, item, equipment, or enclosure that constitutes or contains a stationary source. Further, a “source” is defined in the TCAA as the point of origin of air contaminants. The RRC interpretation of the term “facility” is consistent with the commission’s application of the term. The registration of facilities as required by this amendment is not an attempt to reinterpret the term, but is a method of determining when the salt water throughput at a site approaches or exceeds 540,000 gallons per day. Through dispersion modeling, the commission has determined that salt water disposal sites (which may contain several facilities) handling 540,000 gallons of containing water per day with the highest concentration of VOC expected will readily meet the emission limitations in 30 TAC §106.4, concerning Requirements for Exemption from Permitting. This section establishes the threshold determining if a source is significant. New facilities opened at existing sites where salt water disposal facilities are currently operating could bring that site closer to the emissions level where the site could be considered not only significant, but a major source under Title V of the Federal Clean Air Act Amendments. The commission requires registration information to track and analyze these potential major sources, many of which are located near or within the Houston and Beaumont ozone nonattainment areas. Sites emitting 25 tons per year of VOC would be considered “major” in these areas. Twenty-five tons per year is also the significant source threshold in §106.4.**

**Because §106.351 may authorize several facilities commonly found at a salt water disposal site, such as tanks, open air ponds, and piping, the commission concurs that the intent of the exemption must be clarified. The commission has revised the text of the exemption to clarify that the registration provision pertains to all facilities at a saltwater disposal plant site when authorization is sought under this exemption. It should be noted that the registration requirement is not retroactive and will only affect facilities seeking authorization under this exemption upon adoption of the amended rule language.**

The RRC commented on the 1/4-mile limitation that is contained in this exemption and others involved in oil and gas processes which handle sour gas. Sour gas is defined as a natural gas containing more than 1.5 grains of hydrogen sulfide or more than 30 grains of total sulfur per 100 cubic feet. The RRC stated that it specifically regulates sour gas facilities for protection of the public in the event of a release through its rules in 16 TAC §3.36, concerning Oil, Gas, or Geothermal Resource Operation in Hydrogen Sulfide Areas, and that §3.36 adequately addresses acute public health and safety issues related to releases from sour gas facilities. The RRC contends that if the 1/4-mile limitation is meant to address acute public health and safety concerns, the commission should defer to §3.36 and delete the 1/4-mile limit from this and other exemptions. The RRC relayed that staff members from the commission and RRC met and discussed this issue last year and agreed that it would be appropriate to revisit the need for the 1/4-mile limit when exemptions were proposed for amendment. The commenter requested clarification on the basis for the limitation if the 1/4-mile limit is not meant to address acute public health and safety concerns.

**The 1/4-mile setback distance contained in this section for any new facility processing salt water which emits a sour gas is not meant to address acute public health and safety issues. Instead, it is intended to reduce the possibility of nuisance conditions due to emissions from new facilities which handle sour gas. The 1/4-mile setback has been in the exemption since 1986 and has served as an appropriate distance to mitigate odor complaints commonly associated with hydrogen sulfide and other sulfur compounds. The commission agrees that §3.36 adequately addresses acute public health and safety issues primarily by limiting public access to operating wells, but the section cannot adequately substitute for the commission's 1/4-mile setback.**

The RRC commented that the relationship between the 540,000-gallon limit on salt water delivery and the corresponding air emissions is not clear. The RRC requested that this relationship be more fully developed.

**Salt water with volatile organic compounds (VOCs) in solution will release a fraction of that VOC to the atmosphere as it comes out of solution. Dispersion air modeling predicts that a typical salt water disposal site handling less than 540,000 gallons per calendar day of saltwater containing the highest contaminant concentrations expected will readily meet the emission limits established in 30 TAC §106.4 and will be protective of human health and the environment. The 540,000-gallon limit serves as a cut-off for when registration of the exemption is required with the commission. This limit was placed in the exemption so that the smaller salt water disposal facilities which handle lesser amounts of salt water, as well as those that have fully enclosed delivery and storage operations, would not need to provide notice to the commission.**

#### STATUTORY AUTHORITY

The repeal is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

**SUBCHAPTER I : MANUFACTURING**

**§106.226**

**§106.226. Paints, Varnishes, Ink, and Other Coating Manufacturing (Previously SE 125).**

## **SUBCHAPTER I : MANUFACTURING**

### **§106.226**

#### **STATUTORY AUTHORITY**

The new section is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the Texas Natural Resource Conservation Commission (commission) to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

#### **§106.226. Paints, Varnishes, Ink, and Other Coating Manufacturing (Previously SE 125).**

Coating manufacturing operations including raw material storage, weighing, mixing, milling, grinding, thinning, and packaging are exempt, provided the conditions of this section are met. Coating manufacturing is defined as combining ingredients that are manufactured off-site to make paints, varnishes, sealants, stains, adhesives, inks, pigments, maskants, and paint strippers, etc. Resin manufacturing is not exempt under this section.

- (1) Materials usage shall not exceed the following rates:

(A) 345,000 gallons per year of solvent for all operations at a coating manufacturing site; and

(B) 200,000 pounds of dry powder per year for all operations at a coating manufacturing site.

(2) Operations involving powders which contain more than 0.1% by weight of chromium, cadmium, asbestos, lead, arsenic, cobalt, or strontium are not authorized by this section.

(3) The following conditions must be met to prevent and control emissions.

(A) There shall be no visible emissions from any emission point.

(B) Bags or sacks of dry powders shall be opened within an enclosed bag slitter or within an enclosed area.

(C) Material transfer, storage operations, or other similar operations shall be conducted in enclosed or covered containers which are opened only as necessary for transfer of ingredients.

(D) Mixing, milling, packaging, and filling operations shall be conducted under a hood or within an enclosure designed to capture emissions, which shall then be vented externally or through a carbon adsorption system.

(E) Operations which involve dry powders or pigments shall be vented through a filter.

(F) Any spills of dry powders or solvents shall be cleaned up promptly in a manner designed to control emissions.

(G) Waste materials shall be stored in covered containers and disposed of properly.

(4) Emissions from any operation which are vented externally shall be exhausted using forced air through a stack with an unobstructed vertical discharge. The stack must be, at a minimum, four feet above the peak of the roofline.

(5) The owner or operator of the facility shall keep records of all liquid and solid material usage rates on a monthly basis to demonstrate compliance with paragraph (1) of this section. The usage data shall be maintained for the most recent 24-month period.

**SUBCHAPTER O : OIL AND GAS**

**§106.351**

**STATUTORY AUTHORITY**

The amendment is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the Texas Natural Resource Conservation Commission (commission) to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

**§106.351. Salt Water Disposal (Petroleum) (Previously SE 65).**

Salt water disposal facilities used to handle aqueous liquid wastes from petroleum production operations and water injection facilities are exempt, provided that the following conditions of this section are met.

(1) - (3) (No change.)

(4) Before construction of the facility begins under this section, registration of the exemption shall be submitted to the commission's Office of Air Quality in Austin using Form PI-7, unless one of the following exceptions applies:

(A) all delivery of salt water to the site takes place through enclosed hoses or lines, and all storage and handling of salt water takes place in enclosed conduits, vessels, and storage, so that the salt water is not exposed to the atmosphere; or

(B) delivery of salt water from outside a site to all facilities at a site in any calendar day does not exceed 540,000 gallons.

## **SUBCHAPTER P : PLANT OPERATIONS**

### **§106.375**

#### **STATUTORY AUTHORITY**

The repeal is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the Texas Natural Resource Conservation Commission (commission) to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

**§106.375. Aqueous Solutions for Electrolytic and Electroless Processes (Previously SE 41).**

## **SUBCHAPTER P : PLANT OPERATIONS**

### **§106.375**

#### **STATUTORY AUTHORITY**

The new section is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the Texas Natural Resource Conservation Commission (commission) to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

#### **§106.375. Aqueous Solutions for Electrolytic and Electroless Processes (Previously SE 41).**

Equipment using aqueous solutions is exempt, providing the conditions of this section are met.

(1) This section authorizes the following operations:

(A) anodizing, chromate conversion coating processes, electroplating, electrodeposition, electroless plating, electrolytic polishing, and electrolytic stripping, as follows.

(i) For plating onto or stripping from any basis substrate, only brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals may be used.

(ii) Chromic acid shall not be used in any step of a process which involves electrical current, air agitation, or any other factor which causes the chromic acid to bubble or mist.

(B) cleaning, electroless stripping, etching, or other surface preparation and finishing, not including chemical milling or electrolytic metal recovery and reclaiming systems.

(2) Operating conditions.

(A) Hydrochloric acid tank operating conditions shall not exceed:

(i) a temperature of 100 degrees Fahrenheit and a hydrochloric acid concentration of 19.0% by solution weight; or

(ii) a partial pressure of 0.5 millimeters of mercury.

(B) Hydrochloric acid in any state, and any aqueous solution which bubbles or mists due to electrical current, air agitation, or any other factor shall be used in an enclosed building.

If the doors and windows of the building are open for any reason other than temporarily for access, emissions shall either be:

(i) captured and exhausted using forced air through a stack with an unobstructed minimum vertical discharge of four feet above the peak of the roofline; or

(ii) controlled with a fume suppressant.

(3) If a facility cannot comply with the hydrochloric acid temperature and concentration limits in paragraph (2)(A)(i) of this section, then to demonstrate compliance with paragraph (2)(A)(ii) of this section, the maximum hydrochloric acid temperature and concentration for each tank shall be recorded daily. At least once per month, the recorded data shall be converted to partial pressure. All data shall be maintained for the most recent 24-month period.

## **SUBCHAPTER S : SURFACE COATING**

### **§106.435**

#### **STATUTORY AUTHORITY**

The amendment is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the Texas Natural Resource Conservation Commission (commission) to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

#### **§106.435. Classic or Antique Automobile Restoration Facility (Previously SE 116).**

“Classic” or “Antique” vehicle restoration facilities (the terms “classic” and “antique” vehicle as determined by the Texas Department of Public Safety Vehicle Inspection and Registration Section under Texas Transportation Code, Chapter 502, §502.274 (concerning Classic Motor Vehicles) or §502.275 (concerning Certain Antique Vehicles; Offense)) qualify for this exemption from permitting if all of the following conditions of this section are met.

(1) - (6) (No change.)

## **SUBCHAPTER U : TANKS, STORAGE, AND LOADING**

### **§106.477**

#### **STATUTORY AUTHORITY**

The amendment is adopted under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §§382.012, 382.017, and 382.057. Section 382.012 requires the Texas Natural Resource Conservation Commission (commission) to prepare and develop a general, comprehensive plan for the proper control of the state's air. Section 382.017 authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA, while §382.057 authorizes the commission by rule to exempt certain facilities or changes to facilities from the requirements of §382.0518 if such facilities or changes will not make a significant contribution of air contaminants to the atmosphere.

#### **§106.477. Anhydrous Ammonia Storage (Previously SE 84).**

Anhydrous ammonia storage tanks and distribution facilities that meet the following conditions are exempt.

(1) All valves, connectors, and hoses, associated with permanent storage tanks and any nurse tanks stored on-site, shall be properly maintained in leak-proof condition at all times.

(2) The capacity of each permanent storage tank is 30,000 gallons or less.

(3) (No change.)

(4) When relieving pressure from hoses associated with permanent storage tanks and any nurse tanks, all vapors shall be bled into an adequate volume of water and never to the atmosphere.

(5) Each permanent storage tank and any nurse tanks stored on-site are equipped to prevent unauthorized operation.

(6) (No change.)

(7) Each permanent storage tank is located at least 1/4 mile from any recreational area or residence or other structure not occupied or used solely by the owner of the property upon which the facility is located.