The Texas Natural Resource Conservation Commission (commission) proposes amendments to Subchapter B, General Volatile Organic Compound Sources, §115.142; Subchapter D, Petroleum Refining, Natural Gas Processing, and Petrochemical Processes, §§115.322, 115.323, 115.325, 115.327, and 115.329; Subchapter E, Solvent-Using Processes, §§115.412, 115.413, 115.415 - 115.417, 115.419, 115.423, 115.426, 115.427, 115.432, 115.433, 115.435, 115.436, 115.439, and 115.442; and Subchapter F, Miscellaneous Industrial Sources, §§115.512, 115.517, and 115.519. These sections will be submitted to the United States Environmental Protection Agency (EPA) as proposed revisions to the state implementation plan (SIP).

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The commission proposes these amendments to Chapter 115, Control of Air Pollution from Volatile Organic Compounds (VOC), and revisions to the SIP in order to make a variety of changes which clarify and add flexibility to existing requirements, correct technical and typographical errors, update references to terms, and delete redundant language and language made obsolete by the passing of compliance dates. The proposed clarifications are consistent with rule interpretations made by the commission's Air Rule Interpretation Team. The amendments also add a minor recordkeeping requirement necessary to determine compliance with an exemption.

SECTION BY SECTION DISCUSSION

Throughout this rulemaking the outdated term "undesignated head" is proposed to be replaced with the proper term "division" in response to revised *Texas Register* rules published in the February 13, 1998 issue of the *Texas Register* (23 TexReg 1289). Also throughout the rulemaking, the term "Centigrade"

is proposed to be replaced with the term "Celsius" which is now the term commonly used to describe this temperature scale. Justification for these changes will not be discussed any further in this discussion other than to point out where each change has been made.

Subchapter B, General Volatile Organic Compound Sources

Division 4, Industrial Wastewater

The proposed amendment to §115.142(2), Control Requirements, would clarify that the secondary seal requirements of §115.142(2)(F) should only apply to external floating roof tanks. A misplaced phrase in the current rule makes the paragraph appear to apply to both internal and external floating roof tanks.

Subchapter D, Petroleum Refining, Natural Gas Processing, and Petrochemical Processes

Division 2, Fugitive Emissions Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties

The proposed amendment to §115.322(1), Control Requirements, would provide the correct reference to the definition of the term “leak.” The current rule language states that the definition of the term “leak” can be found in §115.10, Definitions. However, the term “leak” is no longer defined in §115.10 as the result of a previous rulemaking to remove redundant definitions because numerous terms found in §115.10 were already defined in §101.1, Definitions. The term “leak” was one of the definitions removed.

The proposed amendment to §115.323(1), Alternate Control Requirements, would replace the term "undesignated head" with "division."

The proposed amendment to §115.325, Testing Requirements, would replace the term "undesignated head" with "division" and the complete title of the division would be added to the reference statement.

The proposed amendment to §115.327, Exemptions, would replace the term "undesignated head" with "division." In §115.327(1), the complete title of the division would be added to the reference statement. In §115.327(2) and (4), the reference to the division title is deleted because it is only needed the first time the division is referenced within a section. In §115.327(3), a typographical correction would be made to correct the spelling of the term "Fahrenheit," and the term "Centigrade" would be changed to "Celsius."

The proposed amendment to §115.329, Counties and Compliance Schedules, would add clarifying language and replace the term "undesignated head" with "division" and the complete title of the division would be added to the reference statement.

Subchapter E, Solvent-Using Processes

Division 1, Degreasing Processes

The title of this division is proposed to be changed from "Degreasing and Cleanup Processes" to "Degreasing Processes" to more accurately reflect the content of the division.

The proposed amendment to §115.412, Control Requirements, would incorporate the control requirements for Gregg, Nueces, and Victoria Counties into the current subsection (a) by deleting all of subsection (b), which currently contains the control requirements for these three counties, and specifying Gregg, Nueces, and Victoria Counties in the first subsection, which would become an undesignated subsection. These changes are proposed to remove identical, redundant control requirements in the current subsection (b) to make the rule briefer and easier to read. Also to improve readability, a catch line would be added to each paragraph that identifies the topics being covered. The term "solvent" would be inserted in §115.412(1) and the term "degreasing" would replace "cleaning" in §115.412(2) so that the terms used in this chapter are consistent with the definitions in §101.1, Definitions. The term "Centigrade" would be replaced with "Celsius" in §115.412(1)(A)(i). The proposed amendments to §115.412(1)(E) and (2)(D)(i) would clarify how the freeboard ratio should be determined for cold solvent cleaning or open-top vapor degreasing units which have an upper portion which is narrower than the air/solvent or the air/vapor level or if the cover of a degreaser is hinged such that the opening is narrower than the overall width of a degreaser. The freeboard primarily serves to reduce drafts near the air/solvent or air/vapor interface. Having a narrower top would help to reduce the drafts near the air/solvent or air/vapor interface, thereby reducing the amount of solvent being evaporated. The freeboard ratio should be determined by dividing the freeboard height by the smallest interior dimension (i.e., length, width, or diameter). The smallest interior dimension could be located at any point, from the top or opening of the unit to the air/solvent or air/vapor level. This change is consistent with air rule interpretation Number R5-412.001. Section 115.412(2)(E) would be revised to correctly reference the proper subparagraph. The acronym "OSHA" would be added after the phrase

"Occupational Safety and Health Administration" in §115.412(2)(F)(xii) and replace the term "Occupational Safety and Health Administration" in §115.412(3)(I)(i).

The proposed amendments to §115.413, Alternate Control Requirements, would incorporate the alternate control requirements for Gregg, Nueces, and Victoria Counties into the current subsection (a) by deleting all of subsection (b), which currently contains the alternate control requirements for these three counties, and specifying Gregg, Nueces, and Victoria Counties in the first subsection, which would become an undesignated subsection. These changes are proposed to remove identical, redundant alternate control requirements in the current subsection (b) to make the rule briefer and easier to read. The proposed amendments would also reformat current subsection (a) by rephrasing the first portion of the text to clearly indicate the subject of the paragraphs to follow (alternate control requirements for degreasing processes), by moving the second portion of the text into a new paragraph (1), and by renumbering the existing paragraphs accordingly. These changes improve readability and are necessary to make the formatting of this rule consistent with that used in the corresponding §115.423, Alternate Control Requirements. The term "executive director" would be lower-cased for consistency with other divisions. An incorrect reference to the "section" (which should have been "undesignated head) would be corrected to reference the "division." Also, cross-references throughout this section would be revised to reflect reformatting and renumbering changes proposed in other sections.

The proposed amendments to §115.415, Testing Requirements, would rephrase the current subsection (a) to more clearly indicate the subject (testing requirements for degreasing processes) of the paragraphs to follow. The proposed revisions would also incorporate the testing requirements for Gregg, Nueces,

and Victoria Counties into the current subsection (a) by deleting all of subsection (b), which currently contains the testing requirements for these three counties, and specifying Gregg, Nueces, and Victoria Counties in the first subsection, which would become an undesignated subsection. These changes are proposed to remove identical, redundant testing requirements in the current subsection (b) to make the rule briefer and easier read. Cross-references throughout this section would be revised to reflect reformatting and renumbering changes proposed in other sections. The proposed amendments to §115.415 would also add a new paragraph (3), which authorizes the use of test methods other than those specifically listed in §115.415(1) or (2), provided that any new test method is validated using the procedures in 40 Code of Federal Regulations (CFR) 63, Appendix A, Test Method 301, with the executive director acting as the administrator. The proposed new language has previously been added to five other divisions within Chapter 115 with the EPA's approval. This revision is necessary because in some specific unique situations the listed test methods may be inappropriate. The new paragraph increases flexibility by allowing the use of additional test methods which may be more cost-effective and more appropriate in certain unique situations.

The proposed amendments to §115.416, Recordkeeping Requirements, would revise the sentence structure and replace the phrase “any open-top vapor or conveyorized degreasing operation” with the phrase “degreasing process” in the current subsection (a) for clarity and consistency with other sections in this division. The revisions would also incorporate the recordkeeping requirements for Gregg, Nueces, and Victoria Counties into the current subsection (a) by deleting all of subsection (b), which currently contains the recordkeeping requirements for these three counties, and specifying Gregg, Nueces, and Victoria Counties in the first subsection, which would become an undesignated subsection.

These changes are proposed to remove identical, redundant recordkeeping requirements in the current subsection (b) to make the rule briefer and easier to read. The proposed revision would also replace the phrase "Texas Natural Resource Conservation Commission (TNRCC)" with the administratively correct term "executive director" and the acronym "EPA" would replace the phrase "United States Environmental Protection Agency (EPA)." A cross-reference would be revised to reflect a reformatting and renumbering change proposed for the referenced section. A new paragraph (3) would add a recordkeeping requirement for degreasing operations in Gregg, Nueces, and Victoria Counties which are exempt under current §115.417(b)(3), proposed to become §115.417(5). The recordkeeping requirement is needed to determine compliance with the exemption. The requirement simply states that the operator must keep records in sufficient detail to document compliance with the exemption cutoff limit of 550 pounds of VOC emissions in any consecutive 24-hour period and is necessary to provide enforceability of the exemption. Please note that "any consecutive 24-hour period" is considered a rolling 24-hour period, rather than midnight of one calendar day to midnight of the next calendar day.

The proposed amendments to §115.417, Exemptions, would incorporate the exemptions for Gregg, Nueces, and Victoria Counties into the current subsection (a) by deleting all of subsection (b), which currently contains the exemptions for these three counties, and specifying Gregg, Nueces, and Victoria Counties in the first subsection, which would become an undesignated subsection. The size exemption for Gregg, Nueces, and Victoria Counties that is currently located in §115.417(b)(3) is still applicable; therefore, the content of this paragraph is proposed to become a new paragraph (5). These changes are proposed to remove identical, redundant exemptions in the current subsection (b) to make the rule briefer and easier to read. Cross-references throughout this section would be revised to reflect

reformatting and renumbering changes proposed in other sections. The current §115.417(a)(2), proposed to become §115.417(2), would be restructured and reformatted to include two subparagraphs so that remote reservoir cold solvent cleaners can be specified as exempt from the freeboard and water cover requirements of §115.412(1)(E). Even though remote reservoirs are a subset of cold solvent cleaners (because they use liquid solvent to remove soils from part surfaces while maintaining the solvent below its boiling point) the two pieces of equipment do not operate in the same way because their designs are different. For a remote reservoir, the liquid solvent is pumped to a sink-like work area that drains solvent back into an enclosed container while parts are being cleaned, allowing no solvent to pool around the parts. For a cold solvent cleaner, the solvent does pool around the parts and therefore, a freeboard or water cover is necessary. The purpose of the freeboard is to ensure that when parts are placed into the solvent pool, there is enough empty air space between the solvent level and the top of the tank to minimize solvent drag out when an air stream passes over the open reservoir as well as to prevent solvent overflow when parts are placed in the pool, thus decreasing air emissions. Also, for the cold solvent cleaning system exemption in the proposed §115.417(2)(A), the "or if" statement would be changed to a "provided that" statement. This is necessary so the exemption will be consistent with the EPA's guidelines concerning the control of VOC emissions from solvent metal cleaning. The rule language in the current §115.417(a)(2) would inadvertently allow a high vapor pressure solvent to be exempt from the requirements of §115.412(1)(E) as long as the solvent was not heated above 120 degrees Fahrenheit. This was never the intent of the EPA's guidelines nor was it the intent of the commission.

The proposed amendment to §115.419, Counties and Compliance Schedules, would add clarifying language and replace the term "undesignated head" with the term "division."

Subchapter E, Division 2, Surface Coating Processes

The proposed amendments to §115.423, Alternate Control Requirements, would clarify the requirements for when a vapor control system is used to control emissions from coating operations. Specifically, current §115.423(3) would be reformatted into two paragraphs to add an equation specifying how to determine the minimum overall control efficiency necessary to demonstrate equivalency with the emission limitations of §115.421 when a vapor control system is used to control emissions from coating operations. The owner or operator can choose to use either a daily weighted average or the maximum VOC content in the equation. Use of the maximum VOC content (i.e., the worst-case scenario) has the advantage of being a one-time calculation. The phrase "of any surface coating facility" would be deleted from proposed paragraph (3)(B) because it is redundant.

The proposed amendments to §115.426, Monitoring and Recordkeeping Requirements, would clarify that records of non-exempt solvent washings are not required if an owner or operator using non-exempt solvents for washing directs the non-exempt solvent into a container that prevents evaporation into the atmosphere. This change is consistent with air rule interpretation Number R5-412.005.

The proposed amendments to §115.427, Exemptions, would delete a portion of §115.427(a)(3)(C) that explains that coatings which are not subject to a standard in §115.421(a)(1) - (15) are not included in the exemption calculation and move it to §115.427(a)(3) so it is clear that this statement applies to all of

the exemptions listed under this paragraph. The same clarifying statement would also be added to §115.427(b)(1). The phrase "volatile organic compound (VOC)" would be replaced by the acronym "VOC."

The proposed amendments would also relocate the exemption for aerosol coating (spray paint) by deleting the current §115.427(a)(3)(J) and placing this exemption in a proposed new §115.427(a)(6). This revision is necessary because this exemption was intended to apply to all surface coating operations (see the April 3, 1998 issue of the *Texas Register* (23 TexReg 3505)); however, the current location of this exemption inadvertently excludes vehicle refinishing (body shops). The current §115.427(a)(3)(K) would be renumbered to become a new §115.427(a)(3)(J) as a result of the proposed deletion of the current §115.427(a)(3)(J).

Revisions are proposed for current §115.427(a)(3)(K), proposed to be renumbered as §115.427(a)(3)(J), because the current rule language does not state from what requirements the aerospace vehicles cleaning and coating activities are exempt. The subparagraph was added to the Surface Coating Processes Division effective July 20, 2000, as published in the July 14, 2000 issue of the *Texas Register* (25 TexReg 6752). The EPA's Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations (aerospace CTG) was the basis for the July 20, 2000 rule revision. The adopted rule language was based on rule language provided in the Aerospace Manufacturing and Rework Operations Model Rule, found in Appendix B of the aerospace CTG. In the aerospace CTG's model rule it stated: "this rule does not apply to the following activities where cleaning and coating of aerospace components and vehicles may take place: research and development,

quality control, laboratory testing, and electronic parts and assemblies (except for cleaning and coating of completed assemblies)." From this statement, it is clear that the intent was for the surface coating requirements not to apply to the activities outlined above; therefore, the clarifying phrase "are exempt from this division" would be added to the subparagraph.

The proposed amendment to §115.427(b)(2)(C) and the deletion of §115.427(b)(2)(D) is necessary to make the format of the rule language in §115.427(b) consistent with that in §115.427(a). On April 7, 1998, the commission adopted rule language that updated the terminology in the existing miscellaneous metal parts/products exemption from "fully assembled marine vessels and fixed offshore structures" to "ships and offshore oil or gas drilling platforms" for consistency with the new requirements for surface coating of ships and offshore oil and gas drilling platforms. The term "and" would be added to §115.427(b)(2)(B) because §115.427(b)(2)(C) is now the last subparagraph in the paragraph.

Subchapter E, Division 3, Flexographic and Rotogravure Printing

The proposed amendments to §115.432, Control Requirements, would change the term "standard exemption" to "permit by rule" throughout the section due to the requirements of Senate Bill 766, 76th Legislature, 1999, which amended the Texas Clean Air Act (TCAA) and created "permits by rule." The phrase "carbon adsorption or incineration system" would be replaced with the more general term "vapor control system" in §115.432(a)(1)(C) and (b)(3) because control systems used to reduce VOC emissions may encompass more than just carbon adsorption or incineration systems. In §115.432(a)(2), the phrase "no more than" would replace "at or below" and "to" would replace "and" for clarification. A reference to Chapter 106, relating to Permits by Rule, would be added in §115.432(a)(2)(A) because

it is the chapter that contains the permits by rule discussed in the section. In §115.432(a)(2)(B), the administratively correct term “executive director” would replace the phrase “Texas Natural Resource Conservation Commission” and the language would be corrected to include authorizations by permit amendment and standard permit, instead of just permit and permit by rule.

The proposed amendments to §115.433, Alternate Control Requirements, would make administrative corrections to replace the term “section” (which should have been “undesignated head”) with “division” and lower-case the term “executive director.”

The proposed amendments to §115.435, Testing Requirements, would change references from "carbon adsorber" to "carbon adsorption system" for clarification. The term and acronym, Texas Air Control Board (TACB), would be replaced with the administratively correct term "executive director." The acronyms “CFR,” “EPA,” and “VOC” would be added as needed throughout the section to replace the terms “Code of Federal Regulations,” “United States Environmental Protection Agency (EPA),” and “volatile organic compound,” respectively. In addition, the phrase “of the 30-day period” would be added to §115.435(a)(7)(A)(ii)(I) to clarify that "daily" refers to each 24-hour period of the 30-day period.

The proposed amendments to §115.436, Monitoring and Recordkeeping Requirements, would replace “Texas Air Control Board” and its acronym TACB with the administratively correct term "executive director," and “United States Environmental Protection Agency (EPA)” would be replaced with just the acronym.

The proposed amendments to §115.439, Counties and Compliance Schedules, would delete subsections (a) - (d) because the language is obsolete due to the passing of a July 31, 1993 compliance date and add new language in an undesignated subsection stating that all affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller Counties shall continue to comply with applicable sections of this division (relating to Flexographic and Rotogravure Printing) as required by §115.930 (relating to Compliance Dates).

Subchapter E, Division 4, Offset Lithographic Printing

The proposed amendments to §115.442(1)(E), Control Requirements, would replace "this regulation" with "the fountain solution limitations of this paragraph" for clarification.

Subchapter F, Miscellaneous Industrial Sources

Division 1, Cutback Asphalt

The proposed amendments to §115.512, Control Requirements, would add the word “by” to further clarify that §115.512(1) only applies to state, municipal, and county agencies.

The proposed amendments to §115.517, Exemptions, would correct a cross-reference from §115.512(3) to §115.512(2) needed as the result of the renumbering of §115.512 effective August 18, 1999.

The proposed amendments to §115.519, Counties and Compliance Schedules, would delete subsections (a) and (b) because the language is obsolete due to the passing of December 31, 1992, and April 16,

1993, compliance dates and add new language stating that all affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, and Waller Counties shall continue to comply with applicable sections of this division (relating to Cutback Asphalt) as required by §115.930 (relating to Compliance Dates).

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

John Davis, Technical Specialist with Strategic Planning and Appropriations, determined for each year of the first five-year period the proposed rules are in effect, there will be no significant fiscal implications to units of state or local government as a result of implementation of the proposed rules. The proposed rules are estimated to cost units of state and local government located in Gregg, Nueces, and Victoria Counties up to $500 per year to comply with new recordkeeping requirements for certain degreasing operations.

The proposed amendments to the commission's VOC rules are intended to clarify and add flexibility to existing requirements, correct rule errors, updated references to a variety of terms, delete redundant and obsolete rule language, and add a recordkeeping requirement for degreasing operations in Gregg, Nueces, and Victoria Counties. The commission estimates that there will be fiscal implications, which are not anticipated to be significant, to certain units of state and local government due to implementation of the recordkeeping requirements of this proposal. The remaining provisions are procedural in nature and are not expected to result in additional fiscal implications for units of state and local government.

The proposed recordkeeping requirements will require owners and operators of degreasing operations located in Gregg, Nueces, and Victoria Counties that are exempt from VOC control requirements to keep records to document compliance with the exemption limit of 550 pounds of VOC emissions in any consecutive 24-hour period. Examples of facilities and operations affected include cold solvent cleaners, vapor degreasers, and conveyorized units at local vehicle repair shops, oil and lube shops, welding shops, maintenance shops at schools or hospitals, machine shops, refineries, and chemical plants. Facilities that conduct any type of maintenance on moving parts will likely be using some type of degreaser and may be required to maintain compliance records.

The commission estimates that approximately ten facilities owned and operated by units of state and local government would be required to maintain compliance records due to implementation of the proposed rules. The cost to comply with the recordkeeping requirements of this proposal is estimated not to exceed $500 a year. Included in the compliance cost is the purchase of filing space and administrative supplies, printing of records, and the initial training of persons responsible for maintaining the records.

The total costs to units of local government in Gregg, Nueces, and Victoria Counties to comply with this proposal is estimated not to exceed approximately $5,000 a year.

PUBLIC BENEFITS AND COSTS

Mr. Davis also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from enforcement of and compliance with the proposed rules would be

increased compliance with air emission standards due to rules that are more clear and understandable and more extensive record retention requirements.

The proposed recordkeeping requirements will require owners and operators of degreasing operations in Gregg, Nueces, and Victoria Counties that are exempt from VOC control requirements to keep records to document compliance with the exemption limit of 550 pounds of VOC emissions in any consecutive 24-hour period. Examples of facilities and operations affected include cold solvent cleaners, vapor degreasers, and conveyorized units at local vehicle repair shops, oil and lube shops, welding shops, maintenance shops at schools or hospitals, machine shops, refineries, and chemical plants. Facilities that conduct any type of maintenance on moving parts will likely be using some type of degreaser and may be required to maintain compliance records.

The commission estimates that approximately 30 privately-owned and operated facilities would be required to maintain compliance records due to implementation of the proposed rules. The cost for a facility to comply with the recordkeeping requirements of this proposal is estimated not to exceed $500 a year. Included in the compliance cost is the purchase of filing space and administrative supplies, printing of records, and the initial training of persons responsible for maintaining the records.

The total costs to privately owned and operated businesses in Gregg, Nueces, and Victoria Counties to comply with this proposal is estimated not to exceed approximately $15,000 a year.

SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

There will be adverse fiscal implications, which are not anticipated to be significant, for approximately 30 small or micro-businesses as a result of implementation of the proposed rules. These changes require owners of degreasing operations in Gregg, Nueces, and Victoria Counties that are exempt from VOC control requirements to keep records to document compliance with the exemption limit of 550 pounds of VOC emissions in any consecutive 24-hour period.

Examples of facilities and operations affected include cold solvent cleaners, vapor degreasers, and conveyorized units at local vehicle repair shops, oil and lube shops, welding shops, maintenance shops at schools or hospitals, machine shops, refineries, and chemical plants. Facilities that conduct any type of maintenance on moving parts will likely be using some type of degreaser and may be required to maintain compliance records.

The commission estimates that the majority of the 30 degreasing operations required to implement the new recordkeeping requirements are small or micro-businesses. The overall cost to comply with the recordkeeping requirements is estimated not to exceed $500 a year. Included in the compliance cost is the purchase of filing space and administrative supplies, printing of records, and the initial training of persons responsible for maintaining the records.

The following is an analysis of the cost per employee for small or micro-businesses affected by the proposed rules. It is estimated that it will cost affected small or micro-businesses up to approximately $500 per year to comply with the proposed rules. A small business with 100 employees would incur costs of approximately $5.00 per-employee while a micro-businesses with 20 employees would incur

costs of approximately $25 per-employee. The overall cost associated with these rules is not expected to change with the number of employees employed, but the cost per employee would vary depending on the number of persons employed by an affected business.

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that this proposal is not subject to §2001.0025 because it does not meet the definition of a "major environmental rule" as defined in that statute. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

This proposal is not a major environmental rule because its primary purpose is to clarify procedural and technical requirements for facilities subject to Chapter 115 rules. Specifically, the amended sections clarify the requirements for cold solvent cleaners and the applicability of the requirements; provide additional test methods for degreasing processes to be used under certain circumstances; require degreasing operations exempt under proposed §115.417(5) from the control requirements in §115.412 to keep records to document compliance with the exemption conditions; clarify an exemption from recordkeeping for certain surface coating facility owners or operators; and clarify rule language to correct errors, update references, and delete redundant and obsolete language. Also, as determined in

the preceding fiscal note, the fiscal impacts associated with this proposal are not anticipated to be significant.

In addition, a draft regulatory impact analysis is not required because the rules do not meet any of the four applicability criteria for requiring a regulatory analysis of a "major environmental rule" as defined in the Texas Government Code. Section 2001.0225 applies only to a major environmental rule the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This proposal does not exceed a standard set by federal law, and the proposed technical requirements are consistent with applicable federal standards. In addition, this proposal does not exceed an express requirement of state law and is not proposed solely under the general powers of the agency, but is specifically authorized by the provisions cited in the STATUTORY AUTHORITY section of this preamble. Finally, this proposal does not exceed a requirement of a delegation agreement or contract to implement a state and federal program. The commission invites public comment on the draft regulatory impact analysis determination.

TAKINGS IMPACT ASSESSMENT

The commission prepared a takings impact assessment for these proposed rules pursuant to Texas Government Code, §2007.043. The following is a summary of that assessment. The primary purpose

of the proposal is to revise specific rules in Chapter 115 to clarify and add flexibility to existing requirements, correct errors, update references, and delete redundant and obsolete language. Promulgation and enforcement of these proposed rules would be neither a statutory nor a constitutional taking because they do not affect private real property. Specifically, the proposed rules do not affect a landowner's rights in private real property because this proposal does not burden (constitutionally), nor restrict or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the rules. Therefore, these rules will not constitute a takings under the Texas Government Code, Chapter 2007.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking and found that the proposal is a rulemaking identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, or will affect an action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, and will, therefore, require that applicable goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process.

The commission prepared a preliminary consistency determination for the proposed rules pursuant to 31 TAC §505.22 and found the proposed rulemaking is consistent with the applicable CMP goals and policies. The following is a summary of that determination.

The CMP goal applicable to the proposed rulemaking is 31 TAC §501.12(1), which requires that the quality and values of coastal natural resource areas be protected and preserved. The CMP policy

applicable to the proposed rulemaking is 31 TAC §501.14(q), which requires that the commission protect air quality in coastal areas, are applicable to this rulemaking. Promulgation and enforcement of the proposed rules will not violate (exceed) any standards identified in the applicable CMP goals and policies because no new emissions are authorized and because the proposal would provide for more clear and understandable rules and a new recordkeeping requirement which may result in increased compliance with air emission standards.

EFFECT ON SITES SUBJECT TO THE FEDERAL OPERATING PERMITS PROGRAM

Because Chapter 115 contains applicable requirements under 30 TAC Chapter 122, Federal Operating Permits, owners or operators subject to the Federal Operating Permit Program must, consistent with the revision process in Chapter 122, revise their operating permit to include the revised Chapter 115 requirements for each emission unit affected by the revisions to Chapter 115 at their site.

ANNOUNCEMENT OF HEARING

A public hearing on this proposal will be held in Austin on July 3, 2001 at 10:00 a.m. at the TNRCC Complex in Building F, Room 2210, located at 12100 Park 35 Circle. The hearing will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. There will be no open discussion 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.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS

Comments may be submitted to Angela Slupe, MC 205, Office of Environmental Policy, Analysis, and Assessment, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. All comments should reference Rule Log Number 2001-005-115-AI. Comments must be received by 5:00 p.m., July 9, 2001. For further information, please contact Keith Sheedy of the Enforcement Division at (512) 239-1556 or Jill Burditt of the Policy and Regulations Division at (512) 239-0560.

STATUTORY AUTHORITY

The amendment is proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendment implements the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

SUBCHAPTER B: GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 4: INDUSTRIAL WASTEWATER

§115.142

§115.142. Control Requirements.

The owner or operator of an affected source category within a plant in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, as defined in §115.10 of this title (relating to Definitions), shall comply with the following control requirements. Any component of a wastewater storage, handling, transfer, or treatment facility, if the component contains an affected volatile organic compounds (VOC) wastewater stream, shall be controlled in accordance with either paragraph (1) or (2) of this section, except for properly operated biotreatment units which shall meet the requirements of paragraph (3) of this section. In the Dallas/Fort Worth and El Paso areas, and until December 31, 2002 in the Houston/Galveston area, the control requirements apply from the point of generation of an affected VOC wastewater stream until the affected VOC wastewater stream is either returned to a process unit or is treated to remove VOC so that the wastewater stream no longer meets the definition of an affected VOC wastewater stream. In the Beaumont/Port Arthur area, and after December 31, 2002 in the Houston/Galveston area, the control requirements apply from the point of generation of an affected VOC wastewater stream until the affected VOC wastewater stream is either returned to a process unit, or is treated to reduce the VOC content of the wastewater stream by 90% by weight and also reduce the VOC content of the same VOC wastewater stream to less than 1,000 parts per million by weight. For wastewater streams which are combined and then treated to remove VOC,

the amount of VOC to be removed from the combined wastewater stream shall be at least the total amount of VOC that would be removed to treat each individual affected VOC wastewater stream so that they no longer meet the definition of affected VOC wastewater stream, except for properly operated biotreatment units which shall meet the requirements of paragraph (3) of this section. For this division, a component of a wastewater storage, handling, transfer, or treatment facility shall include, but is not limited to, wastewater storage tanks, surface impoundments, wastewater drains, junctions boxes, lift stations, weirs, and oil-water separators.

(1) (No change.)

(2) If a wastewater component is equipped with an internal or external floating roof, it shall meet the following requirements.

(A) - (E) (No change.)

(F) <u>For external floating roof storage tanks, the secondary</u> [Secondary] seals shall be the rim-mounted type (i.e., the seal shall be continuous from the floating roof to the tank wall). <u>The</u> [For external floating roof tanks, the] accumulated area of gaps that exceed 1/8 in. (0.32 cm) in width between the secondary seal and tank wall shall be no greater than 1.0 $in.^2$ per foot (21 cm^2/meter) of tank diameter.

(3) - (4) (No change.)

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

DIVISION 2: FUGITIVE EMISSION CONTROL IN PETROLEUM REFINERIES IN GREGG, NUECES, AND VICTORIA COUNTIES

§§115.322, 115.323, 115.325, 115.327, 115.329

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendments implement the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

§115.322. Control Requirements.

For Gregg, Nueces, and Victoria Counties, no person shall operate a petroleum refinery without complying with the following requirements:

(1) No component shall be allowed to have a volatile organic compound (VOC) leak as defined in §101.1 [§115.10] of this title (relating to Definitions) for more than 15 calendar days after the leak is found, except as provided in paragraph (2) of this section.

(2) - (5) (No change.)

§115.323. Alternate Control Requirements.

For all affected persons in Gregg, Nueces, and Victoria Counties, the following alternate control techniques may apply:

(1) Any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division [undesignated head] (relating to Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties) may be approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(2) (No change.)

§115.325. Testing Requirements.

For all affected persons in Gregg, Nueces, and Victoria Counties, compliance with this division [undesignated head] (relating to Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties) shall be determined by applying the following test methods, as appropriate:

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

§115.327. Exemptions.

For all affected persons in Gregg, Nueces, and Victoria Counties, the following exemptions shall apply:

(1) Valves with a nominal size of two inches (5 cm) or less are exempt from the requirements of this division [undesignated head] (relating to Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties), provided allowable emissions at any refinery from sources affected by these sections after controls are applied with exemptions will not exceed by more than 5.0% such allowable emissions with no exemptions. Any person claiming an exemption for valves two inches (5 cm) nominal size or smaller under this section shall, at the time he provides his control plan, also provide the following information:

(A) - (C) (No change.)

(2) Components which contact a process fluid that contains less than 10% VOC by weight are exempt from the requirements of this division [undesignated head (relating to Fugitive Emission Control in Petroleum Refineries)].

(3) Components which contact a process liquid containing a VOC having a true vapor pressure equal to or less than 0.147 psia (1.013 kPa) at 68 degrees Fahrenheit [Farenheit] (20 degrees Celsius [Centigrade]) are exempt from the requirements of §115.324 of this title if the components are inspected visually according to the inspection schedules specified within this same section.

(4) Petroleum refineries or individual process units in a temporary nonoperating status shall submit a plan for compliance with the provisions of this division [undesignated head (relating to Fugitive Emission Control in Petroleum Refineries)], as soon as practicable, but no later than one month before the process unit is scheduled for start-up and be in compliance as soon as practicable, but no later than three months after start-up. All petroleum refineries affected by this section shall notify the executive director of any nonoperating refineries or individual process units when they are shut down and dates of any start-ups as they occur.

(5) - (6) (No change.)

§115.329. Counties and Compliance Schedules.

All affected persons in Gregg, Nueces, and Victoria Counties shall continue to comply with applicable sections of this division [undesignated head] (relating to Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties) as required by §115.930 of this title (relating to Compliance Dates).

SUBCHAPTER E: SOLVENT-USING PROCESS

DIVISION 1: DEGREASING [AND CLEANUP] PROCESSES

§§115.412, 115.413, 115.415 - 115.417, 115.419

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendments implement the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.016, relating to Monitoring Requirements; Examination of Records; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

§115.412. Control Requirements.

[(a)] In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions) and in Gregg, Nueces, and Victoria Counties, the following control requirements shall apply.

(1) Cold solvent cleaning. No person shall own or operate a system utilizing a volatile organic compound (VOC) for the cold solvent cleaning of objects without the following controls.

(A) A cover shall be provided for each cleaner which shall be kept closed whenever parts are not being handled in the cleaner. The cover shall be designed for easy one-handed operation if any of the following exists:

(i) the true vapor pressure of the solvent is greater than 0.3 psia (2 kPa) as measured at 100 degrees Fahrenheit (38 degrees Celsius [Centigrade]);

(ii) the solvent is agitated; or

(iii) the solvent is heated.

(B) An internal cleaned-parts drainage facility, for enclosed draining under a cover, shall be provided for all cold solvent cleaners.

(C) A permanent label summarizing the operating requirements in subparagraph (F) of this paragraph shall be attached to the cleaner in a conspicuous location near the operator.

(D) If a solvent spray is used, it must be a solid fluid stream (not a fine, atomized, or shower-type spray) and at an operating pressure of ten [10] psig or less as necessary to prevent splashing above the acceptable freeboard.

(E) The system shall be equipped with a freeboard that provides a ratio [(the freeboard height divided by the degreaser width)] equal to or greater than 0.7, or a water cover (solvent must be insoluble in and heavier than water). To determine the freeboard ratio, the freeboard height measurement is taken from the top of the degreaser to the top of the air/solvent level. This number is then divided by the smallest width measurement. The width measurement is taken at the smallest interior dimension. This dimension could be located at any point, from the top or opening of the unit to the air/solvent level.

(F) The operating procedures shall be as follows.

(i) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent can evaporate into the atmosphere. Waste solvents shall be stored only in covered containers.

(ii) The degreaser cover shall be kept closed whenever parts are not being handled in the cleaner.

(iii) Parts shall be drained for at least 15 seconds or until dripping ceases.

(iv) Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.

(2) Open-top vapor degreasing. No person shall own or operate a system utilizing a VOC for the open-top vapor degreasing [cleaning] of objects without the following controls:

(A) a cover that can be opened and closed easily without disturbing the vapor zone;

(B) the following devices which will automatically shut off the sump heat:

(i) a condenser coolant flow sensor and thermostat which will detect if the condenser coolant is not circulating or if the condenser coolant temperature exceeds the solvent manufacturer's recommendations;

(ii) a solvent level sensor which will detect if the solvent level drops below acceptable design limits; and

(iii) a vapor level sensor which will detect if the vapor level rises above acceptable design limits;

(C) a spray safety switch which will shut off the spray pump to prevent spraying above the vapor level;

(D) one of the following controls:

(i) a freeboard that provides a ratio [(the distance from the top of the vapor level to the top edge of the degreasing tank divided by the degreaser width)] equal to or greater than 0.75 and, if the degreaser opening is greater than 10 ft^2 ($1m^2$), a powered cover. To determine the freeboard ratio, the freeboard height measurement is taken from the top of the degreaser to the top of the air/vapor level. This number is then divided by the smallest width measurement. The width measurement is taken at the smallest interior dimension. This dimension could be located at any point, from the top or opening of the unit to the air/vapor level;

(ii) a properly sized refrigerated chiller capable of achieving 85% or greater control of VOC emissions;

(iii) an enclosed design where the cover or door opens only when the dry part is actually entering or exiting the degreaser; or

(iv) a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft^2 (15m^3/min per m^2) of air/vapor area (with the cover open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle;

(E) a permanent, conspicuous, label summarizing the operating procedures listed in subparagraph (F) of this paragraph;

(F) the following operating procedures:

(i) the cover shall be closed at all times except when processing work loads through the degreaser;

(ii) parts shall be positioned so that complete drainage is obtained;

(iii) parts shall be moved in and out of the degreaser at less than 11 ft/min (3.3 m/min);

(iv) the work load shall be retained in the vapor zone at least 30 seconds or until condensation ceases;

(v) any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing it from the vapor zone;

(vi) parts shall be allowed to dry within the degreaser freeboard area for at least 15 seconds or until visually dry;

(vii) porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased;

(viii) work loads shall not occupy more than half of the degreaser open top surface area;

(ix) solvent shall not be sprayed above the vapor level;

(x) solvent leaks shall be repaired immediately, or the degreaser shall be shut down until repairs are made;

(xi) waste solvent shall not be disposed of or transferred to another party such that the waste solvent will evaporate into the atmosphere. Waste solvent shall be stored only in covered containers;

(xii) exhaust ventilation for systems other than those which vent to a major control device shall not exceed 65 cfm per ft^2 (20 m^3/min per m^2) of degreaser open area, unless necessary to meet Occupational Safety and Health Administration (OSHA) requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans or other sources of air agitation shall not be used near the degreaser opening;

(xiii) water shall not be visibly detectable in the solvent exiting the water separator.

(3) Conveyorized degreasing. No person shall own or operate a system utilizing a VOC for the conveyorized cleaning of objects without the following controls:

(A) one of the following major control devices:

(i) a properly sized refrigerated chiller capable of achieving 85% or greater control of VOC emissions; or

(ii) a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft^2 (15 m^3/min/m^2) of air/vapor area (when downtime covers are open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle;

(B) a drying tunnel or other means, such as rotating (tumbling) basket if space is available, to prevent solvent liquid or vapor carry-out;

(C) a condenser flow switch and thermostat which will shut off sump heat if the condenser coolant is not circulating or if the condenser coolant discharge temperature exceeds the solvent manufacturer's recommendation;

(D) a spray safety switch which will shut off the spray pump if the vapor level drops more than four inches (ten [10] cm);

(E) a vapor level control thermostat which will shut off the sump heat when the vapor level rises above the designed operating level;

(F) entrances and exits which silhouette work loads so that the average clearance (between parts and edge of the degreaser opening) is either less than four inches (ten [10] cm) or less than 10% of the width of the opening;

(G) downtime covers which close off the entrance and exit during nonoperating hours;

(H) a permanent, conspicuous label near the operator summarizing the operating requirements in subparagraph (I) of this paragraph;

(I) the following operating procedures:

(i) exhaust ventilation for systems other than those which vent to a major control device shall not exceed 65 cfm/ft^2 (20 m^3/min/m^2) of degreaser opening, unless necessary to meet OSHA [Occupational Safety and Health Administration] requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening;

(ii) parts shall be positioned so that complete drainage is obtained;

(iii) vertical conveyor speed shall be maintained at less than 11 ft/min (3.3 m/min);

(iv) waste solvent shall not be disposed of, or transferred to another party, such that the waste solvent can evaporate into the atmosphere. Waste solvent shall be stored only in covered containers;

(v) leaks shall be repaired immediately or the degreaser shall be shut down until repairs are made;

(vi) water shall not be visibly detectable in the solvent exiting the water separator;

(vii) downtime covers shall be placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and removed just before they are started up;

(viii) porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.

[(b) For Gregg, Nueces, and Victoria Counties, the following control requirements shall apply.]

[(1) No person shall own or operate a system utilizing a VOC for the cold cleaning of objects without the following controls.]

[(A) A cover shall be provided for each cleaner which shall be kept closed whenever parts are not being handled in the cleaner. The cover shall be designed for easy one-handed operation if any of the following exists:]

[(i) the true vapor pressure of the solvent is greater than 0.3 psia (2 kPa) as measured at 100°Fahrenheit (38 degrees Celsius);]

[(ii) the solvent is agitated; or]

[(iii) the solvent is heated.]

[(B) An internal cleaned-parts drainage facility, for enclosed draining under a cover, shall be provided for all cold cleaners.]

[(C) A permanent label summarizing the operating requirements in subparagraph (F) of this paragraph shall be attached to the cleaner in a conspicuous location near the operator.]

[(D) If a solvent spray is used, it must be a solid fluid stream (not a fine, atomized, or shower-type spray) and at an operating pressure of 10 psig or less as necessary to prevent splashing above the acceptable freeboard.]

[(E) The system shall be equipped with a freeboard that provides a ratio (the freeboard height divided by the degreaser width) equal to or greater than 0.7, or a water cover (solvent must be insoluble in and heavier than water).]

[(F) The operating procedures shall be as follows.]

[(i) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent can evaporate into the atmosphere. Waste solvents shall be stored only in covered containers.]

[(ii) The degreaser cover shall be kept closed whenever parts are not being handled in the cleaner.]

[(iii) Parts shall be drained for at least 15 seconds or until dripping ceases.]

[(iv) Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.]

[(2) No person shall own or operate a system utilizing a VOC for the open-top vapor cleaning of objects without the following controls:]

[(A) a cover that can be opened and closed easily without disturbing the vapor zone;]

[(B) the following devices which will automatically shut off the sump heat:]

[(i) a condenser coolant flow sensor and thermostat which will detect if the condenser coolant is not circulating or if the condenser coolant temperature exceeds the solvent manufacturer's recommendations;]

[(ii) a solvent level sensor which will detect if the solvent level drops below acceptable design limits; and]

[(iii) a vapor level sensor which will detect if the vapor level rises above acceptable design limits;]

[(C) a spray safety switch which will shut off the spray pump to prevent spraying above the vapor level;]

[(D) one of the following controls:]

[(i) a freeboard that provides a ratio (the distance from the top of the vapor level to the top edge of the degreasing tank divided by the degreaser width) equal to or greater than 0.75 and, if the degreaser opening is greater than 10 ft^2 ($1m^2$), a powered cover;]

[(ii) a properly-sized, refrigerated chiller capable of achieving 85% or greater control of VOC emissions;]

[(iii) an enclosed design where the cover or door opens only when the dry part is actually entering or exiting the degreaser; or]

[(iv) a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft^2 (15m^3/min per m^2) of air/vapor area (with the cover open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle;]

[(E) a permanent, conspicuous label summarizing the operating procedures listed in subparagraph (F) of this paragraph;]

[(F) the following operating procedures.]

[(i) The cover shall be closed at all times, except when processing work loads through the degreaser.]

[(ii) Parts shall be positioned so that complete drainage is obtained.]

[(iii) Parts shall be moved in and out of the degreaser at less than 11 ft/min (3.3 m/min).]

[(iv) The work load shall be retained in the vapor zone at least 30 seconds or until condensation ceases.]

[(v) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing it from the vapor zone.]

[(vi) Parts shall be allowed to dry within the degreaser freeboard area for at least 15 seconds or until visually dry.]

[(vii) Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.]

[(viii) Work loads shall not occupy more than half of the degreaser open top surface area.]

[(ix) Solvent shall not be sprayed above the vapor level.]

[(x) Solvent leaks shall be repaired immediately, or the degreaser shall be shut down until repairs are made.]

[(xi) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent will evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.]

[(xii) Exhaust ventilation for systems other than those which vent to a major control device shall not exceed 65 cfm per ft^2 (20 m^3/min per m^2) of degreaser open area, unless necessary to meet Occupational Safety and Health Administration requirements or unless a carbon

adsorption system is installed as a major control device. Ventilation fans or other sources of air agitation shall not be used near the degreaser opening.]

[(xiii) Water shall not be visibly detectable in the solvent exiting the water separator.]

[(3) No person shall own or operate a system utilizing a VOC for the conveyorized cleaning of objects without the following controls:]

[(A) one of the following major control devices:]

[(i) a properly-sized, refrigerated chiller capable of achieving 85% or greater control of VOC emissions; or]

[(ii) a carbon adsorption system with ventilation equal to or greater than 50 cfm/ft^2 (15 m^3/min/m^2) of air/vapor area (when downtime covers are open) and exhausting less than 25 ppm of solvent by volume averaged over one complete adsorption cycle;]

[(B) a drying tunnel or other means, such as rotating (tumbling) basket if space is available, to prevent solvent liquid or vapor carry-out;]

[(C) a condenser flow-switch and thermostat which will shut off sump heat if the condenser coolant is not circulating or if the condenser coolant discharge temperature exceeds the solvent manufacturer's recommendation;]

[(D) a spray safety switch which will shut off the spray pump if the vapor level drops more than four inches (10 cm).]

[(E) a vapor level control thermostat which will shut off the sump heat when the vapor level rises above the designed operating level;]

[(F) entrances and exits which silhouette work loads so that the average clearance (between parts and edge of the degreaser opening) is either less than four inches (10 cm) or less than 10% of the width of the opening;]

[(G) downtime covers which close off the entrance and exit during nonoperating hours;]

[(H) a permanent, conspicuous label near the operator summarizing the operating requirements in subparagraph (I) of this paragraph;]

[(I) the following operating procedures.]

[(i) Exhaust ventilation for systems other than those which vent to a major control device shall not exceed 65 cfm/ft^2 (20 m^3/min/m^2) of degreaser opening, unless necessary to meet Occupational Safety and Health Administration requirements or unless a carbon adsorption system is installed as a major control device. Ventilation fans shall not be used near the degreaser opening.]

[(ii) Parts shall be positioned so that complete drainage is obtained.]

[(iii) Vertical conveyor speed shall be maintained at less than 11 ft/min (3.3 m/min).]

[(iv) Waste solvent shall not be disposed of or transferred to another party such that the waste solvent can evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.]

[(v) Leaks shall be repaired immediately or the degreaser shall be shut down until repairs are made.]

[(vi) Water shall not be visibly detectable in the solvent exiting the water separator.]

[(vii) Downtime covers shall be placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shut down and removed just before they are started up.]

[(viii) Porous or absorbent materials, such as cloth, leather, wood, or rope, shall not be degreased.]

§115.413. Alternate Control Requirements.

[(a)] The alternate control requirements for degreasing processes [For all affected persons] in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties are as follows.[,]

(1) Alternate [alternate] methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division [section] may be approved by the executive director [Executive Director] in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(2) [(1)] An alternative capture and control system for cold solvent cleaners with a demonstrated overall volatile organic compound (VOC) emission reduction efficiency of 65% or greater

may be used in lieu of the requirements of §115.412(1) [§115.412(a)(1)] of this title (relating to Control Requirements), if approved by the executive director.

(3) [(2)] An alternate capture and control system for open-top vapor or conveyorized degreasers with a demonstrated overall VOC emission reduction efficiency of 85% or greater may be used in lieu of the requirements of §115.412(2)(D) or (3)(A) [§115.412(a)(2)(D) or (a)(3)(A)] of this title, if approved by the executive director.

[(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this section may be approved by the Executive Director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent.]

[(1) An alternative capture and control system for cold solvent cleaners with a demonstrated overall VOC emission reduction efficiency of 65% or greater may be used in lieu of the requirements of §115.412(b)(1) of this title, if approved by the executive director.]

[(2) An alternate capture and control system for open-top vapor or conveyorized degreasers with a demonstrated overall VOC emission reduction efficiency of 85% or greater may be used in lieu of the requirements of §115.412(b)(2)(D) or (b)(3)(A) of this title, if approved by the executive director.]

§115.415. Testing Requirements.

[(a)] The testing requirements for degreasing processes in [For] the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties are as follows [, the following testing requirements shall apply].

(1) Compliance with §115.412(1) [§115.412(a)(1)] of this title (relating to Control Requirements) shall be determined by applying the following test methods, as applicable:

(A) determination of true vapor pressure using American Society for Testing Materials (ASTM) Test Method D323-89, ASTM Test Method D2879, ASTM Test Method D4953, ASTM Test Method D5190, or ASTM Test Method D5191 for the measurement of Reid vapor pressure (RVP), adjusted for actual storage temperature in accordance with American Petroleum Institute (API) Publication 2517, Third Edition, 1989; or

(B) minor modifications to these test methods and procedures approved by the executive director.

(2) Compliance with §115.412(2)(D)(iv) and (3)(A)(ii) [§115.412(a)(2)(D)(iv) and (a)(3)(A)(ii)] of this title and §115.413(3) [§115.413(a)(2)] of this title (relating to Alternate Control Requirements) shall be determined by applying the following test methods, as appropriate:

(A) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rates, as necessary;

(B) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;

(C) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(D) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or

(E) minor modifications to these test methods and procedures approved by the executive director.

(3) Test methods other than those specified in paragraphs (1) and (2) of this section may be used if validated by 40 CFR 63, Appendix A, Test Method 301. For the purposes of this paragraph, substitute “executive director” each place that Test Method 301 references “administrator.”

[(b) For Gregg, Nueces, and Victoria Counties, the following testing requirements shall apply.]

[(1) Compliance with §115.412(b)(1) of this title shall be determined by applying the following test methods, as applicable:]

[(A) determination of true vapor pressure using ASTM Test Method D323-89, ASTM Test Method D2879, ASTM Test Method D4953, ASTM Test Method D5190, or ASTM Test Method D5191 for the measurement of RVP, adjusted for actual storage temperature in accordance with API Publication 2517, Third Edition, 1989; or]

[(B) minor modifications to these test methods and procedures approved by the executive director.]

[(2) Compliance with §115.412(b)(2)(D)(iv) and (b)(3)(A)(ii) of this title and §115.413(b)(2) of this title shall be determined by applying the following test methods, as appropriate:]

[(A) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates, as necessary;]

[(B) Test Method 18 (40 CFR 60, Appendix A) for determining gaseous organic compound emissions by gas chromatography;]

[(C) Test Method 25 (40 CFR 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;]

[(D) Test Methods 25A or 25B (40 CFR 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis; or]

[(E) minor modifications to these test methods and procedures approved by the executive director.]

§115.416. Recordkeeping Requirements.

[(a)] The owner or operator of each degreasing process in [For] the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties [, the owner or operator of any open-top vapor or conveyorized degreasing operation] shall maintain the following records at the facility for at least two years and shall make such records available upon request to representatives of the executive director [Texas Natural Resource Conservation Commission (TNRCC)], EPA [United States Environmental Protection Agency (EPA)], or the local air pollution control agency having jurisdiction in the area:

(1) a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit;

(2) the results of all tests conducted at the facility in accordance with the requirements described in §115.415(2) of this title (relating to Testing Requirements); [.]

(3) for each degreasing operation in Gregg, Nueces, and Victoria Counties which is exempt under §115.417(5) of this title (relating to Exemptions), records of solvent usage in sufficient detail to document continuous compliance with this exemption.

[(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of any open-top vapor or conveyorized degreasing operation shall maintain the following records at the facility for at least two years and shall make such records available upon request to representatives of the TACB, EPA, or the local air pollution control agency having jurisdiction in the area:]

[(1) a record of control equipment maintenance, such as replacement of the carbon in a carbon adsorption unit;]

[(2) the results of all tests conducted at the facility in accordance with the requirements described in §115.415(b)(2) of this title (relating to Testing Requirements).]

§115.417. Exemptions.

[(a)] The following exemptions apply in [For] the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties [, the following exemptions shall apply].

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(1)(B) [§115.412(a)(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 psia (4.1 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 [Any cold solvent cleaning system is] exempt from the requirements of §115.412(1)(E) [§115.412(a)(1)(E)] of this title [(relating to Control Requirements)]:

(A) a cold solvent cleaning system for which [, if] 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 [or if] 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 ft^2 (2 m^2) of air/vapor interface is exempt from the requirement of §115.412(3)(A) [§115.412(a)(3)(A)] of this title.

(4) An owner or operator who operates a remote reservoir cold solvent cleaner which 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 which has a drain area less than 16 in^2 (100 cm^2) and who properly

disposes of waste solvent in enclosed containers is exempt from §115.412(1) [§115.412(a)(1)] of this title.

(5) In Gregg, Nueces, and Victoria Counties, degreasing operations located on any property which can emit, when uncontrolled, a combined weight of VOC less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412 of this title.

[(b) For Gregg, Nueces, and Victoria Counties, the following exemptions shall apply.]

[(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(b)(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 psia (4.1 kPa) as measured at 100 degrees Fahrenheit (38 degrees Celsius) or if a cleaned part can not fit into an internal drainage facility.]

[(2) Any cold solvent cleaning system is exempt from the requirements of §115.412(b)(1)(E) of this title (relating to Control Requirements), if 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), or if the solvent is not heated above 120 degrees Fahrenheit (49 degrees Celsius).]

[(3) Degreasing operations located on any property which can emit, when uncontrolled, a combined weight of VOC less than 550 pounds (249.5 kg) in any consecutive 24-hour period are exempt from the provisions of §115.412(b) of this title (relating to Control Requirements).]

[(4) Any conveyorized degreaser with less than 20 ft^2 (2 m^2) of air/vapor interface is exempt from the requirements of §115.412(b)(3)(A) of this title (relating to Control Requirements).]

[(5) An owner or operator who operates a remote reservoir cold solvent cleaner which 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 which has a drain area less than 16 in^2 (100 cm^2) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(b)(1) of this title.]

§115.419. Counties and Compliance Schedules.

All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller Counties shall continue to comply with applicable sections of this division [undesignated head] (relating to Degreasing Processes) as required by §115.930 of this title (relating to Compliance Dates).

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 2: SURFACE COATING PROCESSES

§§115.423, 115.426, 115.427

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendments implement the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

§115.423. Alternate Control Requirements.

The alternate control requirements for surface coating processes in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties are as follows.

(1) - (2) (No change.)

(3) If a vapor control system is used to control emissions from coating operations: [,]

(A) the capture and abatement system shall be capable of achieving and maintaining emission reductions equivalent to the emission limitations of §115.421 of this title (relating to Emission Specifications) and an overall control efficiency of at least 80% of the VOC emissions from those coatings. The following equation shall be used to determine the minimum overall control efficiency necessary to demonstrate equivalency with the emission limitations of §115.421 of this title:

Figure: 30 TAC §115.423(3)(A)

$$E = (VOC_a - S) / VOC_a$$

where:

E = the required overall control efficiency

VOC_a = the VOC content of the coatings used on the coating line expressed on a pounds of VOC per gallon of coating basis. The owner or operator may choose to use either a daily weighted average or the maximum VOC content.

S = the applicable emission limit from §115.421 of this title expressed on a pounds of VOC per gallon of solids basis (as calculated in paragraph (1) of this section)

(B) the [The] owner or operator [of any surface coating facility] shall submit design data for each capture system and emission control device which is proposed for use to the executive director for approval. In the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, capture efficiency testing shall be performed in accordance with §115.425(4) of this title (relating to Testing Requirements).

(4) (No change.)

§115.426. Monitoring and Recordkeeping Requirements.

The following recordkeeping requirements apply to the owner or operator of each surface coating process in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas and in Gregg, Nueces, and Victoria Counties.[:] 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) - (6) (No change.)

§115.427. Exemptions.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the following exemptions shall apply:

(1) - (2) (No change.)

(3) The following exemptions apply to surface coating operations, except for aircraft prime coating controlled by §115.421(a)(9)(A)(v) of this title and vehicle refinishing (body shops) controlled by §115.421(a)(8)(B) and (C) of this title. Excluded from the volatile organic compound (VOC) emission calculations are coatings and solvents used in surface coating activities which are not addressed by the surface coating categories of §115.421(a)(1) - (15) of this title. For example, architectural coatings (i.e., coatings which are applied in the field to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs) at a property would not be included in the calculations.

(A) Surface coating operations on a property which, when uncontrolled, will emit a combined weight of VOC [volatile organic compound (VOC)] of less than three [3] pounds per hour and 15 pounds in any consecutive 24-hour period are exempt from §115.421(a) of this title and §115.423 of this title (relating to Alternate Control Requirements).

(B) (No change.)

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

(D) - (I) (No change.)

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

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

(4) - (5) (No change.)

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

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

(1) Surface coating operations located at any property which, when uncontrolled, will emit a combined weight of VOC less than 550 pounds (249.5 kg) in any continuous 24-hour period are exempt from §115.421(b) of this title. Excluded from this calculation are coatings and solvents used in surface coating activities which are not addressed by the surface coating categories of §115.421(b)(1) - (10) of this title. For example, architectural coatings (i.e., coatings which are applied in the field to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs) at a property would not be included in the calculation.

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

(A) (No change.)

(B) vehicle refinishing (body shops); and

(C) ships and offshore oil or gas drilling platforms.

[(C) exterior of fully assembled marine vessels; and]

[(D) exterior of fully assembled fixed offshore structures.]

(3) - (4) (No change.)

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 3: FLEXOGRAPHIC AND ROTOGRAVURE PRINTING

§§115.432, 115.433, 115.435, 115.436, 115.439

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendments implement the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

§115.432. Control Requirements.

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

(1) No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing line that uses solvent-containing ink unless volatile organic compound (VOC) emissions are limited by one of the following:

(A) - (B) (No change.)

(C) operation of a vapor control system [carbon adsorption or incineration system] to reduce the VOC emissions from an effective capture system by at least 90% by weight. The design and operation of the capture system for each printing line must be consistent with good engineering practice and shall be required to provide for an overall reduction in VOC emissions, as demonstrated to the satisfaction of the executive director, upon request, of at least the following weight percentages:

(i) - (iii) (No change.)

(2) Any graphic arts facility that becomes subject to the provisions of paragraph (1)(A), (B), or (C) of this subsection by exceeding provisions of §115.437(a) of this title (relating to Exemptions) will remain subject to the provisions of this subsection, even if throughput or emissions later fall below exemption limits unless and until emissions are reduced to no more than [at or below] the controlled emissions level existing prior to implementation of the project by which throughput or emission rate was reduced to [and] less than the applicable exemption limits in §115.437(a) of this title; and:

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

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

(3) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, no person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing line that uses solvent-containing ink, unless VOC emissions are limited by one of the following:

(1) - (2) (No change.)

(3) operation of a vapor control system [carbon adsorption or incineration system] to reduce the VOC emissions from an effective capture system by at least 90% by weight. The design and operation of the capture system for each printing line must be consistent with good engineering practice and shall be required to provide for an overall reduction in VOC emissions, as demonstrated to the satisfaction of the executive director upon request of at least the following weight percentages:

(A) - (C) (No change.)

§115.433. Alternate Control Requirements.

(a) For all affected persons in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division [section] may be approved by the executive director [Executive Director] in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

(b) For all affected persons in Gregg, Nueces, and Victoria Counties, alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division [section] may be approved by the executive director [Executive Director] in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control) if emission reductions are demonstrated to be substantially equivalent.

§115.435. Testing Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, compliance shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 Code of Federal Regulations (CFR) 60, Appendix A) for determining flow rates, as necessary;

(2) Test Method 24 (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining the volatile organic compound (VOC) content and density of printing inks and related coatings;

(3) Test Method 25 (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining total gaseous nonmethane organic emissions as carbon;

(4) Test Methods 25A or 25B (40 CFR [Code of Federal Regulations] 60, Appendix A) for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis;

(5) EPA [U. S. Environmental Protection Agency (EPA)] guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings," EPA-450/3-84-019, as in effect December 1984;

(6) additional performance test procedures described in 40 CFR [Code of Federal Regulations (CFR)] 60.444;

(7) the capture efficiency which shall be measured using applicable procedures outlined in 40 CFR, Part 52.741, Subpart O, Appendix B. These procedures are: Procedure T - Criteria for and Verification of a Permanent or Temporary Total Enclosure; Procedure L - VOC [Volatile Organic Compounds (VOC)] Input; Procedure G.2 - Captured VOC Emissions (Dilution Technique); Procedure F.1 - Fugitive VOC Emissions from Temporary Enclosures; Procedure F.2 - Fugitive VOC Emissions from Building Enclosures.

(A) The following are exemptions to capture efficiency testing requirements.

(i) (No change.)

(ii) If a source uses a control device designed to collect and recover VOC (e.g., carbon adsorption system [adsorber]), an explicit measurement of capture efficiency is not necessary if the following conditions are met. The overall control of the system can be determined by directly comparing the input liquid VOC to the recovered liquid VOC. The general procedure for use in this situation is given in 40 CFR §60.433 with the following additional restrictions.

(I) The source must be able to equate solvent usage with solvent recovery on a 24-hour (daily) basis, rather than a 30-day weighted average. This must be done within 72 hours following each 24-hour period of the 30-day period specified in 40 CFR §60.433.

(II) The solvent recovery system (i.e., capture and control system) must be dedicated to a single process line (e.g., one process line venting to a carbon adsorption [adsorber] system); or if the solvent recovery system controls multiple process lines, the source must be able to demonstrate that the overall control (i.e., the total recovered solvent VOC divided by the sum of liquid VOC input to all process lines venting to the control system) meets or exceeds the most stringent standard applicable for any process line venting to the control system.

(B) (No change.)

(C) The following conditions must be met in measuring capture efficiency.

(i) - (ii) (No change.)

(iii) During an initial pretest meeting, the executive director [Texas Air Control Board (TACB)] and the source owner or operator shall identify those operating parameters which shall be monitored to ensure that capture efficiency does not change significantly over time. These parameters shall be monitored and recorded initially during the capture efficiency testing and thereafter during facility operation. The executive director [TACB] may require a new capture efficiency test if the operating parameter values change significantly from those recorded during the initial capture efficiency test;

(8) (No change.)

(b) For Gregg, Nueces, and Victoria Counties, compliance shall be determined by applying the following test methods, as appropriate:

(1) Test Methods 1-4 (40 CFR 60, Appendix A) for determining flow rates, as necessary;

(2) - (7) (No change.)

§115.436. Monitoring and Recordkeeping Requirements.

(a) For the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas, the owner or operator of any rotogravure or flexographic printing facility shall:

(1) - (4) (No change.)

(5) maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director [Texas Air Control Board (TACB)], EPA [United States Environmental Protection Agency (EPA)], or the local air pollution agency having jurisdiction in the area; and

(6) maintain on file the capture efficiency protocol submitted under §115.435(a)(7) of this title (relating to Testing Requirements). The owner or operator shall submit all results of the test methods and capture efficiency protocols to the executive director [TACB] within 60 days of the actual test date. The source 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.

(b) For Gregg, Nueces, and Victoria Counties, the owner or operator of any rotogravure or flexographic printing facility shall:

(1) - (4) (No change.)

(5) maintain all records at the affected facility for at least two years and make such records available upon request to representatives of the executive director [TACB], EPA, or the local air pollution agency having jurisdiction in the area.

§115.439. Counties and Compliance Schedules.

All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, Victoria, and Waller Counties shall continue to comply with applicable sections of this division (relating to Flexographic and Rotogravure Printing) as required by §115.930 of this title (relating to Compliance Dates).

[(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.432(a) of this title (relating to Control Requirements), §115.433(a) of this title (relating to Alternate Control Requirements), §115.435(a) of this title (relating to Testing Requirements), §115.436(a) of this title (relating to Recordkeeping Requirements), and §115.437(a) of this title (relating to Exemptions) as soon as practicable, but no later than July 31, 1993.]

[(b) All affected persons in Dallas, El Paso, Jefferson, Orange, and Tarrant Counties shall be in compliance with §115.437(a)(1) of this title as soon as practicable, but no later than July 31, 1993.]

[(c) All affected persons in Brazoria, Galveston, and Harris Counties shall be in compliance with §115.437(a)(2) of this title as soon as practicable, but no later than July 31, 1993.]

[(d) All affected persons in Victoria County shall be in compliance with §115.436(b)(3)(C) of this title (relating to Monitoring and Recordkeeping Requirements) as soon as practicable, but no later than July 31, 1993.]

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 4: OFFSET LITHOGRAPHIC PRINTING

§115.442

STATUTORY AUTHORITY

The amendment is proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendment implements the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

§115.442. Control Requirements.

For the Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions), the following control requirements shall apply:

(1) No person shall operate or allow the operation of an offset lithographic printing line that uses solvent-containing ink, unless volatile organic compound (VOC) emissions are limited by the following:

(A) - (D) (No change.)

(E) Any person who owns or operates any type of offset lithographic printing press shall be considered in compliance with the fountain solution limitations of this paragraph [this regulation] if the only VOCs in the fountain solution are in nonalcohol additives or alcohol substitutes, so that the concentration of VOCs in the fountain solution is 3.0% or less (by weight). The fountain solution shall not contain any isopropyl alcohol.

(F) (No change.)

(2) (No change.)

SUBCHAPTER F: MISCELLANEOUS INDUSTRIAL SOURCES

DIVISION 1: CUTBACK ASPHALT

§§115.512, 115.517, 115.519

STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; Texas Health and Safety Code, TCAA, §382.017, which provides the commission authority to adopt rules consistent with the policy and purposes of the TCAA; §382.002, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; §382.011, which authorizes the commission to control the quality of the state's air; §382.012, which authorizes the commission to develop plans to protect the state's air; and §382.016, which authorizes the commission to require that records of the air contaminant emissions from a source or activity be made and maintained.

The proposed amendments implement the TCAA, §382.011, relating to General Powers and Duties; §382.012, relating to State Air Control Plan; §382.017, relating to Rules; and TWC, §5.103, relating to Rules.

§115.512. Control Requirements.

The following control requirements shall apply in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas as defined in §115.10 of this title (relating to Definitions).

(1) The use of conventional cutback asphalt containing volatile organic compounds (VOC) solvents for the paving of roadways, driveways, or parking lots is restricted to no more than 7.0% of the total annual volume averaged over a two-year period of asphalt used by or specified for use by any state, municipal, or county agency who uses or specifies the type of asphalt application.

(2) - (3) (No change.)

§115.517. Exemptions.

For persons in Nueces County and the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston Areas, the following are exempt from the provisions of §115.512(2) [§115.512(3)] of this title (relating to Control Requirements):

(1) - (2) (No change.)

§115.519. Counties and Compliance Schedules.

All affected persons in Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Nueces, Orange, Tarrant, and Waller Counties shall continue to comply with applicable sections of this division (relating to Cutback Asphalt) as required by §115.930 of this title (relating to Compliance Dates).

[(a) All affected persons in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties shall be in compliance with this undesignated head concerning to Cutback Asphalt as soon as practicable, but no later than April 16, 1993.]

[(b) All persons in Brazoria, Galveston, Harris, Jefferson, and Orange Counties affected by the provisions of §115.512(2) of this title (relating to Exemptions) shall be in compliance with this section as soon as practicable, but no later than December 31, 1992.]