

The Texas Commission on Environmental Quality (TCEQ, agency, commission) proposes amendments to §§115.10, 115.110 - 115.112, 115.114, 115.115, 115.117 - 115.119, 115.121, 115.122, 115.125 - 115.127, 115.129, 115.139, 115.215, 115.219, 115.229, 115.239, 115.359, 115.415 , 115.416, 115.419, 115.420 - 115.423, 115.425 - 115.427, 115.429, 115.440 - 115.442, 115.446, 115.449 - 115.451, 115.453, 115.459 - 115.461, 115.469, 115.471, 115.473, 115.479, and 115.519; new §115.410 and §115.411; and the repeal of §115.417.

If adopted, the new, amended, and repealed sections of Chapter 115 will be submitted to the United States Environmental Protection Agency (EPA) as revisions to the state implementation plan (SIP).

Background and Summary of the Factual Basis for the Proposed Rules

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

On March 27, 2008, the EPA revised both the primary and secondary ozone NAAQS to a level of 0.075 parts per million (ppm) with an effective date of May 27, 2008 (73 FR

16436). On May 21, 2012, the EPA established initial air quality designations for the 2008 eight-hour ozone NAAQS. Effective July 20, 2012, the Dallas-Fort Worth (DFW) 2008 eight-hour ozone nonattainment area, consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, was classified as a moderate nonattainment area. The DFW area must attain the 2008 eight-hour ozone NAAQS by December 31, 2018 (77 FR 30088).

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

The CTG documents provide information to assist states and local air pollution control authorities in determining RACT for specific emission sources. The CTG documents

describe the EPA's evaluation of available information, including emission control options and associated costs, and provide the EPA's RACT recommendations for controlling emissions from these sources. The CTG documents do not impose any legally binding regulations or change any applicable regulations. While ACT documents also provide available information, such as emission control options and associated costs for an industry sector, this information does not constitute presumptive RACT and the same FCAA obligations required for CTG do not apply to ACT documents. Although the FCAA requires the state to implement RACT, EPA guidance provides states with the flexibility to determine the most technologically and economically feasible RACT requirements for a nonattainment area. The EPA's guidance on RACT indicates that states can choose to implement the CTG recommendations, implement an alternative approach, or demonstrate that additional control for the CTG emission source category is not technologically or not economically feasible in the area.

Depending on the classification of an area designated nonattainment for a standard, the major source threshold for which sources are subject to RACT requirements varies. Under the 1997 eight-hour ozone NAAQS, the DFW area consisted of nine counties (Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties) and was classified as a serious nonattainment area. The EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS requires retaining the most stringent major source emission threshold level for sources in an area to prevent

backsliding (78 FR 34178, June 6, 2013). For this reason, the major source emission threshold remains at the serious classification level, which is the potential to emit (PTE) 50 tons per year (tpy) of VOC for Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties. For Wise County, however, the major source threshold is the moderate classification level, which is the PTE 100 tpy of VOC.

The state previously adopted Chapter 115 RACT rules for VOC sources in most of the DFW area as part of the SIP for the 1997 eight-hour ozone standard. On January 14, 2009, the EPA approved the DFW VOC rules in 30 TAC Chapter 115 as meeting the RACT requirements for VOC for the 1997 eight-hour ozone NAAQS (74 FR 1903). State regulations in Chapter 115 that implement the controls recommended in CTG or ACT documents or that implement equivalent or superior emission control strategies were determined to fulfill RACT requirements for any CTG or ACT documents issued prior to 2006 for the nine-county DFW 1997 eight-hour ozone nonattainment area. Since this EPA approval, the commission adopted RACT rules for VOC emission source categories addressed by CTG documents that were issued between 2006 and 2008, as well as for non-CTG major source storage tanks (Rule Project Numbers 2010-016-115-EN and 2010-025-115-EN, respectively). These rulemakings were submitted to the EPA for approval but have not yet been acted upon.

The purpose of this proposed rulemaking would be to revise Chapter 115 to implement

RACT for all VOC CTG emission sources categories in the DFW 2008 eight-hour ozone nonattainment area as required by FCAA, §172(c)(1) and §182(b)(2). RACT

requirements must be implemented in the DFW area no later than January 1, 2017. The commission proposes revisions to implement RACT for the following rules:

Subchapter B, Division 1, Storage of Volatile Organic Compounds; Subchapter B, Division 2, Vent Gas Control; Subchapter B, Division 3, Water Separation; Subchapter C, Division 1, Loading and Unloading of Volatile Organic Compounds; Subchapter C, Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; Subchapter C, Division 3, Control of Volatile Organic Compound Leaks from Transport Vessels; Subchapter D, Division 3, Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas; Subchapter E, Division 1, Degreasing Processes; Subchapter E, Division 2, Surface Coating Processes; Subchapter E, Division 4, Offset Lithographic Printing; Subchapter E, Division 5, Control Requirements for Surface Coating Processes; Subchapter E, Division 6, Industrial Cleaning Solvents; Subchapter E, Division 7, Miscellaneous Industrial Adhesives; and Subchapter F, Division 1, Cutback Asphalt. The commission invites comment on the technological and economic feasibility of the RACT rule revisions proposed in these divisions.

The commission is not proposing amendments to implement RACT for certain emission source categories because the commission's analyses of point source emissions

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

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

This proposed rulemaking would include Wise County as part of the DFW 2008 eight-hour ozone nonattainment area since it was designated as nonattainment by the EPA in

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

Demonstrating Noninterference under FCAA, Section 110(l)

The revisions proposed in this rulemaking would implement RACT for sources of VOC emissions in the DFW area, as required under FCAA, §172(c)(1) and §182(b)(2) for nonattainment areas classified as moderate and above. The state has previously adopted Chapter 115 RACT rules for sources in the DFW area as part of the 1997 eight-hour

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

Section by Section Discussion

In addition to proposing rules to implement RACT in the DFW area, the commission proposes grammatical, stylistic, and various other non-substantive changes to update

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

Although the purpose of this rulemaking is to implement RACT for the DFW 2008 eight-hour ozone nonattainment area, the commission is proposing to revise portions of the rules to make technical corrections that may not be directly related to implementing RACT. These technical corrections are potentially substantive, affect the Houston-Galveston-Brazoria (HGB) ozone nonattainment area (Brazoria, Chambers, Fort Bend,

Galveston, Harris, Liberty, Montgomery, and Waller Counties), and are intended to clarify the rules to be consistent with the agency's original intent and CTG recommendations, add flexibility, and streamline requirements where appropriate. Additionally, the commission proposes changes that would affect areas that are currently attaining the ozone NAAQS (e.g., the Beaumont-Port Arthur (BPA) area and El Paso area as well as Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties and other counties listed in §115.10 as a covered attainment county). The specific changes are discussed in greater detail in this Section by Section Discussion in the corresponding portions related to the affected rule sections. The commission is requesting comment on any instance where the proposed technical corrections would inadvertently change the requirements in the commission's existing rules.

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

beyond this portion of the Section by Section Discussion section.

SUBCHAPTER A, DEFINITIONS

Section 115.10, Definitions

Proposed revisions would remove Wise County from the definition in paragraph (10) of "Covered ozone attainment counties" since it is now part of the DFW 2008 ozone nonattainment area. In addition, the commission proposes to delete the word "ozone" from this defined term. During a recent rulemaking, the commission adopted changes which added "ozone." However, "Covered ozone attainment counties" is inconsistent with the references used throughout the divisions in Chapter 115, so rather than alter the sections that still refer to "Covered attainment counties," the commission proposes to simply delete the word "ozone" to maintain consistency.

The commission proposes amendments to the definition in paragraph (11) to incorporate Wise County into the "Dallas-Fort Worth area" for the specific divisions that the commission is proposing to apply to Wise County. However, not all Chapter 115 rules are proposed to be applied to Wise County. For some source categories, the commission is making a negative declaration for RACT purposes in Wise County making it unnecessary to expand the corresponding Chapter 115 rules to Wise County. Additionally, some Chapter 115 requirements were adopted for purposes other than RACT, such as contingency measures and 15% Rate of Progress SIP revisions. The

commission is only proposing to apply those rules to Wise County necessary to fulfill FCAA RACT requirements. Therefore, the proposed revisions to the definition of "Dallas-Fort Worth area" would restructure the definition into three separate subparagraphs to delineate which Chapter 115 divisions apply in which counties of the ten-county DFW 2008 eight-hour ozone nonattainment area.

Subparagraph (A) lists those Chapter 115 rules that only apply in Collin, Dallas, Denton, and Tarrant Counties. Consistent with the current definition, Subchapter B, Division 5, is included as only applying to Collin, Dallas, Denton, and Tarrant Counties. In addition, the current definition of "Dallas-Fort Worth area" applies to Subchapter F, Division 3, Degassing of Storage Tanks, Transport Vessels, and Marine Vessels, and Division 4, Petroleum Dry Cleaning Systems, to all nine counties. However, the rule requirements in Subchapter F, Divisions 3 and 4, specifically §115.541(a)(2) and §115.559(a), only apply those rules to Collin, Dallas, Denton, and Tarrant Counties. Therefore, the commission is proposing to include Subchapter F, Divisions 3 and 4 under proposed subparagraph (A) to be consistent with the actual rule requirements in those divisions.

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

Subchapter E, Division 3, and Subchapter F, Division 2.

Subparagraph (C) would specify that all other Chapter 115 divisions apply to Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, i.e., all ten counties in the 2008 eight-hour ozone nonattainment area. The specific divisions proposed to be applied to Wise County include: Subchapter B, Divisions, 1 -3; Subchapter C, Divisions 1-3; Subchapter D, Divisions 3; Subchapter E, Divisions 1 and 2, and 4-7; and Subchapter F, Division 1.

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

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

reference internal floating cover.

SUBCHAPTER B, GENERAL VOLATILE ORGANIC COMPOUNDS

DIVISION 1, STORAGE OF VOLATILE ORGANIC COMPOUNDS

The proposed rulemaking would change internal floating cover to internal floating roof in each instance it is referenced throughout the division. As part of this rulemaking, the commission is proposing to update the "Internal floating cover" definition in §115.10(24) to include "internal floating roof" to accommodate the use of either term, where appropriate throughout the chapter. Although the definition itself is not being revised, the term is proposed for revision to more appropriately align with terminology used by industry. The proposed rulemaking would likewise change references throughout the division to "roof or cover" to "roof" where roof refers to an internal or external floating roof.

Section 115.110, Applicability and Definitions

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

The proposed definition of "Closure device" in paragraph (1) would refer to one of several pieces of equipment designed to cover openings in the roof of a fixed roof storage

tank. These devices can either be temporarily opened or have a component that provides a temporary opening. The proposed definition is used in §§115.112, 115.114, and 115.118.

Section 115.111, Exemptions

The commission proposes amendments to subsection (a)(4), (6), and (7) that would revoke exemptions for certain floating roof storage tanks in the DFW area constructed or modified prior to 1983. Staff analyzed information in the commission's 2011 and 2012 Point Source Emissions Inventory and found no tanks to which these exemptions would apply. Proposed subsection (a)(4) would revoke the exemption for tanks with a shoe-mounted secondary seal installed or scheduled for installation before August 22, 1980. Proposed subsection (a)(6) would revoke the exemption for welded tanks storing liquids with true vapor pressure less than 4.0 pounds per square inch absolute (psia) under a floating roof with certain specified types of primary seals installed before August 22, 1980. Proposed subsection (a)(7) would revoke the exemption for welded tanks storing liquids with true vapor pressure between 4.0 and 6.0 psia under a floating roof with certain specified types of primary seals installed before December 10, 1982. The commission requests comment on these revocations, especially if owners or operators are relying on these exemptions for compliance in the DFW area.

The proposed rulemaking would amend subsections (a)(8), (b)(8), and (c)(5) to change the current exemption for storage tanks less than 1,000 gallons to apply to tanks with a

storage capacity of less than or equal to 1,000 gallons. This amendment would correct an inadvertent change made during the last rulemaking affecting this section (Rule Project No. 2010-025-115-AI) and restore the intended exemption as it existed prior to that rulemaking.

In the proposed amendments to subsection (a)(10) and (11), the commission would exclude Wise County from the existing exemptions in subsection (a)(10) and (a)(11), which apply to owners or operators of storage tanks storing condensate in the nine-county DFW area. These exemptions were adopted for the nine-county DFW serious ozone nonattainment area under the 1997 eight-hour ozone NAAQS; however, Wise County was not a part of the DFW area at that time and is classified as moderate nonattainment under the 2008 eight-hour ozone NAAQS.

The commission proposes to create an exemption in subsection (a)(12) from the flashed gases control requirements for owners or operators of condensate storage tanks in Wise County with an annual condensate throughput of at least 6,000 barrels (bbl) of condensate. This exemption would apply if a VOC measurement from the condensate, according to the test methods in §115.117, showed that the annual uncontrolled VOC measurement is less than 100 tpy. This language parallels exemptions in other areas and provides affected owners and operators producing low-VOC condensate below the 100 tpy major source threshold to vent the VOC emissions to the atmosphere without

control, while assuring that owners and operators use an approved test method for emission measurement.

Section 115.112, Control Requirements

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

The commission proposes an amendment to subsection (e)(5) to harmonize the applicability of the control requirement for storage tanks prior to custody transfer and at pipeline breakout stations in the DFW area. The proposed change would clarify that the control requirements of this paragraph apply to the aggregate of all storage tanks at a pipeline breakout station, in addition to the existing applicability. Currently, individual storage tanks and the aggregate of storage tanks at an upstream tank battery are specified in paragraph (5). The proposed change ensures all storage tanks originally

intended to be controlled are explicitly listed and is limited to the DFW area because the purpose of this rulemaking is to implement RACT for the DFW area.

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

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

The commission proposes subsection (e)(7)(A), which would require that all closure

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

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

In proposed subsection (e)(7)(C), the commission would require all devices to be latched closed or, if designed to relieve excess pressure, to be set to open at a pressure that will ensure all vapors are routed to the vapor recovery unit or other vapor control device under normal operating conditions. This requirement assures that the required control device is the first to receive VOC vapors as pressure in the tank rises, while allowing

venting to the atmosphere in an emergency over-pressurization event such as a fire. The commission acknowledges that manual opening of a thief hatch for tank gauging and sampling is a normal operating procedure and that VOC vapors from the tank will vent uncontrolled during this temporary activity. Proposed subsection (e)(7)(A) would require minimization of this open time. The commission does not consider an upstream dump valve stuck in the open position to be normal operation because it allows liquid and gas above design pressure to enter the storage tank.

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

would create more emissions than the repair is the responsibility of the owner or operator. The commission solicits comments on the delay of repair provisions in this proposal.

Section 115.114, Inspection Requirements

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

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

In proposed subsection (a)(5)(A), the commission would add a requirement for audio, visual, and olfactory inspection of each closure device not connected to a control device to assure compliance with the closure requirement in proposed §115.112(e)(7)(A). The inspection would need to occur within one business day after sampling or gauging through a thief or access hatch or when liquids are unloaded from the tank. The inspection would need to occur while liquids are not being loaded into or out of the tank. The inspection assures that openings on the storage tank remain closed with VOC vapors routed to the required control device after sampling, gauging, or unloading

events require a temporary opening in the tank. The inspection timing mirrors the 24-hour inspection of relief valves in the commission's leak detection and repair (LDAR) regulations in Subchapter D, with additional flexibility for weekends and holidays. The commission anticipates that although each inspection method may not be pertinent to every device, the combination would provide sufficient data to determine if the device is open. Since the inspection would not require specialized equipment, the owner or operator's environmental compliance personnel or contract workers responsible for the sampling, gauging, or unloading activity that triggered the inspection could perform it. If multiple tank openings due to gauging, sampling, or unloading event occur in a day, a single inspection within a business day of the last event would suffice. If a closure device is found open, proposed subsection (a)(5)(A) would require an attempt to close it. If the attempt fails, the device would be leaking, as defined in proposed §115.112(e)(7)(D) and would need to be repaired. If someone other than the owner or operator performs the inspection and closure attempt, sufficient time is built into the repair requirement for the owner or operator's personnel to complete a repair.

The proposed rulemaking also includes a more detailed inspection in subsection (a)(5)(B). This proposed inspection would occur quarterly and target all gaskets and seals of thief hatches and pressure or pressure-vacuum relief valves and other closure devices on DFW area condensate tanks with a flashed gas control requirement. The inspection would determine if the devices are properly sealed to minimize vapor loss, as

required in proposed §115.112(e)(7)(B). This inspection would also be an audio/visual/olfactory inspection; however in many cases it would require the owner or operator to partially disassemble the component to access the seal or gasket. This inspection is designed to complement the control requirement in proposed §115.112(e)(7) for the affected devices, which would require the devices to be maintained according to manufacturer's instructions. For instance, one manufacturer of thief hatches and pressure or pressure-vacuum relief valves recommends quarterly maintenance that requires partially disassembling the device to clean the internal gaskets.

Proposed subparagraph (B) would also include a repair requirement with a first attempt at repair within five calendar days and completed repair within 15 calendar days after the inspection. This requirement would assure timely repairs and continued routing of VOC vapors to the required control device. The proposal would also state that a repair is complete if the device no longer exudes process gasses based on sight, smell, or sound. The proposed repair monitoring definition in §115.112(e)(7)(D) uses the same inspection method used to determine if a device is leaking. The repair times mirror the commission's LDAR regulations in Subchapter D. The same delay of repair options stated in §115.112(e)(7)(D) allow delayed repair for lack of available parts or a repair that would generate more emissions than a shutdown.

Section 115.115, Monitoring Requirements

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

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

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

Section 115.117, Approved Test Methods

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

Section 115.118, Recordkeeping Requirements

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

In proposed subsection (a)(6)(E), the commission proposes recordkeeping requirements for inspections and repairs of affected condensate storage tanks in the DFW area

proposed in §115.114(a)(5). The proposed regulations would require records of each inspection; proposed clause (i) would require the inspection date; and proposed clause (ii) would require the status of the device during inspection. Proposed clause (iii) would require the length of time a closure device was open for reasons not allowed by §115.112(e)(7)(A) since the last inspection. Proposed clause (iv) would require the date of repair attempts and repair completion. Proposed clause (v) would require a list of closure devices awaiting repair. The proposed recordkeeping requirements are necessary to ensure enforceability of the control and inspection requirements and assure that VOC vapors are routed to the required control device. Examples of device status during inspection in clause (ii) include "closed; found open, closed during inspection;" or "open, unable to close" for closure devices inspected according to proposed §115.114(a)(5)(A); and "sealed" or "not sealed, repaired during inspection" for gaskets inspected under §115.114(a)(5)(B). The commission anticipates that some seal and gasket repairs can and will occur during the inspection.

Section 115.119, Compliance Schedules

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

time and is classified as moderate nonattainment under the 2008 eight-hour ozone NAAQS.

In proposed paragraph (b) (3), the commission would specify that affected storage tank owners or operators in the current nine counties of the DFW area would need to comply with control, inspection, and recordkeeping requirements in §§115.112(e)(7), 115.114(a)(5), and 115.118(a)(6)(D) and (E) by January 1, 2017. This matches the compliance schedule for storage tanks in Wise County and provides owners and operators approximately a year and a half to train personnel and develop necessary procedures. The commission contends this is a sufficient lead time.

Proposed subsection (f) would require the owner or operator of storage tanks in Wise County to comply with the requirements in the division as soon as practicable, but no later than January 1, 2017. This compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the mandatory RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013). It is also consistent with the 15-month compliance timeframe provided to owners and operators of storage tanks in the December 2011 (Rule Project No. 2010-025-115-EN) amendments to this division.

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

Proposed subsection (h) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each storage tank would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER B, GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 2, VENT GAS CONTROL

Section 115.121, Emission Specifications

In the proposed amendment to subsection (a)(1), the commission would clarify that

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

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

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

Section 115.122, Control Requirements

The changes being proposed in this section are intended to clarify certain existing

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

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

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

The commission proposes to exclude Wise County from the control requirements in subsection (a)(3)(B) applicable to bakery ovens. The major source threshold for Wise

County, as discussed in the Background and Summary of the Factual Basis for the Proposed Rules portion of this preamble, is the PTE 100 tpy of VOC. The commission did not identify any bakeries meeting this applicability threshold.

Section 115.125, Testing Requirements

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

Section 115.126, Monitoring and Recordkeeping Requirements

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

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

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

breakthrough operation of the carbon adsorption system or carbon adsorber will be in compliance with applicable control requirements.

Section 115.127, Exemptions

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

Section 115.129, Counties and Compliance Schedules

Proposed subsection (e) would require the owner or operator of a vent gas stream in Wise County to comply with the requirements in the division as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the mandatory RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR

34178, June 6, 2013).

The proposed rulemaking would also add subsection (f) to provide 60 days for owners and operators of vent gas streams in the DFW area that become subject to the division after the appropriate compliance date to comply with the requirements in the division.

Proposed subsection (g) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each vent gas stream would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER B, GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 3, WATER SEPARATION

Section 115.139, Counties and Compliance Schedules

Proposed subsection (c) would specify that compliance with this division for owners and operators in Wise County is required as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

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

Proposed subsection (g) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area,

an owner or operator of each water separator would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER C, VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 1, LOADING AND UNLOADING OF VOLATILE ORGANIC COMPOUNDS

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

Section 115.215, Approved Test Methods

The commission proposes revising paragraph (4) to add ASTM Test Method D6377,

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

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

Proposed paragraph (10) would delete the December 29, 1992 reference date related to Test Method 301 specified by 40 CFR Part 63, Appendix A. Test Method 301 is a

standard method and the EPA updates it periodically. Removing the reference date would ensure the latest version of the test method is used at all times.

Section 115.219, Counties and Compliance Schedules

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

Proposed subsection (e) would specify that the owner or operator of each gasoline terminal, gasoline bulk plant, and VOC transfer operation in Wise County shall comply with this division as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013). Proposed subsection (e) would also specify that the owner or operator of each gasoline terminal and gasoline bulk plant in Wise County shall continue to comply with the applicable requirements in §§115.211(2), 115.212(b), and 115.214(b) until the facility achieves compliance with the

newly applicable requirements in §§115.211(1), 115.212(a), and 115.214(a). If the proposed rules are adopted by the commission, Wise County would no longer be a covered attainment county upon the rule effective date; therefore, it is necessary to specify that the owner or operator of each gasoline terminal or gasoline bulk plant in Wise County must continue to comply with the requirements that currently apply in §§115.211(2), 115.212(b), and 115.214(b).

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

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

The addition of subsection (g) is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER C, VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS
DIVISION 2, FILLING OF GASOLINE STORAGE VESSELS (STAGE I) FOR MOTOR

VEHICLE FUEL DISPENSING FACILITIES

Section 115.229, Counties and Compliance Schedules

The proposed amendment adds subsection (e) to specify that a gasoline dispensing facility (GDF) in Wise County must comply with applicable requirements as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT compliance deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

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

The addition of subsection (f) is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

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

SUBCHAPTER C, VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS
DIVISION 3, CONTROL OF VOLATILE ORGANIC COMPOUND LEAKS FROM
TRANSPORT VESSELS

Section 115.239, Counties and Compliance Schedules

Proposed subsection (c) would delete the compliance requirements for the owner or

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

The commission proposes subsection (d) to specify that the owner or operator of each non-gasoline VOC tank-truck tank in Wise County shall comply with the applicable requirements as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013). Gasoline tank-truck tanks in Wise County are currently subject to the inspection requirements specified for covered attainment counties. The proposed rule would require owners or operators of gasoline tank-truck tanks to continue to comply with the requirements applicable in the covered attainment counties until compliance with the DFW area requirements in §115.234(a) and §115.235(a) is achieved.

Proposed subsection (e) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each tank-truck tank would not be required to comply with the

requirements in §115.234(a) and §115.235(a) and would be required to continue complying with the requirements in §115.234(b) and §115.235(b). The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. An owner or operator in Wise County would not be required to comply with any of the requirements applicable to the nine-county DFW area, but would continue to be subject to the same requirements applicable to Wise County while classified as a covered attainment county, prior to this rulemaking.

The addition of subsection (e) is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

In other divisions of this rulemaking, the commission is proposing to add a compliance schedule requiring owners and operators in the DFW area to comply with the applicable rules no later than 60 days after becoming subject. For this division, however, the commission determined it is not necessary to provide the owner or operator of the tank-truck tanks in the DFW area an additional 60 days to comply with the requirements of this division. The cost to conduct the Test Method 27 leak-tight test, required prior to

loading or unloading VOC, is about \$250 per test and should last approximately two to five hours to complete. Because the leak-tight test can be done within one day at a reasonable cost, it is not necessary for an additional 60 days to conduct the leak-tight test.

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

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

Section 115.359, Counties and Compliance Schedules

The proposed rulemaking would add subsection (c) to require compliance with the division for owners and operators in Wise County no later than January 1, 2017. The compliance date would provide affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

Proposed subsection (d) would also add a requirement for the owners or operators of sources in the DFW area that become subject to the division to comply with the division

within 60 days of becoming subject. Proposed subsection (d) would be consistent with the compliance schedule format adopted in other Chapter 115 rules. The commission expects that 60 days is an adequate amount of time for newly affected owners and operators to comply with the rule requirements. Owners and operators affected by proposed subsection (d) would include those that were not in operation by the applicable date of compliance as well as those that no longer qualify for exemption.

Proposed subsection (e) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each affected source would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 1, DEGREASING PROCESSES

Section 115.410, Applicability and Definitions

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

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

Proposed new subsection (a) indicates that the division only applies to degreasing processes using VOC-containing solvents. Although the division currently does not contain a statement of applicability, the division prescribes operating requirements and

equipment specifications for reducing VOC emissions resulting from degreasing processes. Regulating those processes using materials other than those containing VOC is not necessary since there would be no resulting VOC emissions.

The commission proposes new subsection (b) to state that unless specifically defined in the Texas Clean Air Act or in 30 TAC §§3.2, 101.1, or 115.10, the terms in this division have the meanings commonly used in the field of air pollution control. Currently, there are no definitions located in the division and the absence of a definition section could imply that no applicable definitions exist. The majority of the terms that are unique to degreasing processes are located in §101.1. Since the definitions in §101.1 apply to more rules than just the rules in Chapter 115 and to avoid duplicative definitions, the commission is proposing to simply reference §§3.2, 101.1, and 115.10 in subsection (b).

Section 115.411, Exemptions

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

Section 115.415, Testing Requirements

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

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

Similarly, the proposed changes would add paragraph (1)(D) to allow the owner or operator to use analytical data from the degreasing solvent supplier or manufacturer's material safety data sheet to demonstrate compliance with the vapor pressure control

requirements in §115.412(1) instead of requiring the use of one of the approved ASTM Methods listed in paragraph (1)(A). The commission expects that relying on this type of information is adequate to verify the vapor pressure of a degreasing solvent. Allowing owners and operators to choose this option reduces the compliance burden while maintaining the effectiveness of the rule.

Section 115.416, Recordkeeping Requirements

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

The propose paragraph (4) to require degreasing processes in the DFW area to sufficiently demonstrate continuous compliance with the conditions listed in paragraph (4)(A) and (B). The existing recordkeeping requirements in §115.416 do not contain provisions requiring owners and operators in the DFW area to maintain records demonstrating compliance with the vapor pressure testing in §115.415 or the exemptions in existing §115.417. Owners and operators could be expected to present records containing sufficient information or data to the appropriate authorities upon request.

Under this division, similar records are required to be maintained for other degreasing processes and for other geographic locations subject to this rule. The proposed requirement is not intended to impose a burden on owners and operators and the commission anticipates the proposed recordkeeping would minimize the impact to affected sources in the instance documentation. This requirement would ensure the state has adequate information to determine compliance with the rules. The records that are currently required to be kept under this section must be retained for at least two years, which is consistent throughout the Chapter 115, Subchapter E rules. Accordingly, the records proposed in subparagraphs (A) and (B) are required to be maintained for two years. The proposed requirement only applies to the DFW area and not to any of the other areas listed in this rule. The commission invites comment on recordkeeping sufficient to demonstrate compliance with the applicable control requirements and exemptions for degreasing processes.

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

Proposed paragraph (4)(B) would impose recordkeeping for degreasing processes in the DFW area sufficient to demonstrate compliance with the applicable exemptions in §115.411.

§115.417, Exemptions

The commission proposes to repeal this section and re-locate the existing exemptions to proposed new §115.411.

Section 115.419, Counties and Compliance Schedules

The commission proposes to add subsection (d) to specify that compliance with the division for owners and operators in Wise County would be required no later than January 1, 2017. The compliance date would provide affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

The commission proposes to add subsection (e) to require an owner or operator in the DFW area that becomes subject to the requirements of this division after the applicable compliance dates specified in subsections (a), (c), or (d) to comply with the requirements in the division no later than 60 days after becoming subject. Proposed

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

Proposed subsection (f) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each degreasing process would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 2, SURFACE COATING PROCESSES

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

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

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

Section 115.420, Surface Coating Definitions

The proposed rulemaking would change the section title from "Surface Coating Definitions" to "Applicability and Definitions" to reflect the incorporation of the applicability into this section. Currently, this division does not have a designated portion of the rule that clearly conveys the applicability. Establishing the applicability would ensure that internal and external users are able to easily access the information necessary to determine how each surface coating process is affected by the division.

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

Proposed subsection (a)(1) would state that the requirements in this division apply to large appliance coatings in the BPA and El Paso areas and in Gregg, Nueces, and

Victoria Counties. Large appliance coating in the DFW and HGB areas is covered under Subchapter E, Division 5..

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

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

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

Proposed subsection (a)(8) would state that the requirements in this division apply to automobile and light-duty truck coating in the BPA, El Paso, and HGB areas.

Automobile and light-duty truck coating in the DFW area is covered under the rules in Subchapter E, Division 5.

Proposed subsection (a)(9) would state that the requirements in this division apply to vehicle refinishing coating in the DFW area, except in Wise County, and in the El Paso and HGB areas. The vehicle refinishing coating rules currently do not apply in the BPA area or in Gregg, Nueces, and Victoria Counties. The commission is not proposing to expand the applicability to include Wise County for this surface coating category because in the available data relied upon for this portion of the rulemaking, as described in the Background and Summary of the Factual Basis for the Proposed Rules section of this preamble, there were no sources identified. RACT is required for vehicle refinishing,

which is an ACT emission source category, by the FCAA for sources that have the PTE equal to or greater than 100 tpy of VOC.

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

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

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

Proposed subsection (a)(14) would state that the requirements in this division apply to wood parts and products coatings in the DFW, El Paso, and HGB areas. The commission is not proposing to include Wise County in the applicability for this coating category since this rule was adopted for Rate of Progress SIP purposes. Wood parts and products is not a CTG emission source category and in order to fulfill RACT requirements, the state is only obligated to implement RACT for major sources of wood parts and products coating. No major sources performing wood parts and products coating were identified in Wise County; therefore, the commission is providing a negative declaration for this

emission source category (see DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

Proposed subsection (a)(15) would state that the requirements in this division apply to wood furniture manufacturing coatings in the DFW area, except in Wise County, and the El Paso and HGB areas. The commission is proposing to provide a negative declaration for the wood furniture manufacturing coating CTG emission source category because the threshold is 25 tpy of VOC emissions. There were no affected sources identified in Wise County that perform this type of coating process (see DFW 2008 Eight-Hour Ozone Attainment Demonstration SIP Revision (2013-015-SIP-NR) for more information).

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

To accommodate the proposed applicability in subsection (a), the commission is proposing to re-letter existing subsections (a) and (b) as subsections (b) and (c), respectively. The commission proposes to delete the "Vehicle coating" catchline in

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

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

The commission proposes to delete the "Wood parts and products coating" catchline in existing subsection (b)(14). Existing subsection (b)(14)(A) is proposed as subsection (c)(15), and existing clauses (i) - (xi) are proposed as paragraphs (A) - (K). Proposed subsection (c)(15) contains the definitions for wood parts and products coating facilities

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

Section 115.421, Emission Specifications

The commission proposes removing the existing subsection (a) designation to accommodate the proposed deletion of existing subsection (b) and to conform to *Texas Register* formatting guidelines. Proposed changes to subsection (a) remove reference to the areas affected by this section and state that the owner or operator of the surface coating processes specified in §115.420(a) shall not cause, suffer, allow, or permit VOC emissions to exceed the emission limits in proposed paragraphs (1) - (16), which are existing paragraphs (1) - (15). The citations in existing subsection (a) are also updated to correspond to the proposed numbering scheme. Finally, the commission proposes correcting the definition citation from §115.420(b)(1)(XX) to §115.420(c)(1)(YY). The

current citation erroneously references "Mold release" instead of "Monthly weighted average."

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

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

The commission is proposing to modify existing paragraph (7). The paragraph erroneously describes the units of the VOC emission limits as solvent content per gallon of coating; however, the table listing the emission limits includes both pounds of VOC per gallon and kilogram of VOC per liter. For this reason, proposed revisions would specify that the basis of the VOC emission limits in this paragraph is solvent "VOC" content per "unit volume."

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

The current rule structure combines automobile and light-duty truck surface coating and vehicle refinishing surface coating in paragraph (8). However, the proposed rulemaking would separate these two vehicle surface coating processes since there are no common rule requirements between the two and the other surface coating processes

in the division are proposed to be regulated in individual paragraphs. The proposed applicability in §115.420(a) would also reserve separate paragraphs for the two processes. The automobile and light-duty truck surface coating is proposed as paragraph (11) and vehicle refinishing is proposed as paragraph (12). The requirements in each of the paragraphs are not being amended.

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

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

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

Proposed amendments to existing paragraph (13), being proposed as paragraph (14), would create a table to display the VOC emission limits for the surface coating of wood parts and products. The proposed revisions would delete the clauses in existing subparagraph (A), which list the emission limits in tabular format. The proposed table improves readability of the rule by presenting the data more clearly and concisely. The table would contain the same coating types and VOC limits, in both lb/gal and kg/liter, as in existing subparagraph (A).

The commission also proposes to move the contents of existing paragraph (13)(B) to paragraph (14), delete the contents of existing paragraph (13)(C), and eliminate paragraph (13)(B) and (C). The relocation of the contents in subparagraph (B) would

conform to *Texas Register* formatting since both subparagraphs (A) and (C) are being proposed for deletion.

The proposed deletion of existing paragraph (13)(C) would eliminate the compliance option that states the alternate control requirements in §115.423(3) do not apply if a vapor control system is used to control emissions from wood parts and products coating operations in addition to all wood parts and products coatings complying with the emission limits in existing subparagraph (A). Providing this option is not necessary since an owner or operator meeting the requirements in clause (ii) would already satisfy compliance with the rule and thus would not need to comply with §115.423(3). The commission invites comment on whether this provision is still a necessary compliance option to provide for wood parts and products coating processes.

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

The commission proposes to delete the entire subsection (b) and integrate the requirements for Gregg, Nueces, and Victoria Counties with the requirements for the BPA, DFW, El Paso, and HGB areas. Since the requirements for the surface coating

categories applicable to just Gregg, Nueces, and Victoria Counties, the commission is proposing to delete subsection (b) and to include Gregg, Nueces, and Victoria Counties in the subsection (a) rules.

Section 115.422, Control Requirements

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

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

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

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

Section 115.423, Alternate Control Requirements

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

Section 115.425, Testing Requirements

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

Section 115.426, Monitoring and Recordkeeping Requirements

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

The proposed changes to paragraph (1)(C) and (D) would update the existing language to accommodate the formatting changes proposed for the entire paragraph. Proposed changes to paragraph (1)(D) would also clarify that the local air pollution control agency must have jurisdiction to request records maintained by affected owners and operators. The proposed minor change to paragraph (2)(C) adds language to ensure any local air pollution control agency has jurisdiction when requesting records.

Section 115.427, Exemptions

The commission proposes to consolidate the exemptions for all of the areas affected by this section. As a result, the contents of this section would be significantly reorganized, improving the readability. The commission is proposing to state the areas affected by each exemption that does not apply to all areas, so that owners and operators are able to easily determine the applicable exemptions. The changes in this section are not intended to alter the processes or activities for which an exemption is provided.

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

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

solicits comment on any instance in which duplicative applicability occurs for the coating of miscellaneous metal parts and products due to deleting these references to the vehicle refinishing and ships and offshore oil or gas drilling platforms.

Also, in paragraph (1)(B) and (C), the areas for which the exemption applies are listed because the two coating categories in subparagraphs (B) and (C) do not apply in the other areas listed for regulation in this section. Proposed changes would renumber existing paragraphs (7) and (8) as paragraphs (8) and (9), respectively. Proposed paragraph (7) would exempt surface coating operations located at any property in Gregg, Nueces, and Victoria Counties that when uncontrolled, will emit a combined weight of VOC less than 550 pounds in any continuous 24-hour period from §115.421. Excluded from this calculation are coatings and solvents used in surface coating activities that are not addressed by the surface coating categories of §115.421(1) - (10), which are the categories that apply in these three counties. For example, architectural coatings (i.e., coatings that are applied in the field to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs) at a property would not be included in the calculation. This exemption is identical to the exemption in existing subsection (b)(1) and is only being relocated as a result of the proposed consolidation of existing subsections (a) and (b).

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

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

Existing exemptions in subsection (b) are being proposed for relocation into proposed designated subsection (a). The contents of existing paragraph (1) would become paragraph (7). Existing paragraphs (2) and (3) would be incorporated into proposed paragraphs (1) and (2). The exemptions for Gregg, Nueces, and Victoria Counties are not

intended to be altered. Finally, existing paragraph (4) is identical to the exemption provided in proposed paragraph (6).

Section 115.429, Counties and Compliance Schedules

Proposed revisions to subsection (a) add Ellis, Johnson, Kaufman, Parker, and Rockwall to the list of counties for which the compliance date has already passed. Because Ellis, Johnson, Kaufman, Parker, and Rockwall Counties are proposed for inclusion in subsection (a), the commission proposes deleting subsection (b). Accordingly, existing subsections (c) and (d) are proposed as subsections (b) and (c), respectively.

Additionally, proposed subsection (c) excludes Wise County since this compliance date is already passed and would not apply.

The commission proposes to add subsections (d) and (e). Proposed subsection (d) would specify that compliance with the division for owners and operators in Wise County is required no later than January 1, 2017. The compliance date would provide affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

The commission proposes subsection (e) to require an owner or operator in the DFW

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

Proposed subsection (f) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each surface coating process would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 4, OFFSET LITHOGRAPHIC PRINTING

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

Section 115.440, Applicability and Definitions

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

The commission also proposes revising the definition of "Minor printing source" in subsection (b)(9)(A) to incorporate the minor source emissions threshold for offset

lithographic printers in Wise County because the minor source definition for Wise County is different than the minor source definition for the other nine DFW counties. Specifically, the commission proposes revising subsection (b)(9)(A) to exclude Wise County from the DFW area and proposes paragraph (9)(C) to define a minor printing source in Wise County as all offset lithographic printing lines located on a property with combined uncontrolled emissions of VOC less than 100 tons of VOC per calendar year.

Section 115.441, Exemptions

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

Proposed revisions to subsection (b) would specify that the owner or operator of a major printing source qualifies for the listed exemptions, in addition to minor printing sources. Major printing sources are defined in §115.440 as all offset lithographic printing lines located on a property with combined uncontrolled emissions of VOC greater than or equal to 100 tpy of VOC per calendar year in Wise County.

The exemption in subsection (b)(1) is proposed for deletion since this exemption has expired. Accordingly, existing subsection (b)(2) - (4) is proposed as subsection (b)(1) - (3), respectively. No changes were proposed to the contents of these exemptions.

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

Section 115.442, Control Requirements

The commission proposes revising subsection (a) to delete the DFW and HGB areas from the rule applicability of this subsection and to delete the language that indicates beginning March 1, 2011 this subsection no longer applies in these two areas. This language was adopted as part of a previous rulemaking to ensure printers in the DFW and HGB areas were only subject to one set of control requirements. This language is now obsolete; beginning March 1, 2011, this subsection ceased to apply in the DFW and HGB areas and subsection (b) and (c) began to apply.

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

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

Section 115.446, Monitoring and Recordkeeping Requirements

Proposed revisions to subsection (a) remove the DFW and HGB areas from the rule applicability and delete the language that indicates beginning March 1, 2011 this subsection no longer applies in these two areas. This language was adopted as part of a previous rulemaking to make clear that printers in the DFW and HGB areas were only

subject to one set of monitoring and recordkeeping requirements. This language is now obsolete; beginning March 1, 2011, this subsection ceased to apply in the DFW and HGB areas and subsection (b) began to apply. Proposed revisions to subsection (b) delete reference to the specific compliance dates in existing §115.449(e) - (g) and instead reference §115.449, the "Counties and Compliance Schedules" section. The compliance dates in §115.449(e) and (f) have already passed and the compliance date in §115.449(g) indicates when affected printers which become subject to the requirements after any of the stated compliance dates must comply with the rules. Generally referencing §115.449 sufficiently directs owners and operators to the correct section to determine the appropriate compliance date for their process.

Section 115.449, Compliance Schedules

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

The commission proposes deleting a portion of existing subsections (e) and (f) to exclude Wise County from this compliance schedule. Although Wise County is now part of the DFW area, sources in Wise County affected by this current rulemaking were not

required to be in compliance by March 1, 2011, as stated in existing subsection (e). The March 1, 2011 compliance date applied to revisions affecting the nine DFW counties comprising the 1997 eight-hour ozone nonattainment area as part of a previous rulemaking.

The commission proposes subsection (g) to establish the compliance schedule for offset lithographic printers in Wise County. Beginning January 1, 2017, all affected offset lithographic printers, both minor and major printing sources, would be required to be in compliance with the appropriate RACT requirements. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

The commission proposes re-lettering subsection (g) as subsection (h) and to incorporate proposed subsection (g) indicating that an owner or operator in Wise County that becomes subject to the requirements of this division on or after January 1, 2017, which is specified in proposed subsection (g), has 60 days to comply. This is consistent with the requirements of the existing rule.

Proposed subsection (i) would specify that if Wise County is not designated a

nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each offset lithographic printing line would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 5, CONTROL REQUIREMENTS FOR SURFACE COATING PROCESSES

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

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

Section 115.450, Applicability and Definitions

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

The commission proposes changes to subsection (a)(4) to clarify that motor vehicle materials applied to miscellaneous metal and plastic parts specified in subsection (a)(3) applied at the original equipment manufacturer, off-site job shops that coat new parts and products, and that re-coat used parts and products are all subject to the requirements in this division. The existing applicability, adopted during the December 2011 RACT rulemaking (2010-016-115-EN), includes coatings applied at the original

equipment manufacturer and at off-site job shops that coat new parts and products. The Section by Section Discussion section for December 2011 rulemaking describes the applicability for motor vehicle materials as the proposed changes are described in this Section by Section Discussion section of this preamble; however, off-site job shops that re-coat used parts and products were excluded from the 2011 adopted rule, implying these processes are not covered. To ensure RACT is implemented for the motor vehicle material portion of the miscellaneous metal parts and products coating CTG category, the commission is proposing to clarify the intended applicability by adding the re-coating of used parts and products into paragraph (4) as a regulated process coating in this division.

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

The commission proposes subsection (c)(2)(B) to add a definition for "Automotive/transportation plastic parts." For purposes of this division, an automotive/transportation plastic part is defined as the interior and exterior plastic components of automobiles, trucks, tractors, lawnmowers, and other mobile equipment. The commission adopted rules for this category in the December 2011 rulemaking (2010-016-115-EN) and relied largely on the recommendations in the EPA's 2008 Miscellaneous Metal and Plastic Parts CTG to establish the definitions for

automotive/transportation plastic parts in these Division 5 rules, except where discussed in the Section by Section Discussion portion of that rulemaking. To develop the recommendations contained in the 2008 CTG, the EPA relied, at least partially, on its initial guidance document, *Alternative Control Techniques Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts* (EPA-453/R-94-017). The recommended definitions in the EPA's 2008 CTG do not include a specific definition of automotive/transportation plastic parts, but the initial guidance document, *Alternative Control Techniques Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts* (EPA-453/R-94-017), provides a description of the automotive/transportation sector intended to be covered in the document. Therefore, the commission is proposing to use the description provided in the initial document as the definition in this rule for automotive/transportation plastic parts. During the December 2011 rulemaking, the commission similarly incorporated descriptions of specific solvent-using processes into the respective rules in order to clearly indicate what types of parts or operations are intended to be covered.

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

The commission proposes to amend subsection (c)(6)(A) to improve the readability of

this definition by removing commas and inserting "and is." This change provides consistency with the other definitions in this paragraph and is not intended to alter the meaning of this definition.

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

Section 115.451, Exemptions

The commission proposes to amend the rule citations referencing the surface coating categories in subsection (a). With the reorganization of the emission specifications in §115.421, the citations would need to be changed to correspond to the correct surface coating paragraphs intended to be included in the calculation described in this subsection. The emission source category paragraphs that are included are §115.421(3) - paragraphs (7), (9), (10), and (13) - (16). The paper coating category in §115.421(a)(4), being proposed as §115.421(4) as part of this rulemaking, is currently not included in this exemption because it was inadvertently left out during the last rule revisions (Rule

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

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

one set of control requirements.

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

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

In addition, the commission proposes addressing the metal and plastic parts being

referred to by rule citation to avoid confusion as to which substrates are covered under this exemption. The December 2011 rulemaking explicitly lists the surface coating categories in §115.453(a)(1)(C) - (F) and (2) as affected by this exemption for powder coatings, and to ensure this is clearly conveyed, the commission is proposing to incorporate §115.453(a)(1)(C) - (F) and (2) in the exemption.

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

Section 115.453, Control Requirements

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

Section 115.459, Compliance Schedules

The commission proposes revising subsection (a) to specify that the compliance schedule pertains to the HGB and DFW areas, but not Wise County. The existing language does not list the areas since the compliance schedule applied to the only two areas subject to the division. Since the applicability of the division has been expanded to include Wise County, it is necessary to list the areas so that all affected owners and operators know which compliance schedule to follow.

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

the division for owners and operators in Wise County would be required no later than January 1, 2017. The compliance date would provide affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

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

Proposed subsection (d) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each surface coating process would not be required to comply

with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 6, INDUSTRIAL CLEANING SOLVENTS

Section 115.460, Applicability and Definitions

The commission proposes renumbering and various revisions to the definitions in subsection (b). The existing definitions in paragraphs (10) and (11) would be renumbered as paragraphs (11) and (12), respectively. The definitions in this section are not altered in any way other than being renumbered, except where specifically discussed. The changes proposed in this section impact the DFW and HGB areas. The commission solicits comment on any potentially adverse impacts to the HGB area resulting from the proposed changes.

The commission proposes paragraph (10) to define the term "Solvent" to accommodate the revision proposed to the definition of "Solvent cleaning operation." Proposed paragraph (10) states that a solvent is a VOC-containing liquid used to perform solvent cleaning operations. Defining the term helps to clarify that the applicability of this division is limited to VOC solvents used for cleaning and is not intended to affect solvent cleaning operations employing the use of materials containing no VOC. The rules in this division were adopted during the December 2011 VOC RACT rulemaking (2010-016-115-EN) in response to the EPA's 2006 Industrial Cleaning Solvents CTG. The CTG does not contain any recommended definitions for this emission source category so the commission relied on the South Coast Air Quality Management District (SCAQMD) and Bay Area Air Quality Management District (BAAQMD) solvent cleaning rules, as explained in the preamble of the 2011 rulemaking, for definitions related to the industrial cleaning solvents emission source category. Consistent with the other definitions adopted in this division, the commission is proposing to use the definition of *Solvent* from SCAQMD Solvent Cleaning Operations, Regulation XI, Rule 1171, with minor modification for terminology consistency within these rules.

The commission proposes to revise the definition of "Solvent cleaning operation," renumbered as paragraph (11), to clarify that a solvent cleaning operation is one that uses a VOC solvent. The scope of this rule only encompasses operations that remove uncured adhesives, inks, and coatings; and contaminants such as dirt, soil, oil, and

grease from parts, products, tools, machinery, equipment, vessels, floors, walls, and other work production-related areas using a VOC solvent. The existing solvent cleaning operation definition was adopted during the December 2011 VOC RACT rulemaking (2010-016-115-EN), and is derived from the description provided in the EPA's CTG document. The intended purpose of the rules of this division, which are largely based on the recommendations provided in the CTG document, is to control VOC pollution generated from the use of industrial cleaning solvents. The commission did not intend for non-VOC containing materials to be subject to the requirements. This revision to this paragraph serves to clarify, but not change, the cleaning solvent operations regulated in this division. The commission also proposes minor, non-substantive changes to the equation proposed in subsection (b)(12) to correctly subscript the variables.

Section 115.461, Exemptions

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

The commission proposes adding the word "aerosol" to the exemption in subsection (e) to clarify that total use refers to total "aerosol" use and not total cleaning solvent use. The commission has received questions from the public regarding the amount of cleaning solvent covered under the exemption, indicating the exemption may not be

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

Section 115.469, Compliance Schedules

The commission proposes revising subsection (a) to specify that the compliance schedule pertains to the HGB and DFW areas, but not Wise County. The existing language does not list the areas since the compliance schedule applied to the only two areas subject to the division. Since the applicability of the division has been expanded to include Wise County, it is necessary to list the areas so that all affected owners and operators know which compliance schedule to follow.

Existing subsection (b) is being proposed as subsection (c) to accommodate the compliance schedule proposed as subsection (b) for affected owners and operators in Wise County. The commission proposes subsection (b) to specify that compliance with the division for owners and operators in Wise County would be required no later than

January 1, 2017. The compliance date would provide affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

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

Proposed subsection (d) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each solvent cleaning operation would not be required to comply with any of the requirements in this division. The commission would publish

notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER E, SOLVENT-USING PROCESSES

DIVISION 7, MISCELLANEOUS INDUSTRIAL ADHESIVES

Section 115.471, Exemptions

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

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

Section 115.473, Control Requirements

The commission proposes to amend subsection (c)(8) by stating that one of the criteria must be met but not both, in order to comply with the surface coating application system requirement of this rule. Paragraph (8) allows an owner or operator to use a coating application system that is not explicitly listed in subsection (c)(1) - (7). The

owner or operator may comply by either demonstrating that the coating application system achieves a transfer efficiency equivalent to high volume low pressure spray systems or that the coating application system achieves a transfer efficiency of 65%.

Section 115.479, Compliance Schedules

The commission proposes revising subsection (a) to specify that the compliance schedule pertains to the HGB and DFW areas, but not Wise County. The existing language does not list the areas since the compliance schedule applied to the only two areas subject to the division. Since the applicability of the division has been expanded to include Wise County, it is necessary to list the areas so that all affected owners and operators know which compliance schedule to follow.

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

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

Proposed subsection (d) would specify that if Wise County is not designated a nonattainment county as part of the DFW 2008 eight-hour ozone nonattainment area, an owner or operator of each application process would not be required to comply with any of the requirements in this division. The commission would publish notice of a change in nonattainment status for Wise County in the *Texas Register*. This change is proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will

be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

SUBCHAPTER F, MISCELLANEOUS INDUSTRIAL SOURCES

DIVISION 1, CUTBACK ASPHALT

§115.519, Counties and Compliance Schedules

Proposed subsection (d) would specify that compliance for all affected persons in Wise County is as soon as practicable, but no later than January 1, 2017. The compliance date provides affected owners and operators approximately a year and a half to make any necessary changes and ensures that controls will be in place by the RACT compliance deadline, January 1, 2017, in the EPA's proposed implementation rule for the 2008 eight-hour ozone NAAQS (78 FR 34178, June 6, 2013).

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

the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

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

Fiscal Note: Costs to State and Local Government

Jeff Horvath, Analyst in the Chief Financial Officer's Division, has determined that for the first five-year period the proposed rules are in effect, no fiscal implications are anticipated for the agency and no significant fiscal implications are anticipated for other units of state or local government as a result of administration or enforcement of the proposed rules.

The proposed rulemaking would revise Chapter 115 to implement VOC RACT for the DFW area, as required by FCAA, §182(b)(2). FCAA, §182(b)(2) requires the state to implement RACT for emission source categories addressed in specific CTG documents and for non-CTG major sources.

The proposed rulemaking would expand the rule applicability for the affected emission source categories to include Wise County. Generally, each division prescribes control, monitoring, testing, recordkeeping, and inspection requirements, which an affected owner or operator would be required to comply with no later than January 1, 2017.

The subchapters in Chapter 115 proposed for revision are: Subchapter B, Divisions 1 - 3; Subchapter C, Divisions 1 - 3; Subchapter D, Division 3; Subchapter E, Divisions 1, 2, and 4 - 7 and Subchapter F, Division 1, Cutback Asphalt.

No fiscal implications are anticipated for TCEQ as a result of the proposed rules. TCEQ Regional Field Operations Division staff would be required to perform inspections of affected entities to verify compliance with the rules. However, these proposed changes are not expected to significantly increase the workload or the number of facilities requiring inspection.

Affected units of state or local government are expected to experience the same fiscal impacts as businesses, as described under this fiscal note. All state and local government facilities affected by this rulemaking would be required to comply with the appropriate rules no later than January 1, 2017. The following subchapters proposed for amendment may have fiscal implications for units of state or local government: Subchapter C,

Division 2; Subchapter E, Divisions 1 and 6; and Subchapter F, Division 1.

Subchapter C, Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities

GDFs that meet certain throughput requirements may be affected by this rulemaking. According to the TCEQ's Petroleum Storage Tank Registration information, approximately four governmental entities or facilities in Wise County may be affected. The new requirements are applicable to owners and operators of GDFs in Wise County once the throughput at the GDFs exceeds 10,000 gallons per month. GDFs in Wise County that exceed the throughput limit must install Stage I vapor recovery equipment and comply with the rule. Once installed, the Stage I equipment must be tested annually.

Subchapter E, Division 1, Degreasing Processes

State and local government agencies in Wise County could be affected by the degreasing process rules, but the exact number of affected entities is not known due to the limited information available in Wise County concerning degreasing units. No state or local government sources were identified in the 2011 Point Source Emissions Inventory or in permitting data as being affected by the rules proposed for Wise County. Existing state or local government sources that may currently be performing degreasing processes in the other nine DFW counties may be required to maintain additional records if they

perform cold solvent cleaning or qualify for an exemption and are not already keeping records. Affected owners and operators of state or local government agencies would be required to comply with equipment and operating specifications as well as testing and recordkeeping requirements. These proposed additional recordkeeping requirements are not expected to have a significant fiscal impact.

Subchapter E, Division 6, Industrial Cleaning Solvents

State and local government agencies in Wise County could be affected by the industrial cleaning solvents rule requirements if they meet the applicability criteria, but the exact number of affected entities is not known due to the limited information available in Wise County concerning these operations. State and local government entities in Wise County that use solvents for cleaning activities other than janitorial cleaning purposes with total actual VOC emissions greater than 3.0 tpy could be affected by the rules. The proposed rules would impose monitoring and recordkeeping requirements to demonstrate continuous compliance with the applicable control requirements. These requirements are not expected to have significant fiscal implications.

Subchapter F, Division 1, Cutback Asphalt

State and local government agencies in Wise County with the responsibility to maintain road surfaces may be affected by the proposed changes to the cutback asphalt provisions. Wise County and the nine cities within Wise County would need to revise

their contracts with paving companies to not use cutback asphalt from April 16 to September 15 every year. Wise County and the nine cities will have almost 18 months to comply with the new requirements. Compliant material could therefore be ordered before the 2017 ozone season begins. Texas Department of Transportation has approved alternative asphalt material (EC-30), which is cheaper than the most commonly used cutback asphalt (MC-30). Therefore, if EC-30 is used, it could reduce the cost for a road project funded by Wise County or any municipalities within Wise County. However, if another more expensive alternative material is used, there could be additional costs. Any cutback asphalt already purchased can still be used as priming and patching material so existing cutback asphalt stock would not be wasted.

Public Benefits and Costs

Mr. Horvath has also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from the changes seen in the proposed rules will be in compliance with federal law and may contribute to improved public health through improved air quality.

The proposed rules are not expected to have direct fiscal implications for individuals. Businesses in Wise County will be affected by the proposed rules. Fiscal implications will depend upon whether the business meets the applicability requirements of the proposed rules and if they are affected, how they implement any necessary controls,

monitoring, tests, recordkeeping, and inspection requirements to limit VOCs.

The following subchapters with proposed amendments are not expected to result in fiscal implications for businesses or unit of state or local government.

Subchapter B, Division 3, Water Separation

No fiscal impacts are anticipated for operators of oil and gas facilities to comply with this proposed subchapter. The water separation rule only applies to businesses such as oil and gas production facilities in Wise County. Targa Midstream Services, Devon Energy, and Enbridge Gathering are three major oil and gas operators in Wise County. They operate three-way separators to separate condensate, natural gas, and water at their well sites and compressor stations in Wise County. A three-way separator is operated under pressure and will not emit VOC like a typical atmospheric water separator. Three-way separators operated in Wise County already meet the §115.132(a)(1) control requirement of holding a vacuum or pressure without emitting to the atmosphere. Therefore, no further control is required under the existing regulations.

These operators also operate slop oil tanks to collect used oil generated from the site and water contaminated oil from the collection sumps. Because there is often water present, the slop oil tank may also be arranged to allow water to be decanted from the bottom of a collection tank. This slop oil collection tank is considered a VOC water separator. Due

to the low vapor pressure of the waste oil, the collection tank would be exempt from the rule.

Subchapter C, Division 1, Loading and Unloading of Volatile Organic Compounds

No fiscal implications are anticipated as a result of the implementation of this proposed subchapter. Based on information in the permit registration database there would be no fiscal implication to oil and gas operators in Wise County for the following reasons: the throughput of condensate is lower than the existing 20,000 gallons per day exemption threshold; the vapor pressure of produced water is lower than the existing 0.5 psia exemption threshold; or sites meeting the current applicability have already installed vapor balancing systems to control vapors from the loading operations.

The following subchapters with proposed amendments are expected to result in fiscal implications for businesses.

Subchapter B, Division 1, Storage of Volatile Organic Compounds

Owners or operators of storage tanks storing VOC in the DFW area will have new compliance requirements under the proposed rules. The proposal extends the current rules to Wise County, requiring 95% control of VOC emissions from condensate storage tanks if uncontrolled emissions would be over 100 tpy. Owners or operators of condensate storage tanks with the 95% control requirement would be required to

maintain their tanks; inspect tank openings periodically to assure that the openings are closed tightly and VOC vapors are being controlled; repair any leaks found during inspection; and keep records of the inspections.

Based on condensate production data from 2011 or 2012, staff estimates that there are two sites in Wise County with affected condensate storage tanks and three sites with affected condensate storage tanks in the other nine counties of the DFW area.

Additional sites may become affected if their condensate production increases. Staff's review of permit information on file shows that one of the Wise County sites and two of the sites in the other nine counties have installed controls on their storage tanks.

Therefore, there is only one site in Wise County expected to need new controls. All five tank battery sites in the ten-county DFW area would be required to incur additional operation and maintenance expenses.

The proposed rulemaking would require the installation of a vapor recovery unit at the affected site. The capital (first year) costs for the vapor recovery unit is estimated to be between \$60,000 and \$110,000. In most instances, revenue from the sale of recovered condensate would more than offset operations and maintenance costs on a yearly basis. In 2006, the EPA's Natural Gas Star program estimates annual savings of \$44,000 - \$1,000,000 depending on system configuration, the amount and sale price of recovered product, operations, and maintenance costs. Recovered condensate at 100 tpy in Wise

County with specific gravity of 0.7 equates to approximately 816 (bbl). Assuming a price comparable to crude oil at \$100/bbl, the savings from recovered condensate, sold as vapor or liquid, is estimated to be \$81,600 per year.

Proposed monitoring of vapor recovery units includes requirements for a run time meter on a compressor and a flow meter on the recovered vapor line. The estimated cost to add a run-time meter is \$300. The estimated cost to install a totalizing flow meter is \$3,000.

The proposed rules would allow for the use of flares to control VOC emissions from tanks. The proposed rules would require flares to be designed and operated in accordance with 40 CFR §60.18(b) - (f) and require the flare to be lit at all times when there is an emissions stream being vented to the flare. If the flare is already subject to the requirements in 40 CFR §60.18 then there is no additional fiscal impact associated with this requirement. If the flare is not already subject to the requirements in 40 CFR §60.18 the cost of a temperature monitor will range from \$500 to \$1,000. A design verification to meet 40 CFR §60.18 would cost approximately \$3,000. A flare or vapor recovery unit is assumed for each controlled tank battery, not both, and owners and operators are expected to choose the most economical option, which for affected sites in Wise County is likely to be vapor recovery.

Inspection and maintenance costs for closure devices at affected sites are estimated to be approximately \$1,911 each year and repair and recordkeeping costs to implement the proposed rule changes are expected to be minimal.

Overall, for the first five years the proposed change to Subchapter B is in effect, an affected tank battery in Wise County is expected to realize cost savings of an estimated \$79,428 each year due to recovered condensate, assuming installation of a vapor recovery unit and recovered condensate of 100 tpy.

Subchapter B, Division 2, Vent Gas Control

Owners or operators of sources of vent gas in Wise County would be required to have 90% control of VOC vent gas emissions; monitor operating parameters of any required vapor control device; calculate to demonstrate qualification of exemptions; and keep records. Total capital costs for monitoring existing controls for a vapor recovery unit and three condensers in the first year the proposed rule change is in effect are estimated to be approximately \$10,000 with \$1,300 in operation and maintenance costs each year for 13 sites.

The 2012 Emissions Inventory showed 15 glycol dehydrator still vents in Wise County at 11 sites emitting VOC vent gases. Of these, six still vents operate with compliant controls already, and the other nine still vents operated under exemption threshold. Therefore,

no new controls will be required, but six sites will be required to continue operating existing controls.

Subchapter C, Division 2, Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities

The rulemaking may affect 26 aboveground storage tanks and 57 underground storage tanks located at GDFs in Wise County. GDFs in Wise County that exceed the throughput limit (10,000 gallons per month) must install Stage I vapor recovery equipment and comply with this rule. Once installed, the Stage I equipment must be tested annually. Installment of Stage I equipment will have a cost of approximately \$490 per tank for a total cost of approximately \$980 for a station with an average of two tanks. Any GDF that is required to install Stage I equipment will also be required to annually test the equipment at a cost of \$250 to \$275 a year.

Subchapter C, Division 3, Control of Volatile Organic Compound Leaks from Transport Vessels

An owner or operator of a tank-truck tank must comply with this rule. The number of tank-truck tanks that may be affected in the Wise County is unknown. Only the tank-truck tanks filled with VOC with a vapor pressure greater than 0.5 psia (including condensate) within Wise County would be subject to the new requirements. The tank-truck tank must pass an annual pressure-vacuum test if the tank-truck tank is

transporting gasoline or VOC with vapor pressure higher than 0.5 psia. It is a reasonable assumption that most of the tank-truck tanks transporting VOC in the DFW area and the surrounding covered attainment counties already comply with the vapor tightness testing requirement. All gasoline tank-truck tanks in Wise County are already subject to the rule requirements.

Subchapter D, Division 3, Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas

Owners and operators of three natural gas processing plants in Wise County will need to increase the stringency of their LDAR programs. Existing sites either have permits that require less stringent LDAR programs or are anticipated to be exempt from the proposed rules. The proposed rules require leak monitoring on prescribed schedules that vary by component type, repair of leaking components, and recordkeeping.

The 2012 Emissions Inventory contains three natural gas processing plants in Wise County. One of these plants may be exempt due to a low number of components. The other two plants have LDAR requirements in their permits that are less stringent than the proposed requirements. Specifically, the proposed requirements have a 500 ppmv leak definition versus a 10,000 ppmv permit leak definition for valves and pressure relief valves. This means that the proposed rule would require repair of valves and pressure relief valves with measured emissions of 501 to 9,999 ppmv, whereas the

permit would not require repair until the leak increased to 10,000 ppmv. Assuming that on-site personnel conduct monitoring, no additional monitoring related costs are anticipated. Repair costs are estimated at \$150 per valve, with an estimate of two repairs per site per year. Assuming two additional valve packing installations per site per year, the total maintenance cost of general valve repair is \$120 per year. Estimated total additional compliance costs are \$720 per year per applicable site.

Subchapter E, Division 1, Degreasing Processes

The owner or operator of a degreasing process in Wise County must comply with the equipment and operating specifications and testing and recordkeeping requirements that are currently in the rules. The control requirements prescribe operating and equipment specifications for cold solvent cleaning, open-top vapor degreasing, and conveyORIZED degreasing processes. In lieu of complying with the control requirements, an owner or operator can choose to employ a vapor control system achieving a certain level of efficiency. Either testing or analytical data must be relied upon to demonstrate compliance with applicable control requirements and records must be maintained to document the compliance demonstration.

Revisions being proposed as part of this rulemaking that would apply to all affected degreasing processes including allowing cold solvent degreasing processes to satisfy compliance with vapor pressure testing requirements by relying on analytical data from

the solvent supplier or manufacturer or from standard reference materials, in lieu of performing one of the currently-approved test method procedures.

Revisions being proposed as part of this rulemaking that would apply to all affected degreasing processes in the DFW area require recordkeeping to demonstrate continuous compliance with the cold solvent cleaning vapor pressure control requirements and with exemption criteria. Because there is limited data available for degreasing units in Wise County, the exact number of entities that would be affected is not known.

The commission anticipates most degreasers are already operating in compliance with the Chapter 115 requirements because permitting requirements, which apply regardless of the county in which a degreaser is located, mandate compliance with certain provisions in the Chapter 115 degreasing rules. For this reason, a degreaser affected by this rulemaking is expected to have the appropriate operating and equipment controls in place, eliminating the need to replace or retrofit an older degreasing unit and minimizing potential fiscal impacts.

If, however, there is a degreasing unit which would become subject to the Chapter 115 requirements as a result of this rulemaking, the commission anticipates that currently operating units would possess the necessary equipment specifications or control options listed in the existing rule and, thus, be in compliance with the rule. It is possible that

degreasing units exist that would need to be replaced or retrofitted; if this instance were to occur, it is expected that replacing instead of retrofitting a unit is more economical and an owner or operator would choose this option.

Subchapter E, Division 2, Surface Coating Processes and Division 5, Control Requirements for Surface Coating Processes

The rules proposed for surface coating processes in Wise County apply to the appropriate surface coating rules in either Division 2 or Division 5, depending on which applicability criteria a particular coating process meets. As a result of Wise County being proposed for inclusion in the applicability for these two divisions, owners and operators of affected surface coating processes would be required to comply with the same controls, testing, monitoring, and recordkeeping requirements as the other nine counties in the DFW area for which these rules already apply. Because many of these coating processes affect smaller sources and smaller sources are not required to report to the Point Source Emissions Inventory, the exact number of affected sources is often not known.

Under the Division 2 rules, the rules for paper coating, fabric coating, vinyl coating, coil coating, factory coating of flat wood paneling, and can coating would be implemented in Wise County. Owners and operators of these surface coating categories would be required to limit the VOC content of coatings, comply with perform testing, and

maintain records.

Large appliance, metal furniture, automobile and light-duty truck assembly, miscellaneous metal parts and products, miscellaneous plastic parts and products, pleasure craft, and automotive/transportation and business machine plastic parts surface coating processes are covered under the Division 5 rules. In addition to the types of requirements in Division 2, additional requirements include limiting the VOC content of coatings, increasing the overall control efficiency for add-on controls, and establishing minimum transfer efficiency for coating application methods. The Division 5 rules provide the affected owner or operator with several equivalent compliance options including using reformulated materials combined with specific application systems; reformulated materials combined with specified applications systems and add-on controls; and add-on controls that meet specified overall control efficiency. The rules would impose monitoring and recordkeeping requirements to demonstrate continuous compliance with the applicable control requirements for affected sources in Wise County.

The rules provide options for compliance, and although affected owners or operators are expected to choose the most cost-effective option, the fiscal impacts over the first five years generally are difficult to determine. The costs will vary within each industry depending on the compliance option chosen and other site specific variables like the

type of coatings and solvents being used and the existing equipment. Some costs, such as purchasing monitoring equipment and configuring process operations to allow the use of compliant materials, are initial one-time costs and some costs are increases in annual operating costs, such as the incremental increases in the cost of coatings and solvents. The fiscal impacts are not expected to be the same for each affected surface coating process but are not expected to be significant in general.

Subchapter E, Division 4, Offset Lithographic Printing

The owner or operator in Wise County of offset lithographic printing lines located on a property that have the combined PTE at least 3.0 tons of VOC per calendar year when uncontrolled would be required to comply with the rules unless the site meets certain exemption criteria. The rules would require the owner or operator of an affected site to reduce the VOC concentration of the fountain solutions and cleaning solutions used in the printing process.

The rules proposed for Wise County apply to all offset lithographic printing lines located on a property that have the combined PTE at least 3.0 tons of VOC per calendar year when uncontrolled. The rules include separate requirements for major printing and minor printing sources. In Wise County, a major printing source is an offset lithographic printer with at least 100 tpy of VOC emissions and minor printing source is an offset lithographic printer with less than 100 tpy of VOC emissions.

The rules require the owner or operator of an affected site to reduce the alcohol content of the fountain solutions and provide several equivalent compliance options including using reformulated materials alone or in combination with add-on refrigeration equipment. The rules would also require the owner or operator to reduce the VOC content of the cleaning solutions and provide several equivalent compliance options. Finally, the rules prescribe monitoring, testing, and recordkeeping requirements to demonstrate continuous compliance with the content limits.

There were no offset lithographic printers identified in Wise County. If there are any affected sites, staff would expect that owners and operators would choose the most cost effective option. The fiscal impacts over the first five years are difficult to determine. The costs would differ depending on the compliance option used and/or other site specific variables like the type of solution being used. Some costs, such as purchasing monitoring equipment, are initial one-time costs and some costs are increases in annual operating costs, such as the incremental increases in the cost of solutions. The fiscal impacts would not be expected to be the same for each affected offset lithographic printing line.

Subchapter E, Division 6, Industrial Cleaning Solvents

In Wise County, the owner or operator of industrial cleaning solvent operations located on a property with total actual VOC emissions equal to or greater than 3.0 tpy, when

uncontrolled, is required to comply with the rules unless specifically exempt. Because sites at which solvent cleaning operations take place are likely to be classified by their primary process, it is difficult to identify the number of sources affected. The scope of this rule is very broad and could apply to sites performing a wide variety of primary processes.

The rules provide options for compliance, and affected owners or operators are expected to choose the most cost-effective option. Based upon the EPA's 2006 Industrial Cleaning Solvent CTG fiscal analysis, most affected owners and operators will comply with the required controls by switching to low-VOC solvents due to the potential costs associated the use of add-on controls, such as catalytic or thermal incinerators, reaching hundreds of thousands of dollars depending on the flue gas volumetric flow rate and energy recovery. The EPA's CTG estimated parts cleaning operations would cost an affected owner or operator \$2,589 per ton of VOC reduced with a cost of capital of 5% and a payback time of five years and estimated that all other cleaning operations would save affected owner and operators \$1,590 per ton of VOC reduced.

The costs the proposed rules would impose on affected owners and operators would differ depending on the compliance option used and other site-specific variables such as the industrial process conducted at the site and the type of solvents required to achieve an acceptable level of cleanliness. The fiscal impacts are not expected to be the same for

each affected industrial cleaning solvent operation because a vast range of industries perform these types of operations for a variety of different purposes.

Subchapter E, Division 7, Miscellaneous Industrial Adhesives

The existing rules would apply to manufacturers using adhesives during any of the specified application processes in Wise County and would require limiting the VOC emissions from adhesive application processes by the use of low-VOC adhesives or by the use of vapor control systems; complying with work practices; performing testing; and maintaining records. Because adhesive application is a step in a manufacturing process, the agency is not able to identify the number of manufacturing sources applying adhesives that would be affected.

The CTG, which is the basis of the rules in Division 7, estimates that most affected owners and operators will comply with the required controls by switching to low-VOC adhesive materials due to the potential costs associated with the use of add-on controls, such as catalytic or thermal incinerators, which could cost hundreds of thousands of dollars depending on the flue gas volumetric flow rate and energy recovery.

The EPA's guidelines further state that the owner or operator switching to low-VOC formulas is expected to incur additional costs estimated at \$1,421 per ton of VOC emissions reduced, on average. Specifically, small business would incur costs of \$1,490

per year, on average, versus \$4,480 for a large business. This is similar to the EPA's estimated annualized costs of using the low-VOC adhesives to be approximately \$3,400 per year. These costs include capital costs, operation/maintenance costs, solvent savings, and adhesive costs.

Costs associated with work practice procedures are not known due to the lack of studies focusing on economic impacts of implementing work practice procedures. The EPA estimates that such procedures should contribute to cost reductions by reducing the amount of cleaning materials used. The proposed rules provide various options for compliance. Affected owner and operators are expected to choose the most cost-effective option to comply with the proposed rules.

Small Business and Micro-Business Assessment

In general, no adverse fiscal implications are anticipated for small or micro-businesses as a result of the implementation or administration of the proposed rules. Staff is unable to identify any small or micro-businesses that would be affected by the proposed rules. If there are small or micro-businesses affected, they are expected to experience the same costs or cost savings as large businesses.

It is estimated that most affected owners and operators will comply with any requirements that require additional controls by switching to low-VOC processes or

materials due to the potential costs associated with the use of add-on controls.

Small Business Regulatory Flexibility Analysis

The commission has reviewed this proposed rulemaking and determined that a small business regulatory flexibility analysis is not required because the proposed rules are required by the FCAA to implement RACT for emission source categories addressed in EPA guidance documents and the proposed rules are not expected to adversely affect small or micro-businesses in a material way for the first five years that the proposed rules are in effect.

Local Employment Impact Statement

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking in light of the regulatory impact analysis requirements of the Texas Government Code, §2001.0225, and determined that the proposed rulemaking meets the definition of a "major environmental rule" as defined in that statute. A "major environmental rule" means a rule, the specific intent of

which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The proposed rulemaking does not, however, meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in Texas Government Code, §2001.0225(a). Texas Government Code, §2001.0225, applies only to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

The state previously adopted Chapter 115 RACT rules for VOC sources in the DFW area as part of the SIP for the 1997 eight-hour ozone standard. On March 27, 2008, the EPA revised the eight-hour ozone NAAQS to a level of 0.075 ppm with an effective date of May 27, 2008 (73 FR 16436). On May 21, 2012 the EPA established initial air quality designations for the 2008 eight-hour ozone NAAQS and effective July 20, 2012, the DFW area consisting of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties, was classified as a moderate nonattainment area

for the 2008 ozone NAAQS. For nonattainment areas classified as moderate and above, FCAA, §172(b)(1) and §182(b)(2) requires the state to submit a SIP revision that implements RACT for sources of VOC addressed in a CTG document issued from November 15, 1990 through the area's attainment date; CTG documents issued before November 15, 1990; and all other major stationary sources of VOC. FCAA, §172(c)(1) requires the SIP for nonattainment areas to include reasonably available control measures, including RACT, for sources of pollutants identified by the EPA as required by FCAA, §183(e). The proposed new rules implement RACT for sources of VOCs addressed in a CTG document issued from November 15, 1990 through the area's attainment date; CTG documents issued before November 15, 1990; and all other major stationary sources of VOCs. The commission is also proposing rules that would allow the commission to remove the applicability of RACT requirements to sources in Wise County, if Wise County were to be removed from the DFW 2008 eight-hour ozone nonattainment area. These specific changes are proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR). The proposed rules update RACT requirements for the following source categories in Chapter 115: Storage of Volatile Organic Compounds; Vent Gas Control; General Volatile Organic Compound

Sources, Water Separation; Loading and Unloading of Volatile Organic Compounds; Filling of Gasoline Storage Vessels (Stage I) for Motor Vehicle Fuel Dispensing Facilities; Control of Volatile Organic Compound Leaks from Transport Vessels; Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas; Degreasing Processes; Surface Coating Processes; Offset Lithographic Printing; Control Requirements for Surface Coating Processes; Industrial Cleaning Solvents; Miscellaneous Industrial Adhesives; and Cutback Asphalt.

The proposed rulemaking implements requirements of 42 USC, §7410, which requires states to adopt a SIP that provides for the implementation, maintenance, and enforcement of the NAAQS in each air quality control region of the state. While 42 USC, §7410 generally does not require specific programs, methods, or reductions in order to meet the standard, the SIP must include enforceable emission limitations and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this chapter (42 USC, Chapter 85, Air Pollution Prevention and Control). The provisions of the FCAA recognize that states are in the best position to determine what programs and controls are necessary or appropriate in order to meet the NAAQS. This flexibility allows states, affected industry, and the public, to collaborate on

the best methods for attaining the NAAQS for the specific regions in the state. Even though the FCAA allows states to develop their own programs, this flexibility does not relieve a state from developing a program that meets the requirements of 42 USC, §7410. States are not free to ignore the requirements of 42 USC §7410, and must develop programs to assure that their contributions to nonattainment areas are reduced so that these areas can be brought into attainment on schedule. The proposed rulemaking will revise Chapter 115 to implement RACT for all VOC CTG emission sources categories in the 2008 eight-hour ozone DFW nonattainment area as required by FCAA, §172(c)(1) and §182(b)(2).

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

require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted proposed rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law. As discussed earlier in this preamble, the FCAA does not always require specific programs, methods, or reductions in order to meet the NAAQS; thus, states must develop programs for each area contributing to nonattainment to help ensure that those areas will meet the attainment deadlines. Because of the ongoing need to address nonattainment issues, and to meet the requirements of 42 USC, §7410, the commission routinely proposes and adopts SIP rules. The legislature is presumed to understand this federal scheme. If each rule proposed for inclusion in the SIP was considered to be a major environmental rule that exceeds federal law, then every SIP rule would require the full regulatory impact analysis contemplated by SB 633. This conclusion is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the commission believes that the intent of SB 633 was only to require the full regulatory impact analysis for rules that are extraordinary in nature. While the SIP rules will have a broad impact, the impact is no greater than is necessary or appropriate to meet the requirements of the FCAA. For these reasons, rules adopted for inclusion in the SIP fall under the exception in Texas Government Code, §2001.0225(a), because they are required by federal law.

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

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

standard. The commission has substantially complied with the requirements of Texas Government Code, §2001.0225.

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

Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

The commission is also proposing rules that would allow the commission to remove the applicability of RACT requirements to sources in Wise County, if Wise County was to be removed from the DFW 2008 ozone nonattainment area. These specific changes are

proposed because Texas is currently in litigation over the inclusion of Wise County in the DFW 2008 eight-hour ozone nonattainment area, as discussed elsewhere in this preamble. As the commission cannot predict the outcome of this litigation at this time, the commission is proposing rules that will ensure that sources within Wise County will be properly accounted for in the DFW 2008 Attainment Demonstration SIP Revision (2013-015-SIP-NR).

Takings Impact Assessment

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

In addition, the commission's assessment indicates that Texas Government Code, Chapter 2007 does not apply to these proposed rules because this is an action that is taken in response to a real and substantial threat to public health and safety; that is designed to significantly advance the health and safety purpose; and that does not

impose a greater burden than is necessary to achieve the health and safety purpose. Thus, this action is exempt under Texas Government Code, §2007.003(b)(13). The proposed rules fulfill the FCAA requirement to implement RACT in nonattainment areas. These revisions will result in VOC emission reductions in ozone nonattainment areas which may contribute to the timely attainment of the ozone standard and reduced public exposure to VOCs. Consequently, the proposed rulemaking meets the exemption criteria in Texas Government Code, §2007.003(b)(4) and (13). For these reasons, Texas Government Code, Chapter 2007 does not apply to this proposed rulemaking.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found that the proposal is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the proposed rules in accordance with Coastal Coordination Act Implementation Rules, 31 TAC §505.22, and found the proposed rulemaking is consistent with the applicable CMP goals and policies.

The CMP goal applicable to the proposed rulemaking is the goal to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(l)). The CMP policy applicable to the proposed

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

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

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Effect on Sites Subject to the Federal Operating Permits Program

Chapter 115 is an applicable requirement under 30 TAC Chapter 122, Federal Operating Permits Program. If the proposed rules are adopted, owners or operators subject to the federal operating permit program must, consistent with the revision process in Chapter

122, upon the effective date of the rulemaking, revise their operating permit to include the new Chapter 115 requirements.

Announcement of Hearing

The commission will hold a public hearing on this proposal in Arlington on January 15, 2014 at 6:30 p.m. at the City of Arlington Council Chamber 101 W. Abrams Street, Arlington, TX 76010 and in Austin on January 22, 2014 at 10:00 a.m. at the Texas Commission on Environmental Quality, Building E, Room 201S, 12100 Park 35 Circle, Austin, TX 78753. The hearings are structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802. Requests should be made as far in advance as possible.

Submittal of Comments

Written comments may be submitted to Derek Baxter, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-

3087, or faxed to (512) 239-4808. Electronic comments may be submitted at:

<http://www5.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Rule Project Number 2013-048-115-AI. The comment period closes January 30, 2014. Copies of the proposed rulemaking can be obtained from the commission's website at *http://www.tceq.texas.gov/nav/rules/propose_adopt.html*. For further information, please contact Frances Dowiak, Air Quality Planning Section, (512) 239-3931.

SUBCHAPTER A: DEFINITIONS

§115.10

Statutory Authority

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

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

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

§115.10. Definitions.

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

(1) Background--The ambient concentration of volatile organic compounds in the air, determined at least one meter upwind of the component to be monitored. Test

Method 21 (40 Code of Federal Regulations Part 60, Appendix A) shall be used to determine the background.

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

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

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

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

(A) is not open to the atmosphere;

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

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

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

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

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

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

(10) Covered [ozone] attainment counties--Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Karnes, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Polk, Rains, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties. Beginning January 1, 2017 this paragraph no longer applies to Wise County.

(11) Dallas-Fort Worth area--As follows: [For purposes of Subchapter B of this chapter, General Volatile Organic Compound Sources, Division 5, Municipal Solid Waste Landfills, Collin, Dallas, Denton, and Tarrant Counties. For all other divisions, Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties.]

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

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

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

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

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

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

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

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

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

(C) Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker,
Rockwall, Tarrant, and Wise Counties for all other divisions of this chapter.

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

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

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

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

aluminum geodesic dome) shall be considered to be an internal floating roof storage tank.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a rupture disk; or

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

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

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

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

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

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

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

(i) for less than 24 hours; or

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

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

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

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

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

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

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

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

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

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

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

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

**SUBCHAPTER B: GENERAL VOLATILE ORGANIC
COMPOUND SOURCES**

DIVISION 1: STORAGE OF VOLATILE ORGANIC COMPOUNDS

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

Statutory Authority

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

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

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

§115.110. Applicability and Definitions.

(a) Applicability. Except as specified in §115.111 of this title (relating to Exemptions), this division applies to any storage tank in which volatile organic compounds are placed, stored, or held that is located in:

(1) the Beaumont-Port Arthur area, as defined in §115.10 of this title (relating to Definitions);

(2) the Dallas-Fort Worth area, as defined in §115.10 of this title;

(3) the El Paso area, as defined in §115.10 of this title;

(4) the Houston-Galveston-Brazoria area, as defined in §115.10 of this title;

and

(5) Aransas, Bexar, Calhoun, Gregg, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties.

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

(1) Closure device--A piece of equipment that covers an opening in the roof of a fixed roof storage tank and either can be temporarily opened or has a component that provides a temporary opening. Examples of closure devices include, but are not limited to, thief hatches, pressure relief valves, pressure-vacuum relief valves, and access hatches.

(2) [(1)] Deck cover--A device that covers an opening in a floating roof deck. Some deck covers move horizontally relative to the deck (i.e., a sliding cover).

(3) [(2)] Flexible enclosure system--A system that includes all of the following: a flexible device that completely encloses the slotted guidepole and eliminates the hydrocarbon vapor emission pathway from inside the tank through the guidepole slots to the outside air; a guidepole cover at the top of the guidepole; and a well cover positioned at the top of the guidepole well that seals any openings between the well cover and the guidepole (e.g., pole wiper), any openings between the well cover and any other objects that pass through the well cover, and any other openings in the top of the guidepole well.

(4) [(3)] Incompatible liquid--A liquid that is a different chemical compound, a different chemical mixture, a different grade of liquid material, or a fuel with different regulatory specifications provided that the chemical compound, chemical mixture, grade of liquid material, or fuel would be unusable for its intended purpose due to contamination from the previously stored liquid.

(5) [(4)] Internal sleeve emission control system--An emissions control system that includes all of the following: an internal guidepole sleeve that eliminates the hydrocarbon vapor emission pathway from inside the tank through the guidepole slots

to the outside air; a guidepole cover at the top of the guidepole; and a well cover positioned at the top of the guidepole well that seals any openings between the well cover and the guidepole (e.g., pole wiper), any openings between the well cover and any other objects that pass through the well cover, and any other openings in the top of the guidepole well.

(6) [(5)] Pipeline breakout station--A facility along a pipeline containing storage vessels used to relieve surges or receive and store crude oil or condensate from the pipeline for reinjection into the pipeline and continued transportation by pipeline or to other facilities.

(7) [(6)] Pole float--A float located inside a guidepole that floats on the surface of the stored liquid. The rim of the float has a wiper or seal that extends to the inner surface of the pole.

(8) [(7)] Pole sleeve--A device that extends from either the cover or the rim of an opening in a floating roof deck to the outer surface of a pole that passes through the opening. The sleeve must extend into the stored liquid.

(9) [(8)] Pole wiper--A seal that extends from either the cover or the rim of an opening in a floating roof deck to the outer surface of a pole that passes through the opening.

(10) [(9)] Slotted guidepole--A guidepole or gaugepole that has slots or holes through the wall of the pole. The slots or holes allow the stored liquid to flow into the pole at liquid levels above the lowest operating level.

(11) [(10)] Storage capacity--The volume of a storage tank as determined by multiplying the internal cross-sectional area of the tank by the average internal height of the tank shell.

(12) [(11)] Storage tank--A stationary vessel, reservoir, or container used to store volatile organic compounds. This definition does not include: components that are not directly involved in the containment of liquids or vapors; subsurface caverns or porous rock reservoirs; or process tanks or vessels.

(13) [(12)] Tank battery--A collection of equipment used to separate, treat, store, and transfer crude oil, condensate, natural gas, and produced water. A tank battery typically receives crude oil, condensate, natural gas, or some combination of these extracted products from several production wells for accumulation and separation

prior to transmission to a natural gas plant or petroleum refinery. A collection of storage tanks at a pipeline breakout station, petroleum refinery, or petrochemical plant is not considered to be a tank battery.

(14) [(13)] Vapor recovery unit--A device that transfers hydrocarbon vapors to a fuel liquid or gas system, a sales liquid or gas system, or a liquid storage tank.

§115.111. Exemptions.

(a) The following exemptions apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions), except as noted in paragraphs (2), (4), (6), (7), and (9) - (11) of this subsection.

(1) Except as provided in §115.118 of this title (relating to Recordkeeping Requirements), a storage tank storing volatile organic compounds (VOC) with a true vapor pressure less than 1.5 pounds per square inch absolute (psia) [psia] is exempt from the requirements of this division.

(2) A storage tank with storage capacity less than 210,000 gallons storing crude oil or condensate prior to custody transfer in the Beaumont-Port Arthur[, Dallas-Fort Worth,] or El Paso areas is exempt from the requirements of this division. This exemption no longer applies in the Dallas-Fort Worth area beginning March 1, 2013.

(3) A storage tank with a storage capacity less than 25,000 gallons located at a motor vehicle fuel dispensing facility is exempt from the requirements of this division.

(4) A welded storage tank in the Beaumont-Port Arthur, El Paso, and Houston-Galveston-Brazoria areas with a mechanical shoe primary seal that has a secondary seal from the top of the shoe seal to the tank wall (a shoe-mounted secondary seal) is exempt from the requirement for retrofitting with a rim-mounted secondary seal if the shoe-mounted secondary seal was installed or scheduled for installation before August 22, 1980.

(5) An external floating roof storage tank storing waxy, high pour point crude oils is exempt from any secondary seal requirements of §115.112(a), (d), and (e) of this title (relating to Control Requirements).

(6) A welded storage tank in the Beaumont-Port Arthur, El Paso, and Houston-Galveston-Brazoria areas storing VOC with a true vapor pressure less than 4.0 psia is exempt from any external floating roof secondary seal requirement if any of the following types of primary seals were installed before August 22, 1980:

- (A) a mechanical shoe seal;
- (B) a liquid-mounted foam seal; or
- (C) a liquid-mounted liquid filled type seal.

(7) A welded storage tank in the Beaumont-Port Arthur, El Paso, and Houston-Galveston-Brazoria areas storing crude oil with a true vapor pressure equal to or greater than 4.0 psia and less than 6.0 psia is exempt from any external floating roof secondary seal requirement if any of the following types of primary seals were installed before December 10, 1982:

- (A) a mechanical shoe seal;
- (B) a liquid-mounted foam seal; or

(C) a liquid-mounted liquid filled type seal.

(8) A storage tank with storage capacity less than or equal to 1,000 gallons is exempt from the requirements of this division.

(9) In the Houston-Galveston-Brazoria area, a storage tank or tank battery storing condensate, as defined in §101.1 of this title (relating to Definitions), prior to custody transfer with a condensate throughput exceeding 1,500 barrels (63,000 gallons) per year on a rolling 12-month basis is exempt from the requirement in §115.112(d)(4) or (e)(4)(A) of this title, to control flashed gases if the owner or operator demonstrates, using the test methods specified in §115.117 of this title (relating to Approved Test Methods), that uncontrolled VOC emissions from the individual storage tank, or from the aggregate of storage tanks in a tank battery, are less than 25 tons per year on a rolling 12-month basis.

(10) In the Dallas-Fort Worth area, except Wise County, a storage tank or tank battery storing condensate prior to custody transfer with a condensate throughput exceeding 3,000 barrels (126,000 gallons) per year on a rolling 12-month basis is exempt from the requirement in §115.112(e)(4)(B)(i) of this title, to control flashed gases if the owner or operator demonstrates, using the test methods specified in §115.117 of this title, that uncontrolled VOC emissions from the individual storage tank, or from the

aggregate of storage tanks in a tank battery, are less than 50 tons per year on a rolling 12-month basis. This exemption no longer applies 15 months after the date the commission publishes notice in the *Texas Register* as specified in §115.119(b)(1)(C) of this title (relating to Compliance Schedules) that the Dallas-Fort Worth area has been reclassified as a severe nonattainment area for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard.

(11) In the Dallas-Fort Worth area, except in Wise County, on or after the date specified in §115.119(b)(1)(C) of this title, a storage tank or tank battery storing condensate prior to custody transfer with a condensate throughput exceeding 1,500 barrels (63,000 gallons) per year on a rolling 12-month basis is exempt from the requirement in §115.112(e)(4)(B)(ii) of this title, to control flashed gases if the owner or operator demonstrates, using the test methods specified in §115.117 of this title, that uncontrolled VOC emissions from the individual storage tank, or from the aggregate of storage tanks in a tank battery, are less than 25 tons per year on a rolling 12-month basis.

(12) In Wise County, a storage tank or tank battery storing condensate prior to custody transfer with a condensate throughput exceeding 6,000 barrels (252,000 gallons) per year on a rolling 12-month basis is exempt from the requirement in §115.112(e)(4)(C) of this title, to control flashed gases if the owner or operator

demonstrates, using the test methods specified in §115.117 of this title, that uncontrolled VOC emissions from the individual storage tank, or from the aggregate of storage tanks in a tank battery, are less than 100 tons per year on a rolling 12-month basis.

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

(1) Except as provided in §115.118 of this title, a storage tank storing VOC with a true vapor pressure less than 1.5 psia is exempt from the requirements of this division.

(2) A storage tank with storage capacity less than 210,000 gallons storing crude oil or condensate prior to custody transfer is exempt from the requirements of this division.

(3) A storage tank with storage capacity less than 25,000 gallons located at a motor vehicle fuel dispensing facility is exempt from the requirements of this division.

(4) A welded storage tank with a mechanical shoe primary seal that has a secondary seal from the top of the shoe seal to the tank wall (a shoe-mounted secondary seal) is exempt from the requirement for retrofitting with a rim-mounted secondary seal

if the shoe-mounted secondary seal was installed or scheduled for installation before August 22, 1980.

(5) An external floating roof storage tank storing waxy, high pour point crude oils is exempt from any secondary seal requirements of §115.112(b) of this title.

(6) A welded storage tank storing VOC with a true vapor pressure less than 4.0 psia is exempt from any external secondary seal requirement if any of the following types of primary seals were installed before August 22, 1980:

(A) a mechanical shoe seal;

(B) a liquid-mounted foam seal; or

(C) a liquid-mounted liquid filled type seal.

(7) A welded storage tank storing crude oil with a true vapor pressure equal to or greater than 4.0 psia and less than 6.0 psia is exempt from any external secondary seal requirement if any of the following types of primary seals were installed before December 10, 1982:

(A) a mechanical shoe seal;

(B) a liquid-mounted foam seal; or

(C) a liquid-mounted liquid filled type seal.

(8) A storage tank with storage capacity less than or equal to 1,000 gallons is exempt from the requirements of this division.

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

(1) A storage tank storing VOC with a true vapor pressure less than 1.5 psia is exempt from the requirements of this division.

(2) Slotted guidepoles installed in a floating roof [or cover] storage tank are exempt from the provisions of §115.112(c) of this title.

(3) A storage tank with storage capacity between 1,000 gallons and 25,000 gallons is exempt from the requirements of §115.112(c)(1) of this title if construction began before May 12, 1973.

(4) A storage tank with storage capacity less than or equal to 420,000 gallons is exempt from the requirements of §115.112(c)(3) of this title.

(5) A storage tank with storage capacity less than or equal to 1,000 gallons is exempt from the requirements of this division.

§115.112. Control Requirements.

(a) The following requirements apply in the Beaumont-Port Arthur, Dallas-Fort Worth, and El Paso areas, as defined in §115.10 of this title (relating to Definitions). The control requirements in this subsection no longer apply in the Dallas-Fort Worth area beginning March 1, 2013.

(1) No person shall place, store, or hold in any storage tank any volatile organic compounds (VOC) unless the storage tank is capable of maintaining working pressure sufficient at all times to prevent any vapor or gas loss to the atmosphere or is in compliance with the control requirements specified in Table I(a) of this paragraph for VOC other than crude oil and condensate or Table II(a) of this paragraph for crude oil and condensate.

Figure: 30 TAC §115.112(a)(1)

[Figure: 30 TAC §115.112(a)(1)]

Table I(a): Required Control for a Storage Tank Storing Volatile Organic Compounds (VOC) Other than Crude Oil and Condensate		
True Vapor Pressure (pounds per square inch absolute (psia))	Storage Capacity (gallon (gal))	Control Requirements
≥ 1.5 psia and < 11 psia	> 1,000 gal and ≤ 25,000 gal	Submerged fill pipe or Vapor control system
≥ 1.5 psia and < 11 psia	> 25,000 gal and ≤ 40,000 gal	Internal floating roof [cover], or External floating roof (any type), or Vapor control system
≥ 1.5 psia and < 11 psia	> 40,000 gal	Internal floating roof [cover], or External floating roof with primary seal (any type) and secondary seal, or Vapor control system
≥ 11 psia	> 1,000 gal and ≤ 25,000 gal	Submerged fill pipe or Vapor control system
≥ 11 psia	> 25,000 gal	Submerged fill pipe and Vapor control system

Table II(a): Required Control for a Storage Tank Storing Crude Oil and Condensate		
True Vapor Pressure (pounds per square inch absolute (psia))	Storage Capacity (gallon (gal))	Control Requirements
≥ 1.5 psia and < 11 psia	> 1,000 gal and ≤ 40,000 gal	Submerged fill pipe or Vapor control system
≥ 1.5 psia and < 11 psia	> 40,000 gal	Internal floating <u>roof</u> [cover], or External floating roof with primary seal (any type) and secondary seal, or Vapor control system
≥ 11 psia	> 1,000 gal and ≤ 40,000 gal	Submerged fill pipe or Vapor control system
≥ 11 psia	> 40,000 gal	Submerged fill pipe and Vapor control system

(2) For an external floating roof or internal floating roof [cover] storage tank subject to the provisions of paragraph (1) of this subsection, the following requirements apply.

(A) All openings in an internal floating roof [cover] or external floating roof except for automatic bleeder vents (vacuum breaker vents) and rim space vents must provide a projection below the liquid surface or be equipped with a cover,

seal, or lid. Any cover, seal, or lid must be in a closed (i.e., no visible gap) position at all times except when the device is in actual use.

(B) Automatic bleeder vents (vacuum breaker vents) must be closed at all times except when the roof [or cover] is being floated off or landed on the roof [or cover] leg supports.

(C) Rim vents, if provided, must be set to open only when the roof [or cover] is being floated off the roof [or cover] leg supports or at the manufacturer's recommended setting.

(D) Any roof [or cover] drain that empties into the stored liquid must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

(E) There must be no visible holes, tears, or other openings in any seal or seal fabric.

(F) For an external floating roof storage tank, secondary seals must be the rim-mounted type (the seal must be continuous from the floating roof to the tank wall). The accumulated area of gaps that exceed 1/8 inch in width between the

secondary seal and storage tank wall may not be greater than 1.0 square inch per foot of tank diameter.

(3) Vapor control systems, as defined in §115.10 of this title, used as a control device on any storage tank must maintain a minimum control efficiency of 90%. If a flare is used, it must be designed and operated in accordance with 40 Code of Federal Regulations §60.18(b-f) (as amended through December 22, 2008 (73 FR 78209)) and be lit at all times when VOC vapors are routed to the flare.

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

(1) No person shall place, store, or hold in any storage tank any VOC, unless the storage tank is capable of maintaining working pressure sufficient at all times to prevent any vapor or gas loss to the atmosphere or is in compliance with the control requirements specified in Table I(a) in subsection (a)(1) of this section for VOC other than crude oil and condensate or Table II(a) in subsection (a)(1) of this section for crude oil and condensate. If a flare is used as a vapor recovery system, as defined in §115.10 of this title, it must be designed and operated in accordance with 40 Code of Federal Regulations §60.18(b) - (f) (as amended through December 22, 2008 (73 FR 78209)) and be lit at all times when VOC vapors are routed to the flare.

(2) For an external floating roof or internal floating roof [cover] storage tank subject to the provisions of paragraph (1) of this subsection, the following requirements apply.

(A) All openings in an internal floating roof [cover] or external floating roof, except for automatic bleeder vents (vacuum breaker vents) and rim space vents, must provide a projection below the liquid surface or be equipped with a cover, seal, or lid. Any cover, seal, or lid must be in a closed (i.e., no visible gap) position at all times, except when the device is in actual use.

(B) Automatic bleeder vents (vacuum breaker vents) must be closed at all times except when the roof [or cover] is being floated off or landed on the roof [or cover] leg supports.

(C) Rim vents, if provided, must be set to open only when the roof [or cover] is being floated off the roof [or cover] leg supports or at the manufacturer's recommended setting.

(D) Any roof [or cover] drain that empties into the stored liquid must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

(E) There must be no visible holes, tears, or other openings in any seal or seal fabric.

(F) For an external floating roof storage tank, secondary seals must be the rim-mounted type (the seal shall be continuous from the floating roof to the tank wall). The accumulated area of gaps that exceed 1/8 inch in width between the secondary seal and tank wall may not be greater than 1.0 square inch per foot of tank diameter.

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

(1) No person may place, store, or hold in any storage tank any VOC, other than crude oil or condensate, unless the storage tank is capable of maintaining working pressure sufficient at all times to prevent any vapor or gas loss to the atmosphere or is in compliance with the control requirements specified in Table I(b) of this paragraph for VOC other than crude oil and condensate.

Figure: 30 TAC §115.112(c)(1)

[Figure: 30 TAC §115.112(c)(1)]

Table I(b). Required Control for a Storage Tank Storing Volatile Organic Compounds (VOC) Other than Crude Oil and Condensate		
True Vapor Pressure (pounds per square inch absolute (psia))	Storage Capacity (gallon (gal))	Control Requirements
≥ 1.5 psia and < 11 psia	> 1,000 gal and ≤ 25,000 gal	Submerged fill pipe or Vapor control system
≥ 1.5 psia and < 11 psia	> 25,000 gal	Internal floating <u>roof</u> [cover] or external floating roof (any type) or Vapor control system
≥ 11 psia	> 1,000 gal and ≤ 25,000 gal	Submerged fill pipe or Vapor control system
≥ 11 psia	> 25,000 gal	Submerged fill pipe and Vapor control system

(2) For an external floating roof or internal floating roof [cover] storage tank subject to the provisions of paragraph (1) of this subsection, the following requirements apply.

(A) There must be no visible holes, tears, or other openings in any seal or seal fabric.

(B) All tank gauging and sampling devices must be vapor-tight except when gauging and sampling is taking place.

(3) No person in Matagorda or San Patricio Counties shall place, store, or hold crude oil or condensate in any storage tank unless the storage tank is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is equipped with one of the following control devices, properly maintained and operated:

(A) an internal floating roof [cover] or external floating roof, as defined in §115.10 of this title. These control devices will not be allowed if the VOC has a true vapor pressure of 11.0 pounds per square inch absolute (psia) [psia] or greater. All tank-gauging and tank-sampling devices must be vapor-tight, except when gauging or sampling is taking place; or

(B) a vapor control system as defined in §115.10 of this title.

(d) The following requirements apply in the Houston-Galveston-Brazoria area, as defined in §115.10 of this title. The requirements in this subsection no longer apply beginning March 1, 2013.

(1) No person shall place, store, or hold in any storage tank any VOC unless the storage tank is capable of maintaining working pressure sufficient at all times to prevent any vapor or gas loss to the atmosphere or is in compliance with the control requirements specified in either Table I(a) of subsection (a)(1) of this section for VOC other than crude oil and condensate or Table II(a) of subsection (a)(1) of this section for crude oil and condensate.

(2) For an external floating roof or internal floating roof [cover] storage tank subject to the provisions of paragraph (1) of this subsection, the following requirements apply.

(A) All openings in an internal floating roof [cover] or external floating roof as defined in §115.10 of this title except for automatic bleeder vents (vacuum breaker vents), and rim space vents must provide a projection below the liquid surface. All openings in an internal floating roof [cover] or external floating roof except for automatic bleeder vents (vacuum breaker vents), rim space vents, leg sleeves, and roof [or cover] drains must be equipped with a deck cover. The deck cover must be equipped with a gasket in good operating condition between the cover and the deck. The deck cover must be closed (i.e., no gap of more than 1/8 inch) at all times, except when the cover must be open for access.

(B) Automatic bleeder vents (vacuum breaker vents) and rim space vents must be equipped with a gasketed lid, pallet, flapper, or other closure device and must be closed (i.e., no gap of more than 1/8 inch) at all times except when required to be open to relieve excess pressure or vacuum in accordance with the manufacturer's design.

(C) Each opening into the internal floating roof [cover] for a fixed roof support column may be equipped with a flexible fabric sleeve seal instead of a deck cover.

(D) Any external floating roof drain that empties into the stored liquid must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or an equivalent control that must be kept in a closed (i.e., no gap of more than 1/8 inch) position at all times except when the drain is in actual use. Stub drains on an internal floating roof [cover] storage tank are not subject to this requirement.

(E) There must be no visible holes, tears, or other openings in any seal or seal fabric.

(F) For an external floating roof storage tank, secondary seals must be the rim-mounted type (the seal must be continuous from the floating roof to the tank wall with the exception of gaps that do not exceed the following specification). The accumulated area of gaps that exceed 1/8 inch in width between the secondary seal and storage tank wall may not be greater than 1.0 square inch per foot of storage tank diameter.

(G) Each opening for a slotted guidepole in an external floating roof storage tank must be equipped with one of the following control device configurations:

(i) a pole wiper and pole float that has a seal or wiper at or above the height of the pole wiper;

(ii) a pole wiper and a pole sleeve;

(iii) an internal sleeve emission control system;

(iv) a retrofit to a solid guidepole system;

(v) a flexible enclosure system; or

(vi) a cover on an external floating roof tank.

(H) The external floating roof or internal floating roof [cover] must be floating on the liquid surface at all times except as specified in this subparagraph. The external floating roof or internal floating roof [cover] may be supported by the leg supports or other support devices, such as hangers from the fixed roof, during the initial fill or refill after the storage tank has been cleaned or as allowed under the following circumstances:

(i) when necessary for maintenance or inspection;

(ii) when necessary for supporting a change in service to an incompatible liquid;

(iii) when the storage tank has a storage capacity less than 25,000 gallons or the vapor pressure of the material stored is less than 1.5 psia;

(iv) when the vapors are routed to a control device from the time the floating roof [or cover] is landed until the floating roof [or cover] is within ten percent by volume of being refloated;

(v) when all VOC emissions from the tank, including emissions from roof [or cover] landings, have been included in a floating roof [or cover] storage tank emissions limit or cap approved under Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification); or

(vi) when all VOC emissions from floating roof [or cover] landings at the regulated entity, as defined in §101.1 of this title (relating to Definitions), are less than 25 tons per year.

(3) Vapor control systems, as defined in §115.10 of this title, used as a control device on any storage tank must maintain a minimum control efficiency of 90%.

(4) For a storage tank storing condensate, as defined in §101.1 of this title, prior to custody transfer, flashed gases must be routed to a vapor control system if the liquid throughput through an individual tank or the aggregate of tanks in a tank battery exceeds 1,500 barrels (63,000 gallons) per year.

(5) For a storage tank storing crude oil or condensate prior to custody transfer or at a pipeline breakout station, flashed gases must be routed to a vapor control system if the uncontrolled VOC emissions from an individual storage tank, or from the aggregate of storage tanks in a tank battery, equal or exceed 25 tons per year

on a rolling 12-month basis. Uncontrolled emissions must be estimated by one of the following methods; however, if emissions determined using direct measurements or other methods approved by the executive director under subparagraphs (A) or (D) of this paragraph are higher than emissions estimated using the default factors or charts in subparagraphs (B) or (C) of this paragraph, the higher values must be used.

(A) The owner or operator may make direct measurements using the measuring instruments and methods specified in §115.117 of this title (relating to Approved Test Methods).

(B) The owner or operator may use a factor of 33.3 pounds of VOC per barrel (42 gallons) of condensate produced or 1.6 pounds of VOC per barrel (42 gallons) of oil produced.

(C) For crude oil storage only, the owner or operator may use the chart in Exhibit 2 of the United States Environmental Protection Agency publication *Lessons Learned from Natural Gas Star Partners: Installing Vapor Recovery Units on Crude Oil Storage Tanks*, October 2003, and assuming that the hydrocarbon vapors have a molecular weight of 34 pounds per pound mole and are 48% by weight VOC.

(D) Other test methods or computer simulations may be allowed if approved by the executive director.

(e) The control requirements in this subsection apply in the Houston-Galveston-Brazoria and Dallas-Fort Worth areas beginning March 1, 2013, except as specified in §115.119 of this title (relating to Compliance Schedules).

(1) No person shall place, store, or hold VOC in any storage tank unless the storage tank is capable of maintaining working pressure sufficient at all times to prevent any vapor or gas loss to the atmosphere or is in compliance with the control requirements specified in Table 1 of this paragraph for VOC other than crude oil and condensate or Table 2 of this paragraph for crude oil and condensate.

Figure: 30 TAC §115.112(e)(1)

[Figure: 30 TAC §115.112(e)(1)]

Table 1: Required Control for a Storage Tank Storing Volatile Organic Compounds Other Than Crude Oil and Condensate		
True Vapor Pressure (pounds per square inch absolute (psia))	Storage Capacity (gallon (gal))	Control Requirements
≥ 1.5 psia and < 11 psia	> 1,000 gal and ≤ 25,000 gal	Submerged fill pipe or

		Vapor control system
≥ 1.5 psia and < 11 psia	$> 25,000$ gal and $\leq 40,000$ gal	Internal floating <u>roof</u> [cover], or External floating roof (any type), or Vapor control system
≥ 1.5 psia and < 11 psia	$> 40,000$ gal	Internal floating <u>roof</u> [cover], or External floating roof with primary seal (any type) and secondary seal, or Vapor control system
≥ 11 psia	$> 1,000$ gal and $\leq 25,000$ gal	Submerged fill pipe or Vapor control system
≥ 11 psia	$> 25,000$ gal	Submerged fill pipe and Vapor control system

Table 2: Required Control for a Storage Tank Storing Crude Oil and Condensate

True Vapor Pressure (pounds per square inch absolute (psia))	Storage Capacity (gallon (gal))	Control Requirements
≥ 1.5 psia and < 11 psia	$> 1,000$ gal and $\leq 40,000$ gal	Submerged fill pipe, or Vapor control system
≥ 1.5 psia and < 11 psia	$> 40,000$ gal	Internal floating <u>roof</u> [cover], or External floating roof with primary seal (any type) and secondary seal,

		or Vapor control system
≥ 11 psia	> 1,000 gal and ≤ 40,000 gal	Submerged fill pipe, or Vapor control system
≥ 11 psia	> 40,000 gal	Submerged fill pipe, and Vapor control system

(2) For an external floating roof or internal floating roof [cover] storage tank subject to the provisions of paragraph (1) of this subsection, the following requirements apply.

(A) All openings in an internal floating roof [cover] or external floating roof must provide a projection below the liquid surface. Automatic bleeder vents (vacuum breaker vents) and rim space vents are not subject to this requirement.

(B) All openings in an internal floating roof [cover] or external floating roof must be equipped with a deck cover. The deck cover must be equipped with a gasket in good operating condition between the cover and the deck. The deck cover must be closed (i.e., no gap of more than 1/8 inch) at all times, except when the cover must be open for access. Automatic bleeder vents (vacuum breaker vents), rim space vents, leg sleeves, and roof [or cover] drains are not subject to this requirement.

(C) Automatic bleeder vents (vacuum breaker vents) and rim space vents must be equipped with a gasketed lid, pallet, flapper, or other closure device and must be closed (i.e., no gap of more than 1/8 inch) at all times except when required to be open to relieve excess pressure or vacuum in accordance with the manufacturer's design.

(D) Each opening into the internal floating roof [cover] for a fixed roof support column may be equipped with a flexible fabric sleeve seal instead of a deck cover.

(E) Any external floating roof drain that empties into the stored liquid must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or an equivalent control that must be kept in a closed (i.e., no gap of more than 1/8 inch) position at all times except when the drain is in actual use. Stub drains on an internal floating roof [cover] storage tank are not subject to this requirement.

(F) There must be no visible holes, tears, or other openings in any seal or seal fabric.

(G) For an external floating roof storage tank, secondary seals must be the rim-mounted type. The seal must be continuous from the floating roof to the tank wall with the exception of gaps that do not exceed the following specification. The accumulated area of gaps that exceed 1/8 inch in width between the secondary seal and storage tank wall may not be greater than 1.0 square inch per foot of storage tank diameter.

(H) Each opening for a slotted guidepole in an external floating roof storage tank must be equipped with one of the following control device configurations:

(i) a pole wiper and pole float that has a seal or wiper at or above the height of the pole wiper;

(ii) a pole wiper and a pole sleeve;

(iii) an internal sleeve emission control system;

(iv) a retrofit to a solid guidepole system;

(v) a flexible enclosure system; or

(vi) a cover on an external floating roof tank.

(I) The external floating roof or internal floating roof [cover] must be floating on the liquid surface at all times except as allowed under the following circumstances:

(i) during the initial fill or refill after the storage tank has been cleaned;

(ii) when necessary for preventive maintenance, roof [or cover] repair, primary seal inspection, or removal and installation of a secondary seal, if product is not transferred into or out of the storage tank, emissions are minimized, and the repair is completed within seven calendar days;

(iii) when necessary for supporting a change in service to an incompatible liquid;

(iv) when the storage tank has a storage capacity less than 25,000 gallons;

(v) when the vapors are routed to a control device from the time the storage tank has been emptied to the extent practical or the drain pump loses suction until the floating roof [or cover] is within 10% by volume of being refloated;

(vi) when all VOC emissions from the storage tank, including emissions from floating roof [or cover] landings, have been included in an emissions limit or cap approved under Chapter 116 of this title prior to March 1, 2013; or

(vii) when all VOC emissions from floating roof [or cover] landings at the regulated entity are less than 25 tons per year.

(3) A control device used to comply with this subsection must meet one of the following conditions at all times when VOC vapors are routed to the device.

(A) A control device, other than a vapor recovery unit or a flare, must maintain the following minimum control efficiency:

(i) in the Houston-Galveston-Brazoria area, 90%; and

(ii) in the Dallas-Fort Worth area, 95%.

(B) A vapor recovery unit must be designed to process all vapor generated by the maximum liquid throughput of the storage tank or the aggregate of storage tanks in a tank battery and must transfer recovered vapors to a pipe or container that is vapor-tight, as defined in §115.10 of this title.

(C) A flare must be designed and operated in accordance with 40 Code of Federal Regulations §60.18(b) - (f) (as amended through December 22, 2008 (73 FR 78209)) and be lit at all times when VOC vapors are routed to the flare.

(4) For a storage tank storing condensate prior to custody transfer, flashed gases must be routed to a vapor control system if the condensate throughput of an individual tank or the aggregate of tanks in a tank battery exceeds:

(A) in the Houston-Galveston-Brazoria area, 1,500 barrels (63,000 gallons) per year on a rolling 12-month basis; [and]

(B) in the Dallas-Fort Worth area except Wise County:

(i) 3,000 barrels (126,000 gallons) per year on a rolling 12-month basis; or

(ii) 15 months after the date the commission publishes notice in the *Texas Register* as specified in §115.119(b)(1)(C) of this title that the Dallas-Fort Worth area has been reclassified as a severe nonattainment area for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard, 1,500 barrels (63,000 gallons) per year on a rolling 12-month basis; and.]

(C) in Wise County, 6,000 barrels (252,000 gallons) per year on a rolling 12-month basis.

(5) For a storage tank storing crude oil or condensate prior to custody transfer or at a pipeline breakout station, flashed gases must be routed to a vapor control system if the uncontrolled VOC emissions from an individual storage tank, or from the aggregate of storage tanks in a tank battery, or from the aggregate of storage tanks at a pipeline breakout station in the Dallas-Fort Worth area, equal or exceed:

(A) in the Houston-Galveston-Brazoria area, 25 tons per year on a rolling 12-month basis; [and]

(B) in the Dallas-Fort Worth area, except Wise County:

(i) 50 tons per year on a rolling 12-month basis; or

(ii) 15 months after the date the commission publishes notice in the *Texas Register* as specified in §115.119(b)(1)(C) of this title that the Dallas-Fort Worth area has been reclassified as a severe nonattainment area for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard, 25 tons per year on a rolling 12-month basis; and[.]

(C) in Wise County, 100 tons per year on a rolling 12-month basis.

(6) Uncontrolled emissions from a storage tank or tank battery storing crude oil or condensate prior to custody transfer or at a pipeline breakout station must be estimated by one of the following methods. However, if emissions determined using direct measurements or other methods approved by the executive director under subparagraphs (A) or (B) of this paragraph are higher than emissions estimated using the default factors or charts in subparagraphs (C) or (D) of this paragraph, the higher values must be used.

(A) The owner or operator may make direct measurements using the measuring instruments and methods specified in §115.117 of this title.

(B) The owner or operator may use other test methods or computer simulations approved by the executive director.

(C) The owner or operator may use a factor of 33.3 pounds of VOC per barrel (42 gallons) of condensate produced or 1.6 pounds of VOC per barrel (42 gallons) of oil produced.

(D) For crude oil storage only, the owner or operator may use the chart in Exhibit 2 of the United States Environmental Protection Agency publication *Lessons Learned from Natural Gas Star Partners: Installing Vapor Recovery Units on Crude Oil Storage Tanks*, October 2003, and assuming that the hydrocarbon vapors have a molecular weight of 34 pounds per pound mole and are 48% by weight VOC.

(7) Storage tanks in the Dallas-Fort Worth area storing crude oil or condensate prior to custody transfer or at a pipeline breakout station for which the owner or operator is required by this subsection to control flashed gases must be maintained in accordance with manufacturer instructions. All openings in the storage tank through which vapors are not routed to a vapor recovery unit or other vapor control device must be equipped with a closure device maintained according to the manufacturer's instructions, and operated according to this paragraph. If manufacturer

instructions are unavailable, industry standards consistent with good engineering practice can be substituted.

(A) Each closure device must be closed at all times except when normally actuated or required to be open for temporary access or to relieve excess pressure or vacuum in accordance with the manufacturer's design and consistent with good air pollution control practices. Such opening, actuation, or use must be limited to minimize vapor loss.

(B) Each closure device must be properly sealed to minimize vapor loss when closed.

(C) Each closure device must either be latched closed or, if designed to relieve pressure, set to automatically open at a pressure that will ensure all vapors are routed to the vapor recovery unit or other vapor control device under normal operating conditions other than gauging the tank or taking a sample through an open thief hatch.

(D) No closure device may be allowed to have a VOC leak for more than 15 calendar days after the leak is found unless delay of repair is allowed. For the purposes of this subparagraph, a leak is the exuding of process gasses from a closed device based on sight, smell, or sound. If parts are unavailable, repair may be delayed.

Parts must be ordered promptly and the repair must be completed within five days of receipt of required parts. Repair may be delayed until the next shutdown if the repair of the component would require a shutdown that would create more emissions than the repair would eliminate. Repair must be completed by the end of the next shutdown.

§115.114. Inspection and Repair Requirements.

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

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

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

accordance with Subchapter F, Division 3 of this chapter (relating to Degassing of Storage Tanks, Transport Vessels, and Marine Vessels).

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

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

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

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

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

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

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

items or shall empty and degas the storage tank in accordance with Subchapter F, Division 3 of this chapter.

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

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

(A) The owner or operator shall conduct an audio, visual, and olfactory inspection of each closure device not connected to a vapor recovery unit or other vapor control device to ensure compliance with §115.112(e)(7)(A) of this title. The

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

(B) The owner or operator shall conduct an audio, visual, and olfactory inspection of all gaskets and vapor sealing surfaces of each closure device not connected to a vapor recovery unit or other vapor control device once per calendar quarter to ensure compliance with §115.112(e)(7)(B) of this title. If the owner or operator finds an improperly sealed closure device, the owner or operator shall make a first attempt at repair no later than five calendar days after the inspection and repair the device no later than 15 calendar days after the inspection. For the purpose of this subparagraph, a repair is complete if the closure device no longer exudes process gasses based on sight, smell, or sound.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§115.115. Monitoring Requirements.

(a) The following monitoring requirements apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions). An affected owner or operator shall install and maintain monitors to measure operational parameters of any of the following control devices installed to meet applicable control requirements. Such monitors must be sufficient to demonstrate proper functioning of those devices to design specifications.

(1) For a direct-flame incinerator, the owner or operator shall continuously monitor the exhaust gas temperature immediately downstream of the device.

(2) For a condensation system, the owner or operator shall continuously monitor the outlet gas temperature to ensure the temperature is below the manufacturer's recommended operating temperature for controlling the volatile organic compounds (VOC) vapors routed to the device.

(3) For a carbon adsorption system or carbon adsorber, as defined in §101.1 of this title (relating to Definitions), the owner or operator shall:

(A) continuously monitor the exhaust gas VOC concentration of a carbon adsorption system that regenerates the carbon bed directly to determine breakthrough. For the purpose of this paragraph, breakthrough is defined as a measured

VOC concentration exceeding 100 parts per million by volume above background expressed as methane[. The owner or operator may conduct this monitoring using Method 21, as specified in §115.117 of this title (relating to Approved Test Methods), if the monitoring is conducted once every seven calendar days]; or

(B) switch the vent gas flow to fresh carbon at a regular predetermined time interval for a carbon adsorber or carbon adsorption system that does not regenerate the carbon directly. The time interval must be [that is] less than the carbon replacement interval determined by the maximum design flow rate and the VOC concentration in the gas stream vented to the carbon adsorption system or carbon adsorber.

(4) For a catalytic incinerator, the owner or operator shall continuously monitor the inlet and outlet gas temperature.

(5) For a vapor recovery unit used to comply with §115.112(e)(3) of this title (relating to Control Requirements), the owner or operator shall continuously monitor at least one of the following operational parameters:

(A) run-time of the compressor or motor in a vapor recovery unit;

(B) total volume of recovered vapors; or

(C) other parameters sufficient to demonstrate proper functioning to design specifications.

(6) For a control device not listed in this subsection, the owner or operator shall continuously monitor one or more operational parameters sufficient to demonstrate proper functioning of the control device to design specifications.

(b) In Victoria County, the owner or operator shall monitor operational parameters of any of the emission control devices listed in this subsection installed to meet applicable control requirements.

(1) For a direct-flame incinerator, the owner or operator shall continuously monitor the exhaust gas temperature immediately downstream of the device.

(2) For a condensation system or catalytic incinerator, the owner or operator shall continuously monitor the inlet and outlet gas temperature.

(3) For a carbon adsorption system or carbon adsorber, the owner or operator shall continuously monitor the exhaust gas VOC concentration to determine if

breakthrough has occurred. The owner or operator may conduct this monitoring using Method 21, as specified in §115.117 of this title, if the monitoring is conducted once every seven calendar days.

§115.117. Approved Test Methods.

For the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions) and Gregg, Nueces, and Victoria Counties, compliance with the requirements in this division must be determined by applying the following test methods, as appropriate:

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

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

(3) Method 21 (40 CFR Part 60, Appendix A-7) for determining volatile organic compounds concentrations for the purposes of determining the presence of leaks and determining breakthrough on a carbon adsorption system or carbon adsorber.

If the owner or operator chooses to conduct a test to verify a vapor-tight requirement, Method 21 is acceptable;

(4) Method 22 (40 CFR Part 60, Appendix A) for determination of visible emissions from flares;

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

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

(7) test method described in 40 CFR §60.113a(a)(1)(ii) (effective April 8, 1987) for measurement of storage tank seal gap;

(8) true vapor pressure must be determined using standard reference texts or ASTM International [American Society for Testing and Materials] Test Method D323, D2879, D4953, D5190, [or] D5191, or D6377 for the measurement of Reid vapor pressure, adjusted for actual storage temperature in accordance with American Petroleum Institute Publication 2517. For the purposes of temperature correction, the

owner or operator shall use the actual storage temperature. Actual storage temperature of an unheated storage tank may be determined using the maximum local monthly average ambient temperature as reported by the National Weather Service. Actual storage temperature of a heated storage tank must be determined using either the measured temperature or the temperature set point of the storage tank;

(9) mass flow meter, positive displacement meter, or similar device for measuring the volumetric flow rate of flash, working, breathing, and standing emissions from crude oil and condensate over a 24-hour period representative of normal operation. For crude oil and natural gas production sites, volumetric flow rate measurements must be made while the producing wells are operational;

(10) test methods referenced in paragraphs (2), (5), and (6) of this section or Gas Processors Association Method 2286, Tentative Method of Extended Analysis for Natural Gas and Similar Mixtures by Temperature Programmed Gas Chromatography, to measure the concentration of volatile organic compounds in flashed gases from crude oil and condensate storage;

(11) test methods other than those specified in this section may be used if validated by 40 CFR Part 63, Appendix A, Test Method 301 and approved by the executive director; or

(12) minor modifications to these test methods approved by the executive director.

§115.118. Recordkeeping Requirements.

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

(1) The owner or operator of storage tank claiming an exemption in §115.111 of this title (relating to Exemptions) shall maintain records sufficient to demonstrate continuous compliance with the applicable exemption criteria. Where applicable, true vapor pressure, volatile organic compounds (VOC) content type, or a combination of the two must be recorded initially and at every change of service or when the storage tank is emptied and refilled.

(2) The owner or operator of an external floating roof storage tank that is exempt from the requirement for a secondary seal in accordance with §115.111(a)(1), (6), and (7) of this title and is used to store VOC with a true vapor pressure greater than 1.0

pounds per square inch absolute (psia) shall maintain records of the type of VOC stored and the average monthly true vapor pressure of the stored liquid.

(3) The owner or operator shall maintain records of the results of inspections required by §115.114(a) of this title (relating to Inspection and Repair Requirements). For secondary seal gaps that are required to be physically measured during inspection, these records must include a calculation of emissions for all secondary seal gaps that exceed 1/8 inch where the accumulated area of such gaps is greater than 1.0 square inch per foot of tank diameter. These calculated emissions inventory reportable emissions must be reported in the annual emissions inventory submittal required by §101.10 of this title (relating to Emissions Inventory Requirements). The emissions must be calculated using the following equation.

Figure: 30 TAC §115.118(a)(3)

[Figure: 30 TAC §115.118(a)(3)]

$$EI_{\text{Reportable}} = (E_{1\text{Seal}} - E_{2\text{Seals}}) \times \left(\frac{G_m - G_a}{G_a} \right) \times \left(\frac{G_{8thL}}{\pi D} \right) \times 90$$

Where:

$EI_{\text{Reportable}}$ = The calculated emissions inventory reportable emissions that must be reported in the annual emissions inventory submittal required by §101.10 of this title (relating to Emissions Inventory Requirements).

$E_{1\text{Seal}}$ = The AP-42 estimate of emissions from a floating roof [or floating cover] tank with a primary seal only. The material is assumed to be stored at a temperature equal to the maximum of the local monthly average temperatures during the emission inventory reporting year as reported by the National Weather Service. Units are pounds per day.

$E_{2\text{Seals}}$ = The AP-42 estimate of emissions from a floating roof [or floating cover] tank with primary and secondary seals. The material is assumed to be stored at a temperature equal to the maximum of the local monthly average temperatures during the emission inventory reporting year as reported by the National Weather Service. Units are pounds per day.

G_m = The area of measured seal gaps greater than 1/8 inch wide. Units are square inches.

G_a = The area of allowable seal gaps greater than 1/8 inch wide, equal to one square inch per foot of tank diameter. Units are square inches.

$G_{8\text{thL}}$ = The length of measured seal gaps greater than 1/8 inch wide. Units are linear feet.

D = The diameter of the storage tank. Units are feet.

90 = Constant. Units are days.

(4) The owner or operator shall maintain records of any operational parameter monitoring required in §115.115(a) of this title (relating to Monitoring Requirements). Such records must be sufficient to demonstrate proper functioning of those devices to design specifications and must include, but are not limited to, the following.

(A) For a direct-flame incinerator, the owner or operator shall continuously record the exhaust gas temperature immediately downstream of the device.

(B) For a condensation system, the owner or operator shall continuously record the outlet gas temperature to ensure the temperature is below the manufacturer's recommended operating temperature for controlling the VOC vapors routed to the device.

(C) For a carbon adsorption system or carbon adsorber, the owner or operator shall:

(i) continuously record the exhaust gas VOC concentration of any carbon adsorption system monitored according to §115.115(a)(3)(A) of this title; or

(ii) record the date and time of each switch between carbon containers and the method of determining the carbon replacement interval if the carbon adsorption system or carbon adsorber is switched according to §115.115(a)(3)(B) of this title.

(D) For a catalytic incinerator, the owner or operator shall continuously record the inlet and outlet gas temperature.

(E) For a vapor recovery unit, the owner or operator shall maintain records of the continuous operational parameter monitoring required in §115.115(a)(5) of this title.

(F) For any other control device not listed in this paragraph, the owner or operator shall maintain records of the continuous operational parameter monitoring required in §115.115(a)(6) of this title sufficient to demonstrate proper functioning of the control device to design specifications.

(5) The owner or operator shall maintain the results of any testing conducted in accordance with §115.116 of this title (relating to Testing Requirements) or §115.117 of this title (relating to Approved Test Methods) at an affected site. Results may be maintained at an off-site location if made available for review within 24 hours.

(6) In the Houston-Galveston-Brazoria and Dallas-Fort Worth areas, the owner or operator shall maintain the following additional records.

(A) The owner or operator of a fixed roof storage tank that is not required in §115.112(d)(1) or (e)(1) of this title (relating to Control Requirements) to be equipped with an external floating roof, internal floating roof [cover], or vapor control system shall maintain records of the type of VOC stored, the starting and ending dates when the material is stored, and the true vapor pressure at the average monthly storage temperature of the stored liquid. This requirement does not apply to a storage tank with storage capacity of 25,000 gallons or less storing VOC other than crude oil or condensate, or to a storage tank with storage capacity of 40,000 gallons or less storing crude oil or condensate.

(B) The owner or operator of any storage tank that stores crude oil or condensate prior to custody transfer or at a pipeline breakout station and is not equipped with a vapor control system shall maintain records of the estimated uncontrolled emissions from the storage tank on a rolling 12-month basis. The records must be made available for review within 72 hours upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency with jurisdiction.

(C) The owner or operator of an external floating roof or internal floating roof [cover] storage tank meeting the extended compliance date in

§115.119(a)(1)(A) or (b)(1)(A) of this title (relating to Compliance Schedules) shall maintain records of the date of the last time the storage tank was emptied and degassed.

(D) The owner or operator of any storage tank that stores crude oil or condensate prior to custody transfer or at a pipeline breakout station in the Dallas-Fort Worth area and is required by §115.112(e) of this title to control flash emissions shall maintain records of the manufacturer or industry standard instructions used to maintain the storage tanks and tank closure devices in use.

(E) The owner or operator of any storage tank that stores crude oil or condensate prior to custody transfer or at a pipeline breakout station in the Dallas-Fort Worth area shall maintain records of the results of each inspection and repair required in §115.114(a)(5) or §115.112(e)(7) of this title, including the following items:

(i) the date of the inspection;

(ii) the status of the device during inspection;

(iii) the amount of time a closure device was open since the last inspection for reasons not allowed in §115.112(e)(7)(A) of this title;

(iv) the date repair was attempted and completed; and

(v) the list of closure devices awaiting delayed repair as allowed by §115.112(e)(7)(D) of this title.

(7) All records must be maintained for two years and be made available for review upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency with jurisdiction. In the Dallas-Fort Worth area, any records created on or after March 1, 2011, must be maintained for at least five years.

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

(1) The owner or operator of an external floating roof storage tank that is exempt from the requirement for a secondary seal in accordance with §115.111(b)(1), (6), and (7) of this title and used to store VOC with a true vapor pressure greater than 1.0 psia shall maintain records of the type of VOC stored and the average monthly true vapor pressure of the stored liquid.

(2) The owner or operator shall record the results of inspections required by §115.114(b) of this title.

(3) In Victoria County, the owner or operator shall continuously record operational parameters of any of the following emission control devices installed to meet applicable control requirements in §115.112 of this title. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(B) the inlet and outlet gas temperature of a condensation system or catalytic incinerator; and

(C) the exhaust gas VOC concentration of any carbon adsorption system or carbon adsorber, to determine if breakthrough has occurred.

(4) The owner or operator shall maintain records of the results of any testing conducted in accordance with §115.117 of this title at an affected site.

(5) All records must be maintained for two years and be made available for review upon request by authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution control agency with jurisdiction.

§115.119. Compliance Schedules.

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

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

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

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

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

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

(B) The owner or operator of each storage tank with a storage capacity less than 210,000 gallons storing crude oil and condensate prior to custody

transfer shall comply with these requirements no later than March 1, 2013, regardless if compliance with these requirements would require emptying and degassing of the storage tank.

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

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

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

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

compliance with these requirements would require emptying and degassing of the storage tank.

(C) As soon as practicable but no later than 15 months after the commission publishes notice in the *Texas Register* that the Dallas-Fort Worth area, except Wise County, has been reclassified as a severe nonattainment area for the 1997 Eight-Hour Ozone National Ambient Air Quality Standard the owner or operator of a storage tank storing crude oil or condensate prior to custody transfer or at a pipeline breakout station is required to be in compliance with the control requirements in §115.112(e)(4)(B)(ii) and (5)(B)(ii) of this title except as specified in §115.111(a)(11) of this title (relating to Exemptions).

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

(3) The affected owner or operator shall comply with §§115.112(e)(7), 115.114(a)(5), and 115.118(a)(6)(D) and (E) of this title as soon as practicable, but no later than January 1, 2017.

(c) In Hardin, Jefferson, and Orange Counties, the owner or operator of each storage tank in which any VOC is placed, stored, or held was required to be in

compliance with this division by March 7, 1997, and shall continue to comply with this division, except that compliance with §115.115(a)(3)(B), (5), and (6), and §115.116 of this title is required as soon as practicable, but no later than March 1, 2013.

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

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

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

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

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

**SUBCHAPTER B: GENERAL VOLATILE ORGANIC
COMPOUND SOURCES**

DIVISION 2: VENT GAS CONTROL

§§115.121, 115.122, 115.125 - 115.127, 115.129

Statutory Authority

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

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

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

§115.121. Emission Specifications.

(a) For all persons in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas, as defined in §115.10 of this title (relating to Definitions), the following emission specifications shall apply.

(1) No person may allow a vent gas stream containing volatile organic compounds (VOC) to be emitted from any process vent, unless the vent gas stream is controlled properly in accordance with §115.122(a)(1) of this title (relating to Control

Requirements). Vent gas streams include emissions from compressor rod packing that are contained and routed through a vent and emissions from a glycol dehydrator still vent.

(2) No person may allow a vent gas stream to be emitted from the following processes unless the vent gas stream is controlled properly in accordance with §115.122(a)(2) of this title:

(A) any synthetic organic chemical manufacturing industry reactor process or distillation operation;

(B) any air oxidation synthetic organic chemical manufacturing process;

(C) any liquid phase polypropylene manufacturing process;

(D) any liquid phase slurry high-density polyethylene manufacturing process; or

(E) any continuous polystyrene manufacturing process.

(3) In the Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas, VOC emissions from bakery ovens, as defined in §115.10 of this title, shall be controlled properly in accordance with §115.122(a)(3) of this title.

(4) Any vent gas stream in the Houston-Galveston-Brazoria [Houston/Galveston] area which includes a highly-reactive volatile organic compound [HRVOC], as defined in §115.10 of this title, is subject to the requirements of Subchapter H of this chapter (relating to Highly-Reactive Volatile Organic Compounds) in addition to the applicable requirements of this division [(relating to Vent Gas Control)].

(b) In Nueces and Victoria Counties, no person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is controlled properly in accordance with §115.122(b) of this title:

(1) emissions of ethylene associated with the formation, handling, and storage of solidified low-density polyethylene;

(2) emissions of the following specific VOC: ethylene, butadiene, isobutylene, styrene, isoprene, propylene, methylstyrene; and

(3) emissions of specified classes of VOC, including aldehydes, alcohols, aromatics, ethers, olefins, peroxides, amines, acids, esters, ketones, sulfides, and branched chain hydrocarbons (C₈ and above).

(c) For persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, the following emission specifications shall apply.

(1) No person may allow a vent gas stream to be emitted from any process vent containing one or more of the following VOC or classes of VOC, unless the vent gas stream is controlled properly in accordance with §115.122(c)(1) of this title:

(A) emissions of ethylene associated with the formation, handling, and storage of solidified low-density polyethylene;

(B) emissions of the following specific VOC: ethylene, butadiene, isobutylene, styrene, isoprene, propylene, and methylstyrene; and

(C) emissions of specified classes of VOC, including aldehydes, alcohols, aromatics, ethers, olefins, peroxides, amines, acids, esters, ketones, sulfides, and branched chain hydrocarbons (C₈ and above).

(2) No person may allow a vent gas stream to be emitted from any catalyst regeneration of a petroleum or chemical process system, basic oxygen furnace, or fluid coking unit into the atmosphere, unless the vent gas stream is properly controlled in accordance with §115.122(c)(2) of this title.

(3) No person may allow a vent gas stream to be emitted from any iron cupola into the atmosphere, unless the vent gas stream is properly controlled in accordance with §115.122(c)(3) of this title.

(4) Vent gas streams from blast furnaces shall be controlled properly in accordance with §115.122(c)(4) of this title.

§115.122. Control Requirements.

(a) For all persons in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas, the following control requirements shall apply.

(1) Any vent gas streams affected by §115.121(a)(1) of this title (relating to Emission Specifications) must be controlled properly with a control efficiency of at least

90% or to a volatile organic compound (VOC) concentration of no more than 20 parts per million by volume (ppmv) (on a dry basis corrected to 3.0% oxygen for combustion devices):

(A) in a direct-flame incinerator at a temperature equal to or greater than 1,300 degrees Fahrenheit [(704 degrees Celsius)];

(B) in a smokeless flare that is lit at all times when VOC vapors are routed to the flare; or

(C) by any other vapor control system, as defined in §115.10 of this title (relating to Definitions). A glycol dehydrator reboiler burning the vent stream from the still vent is a vapor control system.

(2) Any vent gas streams affected by §115.121(a)(2) of this title must be controlled properly with a control efficiency of at least 98% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices):

(A) in a smokeless flare that is lit at all times when VOC vapors are routed to the flare; or

(B) by any other vapor control system, as defined in §115.10 of this title.

(3) For the Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas, VOC emissions from each bakery with a bakery oven vent gas stream(s) affected by §115.121(a)(3) of this title shall be reduced as follows.

(A) Each bakery in the Houston-Galveston-Brazoria [Houston/Galveston] area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year shall ensure that the overall emission reduction from the uncontrolled VOC emission rate of the oven(s) is at least 80%.

(B) Each bakery in the Dallas-Fort Worth [Dallas/Fort Worth] area, except in Wise County, with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 50 tons per calendar year, shall ensure that the overall emission reduction from the uncontrolled VOC emission rate of the oven(s) is at least 80%.

(C) Each bakery in the Dallas-Fort Worth [Dallas/Fort Worth] area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year, but less than 50 tons per calendar year, shall reduce total VOC emissions by at least 30% from the bakery's 1990 emissions inventory in accordance with the schedule specified in §115.129(d) of this title (relating to Counties and Compliance Schedules).

(D) Each bakery in the El Paso area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year shall reduce total VOC emissions by at least 30% from the bakery's 1990 emissions inventory in accordance with the schedule specified in §115.129(e) of this title.

(E) Emission reductions in the 30% to 90% range are not creditable under Chapter 101, Subchapter H, Division 1 of this title (relating to Emission Reduction Credit Program) [(relating to Emission Credit Banking and Trading)] for the following bakeries:

(i) each bakery in the Houston-Galveston-Brazoria [Houston/Galveston] area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year;

(ii) each bakery in the Dallas-Fort Worth [Dallas/Fort Worth] area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 50 tons per calendar year;

(iii) each bakery in the El Paso area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 50 tons per calendar year.

(4) Any vent gas stream that becomes subject to the provisions of paragraphs (1), (2), or (3) of this subsection by exceeding provisions of §115.127(a) of this title (relating to Exemptions) shall remain subject to the provisions of this subsection, even if throughput or emissions later fall below the exemption limits unless and until emissions are reduced to no more than the controlled emissions level existing before implementation of the project by which throughput or emission rate was reduced to less than the applicable exemption limits in §115.127(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 required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Permits by Rule). If a permit by

rule 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; or

(B) if authorization by permit, permit amendment, standard permit, or permit by rule is not required for the project, the owner or operator has given the executive director 30 days' notice of the project in writing.

(b) For all persons in Nueces and Victoria Counties, any vent gas streams affected by §115.121(b) of this title must be controlled properly with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices):

(1) in a direct-flame incinerator at a temperature equal to or greater than 1,300 degrees Fahrenheit [(704 degrees Celsius)];

(2) in a smokeless flare that is lit at all times when VOC vapors are routed to the flare; or

(3) by any other vapor control system, as defined in §115.10 of this title.

(c) For all persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, the following control requirements shall apply.

(1) Any vent gas streams affected by §115.121(c)(1) of this title must be controlled properly:

(A) in a direct-flame incinerator at a temperature equal to or greater than 1,300 degrees Fahrenheit [(704 degrees Celsius)];

(B) in a smokeless flare that is lit at all times when VOC vapors are routed to the flare; or

(C) by any other vapor control system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices).

(2) Any vent gas streams affected by §115.121(c)(2) of this title must be controlled properly:

(A) in a direct-flame incinerator or boiler at a temperature equal to or greater than 1,300 degrees Fahrenheit [(704 degrees Celsius)]; or

(B) by any other vapor control system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices).

(3) Any vent gas streams affected by §115.121(c)(3) of this title must be controlled properly:

(A) at a temperature equal to or greater than 1,300 degrees Fahrenheit [(704 degrees Celsius)] in an afterburner having a retention time of at least one-fourth of a second, and having a steady flame that is not affected by the cupola charge and relights automatically if extinguished; or

(B) by any other vapor control system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices).

(4) Any vent gas streams affected by §115.121(c)(4) of this title must be controlled properly:

(A) in a smokeless flare that is lit at all times when VOC vapors are routed to the flare or in a combustion device used in a heating process associated with the operation of a blast furnace; or

(B) by any other vapor control system, as defined in §115.10 of this title, with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices).

§115.125. Testing Requirements.

Compliance with the emission specifications, vapor control system efficiency, and certain control requirements and exemption criteria of §§115.121 - 115.123 and 115.127 of this title (relating to Emission Specifications; Control Requirements; Alternate Control Requirements; and Exemptions) shall be determined by applying one or more of the following test methods and procedures, as appropriate, when specifically required within this division [(relating to Vent Gas Control)], when required by the executive director under §101.8 of this title (relating to Sampling), or when the owner or operator elects to conduct testing of one or more vent gas streams.

(1) Flow rate. Test Methods 1-4 (40 Code of Federal Regulations (CFR) Part 60, Appendix A) are used for determining flow rates, as necessary.

(2) Concentration of volatile organic compounds (VOC).

(A) Test Method 18 (40 CFR Part 60, Appendix A) is used for determining gaseous organic compound emissions by gas chromatography.

(B) Test Method 21 (40 CFR Part 60, Appendix A-7) for determining VOC concentrations for the purpose of determining breakthrough on a carbon adsorption system or carbon adsorber.

(C) [(B)] Test Method 25 (40 CFR Part 60, Appendix A) is used for determining total gaseous nonmethane organic emissions as carbon.

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

(3) Performance requirements for flares and vapor combustors.

(A) For flares, Test Method 22 (40 CFR Part 60, Appendix A) is used for visual determination of fugitive emissions from material sources and smoke emissions.

(B) For flares, additional test method requirements are described in 40 CFR §60.18(f), unless the United States Environmental Protection Agency (EPA) [EPA] or the executive director has granted a waiver from such testing requirements.

(C) Flares in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], and Houston-Galveston-Brazoria [Houston/Galveston] areas shall comply with the performance test requirements of 40 CFR §60.18(b), unless EPA or the executive director has granted a waiver from such testing requirements.

(D) For vapor combustors, the owner or operator may consider the unit to be a flare. Each vapor combustor in Victoria County and the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas which the owner or operator elected to consider as a flare shall meet the performance test requirements of 40 CFR §60.18(b) in lieu of any testing under paragraphs (1) and (2) of this section.

(E) Compliance with the requirements of 40 CFR §60.18(b) will be considered to demonstrate compliance with the emission specifications and control efficiency requirements of §115.121 and §115.122 of this title.

(4) Minor modifications. Minor modifications to these test methods may be used, if approved by the executive director.

(5) Alternate test methods. Test methods other than those specified in paragraphs (1) - (3) of this section may be used if validated by 40 CFR 63, Appendix A, Test Method 301 [(effective December 29, 1992)]. For the purposes of this paragraph, substitute "executive director" each place that Test Method 301 references "administrator."

§115.126. Monitoring and Recordkeeping Requirements.

The owner or operator of any facility which emits volatile organic compounds (VOC) through a stationary vent in Aransas, Bexar, Calhoun, Matagorda, Nueces, San Patricio, Travis, and Victoria Counties or in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas shall maintain the following information at the facility for at least five years[, except that the five-year record retention requirement

does not apply to records generated before December 31, 2000]. The owner or operator shall make the information available upon request to representatives of the executive director, the United States Environmental Protection Agency [EPA], or any local air pollution control agency having jurisdiction in the area.

(1) Vapor control systems. For vapor control systems used to control emissions in Victoria County and in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas from vents subject to the provisions of §115.121 of this title (relating to Emission Specifications), records of appropriate parameters to demonstrate compliance, including:

(A) continuous monitoring and recording of:

(i) the exhaust gas temperature immediately downstream of a direct-flame incinerator;

(ii) the inlet and outlet gas temperatures of a catalytic incinerator or chiller;

~~[(iii)]~~ the exhaust gas VOC concentration of any carbon adsorption system, as defined in §101.1 of this title (relating to Definitions); and]

~~(iii)~~ ~~[(iv)]~~ the exhaust gas temperature immediately downstream of a vapor combustor. Alternatively, the owner or operator of a vapor combustor may consider the unit to be a flare and meet the requirements specified in 40 Code of Federal Regulations (CFR) §60.18(b) and Chapter 111 of this title (relating to Control of Air Pollution from Visible Emissions and Particulate Matter) for flares; and

(iv) for a carbon adsorption system or carbon adsorber, as defined in §101.1 of this title (relating to Definitions), the owner or operator shall:

(I) continuously monitor the exhaust gas VOC concentration of a carbon adsorption system that regenerates the carbon bed directly to determine breakthrough. For the purpose of this subclause, breakthrough is defined as a measured VOC concentration exceeding 100 parts per million by volume above background expressed as methane; and

(II) switch the vent gas flow to fresh carbon at a regular predetermined time interval for a carbon adsorber or carbon adsorption system that does not regenerate the carbon directly. The time interval must be less than the

carbon replacement interval determined by the maximum design flow rate and the VOC concentration in the gas stream vented to the carbon adsorption system or carbon adsorber.

(B) in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], and Houston-Galveston-Brazoria [Houston/Galveston] areas, the requirements specified in 40 CFR §60.18(b) and Chapter 111 of this title for flares; and

(C) for vapor control systems other than those specified in subparagraphs (A) and (B) of this paragraph, records of appropriate operating parameters.

(2) Test results. A record of the results of any testing conducted in accordance with §115.125 of this title (relating to Testing Requirements).

(3) Records for exempted vents. Records for each vent exempted from control requirements in accordance with §115.127 of this title (relating to Exemptions) shall be sufficient to demonstrate compliance with the applicable exemption limit, including the following, as appropriate:

(A) the pounds of ethylene emitted per 1,000 pounds of low-density polyethylene produced;

(B) the combined weight of VOC of each vent gas stream on a daily basis;

(C) the concentration of VOC in each vent gas stream on a daily basis;

(D) the maximum design flow rate or VOC concentration of each vent gas stream exempt under §115.127(a)(4)(C) of this title; and

(E) the total design capacity of process units exempt under §115.127(a)(4)(B) of this title.

(4) Alternative records for exempted vents. As an alternative to the requirements of paragraph (3)(B) and (C) of this section, records for each vent exempted from control requirements in accordance with §115.127 of this title and having a VOC emission rate or concentration less than the applicable exemption limits at maximum actual operating conditions shall be sufficient to demonstrate continuous compliance with the applicable exemption limit. These records shall include complete

information from either test results or appropriate calculations which clearly documents that the emission characteristics at maximum actual operating conditions are less than the applicable exemption limit. This documentation shall include the operating parameter levels that occurred during any testing, and the maximum levels feasible (either VOC concentration or mass emission rate) for the process.

(5) Bakeries. For bakeries subject to §115.122(a)(3)(A) - (B) of this title (relating to Control Requirements), the following additional requirements apply.

(A) The owner or operator of each bakery in the Houston-Galveston-Brazoria [Houston/Galveston] area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 25 tons per calendar year, shall submit a control plan no later than March 31, 2001, to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction. The plan shall demonstrate that the overall emission reduction from the uncontrolled VOC emission rate of the oven(s) will be at least 80% by December 31, 2001. At a minimum, the control plan shall include the emission point number (EPN) and the facility identification number (FIN) of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the 2000 VOC emission rates (consistent

with the bakery's 2000 emissions inventory). The projected 2002 VOC emission rates shall be calculated in a manner consistent with the 2000 emissions inventory.

(B) All representations in control plans become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the bakery submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans shall include documentation that the overall emission reduction from the uncontrolled VOC emission rate of the bakery's oven(s) continues to be at least the specified percentage reduction. The emission rates shall be calculated in a manner consistent with the most recent emissions inventory.

(6) Bakeries (contingency measures). For bakeries subject to §115.122(a)(3)(C) and (D) of this title, the following additional requirements apply.

(A) No later than six months after the commission publishes notification in the *Texas Register* as specified in §115.129(d) or (e) of this title (relating to Counties and Compliance Schedules), the owner or operator of each bakery shall submit an initial control plan to the executive director, the appropriate regional office,

and any local air pollution control program with jurisdiction which demonstrates that the overall reduction of VOC emissions from the bakery's 1990 emissions inventory will be at least 30%. At a minimum, the control plan shall include the EPN and the FIN of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the 1990 VOC emission rates (consistent with the bakery's 1990 emissions inventory). The projected VOC emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(B) In order to document continued compliance with §115.122(a)(3) of this title, the owner or operator of each bakery shall submit an annual report no later than March 31 of each year to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction which demonstrates that the overall reduction of VOC emissions from the bakery's 1990 emissions inventory during the preceding calendar year is at least 30%. At a minimum, the report shall include the EPN and FIN of each bakery oven and any associated control device, a plot plan showing the location, EPN, and FIN of each bakery oven and any associated control device, and the VOC emission rates. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the 1990 emissions inventory.

(C) All representations in control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the bakery submits a revised control plan to the executive director, the appropriate regional office, and any local air pollution control program with jurisdiction within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions from the bakery's 1990 emissions inventory continues to be at least 30%. The emission rates shall be calculated in a manner consistent with the 1990 emissions inventory.

(7) Additional flare requirements. The owner or operator of a facility that uses a flare to meet the requirements of §115.122(a)(2) of this title shall install, calibrate, maintain, and operate according to the manufacturer's specifications, a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a flame.

§115.127. Exemptions.

(a) For all persons in the Beaumont-Port Arthur [Beaumont/Port Arthur], Dallas-Fort Worth [Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria

[Houston/Galveston] areas, the following exemptions apply. In cases where vent gas streams emanating from multiple process locations are combined, compliance with the exemptions of this section is determined after the combination of the streams but prior to the combined stream entering a control device, if present.

(1) A vent gas stream from a low-density polyethylene plant is exempt from the requirements of §115.121(a)(1) of this title (relating to Emission Specifications) if no more than 1.1 pounds of ethylene per 1,000 pounds [(1.1 kg/1,000 kg)] of product are emitted from all the vent gas streams associated with the formation, handling, and storage of solidified product.

(2) The following vent gas streams are exempt from the requirements of §115.121(a)(1) of this title:

(A) a vent gas stream having a combined weight of volatile organic compounds (VOC) equal to or less than 100 pounds [(45.4 kg)] in any continuous 24-hour period;

(B) a vent gas stream specified in §115.121(a)(1) of this title with a concentration of VOC less than 612 parts per million by volume (ppmv);

(C) a vent gas stream which is subject to §115.121(a)(2) or (3) of this title; and

(D) a vent gas stream which qualifies for exemption under paragraphs (3), (4)(B), (4)(C), (4)(D), (4)(E), or (5) of this subsection.

(3) The following vent gas streams are exempt from the requirements of §115.121(a)(2)(B) - (E) of this title:

(A) a vent gas stream having a combined weight of VOC equal to or less than 100 pounds [(45.4 kilograms)] in any continuous 24-hour period;

(B) a vent gas stream from any air oxidation synthetic organic chemical manufacturing process with a concentration of VOC less than 612 ppmv; and

(C) a vent gas stream from any liquid phase polypropylene manufacturing process, any liquid phase slurry high-density polyethylene manufacturing process, and any continuous polystyrene manufacturing process with a concentration of VOC less than 408 ppmv.

(4) For synthetic organic chemical manufacturing industry (SOCMI) reactor processes and distillation operations, the following exemptions apply.

(A) Any reactor process or distillation operation that is designed and operated in a batch mode is exempt from the requirements of §115.121(a)(2)(A) of this title. For the purposes of this subparagraph, batch mode means any noncontinuous reactor process or distillation operation which is not characterized by steady-state conditions, and in which the addition of reactants does not occur simultaneously with the removal of products.

(B) Any reactor process or distillation operation operating in a process unit with a total design capacity of less than 1,100 tons per year, for all chemicals produced within that unit, is exempt from the requirements of §115.121(a)(2)(A) of this title.

(C) Any reactor process or distillation operation vent gas stream with a flow rate less than 0.388 standard cubic feet [0.011 standard cubic meters] per minute or a VOC concentration less than 500 ppmv is exempt from the requirements of §115.121(a)(2)(A) of this title.

(D) Any distillation operation vent gas stream which meets the requirements of 40 Code of Federal Regulations (CFR) §60.660(c)(4) or §60.662(c) (concerning Subpart NNN--Standards of Performance for VOC Emissions From SOCM Distillation Operations, December 14, 2000) is exempt from the requirements of §115.121(a)(2)(A) of this title.

(E) Any reactor process vent gas stream which meets the requirements of 40 CFR §60.700(c)(2) or §60.702(c) (concerning Subpart RRR--Standards of Performance for VOC Emissions From SOCM Reactor Processes, December 14, 2000) is exempt from the requirements of §115.121(a)(2)(A) of this title.

(5) Bakeries are exempt from the requirements of §115.121(a)(3) and §115.122(a)(3) of this title (relating to Emission Specifications and Control Requirements) if the total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, is less than 25 tons per calendar year.

(6) A vent gas stream is exempt from this division [(relating to Vent Gas Control)] if all of the VOCs in the vent gas stream originate from a source(s) for which another division within Chapter 115 (for example, Storage of Volatile Organic Compounds) has established a control requirement(s), emission specification(s), or exemption(s) which applies to that VOC source category in that county.

(7) A combustion unit exhaust stream is exempt from this division provided that the unit is not being used as a control device for any vent gas stream which is subject to this division and which originates from a non-combustion source.

(8) As an alternative to complying with the requirements of this division (or, in the case of bakeries, as an alternative to complying with the requirements of §115.121(a)(1) and §115.122(a)(1) of this title) for a source that is addressed by a Chapter 115 contingency rule (i.e., one in which Chapter 115 requirements are triggered for that source by the commission publishing notification in the *Texas Register* that implementation of the contingency rule is necessary), the owner or operator of that source may instead choose to comply with the requirements of the contingency rule as though the contingency rule already had been implemented for that source. The owner or operator of each source choosing this option shall submit written notification to the executive director and any local air pollution control program with jurisdiction. When the executive director and the local program (if any) receive such notification, the source will then be considered subject to the contingency rule as though the contingency rule already had been implemented for that source.

(b) For all persons in Nueces and Victoria Counties, the following exemptions apply. In cases where vent gas streams emanating from multiple process locations are

combined, compliance with the exemptions of this subsection is determined after the combination of the streams, but prior to the combined stream entering a control device, if present.

(1) A vent gas stream from a low-density polyethylene plant is exempt from the requirements of §115.121(b)(1) of this title if no more than 1.1 pounds of ethylene per 1,000 pounds [(1.1 kg/1,000 kg)] of product are emitted from all the vent gas streams associated with the formation, handling, and storage of the solidified product.

(2) The following vent gas streams are exempt from the requirements of §115.121(b) of this title:

(A) a vent gas stream having a combined weight of the VOC or classes of compounds specified in §115.121(b)(2) and (3) of this title equal to or less than 100 pounds [(45.4 kg)] in any continuous 24-hour period; and

(B) a vent gas stream with a concentration of the VOC or classes of compounds specified in §115.121(b)(2) and (3) of this title less than 30,000 ppmv.

(3) A vent gas stream is exempt from this division if all of the VOCs in the vent gas stream originate from a source(s) for which another division within Chapter 115 (for example, Storage of Volatile Organic Compounds) has established a control requirement(s), emission specification(s), or exemption(s) which applies to that VOC source category in that county.

(4) A combustion unit exhaust stream is exempt from this division provided that the unit is not being used as a control device for any vent gas stream which is subject to this division and which originates from a non-combustion source.

(c) For all persons in Aransas, Bexar, Calhoun, Matagorda, San Patricio, and Travis Counties, the following exemptions apply. In cases where vent gas streams emanating from multiple process locations are combined, compliance with the exemptions of this subsection is determined after the combination of the streams, but prior to the combined stream entering a control device, if present.

(1) The following vent gas streams are exempt from the requirements of §115.121(c)(1) of this title:

(A) a vent gas stream from a low-density polyethylene plant provided that no more than 1.1 pounds of ethylene per 1,000 pounds [(1.1 kg/1,000 kg)]

of product are emitted from all the vent gas streams associated with the formation, handling, and storage of solidified product;

(B) a vent gas stream having a combined weight of the VOC or classes of compounds specified in §115.121(c)(1)(B) - (C) of this title equal to or less than 100 pounds [(45.4 kg)] in any continuous 24-hour period; and

(C) a vent gas stream having a concentration of the VOC specified in §115.121(c)(1)(B) and (C) of this title less than 30,000 ppmv.

(2) A vent gas stream specified in §115.121(c)(2) of this title which emits less than or equal to five tons [(4,536 kg)] of total uncontrolled VOC in any one calendar year is exempt from the requirements of §115.121(c)(2) of this title.

(3) A vent gas stream is exempt from this division if all of the VOCs in the vent gas stream originate from a source(s) for which another division within Chapter 115 (for example, Storage of Volatile Organic Compounds) has established a control requirement(s), emission specification(s), or exemption(s) which applies to that VOC source category in that county.

(4) A combustion unit exhaust stream is exempt from this division provided that the unit is not being used as a control device for any vent gas stream which is subject to this division and which originates from a non-combustion source.

§115.129. Counties and Compliance Schedules.

(a) In [The owner or operator of each vent gas stream in] Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties, the compliance date has passed and the owner or operator of each vent gas stream shall continue to comply with this division [(relating to Vent Gas Control) as required by §115.930 of this title (relating to Compliance Dates)].

(b) The owner or operator of each bakery in Collin, Dallas, Denton, and Tarrant Counties subject to §115.122(a)(3)(C) of this title (relating to Control Requirements) shall comply with §§115.121(a)(3), 115.122(a)(3)(C), and 115.126(6) of this title (relating to Emission Specifications; Control Requirements; and Monitoring and Recordkeeping Requirements) as soon as practicable, but no later than one year, after the commission publishes notification in the *Texas Register* of its determination that this contingency rule is necessary as a result of failure to attain the national ambient air quality standard

(NAAQS) for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in Federal Clean Air Act (FCAA), §172(c)(9).

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

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

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

(f) The owner or operator of a vent gas stream in the Dallas-Fort Worth area that becomes subject to this division on or after the applicable compliance date in this

section shall comply with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

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

**SUBCHAPTER B: GENERAL VOLATILE ORGANIC
COMPOUND SOURCES**

DIVISION 3: WATER SEPARATION

§115.139

Statutory Authority

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

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

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

§115.139. Counties and Compliance Schedules.

(a) In [The owner or operator of each volatile organic compound (VOC) water separator in] Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties the compliance date has passed and the owner or operator of each volatile organic compound (VOC) water separator shall continue to comply with this division [(relating to Water Separation) as required by §115.930 of this title (relating to Compliance Dates)].

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

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

(d) The owner or operator of a water separator in the Dallas-Fort Worth area that becomes subject to this division on or after the applicable compliance date in subsection (a), (b) or (c) of this section, shall be in compliance with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

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

SUBCHAPTER C: VOLATILE ORGANIC COMPOUND

TRANSFER OPERATIONS

DIVISION 1: LOADING AND UNLOADING OF

VOLATILE ORGANIC COMPOUNDS

§115.215, §115.219

Statutory Authority

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

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

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

§115.215. Approved Test Methods.

Compliance with the emission specifications, vapor control system efficiency, and certain control requirements, inspection requirements, and exemption criteria of §§115.211 - 115.214 and 115.217 of this title (relating to Emission Specifications, Control Requirements, Alternate Control Requirements, Inspection Requirements, and Exemptions [Loading and Unloading of Volatile Organic Compounds]) must [shall] be determined by applying one or more of the following test methods and procedures, as appropriate.

(1) Flow rate. Test Methods 1-4 (40 Code of Federal Regulations (CFR)

Part 60, Appendix A) are used for determining flow rates, as necessary.

(2) Concentration of volatile organic compounds (VOC).

(A) Test Method 18 (40 CFR Part 60, Appendix A) is used for determining gaseous organic compound emissions by gas chromatography.

(B) Test Method 25 (40 CFR Part 60, Appendix A) is used for determining total gaseous nonmethane organic emissions as carbon.

(C) Test Methods 25A or 25B (40 CFR Part 60, Appendix A) are used for determining total gaseous organic concentrations using flame ionization or nondispersive infrared analysis.

(3) Performance requirements for flares and vapor combustors.

(A) For flares, the performance test requirements of 40 CFR §60.18(b) [shall] apply.

(B) For vapor combustors, the owner or operator may consider the unit to be a flare and meet the performance test requirements of 40 CFR §60.18(b) rather than the procedures of paragraphs (1) and (2) of this section.

(C) Compliance with the requirements of 40 CFR §60.18(b) will be considered to demonstrate compliance with the emission specifications and control efficiency requirements of §115.211 and §115.212 of this title [(relating to Emission Specifications; and Control Requirements)].

(4) Vapor pressure. Use standard reference texts or ASTM International [American Society for Testing and Materials (ASTM)] Test Methods D323-89, D2879, D4953, D5190, [or] D5191, or D6377 for the measurement of vapor pressure. For the purposes of temperature correction, the owner or operator shall use the actual storage temperature. Actual storage temperature of an unheated tank or vessel may be determined using either the measured temperature or the maximum local monthly average ambient temperature as reported by the National Weather Service. Actual storage temperature of a heated tank or vessel must be determined using either the measured temperature or the temperature set point of the tank or vessel.

(5) Leak determination by instrument method. Use Test Method 21 (40 CFR Part 60, Appendix A) for determining VOC leaks.

(6) Gasoline terminal test procedures. Use the additional test procedures described in 40 CFR §60.503(b) - (d) (February 14, 1989), for pre-test leak determination, emission specifications test for vapor control systems, and pressure limit in transport vessel.

(7) Vapor-tightness test procedures for marine vessels. Use 40 CFR §63.565(c) (September 19, 1995) or 40 CFR §61.304(f) (October 17, 2000) for determination of marine vessel vapor tightness.

(8) Flash point. Use ASTM Test Method D93 for the measurement of flash point.

(9) Minor modifications. Minor modifications to these test methods may be used, if approved by the executive director.

(10) Alternate test methods. Test methods other than those specified in paragraphs (1) - (8) of this section may be used if validated by 40 CFR Part 63, Appendix A, Test Method 301 [(December 29, 1992)]. For the purposes of this paragraph, substitute "executive director" each place that Test Method 301 references "administrator."

§115.219. Counties and Compliance Schedules.

(a) In [The owner or operator of each volatile organic compound (VOC) transfer operation in] Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, Tarrant, Travis, Victoria, and Waller Counties, the compliance date has passed and the owner or operator of each volatile organic compound (VOC) transfer operation shall continue to comply with this division [(relating to Loading and Unloading of Volatile Organic Compounds) as required by §115.930 of this title (relating to Compliance Dates)].

(b) In [The owner or operator of each gasoline bulk plant in] the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), the compliance date has passed and the owner or operator of each gasoline bulk plant shall continue to comply with this division [as of required by §115.930 of this title.]

(c) In [The owner or operator of each gasoline terminal in] the covered attainment counties, as defined in §115.10 of this title, the compliance date has passed and the owner or operator of each gasoline terminal shall continue to comply with this division [as required by §115.930 of this title.]

(d) The owner or operator of each gasoline terminal, gasoline bulk plant, or [and] VOC transfer operation in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009. [The owner or operator of each gasoline terminal, gasoline bulk plant, and VOC transfer operation in these counties shall continue to comply with the applicable requirements in §§115.211(2), 115.212(b), and 115.214(b) of this title (relating to Emission Specifications; Control Requirements; and Inspection Requirements) until the facility achieves compliance with the newly applicable requirements in §§115.211(1), 115.212(a), and 115.214(a) of this title.]

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

(f) The owner or operator of an affected source in the Dallas-Fort Worth area that becomes subject to the requirements of this division on or after the applicable compliance date in subsection (a), (d), or (e) of this section, shall be in compliance with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

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

SUBCHAPTER C: VOLATILE ORGANIC COMPOUND

TRANSFER OPERATIONS

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

§115.229

Statutory Authority

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

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

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

§115.229. Counties and Compliance Schedules.

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

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

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

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

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

(f) Upon the date the commission publishes notice in the *Texas Register* that Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone

National Ambient Air Quality Standard, the owner or operator of each gasoline dispensing facility shall continue to comply with the requirements in this division applicable to the covered attainment counties. The requirements that apply in the Dallas-Fort Worth area no longer apply to gasoline dispensing facilities in Wise County.

SUBCHAPTER C: VOLATILE ORGANIC COMPOUND

TRANSFER OPERATIONS

DIVISION 3: CONTROL OF VOLATILE ORGANIC COMPOUND

LEAKS FROM TRANSPORT VESSELS

§115.239

Statutory Authority

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

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

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

§115.239. Counties and Compliance Schedules.

(a) In [The owner or operator of each tank-truck tank in] Brazoria, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties, the compliance date has passed and the owner or operator of each tank-truck tank shall continue to comply with this division [(relating to Control of Volatile Organic Compound Leaks from Transport Vessels) as required by §115.930 of this title (relating to Compliance Dates)].

(b) In [The owner or operator of each gasoline tank-truck tank in] the covered attainment counties, as defined in §115.10 of this title (relating to Definitions), the compliance date has passed and the owner or operator of each gasoline tank-truck tank shall continue to comply with this division [as required by §115.930 of this title].

(c) The owner or operator of each tank-truck tank in Ellis, Johnson, Kaufman, Parker, and Rockwall Counties shall comply with this division as soon as practicable, but no later than March 1, 2009. [The owner or operator of each gasoline tank-truck tank in these counties shall continue to comply with the applicable requirements in §115.234(b) and §115.235(b) of this title (relating to Inspection Requirements and Approved Test Methods) until the facility achieves compliance with the newly applicable requirements in §115.234(a) and §115.235(a) of this title.]

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

(e) Upon the date the commission publishes notice in the *Texas Register* that Wise County is no longer designated nonattainment for the 2008 Eight-Hour Ozone National Ambient Air Quality Standard, the owner or operator of each gasoline terminal, gasoline bulk plant, or volatile organic compound transfer operation is not required to comply with the requirements in §115.234(a) and §115.235(a) of this title and shall continue to comply with the requirements in §115.234(b) and §115.235(b) of this title.

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

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

§115.359

Statutory Authority

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

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

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

§115.359. Counties and Compliance Schedules.

(a) In [The owner or operator of each affected source in] Brazoria, Chambers, Collin, El Paso, Dallas, Denton, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, Tarrant, and Waller Counties, the compliance date has passed and the owner or operator shall continue to comply with this division [(relating to Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing,

and Petrochemical Processes in Ozone Nonattainment Areas) as required by §115.930 of this title (relating to Compliance Dates)].

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

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

(d) The owner or operator of an affected source in the Dallas-Fort Worth area that becomes subject to this division on or after the applicable date specified in subsections (a) - (c) of this section shall comply with the requirements in this division no later than 60 days after becoming subject.

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

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 1: DEGREASING PROCESSES

§§115.410, 115.411, 115.415, 115.416, 115.419

Statutory Authority

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

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

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

§115.410. Applicability and Definitions.

(a) Applicability. The provisions of this division apply in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas as defined in §115.10 of this title (relating to Definitions) and in Bastrop, Bexar, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson Counties to all persons using volatile organic compound-containing solvent for cold solvent degreasing processes, open-top vapor degreasing processes, and conveyORIZED degreasing processes.

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

§115.411. Exemptions.

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

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

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

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

(B) remote reservoir cold solvent cleaners.

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

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

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

§115.415. Testing Requirements.

The testing requirements for degreasing processes in the Beaumont-Port Arthur, Dallas-Fort Worth, [Beaumont/Port Arthur, Dallas/Fort Worth,] El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas and in Bastrop, Bexar, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson [Gregg, Nueces, Victoria, Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson] Counties are as follows.

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

(A) determination of true vapor pressure using ASTM International [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 the [these] test methods and procedures listed in subparagraph (A) of this paragraph that are approved by the executive director;[.]

(C) using standard reference materials for the true vapor pressure of each volatile organic compound component; or

(D) using analytical data from the solvent supplier or manufacturer's material safety data sheet.

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

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

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

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

(D) Test Methods 25A or 25B (40 CFR Part 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 Part 63, Appendix A, Test Method 301. For the purposes of this paragraph, substitute "executive director" each place that Test Method 301 references "administrator."

§115.416. Recordkeeping Requirements.

The owner or operator of each degreasing process in Beaumont-Port Arthur, Dallas-Fort Worth, [Beaumont/Port Arthur, Dallas/Fort Worth,] El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas and in Bastrop, Bexar, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson [Gregg,

Nueces, Victoria, Bexar, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson] Counties 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, the 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 process [operation] in Gregg, Nueces, and Victoria Counties which is exempt under §115.411(5) [§115.417(5)] of this title (relating to Exemptions), records of solvent usage in sufficient detail to document continuous compliance with this exemption; [.]

(4) for each degreasing process in the Dallas-Fort Worth area, records sufficient to demonstrate continuous compliance with:

(A) the vapor pressure testing described in §115.415(1)(A) - (D) of this title; and

(B) the applicable exemptions in §115.411 of this title.

§115.419. Counties and Compliance Schedules.

(a) In [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, the compliance date has passed and all affected persons shall continue to comply with [the applicable sections of] this division [(relating to Degreasing Processes) as required by §115.930 of this title (relating to Compliance Dates)].

(b) All affected persons in Bastrop, Bexar, Caldwell, Comal, Guadalupe, [Wilson, Bastrop, Caldwell,] Hays, Travis, Wilson, and Williamson Counties shall [must] comply with [applicable sections of] this division [(relating to Degreasing Processes)] as soon as practicable, but no later than December 31, 2005.

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

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

(e) All affected persons of a degreasing process in the Dallas-Fort Worth area that becomes subject to this division on or after the applicable compliance date in subsection (a), (c), or (d) of this section shall comply with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

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

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 1: DEGREASING PROCESSES

[\$115.417]

Statutory Authority

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

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

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

[§115.417. Exemptions.]

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

[(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(1)(B) of this title (relating to Control Requirements) and may use an external drainage facility in place of an internal type drainage system, if the true vapor pressure of the solvent is less than or equal to 0.6 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 exempt from the requirements of §115.412(1)(E) of this title:]

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

[(B) remote reservoir cold solvent cleaners.]

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

[(4) An owner or operator who operates a remote reservoir cold solvent cleaner 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 in² (100 cm²) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(1) of this title.]

[(5) In Gregg, Nueces, and Victoria Counties, degreasing operations located on any property 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.]

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 2: SURFACE COATING PROCESSES

§§115.420 - 115.423, 115.425 - 115.427, 115.429

Statutory Authority

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

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

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

§115.420. Applicability and [Surface Coating] Definitions.

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

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

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

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

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

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

(B) Each paper coating line in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas that has the potential to emit equal to or greater than 25 tpy of

VOC is subject to the requirements in Division 5 of this Subchapter (relating to Control Requirements for Surface Coating Processes).

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

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

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

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

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

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

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

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

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

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

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

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

(b) [(a)] General surface coating definitions. The following terms, when used in this division [(relating to Surface Coating Processes), shall] have the following meanings, unless the context clearly indicates otherwise. Additional definitions for terms used in this division are found in §§3.2, 101.1, and 115.10 of this title (relating to Definitions).

(1) Aerosol coating (spray paint)--A hand-held, pressurized, nonrefillable container that expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.

(2) Coating--A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, thinners, diluents, inks, maskants, and temporary protective coatings.

(3) Coating application system--Devices or equipment designed for the purpose of applying a coating material to a surface. The devices may include, but are not be limited to, brushes, sprayers, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters.

(4) Coating line--An operation consisting of a series of one or more coating application systems and including associated flashoff area(s), drying area(s), and oven(s) wherein a surface coating is applied, dried, or cured.

(5) Coating solids (or solids)--The part of a coating that remains after the coating is dried or cured.

(6) Daily weighted average--The total weight of volatile organic compound (VOC) emissions from all coatings subject to the same emission standard in §115.421 of this title (relating to Emission Specifications), divided by the total volume of those coatings (minus water and exempt solvent) delivered to the application system each day. Coatings subject to different emission standards in §115.421 of this title must [shall] not be combined for purposes of calculating the daily weighted average. In addition, determination of compliance is based on each individual coating line.

(7) High-volume low-pressure spray guns--Equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure at the air cap.

(8) Normally closed container--A container that is closed unless an operator is actively engaged in activities such as adding or removing material.

(9) Pounds of VOC per gallon of coating (minus water and exempt solvents)--Basis for emission limits for surface coating processes. Can be calculated by the following equation:

Figure: 30 TAC §115.420(b)(9)

[Figure: 30 TAC §115.420(a)(9)]

Pounds of volatile organic compounds (VOC) [VOC] per gallon of coating (minus water and exempt solvents) =

$$\frac{W_v}{(V_m - V_w - V_{es})}$$

Where:

W_v = weight of VOC, in pounds, contained in V_m gallons of coating

V_m = volume of coating, generally assumed to be one gallon

V_w = volume of water, in gallons, contained in V_m gallons of coating

V_{es} = volume of exempt solvents, in gallons, contained in V_m gallons of coating

(10) Pounds of VOC per gallon of solids--Basis for emission limits for surface coating process. Can be calculated by the following equation:

Figure: 30 TAC §115.420(b)(10)

[Figure: 30 TAC §115.420(a)(10)]

Pounds of volatile organic compounds (VOC) [VOC] per gallon of solids =

$$\frac{W_v}{(V_m - V_v - V_w - V_{es})}$$

Where:

W_v = weight of VOC, in pounds, contained in V_m gallons of coating

V_m = volume of coating, generally assumed to be one gallon

V_v = volume of VOC, in gallons, contained in V_m gallons of coating

V_w = volume of water, in gallons, contained in V_m gallons of coating

V_{es} = volume of exempt solvents, in gallons, contained in V_m gallons of coating

(11) Spray gun--A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

(12) Surface coating processes--Operations which utilize a coating application system.

(13) Transfer efficiency--The amount of coating solids deposited onto the surface of a part or product divided by the total amount of coating solids delivered to the coating application system.

(c) [(b)] Specific surface coating definitions. The following terms, when used in this division, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Aerospace coating.

(A) Ablative coating--A coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or

during aerodynamic heating. The ablative char surface serves as an insulative barrier, protecting adjacent components from the heat or open flame.

(B) Adhesion promoter--A very thin coating applied to a substrate to promote wetting and form a chemical bond with the subsequently applied material.

(C) Adhesive bonding primer--A primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers: primers with a design cure at 250 degrees Fahrenheit or below and primers with a design cure above 250 degrees Fahrenheit.

(D) Aerospace vehicle or component--Any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft including but not limited to airplanes, helicopters, missiles, rockets, and space vehicles.

(E) Aircraft fluid systems--Those systems that handle hydraulic fluids, fuel, cooling fluids, or oils.

(F) Aircraft transparency--The aircraft windshield, canopy, passenger windows, lenses, and other components which are constructed of transparent materials.

(G) Antichafe coating--A coating applied to areas of moving aerospace components that may rub during normal operations or installation.

(H) Antique aerospace vehicle or component--An aerospace vehicle or component thereof that was built at least 30 years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

(I) Aqueous cleaning solvent--A solvent in which water is at least 80% by volume of the solvent as applied.

(J) Bearing coating--A coating applied to an antifriction bearing, a bearing housing, or the area adjacent to such a bearing in order to facilitate bearing function or to protect base material from excessive wear. A material shall not be classified as a bearing coating if it can also be classified as a dry lubricative material or a solid film lubricant.

(K) Bonding maskant--A temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

(L) Caulking and smoothing compounds--Semi-solid materials which are applied by hand application methods and are used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can also be classified as a sealant.

(M) Chemical agent-resistant coating--An exterior topcoat designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

(N) Chemical milling maskant--A coating that is applied directly to aluminum components to protect surface areas when chemically milling the component with a Type I or II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Additionally, maskants that must be used with a combination of Type I or II etchants and any of the above types of maskants (i.e., bonding, critical use

and line sealer, and seal coat) are not included. Maskants that are defined as specialty coatings are not included under this definition.

(O) Cleaning operation--Spray-gun, hand-wipe, and flush cleaning operations.

(P) Cleaning solvent--A liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain no VOC.

(Q) Clear coating--A transparent coating usually applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat.

(R) Closed-cycle depainting system--A dust free, automated process that removes permanent coating in small sections at a time, and maintains a continuous vacuum around the area(s) being depainted to capture emissions.

(S) Coating operation--Using a spray booth, tank, or other enclosure or any area (such as a hangar) for applying a single type of coating (e.g., primer); using the same spray booth for applying another type of coating (e.g., topcoat)

constitutes a separate coating operation for which compliance determinations are performed separately.

(T) Coating unit--A series of one or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating.

(U) Commercial exterior aerodynamic structure primer--A primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae, and landing gear and doors, for the purpose of extended corrosion protection and enhanced adhesion.

(V) Commercial interior adhesive--Materials used in the bonding of passenger cabin interior components. These components must meet the Federal Aviation Administration (FAA) fireworthiness requirements.

(W) Compatible substrate primer--Either compatible epoxy primer or adhesive primer. Compatible epoxy primer is primer that is compatible with the filled elastomeric coating and is epoxy based. The compatible substrate primer is an epoxy-

polyamide primer used to promote adhesion of elastomeric coatings such as impact-resistant coatings. Adhesive primer is a coating that:

(i) inhibits corrosion and serves as a primer applied to bare metal surfaces or prior to adhesive application; or

(ii) is applied to surfaces that can be expected to contain fuel.

Fuel tank coatings are excluded from this category.

(X) Confined space--A space that:

(i) is large enough and so configured that a person can bodily enter and perform assigned work;

(ii) has limited or restricted means for entry or exit (for example, fuel tanks, fuel vessels, and other spaces that have limited means of entry);
and

(iii) is not suitable for continuous occupancy.

(Y) Corrosion prevention compound--A coating system or compound that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.

(Z) Critical use and line sealer maskant--A temporary coating, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium, or high-strength steel, high-precision aluminum chemical milling of deep cuts, and aluminum chemical milling of complex shapes. Materials used for repairs or to bridge gaps left by scribing operations (i.e., line sealer) are also included in this category.

(AA) Cryogenic flexible primer--A primer designed to provide corrosion resistance, flexibility, and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (-275 degrees Fahrenheit and below).

(BB) Cryoprotective coating--A coating that insulates cryogenic or subcooled surfaces to limit propellant boil-off, maintain structural integrity of metallic structures during ascent or re-entry, and prevent ice formation.

(CC) Cyanoacrylate adhesive--A fast-setting, single component adhesive that cures at room temperature. Also known as "super glue."

(DD) Dry lubricative material--A coating consisting of lauric acid, cetyl alcohol, waxes, or other noncross linked or resin-bound materials that act as a dry lubricant.

(EE) Electric or radiation-effect coating--A coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lightning strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. Coatings that have been designated as "classified" by the Department of Defense are excluded.

(FF) Electrostatic discharge and electromagnetic interference coating--A coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference.

(GG) Elevated-temperature Skydrol-resistant commercial primer--
A primer applied primarily to commercial aircraft (or commercial aircraft adapted for

military use) that must withstand immersion in phosphate-ester hydraulic fluid (Skydrol 500b or equivalent) at the elevated temperature of 150 degrees Fahrenheit for 1,000 hours.

(HH) Epoxy polyamide topcoat--A coating used where harder films are required or in some areas where engraving is accomplished in camouflage colors.

(II) Fire-resistant (interior) coating--For civilian aircraft, fire-resistant interior coatings are used on passenger cabin interior parts that are subject to the FAA fireworthiness requirements. For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721. For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.

(JJ) Flexible primer--A primer that meets flexibility requirements such as those needed for adhesive bond primed fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between the fasteners, skin, and skin-to-skin joints on outer aircraft skins. This flexible bridge allows more topcoat flexibility around fasteners and decreases the chance of the topcoat cracking around the fasteners. The result is better corrosion resistance.

(KK) Flight test coating--A coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.

(LL) Flush cleaning--Removal of contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item being cleaned and then drained, or assisted by air or hydraulic pressure, or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand action are used are not included.

(MM) Fuel tank adhesive--An adhesive used to bond components exposed to fuel and must be compatible with fuel tank coatings.

(NN) Fuel tank coating--A coating applied to fuel tank components for the purpose of corrosion and/or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions.

(OO) Grams of VOC per liter of coating (less water and less exempt solvent)--The weight of VOC per combined volume of total volatiles and coating solids, less water and exempt compounds. Can be calculated by the following equation:

Figure: 30 TAC §115.420(c)(1)(OO)

[Figure: 30 TAC §115.420(b)(1)(OO)]

$$\text{Grams of Volatile Organic Compounds per Liter of Coating} = \frac{W_s - W_w - W_{es}}{V_s - V_w - V_{es}}$$

Where:

W_s =weight of total volatiles in grams

W_w =weight of water in grams

W_{es} =weight of exempt compounds in grams

V_s =volume of coating in liters

V_w =volume of water in liters

V_{es} =volume of exempt compounds in liters

(PP) Hand-wipe cleaning operation--Removing contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component by physically rubbing it with a material such as a rag, paper, or cotton swab that has been moistened with a cleaning solvent.

(QQ) High temperature coating--A coating designed to withstand temperatures of more than 350 degrees Fahrenheit.

(RR) Hydrocarbon-based cleaning solvent--A solvent which is composed of VOC (photochemically reactive hydrocarbons) and/or oxygenated hydrocarbons, has a maximum vapor pressure of seven millimeters of mercury (mm Hg) at 20 degrees Celsius (68 degrees Fahrenheit), and contains no hazardous air pollutant (HAP) identified in the 1990 Amendments to the Federal Clean Air Act (FCAA), §112(b).

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

(TT) Intermediate release coating--A thin coating applied beneath topcoats to assist in removing the topcoat in depainting operations and generally to allow the use of less hazardous depainting methods.

(UU) Lacquer--A clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resolvable in their original solvent.

(VV) Limited access space--Internal surfaces or passages of an aerospace vehicle or component that cannot be reached without the aid of an airbrush or a spray gun extension for the application of coatings.

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

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

(YY) Monthly weighted average--The total weight of VOC emission from all coatings divided by the total volume of those coatings (minus water and exempt solvents) delivered to the application system each calendar [calender] month. Coatings shall not be combined for purposes of calculating the monthly weighted average. In addition, determination of compliance is based on each individual coating operation.

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

(AAA) Operating parameter value--A minimum or maximum value established for a control equipment or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has continued to comply with an applicable emission limitation.

(BBB) Optical antireflection coating--A coating with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.

(CCC) Part marking coating--Coatings or inks used to make identifying markings on materials, components, and/or assemblies of aerospace vehicles. These markings may be either permanent or temporary.

(DDD) Pretreatment coating--An organic coating that contains at least 0.5% acids by weight and is applied directly to metal or composite surfaces to provide surface etching, corrosion resistance, adhesion, and ease of stripping.

(EEE) Primer--The first layer and any subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings. Primers that are defined as specialty coatings are not included under this definition.

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

(GGG) Rain erosion-resistant coating--A coating or coating system used to protect the leading edges of parts such as flaps, stabilizers, radomes, engine inlet nacelles, etc. against erosion caused by rain impact during flight.

(HHH) Research and development--An operation whose primary purpose is for research and development of new processes and products and that is conducted under the close supervision of technically trained personnel and is not involved in the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

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

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

(KKK) Rubber-based adhesive--A quick setting contact cement that provides a strong, yet flexible bond between two mating surfaces that may be of dissimilar materials.

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

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

(NNN) Sealant--A material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components. There are two categories of sealants: extrudable/rollable/brushable sealants and sprayable sealants.

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

(PPP) Self-priming topcoat--A topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention,

environmental protection, and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component.

(QQQ) Semiaqueous cleaning solvent--A solution in which water is a primary ingredient [ingredient]. More than 60% by volume of the solvent solution as applied must be water.

(RRR) Silicone insulation material--An insulating material applied to exterior metal surfaces for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not "sacrificial."

(SSS) Solid film lubricant--A very thin coating consisting of a binder system containing as its chief pigment material one or more of the following: molybdenum, graphite, polytetrafluoroethylene, or other solids that act as a dry lubricant between faying (i.e., closely or tightly fitting) surfaces.

(TTT) Space vehicle--A man-made device, either manned or unmanned, designed for operation beyond earth's atmosphere. This definition includes integral equipment such as models, mock-ups, prototypes, molds, jigs, tooling, hardware jackets, and test coupons. Also included is auxiliary equipment associated

with test, transport, and storage, that through contamination can compromise the space vehicle performance.

(UUU) Specialty coating--A coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(VVV) Specialized function coating--A coating that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings covered in other specialty coating categories.

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

(XXX) Structural nonautoclavable adhesive--An adhesive cured under ambient conditions that is used to bond load-carrying aerospace components or other critical functions, such as nonstructural bonding in the proximity of engines.

(YYY) Surface preparation--The removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating.

(ZZZ) Temporary protective coating--A coating applied to provide scratch or corrosion protection during manufacturing, storage, or transportation. Two types include peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions. Coatings that provide this type of protection from chemical processing are not included in this category.

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

(BBBB) Topcoat--A coating that is applied over a primer on an aerospace vehicle or component for appearance, identification, camouflage, or

protection. Topcoats that are defined as specialty coatings are not included under this definition.

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

(DDDD) Touch-up and repair operation--That portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.

(EEEE) VOC composite vapor pressure--The sum of the partial pressures of the compounds defined as VOCs, determined by the following calculation:

Figure: 30 TAC §115.420(c)(1)(EEEE)

[Figure: 30 TAC §115.420(b)(1)(EEEE)]

$$PP_c = \frac{\sum_{i=1}^n \frac{W_i}{MW_i} \times VP_i}{\frac{W_w}{MW_w} + \sum_{e=1}^n \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

Where:

W_i = weight of the "i"th volatile organic compounds (VOC) [VOC] compound, grams

W_w = weight of water, grams

W_e = weight of nonwater, non-VOC compound, grams

MW_i = molecular weight of the "i"th VOC compound, g/g-mole

MW_w = molecular weight of water, g/g-mole

MW_e = molecular weight of exempt compound, g/g-mole

PP_c = VOC composite partial pressure at 20 degrees Celsius, millimeters of mercury (mm Hg)

VP_i = vapor pressure of the "i"th VOC compound at 20 degrees Celsius, mm Hg

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

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

(HHHH) Wing coating--A corrosion-resistant topcoat that is resilient enough to withstand the flexing of the wings.

(2) Can coating--The coating of cans for beverages (including beer), edible products (including meats, fruit, vegetables, and others), tennis balls, motor oil, paints, and other mass-produced cans.

(3) Coil coating--The coating of any flat metal sheet or strip supplied in rolls or coils.

(4) Fabric coating--The application of coatings to fabric, which includes rubber application (rainwear, tents, and industrial products such as gaskets and diaphragms).

(5) Factory surface coating of flat wood paneling--Coating of flat wood paneling products, including hardboard, hardwood plywood, particle board, printed interior paneling, and tile board.

(6) Large appliance coating--The coating of doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other large appliances.

(7) Metal furniture coating--The coating of metal furniture (tables, chairs, wastebaskets, beds, desks, lockers, benches, shelves, file cabinets, lamps, and other metal furniture products) or the coating of any metal part which will be a part of a nonmetal furniture product.

(8) Mirror backing coating--The application of coatings to the silvered surface of a mirror.

(9) Miscellaneous metal parts and products coating.

(A) Clear coat--A coating which lacks opacity or which is transparent and which may or may not have an undercoat that is used as a reflectant base or undertone color.

(B) Drum (metal)--Any cylindrical metal shipping container with a nominal capacity equal to or greater than 12 gallons (45.4 liters) but equal to or less than 110 gallons (416 liters).

(C) Extreme performance coating--A coating intended for exposure to extreme environmental conditions, such as continuous outdoor exposure; temperatures frequently above 95 degrees Celsius (203 degrees Fahrenheit); detergents; abrasive and scouring agents; solvents; and corrosive solutions, chemicals, or atmospheres.

(D) High-bake coatings--Coatings designed to cure at temperatures above 194 degrees Fahrenheit.

(E) Low-bake coatings--Coatings designed to cure at temperatures of 194 degrees Fahrenheit or less.

(F) Miscellaneous metal parts and products (MMPP) coating--The coating of MMPP in the following categories at original equipment manufacturing operations; designated on-site maintenance shops which recoat used parts and products; and off-site job shops which coat new parts and products or which recoat used parts and products:

(i) large farm machinery (harvesting, fertilizing, and planting machines, tractors, combines, etc.);

(ii) small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) commercial machinery (computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) fabricated metal products (metal-covered doors, frames, etc.); and

(vii) any other category of coated metal products, including, but not limited to, those which are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries). Excluded are those surface coating processes specified in paragraphs (1) - (8) and (10) - (14) of this subsection.

(G) Pail (metal)--Any cylindrical metal shipping container with a nominal capacity equal to or greater than 1 gallon (3.8 liters) but less than 12 gallons (45.4 liters) and constructed of 29 gauge or heavier material.

(10) Paper coating--The coating of paper and pressure-sensitive tapes (regardless of substrate and including paper, fabric, and plastic film) and related web coating processes on plastic film (including typewriter ribbons, photographic film, and magnetic tape) and metal foil (including decorative, gift wrap, and packaging).

(11) Marine coatings.

(A) Air flask specialty coating--Any special composition coating applied to interior surfaces of high pressure breathing air flasks to provide corrosion resistance and that is certified safe for use with breathing air supplies.

(B) Antenna specialty coating--Any coating applied to equipment through which electromagnetic signals must pass for reception or transmission.

(C) Antifoulant specialty coating--Any coating that is applied to the underwater portion of a vessel to prevent or reduce the attachment of biological organisms and that is registered with the EPA as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act.

(D) Batch--The product of an individual production run of a coating manufacturer's process. (A batch may vary in composition from other batches of the same product.)

(E) Bitumens--Black or brown materials that are soluble in carbon disulfide, which consist mainly of hydrocarbons.

(F) Bituminous resin coating--Any coating that incorporates bitumens as a principal component and is formulated primarily to be applied to a substrate or surface to resist ultraviolet radiation and/or water.

(G) Epoxy--Any thermoset coating formed by reaction of an epoxy resin (i.e., a resin containing a reactive epoxide with a curing agent).

(H) General use coating--Any coating that is not a specialty coating.

(I) Heat resistant specialty coating--Any coating that during normal use must withstand a temperature of at least 204 degrees Celsius (400 degrees Fahrenheit).

(J) High-gloss specialty coating--Any coating that achieves at least 85% reflectance on a 60 degree meter when tested by the American Society for Testing and Materials (ASTM) Method D-523.

(K) High-temperature specialty coating--Any coating that during normal use must withstand a temperature of at least 426 degrees Celsius (800 degrees Fahrenheit).

(L) Inorganic zinc (high-build) specialty coating--A coating that contains 960 grams per liter (eight pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance. (These coatings are typically applied at more than two mil dry film thickness.)

(M) Maximum allowable thinning ratio--The maximum volume of thinner that can be added per volume of coating without exceeding the applicable VOC limit of §115.421(15) [§115.421(a)(15)(A)] of this title.

(N) Military exterior specialty coating--Any exterior topcoat applied to military or United States Coast Guard vessels that are subject to specific chemical, biological, and radiological washdown requirements.

(O) Mist specialty coating--Any low viscosity, thin film, epoxy coating applied to an inorganic zinc primer that penetrates the porous zinc primer and allows the occluded air to escape through the paint film prior to curing.

(P) Navigational aids specialty coating--Any coating applied to Coast Guard buoys or other Coast Guard waterway markers when they are recoated aboard ship at their usage site and immediately returned to the water.

(Q) Nonskid specialty coating--Any coating applied to the horizontal surfaces of a marine vessel for the specific purpose of providing slip resistance for personnel, vehicles, or aircraft.

(R) Nonvolatiles (or volume solids)--Substances that do not evaporate readily. This term refers to the film-forming material of a coating.

(S) Nuclear specialty coating--Any protective coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to long-term (service life) cumulative radiation exposure (ASTM D4082-83), relatively easy to decontaminate (ASTM D4256-83), and resistant to various chemicals to which the coatings are likely to

be exposed (ASTM 3912-80). (For nuclear coatings, see the general protective requirements outlined by the U.S. Atomic Energy Commission in a report entitled "U.S. Atomic Energy Commission Regulatory Guide 1.54" dated June 1973, available through the Government Printing Office at (202) 512-2249 as document number A74062-00001.)

(T) Organic zinc specialty coating--Any coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (eight pounds per gallon) of coating, as applied, and that is used for the expressed purpose of corrosion protection.

(U) Pleasure craft--Any marine or fresh-water vessel used by individuals for noncommercial, nonmilitary, and recreational purposes that is less than 20 meters (65.6 feet) in length. A vessel rented exclusively to, or chartered for, individuals for such purposes shall be considered a pleasure craft.

(V) Pretreatment wash primer specialty coating--Any coating that contains a minimum of 0.5% acid by weight that is applied only to bare metal surfaces to etch the metal surface for corrosion resistance and adhesion of subsequent coatings.

(W) Repair and maintenance of thermoplastic coating of commercial vessels (specialty coating)--Any vinyl, chlorinated rubber, or bituminous resin coating that is applied over the same type of existing coating to perform the partial recoating of any in-use commercial vessel. (This definition does not include coal tar epoxy coatings, which are considered "general use" coatings.)

(X) Rubber camouflage specialty coating--Any specially formulated epoxy coating used as a camouflage topcoat for exterior submarine hulls and sonar domes.

(Y) Sealant for thermal spray aluminum--Any epoxy coating applied to thermal spray aluminum surfaces at a maximum thickness of one dry mil.

(Z) Ship--Any marine or fresh-water vessel, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). This definition includes, but is not limited to, all military and Coast Guard vessels, commercial cargo and passenger (cruise) ships, ferries, barges, tankers, container ships, patrol and pilot boats, and dredges. Pleasure craft and offshore oil or gas drilling platforms are not considered ships.

(AA) Shipbuilding and ship repair operations--Any building, repair, repainting, converting, or alteration of ships or offshore oil or gas drilling platforms.

(BB) Special marking specialty coating--Any coating that is used for safety or identification applications, such as ship numbers and markings on flight decks.

(CC) Specialty interior coating--Any coating used on interior surfaces aboard United States military vessels pursuant to a coating specification that requires the coating to meet specified fire retardant and low toxicity requirements, in addition to the other applicable military physical and performance requirements.

(DD) Tack coat specialty coating--Any thin film epoxy coating applied at a maximum thickness of two dry mils to prepare an epoxy coating that has dried beyond the time limit specified by the manufacturer for the application of the next coat.

(EE) Undersea weapons systems specialty coating--Any coating applied to any component of a weapons system intended to be launched or fired from under the sea.

(FF) Weld-through preconstruction primer (specialty coating)--A coating that provides corrosion protection for steel during inventory, is typically applied at less than one mil dry film thickness, does not require removal prior to welding, is temperature resistant (burn back from a weld is less than 1.25 centimeters (0.5 inches)), and does not normally require removal before applying film-building coatings, including inorganic zinc high-build coatings. When constructing new vessels, there may be a need to remove areas of weld-through preconstruction primer due to surface damage or contamination prior to application of film-building coatings.

[(12) Vehicle coating.]

(12) [(A)] Automobile and light-duty truck manufacturing.

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

(B) [(ii)] Light-duty truck coating--The assembly-line coating of motor vehicles rated at 8,500 pounds (3,855.5 kg) gross vehicle weight or less and designed primarily for the transportation of property, or derivatives such as pickups, vans, and window vans.

(13) [(B)] Vehicle refinishing (body shops).

(A) [(i)] Basecoat/clearcoat system--A topcoat system composed of a pigmented basecoat portion and a transparent clearcoat portion. The VOC content of a basecoat (BCCA-AG)/clearcoat (cc) system shall be calculated according to the following formula.

Figure: 30 TAC §115.420(c)(13)(A)

[Figure: 30 TAC §115.420(b)(12)(B)(i)]

$$\text{VOC } T_{bc/cc} = \frac{\text{VOC}_{bc} + (2 \times \text{VOC}_{cc})}{3}$$

Where:

VOC $T_{bc/cc}$ = the volatile organic compounds (VOC) [VOC] content, in pounds of VOC per gallon (less water and exempt

solvent) as applied, in the basecoat/clearcoat system

VOC_{bc} = the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given basecoat

VOC_{cc} is the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given clearcoat

(B) [(ii)] Precoat--Any coating that is applied to bare metal to deactivate the metal surface for corrosion resistance to a subsequent water-based primer. This coating is applied to bare metal solely for the prevention of flash rusting.

(C) [(iii)] Pretreatment--Any coating which contains a minimum of 0.5% acid by weight that is applied directly to bare metal surfaces to etch the metal surface for corrosion resistance and adhesion of subsequent coatings.

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

(E) [(v)] Sealers--Coatings that are formulated with resins which, when dried, are not readily soluble in typical solvents. These coatings act as a shield for surfaces over which they are sprayed by resisting the penetration of solvents which are in the final topcoat.

(F) [(vi)] Specialty coatings--Coatings or additives which are necessary due to unusual job performance requirements. These coatings or additives prevent the occurrence of surface defects and impart or improve desirable coating properties. These products include, but are not limited to, uniform finish blenders, elastomeric materials for coating of flexible plastic parts, coatings for non-metallic parts, jambing clear coatings, gloss flatteners, and anti-glare/safety coatings.

(G) [(vii)] Three-stage system--A topcoat system composed of a pigmented basecoat portion, a semitransparent midcoat portion, and a transparent

clearcoat portion. The VOC content of a three-stage system shall be calculated according to the following formula:

Figure: 30 TAC §115.420(c)(13)(G)

[Figure: 30 TAC §115.420(b)(12)(B)(vii)]

$$\text{VOC } T_{3\text{-stage}} = \frac{\text{VOC}_{bc} + \text{VOC}_{mc} + (2 \times \text{VOC}_{cc})}{4}$$

Where:

VOC $T_{3\text{-stage}}$ = the volatile organic compounds (VOC) [VOC] content, in pounds of VOC per gallon (less water and exempt

solvent) as applied, in the three-stage system

VOC_{bc} = the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given basecoat

VOC_{mc} = the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given midcoat

VOC_{cc} = the VOC content, in pounds of VOC per gallon (less water and exempt solvent) as applied, of any given clearcoat

(H) [(viii)] Vehicle refinishing (body shops)--The coating of motor vehicles, as defined in §114.620 of this title (relating to Definitions), including, but not limited to, motorcycles, passenger cars, vans, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses, and other vehicle body parts, bodies, and cabs by an operation other than the original manufacturer. The coating of non-road vehicles and non-road equipment, as these terms are defined in §114.3 and §114.6 of this title (relating to Low

Emission Vehicle Fleet Definitions; and Low Emission Fuel Definitions), and trailers is not included.

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

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

[(14) Wood parts and products coating.]

(15) [(A)] Wood parts and products. The following terms apply to wood parts and products coating facilities subject to §115.421(14) [§115.421(a)(13)] of this title.

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

(B) [(ii)] Clear sealers--Liquids applied over stains, toners, and other coatings to protect these coatings from marring during handling and to limit absorption of succeeding coatings.

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

(D) [(iv)] Opaque ground coats and enamels--Colored, opaque liquids applied to wood or wood composition substrates which completely hide the color of the substrate in a single coat.

(E) [(v)] Semitransparent spray stains and toners--Colored liquids applied to wood to change or enhance the surface without concealing the surface, including but not limited to, toners and nongrain-raising stains.

(F) [(vi)] Semitransparent wiping and glazing stains--Colored liquids applied to wood that require multiple wiping steps to enhance the grain character and to partially fill the porous surface of the wood.

(G) [(vii)] Shellacs--Coatings formulated solely with the resinous secretions of the lac beetle (*laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

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

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

(J) [(x)] Wash coat--A low-solids clear liquid applied over semitransparent stains and toners to protect the color coats and to set the fibers for subsequent sanding or to separate spray stains from wiping stains to enhance color depth.

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

(16) [(B)] Wood furniture manufacturing facilities. The following terms apply to wood furniture manufacturing facilities subject to §115.421(15) [§115.421(a)(14)] of this title.

(A) [(i)] Adhesive--Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. Adhesives are not considered to be coatings or finishing materials for wood furniture manufacturing facilities subject to §115.421(15) [§115.421(a)(14)] of this title.

(B) [(ii)] Basecoat--A coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque finishing materials and is usually topcoated for protection.

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

(D) [(iv)] Continuous coater--A finishing system that continuously applies finishing materials onto furniture parts moving along a conveyor system. Finishing materials that are not transferred to the part are recycled to the finishing material reservoir. Several types of application methods can be used with a continuous coater, including spraying, curtain coating, roll coating, dip coating, and flow coating.

(E) [(v)] Conventional air spray--A spray coating method in which the coating is atomized by mixing it with compressed air at an air pressure greater than 10 pounds per square inch gauge (psig) at the point of atomization. Airless and air-assisted airless spray technologies are not conventional air spray because the coating is not atomized by mixing it with compressed air. Electrostatic spray technology is also not conventional air spray because an electrostatic charge is employed to attract the coating

to the workpiece. In addition, high-volume low-pressure (HVLP) spray technology is not conventional air spray because its pressure is less than 10 psig.

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

(G) [(vii)] Finishing material--A coating used in the wood furniture industry. For the wood furniture manufacturing industry, such materials include, but are not limited to, basecoats, stains, washcoats, sealers, and topcoats.

(H) [(viii)] Finishing operation--Those activities in which a finishing material is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

(I) [(ix)] Organic solvent--A liquid containing VOCs that is used for dissolving or dispersing constituents in a coating; adjusting the viscosity of a coating; cleaning; or washoff. When used in a coating, the organic solvent evaporates during drying and does not become a part of the dried film.

(J) [(x)] Sealer--A finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

(K) [(xi)] Stain--Any color coat having a solids content of no more than 8.0% by weight that is applied in single or multiple coats directly to the substrate. Includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

(L) [(xii)] Strippable booth coating--A coating that is applied to a booth wall to provide a protective film to receive overspray during finishing operations; is subsequently peeled off and disposed; and reduces or eliminates the need to use organic solvents to clean booth walls.

(M) [(xiii)] Topcoat--The last film-building finishing material applied in a finishing system. A material such as a wax, polish, nonoxidizing oil, or similar substance that must be periodically reapplied to a surface over its lifetime to maintain or restore the reapplied material's intended effect is not considered to be a topcoat.

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

(O) [(xv)] Washcoat--A transparent special purpose coating having a solids content of 12% by weight or less. Washcoats are applied over initial stains to protect and control color and to stiffen the wood fibers in order to aid sanding.

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

(Q) [(xvii)] Wood furniture--Any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434 (wood kitchen cabinets), 2511 (wood household furniture, except upholstered), 2512 (wood household furniture, upholstered), 2517 (wood television, radios, phonograph and sewing machine cabinets), 2519 (household furniture not elsewhere classified), 2521 (wood office furniture), 2531 (public building and related furniture), 2541 (wood office and store fixtures, partitions, shelving and lockers), 2599 (furniture and fixtures not elsewhere classified), or 5712 (custom kitchen cabinets).

(R) [(xviii)] Wood furniture component--Any part that is used in the manufacture of wood furniture. Examples include, but are not limited to, drawer sides, cabinet doors, seat cushions, and laminated tops. However, foam seat cushions manufactured and fabricated at a facility that does not engage in any other wood furniture or wood furniture component manufacturing operation are excluded from this definition.

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

§115.421. Emission Specifications.

[(a)] The owner or operator of the surface coating processes specified in §115.420(a) of this title (relating to Applicability and Definitions) shall not [No person 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) may] cause, suffer, allow, or permit volatile organic compound (VOC) emissions [from the surface coating processes affected by paragraphs (1) - (15) of this subsection] to exceed the specified emission limits in paragraphs (1) - (16) of this subsection. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (9) [(10)] of this subsection which are based on paneling surface area, and

those in paragraph (15) [(14)] of this subsection which, if using an averaging approach, must use one of the daily averaging equations within that paragraph. The owner or operator of a surface coating operation subject to paragraph (10) [(11)] of the subsection may choose to comply by using the monthly weighted average option as defined in §115.420(c)(1)(YY) [§115.420(b)(1)(XX)] of this title [(relating to Surface Coating Definitions)].

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

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

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

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

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

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

(7) Can coating. The following VOC emission limits must [shall] be achieved, on the basis of VOC solvent content per unit of volume [gallon] of coating (minus water and exempt solvent) delivered to the application system:

Figure: 30 TAC §115.421(7)

[Figure: 30 TAC §115.421(a)(7)]

Affected Operation	Pounds of <u>Volatile Organic Compounds (VOC)</u> [VOC] per Gallon of Coating	Kilogram of VOC per Liter of Coating
Sheet Basecoat (Exterior and Interior) and Over-Varnish	2.8	0.34
Two-Piece Can Exterior (Base-Coat and Over-Varnish)	2.8	0.34
Two- and Three-Piece Can Interior Body Spray, Two-Piece Can Exterior End (Spray or Roll Coat)	4.2	0.51
Three-Piece Can Side-Seam Spray	5.5	0.66
End Sealing Compound	3.7	0.44

[(8) Vehicle coating.]

[(A) The following VOC emission limits shall be achieved for all automobile and light-duty truck manufacturing, on the basis of solvent content per gallon of coating (minus water and exempt solvents) delivered to the application system or for primer surfacer and top coat application, compliance may be demonstrated on the basis of VOC emissions per gallon of solids deposited as determined by §115.425(3) of this title (relating to Testing Requirements).]

[Figure: 30 TAC §115.421(a)(8)(A)]

[(B) VOC emissions from the coatings or solvents used in vehicle refinishing (body shops) shall not exceed the following limits, as delivered to the application system:]

[(i) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for primers or primer surfacers;]

[(ii) 5.5 pounds per gallon (0.66 kg/liter) of coating (minus water and exempt solvent) for precoat;]

[(iii) 6.5 pounds per gallon (0.78 kg/liter) of coating (minus water and exempt solvent) for pretreatment;]

[(iv) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for single-stage topcoats;]

[(v) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for basecoat/clearcoat systems;]

[(vi) 5.2 pounds per gallon (0.62 kg/liter) of coating (minus water and exempt solvent) for three-stage systems;]

[(vii) 7.0 pounds per gallon (0.84 kg/liter) of coating (minus water and exempt solvent) for specialty coatings;]

[(viii) 6.0 pounds per gallon (0.72 kg/liter) of coating (minus water and exempt solvent) for sealers; and]

[(ix) 1.4 pounds per gallon (0.17 kg/liter) of wipe-down solutions.]

[(C) Additional control requirements for vehicle refinishing (body shops) are referenced in §115.422 of this title (relating to Control Requirements).]

(8) [(9)] Miscellaneous metal parts and products (MMPP) coating.

(A) VOC emissions from the coating of MMPP must [shall] not exceed the following limits for each surface coating type:

Figure: 30 TAC §115.421(8)(A)

Coating Type	Pounds of Volatile Organic Compounds (VOC) per	Kilogram of VOC per Gallon of Coating
--------------	--	---------------------------------------

	Gallon of Coating	
Clear Coat or an Interior Protective Coating for Pails and Drums	4.3	0.52
Low-Bake Coating or Coating Using Air or Forced Air Driers	3.5	0.42
Extreme Performance Coating, Including Milling Maskants	3.5	0.42
All Other Coating Applications that Pertain to MMPP, Including High-Bake Coatings	3.0	0.36

[(i) 4.3 pounds per gallon (0.52 kg/liter) of coating (minus water and exempt solvent) delivered to the application system as a clear coat; or as an interior protective coating for pails and drums;]

[(ii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water and exempt solvent) delivered to the application system as a low-bake coating; or that utilizes air or forced air driers;]

[(iii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water and exempt solvent) delivered to the application system as an extreme performance coating, including chemical milling maskants; and]

[(iv) 3.0 pounds per gallon (0.36 kg/liter) of coating (minus water and exempt solvent) delivered to the application system for all other coating applications, including high-bake coatings, that pertain to MMPP.]

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

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

(9) [(10)] Factory surface coating of flat wood paneling. The following emission limits [shall] apply to each product category of factory-finished paneling (regardless of the number of coats applied):

Figure: 30 TAC §115.421(9)

[Figure: 30 TAC §115.421(a)(10)]

Product Category	Pounds of <u>volatile organic compounds (VOC)</u> [VOC] per <u>1,000</u> [1000] Square Feet of	Kilograms of VOC per 100 Meters Squared of Coated
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	Coated Surface	Surface
Printed Interior Wall Panels Made of Hardwood Plywood and Thin Particle Board (Less Than ¼ Inch) in Thickness	6.0	2.9
Natural Finish Hardwood Plywood Panels	12.0	5.8
Hardwood Paneling with Class II Finish (American National Standard Institute Standard PS-59-73)	10.0	4.8

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

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

(i) primer, 350;

(ii) topcoats (including self-priming topcoats), 420; and

(iii) chemical milling maskants:

(I) Type I, 622; and

(II) Type II, 160.

(B) For specialty coatings:

Figure: 30 TAC §115.421(10)(B)

[Figure: 30 TAC §115.421(a)(11)(B)]

VOC LIMITS FOR SPECIALTY COATINGS (IN GRAMS OF VOC PER LITER OF COATING, LESS WATER AND EXEMPT SOLVENT)

Coating type	Limit	Coating type	Limit
Ablative Coating	600		
Adhesion Promoter	890		
Adhesive Bonding Primers:			
Cured at 250°F or below	850		
Cured above 250°F	1030		
Adhesives:			
Commercial Interior Adhesive	760		
Cyanoacrylate Adhesive	1,020		
Fuel Tank Adhesive	620		
Nonstructural Adhesive	360		
Rocket Motor Bonding Adhesive	890		
Rubber-based Adhesive	850		

Structural Autoclavable Adhesive	60
Structural Nonautoclavable Adhesive . .	850
Antichafe Coating	660
Bearing Coating	620
Caulking and Smoothing Compounds	850
Chemical Agent-Resistant Coating	550
Clear Coating	720
Commercial Exterior Aerodynamic Structure Primer	650
Compatible Substrate Primer	780
Corrosion Prevention Compound	710
Cryogenic Flexible Primer	645
Dry Lubricative Material	880
Cryoprotective Coating	600
Electric or Radiation-Effect Coating	800
Electrostatic Discharge and Electromagnetic Interference (EMI) Coating	800
Elevated-Temperature Skydrol-Resistant Commercial Primer	740
Epoxy Polyamide Topcoat	660
Fire-Resistant (interior) Coating	800
Flexible Primer	640
Flight-Test Coatings:	
Missile or Single Use Aircraft	420
All Other	840
Fuel-Tank Coating	720
High-Temperature Coating	850
Insulation Covering	740
Intermediate Release Coating	750
Lacquer	830
Maskants:	
Bonding Maskant	1,230
Critical Use and Line Sealer Maskant .	1,020
Seal Coat Maskant	1,230
Metallized Epoxy Coating	740
Mold Release	780
Optical Anti-Reflective Coating	750
Part Marking Coating	850
Pretreatment Coating	780
Rain Erosion-Resistant Coating	850
Rocket Motor Nozzle Coating	660
Scale Inhibitor	880

Screen Print Ink 840
 Sealants:
 Extrudable/Rollable/Brushable Sealant . 280
 Sprayable Sealant 600
 Silicone Insulation Material 850
 Solid Film Lubricant 880
 Specialized Function Coating 890
 Temporary Protective Coating 320
 Thermal Control Coating 800
 Wet Fastener Installation Coating 675
 Wing Coating 850

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

Figure: 30 TAC §115.421(11)

Operation (Including Application, Flashoff, and Oven Areas)	Coating Delivered (Minus Water and Exempt Solvent) Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Coating Delivered (Minus Water and Exempt Solvent) Kilogram of VOC per Liter of Coating	Solids Deposited Pounds of VOC per Gallon of Solids	Solids Deposited Kilograms per Liter of Solids
Prime Application	1.2	0.15	Not	Not

(Body and Front-End Sheet Metal)			Applicable	Applicable
Primer Surfacer Application	2.8	0.34	15.1	1.81
Topcoat Application	2.8	0.34	15.1	1.81
Final Repair Application End Sealing Compound	4.8	0.58	*	*

* As an alternative to the emission limitation of 4.8 pounds of VOC per gallon of coating applied for final repair, if a source owner does not compile records sufficient to enable determination of a daily weighted average VOC content, compliance with the final repair emission limitation may be demonstrated each day by meeting a standard of 4.8 pounds of VOC per gallon of coating (minus water and exempt solvents) on an occurrence weighted average basis. Compliance with such alternative emission limitation shall be determined in accordance with the procedure specified in §115.425(3) of this title.

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

Figure: 30 TAC §115.421(12)

Coating Type (Minus Water and Exempt Solvent)	Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Kilograms of VOC per Liter of Coating
Primer or Primer Surfacer	5.0	0.60
Precoat	5.5	0.66

Pretreatment	6.5	0.78
Single-Stage Topcoats	5.0	0.60
Basecoat or Clearcoat Systems	5.0	0.60
Three-Stage Systems	5.2	0.62
Specialty Coatings	7.0	0.84
Sealers	6.0	0.72
Wipe-Down Solutions	1.4	0.17

(13) [(12)] Surface coating of mirror backing.

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

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

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

(B) All VOC emissions from solvent washings must [shall] be included in determination of compliance with the emission limitations in subparagraph (A) of this paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.

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

Figure: 30 TAC §115.421(14)

Coating Type (Minus Water and Exempt Solvent)	Pounds of Volatile Organic Compounds (VOC) per Gallon of Coating	Kilograms per Liter of Coating
Clear Topcoat	5.9	0.71
Wash Coat	6.5	0.78
Final Repair Coat	6.0	0.72
Semitransparent Wiping and Glazing Stain	6.6	0.79
Semitransparent Spray Stains and Toners	6.9	0.83
Opaque Ground Coats and Enamels	5.5	0.66
Clear Sealers	6.2	0.74
Clear Shellac	5.4	0.65
Opaque Shellac	5.0	0.60
Varnish	5.0	0.60
All Other Coatings	7.0	0.84

[(A) In the Dallas/Fort Worth, El Paso, and Houston/Galveston areas, VOC emissions from the coating of wood parts and products shall not exceed the following limits, as delivered to the application system, for each surface coating type:]

[(i) 5.9 pounds per gallon (0.71 kg/liter) of coating (minus water and exempt solvent) for clear topcoats;]

[(ii) 6.5 pounds per gallon (0.78 kg/liter) of coating (minus water and exempt solvent) for wash coats;]

[(iii) 6.0 pounds per gallon (0.72 kg/liter) of coating (minus water and exempt solvent) for final repair coats;]

[(iv) 6.6 pounds per gallon (0.79 kg/liter) of coating (minus water and exempt solvent) for semitransparent wiping and glazing stains;]

[(v) 6.9 pounds per gallon (0.83 kg/liter) of coating (minus water and exempt solvent) for semitransparent spray stains and toners;]

[(vi) 5.5 pounds per gallon (0.66 kg/liter) of coating (minus water and exempt solvent) for opaque ground coats and enamels;]

[(vii) 6.2 pounds per gallon (0.74 kg/liter) of coating (minus water and exempt solvent) for clear sealers;]

[(viii) for shellac:]

[(I) 5.4 pounds per gallon (0.65 kg/liter) of coating (minus water and exempt solvent) for clear shellac; and]

[(II) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for opaque shellac;]

[(ix) 5.0 pounds per gallon (0.60 kg/liter) of coating (minus water and exempt solvent) for varnish; and]

[(x) 7.0 pounds per gallon (0.84 kg/liter) of coating (minus water and exempt solvent) for all other coatings.]

[(B) All VOC emissions from solvent washings shall be included in determination of compliance with the emission limitations in subparagraph (A) of this

paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.]

[(C) The requirements of §115.423(3) of this title (relating to Alternate Control Requirements) do not apply at wood parts and products coating facilities if:]

[(i) a vapor control system is used to control emissions from wood parts and products coating operations; and]

[(ii) all wood parts and products coatings comply with the emission limitations in subparagraph (A) of this paragraph.]

(15) [(14)] Surface coating at wood furniture manufacturing facilities. [The following requirements apply to wood furniture manufacturing facilities in the Beaumont/Port Arthur, Dallas/Fort Worth, El Paso, and Houston/Galveston areas.] For facilities which are subject to this paragraph, adhesives are not considered to be coatings or finishing materials.

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

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

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

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

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

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

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

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

Figure: 30 TAC §115.421(15)(A)(iv)

[Figure: 30 TAC §115.421(a)(14)(A)(iv)]

$$0.9 (0.8 (TC_1 + TC_2 + \dots)) \geq (ER_{TC1} (TC_1) + (ER_{TC2} (TC_2) + \dots)) \text{ (Inequality 1)}$$

$$0.9 \{1.8 (TC_1 + TC_2 + \dots)\} + \{1.9 (SE_1 + SE_2 + \dots)\} + \text{(Inequality 2)} \\
\{9.0 (WC_1 + WC_2 + \dots)\} + \{1.2 (BC_1 + BC_2 + \dots)\} + \\
\{0.791 (ST_1 + ST_2 + \dots)\} \geq \{ER_{TC1} (TC_1) + ER_{TC2} (TC_2) + \dots\} + \\
\{ER_{SE1} (SE_1) + ER_{SE2} (SE_2) + \dots\} + (ER_{WC1} (WC_1) + ER_{WC2} (WC_2) + \dots) + \\
\{ER_{BC1} (BC_1) + ER_{BC2} (BC_2) + \dots\} + \{ER_{ST1} (ST_1) + ER_{ST2} (ST_2) + \dots\}$$

Where:

- TC_i = kilograms of solids of topcoat "i" used;
- SE_i = kilograms of solids of sealer "i" used;
- WC_i = kilograms of solids of washcoat "i" used;
- BC_i = kilograms of solids of basecoat "i" used;
- ST_i = liters of stain "i" used;
- ER_{TCi} = volatile organic compounds (VOC) [VOC] content of topcoat "i" in kilograms of VOC per kilogram of solids, as delivered to the application system;
- ER_{SEi} = VOC content of sealer "i" in kilograms of VOC per kilogram of solids, as delivered to the application system;
- ER_{WCi} = VOC content of washcoat "i" in kilograms of VOC per kilogram of solids, as delivered to the application system;
- ER_{BCi} = VOC content of basecoat "i" in kilograms of VOC per kilogram of solids, as delivered to the application system; and
- ER_{STi} = VOC content of stain "i" in kilograms of VOC per kilogram of solids, as delivered to the application system.

In inequalities (1) and (2) the facility must use the actual VOC content of the finishing materials used before they were subject to this paragraph if the VOC content is less than the allowed VOC content. For example, if the facility was using topcoats with a VOC content of 1.7 kilograms of VOC per kilogram of solids (1.7 pounds of VOC per pound of solids) before being subject to this paragraph, they must use that value in Inequality (2) rather than 1.8; or

(v) using a vapor control system that will achieve an equivalent reduction in emissions as the requirements of clauses (i) or (ii) of this subparagraph. If this option is used, the requirements of §115.423(3) of this title do not apply; or

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

(B) Strippable booth coatings used in cleaning operations must not [shall] contain [no] more than 0.8 kilogram [kilograms] of VOC per kilogram of solids (0.8 pound [pounds] of VOC per pound of solids), as delivered to the application system.

(16) [(15)] Marine coatings. [The following requirements apply to shipbuilding and ship repair operations in the Beaumont/Port Arthur and Houston/Galveston areas.]

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

Figure: 30 TAC §115.421(16)(A)

[Figure: 30 TAC §115.421(a)(15)(A)]

Coating Category	Grams of <u>volatile organic compounds (VOC)</u> [VOC] per liter coating (minus water and exempt solvent) ^{a, b}	Pounds of VOC per gallon coating (minus water and exempt solvent) ^{a, b}	Grams of VOC per liter solids ^c when $t \geq 4.5^\circ\text{C}$ (40°F)	Grams of VOC per liter of solids ^c when $t < 4.5^\circ\text{C}$ (40°F) ^d
General use	340	2.83	571	728
Specialty:				
Air flask	340	2.83	571	728
Antenna	530	4.42	1,439	-----
Antifoulant	400	3.33	765	971
Heat resistant	420	3.5	841	1,069
High-gloss	420	3.5	841	1,069
High-temperature	500	4.17	1,237	1,597
Inorganic zing high-build	340	2.83	571	728
Military exterior	340	2.83	571	728
Mist	610	2.08	2,235	-----
Navigational aids	550	4.58	1,597	-----
Nonskid	340	2.83	571	728

Nuclear	420	3.50	841	1,069
Organic zinc	360	3.00	630	802
Pretreatment wash primer	780	6.50	11,095	-----
Repair and maintenance of thermoplastics	550	4.58	1,597	-----
Rubber camouflage	340	2.83	571	728
Sealant for thermal spray aluminum	610	5.08	2,235	-----
Special marking	490	4.08	1,178	-----
Specialty interior	340	2.83	571	728
Tack coat	610	5.08	2,235	-----
Undersea weapons systems	340	2.83	571	728
Weld-through preconstruction primer	650	5.42	2,885	-----

^aThe limits are expressed in two sets of equivalent units: grams per liter of coating (minus water and exempt solvent); and grams per liter of solids. Either set of limits may be used to demonstrate compliance.

^b To convert from grams/liter to pounds/gallon, multiply by (3.785 liters/gallon)(pound/453.6 grams) or 1/120. For compliance purposes, metric units define the standards.

^c VOC limits expressed in units of mass of VOC per volume of solids were derived from the VOC limits expressed in units of mass of VOC per volume of coating assuming the coatings contain no water or exempt compounds and that the volumes of all components within a coating are additive.

^d These limits apply during cold-weather time periods (i.e., temperatures below 4.5 degrees Celsius (40 degrees Fahrenheit)). Cold-weather allowances are not given to coatings in categories that permit less than 40% solids nonvolatiles) content by volume. Such coatings are subject to the same limits regardless of weather conditions.

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

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

Figure: 30 TAC §115.421(16)(B)(i)

[Figure: 30 TAC §115.421(a)(15)(B)(i)]

$$R = \frac{(V_s)(\text{VOC limit}) - m_{\text{VOC}}}{D_{\text{th}}} \quad (\text{Equation 1})$$

Where:

R = Maximum allowable thinning ratio for a given batch (liters of thinner per liter of coating as supplied);

V_s = Volume fraction of solids in the batch as supplied (liter of solids per liter of coating as supplied);

VOC limit = Maximum allowable as-applied volatile organic compounds (VOC) [VOC] content of the coating (grams of VOC per liter of solids);

m_{VOC} = VOC content of the batch as supplied (grams of VOC per liter of coating as supplied); and

D_{th} = Density of the thinner (grams per liter).

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

Figure: 30 TAC §115.421(16)(B)(ii)

[Figure: 30 TAC §115.421(a)(15)(B)(ii)]

$$V_s = \frac{1 - (m_{\text{volatiles}})}{D_{\text{avg}}} \quad (\text{Equation 2})$$

Where:

V_s = Volume fraction of solids in the batch (liter of solids per liter of coating);
 $m_{\text{volatiles}}$ = Total volatiles in the batch, including volatile organic compounds (VOC) [VOC], water, and exempt compounds (grams per liter of coating); and
 D_{avg} = Average density of volatiles in the batch (grams per liter).

[(b) No person in Gregg, Nueces, and Victoria Counties may cause, suffer, allow, or permit VOC emissions from the surface coating processes affected by paragraphs (1) - (9) of this subsection to exceed the specified emission limits. These limitations are based on the daily weighted average of all coatings delivered to each coating line, except for those in paragraph (9) of this subsection which are based on paneling surface area.]

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

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

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

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

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

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

[(7) Can coating. The following VOC emission limits shall be achieved, on the basis of solvent content per gallon of coating (minus water and exempt solvent) delivered to the application system.]

[Figure 2: 30 TAC §115.421(b)(7)]

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

[(A) VOC emissions from the coating of MMPP shall not exceed the following limits for each surface coating type:]

[(i) 4.3 pounds per gallon (0.52 kg/liter) of coating (minus water and exempt solvent) delivered to the application system as a clear coat; or as an interior protective coating for pails and drums;]

[(ii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water and exempt solvent) delivered to the application system as a low-bake coating; or that utilizes air or forced air driers;]

[(iii) 3.5 pounds per gallon (0.42 kg/liter) of coating (minus water and exempt solvent) delivered to the application system as an extreme performance coating, including chemical milling maskants; and]

[(iv) 3.0 pounds per gallon (0.36 kg/liter) of coating (minus water and exempt solvent) delivered to the application system for all other coating applications, including high-bake coatings, that pertain to MMPP.]

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

[(C) All VOC emissions from nonexempt solvent washings shall be included in determination of compliance with the emission limitations in subparagraph (A) of this paragraph, unless the solvent is directed into containers that prevent evaporation into the atmosphere.]

[(9) Factory surface coating of flat wood paneling. The following emission limits shall apply to each product category of factory-finished paneling (regardless of the number of coats applied).]

[Figure: 30 TAC §115.421(b)(9)]

[(10) Aerospace coatings. Coatings applied to aerospace vehicles or components shall meet the requirements specified in subsection (a)(11) of this section and §115.422(5) of this title, unless exempted under §115.427(b) of this title (relating to Exemptions).]

§115.422. Control Requirements.

In the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Applicability and Definitions) [(relating to Definitions)], the following control requirements apply. In Gregg, Nueces, and Victoria Counties, the control requirements in paragraph (5) of this section apply.

(1) The owner or operator of each vehicle refinishing (body shop) operation shall minimize volatile organic compounds (VOC) emissions during equipment cleanup by using the following procedures:

(A) install and operate a system that totally encloses spray guns, cups, nozzles, bowls, and other parts during washing, rinsing, and draining procedures. Non-

enclosed cleaners may be used if the vapor pressure of the cleaning solvent is less than 100 millimeters of mercury (mm Hg) at 20 degrees Celsius (68 degrees Fahrenheit) and the solvent is directed towards a drain that leads directly to an enclosed remote reservoir;

(B) keep all wash solvents in an enclosed reservoir that is covered at all times, except when being refilled with fresh solvents; and

(C) keep all waste solvents and other cleaning materials in closed containers.

(2) Each vehicle refinishing (body shop) operation must use coating application equipment with a transfer efficiency of at least 65%, unless otherwise specified in an alternate means of control approved by the executive director in accordance with §115.910 of this title (relating to Availability of Alternate Means of Control). High-volume, low-pressure (HVLP) spray guns are assumed to comply with the 65% transfer efficiency requirement.

(3) The following requirements apply to each wood furniture manufacturing facility subject to §115.421(15) [(§115.421(a)(14)] of this title (relating to Emission Specifications).

(A) No compounds containing more than 8.0% by weight of VOC may be used for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, and/or metal filters, unless the spray booth is being refurbished. If the spray booth is being refurbished, that is, the spray booth coating or other material used to cover the booth is being replaced, no more than 1.0 gallon of organic solvent may be used to prepare the booth prior to applying the booth coating.

(B) Normally closed containers must be used for storage of finishing, cleaning, and washoff materials.

(C) Conventional air spray guns may not be used for applying finishing materials except under one or more of the following circumstances:

(i) to apply finishing materials that have a VOC content no greater than 1.0 kilogram of VOC per kilogram of solids (1.0 pound of VOC per pound of solids), as delivered to the application system;

(ii) for touch-up and repair under the following circumstances:

(I) the finishing materials are applied after completion of the finishing operation; or

(II) the finishing materials are applied after the stain and before any other type of finishing material is applied, and the finishing materials are applied from a container that has a volume of no more than 2.0 gallons.

(iii) if spray is automated, that is, the spray gun is aimed and triggered automatically, not manually;

(iv) if emissions from the finishing application station are directed to a vapor control system;

(v) the conventional air gun is used to apply finishing materials and the cumulative total usage of that finishing material is no more than 5.0% of the total gallons of finishing material used during that semiannual period; or

(vi) the conventional air gun is used to apply stain on a part that [for which]:

(I) the production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(II) the excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the stain.

(D) All organic solvent used for line cleaning or to clean spray guns must be pumped or drained into a normally closed container.

(E) Emissions from washoff operations must be minimized by:

(i) using normally closed tanks for washoff; and

(ii) minimizing dripping by tilting or rotating the part to drain as much organic solvent as possible.

(4) The following requirements apply to each shipbuilding and ship repair surface coating facility subject to §115.421(16) [§115.421(a)(15)] of this title.

(A) All handling and transfer of VOC-containing materials to and from containers, tanks, vats, drums, and piping systems must be conducted in a manner that minimizes spills.

(B) All containers, tanks, vats, drums, and piping systems must be free of cracks, holes, and other defects and remain closed unless materials are being added to or removed from them.

(C) All organic solvent used for line cleaning or to clean spray guns must be pumped or drained into a normally closed container.

(5) The following requirements apply to each aerospace vehicle or component coating process subject to §115.421(10) [§115.421(a)(11) or (b)(10)] of this title.

(A) One or more of the following application techniques must be used to apply any primer or topcoat to aerospace vehicles or components: flow/curtain coating; dip coating; roll coating; brush coating; cotton-tipped swab application; electrodeposition coating; HVLP spraying; electrostatic spraying; or other coating application methods that achieve emission reductions equivalent to HVLP or electrostatic spray application methods, unless one of the following situations apply:

(i) any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces;

(ii) the application of specialty coatings;

(iii) the application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that the executive director has determined cannot be applied by any of the specified application methods;

(iv) the application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 in.) and that the executive director has determined cannot be applied by any of the specified application methods in this subparagraph;

(v) the use of airbrush application methods for stenciling, lettering, and other identification markings;

(vi) the use of aerosol coating (spray paint) application methods; and

(vii) touch-up and repair operations.

(B) Cleaning solvents used in hand-wipe cleaning operations must meet the definition of aqueous cleaning solvent in §115.420(c)(1)(I) [§115.420(b)(1)(I)] of this title (relating to Surface Coating Definitions) or have a VOC composite vapor pressure less than or equal to 45 mm Hg at 20 degrees Celsius, unless one of the following situations apply:

(i) cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;

(ii) cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, hydrazine);

(iii) cleaning and surface activation prior to adhesive bonding;

(iv) cleaning of electronics parts and assemblies containing electronics parts;

(v) cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid, including air-to-air heat exchangers and hydraulic fluid systems;

(vi) cleaning of fuel cells, fuel tanks, and confined spaces;

(vii) surface cleaning of solar cells, coated optics, and thermal control surfaces;

(viii) cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used on the interior of the aircraft;

(ix) cleaning of metallic and nonmetallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture of aerospace vehicles or components;

(x) cleaning of aircraft transparencies, polycarbonate, or glass substrates;

(xi) cleaning and solvent usage associated with research and development, quality control, or laboratory testing;

(xii) cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems. Energized electrical systems means any alternating current or direct current electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells and tail sections; and

(xiii) cleaning operations identified as essential uses under the Montreal Protocol that the United States Environmental Protection Agency (EPA) has allocated essential use allowances or exemptions in 40 Code of Federal Regulations §82.4 (as amended through May 10, 1995 (60 FR 24986)), including any future amendments promulgated by the EPA.

(C) For cleaning solvents used in the flush cleaning of parts, assemblies, and coating unit components, the used cleaning solvent must be emptied into an enclosed container or collection system that is kept closed when not in use or captured with wipers provided they comply with the housekeeping requirements of subparagraph (E) of this paragraph. Aqueous and semiaqueous cleaning solvents are exempt from this subparagraph.

(D) All spray guns must be cleaned by one or more of the following methods:

(i) enclosed spray gun cleaning system provided that it is kept closed when not in use and leaks are repaired within 14 days from when the leak is first discovered. If the leak is not repaired by the 15th day after detection, the solvent must be removed and the enclosed cleaner must be shut down until the leak is repaired or its use is permanently discontinued;

(ii) unatomized discharge of solvent into a waste container that is kept closed when not in use;

(iii) disassembly of the spray gun and cleaning in a vat that is kept closed when not in use; or

(iv) atomized spray into a waste container that is fitted with a device designed to capture atomized solvent emissions.

(E) All fresh and used cleaning solvents used in solvent cleaning operations must be stored in containers that are kept closed at all times except when

filling or emptying. Cloth and paper, or other absorbent applicators, moistened with cleaning solvents must be stored in closed containers. Cotton-tipped swabs used for very small cleaning operations are exempt from this subparagraph. In addition, the owner or operator shall implement handling and transfer procedures to minimize spills during filling and transferring the cleaning solvent to or from enclosed systems, vats, waste containers, and other cleaning operation equipment that hold or store fresh or used cleaning solvents. The requirements of this subparagraph are known collectively as housekeeping measures. Aqueous, semiaqueous, and hydrocarbon-based cleaning solvents, as defined in §115.420(c)(1) [§115.420(b)(1)] of this title, are exempt from this subparagraph.

(6) Any surface coating operation in the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas that becomes subject to §115.421 [§115.421(a)] of this title by exceeding the exemption limits in §115.427 [§115.427(a)] of this title (relating to Exemptions) is subject to the provisions in §115.421 [§115.421(a)] of this title, even if throughput or emissions later fall below exemption limits unless emissions are maintained at or below the controlled emissions level achieved while complying with §115.421 [§115.421(a)] of this title and one of the following conditions is met.

(A) The project that caused the throughput or emission rate to fall below the exemption limits in §115.427 [§115.427(a)] of this title must be authorized by a permit, permit amendment, standard permit, or permit by rule required by Chapter 116 or Chapter 106 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification; and Permits by Rule). If a permit by rule is available for the project, the owner or operator shall continue to comply with §115.421 [§115.421(a)] of this title for 30 days after the filing of documentation of compliance with that permit by rule.

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

(7) In [Beginning March 1, 2013, in] the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, the owner or operator of a paper surface coating line subject to this division shall implement the following work practices to limit VOC emissions from storage, mixing, and handling of cleaning and cleaning-related waste materials.

(A) All VOC-containing cleaning materials must be stored in closed containers.

(B) Mixing and storage containers used for VOC-containing materials must be kept closed at all times except when depositing or removing these materials.

(C) Spills of VOC-containing cleaning materials must be minimized.

(D) VOC-containing cleaning materials must be conveyed from one location to another in closed containers or pipes.

(E) VOC emissions from the cleaning of storage, mixing, and conveying equipment must be minimized.

§115.423. Alternate Control Requirements.

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

(1) Emission calculations for surface coating operations performed to satisfy the conditions of §101.23 of this title (relating to Alternate Emission Reduction

("Bubble") Policy), §115.910 of this title (relating to Availability of Alternate Means of Control), or other demonstrations of equivalency with the specified emission limits in this division must [(relating to Surface Coating Processes) shall] be based on the pounds of volatile organic compounds (VOC) per gallon of solids for all affected coatings. The owner or operator shall use the following equation [shall be used] to convert emission limits from pounds of VOC per gallon of coating to pounds of VOC per gallon of solids:

Figure: 30 TAC §115.423(1) (No change to this figure as it exists in the TAC.)

(2) Any alternate methods of demonstrating and documenting continuous compliance with the applicable control requirements or exemption criteria in this division, such as use of improved transfer efficiency, may be approved by the executive director in accordance with §115.910 of this title if emission reductions are demonstrated to be substantially equivalent.

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

(A) the capture and abatement system must [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 owner or operator shall use 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)

[Figure: 30 TAC §115.423(3)(A)]

$$E = (\text{VOC}_a - S) / \text{VOC}_a$$

Where:

E = the required overall control efficiency

VOC_a = the volatile organic compounds (VOC) [VOC] content of the coatings used on the coating line expressed on a pounds of VOC per gallon of solids [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 owner or operator shall submit design data for each capture system and emission control device that [which] is proposed for use to the executive director for approval. In the Beaumont-Port Arthur, Dallas-Fort Worth [Beaumont/Port Arthur, Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria [Houston/Galveston] areas, capture efficiency testing must [shall] be performed in accordance with §115.425(4) of this title (relating to Testing Requirements).

(4) For any surface coating process or processes at a specific property, the executive director may approve requirements different from those in §115.421(8) [§115.421(a)(9) or (b)(8)] of this title based upon his determination that such requirements will result in the lowest emission rate that is technologically and economically reasonable. When [he makes] such a determination is made, the executive director shall specify the date or dates by which such different requirements must [shall] be met and shall specify any requirements to be met in the interim. If the emissions resulting from such different requirements equal or exceed 25 tons a year for a property, the determinations for that property must [shall] be reviewed every five years. Executive director approval does not necessarily constitute satisfaction of all federal requirements nor eliminate the need for approval by the United States Environmental Protection Agency [EPA] in cases where specified criteria for determining equivalency have not been clearly identified in applicable sections of this chapter.

§115.425. Testing Requirements.

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

(1) The owner or operator shall determine compliance [Compliance] with §115.421 of this title (relating to Emission Specifications) [shall be determined] by applying the following test methods, as appropriate, except as specified in paragraph (5) of this section. Where a test method also inadvertently measures compounds that are exempt solvent, an owner or operator may exclude these exempt solvents when determining compliance with an emission standard:

(A) Test Method 24 (40 Code of Federal Regulations (CFR) Part 60, Appendix A) with a one-hour bake;

(B) ASTM International [ASTM] Test Methods D 1186-06.01, D 1200-06.01, D 3794-06.01, D 2832-69, D 1644-75, and D 3960-81;

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

(D) additional test procedures described in 40 Code of Federal Regulations (CFR) §60.446; or

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

(2) Compliance with §115.423(3) of this title (relating to Alternate Control Requirements) must [shall] be determined by applying the following test methods, as appropriate:

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

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

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

(D) additional performance test procedures described in 40 CFR §60.044; or

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

(3) Compliance with the alternative emission limits in §115.421(11) [§115.421(a)(8)(A)] of this title must [shall] be determined by applying the following test methods, as appropriate:

(A) Protocol for Determining the Daily VOC Emission Rate of Automobile and Light-Duty Truck Topcoat Operations (EPA 450/3-88-018); or

(B) The procedure contained in this paragraph for determining daily compliance with the alternative emission limitation in §115.421(11) [§115.421(a)(8)(A)] of this title for final repair. Calculation of occurrence weighted average for each combination of repair coatings (primer, specific basecoat, clearcoat) must [shall] be determined by the following procedure.

(i) The characteristics identified below, which are represented in the following equations by the variables shown, are established for each repair material as sprayed:

Figure: 30 TAC §115.425(3)(B)(i)

[Figure: 30 TAC §115.425(3)(B)(i)]

	Primer	Basecoat	Clearcoat
<u>Volatile Organic Compounds (VOC) [VOC]</u> (pounds per gallon)	Vp	Vb	Vc
Volume solids of coating (minus water and exempt solvents) (%)	Sp	Sb	Sc
Target dry film build (mils)	Tp	Tb	Tc

(ii) The relative occurrence weighted usage is calculated as follows:

Figure: 30 TAC §115.425(3)(B)(ii) (No change to this figure as it currently exists in the TAC.)

(iii) The occurrence weighted average (Q) in pounds of VOC per gallon of coating (minus water and exempt solvents) as applied for each potential combination of repair coatings is calculated according to paragraph (4) of this section.

Figure: 30 TAC §115.425(3)(B)(iii) (No change to this figure as it exists in the TAC.)

(4) In the Beaumont-Port Arthur, Dallas-Fort Worth [Beaumont/Port Arthur, Dallas/Fort Worth], El Paso, and Houston-Galveston-Brazoria

[Houston/Galveston] areas, the owner or operator of surface coating processes subject to §115.423(3) of this title shall measure the capture efficiency using applicable procedures outlined in 40 CFR §52.741 [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 Input; Procedure G.2-Captured VOC Emissions (Dilution Technique); Procedure F.1-Fugitive VOC Emissions from Temporary Enclosures; and Procedure F.2-Fugitive VOC Emissions from Building Enclosures.

(A) Exemptions to capture efficiency testing requirements:

(i) If a source installs a permanent total enclosure (PTE) that [which] meets the specifications of Procedure T and [which] directs all VOC to a control device, then the capture efficiency is assumed to be 100%, and the source is exempted from capture efficiency testing requirements. This does not exempt the source from performance of any control device efficiency testing that may be required. In addition, a source must demonstrate all criteria for a PTE are met during testing for control efficiency.

(ii) If a source uses a control device designed to collect and recover VOC (e.g., carbon adsorption system), 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.

(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 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) The capture efficiency must [shall] be calculated using one of the following four protocols referenced. Any affected source must use one of these protocols, unless a suitable alternative protocol is approved by the executive director and the EPA.

(i) Gas/gas method using Temporary Total Enclosure (TTE).

The EPA specifications to determine whether a temporary enclosure is considered a TTE are given in Procedure T. The capture efficiency equation to be used for this protocol is:

Figure: 30 TAC §115.425(4)(B)(i) (No change to this figure as it exists in the TAC.)

(ii) Liquid/gas method using TTE. The EPA specifications to

determine whether a temporary enclosure is considered a TTE are given in Procedure T. The capture efficiency equation to be used for this protocol is:

Figure: 30 TAC §115.425(4)(B)(ii) (No change to this figure as it exists in the TAC.)

(iii) Gas/gas method using the building or room in which the

affected source is located as the enclosure (BE) and in which G and F are measured while operating only the affected facility. All fans and blowers in the BE must be operating as they would under normal production. The capture efficiency equation to be used for this protocol is:

Figure: 30 TAC §115.425(4)(B)(iii) (No change to this figure as it exists in the TAC.)

(iv) Liquid/gas method using a BE in which L and F are measured while operating only the affected facility. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

Figure: 30 TAC §115.425(4)(B)(iv) (No change to this figure as it exists in the TAC.)

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

(i) Any error margin associated with a test protocol may not be incorporated into the results of a capture efficiency test.

(ii) All affected facilities must [shall] accomplish the initial capture efficiency testing by July 31, 1992 in Brazoria, Dallas, El Paso, Galveston, Harris, Jefferson, Orange, and Tarrant Counties, and by July 31, 1993 in Chambers, Collin, Denton, Fort Bend, Hardin, Liberty, Montgomery, and Waller Counties, except that all mirror backing coating facilities must [shall] accomplish the initial capture efficiency testing by July 31, 1994.

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

(5) The following additional testing requirements apply to each aerospace vehicle or component coating facility subject to §115.421(10) [§115.421(a)(11) or (b)(10)] of this title.

(A) For coatings which are not waterborne (water-reducible), determine the VOC content of each formulation (less water and less exempt solvents) as applied using manufacturer's supplied data or Method 24 of 40 CFR Part 60, Appendix A. If there is a discrepancy between the manufacturer's formulation data and the results of the Method 24 analysis, compliance must [shall] be based on the results from the Method 24 analysis. For water-borne (water-reducible) coatings, manufacturer's supplied data alone can be used to determine the VOC content of each formulation.

(B) For aqueous and semiaqueous cleaning solvents, manufacturers' supplied data must [shall] be used to determine the water content.

(C) For hand-wipe cleaning solvents, manufacturers' supplied data or standard engineering reference texts or other equivalent methods shall be used to determine the vapor pressure or VOC composite vapor pressure for blended cleaning solvents.

(D) Except for specialty coatings, compliance with the test method requirements of 40 CFR §63.750, (National Emission Standards for Aerospace Manufacturing and Rework Facilities), is considered to represent compliance with the requirements of this section [(relating to Testing Requirements)].

(6) Test methods other than those specified in paragraphs (1) - (5) of this section may be used if validated by 40 CFR Part 63, Appendix A, Test Method 301. For the purposes of this paragraph, substitute "executive director" each place that Test Method 301 references "administrator."

§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,

[Beaumont/Port Arthur, Dallas/Fort Worth,] El Paso, and Houston-Galveston-Brazoria

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

(A) A material data sheet must [shall] be maintained] that [which] documents the volatile organic compound (VOC) content, composition, solids content, solvent density, and other relevant information regarding each coating and solvent available for use in the affected surface coating processes sufficient to determine continuous compliance with applicable control limits.

(B) Records must [shall] be maintained of the quantity and type of each coating and solvent consumed during the specified averaging period if any of the coatings, as delivered to the coating application system, exceed the applicable control limits. Such records must [shall] be sufficient to calculate the applicable weighted average of VOC for all coatings.

(i) As an alternative to the recordkeeping requirements of this subparagraph, the owner or operator of any vehicle refinishing (body shop) operation subject to §115.421(11) [§115.421(a)(8)(B)] of this title may substitute the recordkeeping requirements specified in §106.436 of this title (relating to Auto Body Refinishing Facility (Previously Standard Exemption 124)) [(relating to Auto Body Refinishing Facility (Previously Standard Exemption 124))] provided that all coatings and solvents meet the emission limits of §115.421(11) [§115.421(a)(8)(B)] of this title. If the owner or operator of a vehicle refinishing (body shop) operation that uses any coating [coating(s)] or solvent [solvent(s)] which exceeds the limits of §115.421(11) [§115.421(a)(8)(B)] of this title, then the owner or operator [that vehicle refinishing (body shop) operation] shall maintain daily records of the quantity and type of each coating and solvent consumed in sufficient detail to calculate the daily weighted average of VOC for all coatings and solvents.

(ii) As an alternative to the recordkeeping requirements of this subparagraph, the owner or operator of any wood parts and products coating operation subject to §115.421(14) [§115.421(a)(13)] of this title may substitute the recordkeeping requirements specified in §106.231 of this title (relating to Manufacturing, Refinishing, and Restoring Wood Products) provided that all coatings and solvents meet the emission limits of §115.421(14) [§115.421(a)(13)] of this title. If the

owner or operator of a wood parts and products coating operation uses any coating [coating(s)] or solvent [solvent(s)] which exceeds the limits of §115.421(14) [§115.421(a)(13)] of this title, then the owner or operator [that wood parts and products coating operation] shall maintain daily records of the quantity and type of each coating and solvent consumed in sufficient detail to calculate the daily weighted average of VOC for all coatings and solvents.

(iii) As an alternative to the recordkeeping requirements of this subparagraph, the owner or operator of any surface coating operation that qualifies for exemption under §115.427(3)(C) [§115.427(a)(3)(C)] of this title (relating to Exemptions) shall maintain records of total gallons of coating and solvent used in each month, and total gallons of coating and solvent used in the previous 12 months.

(C) Records shall be maintained of any testing conducted at an affected facility in accordance with the provisions specified in §115.425 of this title (relating to Testing Requirements).

(D) Records required by subparagraphs (A) - (C) of this paragraph [shall be maintained] for at least two years to [and shall be made available upon request by] representatives of the executive director, United States Environmental Protection Agency [EPA], or any local air pollution control agency with jurisdiction.

(2) The owner or operator of any surface coating facility that [which] utilizes a vapor control system approved by the executive director in accordance with §115.423(3) of this title (relating to Alternate Control Requirements) shall:

(A) install and maintain monitors to accurately measure and record operational parameters of all required control devices, as necessary, to ensure the proper functioning of those devices in accordance with design specifications, including:

(i) continuous monitoring of the exhaust gas temperature immediately downstream of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

(ii) the total amount of VOC recovered by carbon adsorption or other solvent recovery systems during a calendar month; [,]

(iii) continuous monitoring of carbon adsorption bed exhaust; and

(iv) appropriate operating parameters for vapor control systems other than those specified in clauses (i) - (iii) of this subparagraph;

(B) maintain records of any testing conducted in accordance with the provisions specified in §115.425(2) of this title; and

(C) maintain all records at the affected facility for at least two years and make such records available to representatives of the executive director, EPA, or any local air pollution control agency with jurisdiction, upon request.

(3) The owner or operator shall maintain, on file, the capture efficiency protocol submitted under §115.425(4) of this title. The owner or operator shall submit all results of the test methods and capture efficiency protocols to the executive director within 60 days of the actual test date. The owner or operator shall maintain records of the capture efficiency operating parameter values on site for a minimum of one year. If any changes are made to capture or control equipment, the owner or operator is required to notify the executive director in writing within 30 days of these changes and a new capture efficiency and/or control device destruction or removal efficiency test may be required.

(4) The owner or operator [Records] shall maintain records [be maintained] sufficient to document the applicability of the conditions for exemptions referenced in §115.427 of this title.

(5) The following additional requirements apply to each aerospace vehicle or component coating process subject to §115.421(10) [§115.421(a)(11) or (b)(10)] of this title. The owner or operator shall:

(A) for coatings:

(i) maintain a current list of coatings in use with category and VOC content as applied; and

(ii) record coating usage on an annual basis;

(B) for aqueous and semiaqueous hand-wipe cleaning solvents, maintain a list of materials used with corresponding water contents;

(C) for vapor pressure compliant hand-wipe cleaning solvents:

(i) maintain a current list of cleaning solvents in use with their respective vapor pressures or, for blended solvents, VOC composite vapor pressures; and

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

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

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

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

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

§115.427. Exemptions.

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

(1) The following coating operations are exempt from the miscellaneous metal parts and products surface coating emission specifications in §115.421(8) [§115.421(a)(9)] of this title (relating to Emission Specifications):

(A) aerospace vehicles and components;

(B) in the Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, vehicle refinishing (body shops)[, except as required by §115.421(a)(8)(B) and (C) of this title]; and

(C) in the Beaumont-Port Arthur and Houston-Galveston-Brazoria areas, ships and offshore oil or gas drilling platforms[, except as required by §115.421(a)(15) of this title].

(2) The following coating operations are exempt from the factory surface coating of flat wood paneling emission specifications in §115.421(9) [§115.421(a)(10)] of this title:

(A) the manufacture of exterior siding;

(B) tile board; or

(C) particle board used as a furniture component.

(3) In the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, the [The] following exemptions apply to surface coating processes [operations], except for vehicle refinishing (body shops) controlled by §115.421(12) [§115.421(a)(8)(B) and (C)] of this title. Excluded from the volatile organic compounds (VOC) emission calculations are coatings and solvents used in surface coating activities that are not addressed by the surface coating categories of §115.421(1) - (16) [§115.421(a)(1) - (15)] or §115.453 of this title (relating to Control Requirements). For example, architectural coatings (i.e., coatings that are applied in the field to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs) at a property would not be included in the calculations.

(A) Surface coating operations on a property that, when uncontrolled, will emit a combined weight of VOC of less than 3.0 pounds per hour and

15 pounds in any consecutive 24-hour period are exempt from §115.421 [§115.421(a)] of this title and §115.423 of this title (relating to Alternate Control Requirements).

(B) Surface coating operations on a property that, when uncontrolled, will emit a combined weight of VOC of less than 100 pounds in any consecutive 24-hour period are exempt from §115.421 [§115.421(a)] and §115.423 of this title if documentation is provided to and approved by both the executive director and the United States Environmental Protection Agency to demonstrate that necessary coating performance criteria cannot be achieved with coatings that satisfy applicable emission specifications and that control equipment is not technically or economically feasible.

(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 [§115.421(a)] and §115.423 of this title.

(D) Mirror backing coating operations located on a property that, when uncontrolled, emit a combined weight of VOC less than 25 tons in one year (based on historical coating and solvent usage) are exempt from this division [(relating to Surface Coating Processes)].

(E) Wood furniture manufacturing facilities that are subject to and are complying with §115.421(15) [§115.421(a)(14)] of this title and §115.422(3) of this title (relating to Control Requirements) are exempt from §115.421(14) [§115.421(a)(13)] of this title. These wood furniture manufacturing facilities must continue to comply with §115.421(14) [§115.421(a)(13)] of this title until these facilities are in compliance with §115.421(15) [§115.421(a)(14)] and §115.422(3) of this title.

(F) Wood furniture manufacturing facilities that, when uncontrolled, emit a combined weight of VOC from wood furniture manufacturing operations less than 25 tons per year (tpy) are exempt from §115.421(15) [§115.421(a)(14)] and §115.422(3) of this title.

(G) In Hardin, Jefferson, and Orange Counties, wood [Wood] parts and products coating facilities [in Hardin, Jefferson, and Orange Counties] are exempt from §115.421(14) [§115.421(a)(13)] of this title.

(H) In Hardin, Jefferson, and Orange Counties, shipbuilding [Shipbuilding] and ship repair operations [in Hardin, Jefferson, and Orange Counties] that, when uncontrolled, emit a combined weight of VOC from ship and offshore oil or gas drilling platform surface coating operations less than 50 tpy [tons per year] are exempt from §115.421(16) [§115.421(a)(15)] and §115.422(4) of this title.

(I) In Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, shipbuilding [Shipbuilding] and ship repair operations [in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties] that, when uncontrolled, emit a combined weight of VOC from ship and offshore oil or gas drilling platform surface coating operations less than 25 tpy [tons per year] are exempt from §115.421(16) [§115.421(a)(15)] and §115.422(4) of this title.

(J) 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) Vehicle refinishing (body shops) in Hardin, Jefferson, and Orange Counties are exempt from §115.421(12) [§115.421(a)(8)(B)] and §115.422(1) and (2) of this title.

(5) The coating of vehicles at in-house (fleet) vehicle refinishing operations and the coating of vehicles by private individuals are exempt from §115.421(11)(B)

[§115.421(a)(8)(B)] and §115.422(1) and (2) of this title. This exemption is not applicable if the coating of a vehicle by a private individual occurs at a commercial operation.

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

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

(8) [(7)] In [Beginning March 1, 2013, in] the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, the following surface coating categories that are subject to the requirements of Chapter 115, Subchapter E, Division 5 of this title (relating to Control Requirements for Surface Coating Processes) are exempt from the requirements in this division:

(A) large appliance coating;

(B) metal furniture coating;

(C) miscellaneous metal parts and products coating;

(D) each paper coating line with the potential to emit equal to or greater than 25 tpy [tons per year] of VOC from all coatings applied; and

(E) automobile and light-duty truck manufacturing coating.

(9) [(8)] In the Dallas-Fort Worth area, except in Wise County, and the Houston-Galveston-Brazoria area [areas], the re-coating of used miscellaneous metal parts and products at a designated on-site maintenance shop that was exempt from §115.421(8) [§115.421(a)(9)] of this title prior to January 1, 2012, or that begins operation on or after January 1, 2012, is exempt from all requirements in this division. The re-coating of used miscellaneous metal parts and products at a designated on-site maintenance shop that was subject to §115.421(8) [§115.421(a)(9)] of this title prior to January 1, 2012, remains subject to this division. For purposes of this exemption, a designated on-site maintenance shop is an area at a site where used miscellaneous metal

parts or products are re-coated on a routine basis. Miscellaneous metal parts and products coating processes in Wise County are not subject to this division.

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

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

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

[(A) aerospace vehicles and components;]

[(B) vehicle refinishing (body shops); and]

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

[(3) The following coating operations are exempt from §115.421(b)(9) of this title:]

[(A) the manufacture of exterior siding;]

[(B) tile board; or]

[(C) particle board used as a furniture component.]

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

§115.429. Counties and Compliance Schedules.

(a) In [The owner or operator of each surface coating operation in] Brazoria, Chambers, Collin, Dallas, Denton, Ellis, El Paso, Fort Bend, Galveston, Gregg, Hardin, Harris, Jefferson, Johnson, Kaufman, Liberty, Montgomery, Nueces, Orange, Parker, Rockwall, Tarrant, Victoria, and Waller Counties, the compliance date has passed and the owner or operator of a surface coating process shall continue to comply with this division [as required by §115.930 of this title (relating to Compliance Dates)].

[(b) In Ellis, Johnson, Kaufman, Parker, and Rockwall Counties the compliance date has already passed and the owner or operator of each surface coating operation shall continue to comply with this division.]

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

(c) [(d)] The owner or operator of a paper surface coating process located in the Dallas-Fort Worth area, except Wise County, and Houston-Galveston-Brazoria area [areas], as defined in §115.10 of this title (relating to Definitions), shall comply with the requirements in §115.422(7) of this title (relating to Control Requirements), no later than March 1, 2013.

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

(e) The owner or operator of a surface coating process in the Dallas-Fort Worth area that becomes subject to this division on or after the applicable compliance date in this section shall comply with the requirements in this division as soon as practicable, but no later than 60 days after becoming subject.

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

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 4: OFFSET LITHOGRAPHIC PRINTING

§§115.440 - 115.442, 115.446, 115.449

Statutory Authority

The amended sections are proposed under Texas Water Code (TWC), §5.102, concerning General Powers, that provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, that authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §5.105, concerning General Policy, that authorizes the commission by rule to establish and

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

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

§115.440. Applicability and Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Figure: 30 TAC §115.440(b)(12) (No change to this figure as it exists in the TAC.)

§115.441. Exemptions.

(a) In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions), the owner or operator of all offset

lithographic printing lines located on a property with combined emissions of volatile organic compounds [(VOC)] less than 3.0 tons per calendar year [(tpy)] when uncontrolled, is exempt from the requirements in this division [(relating to Offset Lithographic Printing)] except as specified in §115.446 of this title (relating to Monitoring and Recordkeeping Requirements).

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

[(1) is exempt from the requirements in this division until March 1, 2012;]

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

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

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

[(c) Beginning March 1, 2011, the requirements in §115.442(a) of this title and §115.446(a) of this title no longer apply in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas.]

§115.442. Control Requirements.

(a) In the [Dallas-Fort Worth,] El Paso area [, and Houston-Galveston-Brazoria areas,] as defined in §115.10 of this title (relating to Definitions), the following control requirements apply. [Beginning March 1, 2011, this subsection no longer applies in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas.]

(1) The owner or operator of an offset lithographic printing line that uses solvent-containing ink shall limit emissions of volatile organic compounds (VOC) as follows.

(A) The owner or operator of a heatset web offset lithographic printing press that uses alcohol in the fountain solution shall maintain total fountain solution alcohol to 5.0% or less (by volume). Alternatively, a standard of 10.0% or less (by volume) alcohol may be used if the fountain solution containing alcohol is refrigerated to less than 60 degrees Fahrenheit (15.5 degrees Celsius).

(B) The owner or operator of a non-heatset web offset lithographic printing press that prints newspaper and that uses alcohol in the fountain solution shall eliminate the use of alcohol in the fountain solution. Nonalcohol additives or alcohol substitutes can be used to accomplish the total elimination of alcohol use.

(C) The owner or operator of a non-heatset web offset lithographic printing press that does not print newspaper and that uses alcohol in the fountain solution shall maintain the use of alcohol at 5.0% or less (by volume). Alternatively, a standard of 10.0% or less (by volume) alcohol may be used if the fountain solution is refrigerated to less than 60 degrees Fahrenheit (15.5 degrees Celsius).

(D) The owner or operator of a sheet-fed offset lithographic printing press shall maintain the use of alcohol at 10.0% or less (by volume). Alternatively, a standard of 12.0% or less (by volume) alcohol may be used if the fountain solution is refrigerated to less than 60 degrees Fahrenheit (15.5 degrees Celsius).

(E) The owner or operator of any type of offset lithographic printing press shall be considered in compliance with the fountain solution limitations of this paragraph if the only VOC in the fountain solution are nonalcohol additives or alcohol substitutes, so that the concentration of VOC in the fountain solution is 3.0% or less (by weight). The fountain solution must not contain any isopropyl alcohol.

(F) The owner or operator of an offset lithographic printing press shall reduce VOC emissions from cleaning solutions by one of the following methods:

(i) using cleaning solutions with a VOC content of 50% or less (by volume, as used);

(ii) using cleaning solutions with a VOC content of 70% or less (by volume, as used) and incorporating a towel handling program that ensures that all waste ink, solvents, and cleanup rags are stored in closed containers until removed from the site by a licensed disposal/cleaning service; or

(iii) using cleaning solutions with a VOC composite partial vapor pressure less than or equal to 10.0 millimeters of mercury at 68 degrees Fahrenheit (20 degrees Celsius).

(2) The owner or operator of a heatset offset lithographic printing press shall operate a control device to reduce VOC emissions from the press dryer exhaust vent by 90% by weight or maintain a maximum dryer exhaust outlet VOC concentration of 20 parts per million by volume (ppmv), whichever is less stringent when the press is in operation. The dryer air pressure must be lower than the pressroom air pressure at all times when the press is operating to ensure the dryer has a capture efficiency of 100%.

(b) In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, the following control requirements apply to the owner or operator of a major printing source, as defined in §115.440 of this title (relating to Applicability and Definitions), in accordance with the appropriate compliance date specified in §115.449 [§115.449(e) and (g)] of this title (relating to Compliance Schedules).

(1) The owner or operator of an offset lithographic printing press shall limit the VOC content of the cleaning solution, as applied, to:

(A) 50.0% VOC or less by volume;

(B) 70.0% VOC or less by volume if the facility has a towel handling program in place that ensures all waste ink, solvents, and cleanup rags are stored in

closed containers until removed from the site by a licensed disposal or cleaning service;

or

(C) a VOC composite partial vapor pressure less than or equal to 10.0 millimeters of mercury at 68 degrees Fahrenheit (20 degrees Celsius) if the facility has a towel handling program in place that ensures all waste ink, solvents, and cleanup rags are stored in closed containers until removed from the site by a licensed disposal or cleaning service.

(2) The owner or operator of a sheet-fed offset lithographic printing press shall limit the VOC content of the fountain solution, as applied, to:

(A) 5.0% alcohol or less by weight;

(B) 8.5% alcohol or less by weight if the fountain solution is refrigerated below 60 degrees Fahrenheit (15.5 degrees Celsius); or

(C) 3.0% alcohol substitutes or less by weight and no alcohol in the fountain solution.

(3) The owner or operator of a non-heatset web offset lithographic printing press shall limit the VOC content of the fountain solution, as applied, to 3.0% alcohol substitutes or less by weight and no alcohol in the fountain solution.

(4) The owner or operator of a heatset web offset lithographic printing press shall limit the VOC content of the fountain solution, as applied, to:

(A) 1.6% alcohol or less by weight;

(B) 3.0% alcohol or less by weight if the fountain solution is refrigerated below 60 degrees Fahrenheit (15.5 degrees Celsius); or

(C) 3.0% alcohol substitutes or less by weight and no alcohol in the fountain solution.

(5) The owner or operator of a heatset offset lithographic printing press shall operate a control device to reduce VOC emissions from the press dryer exhaust vent by at least 90% by weight or maintain a maximum dryer exhaust outlet VOC concentration of 20 ppmv or less, whichever is less stringent when the press is in operation. The dryer air pressure must be lower than the pressroom air pressure at all times when the press is operating to ensure the dryer has a capture efficiency of 100%.

(c) In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, the following control requirements apply to the owner or operator of a minor printing source, as defined in §115.440 of this title, in accordance with the appropriate compliance date specified in §115.449 [§115.449(f) and (g) of this title].

(1) The owner or operator of an offset lithographic printing press shall limit the VOC content of the cleaning solution, as applied, to:

(A) 50.0% VOC or less by volume;

(B) 70.0% VOC or less by volume if the facility has a towel handling program in place that ensures all waste ink, solvents, and cleanup rags are stored in closed containers until removed from the site by a licensed disposal or cleaning service;
or

(C) a VOC composite partial vapor pressure less than or equal to 10.0 millimeters of mercury at 68 degrees Fahrenheit (20 degrees Celsius) if the facility has a towel handling program in place that ensures all waste ink, solvents, and cleanup rags are stored in closed containers until removed from the site by a licensed disposal or cleaning service.

(2) The owner or operator of a sheet-fed offset lithographic printing press shall limit the VOC content of the fountain solution, as applied, to:

(A) 5.0% alcohol or less by weight;

(B) 8.5% alcohol or less by weight if the fountain solution is refrigerated below 60 degrees Fahrenheit (15.5 degrees Celsius); or

(C) 5.0% alcohol substitutes or less by weight and no alcohol in the fountain solution.

(3) The owner or operator of a non-heatset web offset lithographic printing press shall limit the VOC content of the fountain solution, as applied, to 5.0% alcohol substitutes or less by weight and no alcohol in the fountain solution.

(4) The owner or operator of a heatset web offset lithographic printing press shall limit the VOC content of the fountain solution, as applied, to:

(A) 1.6% alcohol or less by weight;

(B) 3.0% alcohol or less by weight if the fountain solution is refrigerated below 60 degrees Fahrenheit (15.5 degrees Celsius); or

(C) 5.0% alcohol substitutes or less by weight and no alcohol in the fountain solution.

§115.446. Monitoring and Recordkeeping Requirements.

(a) In the [Dallas-Fort Worth,] El Paso area [, and Houston-Galveston-Brazoria areas,] as defined in §115.10 of this title (relating to Definitions), the following monitoring and recordkeeping requirements apply. [Beginning March 1, 2011, this subsection no longer applies in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas.]

(1) The owner or operator of a heatset offset lithographic printing press shall install, calibrate, maintain, and operate a temperature monitoring device, according to the manufacturer's instructions, at the outlet of the control device. The temperature monitoring device must be equipped with a continuous recorder and must have an accuracy of ± 0.5 degrees Fahrenheit, or alternatively $\pm 1.0\%$ of the temperature being monitored.

(2) The owner or operator of any offset lithographic printing press shall install and maintain monitors to continuously measure and record operational parameters of any emission control device installed to meet applicable control requirements on a regular basis. Such records must be sufficient to demonstrate proper functioning of those devices to design specifications, including:

(A) the exhaust gas temperature of direct-flame incinerators or the gas temperature immediately upstream and downstream of any catalyst bed;

(B) the total amount of volatile organic compounds (VOC) recovered by a carbon adsorption or other solvent recovery system during a calendar month; and

(C) the exhaust gas VOC concentration of any carbon adsorption system, as defined in §115.10 of this title, to determine if breakthrough has occurred.

(3) The dryer pressure must be maintained lower than the press room air pressure such that air flows into the dryer at all times when the offset lithographic printing press is operating. A 100% emissions capture efficiency for the dryer must be demonstrated using an air flow direction measuring device.

(4) The owner or operator of any offset lithographic printing press shall monitor fountain solution alcohol concentration with a refractometer or a hydrometer that is corrected for temperature at least once per eight-hour shift or once per batch, whichever is longer. The refractometer or hydrometer must have a visual, analog, or digital readout with an accuracy of 0.5% VOC. A standard solution must be used to calibrate the refractometer for the type of alcohol used in the fountain. The VOC content of the fountain solution may be monitored with a conductivity meter if it is determined that a refractometer or hydrometer cannot be used for the type of VOC in the fountain solution. The conductivity meter reading for the fountain solution must be referenced to the conductivity of the incoming water.

(5) The owner or operator of any offset lithographic printing press using refrigeration equipment on the fountain solution in order to comply with §115.442(a)(1)(A), (C), or (D) of this title (relating to Control Requirements) shall monitor the temperature of the fountain solution reservoir at least once per hour. Alternatively, the owner or operator of any offset lithographic printing press using refrigeration equipment on the fountain solution shall install, maintain, and continuously operate a temperature monitor of the fountain solution reservoir. The temperature monitor must be attached to a continuous recording device such as a strip chart, recorder, or computer.

(6) For any offset lithographic printing press with automatic cleaning equipment, flow meters are required to monitor water and cleaning solution flow rates. The flow meters must be calibrated so that the VOC content of the mixed solution complies with the requirements of §115.442(a)(1) of this title.

(7) The owner or operator of any offset lithographic printing press shall maintain the results of any testing conducted at an affected facility in accordance with the provisions specified in §115.445 of this title (relating to Approved Test Methods).

(8) The owner or operator of any offset lithographic printing press shall maintain all records at the affected facility for at least two years and make such records available upon request to authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution agency with jurisdiction.

(b) In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, the following monitoring and recordkeeping requirements apply in accordance with the appropriate compliance date specified in §115.449 [§115.449(e) - (g)] of this title (relating to Compliance Schedules).

(1) The owner or operator of an offset lithographic printing press claiming an exemption in §115.441 of this title (relating to Exemptions) shall maintain records sufficient to demonstrate continuous compliance with the applicable exemption criteria. For example, maintaining records of ink, cleaning solvent, and fountain solution usage may be sufficient to demonstrate compliance with the exemption provided in §115.441(a) of this title for sources located on a property with combined VOC emissions less than 3.0 tons per year [tpy] when uncontrolled.

(2) The owner or operator of an offset lithographic printing press shall use one of the following options to demonstrate compliance with the cleaning solution content limits in §115.442(b)(1) or (c)(1) of this title.

(A) Flow meters must be used to monitor the water and cleaning solution flow rates on a press with automatic cleaning equipment. The flow meters must be installed, maintained, and operated according to the manufacturer's instructions. The flow meters must be calibrated so that the VOC concentration of the cleaning solution complies with the requirements of §115.442(b)(1) or (c)(1) of this title. Records must be sufficient to demonstrate continuous compliance with the cleaning solution content limits in §115.442(b)(1) or (c)(1) of this title.

(B) The VOC concentration of each batch of cleaning solution must be determined using analytical data derived from the material safety data sheet (MSDS) or equivalent information from the supplier that was derived using the approved test methods in §115.445 of this title. The concentration of all VOC used to prepare the batch and, if diluted prior to use, the proportions that each of these materials is used must be recorded for each batch of cleaning solution. Records must be sufficient to demonstrate continuous compliance with the cleaning solution content limits in §115.442(b)(1) or (c)(1) of this title.

(3) The owner or operator of an offset lithographic printing press shall use one of the following options to demonstrate compliance with the fountain solution content limits in §115.442(b)(2) - (4) or (c)(2) - (4) of this title.

(A) The VOC concentration of each batch of fountain solution must be monitored using a refractometer or a hydrometer that is corrected for temperature. The refractometer or hydrometer must have a visual, analog, or digital readout with an accuracy of 0.5% VOC. A standard solution must be used to calibrate the refractometer for the type of alcohol used in the fountain solution. The VOC content of the fountain solution may be monitored with a conductivity meter if it is determined that a refractometer or hydrometer cannot be used for the type of VOC in the fountain solution. The conductivity meter reading for the fountain solution must be referenced to

the conductivity of the incoming water. Records must be sufficient to demonstrate continuous compliance with the fountain solution content limits in §115.442(b)(2) - (4) or (c)(2) - (4) of this title.

(B) The VOC concentration of each batch fountain solution must be determined using analytical data from the MSDS or equivalent information from the supplier that was derived using the approved test methods in §115.445 of this title. The concentration of all alcohols or alcohol substitutes used to prepare the batch and, if diluted prior to use, the proportions that each of these materials is used must be recorded for each batch of fountain solution. Records must be sufficient to demonstrate continuous compliance with the fountain solution content limits in §115.442(b)(2) - (4) or (c)(2) - (4) of this title.

(4) The owner or operator of an offset lithographic printing press using refrigeration equipment on the fountain solution reservoir shall monitor and record the fountain solution temperature at least once per hour. Temperature monitoring devices must be installed, maintained, and operated according to the manufacturer's specifications. Records must be sufficient to demonstrate continuous compliance with the fountain solution content limits in §115.442(b)(2) and (4) or (c)(2) and (4) of this title.

(5) The owner or operator of a heatset web offset lithographic printing press shall comply with the following monitoring and recordkeeping requirements to demonstrate continuous compliance with the control requirements in §115.442(b)(5) of this title.

(A) Operational parameters of any emission control device installed to comply with the requirements in §115.442(b)(5) of this title must be continuously measured and recorded. Monitors must be installed, calibrated, maintained, and operated according to the manufacturer's instructions. Temperature monitors must be equipped with a continuous recorder and have an accuracy of ± 0.5 degrees Fahrenheit or $\pm 1.0\%$ of the temperature being monitored, whichever is less stringent. Measuring and recording the operational parameters of the control device at least once every 15 minutes is sufficient to demonstrate compliance with this subparagraph. Records must be sufficient to demonstrate proper functioning of the device to design specifications and must include:

(i) the exhaust gas temperature of direct-flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

(ii) the total amount of VOC recovered by a carbon adsorption system or other solvent recovery system per calendar month; and

(iii) the exhaust gas VOC concentration of any carbon adsorption system to determine if breakthrough has occurred.

(B) An air flow direction measuring device must be used to demonstrate the dryer meets the 100% capture efficiency required in §115.442(b)(5) of this title.

(6) The owner or operator of an offset lithographic printing press shall maintain the results of any tests conducted using the approved test methods in §115.445 of this title.

(7) The owner or operator of an offset lithographic printing press shall maintain all records for at least two years and make such records available upon request to authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution agency with jurisdiction.

§115.449. Compliance Schedules.

(a) In the El Paso area [County], the owner or operator of all offset lithographic printing presses must be in compliance with §§115.442, 115.443, 115.445, and 115.446 of

this title (relating to Control Requirements; Alternate Control Requirements; Approved Test Methods; and Monitoring and Recordkeeping Requirements) as soon as practicable, but no later than November 15, 1996.

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

(c) In Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, the owner or operator of all offset lithographic printing presses on a property that, when uncontrolled, emit a combined weight of VOC equal to or greater than 25 tons per calendar year, must be in compliance with §§115.442(a), 115.443, 115.445, and 115.446(a) of this title as soon as practicable, but no later than December 31, 2002.

(d) In Ellis, Johnson, Kaufman, Parker, and Rockwall Counties, the owner or operator of all offset lithographic printing presses on a property that, when uncontrolled, emit a combined weight of VOC equal to or greater than 50 tons per

calendar year, shall comply with §§115.442(a), 115.443, 115.445, and 115.446(a) of this title as soon as practicable, but no later than March 1, 2009.

(e) The owner or operator of a major printing source, as defined in §115.440 of this title (relating to Applicability and Definitions), in the Dallas-Fort Worth area, except Wise County, or the Houston-Galveston-Brazoria area [areas], as defined in §115.10 of this title (relating to Definitions), shall comply with the requirements in this division no later than March 1, 2011, except as specified in subsections (b), (c), and (d) of this section.

(f) The owner or operator of a minor printing source, as defined in §115.440 of this title, in the Dallas-Fort Worth area, except Wise County, or the Houston-Galveston-Brazoria area [areas], shall comply with the requirements in this division no later than March 1, 2012.

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

(h) [(g)] The owner or operator of an offset lithographic printing line in the Dallas-Fort Worth or Houston-Galveston-Brazoria areas that becomes subject to this

division on or after the date specified in subsections (e) - (g) [(e) or (f)] of this section, shall comply with the requirements in this division no later than 60 days after becoming subject.

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

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 5: CONTROL REQUIREMENTS FOR

SURFACE COATING PROCESSES

§§115.450, 115.451, 115.453, 115.459

Statutory Authority

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

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

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

§115.450. Applicability and Definitions.

(a) Applicability. In the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions), the requirements in this division apply to the following surface coating processes, except as specified in paragraph (6) of this subsection:

(1) large appliance surface coating;

(2) metal furniture surface coating;

(3) miscellaneous metal parts and products surface coating, miscellaneous plastic parts and products surface coating, pleasure craft surface coating, and automotive/transportation and business machine plastic parts surface coating at the original equipment manufacturer and off-site job shops that coat new parts and products or that re-coat used parts and products;

(4) motor vehicle materials applied to miscellaneous metal and plastic parts specified in paragraph (3) of this subsection, at the original equipment manufacturer and off-site job shops that coat new metal and plastic parts or that re-coat used parts and products;

(5) paper, film, and foil surface coating lines with the potential to emit from all coatings greater than or equal to 25 tons per year of volatile organic compounds (VOC) when uncontrolled; and

(6) in the Dallas-Fort Worth area, automobile and light-duty truck assembly surface coating processes conducted by the original equipment manufacturer and operators that conduct automobile and light-duty truck surface coating processes under contract with the original equipment manufacturer.

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

(1) Aerosol coating (spray paint)--A hand-held, pressurized, non-refillable container that expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.

(2) Air-dried coating--A coating that is cured at a temperature below 194 degrees Fahrenheit (90 degrees Celsius). These coatings may also be referred to as low-bake coatings.

(3) Baked Coating--A coating that is cured at a temperature at or above 194 degrees Fahrenheit (90 degrees Celsius). These coatings may also be referred to as high-bake coatings.

(4) Coating application system--Devices or equipment designed for the purpose of applying a coating material to a surface. The devices may include, but are not

be limited to, brushes, sprayers, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters.

(5) Coating line--An operation consisting of a series of one or more coating application systems and associated flash-off area(s), drying area(s), and oven(s) wherein a surface coating is applied, dried, or cured. The coating line ends at the point the coating is dried or cured, or prior to any subsequent application of a different coating.

(6) Coating solids (or solids)--The part of a coating that remains on the substrate after the coating is dried or cured.

(7) Daily weighted average--The total weight of volatile organic compounds (VOC) emissions from all coatings subject to the same VOC limit in §115.453 of this title (relating to Control Requirements), divided by the total volume or weight of those coatings (minus water and exempt solvent), where applicable, or divided by the total volume or weight of solids, delivered to the application system on each coating line each day. Coatings subject to different VOC content limits in §115.453 of this title may not be combined for purposes of calculating the daily weighted average.

(8) Multi-component coating--A coating that requires the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to

form an acceptable dry film. These coatings may also be referred to as two-component coatings.

(9) Normally closed container--A container that is closed unless an operator is actively engaged in activities such as adding or removing material.

(10) One-component coating--A coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

(11) Pounds of volatile organic compounds (VOC) per gallon of coating (minus water and exempt solvent)--The basis for content limits for surface coating processes that can be calculated by the following equation:

Figure: 30 TAC §115.450(b)(11) (No change to this figure as it exists in the TAC.)

(12) Pounds of volatile organic compounds (VOC) per gallon of solids--The basis for emission limits for surface coating processes that can be calculated by the following equation:

Figure: 30 TAC §115.450(b)(12)

[Figure: 30 TAC §115.450(b)(12)]

$$\text{Pounds of VOC per gallon of solids} = \frac{W_V}{W_M - V_V - V_W - V_{ES}}$$

Where:

W_V = The weight of volatile organic compounds (VOC) contained in V_M gallons of coating measured in pounds.

V_M = The volume of coating, generally assumed to be one gallon.

V_V = The volume of VOC contained in V_M gallons of coating measured in gallons.

V_W = The volume of water contained in V_M gallons of coating measured in gallons.

V_{ES} = The volume of exempt solvent contained in V_M gallons of coating measured in gallons.

(13) Spray gun--A device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

(14) Surface coating processes--Operations that use a coating application system.

(c) Specific surface coating definitions. The following meanings apply in this division unless the context clearly indicates otherwise.

(1) Automobile and light-duty truck manufacturing--The following definitions apply to this surface coating category.

(A) Adhesive--Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(B) Automobile and light-duty truck adhesive--An adhesive, including glass-bonding adhesive, used in an automobile or light-duty truck assembly surface coating process and applied for the purpose of bonding two vehicle surfaces together without regard to the substrates involved.

(C) Automobile and light-duty truck bedliner--A multi-component coating used in an automobile or light-duty truck assembly surface coating process and applied to a cargo bed after the application of topcoat and outside of the topcoat operation to provide additional durability and chip resistance.

(D) Automobile and light-duty truck cavity wax--A coating, used in an automobile or light-duty truck assembly surface coating process, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(E) Automobile and light-duty truck deadener--A coating used in an automobile or light-duty truck assembly surface coating process and applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

(F) Automobile and light-duty truck gasket/gasket sealing material--A fluid used in an automobile or light-duty truck assembly surface coating process and applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization seal material.

(G) Automobile and light-duty truck glass-bonding primer--A primer, used in an automobile or light-duty truck assembly surface coating process, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass-bonding adhesives or the installation of adhesive-bonded glass. Automobile and light-duty truck glass-bonding primer includes glass-bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of an adhesive or the installation of adhesive-bonded glass.

(H) Automobile and light-duty truck lubricating wax/compound--A protective lubricating material used in an automobile or light-duty truck assembly surface coating process and applied to vehicle hubs and hinges.

(I) Automobile and light-duty truck sealer--A high viscosity material used in an automobile or light-duty truck assembly surface coating process and generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases, or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(J) Automobile and light-duty truck trunk interior coating--A coating used in an automobile or light-duty truck assembly surface coating process outside of the primer-surfacer and topcoat operations and applied to the trunk interior to provide chip protection.

(K) Automobile and light-duty truck underbody coating--A coating used in an automobile or light-duty truck assembly surface coating process and applied to the undercarriage or firewall to prevent corrosion or provide chip protection.

(L) Automobile and light-duty truck weather strip adhesive--An adhesive used in an automobile or light-duty truck assembly surface coating process and

applied to weather-stripping materials for the purpose of bonding the weather-stripping material to the surface of the vehicle.

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

(N) Electrodeposition primer--A process of applying a protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. Electrodeposition primer is a dip-coating method that uses an electrical field to apply or deposit the conductive coating onto the part; the object being painted acts as an electrode that is oppositely charged from the particles of paint in the dip tank. Electrodeposition primer is also referred to as E-Coat, Uni-Prime, and ELPO Primer.

(O) Final repair--The operation(s) performed and coating(s) applied to completely assembled motor vehicles or to parts that are not yet on a completely assembled vehicle to correct damage or imperfections in the coating. The curing of the coatings applied in these operations is accomplished at a lower temperature than that used for curing primer-surfacer and topcoat. This lower temperature cure avoids the need to send parts that are not yet on a completely

assembled vehicle through the same type of curing process used for primer-surfacer and topcoat and is necessary to protect heat-sensitive components on completely assembled vehicles.

(P) In-line repair--The operation(s) performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied topcoat. In-line repair is also referred to as high-bake repair or high-bake reprocess. In-line repair is considered part of the topcoat operation.

(Q) Light-duty truck assembly surface coating process--The assembly-line coating of new motor vehicles rated at 8,500 pounds gross vehicle weight or less and designed primarily for the transportation of property, or derivatives such as pickups, vans, and window vans.

(R) Primer-surfacer--An intermediate protective coating applied over the electrodeposition primer and under the topcoat. Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer is also referred to as guide coat or surfacer. Primer-surfacer operations may include other coatings (e.g., anti-chip, lower-body anti-chip, chip-resistant edge primer, spot primer,

blackout, deadener, interior color, basecoat replacement coating, etc.) that are applied in the same spray booth(s).

(S) Topcoat--The final coating system applied to provide the final color or a protective finish. The topcoat may be a monocoat color or basecoat/clearcoat system. In-line repair and two-tone are part of topcoat. Topcoat operations may include other coatings (e.g., blackout, interior color, etc.) that are applied in the same spray booth(s).

(T) Solids turnover ratio (RT')--The ratio of total volume of coating solids that is added to the electrodeposition primer system (EDP) in a calendar month divided by the total volume design capacity of the EDP system.

(2) Automotive/transportation and business machine plastic parts--The following definitions apply to this surface coating category.

(A) Adhesion prime--A coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.

(B) Automotive/transportation plastic parts--Interior and exterior plastic components of automobiles, trucks, tractors, lawnmowers, and other mobile equipment.

(C) [(B)] Black coating--A coating that has a maximum lightness of 23 units and a saturation less than 2.8, where saturation equals the square root of $A^2 + B^2$. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

(D) [(C)] Business machine--A device that uses electronic or mechanical methods to process information, perform calculations, print or copy information, or convert sound into electrical impulses for transmission. This definition includes devices listed in Standard Industrial Classification codes 3572, 3573, 3574, 3579, and 3661 and photocopier machines, a subcategory of Standard Industrial Classification code 3861.

(E) [(D)] Clear coating--A coating that lacks color and opacity or is transparent and that uses the undercoat as a reflectant base or undertone color.

(F) [(E)] Coating of plastic parts of automobiles and trucks--The coating of any plastic part that is or will be assembled with other parts to form an automobile or truck.

(G) [(F)] Coating of business machine plastic parts--The coating of any plastic part that is or will be assembled with other parts to form a business machine.

(H) [(G)] Electrostatic prep coat--A coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a prime, a topcoat, or other coating through the use of electrostatic application methods. An electrostatic prep coat is clearly identified as an electrostatic prep coat on its accompanying material safety data sheet.

(I) [(H)] Flexible coating--A coating that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

(J) [(I)] Fog coat--A coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat may not be applied at a thickness of more than 0.5 mil of coating solids.

(K) [(J)] Gloss reducer--A coating that is applied to a plastic part solely to reduce the shine of the part. A gloss reducer may not be applied at a thickness of more than 0.5 mil of coating solids.

(L) [(K)] Red coating--A coating that meets all of the following criteria:

- (i) yellow limit: the hue of hostaperm scarlet;
- (ii) blue limit: the hue of monastral red-violet;
- (iii) lightness limit for metallics: 35% aluminum flake;
- (iv) lightness limit for solids: 50% titanium dioxide white;
- (v) solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units; and
- (vi) metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units.

The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

(M) [(L)] Resist coat--A coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

(N) [(M)] Stencil coat--A coating that is applied over a stencil to a plastic part at a thickness of 1.0 mil or less of coating solids. Stencil coats are most frequently letters, numbers, or decorative designs.

(O) [(N)] Texture coat--A coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.

(P) [(O)] Vacuum-metalizing coatings--Topcoats and basecoats that are used in the vacuum-metalizing process.

(3) Large appliance coating--The coating of doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other large appliances.

(A) Extreme high-gloss coating--A coating which, when tested by the American Society for Testing Material Test Method D523 adopted in 1980, shows a reflectance of 75% or more on a 60 degree meter.

(B) Extreme performance coating--A coating used on a metal surface where the coated surface is, in its intended use, subject to:

(i) chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures, or solutions;

(ii) repeated exposure to temperatures in excess of 250 degrees Fahrenheit (121 degrees Celsius);

(iii) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers, or scouring agents; or

(iv) exposure to extreme environmental conditions, such as continuous outdoor exposure.

(C) Heat-resistant coating--A coating that must withstand a temperature of at least 400 degrees Fahrenheit (204 degrees Celsius) during normal use.

(D) Metallic coating--A coating that contains more than 0.042 pounds of metal particles per gallon of coating as applied. Metal particles are pieces of a pure elemental metal or a combination of elemental metals.

(E) Pretreatment coating--A coating that contains no more than 12% solids by weight and at least 0.50% acid by weight; is used to provide surface etching; and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

(F) Solar-absorbent coating--A coating that has as its prime purpose the absorption of solar radiation.

(4) Metal furniture coating--The coating of metal furniture including, but not limited to, tables, chairs, wastebaskets, beds, desks, lockers, benches, shelves, file cabinets, lamps, and other metal furniture products or the coating of any metal part that will be a part of a nonmetal furniture product.

(A) Extreme high-gloss coating--A coating which, when tested by the American Society for Testing Material Test Method D523 adopted in 1980, shows a reflectance of 75% or more on a 60 degree meter.

(B) Extreme performance coating--A coating used on a metal surface where the coated surface is, in its intended use, subject to:

(i) chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures, or solutions;

(ii) repeated exposure to temperatures in excess of 250 degrees Fahrenheit (121 degrees Celsius);

(iii) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers, or scouring agents; or

(iv) exposure to extreme environmental conditions, such as continuous outdoor exposure.

(C) Heat-resistant coating--A coating that must withstand a temperature of at least 400 degrees Fahrenheit (204 degrees Celsius) during normal use.

(D) Metallic coating--A coating containing more than 5.0 grams of metal particles per liter of coating as applied. Metal particles are pieces of a pure elemental metal or a combination of elemental metals.

(E) Pretreatment coating--A coating that contains no more than 12% solids by weight and at least 0.50% acid by weight; is used to provide surface etching; and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

(F) Solar-absorbent coating--A coating that has as its primary purpose the absorption of solar radiation.

(5) Miscellaneous metal and plastic parts--The following definitions apply to this surface coating category.

(A) Camouflage coating--A coating used, principally by the military, to conceal equipment from detection.

(B) Clear coat--A coating that lacks opacity or is transparent and may or may not have an undercoat that is used as a reflectant base or undertone color.

(C) Drum (metal)--Any cylindrical metal shipping container with a capacity equal to or greater than 12 gallons but equal to or less than 110 gallons.

(D) Electric-dissipating coating--A coating that rapidly dissipates a high-voltage electric charge.

(E) Electric-insulating varnish--A non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

(F) EMI/RFI shielding--A coating used on electrical or electronic equipment to provide shielding against electromagnetic interference (EMI), radio frequency interference (RFI), or static discharge.

(G) Etching filler--A coating that contains less than 23% solids by weight and at least 0.50% acid by weight and is used instead of applying a pretreatment coating followed by a primer.

(H) Extreme high-gloss coating--A coating which, when tested by the American Society for Testing and Materials Test Method D523 adopted in 1980, shows a reflectance of 75% or more on a 60 degree meter.

(I) Extreme performance coating--A coating used on a metal or plastic surface where the coated surface is, in its intended use, subject to one of the following conditions. Extreme performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, marine shipping containers, downhole drilling equipment, and heavy-duty trucks:

(i) chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures, or solutions;

(ii) repeated exposure to temperatures in excess of 250 degrees Fahrenheit (121 degrees Celsius);

(iii) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers, or scouring agents; or

(iv) exposure to extreme environmental conditions, such as continuous outdoor exposure.

(J) Heat-resistant coating--A coating that must withstand a temperature of at least 400 degrees Fahrenheit (204 degrees Celsius) during normal use.

(K) High performance architectural coating--A coating used to protect architectural subsections and meets the requirements of the American Architectural Manufacturers Association's publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).

(L) High temperature coating--A coating that is certified to withstand a temperature of 1000 degrees Fahrenheit (538 degrees Celsius) for 24 hours.

(M) Mask coating--A thin film coating applied through a template to coat a small portion of a substrate.

(N) Metallic coating--A coating containing more than 5.0 grams of metal particles per liter of coating as applied. Metal particles are pieces of a pure elemental metal or a combination of elemental metals.

(O) Military specification coating--A coating that has a formulation approved by a United States Military Agency for use on military equipment.

(P) Mold-seal coating--The initial coating applied to a new mold or a repaired mold to provide a smooth surface that when coated with a mold release coating, prevents products from sticking to the mold.

(Q) Miscellaneous metal parts and products--Parts and products considered miscellaneous metal parts and products include:

(i) large farm machinery (harvesting, fertilizing, and planting machines, tractors, combines, etc.);

(ii) small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) commercial machinery (computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) fabricated metal products (metal-covered doors, frames, etc.); and

(vii) any other category of coated metal products, including, but not limited to, those that are included in the Standard Industrial Classification Code major group 33 (primary metal industries), major group 34 (fabricated metal products), major group 35 (nonelectrical machinery), major group 36 (electrical machinery), major group 37 (transportation equipment), major group 38 (miscellaneous instruments), and major group 39 (miscellaneous manufacturing industries). Excluded are those surface coating processes specified in §115.420(c)(1) - (8) and (10) - (16) [§115.420(b)(1) - (8) and (10) - (14)] of this title (relating to Surface Coating Definitions) and paragraphs (1) - (4) and (6) - (8) of this subsection.

(R) Miscellaneous plastic parts and products--Parts and products considered miscellaneous plastic parts and products include, but are not limited to:

(i) molded plastic parts;

(ii) small and large farm machinery;

(iii) commercial and industrial machinery and equipment;

(iv) interior or exterior automotive parts;

(v) construction equipment;

(vi) motor vehicle accessories;

(vii) bicycles and sporting goods;

(viii) toys;

(ix) recreational vehicles;

(x) lawn and garden equipment;

(xi) laboratory and medical equipment;

(xii) electronic equipment; and

(xiii) other industrial and household products. Excluded are those surface coating processes specified in §115.420(c)(1) - (16) [§115.420(b)(1) - (14)] of this title and paragraphs (1) - (4) and (6) - (8) of this subsection.

(S) Multi-colored coating--A coating that exhibits more than one color when applied, is packaged in a single container, and applied in a single coat.

(T) Off-site job shop--A non-manufacturer of metal or plastic parts and products that applies coatings to such products at a site under contract with one or more parties that operate under separate ownership and control.

(U) Optical coating--A coating applied to an optical lens.

(V) Pail (metal)--Any cylindrical metal shipping container with a capacity equal to or greater than 1 gallon but less than 12 gallons and constructed of 29 gauge or heavier material.

(W) Pan-backing coating--A coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

(X) Prefabricated architectural component coating--A coating applied to metal parts and products that are to be used as an architectural structure.

(Y) Pretreatment coating--A coating that contains no more than 12% solids by weight and at least 0.50% acid by weight; is used to provide surface etching; and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

(Z) Repair coating--A coating used to re-coat portions of a previously coated product that has sustained mechanical damage to the coating following normal surface coating processes.

(AA) Safety-indicating coating--A coating that changes physical characteristics, such as color, to indicate unsafe conditions.

(BB) Shock-free coating--A coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being low-capacitance and high-resistance and having resistance to breaking down under high voltage.

(CC) Silicone-release coating--A coating that contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

(DD) Solar-absorbent coating--A coating that has as its primary purpose the absorption of solar radiation.

(EE) Stencil coating--A pigmented coating or ink that is rolled or brushed onto a template or stamp in order to add identifying letters, symbols, or numbers.

(FF) Touch-up coating--A coating used to cover minor coating imperfections appearing after the main surface coating process.

(GG) Translucent coating--A coating that contains binders and pigment and formulated to form a colored, but not opaque, film.

(HH) Vacuum-metalizing coating--The undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing or physical vapor deposition is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

(6) Motor vehicle materials--The following definitions apply to this surface coating category.

(A) Motor vehicle bedliner--A multi-component coating[,] used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process[,] and is applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

(B) Motor vehicle cavity wax--A coating used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(C) Motor vehicle deadener--A coating used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

(D) Motor vehicle gasket/sealing material--A fluid used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization seal material.

(E) Motor vehicle lubricating wax/compound--A protective lubricating material used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is applied to vehicle hubs and hinges.

(F) Motor vehicle sealer--A high viscosity material used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g.,

primer-surfacer). The primary purpose of motor vehicle sealer is to fill body joints completely so that there is no intrusion of water, gases, or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(G) Motor vehicle trunk interior coating--A coating used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is applied to the trunk interior to provide chip protection.

(H) Motor vehicle underbody coating--A coating used in a process that is not an automobile or light-duty truck manufacturing [assembly] coating process and is applied to the undercarriage or firewall to prevent corrosion or provide chip protection.

(7) Paper, film, and foil coating--The coating of paper and pressure-sensitive tapes (regardless of substrate and including paper, fabric, and plastic film), related web coating processes on plastic film (including typewriter ribbons, photographic film, and magnetic tape), metal foil (including decorative, gift wrap, and packaging), industrial and decorative laminates, abrasive products (including fabric coated for use in abrasive products), and flexible packaging.

(A) Paper, film, and foil coating includes the application of a continuous layer of a coating material across the entire width or any portion of the width of a paper, film, or foil web substrate to:

(i) provide a covering, finish, or functional or protective layer to the substrate;

(ii) saturate the substrate for lamination; or

(iii) provide adhesion between two substrates for lamination.

(B) Paper, film, and foil coating excludes coating performed on or in-line with any offset lithographic, screen, letterpress, flexographic, rotogravure, or digital printing press; or size presses and on-machine coaters that function as part of an in-line papermaking system.

(8) Pleasure craft--Any marine or fresh-water vessel used by individuals for noncommercial, nonmilitary, and recreational purposes that is less than 65.6 feet in length. A vessel rented exclusively to, or chartered for, individuals for such purposes is considered a pleasure craft.

(A) Antifoulant coating--A coating applied to the underwater portion of a pleasure craft to prevent or reduce the attachment of biological organisms, and registered with the United States Environmental Protection Agency as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code, §136).

(B) Antifoulant sealer/tie coating--A coating applied over an antifoulant coating to prevent the release of biocides into the environment or to promote adhesion between an antifoulant coating and a primer or other antifoulants.

(C) Extreme high-gloss coating--A coating that achieves at least 90% reflectance on a 60 degree meter when tested by American Society for Testing and Materials Method D523-89.

(D) Finish primer-surfacer--A coating applied with a wet film thickness less than 10 mils prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, a moisture barrier, or promotion of a uniform surface necessary for filling in surface imperfections.

(E) High-build primer-surfacer--A coating applied with a wet film thickness of 10 mils or more prior to the application of a topcoat for purposes of providing corrosion resistance, adhesion of subsequent coatings, or a moisture barrier, or promoting a uniform surface necessary for filling in surface imperfections.

(F) High-gloss coating--A coating that achieves at least 85% reflectance on a 60 degree meter when tested by American Society for Testing and Materials Test Method D523-89.

(G) Pleasure craft coating--A marine coating, except unsaturated polyester resin (fiberglass) coatings, applied by brush, spray, roller, or other means to a pleasure craft.

(H) Pretreatment wash primer--A coating that contains no more than 25% solids by weight and at least 0.10% acids by weight; used to provide surface etching; and applied directly to fiberglass and metal surfaces to provide corrosion resistance and adhesion of subsequent coatings.

(I) Repair coating--A coating used to re-coat portions of a previously coated product that has sustained mechanical damage to the coating following normal surface coating processes.

(J) Topcoat--A final coating applied to the interior or exterior of a pleasure craft.

(K) Touch-up coating--A coating used to cover minor coating imperfections appearing after the main surface coating process.

§115.451. Exemptions.

(a) The volatile organic compounds (VOC) from coatings and solvents used in surface coating processes and associated cleaning operations not addressed by the surface coating categories in §115.421(3) - (7), (9), (10), and (13) - (16) [§115.421(a)(3), (5) - (7), and (10) - (15)] and (13) - (16) of this title (relating to Emission Specifications) or §115.453 of this title (relating to Control Requirements[,]) are excluded from the VOC emission calculations for the purposes of paragraphs (1) - (3) of this subsection. For example, architectural coatings applied in the field to stationary structures and their appurtenances, portable buildings, pavements, or curbs at a property would not be included in the calculations.

(1) All surface coating processes on a property that, when uncontrolled, will emit a combined weight of VOC of less than 3.0 pounds per hour and 15 pounds in any consecutive 24-hour period are exempt from §115.453 of this title.

(2) Surface coating processes on a property that, when uncontrolled, will emit a combined weight of VOC of less than 100 pounds in any consecutive 24-hour period are exempt from §115.453(a) of this title if documentation is provided to and approved by both the executive director and the United States Environmental Protection Agency to demonstrate that necessary coating performance criteria cannot be achieved with coatings that satisfy applicable VOC limits and that control equipment is not technologically or economically feasible.

(3) Surface coating processes on a property where total coating and solvent usage does not exceed 150 gallons in any consecutive 12-month period are exempt from the VOC limits in §115.453(a) of this title.

(b) The following surface coating processes are exempt from the VOC limits for miscellaneous metal and plastic parts coatings in §115.453(a)(1)(C) - (F) [§115.453(a)(1)(C) and (D)] of this title and motor vehicle materials in §115.453(a)(2) of this title:

(1) large appliance surface coating;

(2) metal furniture surface coating;

(3) automobile and light-duty truck assembly surface coating; and

(4) surface coating processes specified in §115.420(a)(1) - (9) and (11) - (16) [§115.420(b)(1) - (8) and (10) - (14)] of this title (relating to Applicability and Definitions) [(relating to Surface Coating Definitions)].

(c) Paper, film, and foil surface coating processes are exempt from the coating application system requirements in §115.453(c) of this title and the coating use work practice requirements in §115.453(d)(1) of this title.

(d) Automobile and light-duty truck assembly surface coating processes are exempt from the coating application system requirements in §115.453(c) of this title and the cleaning-related work practice requirements in §115.453(d)(2) of this title.

(e) Automobile and light-duty truck assembly surface coating materials supplied in containers with a net volume of 16 ounces or less, or a net weight of 1.0 pound or less, are exempt from the VOC limits in Table 2 in §115.453(a)(3) of this title.

(f) The following miscellaneous metal part and product surface coatings and surface coating processes are exempt from the coating application system requirements in §115.453(c) of this title:

- (1) touch-up coatings, repair coatings, and textured finishes;
- (2) stencil coatings;
- (3) safety-indicating coatings;
- (4) solid-film lubricants;
- (5) electric-insulating and thermal-conducting coatings;
- (6) magnetic data storage disk coatings; and
- (7) plastic extruded onto metal parts to form a coating.

(g) All miscellaneous plastic part airbrush surface coatings and surface coating processes where total coating usage is less than 5.0 gallons per year are exempt from the coating application system requirements in §115.453(c) of this title.

(h) The application of extreme high-gloss coatings to pleasure craft is exempt from the coating application system requirements in §115.453(c) of this title.

(i) The following miscellaneous plastic parts surface coatings and surface coating processes are exempt from the coating VOC limits in §115.453(a)(1)(D) of this title:

(1) touch-up and repair coatings;

(2) stencil coatings applied on clear or transparent substrates;

(3) clear or translucent coatings;

(4) any individual coating type used in volumes less than 50 gallons in any one year, if substitute compliant coatings are not available, provided that the total usage of all such coatings does not exceed 200 gallons per year, per property;

(5) reflective coating applied to highway cones;

(6) mask coatings that are less than 0.5 mil thick dried and the area coated is less than 25 square inches;

(7) electromagnetic interference/radio frequency interference (EMI/RFI) shielding coatings; and

(8) heparin-benzalkonium chloride-containing coatings applied to medical devices, if the total usage of all such coatings does not exceed 100 gallons per year, per property.

(j) The following automotive/transportation and business machine plastic part surface coatings and surface coating processes are exempt from the VOC limits in §115.453(a)(1)(E) of this title:

(1) texture coatings;

(2) vacuum-metalizing coatings;

(3) gloss reducers;

(4) texture topcoats;

(5) adhesion primers [prime];

(6) electrostatic preparation coatings;

(7) resist coatings; and

(8) stencil coatings.

(k) Powder coatings and ultraviolet curable coatings applied during metal and plastic parts surface coating processes specified in §115.453(a)(1)(C) - (F) and (2) of this title are exempt from the requirements in this division, except as specified in §115.458(b)(5) of this title (relating to Monitoring and Recordkeeping Requirements).

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

(m) Coatings applied to test panels and coupons as part of research and development, quality control, or performance testing activities at paint research or manufacturing facilities are exempt from the requirements in this division.

(n) Pleasure craft touch-up and repair coatings supplied in containers less than or equal to 1.0 quart, are exempt from the VOC limits in §115.453(a)(1)(F) of this title provided that the total usage of all such coatings does not exceed 50 gallons per calendar year per property.

(o) Pleasure craft surface coating processes are exempt from the VOC limits in §115.453(a)(1)(C) and (D) of this title.

(p) Adhesives applied to miscellaneous metal and plastic parts listed in §115.453(a)(1)(C) - (F) and (2) of this title that meet a specific adhesive or adhesive primer application process definition in §115.470 of this title (relating to Applicability and Definitions) and are listed in Table 2 of §115.473(a) of this title (relating to Control Requirements) are not subject to the requirements in this division. Contact adhesives are not included in this exemption.

§115.453. Control Requirements.

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

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

(A) Large appliances. If a coating does not meet a specific coating type definition, then it can be assumed to be a general-use coating and the VOC limit for general coating applies.

Figure: 30 TAC §115.453(a)(1)(A) (No change to this figure as it exists in the TAC.)

(B) Metal furniture. If a coating does not meet a specific coating type definition, then it can be assumed to be a general-use coating and the VOC limit for general coating applies.

Figure: 30 TAC §115.453(a)(1)(B) (No change to this figure as it exists in the TAC.)

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

Figure: 30 TAC §115.453(a)(1)(C) (No change to this figure as it exists in the TAC.)

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

Figure: 30 TAC §115.453(a)(1)(D) (No change to this figure as it exists in the TAC.)

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

Figure: 30 TAC §115.453(a)(1)(E)

[Figure: 30 TAC §115.453(a)(1)(E)]

Table 1.

Automotive/Transportation Coating Category	Pounds of volatile organic compounds per gallon coating	Pounds of volatile organic compounds per gallon solids
Flexible Primer, Baked, Interior and Exterior Parts	4.5	11.58
Non-flexible Primer, Baked, Interior and Exterior Parts	3.5	6.67
Base Coats, Baked, Interior and Exterior Parts	4.3	10.34
Clear Coat, Baked, Interior and Exterior Parts	4.0	8.76
<u>Non-Base Coat/ Clear Coat</u> [Non-basecoat/clear coat], Baked, Interior and Exterior Parts	4.3	10.34
Primers, Air-Dried, Exterior Parts	4.8	13.80
<u>Base Coat</u> [Basecoat], Air-Dried, Exterior Parts	5.0	15.59
<u>Clear Coat</u> [coats], Air-Dried, Exterior Parts	4.5	11.58
<u>Non-Base Coat/ Clear Coat</u> [Non-basecoat/clear coat], Air-Dried, Exterior Parts	5.0	15.59
Air-Dried Coatings, Interior Parts	5.0	15.59
<u>Touch-Up</u> [Touch-up] and Repair Coatings	5.2	17.72

Table 2.

Business Machine Coating Category	Pounds of volatile organic compounds per gallon coating	Pounds of volatile organic compounds
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		per gallon solids
Primers	2.9	4.80
Topcoat	2.9	4.80
Texture Coat	2.9	4.80
Fog Coat	2.2	3.14
<u>Touch-Up and Repair</u> [Touch-up and repair]	2.9	4.80

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

Figure: 30 TAC §115.453(a)(1)(F) (No change to this figure as it exists in the TAC.)

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

Figure: 30 TAC §115.453(a)(2) (No change to this figure as it exists in the TAC.)

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

Figure: 30 TAC §115.453(a)(3) (No change to the figure as it exists in the TAC.)

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

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

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

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

Figure: 30 TAC §115.453(a)(4) (No change to the figure as it exists in the TAC.)

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

Figure: 30 TAC §115.453(a)(5) (No change to the figure as it exists in the TAC.)

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

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

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

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

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

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

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

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

(A) store all VOC-containing coatings and coating-related waste materials in closed containers;

(B) minimize spills of VOC-containing coatings;

(C) convey all coatings in closed containers or pipes;

(D) close mixing vessels and storage containers that contain VOC coatings and other materials except when specifically in use;

(E) clean up spills immediately; and

(F) for automobile and light-duty truck assembly coating processes, minimize VOC emissions from the cleaning of storage, mixing, and conveying equipment.

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

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

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

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

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

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

(F) clean up spills immediately; and

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

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

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

(1) The project that caused throughput or emission rate to fall below the exemption limits in §115.451 of this title must be authorized by a permit, permit amendment, standard permit, or permit by rule required by Chapters 106 or 116 of this title (relating to Permits by Rule; and Control of Air Pollution by Permits for New Construction or Modification, respectively). If a permit by rule is available for the

project, the owner or operator shall continue to comply with subsection (a) of this section for 30 days after the filing of documentation of compliance with that permit by rule.

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

§115.459. Compliance Schedules.

(a) The owner or operator of a surface coating process in the Dallas-Fort Worth area, except Wise County, and in the Houston-Galveston-Brazoria area subject to this division shall comply with the requirements of this division no later than March 1, 2013.

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

(c) [(b)] The owner or operator of a surface coating process that becomes subject to this division on or after the applicable compliance date of this section [March 1,

2013,] shall comply with the requirements in this division no later than 60 days after becoming subject.

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

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 6: INDUSTRIAL CLEANING SOLVENTS

§§115.460, 115.461, 115.469

Statutory Authority

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

that authorizes the commission to prescribe reasonable requirements for the measuring and monitoring of air contaminant emissions. The amended sections are also proposed under Federal Clean Air Act (FCAA), 42 United State Code (USC), §§7401, *et seq.*, which requires states to submit state implementation plan revisions that specify the manner in which the National Ambient Air Quality Standards will be achieved and maintained within each air quality control region of the state.

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

§115.460. Applicability and Definitions.

(a) **Applicability.** Except as specified in §115.461 of this title (relating to Exemptions), the requirements in this division apply to solvent cleaning operations in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions). Residential cleaning and janitorial cleaning are not considered solvent cleaning operations.

(b) **Definitions.** Unless specifically defined in the Texas Clean Air Act (Texas Health and Safety Code, Chapter 382) or in §§3.2, 101.1, or 115.10 of this title (relating to Definitions), the terms in this division have the meanings commonly used in the field of

air pollution control. In addition, the following meanings apply in this division unless the context clearly indicates otherwise.

(1) Aerosol can--A hand-held, non-refillable container that expels pressurized product by means of a propellant-induced force.

(2) Electrical and electronic components--Components and assemblies of components that generate, convert, transmit, or modify electrical energy. Electrical and electronic components include, but are not limited to, wires, windings, stators, rotors, magnets, contacts, relays, printed circuit boards, printed wire assemblies, wiring boards, integrated circuits, resistors, capacitors, and transistors. Cabinets that house electrical and electronic components are not considered electrical and electronic components.

(3) Janitorial cleaning--The cleaning of building or building components including, but not limited to, floors, ceilings, walls, windows, doors, stairs, bathrooms, furnishings, and exterior surfaces of office equipment, excluding the cleaning of work areas where manufacturing or repair activity is performed.

(4) Magnet wire--Wire used in electromagnetic field application in electrical machinery and equipment such as transformers, motors, generators, and magnetic tape recorders.

(5) Magnet wire coating operation--The process of applying insulation coatings such as varnish or enamel on magnet wire where wire is continuously drawn through a coating applicator.

(6) Medical device--An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar article, including any component or accessory that is, intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of diseases; intended to affect the structure or any function of the body; or defined in the National Formulary or the United States Pharmacopoeia or any supplement to it.

(7) Medical device and pharmaceutical preparation operations--Medical devices, pharmaceutical products, and associated manufacturing and product handling equipment and material, work surfaces, maintenance tools, and room surfaces that are subject to the United States Federal Drug Administration current Good Manufacturing/Laboratory Practice, or Center for Disease Control or National Institute of Health guidelines for biological disinfection of surfaces.

(8) Polyester resin operation--The fabrication, rework, repair, or touch-up of composite products for commercial, military, or industrial uses by mixing, pouring,

manual application, molding, impregnating, injecting, forming, spraying, pultrusion, filament winding, or centrifugally casting with polyester resins.

(9) Precision optics--The optical elements used in electro-optical devices that are designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes of light energy levels.

(10) Solvent-- A volatile organic compound-containing liquid used to perform solvent cleaning operations.

(11) [(10)] Solvent cleaning operation--The removal of uncured adhesives, inks, and coatings; and contaminants such as dirt, soil, oil, and grease from parts, products, tools, machinery, equipment, vessels, floors, walls, and other work production-related areas using a solvent.

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

Figure: 30 TAC §115.460(b)(12)

[Figure: 30 TAC §115.460(b)(11)]

$$PP_c = \sum_{i=1}^n \frac{\left(\frac{W_i}{MW_i} \times VP_i \right)}{\frac{W_w}{MW_w} + \sum_{e=1}^n \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

Where:

PP_c = The volatile organic compound (VOC) [VOC] composite partial vapor pressure of a solution at 20 degrees Celsius in millimeters of mercury (mmHg)

W_i = The weight of VOC_i in grams (g)

MW_i = The molecular weight of VOC_i in g per g-mole

VP_i = The vapor pressure of VOC_i at 20 degrees Celsius in mmHg

W_w = The weight of water in g

MW_w = The molecular weight of water in g per g-mole

W_e = The weight of non-water exempt compound e in g

MW_e = The molecular weight of non-water exempt compound e in g per g-mole

§115.461. Exemptions.

(a) Solvent cleaning operations located on a property with total actual volatile organic compounds (VOC) emissions of less than 3.0 tons per calendar year from all cleaning solvents, when uncontrolled, are exempt from the requirements of this division, except as specified in §115.468(b)(2) of this title (relating to Monitoring and Recordkeeping Requirements). When calculating the VOC emissions, solvents used for solvent cleaning operations that are exempt from this division under subsections (b) - (e) of this section are excluded.

(b) The owner or operator of any process or operation subject to another division of this chapter that specifies solvent cleaning operation requirements related to that process or operation is exempt from the requirements in this division.

(c) A solvent cleaning operation is exempt from this division if:

(1) the process or operation that the solvent cleaning operation is associated with is subject to another division in this chapter; and

(2) the VOC emissions from the solvent cleaning operation are controlled in accordance with an emission specification or control requirement of the division that the process or operation is subject to.

(d) The following are exempt from the VOC limits in §115.463(a) of this title (relating to Control Requirements):

(1) electrical and electronic components;

(2) precision optics;

(3) numismatic dies;

(4) resin mixing, molding, and application equipment;

(5) coating, ink, and adhesive mixing, molding, and application equipment;

(6) stripping of cured inks, cured adhesives, and cured coatings;

(7) research and development laboratories;

(8) medical device or pharmaceutical preparation operations;

- (9) performance or quality assurance testing of coatings, inks, or adhesives;
- (10) architectural coating manufacturing and application operations;
- (11) magnet wire coating operations;
- (12) semiconductor wafer fabrication;
- (13) coating, ink, resin, and adhesive manufacturing;
- (14) polyester resin operations;
- (15) flexographic and rotogravure printing processes;
- (16) screen printing operations; and
- (17) digital printing operations.

(e) Cleaning solvents supplied in aerosol cans are exempt from the VOC limits in §115.463(a) of this title if total aerosol use for the property is less than 160 fluid ounces per day.

§115.469. Compliance Schedules.

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

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

(c) [(b)] The owner or operator of a solvent cleaning operation that becomes subject to this division on or after the applicable compliance date in this section [March 1, 2013,] shall comply with the requirements in this division no later than 60 days after becoming subject.

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

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 7: MISCELLANEOUS INDUSTRIAL ADHESIVES

§§115.471, 115.473, 115.479

Statutory Authority

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

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

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

§115.471. Exemptions.

(a) The owner or operator of application processes located on a property with actual combined emissions of volatile organic compounds (VOC) less than 3.0 tons per calendar year, when uncontrolled, from all adhesives, adhesive primers, and solvents used during related cleaning operations, is exempt from the requirements of this division, except as specified in §115.478(b)(2) of this title (relating to Monitoring and Recordkeeping Requirements). When calculating the VOC emissions, adhesives and adhesive primers that are exempt under subsections (b) and (c) of this section are excluded.

(b) The following application processes are exempt from the VOC limits in §115.473(a) of this title (relating to Control Requirements) and the application system requirements in §115.473(b) of this title:

(1) adhesives or adhesive primers being tested or evaluated in any research and development, quality assurance, or analytical laboratory;

(2) adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace components or undersea-based weapon system components;

(3) adhesives or adhesive primers used in medical equipment manufacturing operations;

(4) cyanoacrylate adhesive application processes;

(5) aerosol adhesive and aerosol adhesive primer application processes;

(6) polyester-bonding putties used to assemble fiberglass parts at fiberglass boat manufacturing properties and at other reinforced plastic composite manufacturing properties; and

(7) processes using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 16 ounces or less or a net weight of 1.0 pound or less.

(c) The owner or operator of any process or operation subject to another division of this chapter that specifies VOC content limits for adhesives or adhesive primers used during any of the application processes listed in §115.473(a) of this title, is exempt from the requirements in this division. Adhesives and adhesive primers used for miscellaneous metal and plastic parts surface coating processes in §115.453(a)(1)(C) - (F) and (2) of this title (related to Control Requirements) meeting a specialty application process definition in §115.470 of this title (relating to Applicability and Definitions) are not included in this exemption. Contact adhesives are not included in this exemption. When an adhesive or adhesive primer meets more than one adhesive application process definition in §115.470 of this title, the least stringent VOC content limit applies.

§115.473. Control Requirements.

(a) The owner or operator shall limit volatile organic compounds (VOC) emissions from all adhesives and adhesive primers used during the specified application processes to the following VOC content limits in pounds of VOC per gallon of adhesive (lb VOC/gal adhesive) (minus water and exempt solvent compounds), as delivered to

the application system. These limits are based on the daily weighted average of all adhesives or adhesive primers delivered to the application system each day. If an adhesive or adhesive primer is used to bond dissimilar substrates together, then the applicable substrate category with the least stringent VOC content limit applies.

Figure: 30 TAC §115.473(a)

[Figure: 30 TAC §115.473(a)]

Table 1.	
General Adhesive Application Processes	Pounds of volatile organic compounds per gallon adhesive
Reinforced Plastic Composite	1.7
Flexible <u>Vinyl</u> [vinyl]	2.1
Metal	0.3
Porous Material (Except Wood)	1.0
Rubber	2.1
Wood	0.3
Other Substrates	2.1

Table 2.	
Specialty Adhesive Application Processes	Pounds of volatile organic compounds per gallon adhesive
Ceramic Tile Installation	1.1
Contact Adhesive	2.1

Cove Base Installation	1.3
Floor Covering Installation (Indoor)	1.3
Floor Covering Installation (Outdoor)	2.1
Floor Covering Installation (Perimeter Bonded Sheet Vinyl)	5.5
Metal to Urethane/Rubber Molding or Casting	7.1
Motor Vehicle Adhesive	2.1
Motor Vehicle Weatherstrip Adhesive	6.3
Multipurpose Construction	1.7
Plastic Solvent Welding <u>Acrylonitrile Butadiene Styrene</u> [acrylonitrile butadiene styrene] (ABS)	3.3
Plastic Solvent Welding (Except ABS)	4.2
Sheet Rubber Lining Installation	7.1
Single-Ply Roof Membrane Installation/Repair (Except Ethylene Propylene Diene Monomer)	2.1
Structural Glazing	0.8
Thin Metal Laminating	6.5
Tire Repair	0.8
Waterproof Resorcinol Glue	1.4

Table 3.	
Adhesive Primer Application Processes	Pounds of volatile organic compounds per gallon adhesive
Motor Vehicle Glass-Bonding Primer	7.5
Plastic Solvent Welding Adhesive Primer	5.4
Single-Ply Roof Membrane Adhesive Primer	2.1
Other Adhesive Primer	2.1

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

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

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

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

(3) An owner or operator applying adhesives or adhesive primers in combination with a vapor control system to meet the VOC content limits in paragraph

(1) of this subsection, shall use the following equation to determine the minimum overall control efficiency necessary to demonstrate equivalency. Control device and capture efficiency testing must be performed in accordance with the testing requirements in §115.475(3) and (4) of this title.

Figure: 30 TAC §115.473(a)(3) (No change to the figure as it exists in the TAC.)

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

(1) electrostatic spray;

(2) high-volume, low-pressure spray (HVLP);

(3) flow coat;

(4) roll coat or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;

(5) dip coat;

(6) airless spray;

(7) air-assisted airless spray; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The project that caused a throughput or emission rate to fall below the exemption limits in §115.471(a) of this title must be authorized by a permit, permit amendment, standard permit, or permit by rule required by Chapters 106 or 116 of this title (relating to Permits by Rule; and Control of Air Pollution by Permits for New

Construction or Modification, respectively). If a permit by rule is available for the project, the owner or operator shall continue to comply with subsection (a) of this section for 30 days after the filing of documentation of compliance with that permit by rule.

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

§115.479. Compliance Schedules.

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

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

(c) [(b)] The owner or operator of an application process that becomes subject to this division on or after the applicable compliance date in this section [March 1, 2013,]

shall comply with the requirements in this division no later than 60 days after becoming subject.

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

SUBCHAPTER F: MISCELLANEOUS INDUSTRIAL SOURCES

DIVISION 1: CUTBACK ASPHALT

§115.519

Statutory Authority

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

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

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

§115.519. Counties and Compliance Schedules.

(a) In [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, the compliance date has passed and all affected persons 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)].

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

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

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

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