

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

EXPLANATION OF PROPOSED RULE

The proposed §106.231 will create a new exemption for wood products manufacturers, restorers, or refinishers that conduct surface coating operations in addition to woodworking operations such as grinding, sanding, and sawing. This new exemption is intended to simplify the control requirements, recordkeeping requirements, and calculation methods and will eliminate the need for multiple exemptions to cover all operations at these sites. Specifically, the proposed section will: protect public health and provide businesses with flexibility to use different pollution control devices based upon the volume and type of work performed; allow businesses to minimize detailed records previously needed to calculate emission rates; and allow businesses to quantify volatile organic compound emissions with purchase and usage records instead of mathematical equations. Standard Exemptions 40, 75, and 105 continue to be available to this industry, but it is anticipated that businesses will use this new section due to the simplified requirements. Standard Exemptions 40, 75, and 105 (formerly at 30 TAC §116.211) have been recently recodified into 30 TAC Chapter 106 as §§106.433, 106.222, and 106.265.

The agency is currently offering an amnesty period for small businesses that manufacture, restore, or refinish wood products from obtaining a permit. The amnesty period is scheduled to expire in September 1997. After September 1997, if investigated, these businesses will be cited for a violation if they cannot meet an exemption or do not have a permit. The new section should be in effect before September 1997 to allow these businesses an opportunity to use an exemption specific to their industry.

FISCAL NOTE

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

PUBLIC BENEFIT

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

TAKINGS IMPACT STATEMENT

The commission has prepared a Takings Impact Assessment for this rule pursuant to Texas Government Code, §2007.043, and has determined that this rule will have no effect on private real property.

PUBLIC HEARING

A public hearing on this proposal will be held April 3, 1997, at 2:00 p.m. in Room 2210 of Texas Natural Resource Conservation Commission (TNRCC) Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may

present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

SUBMITTAL OF COMMENTS

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 96183-106-AI. Comments must be received by 5:00 p.m., April 3, 1997. For further information, contact Lisa Evans, (512) 239-5885 or Phil Harwell, (512) 239-1517.

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

STATUTORY AUTHORITY

The new section is proposed under the Texas Health and Safety Code, the Texas Clean Air Act (TCAA), §382.017, which provides the commission with the authority to adopt rules consistent with the policy and purposes of the TCAA, and under Texas Health and Safety Code, §382.057, which provides the commission with the authority to exempt certain types of facilities from the requirements of Texas Health and Safety Code, §382.0518.

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

SUBCHAPTER I : MANUFACTURING

§106.231

§106.231. Manufacturing, Refinishing, and Restoring Wood Products.

Facilities, including drying or curing ovens, and hand-held or manually operated equipment, used for manufacturing, refinishing, and restoring wood products that meet the following requirements are exempt from obtaining an air quality permit.

- (1) If a pneumatic sawdust collection system is used, it must be followed by a filter with no visible emissions.
- (2) Waste materials shall be disposed of properly with no visible emissions.
- (3) If the total coatings, solvents and stripping agents used exceeds six gallons per day (gpd) or one gpd of methylene chloride, the application area must be exhausted using forced air through a stack with an unobstructed vertical discharge above the roof line. A filter system with a minimum removal efficiency of 95% shall be used with any spraying operations.
- (4) Purchase receipts for total coatings, solvents, and stripping agents for the two most recent years must be kept on site. If the total materials purchased exceeds 550 gallons per month, records

of the amount of materials used per month must be kept on-site to demonstrate that total emissions do not exceed 25 tons per year in any consecutive 12 months.

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

Issued in Austin, Texas, on February 19, 1997.