



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
GI-151, August 2007

Answers **FOR SMALL** **Auto Body** **S H O P S**

**Obtaining Air Authorization
under Permit by Rule 106.436**

**Small Business and Local Government Assistance
1-800-447-2827**

In Texas, you must have an air authorization to paint automobiles. Certain rules also apply to how you manage your waste. This brochure provides basic information regarding the environmental rules that apply at a small auto body shop. If you still have questions, contact our Small Business and Local Government Assistance program at 800-447-2827 or go to <www.sblga.info>.

Why does the state regulate small auto body shops?

The Texas Clean Air Act requires that the Texas Commission on Environmental Quality (TCEQ) establish and enforce rules to limit air pollution. And, although the air pollution from your own individual shop may be small, the combined pollution from the thousands of body shops all over the state is substantial. For this reason, under the mandated rules, all auto body shops in Texas must have the legal authorization to release air emissions.

What authorization do I need to get for my auto body shop?

Depending on the amounts of coatings and solvents you use, you have three basic options:

- Meet the De Minimis Rule requirements (30 TAC 116.119),
- Qualify for a Permit by Rule (PBR) (30 TAC 106), or
- Obtain a state air quality permit (30 TAC 116.110).

To be considered a *de minimis* source, a business must generate an insignificant level of emissions. The De Minimis Rule specifies these levels for various types of materials, including solvents, coatings, detergents, and more. If you are a *de minimis* source, you do not need a state air authorization, but you do need to meet the requirements of the De Minimis Rule.

Of those shops that don't meet the De Minimis Rule, most will qualify for a Permit by Rule. A PBR is approved more quickly, and requires less reporting, than a state air quality permit.

If you do not meet the requirements of the De Minimis Rule or qualify for a PBR, you will have to obtain a state air quality permit.

What happens if I don't meet the De Minimis Rule, qualify for a PBR, or have a permit?

It is a violation of state law to operate without having proper air authorization. The TCEQ has authority to assess penalties of up to \$10,000 for each day you are in violation of Texas rules.

I think my shop is "grandfathered." Do I still need to get an air authorization?

Yes. There are no longer any "grandfathered" auto body shops in Texas. The State Legislature has eliminated this status as an air authorization option. (Before this category was eliminated, some auto body shops could qualify as "grandfathered" and be exempt from new regulations, but this is no longer the case.)

Which PBR is right for my shop?

PBRs are written for distinct activities. There are several PBRs that relate to auto body operations, including four that focus on surface coating: 106.433, 106.434, 106.435, and 106.436.

PBR 106.433 is for sites that coat or strip materials other than vehicles, such as trailers. PBR 106.434 relates specifically to powder coating operations. And PBR 106.435 is only for sites that restore "classic" or "antique" vehicles, as defined by the Texas Transportation Code.

Most body shops, however, will qualify for 106.436 (Auto Body Refinishing Facility), which is written for shops engaged in the repair and refinishing of motorcycles, passenger cars, light and heavy trucks, and other vehicle body parts, bodies, and cabs. The rest of this guidance brochure will discuss the requirements of this authorization.

What requirements do I have to meet under PBR 106.436?

The chart on the facing page summarizes the requirements of this PBR and is separated into categories based on the quantities of coatings and solvents you use. Determine which category you are in and then follow the requirements that apply.

Requirements for PBR 106.436

	If you use less than ½ pint of coatings and solvents per hour	If you use less than 2 gallons of coatings and solvents per week	If you use more than 2 gallons of coatings and solvents per week
Registration	Not required	Not required	Required. Submit the following: <ul style="list-style-type: none"> ■ Form PI-7 ■ Core Data Form ■ 106.436 Checklist ■ 106.4 Checklist ■ Fee(s)
Paint Booths and Spray Areas	Not required	Not required	A paint spray booth or spray area is required if you're coating more than 9 square feet (approximately 1 panel) at a time. A preparation area is required if you're coating less than 9 square feet at a time.
VOC-Content Limits for Coatings	Not required	Required (regardless of where in the state your facility is located)	Required (regardless of where in the state your facility is located)
High Transfer Efficiency Coating Application Equipment	Not required	Required	Required
Housekeeping	Good housekeeping must be practiced. Clean up spills, maintain equipment, keep property clean, and dispose of waste properly.		
Visible Emissions	No visible emissions are allowed to leave the property.		
Records	<p>You need good records to demonstrate compliance and must have them ready if a TCEQ investigator visits your shop.</p> <p>There are four basic sets of records you must keep. The following three sets of records must be maintained for the most recent 24 months:</p> <ol style="list-style-type: none"> 1. Material safety data sheets (MSDS) 2. Monthly coating and solvent purchase records 3. Monthly coating and solvent usage records, for any categories of purchases that are over the following limits: <ul style="list-style-type: none"> ■ cleanup solvents, 50 gal/month ■ wipe solvents, 50 gal/month ■ precoat, 50 gal/month ■ pretreatment, 50 gal/month ■ sealers, 50 gal/month ■ primers/primer surfacer, 175 gal/month ■ topcoats, 320 gal/month ■ specialty coatings, 50 gal/month <p>The following records must be maintained for the most recent 36 months:</p> <ol style="list-style-type: none"> 4. Totals of the types and amounts of waste you generated 		

Are these the only requirements that I have to meet?

No. The PBR has other requirements that were not listed in this chart. Please see the rule for the complete list. Also, check your city ordinance to see if there are additional requirements in your location. For example, Houston prohibits outside spraying operations.

The chart says I must use coatings that meet VOC-content limits. What are the limits?

For those who are required to use coatings that meet content limits for volatile organic compounds (VOCs), the following table shows what the limit is for each type of coating (from 30 TAC 115.421). The limits are given in pounds of VOC per gallon of coating (minus water and minus exempt solvent). Many manufacturers can help you find a coating that meets these limits—ask them for “compliant coatings.”

Coating Category	VOC Limit (lbs of VOC/gal)
Primers or Primer Surfacers	5.0
Precoats	5.5
Pretreatments	6.5
Single-stage Topcoats	5.0
Basecoat/Clearcoat Systems	5.0
Three-stage Systems	5.2
Specialty Coatings	7.0
Sealers	6.0
Wipe-down Solutions	1.4

What if I cannot comply with all the PBR requirements?

To use a PBR as your authorization, you must meet all the applicable conditions in the PBR. You may change your practices or equipment to meet PBR requirements. If this is not practical for your shop, you may try to meet the De Minimis Rule or apply for an air permit.

Where can I get more information?

For more detailed information, consult our publication *An Environmental Guide for Texas Auto Body Shops* (RG-432). Single copies of any of our publications are available free of charge. Just place an order, either by phone at 512-239-0028, or on the web at <www.tceq.state.tx.us> (click on Forms and Publications).

Where can I find the TCEQ Rules?

The information in this brochure is based on state rules enforced by the Texas Commission on Environmental Quality. These rules can be found in Title 30 of the Texas Administrative Code, or TAC. The Texas Secretary of State publishes the official version of these rules in the Texas Register and on their web site, <www.sos.state.tx.us>.

What if I need help?

If you need help filling out the forms, determining which authorization you need, or answering any other questions, call our confidential hotline at 800-447-2827. Compliance Assistance Specialists are available in your part of the state to help you understand what is required for your shop.



www.takecareoftexas.org
Online Tips to Do Your Part!

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