The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes new §§115.260, 115.262, 115.264, 115.265, 115.266, and 115.269; and amended §§115.111, 115.112, 115.119, 115.122, 115.129, 115.411, 115.412, 115.415, 115.416, 115.419, 115.420, 115.421, 15.425, 115.427, 115.429, 115.440, 115.441, 115.449, 115.450, 115.451, 115.453, 115.455, 115.458-115.461, 115.463, 115.465, and 115.468, 115.469.

If adopted, these rules would be submitted to the U.S. Environmental Protection Agency (EPA) as a state implementation plan (SIP) revision.

Background and Summary of the Factual Basis for the Proposed Rules

On June 20, 2024, EPA published the reclassification of the Bexar County area, consisting of Bexar County, from moderate to serious nonattainment for the 2015 eight-hour ozone National Ambient Air Quality Standard (NAAQS) of 0.070 parts per million (ppm), effective July 22, 2024 (89 *Federal Register* (FR) 51829). The deadline for the Bexar County area to achieve attainment under the serious classification is September 24, 2027, with a 2026 attainment year. Federal Clean Air Act (FCAA), §182(b)(2) requires the commission to implement reasonably available control technology (RACT) provisions for all major sources of nitrogen oxides (NO_x) and volatile organic compounds (VOC) in the Bexar County area. FCAA, §172(c) and §182(c) require the commission to submit serious classification attainment demonstration (AD) and reasonable further progress (RFP) SIP revisions to EPA. The required serious classification SIP revisions (Non-Rule Project Nos. 2024-040-SIP-NR and

2024-041-SIP-NR), along with the two concurrently proposed rulemakings (Rule Project Nos. 2025-006-115-AI and 2025-007-117-AI) needed for implementation of required NO_x and VOC control measures, are due to EPA by January 1, 2026. This proposed rulemaking would address FCAA RACT requirements for major sources of VOC in the Bexar County area under the serious classification for the 2015 eight-hour ozone NAAQS. The proposed rulemaking also contains rule revisions to achieve sufficient VOC emissions reductions to demonstrate that the Bexar County area is making progress towards attainment and would achieve the mandated RFP reduction target for VOC.

In the Bexar County area, the emission profile presents unique challenges for reduction efforts. The county's VOC emissions are predominantly generated by nonpoint area sources, which constitute over 70% of the total emissions inventory (EI). In contrast, RACT is typically applied to point sources, which are fewer in number in Bexar County and contribute a relatively small fraction of overall VOC emissions. Nonpoint area sources offer the greatest potential for achieving significant VOC reductions in the Bexar County area. Accordingly, control strategies used to meet the RFP VOC emissions reduction requirement in this proposed rulemaking emphasize controlling area sources.

Attainment Demonstration Rulemaking Requirements

FCAA, §172(c) mandates that the commission submit an AD SIP revision to demonstrate that the Bexar County area will meet the NAAQS by its attainment date. Photochemical modeling

for future years indicates that the Bexar County area will meet the 2015 ozone NAAQS by the mandated deadline using existing control strategies. The commission is neither required to propose nor is it proposing any rulemaking amendments to demonstrate attainment for the Bexar County area in this rulemaking because the modeling demonstrates attainment without the need for additional measures. A reasonably available control measures (RACM) analysis to identify additional potential control measures that could expedite attainment of the NAAQS earlier than the area's attainment date is provided in the concurrently proposed Bexar County 2015 Ozone NAAQS Serious AD SIP Revision (Non-Rule Project No. 2024-041-SIP-NR). The RACM analysis determined that no potential control measures met the criteria to be considered RACM. As a result, no rule revisions are proposed as RACM.

RACT Implementation Requirements

FCAA, §182(b)(2) requires the commission to implement RACT provisions for all major sources of VOC in the Bexar County area. 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). RACT requirements for moderate and higher classification ozone nonattainment areas are included in the FCAA to ensure that significant source categories at major sources of ozone precursor emissions are controlled to a reasonable extent, but not necessarily to best available control technology levels expected of new sources or to maximum achievable control technology levels required for major sources

of hazardous air pollutants. 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. This rulemaking proposes to implement RACT requirements for the Bexar County serious nonattainment area, targeting sources that emit 50 tons per year (tpy) or more of VOCs. The proposed rules would specifically apply to offset lithographic printing operations, bakery ovens, and VOC storage tanks. While the proposed RACT rules are intended to fulfill SIP obligations resulting from the Bexar County area's reclassification from moderate to serious nonattainment, the rules are not expected to yield further reductions in VOC emissions. This is because RACT measures for moderate nonattainment are in effect in the area and already address all known point source emission sites. Since most non-mobile VOC emissions in the Bexar County area originate from nonpoint area sources in sectors associated with solvent utilization, such as smaller surface coating operations, RACT control strategies for major sources in this proposed rulemaking may have reduced impact and limited effectiveness. The proposed compliance date for these changes, March 1, 2026, is the start of the ozone season in Bexar County for the serious classification attainment year.

RFP Reduction Requirements

FCAA, §182(b)(1) requires the commission to demonstrate that the Bexar County area will achieve at least a 15% VOC emission reduction (15.85 tons per day (tpd)) from the 2017 baseline year. The concurrently proposed Bexar County 2015 Ozone NAAQS Serious RFP SIP

Revision (Non-Rule Project No. 2024-040-SIP-NR) demonstrates that the Bexar County area will satisfy the 15% reduction requirement by using a combination of recently implemented measures and new rule changes. Recently implemented measures (Bexar County area moderate RACT Rules, Rule Project No. 2023-116-115-AI, adopted April 24, 2024) will achieve 3.75 tpd in VOC reductions. New rule changes in this proposed Bexar County area rulemaking are expected to achieve 12.13 tpd in VOC reductions. Collectively, these measures slightly exceed the 15% VOC RFP reduction requirement of 15.85 tpd. The proposed rule changes encompass several sections of Chapter 115. First, amendments are proposed to existing rules for degreasing processes within Subchapter E, Division 1 and are anticipated to result in 0.49 tpd of VOC emission reductions in the Bexar County area. Second, proposed revisions for fabric coating provisions outlined in Subchapter E, Division 2 are expected to result in 1.06 tpd of VOC emission reductions in the Bexar County area. Third, proposed revisions to coating of metal parts and products, architectural coatings, and industrial maintenance coatings provisions in Subchapter E, Division 5 are expected to result in 8.46 tpd of VOC emission reductions; along with revisions to industrial cleaning solvent provisions in Subchapter E, Division 6, which would result in 1.48 tpd of VOC emission reductions. Finally, proposed new rules in Subchapter C, Division 6, for gasoline dispensing nozzles and low permeation hoses from motor vehicle fuel dispensing facilities would result in an estimated 0.64 tpd in VOC emission reductions in the Bexar County area. The proposed compliance date for all these changes, March 1, 2026, is the start of the ozone season in Bexar County for the serious classification attainment year.

Section by Section Discussion

The commission proposes grammatical, stylistic, and other non-substantive changes to update the rules 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, September 2020. These non-substantive changes are not intended to alter the existing rule requirements in any way and are not specifically discussed in this preamble.

Among these non-substantive changes is removal of version identifiers for certain tests developed by the American Society of Testing and Materials (ASTM) in Subchapter E, Divisions 1, 2, and 5. Removal of the specific revision version will reference all test methods in these rule sections consistently. Sections affected by this change include §§115.415(1)(a), 115.420(c)(11)(S), 115.425(1)(B), 115.450(c)(9)(C) and (F), and 115.455(a)(1)(B).

SUBCHAPTER B: GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 1: STORAGE OF VOLATILE ORGANIC COMPOUNDS

Revisions in this division are proposed to fulfill major source RACT requirements.

§115.111. Exemptions

The commission proposes to establish exemption criteria in new §115.111(a)(17) for storage tanks and tank batteries storing condensate prior to custody transfer in Bexar County. To qualify for exemption from flashed gas control requirements, a storage tank or tank battery storing condensate must have a condensate throughput greater than 3,000 barrels (126,000 gallons) per year on a rolling 12-month basis, and owners or operators must be able to show, by the test methods specified, that uncontrolled VOC emissions are less than 50 tpy for individual tanks or aggregated tank batteries. This 50 tpy threshold aligns with the VOC RACT control requirements for major sources in Bexar County and effectively narrows the scope of tanks eligible for exemption to those with even lower emissions than what was allowed at the previous 100 tpy threshold. The exemption would become available beginning March 1, 2026. The commission proposes to remove a typographical error in language from §115.111(a)(15) that inadvertently repeated rule language.

§115.112. Control Requirements

The commission proposes to amend control requirements in §115.112(e)(4)(E) to clarify that fixed roof tanks in the Bexar County area storing condensate prior to custody transfer must continue to control flashed gases if the tank's throughput is greater than 6,000 barrels a year through February 28, 2026. This is considered equivalent to a 100 tpy VOC emission rate or greater. Beginning March 1, 2026, proposed control requirements in new §115.112(e)(5)(F) specify that owners or operators of fixed roof tanks storing condensate

prior to custody transfer or at a pipeline breakout station must control flashed gases for tanks with VOC emissions greater than 50 tpy. The commission proposes to amend §115.112(e)(5)(E) to require that tanks at a tank battery or pipeline breakout station must route flashed gases to a vapor control system if they emit 50 or more tons of uncontrolled VOCs annually, rather than the previous threshold of 100 tons. This 50 tpy threshold aligns with the new VOC RACT major source limit.

§115.119. Compliance Schedules

The commission proposes to revise §115.119(g) to establish March 1, 2026, as the compliance date by which owners or operators of fixed roof storage tanks in the Bexar County area that store condensate prior to custody transfer must comply with the new requirements of §115.112(e)(4)(F) and §115.112(e)(5)(E) to control flashed gases.

DIVISION 2: VENT GAS CONTROL

Revisions in this division are proposed to fulfill major source RACT requirements.

§115.122 Control Requirements

The commission proposes to revise the rule text in §115.122(a)(3)(E) to require emission control requirements from vent gas from bakeries in the Bexar County area by lowering the applicability threshold from 100 tpy to 50 tpy for major source controls. Bakeries that emit

50 tpy or more of VOC emissions would be required to achieve an 80% reduction in VOC emissions through vent gas control from affected bakery ovens. By lowering the emission threshold and implementing stricter control requirements, this proposed rule revision seeks to address the area's ozone nonattainment classification of serious as well as ensure compliance with FCAA mandates for RACT implementation in Bexar County. Owners or operators of affected vent gas streams located in the Bexar County area must comply with the emission specifications in the subsection beginning March 1, 2026, the compliance date specified in proposed new §115.129(h).

The commission proposes revisions to §115.122(a)(3)(F)(iv), to prevent bakeries from claiming emission credits if they make emission reductions in the range of 30% to 90% associated with controlling VOC emissions from bakery oven vent gases in the Bexar County area. The current rule already prevents owners or operators in Bexar County with uncontrolled VOC emissions of 100 tpy or more from claiming emission credits under Chapter 101, Subchapter H, Division 1 to prevent double counting of reductions for the purposes of the SIP. This prohibition would apply for bakeries emitting VOC at the new, lower threshold of 50 tpy necessary for RACT implementation, beginning March 1, 2026.

§115.129 Counties and Compliance Schedules

The commission proposes to add new §115.129(h) to establish a compliance deadline of March 1, 2026, by which affected bakeries in the Bexar County area must meet updated

RACT requirements for 90% vent gas controls from bakery ovens. Establishing this compliance date would ensure that RACT requirements are implemented as expeditiously as practicable and would also allow newly affected bakeries sufficient time to comply before the beginning of ozone season in the attainment year for the area.

SUBCHAPTER C: VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 6: GASOLINE DISPENSING FACILITIES

Revisions in this division are proposed to result in VOC reductions necessary to meet RFP requirements.

The commission proposes to add a new Subchapter C, Division 6 to minimize Bexar County area gasoline dispensing facility (GDF) VOC spillage and associated gasoline transfer emissions from storage tanks into vehicles and containers. GDF sources would need to comply with the control requirements specified in §115.262, which include the installation of enhanced conventional (ECO) nozzles and low permeation hoses on gasoline dispensing pumps. Proposed Division 6 would also contain new sections with provisions for gasoline dispensing facility applicability and definitions, monitoring and inspection, testing and certification, recordkeeping, and compliance requirements.

Affected Bexar County area gasoline dispensing facilities would need to comply by March 1,

2026. Bexar County area gasoline dispensing facility equipment that becomes subject to Division 6 after March 1, 2026, would have 60 days to comply with its requirements.

§115.260 Applicability and Definitions

The commission proposes new §115.260 to establish new GDF rules and corresponding definitions in the Bexar County area. The rules only apply to gasoline dispenser equipment and not equipment that dispenses diesel or other fuels. Newly proposed §115.260 provisions are intended to assist owners and operators in identifying Division 6 applicability and clarifying regulatory definitions. Proposed §115.260(b) defines a GDF as one that includes retail, private, and commercial gasoline dispensing operations. It defines malfunctioning equipment as equipment that is not operating according to the manufacturer's design and specifications and requires remedial action to eliminate potential gasoline leakage. Proposed §115.260(b) also includes definitions for gasoline dispenser, conventional nozzle, ECO nozzle, low permeation hose, and gasoline dispensing spillage. Informing owners, operators, commission staff, and the public of the new §115.260 terminology would reduce confusion and inconsistent interpretations, which are crucial for compliance and enforcement.

§115.262 Control Requirements

The commission proposes new section §115.262 that would require ECO nozzle and low permeation hose controls on gasoline dispensing pumps in the Bexar County area. Only

California Air Resources Board (CARB)-certified ECO nozzles and low permeation hoses that satisfy the proposed control requirements in §115.262 for reduced gasoline dispensing nozzle and reduced dispensing hose permeation rate gasoline emissions would be allowed. Retrofitting gasoline dispensing pumps with ECO nozzles and low permeation hoses required by proposed §115.262 reduces fuel drips or spills and vapor permeation, thereby significantly reducing VOC emissions from hundreds of GDFs in the county. Existing gasoline dispensing pumps would have until March 1, 2026, to install these items. Newly built gasoline dispensing pumps installed after March 1, 2026, would be required to install these items as soon as practicable and within 60 days of the pump's installation. Similar to other regulations, the commission would allow a 60-day period for new sites to come into compliance while anticipating that owners or operators of new sites will install the required hardware upon opening.

The commission also proposes work practice requirements in proposed §115.262. By implementing and enforcing spill prevention procedures, training, spill clean-up and other work practice requirements, GDFs can significantly minimize spills and associated VOC emissions. Proposed new §115.262 would require malfunctioning equipment to be repaired as soon as possible and before the next monthly inspection. The proposed regulation would require a GDF owner or operator to establish a policy to prohibit vehicle top-offs, require covers on open gasoline containers, mandate signs to inform customers and employees of proper filling practices and require spills to be cleaned up as soon as possible.

§115.264 Monitoring and Inspection Requirements

The commission proposes new §115.264 to establish monthly gasoline dispensing system monitoring and inspection requirements to identify leaking or malfunctioning equipment and facilitate timely repairs. ECO nozzles, low permeation hoses, and associated gasoline dispenser equipment would be inspected to ensure they were operating as intended and did not contain holes or tears that could allow gasoline leakage. The 0.64 tpd VOC emission reductions expected to be achieved from compliance with §115.264 requirements necessitates that GDF equipment remains in good condition, meets certification standards, and remains compliant with new rule requirements.

§115.265 Testing and Certification Requirements

The commission proposes new §115.265 to establish testing and certification provisions for the ECO nozzles and low permeation hoses that would be required at the affected gasoline dispensing facilities by proposed §115.262. Proposed §115.265 would require the use of UL 330 (7th ed) - Underwriters Laboratories' Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids test methods to determine compliance with the proposed §115.262(a)(1) low permeation hose maximum permeation limit of 10.0 grams per square meters per day. ECO nozzles required to be installed by proposed §115.262(a)(3) would need to meet certification and test requirements in the California Air Resources Board Certification Procedure for Enhanced Conventional Nozzles and Low Permeation

Conventional Hoses for Use at Gasoline Dispensing Facilities CP-207, dated July 12, 2021, including updates and revisions.

§115.266 Recordkeeping

The commission proposes new section §115.266 recordkeeping requirements to document compliance with newly proposed Chapter 115, Subchapter C, Division 6 rules. Proposed §115.266 would require owners and operators to keep GDF equipment monthly inspection records that include the inspector's name and inspection date; component inspected; inspection result and any corrective action; and the date corrective action was completed. GDFs would need to keep records of low permeation hose and ECO nozzle certifications as well as training records, described in §115.262(b)(6). The compliance records would need to be kept in a readily accessible format for a minimum of five years. Proposed §115.266 recordkeeping would include inspection, testing, certification, maintenance activity, and training documentation to confirm compliance with these rules. Tracking these activities documents compliance with the newly proposed Subchapter C, Division 6 rules.

§115.269 Compliance Schedules

The commission proposes a compliance deadline of March 1, 2026, for Bexar County area GDF equipment that meets applicability requirements on or before this initial compliance date. Bexar County area GDF equipment that becomes subject to Division 6 after the proposed March 1, 2026, compliance date would have 60 days after becoming subject to

comply with its requirements. By establishing separate compliance dates in §115.269 for existing GDF equipment and similar components that may be installed in the future, the commission can ensure fair and consistent application of emission control requirements across all the intended sources, including newly constructed ones.

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 1: DEGREASING PROCESSES

Revisions in this division are proposed to generate VOC reductions for RFP requirements.

§115.411 Exemptions

The commission proposes to revise §115.411(a) to remove the Bexar County area's applicability to exemptions currently available to degreasing operations under that subsection. On March 1, 2026, degreasing operations in Bexar County subject to §115.412(d) would no longer be eligible for exemptions under §115.411(a). This proposed amendment ensures that all degreasing operations, regardless of previous exemption status, adhere to lower VOC content limits. The commission proposes a new subsection, §115.411(c), with exemptions that would apply in the Bexar County area beginning March 1, 2026. Proposed new subsection §115.411(c) mirrors exemptions in current §115.411(b) for the Dallas-Fort Worth (DFW) and Houston-Galveston-Brazoria (HGB) areas, which would allow implementation of the same lower degreasing solvent VOC content limit in the Bexar County

area.

§115.412 Control Requirements

The commission proposes to add a new subsection (d) to the control requirements in §115.412 to address VOC emissions from degreasing processes in the Bexar County area. This new subsection would establish specific VOC content limits for solvents used in cold solvent cleaning, open-top vapor degreasing, and conveyorized degreasing processes where there previously were none. The new degreasing limits require the use of solvents with a VOC content of no more than 25 grams/liter. The same limit is used as a contingency measure in the DFW and HGB areas in §§115.412(b) and (c), respectively, and it is necessary to implement in the Bexar County area to help achieve the VOC emissions reductions necessary for RFP requirements.

§115.415 Testing Requirements

The commission proposes to amend §115.415(3) to implement compliance testing requirements for the degreasing operations in the Bexar County area subject to §115.412(d). Under the existing rule, degreasing solvent VOC content limits are listed for the DFW and HGB areas in §115.412(b) and (c), respectively. The proposed inclusion of new §115.412(d) under §115.415(3) would specify the test method to determine VOC content for degreasing operations in the Bexar County area, bringing the requirements in line with other nonattainment areas. Accurate compliance testing, as outlined in methods specified in

§115.415(3), is crucial for verifying that VOC limits are met so that intended VOC emission reduction targets are achieved from the implemented measures.

§115.416 Recordkeeping Requirements

The commission proposes new §115.416(5) to require degreasing operation facilities in the Bexar County area to maintain sufficient records to demonstrate compliance with the VOC content limits in §115.412(d) and applicable exemptions in §115.411.

§115.419 Counties and Compliance Schedules

The commission proposes to revise the compliance schedule in subsection §115.419(h) for degreasing operations to reflect new requirements. The schedule mandates that facilities subject to the provisions of proposed §115.412(d) in the Bexar County area comply with the updated control requirements by no later than March 1, 2026. This schedule provides facilities with sufficient time to adopt the necessary control measures and make operational adjustments while ensuring that the required VOC emission reductions needed from degreasing operations are achieved in a timely manner. In addition, the commission proposes a revision to §115.419(h) to remove a typographical error ‘by but’ that was a remnant of the prior rulemaking and remove ‘Bexar’ from the list of counties in §115.419(a). The commission should have deleted this in the prior rulemaking when existing §115.419(h) was added. Deleting it now provides a clear description of compliance requirements.

DIVISION 2: SURFACE COATING PROCESSES

Revisions in this division are proposed to generate VOC reductions for RFP requirements.

§115.420 Applicability and Definitions

The commission proposes to add the descriptor "Applicability" at the beginning of §115.420(a) to improve consistency with subsequent subsections §115.420(b) and §115.420(c) and parallel sections in other divisions of Chapter 115. The commission also proposes to add definitions under new §115.420(c)(4)(A) through §115.420(c)(4)(C) for "plasticizer, " "plastisol, " and "wash primer. " These new definitions would provide examples of fabric coatings that may be applied to protect or add new properties to a fabric substrate. The materials listed in §115.420(c)(4)(A) through §115.250(c)(4)(C), would help owners and operators, commission staff, and the public better understand what qualifies as a "fabric coating, "ensuring more consistent application, compliance, and enforcement of the rules. The commission proposes to update the reference in §115.420(c)(11)(S) from the outdated "Regulatory Guide 1.54" issued by the U.S. Atomic Energy Commission in June 1973 to the current Revision 3 of the guide, which was published in April 2017. The updated guide reflects the most recent requirements for protective coatings for nuclear power plants.

§115.421 Emission Specifications

The commission proposes to create new subparagraphs under existing §115.421(5) to differentiate proposed new requirements for fabric coating processes in the Bexar County area from existing requirements for other areas. Proposed subparagraph (A) would stipulate the existing requirements and areas subject to them, and proposed subparagraph (B) would require owners and operators of fabric coating processes in the Bexar County area to use coatings and wash primers containing 265 g/l (minus water and exempt solvent), which is a decrease from the existing limit of 350 g/l. The counties and areas listed under §115.421(5)(A), including Bexar County, would remain subject to the requirements in existing §115.421(5). Beginning March 1, 2026, the Bexar County area would then be subject to limits specified in §115.421(5)(B). Proposed new clauses §115.421(5)(B)(i) and §115.421(5)(B)(ii) would set limits for fabric coatings and wash primers at 265 g/l and for plastisol fabric coatings at 20 g/l (less water and exempt solvent), as applied at fabric coating operations in the Bexar County area. These proposed limits are based on South Coast Air Quality Management District (SCAQMD) Rule 1128, adopted on March 8, 1996, and approved by EPA on May 4, 1999, as documented in *Federal Register* at 64 FR 23774. The limits are proposed based on their potential to achieve greater VOC emission reductions from fabric coating operations. These reductions are necessary to meet RFP requirements in the Bexar County area.

§115.425 Testing Requirements

The commission proposes to make non-substantive changes to §115.425(1)(B) to remove version identifiers for certain tests developed by the American Society of Testing and Materials (ASTM). Removal of the specific revision version would reference all test methods in these rule sections consistently.

§115.427 Exemptions

Proposed new §115.427(3)(K) and amended §115.427(6) remove exemptions from rule requirements for low emitting fabric coating operations and aerosol coatings (spray paint), respectively, within the Bexar County area. Beginning March 1, 2026, owners or operators would be required to comply with the applicable emission specifications in §115.421 for fabric coatings. Proposed new §115.427(3)(K) and amended §115.427(6) exemptions allow for a wider range of VOC sources to be controlled to ensure that more fabric coating sources adhere to lower VOC content limits. The VOC reductions from these additional sources are necessary to help the Bexar County area meet RFP requirements. The commission also proposes to remove text in §115.427(3) in an example that references exemptions for architectural coatings. The proposed changes are intended to prevent confusion and to mirror text from a similar example in existing §115.451.

§115.429 Counties and Compliance Schedules

The commission proposes several changes in §115.429 to establish a binding deadline by

which owners and operators of affected fabric coating operations must comply with particular rule provisions. Proposed amendments to §115.429(e) aim to clarify that compliance with fabric coating requirements of the division are required by the compliance date or within 60 days after becoming subject to the rule, if the compliance date has passed. The commission proposes adding new subsection §115.429(g) to establish compliance with the new fabric coating requirement in §115.421(5)(B) by March 1, 2026. The proposed amendment to §115.429(f) indicates that fabric coating operations in the Bexar County area currently subject to this division do not have to comply with the new requirement set in §115.421(5)(B) until the compliance date set in newly proposed §115.429(g).

DIVISION 4: OFFSET LITHOGRAPHIC PRINTING

Revisions in this division are proposed to fulfill major source RACT requirements and to generate VOC reductions for RFP requirements.

§115.440 Applicability and Definitions

The commission proposes to lower the major source threshold for offset lithographic facilities in the Bexar County area to comply with FCAA §§182(b)(2) and 182(f) RACT requirements. The definitions in subparagraphs §115.440(b)(8)(D) and §115.440(b)(9)(D) for both major and minor printing sources would be amended. In the existing rules, offset

lithographic facilities in the Bexar County area with uncontrolled VOC emissions of 100 tpy are classified as major sources, while those below this threshold are considered minor. The proposed amendments would reduce the major source threshold to 50 tpy beginning March 1, 2026, for the Bexar County area. The definition for minor source would be revised similarly for the Bexar County area. Amendments to §115.440(b)(8)(D) and §115.440(b)(9)(D) would subject offset lithographic facilities to RACT requirements at lower thresholds of VOC and would ensure RACT requirements are implemented as required for offset lithographic printing facilities in the Bexar County area.

§115.441 Exemptions

The commission proposes changes to §115.441(b)(1) regarding the exemption for cleaning solutions used in offset lithographic printing operations in Bexar County for minor printing sources. In the existing rules, minor printing sources may exempt up to 110 gallons of cleaning solution per year from the VOC content limits in §115.442(c)(1). The proposed revision would remove this exemption for Bexar County beginning March 1, 2026. Removing the §115.441(b)(1) exemption for minor printing sources in Bexar County ensures that minor printing sources, regardless of previous exemption status, adhere to the lower VOC content limits proposed in Subchapter E, Division 6. The change is necessary to achieve the calculated VOC reductions associated with the proposed changes in Subchapter E, Division 6, which are necessary for RFP purposes in Bexar County. This change only affects sources in Bexar County, not the DFW or HGB areas.

§115.449 Compliance Schedules

The commission proposes to add rule text in §115.449(j) to establish a compliance deadline of March 1, 2026, by which date, affected facilities in the Bexar County area must adhere to RACT requirements and comply with low VOC content limits for offset lithographic operations.

DIVISION 5: CONTROL REQUIREMENTS FOR SURFACE COATING PROCESSES

Revisions in this division are proposed to generate VOC reductions for RFP requirements.

§115.450 Applicability and Definitions

The commission proposes to broaden the scope of surface coating operations subject to Subchapter E, Division 5 rules in the Bexar County area by adding architectural coatings to the list of applicable surface coating processes in §115.450(a). Language would be added to clarify that the rule applies only to architectural coatings in a commercial context and would explicitly exclude consumer use from applicability by stating that the rule applies to coatings applied for compensation. The commission proposes to add relevant architectural coating related definitions to §115.450 to accompany the architectural coatings VOC content limits that are proposed in §115.453. To ensure that all definitions in §115.450 remain in alphabetical order when new definitions are added, existing definitions would be

reordered and renumbered accordingly.

The commission proposes to add §115.450(a)(9) and §115.450(a)(10) to extend the requirements in Subchapter E, Division 5 to architectural coatings and industrial maintenance coatings in the Bexar County area.

The commission proposes new §115.450(c)(11), which would provide definitions for different types of architectural coatings with VOC limits proposed in §115.453(a)(5). These proposed definitions are based on South Coast Air Quality Management District (SCAQMD) Rule 1113, amended on February 5, 2016, and approved by EPA on December 31, 2018, as documented in *Federal Register* at 40 CFR Part 52. The added definitions include aluminum roof coatings, appurtenance, below ground wood preservatives, bituminous coating materials, bituminous roof primers, bond breakers, building envelope, building envelope coatings, colorant, concrete-curing compounds, concrete surface retarders, default coatings, driveway sealers, dry-fog coatings, faux finishing coatings, clear topcoats, decorative coatings, glazes, japans, trowel applied coatings, fire-resistive coatings, flat coatings, form release compounds, gonioapparent, graphic arts coatings, interior stains, lacquers, low-solids coatings, magnesite cement coatings, mastic coating, metallic pigmented coatings, multi-color coatings, nonflat coatings, pearlescent, pigmented, post-consumer coatings, pre-treatment wash primers, primers, reactive penetrating sealers, recycled coatings, restoration architect, roof coatings, rust preventative coatings, sacrificial anti-graffiti coatings, sanding

sealers, sealers, shellacs, specialty primers, stains, stationary structures, stone consolidants, swimming pool coatings, tile and stone sealers, topcoat, tub and tile refinishing coatings, undercoaters, varnishes, waterproofing sealers, wood coatings, wood conditioners, and wood preservatives. Many of these coating variants have their own separate VOC limits in §115.453(a)(5). By providing definitions in this section, owners and operators can more easily find the appropriate VOC limit for the product they are using.

§115.451 Exemptions

The commission proposes new §115.451(a)(6) to indicate that exemptions currently provided in §115.451(a)(1)-(3) for low-emission architectural coating operations, industrial maintenance coating operations, and metal parts and products coating operations would no longer apply in the Bexar County area beginning March 1, 2026. As of that date, owners or operators would be required to comply with applicable control requirements of §115.453. These changes are necessary to achieve all the calculated VOC reductions for RFP purposes in Bexar County.

The commission proposes to create exemptions in new subsection §115.451(q) for owners or operators of architectural coating operations in the Bexar County area. This new subsection identifies specific architectural coatings by type and size that would be exempt from the VOC limits in §115.453(a)(1)(C) and (D). Exemptions would apply to emulsion type

bituminous pavement sealers (regardless of container size) under the newly proposed §115.451(q)(1); specific architectural coatings in containers of one liter or less are outlined in §115.451(q)(2)(A); and specific architectural coatings in containers of eight fluid ounces or less, or those used solely for touch-up are outlined in §115.451(q)(2)(B). Small containers of coatings, which are assumed to be used to cover small areas, contribute minimally to overall VOC emissions compared to larger containers. These exemptions mirror those in SCAQMD Rule 1113 and are necessary to achieve all the calculated VOC reductions for RFP purposes.

§115.453 Control Requirements

The commission proposes to restructure existing §115.453(a)(1)(C) VOC content limit provisions for miscellaneous metal parts and products. The existing limits apply in the Bexar, DFW, and HGB areas, and new limits would be added for the Bexar County area. The existing provisions would be relocated under §115.453(a)(1)(C)(i), and would continue to apply in Bexar County until February 28, 2026. Compliance with proposed new §115.453(a)(1)(C)(ii) would be required beginning March 1, 2026, in the Bexar County area. Existing provisions for the Bexar, DFW, and HGB areas would be relocated, without changes, from existing Figure: 30 TAC §115.453(a)(1)(C) to proposed new Figure: 30 TAC §115.453(a)(1)(C)(i). Separate provisions applicable only in the Bexar County area would be added under new Figure: 30 TAC §115.453(a)(1)(C)(ii). The proposed VOC content limits in subparagraph §115.453(a)(1)(C)(ii) for the Bexar County area aim to reduce emissions from

coatings used in metal parts and products operations in the Bexar County area. Existing Table 2 under Figure: 30 TAC §115.453(a)(1)(C) specifying the VOC content as "pounds of volatile organic compounds per gallon of solids" will not be included for Bexar County provisions because the limits in the existing Table 2 are considered equivalent to existing Table 1, and because coating manufacturers typically do not specify VOC content in this manner on their documentation.

The proposed new Bexar County provisions would establish VOC content limits mirroring the limits in DFW and HGB, except for several coating categories as follows: one-component prefabricated architectural coatings (air-dried) VOC content limit would be 2.3 lbs/gal; multi-component prefabricated architectural coatings (air-dried) VOC content limit would be 2.8 lbs/gal; high-performance architectural coatings (air-dried) VOC content limit 3.5 lbs/gal; high-performance architectural coatings (baked) VOC content limit would 3.5 lbs/gal; extreme high-gloss coatings (air-dried) VOC content limit would be 2.8 lbs/gal; and one-component general coatings (air-dried) VOC content limit would be 2.3 lbs/gal. The proposed metal parts and products coatings VOC content limits, in lbs/gal coating, are based on the SCAQMD Rule 1107, adopted on January 6, 2006, and approved by EPA on November 24, 2008, as documented in the *Federal Register* (73 FR 70883). This rule has been successfully used in California to reduce VOC emissions from metal parts and products, and emissions reductions achieved based on these limits in Bexar County are necessary to meet RFP requirements.

The commission proposes to add new VOC content limits for architectural coatings in the Bexar County area. The new VOC content limits are currently used in other states. The new limits are listed in proposed renumbered §115.453(a)(5). Emissions reductions achieved based on these limits in Bexar County are necessary to meet RFP requirements The commission currently has no VOC content limits for architectural coatings in the Bexar County area or other areas of Texas. Three new tables would be created in §115.453(a)(5) that would list VOC content limits for various categories of architectural coatings, including bond breakers, building envelope coatings, concrete-curing compounds for roadways and bridges, concrete surface retarder, default coatings, driveway sealer, dry-fog coatings, faux finishing coatings, fire-resistive coatings, flat and nonflat coatings, floor coatings, form release compound, graphic arts (sign) coatings, magnesite cement coatings, mastic coatings, metallic pigmented coatings, multi-color coatings, pre-treatment wash primers, primers, sealers, and undercoaters, reactive penetrating sealers, recycled coatings, roof coatings, bituminous roof primers, rust preventative coatings, sacrificial, anti-graffiti coatings, shellacs, specialty primers, stains, stone consolidants, swimming pool coatings, tile and stone sealers, tub and tile refinishing coatings, waterproofing concrete/masonry sealers, wood coatings, conditioners, and preservatives, low-solids coatings, and certain colorants added to architectural coatings. Compliance would be achieved through the application of low VOC coatings. Applicable requirements for coating systems outlined in existing §115.453(c) and applicable work practice requirements detailed in existing §115.453(d)

would apply and are not proposed for revision. The provision and equation in existing §115.453(a)(5) would be renumbered as §115.453(a)(6), with no additional proposed changes.

The commission proposes to add new subsection §115.453(j) to implement control measures for industrial maintenance coatings in the Bexar County area. The new §115.453(j) industrial maintenance coatings control requirement would set a VOC content limit of 2.1 lbs/gal or 250 (g/l) of coating, excluding water and exempt solvents to be met by applying low-VOC coatings. The limits of 2.1 lbs/gal and 250 g/l are considered equivalent. There is currently no VOC content limit control requirement for industrial maintenance coatings in the Bexar County area. This measure would establish control requirements for industrial maintenance coatings in the Bexar County area similar to contingency measures that exist in §115.453(f) and §115.453(g) for the DFW and HGB areas, respectively. This measure is necessary in the Bexar County area to meet RFP requirements.

§115.455 Approved Test Methods and Testing Requirements

The commission proposes to update approved test methods and testing requirements in §115.455 for architectural coating operations in the Bexar County area. Inclusion of these updates in the proposed rule is necessary because new architectural coatings definitions make references to them. The commission proposes to add American National Standards Institute (ANSI) A137.1 Standard Specifications for Ceramic Tiles, a test method for

applicable tile and stone penetrative sealers, and is referenced in proposed §115.450(c)(11)(VV)(i)(II). The commission proposes to reference The National Cooperative Highway Research Report 244 (1981) "Concrete Sealers for the Protection of Bridge Structures" test method for applicable surface chloride screening applications, and would be referenced in proposed §115.450(c)(11)(HH)(vi). The commission proposes to update the existing ASTM test methods list in §115.455(a)(1)(B) to include references to test methods C67, C97/97M, C140, C309 Class B, C373, C642, D523, D714, D3359, D3363, D4060, D4214, D4585, D6490, E96/E96M, E284, E331, E2167, and E2178 since they are included in various proposed definitions throughout §115.450. Proposed §115.450(c)(4)(A), §115.450(c)(5)(A), and §115.450(c)(6)(H), would require use of test method ASTM D523, that extreme high-gloss coatings have a reflectance of 75% or more on a 60 degree meter. Proposed §115.450(c)(9)(F) would require test method ASTM D523 to show a reflectance of at least 85% on a 60 degree meter for high gloss coatings. Test method ASTM E2178 outlines the testing methodology for building envelope coatings to have air barriers with a permeance not exceeding 0.004 cubic feet per minute per square foot under a pressure differential of 1.57 pounds per square foot and is referenced in proposed §115.450(c)(11)(H)(i). Test method ASTM E331 is used to measure water resistance of building envelope coatings with water resistive barriers and is referenced in proposed §115.450(c)(11)(H)(ii)(I). The commission proposes to add the definition of "gonioapparent" in §115.450(c)(11)(S). Gonioapparent is a term that is used to describe decorative coatings, for which VOC content limits are proposed. Test method ASTM E284 is used to measure the change in appearance

with the change in the angle of illumination or angle of view of gonioapparent coatings. Test methods ASTM C67, C97/97M, or C140 would be used to verify an improvement in water repellency of at least 80% after application for reactive penetrating sealers and is referenced in proposed §115.450(c)(11)(HH)(iv). Test methods ASTM E96/E96M and ASTM D6490 are used to verify the ability of reactive penetrating sealers to provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission and are referenced in proposed §115.450(c)(11)(HH)(v). Test method ASTM D4214 defines an excessively chalky surface for the application of proposed specialty primers to condition such surfaces and is referenced in proposed §115.450(c)(11)(QQ). Test method ASTM E2167 specifies the proper use and specifications for proposed stone consolidants, and is referenced in proposed 115.450(c)(11)(TT)(iii). Test methods ASTM C373, C97/97M, or C642 are used to demonstrate absorption as low as 0.10% for penetrating tile and stone sealers and are referenced in proposed §115.450(c)(11)(VV)(i)(I). Test method ASTM D4060 is used to demonstrate that a proposed tub and tile refinishing coating has a weight loss of 20 milligrams or less after 1,000 cycles as determined with CS-17 wheels on bonderite 1,000, as referenced in proposed §115.450(c)(11)(XX)(ii). Test methods ASTM D4585 and D714 are used to demonstrate a tub and tile refinishing coatings' ability to withstand 1,000 hours or more of exposure with few or no #8 blisters, determined on unscribed bonderite and are referenced in proposed §115.450(c)(11)(XX)(iii). Test methods ASTM D3359 and D4585 are used to show a tube and tile refinishing coatings' adhesion rating as 4B or better after 24 hours of recovery as determined on unscribed

bonderite, as referenced in proposed §115.450(c)(11)(XX)(iv). Test method ASTM D3363 is used to demonstrate a scratch hardness of 3H or harder and a gouge hardness of 4H or harder as determined on bonderite 1000, as referenced in proposed §115.450(c)(11)(XX)(i).

§115.458 Monitoring and Recordkeeping Requirements

The commission proposes to add recordkeeping requirements for the newly proposed architectural coating and industrial maintenance coating provisions for the Bexar County area. The commission is proposing to add a recordkeeping requirement for the newly proposed §115.453(j) industrial maintenance coating VOC limits and replace "or" with "and" in the last sentence of existing §115.458(b)(1), clarifying that records must be kept documenting compliance with all applicable §115.453 surface coating VOC control limits. By adding proposed new VOC content limits in §115.453(j) applicable in Bexar County, the “or” must be changed to “and” since applicable requirements would exist in §115.453(a) and (j) for some owners or operators in Bexar County. Owners or operators of architectural coating and industrial maintenance operations in the Bexar County area would be required to maintain records of solvent information such as VOC content, composition, solids content, and solvent density. Because the rule language requires records for all applicable VOC content limits, no owners or operators in the DFW or HGB areas would be required to maintain records of the industrial maintenance coating VOC content specified in proposed §115.453(j) since these coating limits would not be applicable in these areas. If, however, the contingency measures for industrial maintenance coating VOC content limits in existing

§115.453(f) or (g) are triggered according to §115.459(e) or (g), respectively, affected owners or operators would be required to maintain such records because the industrial maintenance coating contingency VOC content limits would be applicable to them. Maintaining records of this information provides evidence that coatings and solvents comply with VOC content limits.

§115.459 Compliance Schedules

To provide owners and operators of metal parts and products coatings operations, architectural coating operations, and industrial maintenance surface coating operations in the Bexar County area with sufficient time to comply with new rule requirements, the commission is proposing to establish a compliance date of March 1, 2026, under §115.459(c). This deadline ensures that facilities can adjust operations and implement necessary changes while ensuring that the required VOC emission reductions needed for RFP are achieved during the attainment year.

DIVISION 6: INDUSTRIAL CLEANING SOLVENTS

Revisions in this division are proposed to generate VOC reductions for RFP requirements.

§115.460 Applicability and Definitions

The commission proposes to amend the definition of "electrical and electronic components"

in §115.460(b)(7) for purposes of clarifying the Bexar County §115.461(f) exemption and §115.463(f) control requirements for the Bexar County area. The definition is different in the context of different rule provisions, and this amendment would ensure that the proper definition applies in the context of §115.461(f) and §115.463(f) requirements. The commission also proposes to amend the definition of "solvent cleaning operation" in §115.460(b)(42) for the Bexar County area §115.461(f) exemption and §115.463(f) control requirement.

§115.461 Exemptions

The commission proposes to relocate the existing §115.461(f) exemption to §115.461(g) and insert newly proposed §115.461(f) language that would prohibit the use of existing exemptions §115.461(a) through (d) in Bexar County beginning March 1, 2026. The proposed language would also update references to include the proposed renumbered §115.461(g). If adopted, newly proposed §115.461(f) would limit industrial solvent cleaning exemptions in Bexar County to the following twelve categories: 1) cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics; 2) cleaning conducted with performance laboratory tests, coatings, adhesives, or inks; research and development programs; and laboratory tests in quality assurance laboratories; 3) cleaning of paper-based gaskets, and clutch assemblies where rubber is bonded to metal by means of an adhesive; 4) cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics; 5) medical device and pharmaceutical facilities using up to 1.5 gallons per day of solvents; 6) the

cleaning of photocurable resins from stereolithography equipment and models; 7) cleaning of adhesive application equipment used for thin metal laminating operations provided the clean-up solvent used contains no more than 950 grams of VOC per liter; 8) cleaning of electronic or electrical cables provided the clean-up solvent used contains no more than 400 grams of VOC per liter; 9) touch up cleaning performed on printed circuit boards where surface mounted devices have already been attached provided that the solvent used contains no more than 800 grams of VOC per liter; 10) cleaning carried out in batch loaded cold cleaners, vapor degreasers, conveyorized degreasers, or motion picture film cleaning equipment; 11) janitorial cleaning, including graffiti removal; and 12) stripping of cured coatings, cured ink, or cured adhesives. The commission also proposes to add "and (g)" at the end of §115.461(a) to clarify that both industrial solvent activities listed in (f) and cleaning solvents in aerosol cans referenced in (g) of this section are exempt and not required to be quantified. The list of exemptions proposed for Bexar County mirror those in §115.461(e) available in the DFW and HGB areas if the industrial cleaning solvent contingency measures are triggered in those areas.

§115.463 Control Requirements

The commission proposes to add new VOC content limits for industrial cleaning solvent operations in §115.463(f) for the Bexar County area. The industrial cleaning solvent categories that would be subject include product cleaning during manufacturing processes or surface preparations for coating, adhesives, or ink applications; repair and maintenance cleaning; cleaning of coatings or adhesives application equipment; cleaning of ink

application equipment; and cleaning of polyester resin application equipment. This measure is projected to reduce VOC emissions from industrial cleaning solvent operations in the Bexar County area and would align control requirements with the contingency measures in DFW and HGB by mirroring the requirements in §115.463(e). The commission also proposes to update the first sentence of §115.463(a) to clarify that sources in the DFW and HGB areas are not subject to §115.463(f), which only apply in the Bexar County area.

§115.465 Approved Test Methods and Testing Requirements

The commission proposes to amend §115.465(1) to specify testing requirements that could be used to verify the new VOC content limits proposed in §115.463(f). Existing testing methods, specified in §115.465(1)(A) through (D), could be used to verify the proposed limits in §115.463(f).

§115.468 Monitoring and Recordkeeping Requirements

The commission proposes to amend §115.468(b)(1) to add recordkeeping requirements for the newly proposed solvent cleaning provisions in the Bexar County area. The proposed amendment to §115.468(b)(1) would require owners and operators of solvent cleaning operations to maintain records documenting compliance with newly proposed §115.463(f) VOC limits. Records demonstrating compliance include testing data, MSDSs, or documentation of the standard reference texts used to determine the true vapor pressure of each VOC component.

§115.469 Compliance Schedules

The commission proposes an update to §115.469(b) to clarify that sources in the Bexar County area subject to the new Subchapter E, Division 6 industrial cleaning solvent requirements must be in compliance no later than March 1, 2026. This provides sufficient time for affected entities to implement compliant cleaning options while reducing VOC emissions prior to the ozone season of the attainment year.

Fiscal Note: Costs to State and Local Government

Kyle Girten, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rules are in effect, no significant fiscal implications are anticipated for TCEQ or other state government entities during implementation of the proposed rule.

Fiscal implications are anticipated for one city government entity during implementation of the proposed rule. It is estimated that new gasoline dispensing nozzles and low permeability hoses would need to be installed at 11 city refueling stations to comply with the proposed addition of Subchapter C, Division 6. Total costs as needed to replace all gasoline nozzles and gasoline dispensing hoses with low permeability hoses is estimated at $70,000 in year one. It is estimated that there would be savings of approximately $4,000 each year in years two through five because gasoline leakage would reduce with the new hoses.

Public Benefits and Costs

Mr. Girten determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated will be compliance with federal law and continued protection of the environment and public health and safety combined with efficient and fair administration of VOC emission standards for Bexar County. Corrections of errors and other non-substantive changes within the rule would also benefit the public.

Costs would be incurred for affected businesses operating in Bexar County for implementation of requirements appliable to RACT. This rulemaking would lower the major source threshold from 100 tpy to 50 tpy VOC for lithographic printing operations (Subchapter E, Division 4), bakery ovens (Subchapter B, Division 2), and VOC storage tanks (Subchapter B, Division 1). Additionally, to meet the required RFP reduction target, revisions would be made as needed to implement stricter VOC limits for degreasing processes (Subchapter E, Division 1), fabric coating (Subchapter E, Division 2), coating of metal parts, architectural coatings, and industrial maintenance coatings (Subchapter E, Division 5), industrial cleaning solvent provisions (Subchapter E, Division 6), and gasoline dispensing nozzles and low permeation hoses from motor vehicle dispensing facilities (Subchapter C, Division 6). Any impacted business may be required to update their permit with TCEQ to update processes that are approved for use at their facilities, and some costs may be incurred to meet these permitting requirements. Costs specific to affected businesses are

discussed below.

It is estimated that there are 37 commercial bakeries, 61 lithographic printing facilities, and 25 facilities with VOC storage tanks that would be affected by this rulemaking. Because the individuals who are responsible for the sources should have implemented RACT measures after the updates to this Chapter were made on April 24, 2024 (Rule Project No. 2023-116-115-AI), it is not anticipated that any additional costs would be incurred for these businesses. Should any commercial bakeries need to implement RACT measures, the cost per bakery is estimated at $492,000 in year one and $74,000 in years two through five, and this includes costs related to incinerator control, monitoring, testing, and recordkeeping. Should any lithographic printing facilities need to implement RACT measures, the cost per facility is estimated at $22,000 each year as needed to meet control and recordkeeping requirements. Should RACT measures need implemented for VOC storage tanks, the cost per tanks is estimated at $150,280 in the year one and $22,100 in years two through five as needed to meet control, monitoring, testing, seal inspection, and recordkeeping requirements.

The remaining businesses that would be affected are nonpoint area sources. It is estimated that there are eight facilities with degreasing processes, 25 facilities with fabric coating processes, 23 facilities with metal parts and products, five facilities with architectural coating processes, 98 facilities that use industrial maintenance coatings, 98 facilities that

use industrial cleaning solvents, and up to 1,181 retail gas stations that would incur costs.

Degreasing requirements (Subchapter E, Division 1) would apply to owners or operators of cold solvent cleaning, open-top vapor degreasing, and conveyorized decreasing processes. Total costs, as needed to meet lower VOC content requirements for degreasing materials, and associated recordkeeping, reporting, monitoring, or testing requirements is estimated to total approximately $270,000 in year one and $50,000 in years two through five.

Fabric coating requirements (Subchapter E, Division 2) would apply to fabric coating and wash primers. Total costs, as needed to meet lower VOC content requirements, and associated recordkeeping, reporting, monitoring, or testing requirements is estimated to total approximately $1.3 million each year of the first five years the proposed rules are in effect.

Metal parts, architectural coatings, and industrial maintenance coatings (Subchapter E, Division 5) would apply to coating processes. For metal parts, total costs as needed to meet lower VOC content requirements, and associated recordkeeping, reporting, monitoring, or testing requirements is $3.9 million each year of the first five years the proposed rules are in effect. For architectural coatings, costs to meet lower VOC content requirements, and associated recordkeeping, reporting, monitoring, or testing requirements similarly totals $3.9 million each year. No additional expenses are anticipated for businesses that use

industrial maintenance coatings because recordkeeping for current materials is assumed to be done already. For the same reason, businesses that use industrial cleaning solvents (Subchapter E, Division 6) are not anticipated to incur any additional expenses.

Requirements related to gas stations (Subchapter C, Division 6) would apply to all retail gas stations in Bexar County. Assuming 670 gas stations are impacted, the total costs as needed to replace all gasoline nozzles and replace gasoline dispensing hoses with low permeability hoses is $4.3 million in year one. It is estimated that there would be savings of over $230,000 each year in years two through five because gasoline leakage would reduce with the new hoses.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking is not anticipated to adversely affect a local economy in a significant way for the first five years that the proposed rule is in effect.

Rural Communities Impact Assessment

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. This rulemaking applies to Bexar County, which

has a large population; therefore, rural communities are not significantly impacted. Some commercial bakeries, VOC storage tanks, degreasing operations, surface coating operations, and gasoline stations in rural communities would be impacted, but no adverse impacts to these communities are anticipated.

Small Business and Micro-Business Assessment

No significant adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rule for the first five-year period the proposed rules are in effect. It is estimated there are seven commercial bakeries that are small businesses (four of which are micro-businesses), 61 lithographic printing facilities (53 of which are micro-businesses), 18 VOC storage tanks (all of which are micro-businesses), 11 small businesses that use fabric coating processes (all of which are micro-businesses), eight small businesses that use metal parts and product coatings (all of which are micro-businesses), 98 small businesses that use industrial maintenance coatings (88 of which are micro-businesses), and 590 gasoline stations (541 of which are micro-businesses).

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect. The proposed rules are required to represent RACT requirements that are

technologically and economically feasible for regulated sources. The same compliance and reporting requirements are necessary and apply to all businesses regardless of size.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and will not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking amends an existing regulation, and it does not increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rule should not impact positively or negatively the state's economy.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking in light of the regulatory impact analysis requirements of Texas Government Code, §2001.0225, and determined that the proposed rulemaking does not meet the definition of a major environmental rule as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirement to prepare a regulatory impact analysis. 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. Additionally, the proposed rulemaking does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in Tex. Gov't Code Ann., §2001.0225(a). Section 2001.0225 of the Texas Government Code 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 specific intent of these proposed rules is to comply with federal requirements for the implementation of control strategies necessary to attain and maintain the NAAQS for ozone mandated by 42 United States Code (USC), 7410, FCAA, §110, and required to be included in operating permits by 42 USC, §7661a, FCAA, §502, as specified elsewhere in this preamble. The proposed rulemaking addresses RACT and RFP requirements for the Bexar County 2015 eight-hour ozone nonattainment area as discussed elsewhere in this preamble. States are required to adopt SIPs with enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the FCAA. As discussed in

the FISCAL NOTE portion of this preamble, the proposed rules are not anticipated to add any significant additional costs to affected individuals or businesses beyond what is necessary to attain the ozone NAAQS on 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.

If a state does not comply with its obligations under 42 USC, §7410, FCAA, §110 to submit SIPs, states are subject to discretionary sanctions under 42 USC, §7410(m) or mandatory sanctions under 42 USC, §7509, FCAA, §179; as well as the imposition of a federal implementation plan (FIP) under 42 USC, §7410, FCAA, §110(c). Under 42 USC, §7661a, FCAA, §502, states are required to have federal operating permit programs that provide authority to issue permits and assure compliance with each applicable standard, regulation, or requirement under the FCAA, including enforceable emission limitations and other control measures, means, or techniques, which are required under 42 USC, §7410, FCAA, §110. Similar to requirements in 42 USC, §7410, FCAA, §110, states are not free to ignore requirements in 42 USC, §7661a, FCAA, §502 and must develop and submit programs to provide for operating permits for major sources that include all applicable requirements of the FCAA. Lastly, states are also subject to the imposition of sanctions under 42 USC, §7661a(d) and (i), FCAA, §502(d) and (i) for failure to submit an operating permits program, the disapproval of any operating permits program, or failure to adequately administer and enforce the approved operating permits program.

The requirement to provide a fiscal analysis of regulations in the Texas Government Code was amended by Senate Bill (SB) 633 during the 75th legislative session in 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 that concluded "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 rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law. Because of the ongoing need to meet federal requirements, the commission routinely proposes and adopts rules incorporating or designed to satisfy specific federal requirements. The legislature is presumed to understand this federal scheme. If each rule proposed by the commission to meet a federal requirement was considered to be a major environmental rule that exceeds federal law, then each of those rules would require the full regulatory impact analysis (RIA) contemplated by SB 633. Requiring a full RIA for all federally required rules 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 that the intent of SB 633 was only to require the full RIA for rules that are extraordinary in nature. While the proposed rules may have a broad impact, that impact is no greater than is necessary or appropriate to meet the requirements of the FCAA, and in fact creates no additional impacts since the proposed rules do not impose burdens greater than required to demonstrate attainment of the ozone NAAQS as discussed elsewhere in this preamble. For these reasons, the proposed rules fall under the exception in Texas Government Code, §2001.0225(a), because they are required by, and do not exceed, 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 RIA 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" (Texas Government Code, §2001.035). The legislature specifically identified Texas Government Code, §2001.0225 as falling under this standard.

As discussed in this analysis and elsewhere in this preamble, the commission has substantially complied with the requirements of Texas Government Code, §2001.0225. The proposed rulemaking implements the requirements of the FCAA as discussed in this analysis and elsewhere in this preamble. The proposed rules were determined to be necessary to attain the ozone NAAQS and are required to be included in permits under 42 USC, §7661a, FCAA, §502 and will not exceed any standard set by state or federal law. These proposed rules are not an express requirement of state law. The proposed rules do not exceed a requirement of a delegation agreement or a contract between state and federal government, as the proposed rules, if adopted by the commission and approved by EPA, will become federal law as part of the approved SIP required by 42 U.S.C. §7410, FCAA, §110. The proposed rules were not developed solely under the general powers of the agency but

are authorized by specific sections of Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act), and the Texas Water Code, which are cited in the Statutory Authority section of this preamble, including Texas Health and Safety Code, §§382.011, 382.012, and 382.017. Therefore, this proposed rulemaking action is not subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b).

The commission invites public comment regarding the Draft RIA Determination during the public comment period. Written comments on the Draft RIA Determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), taking means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or §17 or §19, Article I, Texas Constitution; or a governmental action that affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and is the producing cause of a reduction of at least 25% in the market value of the affected private

real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. The commission completed a takings impact analysis for the proposed rulemaking action under the Texas Government Code, §2007.043.

The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to meet federal requirements for the implementation of control strategies necessary to attain and maintain the NAAQS for ozone mandated by 42 United States Code (USC), 7410, FCAA, §110, and required to be included in operating permits by 42 USC, §7661a, FCAA, §502. The proposed rulemaking addresses VOC RACT and RFP requirements for the Bexar County 2015 eight-hour ozone nonattainment area as discussed elsewhere in this preamble.

States are required to adopt SIPs with enforceable emission limitations and other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the FCAA. If a state does not comply with its obligations under 42 USC, §7410, FCAA, §110 to submit SIPs, states are subject to discretionary sanctions under 42 USC, §7410(m) or mandatory sanctions under 42 USC, §7509, FCAA, §179; as well as the imposition of a FIP under 42 USC, §7410, FCAA, §110(c). Under 42 USC, §7661a, FCAA, §502, states are required to have federal operating permit programs that provide authority to issue permits and assure compliance with each

applicable standard, regulation, or requirement under the FCAA, including enforceable emission limitations and other control measures, means, or techniques, which are required under 42 USC, §7410, FCAA, §110. Similar to requirements in 42 USC, §7410, FCAA, §110, regarding the requirement to adopt and implement plans to attain and maintain the national ambient air quality standards, states are not free to ignore requirements in 42 USC, §7661a, FCAA, §502 and must develop and submit programs to provide for operating permits for major sources that include all applicable requirements of the FCAA. Lastly, states are also subject to the imposition of sanctions under 42 USC, §7661a(d) and (i), FCAA, §502(d) and (i) for failure to submit an operating permits program, the disapproval of any operating permits program, or failure to adequately administer and enforce the approved operating permits program.

The proposed rules will not create any additional burden on private real property beyond what is required under federal law, as the proposed rules, if adopted by the commission and approved by EPA, will become federal law as part of the approved SIP required by 42 U.S.C. §7410, FCAA, §110. The proposed rules will not affect private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found the proposal is a rulemaking identified in the Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2), relating to rules subject to the Coastal Management Program, and will, therefore, require that goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process.

The commission reviewed this rulemaking for consistency with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Advisory Committee and determined that the rulemaking will not affect any coastal natural resource areas because the rules only affect counties outside the CMP area and is, therefore, 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. Once adopted, owners or operators of affected sites 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 offer a public hearing on this proposal in San Antonio on August 19, 2025, at 7:00 p.m. Central Daylight Time at the Alamo Area Council of Governments (AACOG) at 2700 NE Loop 410, Suite 101. 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 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 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Submittal of Comments

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: https://tceq.commentinput.com/comment/search. File size restrictions may apply to

comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2025-006-115-AI. The comment period closes on August 25, 2025. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Julia Segura, Air Quality Planning Section, and julia.segura@tceq.texas.gov.

SUBCHAPTER B: GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 1: STORAGE OF VOLATILE ORGANIC COMPOUNDS

§§115.111, 115.112, 115.119

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe

reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.111. Exemptions.

(a) The following exemptions apply in the Beaumont-Port Arthur, Bexar County, 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) 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, Bexar

County, 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, Bexar County, 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, Bexar County, 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, Bexar County, 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) 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 on November 7, 2025.

(11) In the Dallas-Fort Worth area, except in Wise County, on or after November 7, 2025, 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) 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, prior to July 20, 2021, 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)(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 100 tons per year on a rolling 12-month basis.

(13) In Wise County until November 7, 2025, [,]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)(C)(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 50 tons per year on a rolling 12-month basis.

(14) In Wise County beginning November 7, 2025, 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)(D) 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.

(15) In the Bexar County area beginning January 1, 2025, 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)(E) 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. [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.]

(16) In the Bexar County, Dallas-Fort Worth, and Houston-Galveston-Brazoria areas, beginning when compliance is achieved with Division 7 of this subchapter (relating to Oil and Natural Gas Service in Ozone Nonattainment Areas) but no later than its initial §115.183 compliance deadline, a storage tank storing crude oil or condensate that is subject to the compliance requirements of Division 7 of this subchapter is exempt from all requirements in this division.

(17) In the Bexar County area beginning March 1, 2026, 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)(E) 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.

(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. The exemptions in this subsection no longer apply in Bexar County beginning January 1, 2025.

(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 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) (No Change)

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

(A) All openings in an internal floating roof 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 is being floated off or landed on the roof leg supports.

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

(D) Any 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.

(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 storage tank subject to the provisions of paragraph (1) of this subsection, the following requirements apply.

(A) All openings in an internal floating roof 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 is being floated off or landed on the roof leg supports.

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

(D) Any 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.

(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. The control requirements of this subsection no longer apply for sources located in Bexar County beginning January 1, 2025.

(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) (No Change)

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

(A) All openings in an internal floating roof 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 or external floating roof except for automatic bleeder vents (vacuum breaker vents), rim space vents, leg sleeves, and roof 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 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 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 must be floating on the liquid surface at all times except as specified in this subparagraph. The external floating roof or internal floating roof 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 is landed until the floating roof is within ten percent by volume of being refloated;

(v) when all VOC emissions from the tank, including emissions from roof landings, have been included in a floating roof 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 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 subparagraph (A) or (D) of this paragraph are higher than emissions estimated using the default factors or charts in subparagraph (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 Bexar County, Houston-Galveston-Brazoria, and Dallas-Fort Worth areas, except as specified in §115.119 of this title (relating to Compliance Schedules) and in paragraph (3) of this subsection. Beginning on the applicable compliance date specified in §115.183 of this title (relating to Compliance

Schedules), the requirements in this subsection no longer apply to storage tanks storing crude oil or condensate that are subject to Division 7 of this subchapter (relating to Oil and Natural Gas Service in Ozone Nonattainment Areas).

(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) (No Change)

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

(A) All openings in an internal floating roof 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 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 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 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 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 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 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 is within 10% by volume of being refloated;

(vi) when all VOC emissions from the storage tank, including emissions from floating roof 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 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) 90% in the Houston-Galveston-Brazoria area until the date specified in clause (ii) of this subparagraph;

(ii) 95% in the Houston-Galveston-Brazoria area beginning July 20, 2018;

(iii) 95% in the Dallas-Fort Worth area; and

(iv) 95% in the Bexar County area.

(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 fixed roof 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;

(B) in the Dallas-Fort Worth area, except Wise County, 3,000 barrels (126,000 gallons) per year on a rolling 12-month basis until November 7, 2025, upon which date, the requirements in subparagraph (D) of this paragraph apply;

(C) in Wise County:

(i) 6,000 barrels (252,000 gallons) per year on a rolling 12-month basis, until July 20, 2021; and

(ii) 3,000 barrels (126,000 gallons) per year on a rolling 12-month basis until November 7, 2025, upon which date, the requirements in subparagraph (D) of this paragraph apply;

(D) in the Dallas-Fort Worth area, 1,500 barrels (63,000 gallons) per year on a rolling 12-month basis beginning November 7, 2025, as specified in §115.119(f) of this title; and

(E) in the Bexar County area beginning January 1, 2025, through February 28, 2026, 6,000 barrels (252,000 gallons) per year on a rolling 12-month basis.

(F) in the Bexar County area beginning March 1, 2026, 3,000 barrels (126,000 gallons) per year on a rolling 12-month basis.

(5) For a fixed roof 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, equal or exceed:

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

(B) in the Dallas-Fort Worth area, except Wise County: 50 tons per year on a rolling 12-month basis until November 7, 2025, upon which date, the requirements in subparagraph (D) of this paragraph apply;

(C) in Wise County:

(i) 100 tons per year on a rolling 12-month basis, until July 20, 2021;

(ii) 50 tons per year on a rolling 12-month basis beginning July 20, 2021, as specified in §115.119(f) of this title, until November 7, 2025, upon which date, the requirements in subparagraph (D) of this paragraph apply;

(D) in the Dallas-Fort Worth area, 25 tons per year on a rolling 12-month basis beginning November 7, 2025 as specified in §115.119(f) of this title; and

(E) in the Bexar County area 100 tons per year on a rolling 12-month basis prior to March 1, 2026, and 50 tons per year beginning March 1, 2026.

(6) Uncontrolled emissions from a fixed roof storage tank or fixed roof storage 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 subparagraph (A) or (B) of this paragraph are higher than emissions estimated using the default factors or charts in subparagraph (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) Fixed roof storage tanks in the Bexar County area, Dallas-Fort Worth area, and Houston-Galveston-Brazoria 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 fixed roof 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.

§115.119. Compliance Schedules.

(a) In Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, the compliance date has passed and the owner or operator of each storage tank in which any volatile organic compounds (VOC) are 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)(1) - (6) of this title. Section 115.112(e)(3)(A)(i) of this title no longer applies beginning July 20, 2018.

(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)(1) - (6), 115.115(a)(3)(B), (5), and (6), and 115.116 of this title (relating to Testing Requirements) no later than March 1, 2013. Section 115.112(e)(3)(A)(i) of this title no longer applies beginning July 20, 2018. Prior to July 20, 2018, the owner or operator of a storage tank subject to §115.112(e)(3)(A)(i) of this title shall continue to comply with §115.112(e)(3)(A)(i) of this title until compliance has been demonstrated with the requirements of §115.112(e)(3)(A)(ii) of this title. After July 20, 2018, the owner or operator of a storage tank is subject to §115.112(e)(3)(A)(ii) 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 these requirements no later than March 1, 2013, regardless if compliance with these requirements would require emptying and degassing of the storage tank.

(3) The affected owner or operator shall comply with §§115.112(e)(3)(A)(ii), 115.112(e)(7), 115.118(a)(6)(D) and (E), and 115.114(a)(5) of this title (relating to Inspection and Repair Requirements) as soon as practicable, but no later than July 20, 2018.

(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.

(2) The affected owner or operator in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant Counties shall comply with §§115.112(e)(7), 115.114(a)(5), and 115.118(a)(6)(D) and (E) of this title 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 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 no later than March 1, 2013.

(e) Except as specified in subsection (g) of this section, 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 was required to be in compliance with this division by January 1, 2017, and shall continue to comply with this division, except that compliance with §115.112(e)(4)(D) and (5)(D) by no later than November 7, 2025.

(g) The owner or operator of each storage tank in the Bexar County area subject to the requirements of this division shall comply with the requirements of §115.112(c) and §115.114(c) of this title through December 31, 2024, and all other applicable requirements

of this division no later than January 1, 2025. Beginning March 1, 2026, the owner or operator of each storage tank in the Bexar County area subject to the requirements of this division shall comply with the requirements of §115.112(e)(4)(F), §115.112(e)(5)(E), and all other applicable requirements of this division.

(h) 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) of this section, shall comply with the requirements in this division no later than 60 days after becoming subject. In Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, Waller, and Wise Counties, the owner or operator of a storage tank storing crude oil or condensate shall continue to comply with the requirements in this division until compliance with the requirements in Division 7 of this subchapter (relating to Oil and Natural Gas Service in Ozone Nonattainment Areas) is achieved or until December 31, 2022, whichever is sooner.

SUBCHAPTER B: GENERAL VOLATILE ORGANIC COMPOUND SOURCES

DIVISION 2: VENT GAS CONTROL

§115.122, §115.129

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe

reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.122. Control Requirements.

(a) For all persons in the Beaumont-Port Arthur, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria 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;

(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 Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria 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 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) Through November 6, 2025, each bakery in the 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%. Beginning November 7, 2025, each bakery in the Dallas-Fort Worth area, including Wise County, 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%.

(C) Each bakery in the Dallas-Fort Worth 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). The requirements of this subparagraph no longer apply beginning November 7, 2025.

(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) Each bakery in the Bexar County area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 100 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%. Beginning March 1, 2026, each bakery in the Bexar County 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, shall ensure that the overall emission reduction from the uncontrolled VOC emission rate of the oven(s) is at least 80%.

(F) Emission reductions in the 30% to 90% range are not creditable under Chapter 101, Subchapter H, Division 1 of this title (relating to Emission Credit Program) for the following bakeries:

(i) each bakery in the Houston-Galveston-Brazoria 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 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 through November 6, 2025, and 25 tons per calendar year beginning November 7, 2025;

(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; and

(iv) each bakery in the Bexar County area with a total weight of VOC emitted from all bakery ovens on the property, when uncontrolled, equal to or greater than 100 tons per calendar year through February 28, 2026, and 50 tons per calendar year beginning March 1, 2026.

(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;

(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. The control requirements of the subsection no longer apply for sources located in Bexar County beginning January 1, 2025.

(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;

(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; 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 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).

§115.129. Counties and Compliance Schedules.

(a) Except as specified in subsection (g) and (h) of this section, in Aransas, Bexar, Brazoria, Calhoun, Chambers, Collin, Dallas, Denton, El Paso, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Matagorda, Montgomery, Nueces, Orange, San Patricio, 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 existing provisions in this division.

(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 Bexar, Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties that becomes subject to a new requirement of 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) The owner or operator of each vent gas stream in the Bexar County area subject to the requirements of this division shall comply with the requirements of §115.121(c), §115.122(c), §115.123(c), and §115.127(c) through December 31, 2024, and all other applicable requirements of this division by no later than January 1, 2025.

(h) The owner or operator of each bakery in the Bexar County area subject to the requirements of this division shall comply with the requirements of §115.122(a)(3)(E) and

§115.122(a)(3)(F)(iv) and all other applicable requirements of this division by no later than March 1, 2026.

SUBCHAPTER C: VOLATILE ORGANIC COMPOUND TRANSFER OPERATIONS

DIVISION 6: GASOLINE DISPENSING FACILITY

§§115.260, 115.261, 115.262, 115.264, 115.265, 115.266, 115.269

Statutory Authority

The new rule sections are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The new rule sections are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe

reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed new sections implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.260. Applicability and Definitions

(a) Applicability. The requirements in this division apply to each gasoline dispensing facility in the Bexar County area. Both "gasoline dispensing facility" and "Bexar County area" are 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, 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. The following meanings apply in this division unless the context clearly indicates otherwise.

(1) Conventional Nozzle--A gasoline dispensing facility pump nozzle that does not have a supplementary vapor recovery pathway and does not have features to control excess liquid releases such as spillage, post fueling drips, and liquid retention.

(2) Dispensing spillage--Spillage that occurs between the time when the dispensing nozzle is inserted into the tank receiving the dispensed liquid and the time when the dispensing nozzle is withdrawn from the tank or container receiving the dispensed liquid and reinserted into the gasoline pump nozzle housing bracket.

(3) Enhanced Conventional (ECO) Nozzle--A gasoline dispensing facility pump nozzle certified by California Air Resources Board (CARB) CP-207 dated July 12, 2021, (including updates and revisions) and listed on the CARB Executive Officer's Exhibit 1 "Component List" in CARB Executive Order NVR-1-F, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems," executed February18, 2021, including updates and revisions.

(4) Gasoline dispenser--Equipment at a gasoline dispensing facility, as defined in §115.10 of this title, that provides a connection and sufficient hydraulic force to transfer gasoline or a gasoline and ethanol mixture from a storage tank into motor vehicles.

(5) Low permeation hose--A hose used to dispense gasoline that is included by the CARB Executive Officer on the Exhibit 1 "Component List" in CARB Executive Order NVR-1-D, "Relating to Certification of Non-Vapor Recovery Hoses and Enhanced Conventional Nozzles, For Use at Gasoline Dispensing Facilities with No Phase II Vapor Recovery Systems,

" executed March 1, 2019, and complies with the permeation performance standard in CARB CP-207 dated July 12, 2021, (including updates and revisions) as determined by UL 330 (seventh edition), including updates and revisions.

(6) Malfunctioning equipment--Equipment that is not operating according to the manufacturer's design or specifications.

§115.262. Control Requirements

(a) Installation and use. The owner or operator of a gasoline dispenser equipment shall install low permeation hoses, as defined in §115.260(b) of this title (relating to Definitions), and enhanced conventional (ECO) nozzles, as defined in §115.260(b) of this title, on each affected gasoline dispenser as follows:

(1) All hoses dispensing gasoline or a gasoline and ethanol mixture must be low permeation hoses that permeate at a rate of no more than 10.0 grams per square meter per day ($g/m^2/day$). This requirement exists for all hoses after the compliance date in §115.269(a) of this title (relating to Compliance Schedules).

(2) The owner or operator shall install ECO nozzles, as defined in §115.260(b) of this title, on each gasoline dispenser pump that becomes subject to this division by the compliance date in §115.269 of this title.

(b) Work Practices. The owner or operator of a gasoline dispensing facility shall not allow gasoline to be handled in a manner that would result in preventable vapor releases to the atmosphere for extended periods of time by implementing the following work practices:

(1) Implement and document spill prevention procedures.

(2) Prominently display the operating instructions for the gasoline dispensing system in the gasoline dispensing area and ensure instructions are clearly visible and legible to all customers. The operating instructions must include the following information:

(A) A clear, step by step description of how to correctly dispense gasoline with the nozzles used at the site using simple language and, if possible, visual aids; and

(B) An overfill warning to clearly state that continued attempts to dispense gasoline after the gasoline dispensing system indicates that the motor vehicle fuel tank is full may result in spillage and unnecessary air and water quality contamination.

(3) Establish and maintain a policy to not top off or overfill vehicle tanks or containers. Post sign(s) at the gasoline dispensing facility instructing a person filling up a motor vehicle to not top off the vehicle tank. A sign must be placed on each gasoline dispenser, or on a permanent fixture within six feet of the dispenser and be clearly visible to an individual using the hose and nozzle to dispense gasoline. Cover all gasoline storage tank fill-pipes with a gasketed seal when not in use.

(4) Clean up spills as expeditiously as practicable. The owner or operator must develop a written plan that describes how a spill will be cleaned up upon occurrence. The plan must include, but is not limited to, where spill materials are located, a brief description of how each is used, and an explanation of how the owner or operator is implementing the 'as expeditiously as practicable' requirement.

(5) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devices, such as an oil/water separator.

(6) Provide adequate training and written instructions to gasoline dispensing facility operators and employees to ensure proper vehicle and container filling operations do not result in excessive or preventable gasoline spillage.

(7) Follow manufacturer's maintenance recommendations for all gasoline dispenser equipment to minimize gasoline spillage.

(c) Repair. Immediately remove from service and tag any gasoline dispensing system equipment identified during the inspection required by §115.264 of this title (relating to Monitoring and Inspection Requirements) as malfunctioning equipment until it is successfully repaired or replaced. Repair or replace any malfunctioning equipment identified as soon as possible before the next inspection required by §115.264 to minimize spillage.

(1) A component removed from service may not be returned to service until the malfunction is corrected.

(2) If the Executive Director or a designated representative finds during an inspection that a damaged or malfunctioning nozzle or other component of the gasoline dispensing system is not properly tagged, the component may not be returned to service until the defect is corrected.

§115.264. Monitoring and Inspection Requirements

The owner or operator of gasoline dispenser equipment shall perform monthly inspections to check all of the following:

(1) Gasoline hoses are intact (no tears or holes).

(2) Gasoline nozzles function according to their design.

(3) Gasoline hoses are not touching the ground when the nozzle is resting on its holding bracket.

(4) Each gasoline nozzle fits securely in its holding bracket.

(5) Identify and document evidence of nozzle, hose, or other gasoline dispenser system leakage and the cause.

§115.265. Testing and Certification Requirements

The following gasoline dispensing facility testing and certification requirements shall apply for the Bexar County area, as defined in §115.10 of this title (relating to Definitions).

(1) Test methods in UL 330 - Underwriters Laboratories' Standard for Hose and Hose Assemblies for Dispensing Flammable Liquids must be used to determine compliance with the low permeation hose limit in §115.262(a)(1) of this title (relating to Control Requirements).

(2) Each enhanced conventional nozzle subject to §115.262(b)(1) and (2) of this title must meet certification and test requirements in the California Air Resources Board (CARB) Certification Procedure for Enhanced Conventional (ECO) Nozzles and Low Permeation Conventional Hoses for Use at Gasoline Dispensing Facilities CP-207, dated July 12, 2021, including updates and revisions.

§115.266. Recordkeeping Requirements

The owner or operator of gasoline dispensing facility equipment shall keep the following records.

(1) Records with the following information, as applicable, for each monitoring inspection conducted under subsection §115.264 of this title (relating to Monitoring and Inspection Requirements):

(A) The name of the person performing the inspection;

(B) The components inspected under subsection §115.264 of this title;

(C) The date the inspection was performed;

(D) The result of each inspection and repair of the components under §115.264 and §115.262(c) of this title (relating to Control Requirements), respectively;

(E) The name of the person making the correction or repair to the malfunctioning or failed component;

(F) The date the correction or repair was made to the malfunctioning or failed component; and

(G) The action taken to correct or repair the malfunctioning equipment.

(2) Records certifying the low permeation hoses and enhanced conventional nozzles.

(3) The owner or operator shall maintain on-site at the gasoline dispensing facility, or electronically stored allowing for on-site examination, a copy of the training schedule and written instructions required under §115.262(b) of this title.

(4) The owner or operator shall maintain all monitoring records for at least five years and make them available for review upon request by authorized representatives of the

executive director, U.S. Environmental Protection Agency, or local air pollution control agencies with jurisdiction.

§115.269. Compliance Schedules

(a) The owner or operator of gasoline dispenser equipment in Bexar County shall comply with the requirements of this division by no later than March 1, 2026.

(b) The owner or operator of gasoline dispenser equipment that becomes subject to this division after March 1, 2026, shall comply with the requirements of this division by no later than 60 days after becoming subject.

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 1: DEGREASING PROCESSES

§§115.411, 115.412, 115.415, 115.416, 115.419

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe

reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.411. Exemptions.

(a) The following exemptions apply in the Beaumont-Port Arthur, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Bastrop, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson Counties. The exemptions in this subsection are no longer available for an operation subject to §115.412(b) of this title (relating to Control Requirements) in the Dallas-Fort Worth area or §115.412(c) of this title in the Houston-Galveston-Brazoria area as of the compliance date specified in §115.419(f) or §115.419(g), respectively, of this title (relating to Counties and Compliance Schedules). Beginning March 1, 2026, the exemptions in this subsection are no longer available for an operation subject to §115.412(d) of this title in Bexar County.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(a)(1)(B) of this title 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(a)(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 (ft^2) (2 square meters (m^2)) of air/vapor interface is exempt from the requirement of §115.412(a)(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 (in^2) (100 square centimeters (cm^2)) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(a)(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 (VOC) less than 550 pounds in any consecutive 24-hour period are exempt from the provisions of §115.412 of this title.

(b) If the commission publishes notice in the Texas Register, as provided in §115.419(f) of this title for the Dallas-Fort Worth area and/or §115.419(g) of this title for the Houston-Galveston-Brazoria area, to require compliance with the contingency measure control requirements of §115.412(b) of this title for the Dallas-Fort-Worth area and/or §115.412(c) of this title for the Houston-Galveston-Brazoria area, then the following exemptions apply in the applicable area as of the compliance date specified in §115.419(f) or (g) of this title.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(a)(1)(B) of this title and may use an external drainage facility in place of an internal type drainage system if the VOC content of the solvent is less than or equal to 25 grams per liter (g/l) or if a cleaned part cannot fit into an internal drainage facility.

(2) The following are exempt from the requirements of §115.412(a)(1)(E) of this title:

(A) a cold solvent cleaning system for which the VOC content of the solvent is less than or equal to 25 g/l; and

(B) remote reservoir cold solvent cleaners.

(3) An owner or operator who operates a remote reservoir cold solvent cleaner that uses solvent with a VOC content that is less than or equal to 25 g/l and that has a drain area less than 16 (in^2) (100 (cm^2)) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(a)(1) of this title.

(c) Beginning March 1, 2026, the following exemptions apply in Bexar County.

(1) Any cold solvent cleaning system is exempt from the provisions of §115.412(a)(1)(B) of this title and may use an external drainage facility in place of an internal type drainage system if the VOC content of the solvent is less than or equal to 25 g/l or if a cleaned part cannot fit into an internal drainage facility.

(2) The following are exempt from the requirements of §115.412(a)(1)(E) of this title:

(A) a cold solvent cleaning system for which the VOC content of the solvent is less than or equal to 25 g/l; and

(B) remote reservoir cold solvent cleaners.

(3) An owner or operator who operates a remote reservoir cold solvent cleaner that uses solvent with a VOC content that is less than or equal to 25 g/l and that has a drain area less than 16 square inches (in^2) (100 square centimeters (cm^2)) and who properly disposes of waste solvent in enclosed containers is exempt from §115.412(a)(1) of this title.

§115.412. Control Requirements.

(a) In the Beaumont-Port Arthur, Bexar County, 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, Victoria, Comal, Guadalupe, Wilson, Bastrop, Caldwell, Hays, Travis, and Williamson Counties, the following control requirements shall apply.

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

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

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

(ii) the solvent is agitated; or

(iii) the solvent is heated.

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

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

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

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

(F) The operating procedures shall be as follows.

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

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

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

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

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

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

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

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

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

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

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

(D) one of the following controls:

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

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

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

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

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

(F) the following operating procedures:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) one of the following major control devices:

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

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

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

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

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

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

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

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

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

(I) the following operating procedures:

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

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

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

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

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

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

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

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

(b) In accordance with the compliance schedule for contingency requirements in §115.419(f) of this title (relating to Counties and Compliance Schedules), and in addition to the requirements of subsection (a) of this section, no person in the Dallas-Fort Worth area shall own or operate a system for the cold solvent cleaning, open-top vapor degreasing, or conveyorized degreasing of objects using a solvent with a VOC content greater than 25 grams per liter (g/l).

(c) In accordance with the compliance schedule for contingency requirements in §115.419(g) of this title, and in addition to the requirements of subsection (a) of this section, no person in the Houston-Galveston-Brazoria area shall own or operate a system for the cold solvent cleaning, open-top vapor degreasing, or conveyorized degreasing of objects using a solvent with a VOC content greater than 25 g/l.

(d) In addition to the requirements of subsection (a) of this section, beginning March 1, 2026, no person in the Bexar County area shall own or operate a system for cold solvent cleaning, open-top vapor degreasing, or conveyorized degreasing of objects using a solvent with a VOC content greater than 25 g/l.

§115.415. Testing Requirements.

The testing requirements for degreasing processes in the Beaumont-Port Arthur, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in

Bastrop, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson Counties are as follows.

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

(A) determination of true vapor pressure using ASTM International Test Method D323[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, adjusted for actual storage temperature in accordance with American Petroleum Institute Publication 2517, Third Edition, 1989;

(B) minor modifications to the 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(a)(2)(D)(iv) and (a)(3)(A)(ii) of this title and §115.413(3) of this title (relating to Alternate Control Requirements) must 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) Compliance with §115.412(b), [and] (c), and (d) of this title must be determined by applying the following test methods, as applicable:

(A) Method 24 (40 CFR Part 60, Appendix A); or

(B) additional test procedures described in 40 CFR §60.446 (as amended through October 17, 2000 (65 Federal Register 61761)).

(4) Test methods other than those specified in paragraphs (1) - (3) 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, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Bastrop, Caldwell, Comal, Gregg, Guadalupe, Hays, Nueces, Travis, Victoria, Williamson, and Wilson 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, 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) and (3) of this title (relating to Testing Requirements);

(3) for each degreasing process in Gregg, Nueces, and Victoria Counties which is exempt under §115.411(a)(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.

(5) for each degreasing process in the Bexar County area, records sufficient to demonstrate continuous compliance with:

(A) the volatile organic compound testing described in §115.415(3) of this title; and

(B) the applicable exemptions in §115.411 of this title.

§115.419. Counties and Compliance Schedules.

(a) In [Bexar,] 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 this division.

(b) All affected persons in Bastrop, Caldwell, Comal, Guadalupe, Hays, Travis, Williamson, and Wilson Counties shall comply with 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 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 Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties 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) All affected owners or operators of a degreasing process in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties shall be in compliance with §115.412(b) of this title (relating to Control Requirements) by no later than 270 days after the commission publishes notification in the Texas Register of its determination that this contingency rule is necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failed to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(g) All affected owners or operators of a degreasing process in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in

compliance with §115.412(c) of this title by no later than 270 days after the commission publishes notification in the Texas Register of its determination that this contingency rule is necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failed to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(h) The owner or operator of a degreasing process or operation in the Bexar County area subject to the requirements of this division shall comply with the requirements of this division, except §115.412(d) of this title, by no later than January 1, 2025. Beginning March 1, 2026, the owner or operator of a degreasing process or operation in the Bexar County area subject to the requirements of this division shall comply with §115.412(d). All affected persons of a degreasing process or operation in the Bexar County area that becomes subject to this division on or after the applicable compliance date in this subsection shall comply with the requirements of this division [by but] no later than 60 days after becoming subject.

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 2: SURFACE COATING PROCESSES

§§115.420, 115.421, 115.425, 115.427, 115.429

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe

reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.420. Applicability and Definitions.

(a) Applicability. The owner or operator of a surface coating process in the Beaumont-Port Arthur, Bexar County, 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, 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, Bexar County, 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, Bexar County, 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, Bexar County, 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, Bexar County, 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 Bexar County, Dallas-Fort Worth, 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 and Houston-Galveston-Brazoria areas, 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, Bexar County, 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 the Beaumont-Port Arthur, Bexar County, 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, Bexar County, Dallas-Fort Worth El Paso, and Houston-Galveston-Brazoria areas.

(14) Wood parts and products coating. The requirements in this division apply in the Bexar County, Dallas-Fort Worth El Paso, and Houston-Galveston-Brazoria areas.

(15) Wood furniture manufacturing coatings. The requirements in this division apply in the Beaumont-Port Arthur, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas.

(16) Marine coatings. The requirements in this division apply in the Beaumont-Port Arthur and Houston-Galveston-Brazoria areas.

(b) General surface coating definitions. The following terms, when used in this division 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 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) (No Change)

(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) (No Change)

(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) 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) (No Change)

(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 resoluble 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 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. 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) Volatile organic compound (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) (No Change)

(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). The following definitions apply to fabric coatings.

(A) Plasticizer--A material used to keep plastic material soft and viscous.

(B) Plastisol--A coating that is a liquid dispersion of small particles of resins and plasticizers that are fused to become a plastic.

(C) Wash Primer--A material used to clean and/or activate surfaces of fabric, and may contain no more than 5.0 percent, by weight, solid materials.

(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 D523[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) 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[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[3912-80]). (For nuclear coatings, see the general protective

requirements outlined by the Nuclear Regulatory Commission ["U.S. Atomic Energy Commission in a report entitled "U.S. Atomic Energy Commission] Regulatory Guide 1.54, "Service Level I, II, III, and In-Scope License Renewal Protective Coatings Applied to Nuclear Power Plants" Revision 3, ["] dated April 2017[June 1973], available [through the] in 82 *Federal Register* 19113, [Government Printing Office at (202) 512-2249] as document number [A74062-00001.)]2017-08363.

(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) Automobile and light-duty truck manufacturing.

(A) Automobile coating--The assembly-line coating of passenger cars, or passenger car derivatives, capable of seating 12 or fewer passengers.

(B) 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) Vehicle refinishing (body shops).

(A) 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) (No Change)

(B) 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) 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) Primer or primer surfacers--Any base coat, sealer, or intermediate coat which is applied prior to colorant or aesthetic coats.

(E) 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) 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) 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) (No Change)

(H) 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) Wipe-down solutions--Any solution used for cleaning and surface preparation.

(14) Vinyl coating--The use of printing or any decorative or protective topcoat applied over vinyl sheets or vinyl-coated fabric.

(15) Wood parts and products. The following terms apply to wood parts and products coating facilities subject to §115.421(14) of this title.

(A) Clear coat--A coating which lacks opacity or which is transparent and uses the undercoat as a reflectant base or undertone color.

(B) 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) Final repair coat--Liquids applied to correct imperfections or damage to the topcoat.

(D) 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) 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) 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) 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) Topcoat--A coating which provides the final protective and aesthetic properties to wood finishes.

(I) Varnishes--Clear wood finishes formulated with various resins to dry by chemical reaction on exposure to air.

(J) 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) Wood parts and products coating--The coating of wood parts and products, excluding factory surface coating of flat wood paneling.

(16) Wood furniture manufacturing facilities. The following terms apply to wood furniture manufacturing facilities subject to §115.421(15) of this title.

(A) 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) of this title.

(B) 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) Cleaning operations--Operations in which organic solvent is used to remove coating materials from equipment used in wood furniture manufacturing operations.

(D) 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) 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) Finishing application station--The part of a finishing operation where the finishing material is applied (for example, a spray booth).

(G) 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) 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) 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) 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) 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) 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) 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) Touch-up and repair--The application of finishing materials to cover minor finishing imperfections.

(O) 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) Washoff operations--Those operations in which organic solvent is used to remove coating from a substrate.

(Q) 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) 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) Wood furniture manufacturing operations--The finishing, cleaning, and washoff operations associated with the production of wood furniture or wood furniture components.

§115.421. Emission Specification.

The owner or operator of the surface coating processes specified in §115.420(a) of this title (relating to Applicability and Definitions) shall not cause, suffer, allow, or permit volatile organic compound (VOC) emissions 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) of this subsection which are based on paneling surface area, and those in paragraph (15) 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) of the subsection may choose to comply by using the monthly weighted average option as defined in §115.420(c)(1)(YY) of this title.

(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 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)).

(2) Metal furniture coating. VOC emissions from metal furniture coating lines (prime and topcoat, or single coat) must 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 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 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 not exceed 2.9 pounds per gallon of coating (minus water and exempt solvent) delivered to the application system (0.35 kg/liter).]

(A) In the Beaumont-Port Arthur, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, in Gregg, Nueces, and Victoria Counties, and in Bexar County until March 1, 2026, VOC emissions from the coating of fabric must not exceed 350 grams per liter of coating (minus water and exempt solvent) delivered to the application system (2.9 pounds per gallon).

(B) In the Bexar County area, the following limits apply.

(i) VOC emissions from the application of coating or wash primer to fabric substrates must not exceed 265 grams per liter of coating (minus water and exempt solvent) delivered to the application system (2.2 pounds per gallon).

(ii) VOC emissions from the application of plastisol to fabric substrates must not exceed 20 grams per liter of coating (minus water and exempt solvent) delivered to the application system (0.167 pounds per gallon).

(6) Vinyl coating. VOC emissions from the coating of vinyl fabrics or sheets must 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 be achieved, on the basis of VOC solvent content per unit of volume of coating (minus water and exempt solvent) delivered to the application system:

Figure: 30 TAC §115.421(7) (No Change)

(8) Miscellaneous metal parts and products (MMPP) coating.

(A) VOC emissions from the coating of MMPP must not exceed the following limits for each surface coating type:

Figure: 30 TAC §115.421(8) (No Change)

(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.

(C) All VOC emissions from non-exempt solvent washings must 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 apply to each product category of factory-finished paneling (regardless of the number of coats applied):

Figure: 30 TAC §115.421(9) (No Change)

(10) Aerospace coatings. The VOC content of coatings, including any VOC-containing materials added to the original coating supplied by the manufacturer, that are applied to aerospace vehicles or components must 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) (No Change)

(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) (No Change)

(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) (No Change)

(13) Surface coating of mirror backing.

(A) VOC emissions from the coating of mirror backing must 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 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) 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) (No Change)

(15) Surface coating at wood furniture manufacturing facilities. 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 be limited by:

(i) using topcoats with a VOC content no greater than 0.8 kilogram of VOC per kilogram of solids (0.8 pound 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 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 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 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 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 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 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 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) (No Change)

(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 contain more than 0.8 kilogram of VOC per kilogram of solids (0.8 pound of VOC per pound of solids), as delivered to the application system.

(16) Marine coatings.

(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) (No Change)

(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) (No Change)

Figure: 30 TAC §115.421(16)(B)(ii) (No Change)

§115.425. Testing Requirements.

The testing requirements for surface coating processes in the Beaumont-Port Arthur, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas and in Gregg, Nueces, and Victoria Counties are as follows.

(1) The owner or operator shall determine compliance with §115.421 of this title (relating to Emission Specifications) 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 Test Methods D1186, D1200, D1644, D2832, D3794, and D3960 [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) guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds (VOC) Emitted by Paint, Ink, and Other Coatings (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 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) of this title must 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) of this title for final repair. Calculation of occurrence weighted average for each combination of repair coatings (primer, specific basecoat, clearcoat) must 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) (No Change)

(ii) The relative occurrence weighted usage is calculated as follows:

Figure: 30 TAC §115.425(3)(B)(ii) (No Change)

(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)

(4) In the Beaumont-Port Arthur, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria 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, 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 meets the specifications of Procedure T and 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 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)

Figure: 30 TAC §115.425(4)(B)(ii) (No Change)

Figure: 30 TAC §115.425(4)(B)(iii) (No Change)

Figure: 30 TAC §115.425(4)(B)(iv) (No Change)

(ii) All affected facilities must 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 accomplish the initial capture efficiency testing by July 31, 1994. Affected sources in the Bexar County area must conduct initial capture efficiency testing by no later than July 1, 2024.

(iii) During an initial pretest meeting, the executive director and the source owner or operator shall identify those operating parameters that must be monitored to ensure that capture efficiency does not change significantly over time. These parameters must 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) 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 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 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.

(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."

§115.427. Exemptions.

In the Beaumont-Port Arthur, Bexar County, 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) of this title (relating to Emission Specifications):

(A) aerospace vehicles and components;

(B) in the Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, vehicle refinishing (body shops); and

(C) in the Beaumont-Port Arthur and Houston-Galveston-Brazoria areas, ships and offshore oil or gas drilling platforms.

(2) The following coating operations are exempt from the factory surface coating of flat wood paneling emission specifications in §115.421(9) 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, Bexar County, Dallas-Fort Worth, El Paso, and Houston-Galveston-Brazoria areas, the following exemptions apply to surface coating processes, except as specified in paragraphs (3)(K) and (6) of this section, and except for vehicle refinishing (body shops) controlled by §115.421(12) 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) 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 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 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 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.

(E) Wood furniture manufacturing facilities that are subject to and are complying with §115.421(15) of this title and §115.422(3) of this title (relating to Control Requirements) are exempt from §115.421(14) of this title. These wood furniture manufacturing facilities must continue to comply with §115.421(14) of this title until these facilities are in compliance with §115.421(15) 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) and §115.422(3) of this title.

(G) In Hardin, Jefferson, and Orange Counties, wood parts and products coating facilities are exempt from §115.421(14) of this title.

(H) In Hardin, Jefferson, and Orange Counties, shipbuilding and ship repair operations 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 are exempt from §115.421(16) and §115.422(4) of this title.

(I) In Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, shipbuilding and ship repair operations 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 are exempt from §115.421(16) 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.

(K) Beginning March 1, 2026, fabric coating operations in the Bexar County area are no longer eligible for the exemptions in subparagraphs (3)(A)-(C) of this subsection.

(4) Vehicle refinishing (body shops) in Hardin, Jefferson, and Orange Counties are exempt from §115.421(12) 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) 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. However, in the Bexar County area, aerosol coatings, commonly known as spray paint, are no longer exempt from the requirements for fabric coating operations as of the compliance date specified in §115.429(g) of this title.

(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) 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 of VOC from all coatings applied; and

(E) automobile and light-duty truck manufacturing coating.

(9) In the Dallas-Fort Worth and the Houston-Galveston-Brazoria 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) 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) 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.

§115.429. Counties and Compliance Schedules.

(a) 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.

(b) In Hardin, Jefferson, and Orange Counties the compliance date has 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) 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, 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 that becomes subject to this division on or after the applicable compliance date of this section shall comply with the requirements in this division no later than 60 days after becoming subject. [The owner or operator of a surface coating process in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties 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) The owner or operator of a surface coating process in the Bexar County area subject to the requirements of this division shall comply with the requirements of this division, with the exception of §115.421(5)(B) of this title (relating to Emission Specification), no later than January 1, 2025. [All affected persons of a surface coating process in the Bexar County area that becomes subject to this division on or after the applicable compliance date in this subsection shall comply with the requirements of this division as soon as practicable, but no later than 60 days after becoming subject.]

(g) The owner or operator of a fabric coating process in the Bexar County area subject to the requirements of §115.421 of this title shall comply with the requirements in §115.421(5)(B) of this title no later than March 1, 2026.

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 4: OFFSET LITHOGRAPHIC PRINTING

§§115.440, 115.441, 115.449

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring

Requirements; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.440. Applicability and Definitions.

(a) Applicability. The provisions in this division apply to offset lithographic printing lines located in the Bexar County, 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 before and 25 tons of VOC per calendar year on and after November 7, 2025, in the Dallas-Fort Worth area as defined in §115.10 of this title (relating to Definitions), except Wise County;

(B) 25 tons of VOC per calendar year in the Houston-Galveston-Brazoria area, as defined in §115.10 of this title;

(C) 100 tons of VOC per calendar year before and 25 tons of VOC per calendar year on and after November 7, 2025, in Wise County; or

(D) 100 tons of VOC per calendar year before and 50 tons of VOC per calendar year on and after March 1, 2026, [on and after January 1, 2025] in the Bexar County area.

(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 before and 25 tons of VOC per calendar year on and after November 7, 2025, in the Dallas-Fort Worth area, defined in §115.10 of this title (relating to Definitions), except Wise County;

(B) 25 tons of VOC per calendar year in the Houston-Galveston-Brazoria area, as defined in §115.10 of this title;

(C) 100 tons of VOC per calendar year before and 25 tons of VOC per calendar year on and after November 7, 2025, in Wise County; or

(D) 100 tons of VOC per calendar year before and 50 tons of VOC per calendar year on and after March 1, 2026, [on and after January 1, 2025,] in the Bexar County area.

(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)

§115.441. Exemptions.

(a) In the Bexar County, 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 less than 3.0 tons per calendar year when uncontrolled, is exempt from the requirements in this division except as specified in subsection (b)(1) of this section and §115.446 of this title (relating to Monitoring and Recordkeeping Requirements).

(b) In the Bexar County, 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 minor printing source or a major printing source, as defined in §115.440 of this title:

(1) 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), though as of March 1, 2026, this exemption no longer applies in Bexar County;

(2) 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) 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.

§115.449. Compliance Schedules.

(a) In the El Paso area, 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 Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker,

Rockwall, Tarrant, and Waller Counties, 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 Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, and Waller Counties, 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) The owner or operator of a major or minor printing source, as defined in §115.440 of this title, in the Bexar County area subject to the requirements of this division shall comply with the requirements of this division no later than January 1, 2025.

(i) The owner or operator of an offset lithographic printing line in Brazoria, Bexar, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, Waller, and Wise Counties that becomes subject to this division on or after the date specified in subsections (e) - (h) of this section,

shall comply with the requirements in this division no later than 60 days after becoming subject.

(j) The owner or operator of a major or minor printing source, as defined in §115.440(b)(8)(D) and §115.440(b)(9)(D) of this title, in the Bexar County area subject to the requirements of this division shall comply with the requirements of this division no later than March 1, 2026.

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 5: CONTROL REQUIREMENTS FOR SURFACE COATING PROCESSES

§§115.450, 115.451, 115.453, 115.455, 115.458, 115.459

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring Requirements; Examination of Records, which authorizes the commission to prescribe

reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§115.450. Applicability and Definitions.

(a) Applicability. In the Bexar County, 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 paragraphs (6) through (10) [(8)] 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;

(6) in the Bexar County and Dallas-Fort Worth areas, 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;

(7) as of the compliance date specified in §115.459(e) or (g) of this title (relating to Compliance Schedules), industrial maintenance coatings in the Dallas-Fort Worth area and/or the Houston-Galveston-Brazoria area if the commission has published notice for the applicable area in the Texas Register, as provided in §115.459(e) or (g) of this title, to require compliance with the applicable contingency measure control requirements of §115.453(f) or (g) of this title (relating to Control Requirements); [and]

(8) as of the compliance date specified in §115.459(f) or (h) of this title, traffic marking coatings in the Dallas-Fort Worth area and/or the Houston-Galveston-Brazoria area if the commission has published notice for the applicable area in the Texas Register, as provided in §115.459(f) or (h) of this title, to require compliance with the applicable contingency measure control requirements of §115.453(h) or (i) of this title;[.]

(9) in the Bexar County area beginning March 1, 2026, architectural coatings applied for compensation to stationary structures or their appurtenances; and

(10) in the Bexar County area beginning March 1, 2026, industrial maintenance coatings surface coating processes.

(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)

(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) (No Change)

(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) 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 A2 + B2. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

(D) 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 photocopy machines, a subcategory of Standard Industrial Classification code 3861.

(E) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) Vacuum-metalizing coatings--Topcoats and basecoats that are used in the vacuum-metalizing process.

(3) Industrial maintenance coating--A high performance maintenance coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, that is not applied to items meeting the definition for miscellaneous metal parts and products in §115.450(c)(6)(Q) of this section, and is formulated for application to stationary source

substrates, including floors, exposed to one or more of the following extreme environmental conditions.

(A) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation; or

(B) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions; or

(C) Frequent exposure to temperatures above 121˚C (250˚F); or

(D) Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or

(E) Exterior exposure of metal structures and structural components.

(4) 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.

(5) 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.

(6) 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-insulting 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) 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) 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.

(7) 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 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 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 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 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 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 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 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 coating process and is applied to the undercarriage or firewall to prevent corrosion or provide chip protection.

(8) 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.

(9) 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-90 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[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[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.

(10) Traffic marking coating--A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

(11) Architectural Coatings--Any coatings applied to stationary structures or their appurtenances, or to fields and lawns.

(A) Aluminum Roof Coatings--Roof coatings containing at least 0.7 pounds per gallon (84 grams per liter) of coating as applied, of elemental aluminum pigment.

(B) Appurtenance--Accessories to a stationary structure including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain-gutters and down-spouts, window screens, lamp-posts, heating and air conditioning equipment, other mechanical equipment, large fixed stationary tools, signs, motion picture and television production sets, and concrete forms.

(C) Below Ground Wood Preservatives--Wood preservatives formulated to protect below-ground wood.

(D) Bituminous Coating Materials--Black or brownish coating materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.

(E) Bituminous Roof Primers--Primers formulated for or applied to roofing that incorporate bituminous coating materials.

(F) Bond Breakers--Coatings formulated for or applied between layers of concrete to prevent the freshly poured top layer of concrete from bonding to the substrate over which it is poured.

(G) Building Envelope--The ensemble of exterior and demising partitions of a building that enclose conditioned space.

(H) Building Envelope Coatings--Fluid applied coatings applied to the building envelope to provide a continuous barrier to air or vapor leakage through the building envelope that separates conditioned from unconditioned spaces. Building Envelope Coatings are applied to diverse materials including, but not limited to, concrete masonry units (CMU), oriented stranded board (OSB), gypsum board, and wood substrates and must meet the following performance criteria:

(i) Air Barriers formulated to have an air permeance not exceeding 0.004 cubic feet per minute (cfm) per square foot (ft^2) under a pressure differential of 1.57 pounds per square foot (0.004 cfm/ft^2 at 1.57 psf), (0.02 liters per square

meter per second under a pressure differential of 75 Pascals (Pa) (0.02 liter per second per square meter at 75 Pa) when tested in accordance with ASTM E2178; and/or

(ii) Water Resistive Barriers formulated to resist liquid water that has penetrated a cladding system from further intruding into the exterior wall assembly and is classified as follows:

(I) Passes water resistance testing according to ASTM E331, and

(II) Water vapor permeance is classified in accordance with ASTM E96/E96M.

(I) Colorant--Solutions of dyes or suspensions of pigments.

(J) Concrete-Curing Compounds--coatings labeled and formulated for application to freshly poured concrete to retard the evaporation of water, harden the surface of freshly poured concrete, or dustproof the surface of freshly poured concrete.

(K) Concrete Surface Retarders--Coatings containing one or more ingredients such as extender pigments, primary pigments, resins, and solvents that interact chemically with the cement to prevent hardening on the surface where the retarder is

applied, allowing the mix of cement and sand at the surface to be washed away to create an exposed aggregate finish.

(L) Default Coatings--Specialty coatings (those other than flat or nonflat coatings) that are not defined in §115.450(c)(11) of this title as any other coating category.

(M) Driveway Sealers--Coatings that are applied to worn asphalt driveway surfaces in order to:

(i) Fill cracks;

(ii) Seal the surface to provide protection; or

(iii) Restore or preserve the surface appearance.

(N) Dry-Fog Coatings--Coatings which are formulated only for spray application so that when sprayed, overspray droplets dry before falling on floors and other surfaces.

(O) Faux Finishing Coatings--Coatings that meet one or more of the following subcategories:

(i) Clear Topcoats--Clear coatings used to enhance, seal, and protect a faux finishing coating that meets the requirements of §115.450(c)(11)(K)(ii), (iii), (iv) or (v) of this title. These clear topcoats must be sold and used solely as part of a faux finishing or graphic arts coating system.

(ii) Decorative Coatings--Coatings used to create a gonioapparent appearance, such as metallic, iridescent, or pearlescent appearance, that contain at least 48 grams of pearlescent mica pigment or other iridescent pigment per liter of coating as applied (at least 0.4 pounds per gallon).

(iii) Glazes--Coatings formulated and recommended to be used (or to be mixed with another coating) for:

(I) Wet-in-wet techniques, where a wet coating is applied over another wet coating to create artistic effects, including simulated marble or wood grain, or

(II) Wet-in-dry techniques, where a wet coating is applied over a pre-painted or a specially prepared substrate or base coat and is either applied or is treated during the drying period with various tools, such as a brush, rag, comb, or sponge to create artistic effects such as dirt, old age, smoke damage, simulated marble and wood grain finishes, decorative patterns, or color blending.

(iv) Japans--Pure concentrated pigments, finely ground in a slow drying vehicle used by motion picture and television production studios to create artistic effects including, but not limited to, dirt, old age, smoke damage, water damage, simulated marble, and wood grain.

(v) Trowel Applied Coatings--Coatings exclusively applied by trowel that are used to create aesthetic effects including, but not limited to, polished plaster, clay, suede and dimensional, tactile textures.

(P) Fire-Resistive Coatings--Opaque coatings formulated to protect the structural integrity of steel and other construction materials and listed by UL Solutions for the fire protection of steel.

(Q) Flat Coatings--Coatings that register a gloss of less than 15 on an 85-degree meter or less than five on a 60-degree meter according to ASTM Test method D523.

(R) Form Release Compounds--Coatings designed for or applied to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of metal, wood, or some material other than concrete.

(S) Gonioapparent--Change in appearance with a change in the angle of illumination or the angle of view, as defined according to ASTM E284.

(T) Graphic Arts Coatings (Sign Paints)--Coatings formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, copy blockers, and bulletin enamels.

(U) Interior Stains--Stains labeled and formulated exclusively for use on interior surfaces.

(V) Lacquers--Clear or pigmented wood topcoats or clear lacquer sanding sealers, both formulated with nitrocellulose or synthetic resins to dry by evaporation without chemical reaction.

(W) Low-Solids Coatings--Coatings containing one pound or less of solids per gallon of material.

(X) Magnesite Cement Coatings--Coatings formulated for or applied to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

(Y) Mastic Coating--Coatings formulated to cover holes and minor cracks and to conceal surface irregularities, excluding roof coatings, and applied in a thickness of at least 10 mils (dry, single coat).

(Z) Metallic Pigmented Coatings--Are decorative coatings, excluding industrial maintenance and roof coatings, containing at least 0.4 pounds per gallon (48 grams/liter) of coating, as applied, of elemental metallic pigment (excluding zinc).

(AA) Multi-Color Coatings--Coatings which exhibit more than one color when applied, are packaged in a single container and applied in a single coat.

(BB) Nonflat Coatings--Coatings that register a gloss of five or greater on a 60 degree meter and a gloss of 15 or greater on an 85 degree meter according to ASTM Test Method D523.

(CC) Pearlescent--Exhibiting various colors depending on the angles of illumination and viewing, as observed in mother-of-pearl.

(DD) Pigmented--Containing colorant or dry coloring matter, such as an insoluble powder, to impart color to a substrate.

(EE) Post-Consumer Coatings--Finished coatings that would have been disposed of in a landfill, having completed their usefulness to a consumer, and does not include manufacturing wastes.

(FF) Pre-Treatment Wash Primers--Coatings which contain a minimum of 0.5% acid, by weight, applied directly to bare metal surfaces to provide necessary surface etching.

(GG) Primers--Coatings applied to a surface to provide a firm bond between the substrate and subsequent coats.

(HH) Reactive Penetrating Sealers--Clear or pigmented coatings labeled and formulated for application to above-grade concrete and masonry substrates to provide protection from water and waterborne contaminants including, but not limited to, alkalis, acids, and salts. Reactive Penetrating Sealers must meet all of the following criteria:

(i) Used only for reinforced concrete bridge structures for transportation projects within five miles of the coast or for restoration and/or preservation projects on registered historical buildings that are under the purview of a restoration architect.

(ii) Penetrate into concrete and masonry substrates and chemically react to form covalent bonds with naturally occurring minerals in the substrate.

(iii) Line the pores of concrete and masonry substrates with a hydrophobic coating, but do not form a surface film.

(iv) Improve water repellency at least 80% after application on a concrete or masonry substrate. This performance must be verified on standardized test specimens, in accordance with one or more of the following standards: ASTM C67, or ASTM C97/C97M, or ASTM C140.

(v) Provide a breathable waterproof barrier for concrete or masonry surfaces that does not prevent or substantially retard water vapor transmission. This performance must be verified on standardized test specimens, in accordance with ASTM E96/E96M or ASTM D6490.

(vi) Meet the performance criteria listed in the National Cooperative Highway Research Report 244 (1981), surface chloride screening applications, for products labeled and formulated for vehicular traffic.

(II) Recycled Coatings--Coatings manufactured by a certified recycled paint manufacturer and formulated such that 50% or more of the total weight consists of secondary and post-consumer coatings and 10% or more of the total weight consists of post-consumer coatings.

(JJ) Restoration Architect--An architect that has a valid certificate of registration as an architect issued by the California State Board of Architectural Examiners or the National Council of Architectural Registration Boards and working on registered historical restoration and/or preservation projects.

(KK) Roof Coatings--Coatings formulated for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation.

(LL) Rust Preventative Coatings--Coatings formulated for use in preventing the corrosion of metal surfaces in residential and commercial situations.

(MM) Sacrificial Anti-Graffiti Coatings--Non-binding, clear coatings which are formulated and recommended for applications that allow for the removal of graffiti primarily by power washing.

(NN) Sanding Sealers--Clear wood coatings formulated for or applied to bare wood for sanding and to seal the wood for subsequent application(s) of coatings.

(OO) Sealers--Coatings applied to either block materials from penetrating into or leaching out of a substrate, to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

(PP) Shellacs--Clear or pigmented coatings formulated solely with the resinous secretions of the lac insect (*laccifer lacca*). Shellacs are formulated to dry by evaporation without a chemical reaction providing a quick-drying, solid, protective film for priming and sealing stains and odors; and for wood finishing excluding floors.

(QQ) Specialty Primers--Coatings formulated for or applied to a substrate to seal fire, smoke or water damage, or to condition excessively chalky surfaces. An excessively chalky surface is one that is defined as having chalk rating of four or less as determined by ASTM D4214 – Photographic Reference Standard No. 1 or the Federation of Societies for Coatings Technology "Pictorial Standards for Coatings Defects."

(RR) Stains--Opaque or semi-transparent coatings which are formulated to change the color but not conceal the grain pattern or texture.

(SS) Stationary Structures--include, but are not limited to, homes, office buildings, factories, mobile homes, pavements, curbs, roadways, racetracks, and bridges.

(TT) Stone Consolidants--Coatings that are labeled and formulated for application to stone substrates to repair historical structures that have been damaged by weathering or other decay mechanisms. Stone Consolidants must meet all of the following criteria:

(i) Used only for restoration and/or preservation projects on registered historical buildings that are under the purview of a restoration architect.

(ii) Penetrate into stone substrates to create bonds between particles and consolidate deteriorated material.

(iii) Specified and used in accordance with ASTM E2167.

(UU) Swimming Pool Coatings--Coatings specifically formulated for or applied to the interior of swimming pools including, but not limited to, water park attractions, ponds and fountains, to resist swimming pool chemicals.

(VV) Tile and Stone Sealers--Clear or pigmented sealers that are used for sealing tile, stone, or grout to provide resistance against water, alkalis, acids, ultraviolet light, or staining and which meet one of the following subcategories:

(i) Penetrating sealers are polymer solutions that cross-link in the substrate and must meet all of the following criteria:

(I) A fine particle structure to penetrate dense tile such as porcelain with absorption as low as 0.10% per ASTM C373, ASTM C97/C97M, or ASTM C642,

(II) Retain or increase static coefficient of friction per ANSI A137.1,

(III) Not create a topical surface film on the tile or stone, and

(IV) Allow vapor transmission per ASTM E96/96M.

(ii) Film forming sealers which leave a protective film on the surface.

(WW) Topcoat--Any final coating, applied in one or more coats, to the interior or exterior of a stationary structure or their appurtenances.

(XX) Tub and Tile Refinishing Coatings--Clear or opaque coatings that are used exclusively for refinishing the surface of a bathtub, shower, or sink and must meet all of the following criteria:

(i) Have a scratch hardness of 3H or harder and a gouge hardness of 4H or harder as determined on bonderite 1000 in accordance with ASTM D3363,

(ii) Have a weight loss of 20 milligrams or less after 1000 cycles as determined with CS-17 wheels on bonderite 1000 in accordance with ASTM D4060,

(iii) Must withstand 1,000 hours or more of exposure with few or no #8 blisters as determined on unscribed bonderite in accordance with ASTM D4585, and ASTM D714, and

(iv) Must have an adhesion rating of 4B or better after 24 hours of recovery as determined on unscribed bonderite in accordance with ASTM D4585 and ASTM D3359.

(YY) Undercoaters--Coatings formulated for or applied to substrates to provide a smooth surface for subsequent coats.

(ZZ) Varnishes--Clear or pigmented wood topcoats formulated with various resins to dry by chemical reaction.

(AAA) Waterproofing Sealers--Coatings which are formulated for the primary purpose of preventing penetration of porous substrates by water.

(BBB) Waterproofing Concrete/Masonry Sealers--Clear or pigmented sealers that are formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, or staining.

(CCC) Wood Coatings--Film forming coatings used for application to wood substrates only, which are applied to substrates including floors, decks, and porches. The Wood Coating category includes all lacquers, varnishes, and sanding sealers, regardless of whether they are clear, semi-transparent, or opaque.

(DDD) Wood Coatings, Other--The Wood Coating, Other category excludes all lacquers, varnishes, sanding sealers, wood coatings, and wood preservatives.

(EEE) Wood Conditioners--Coatings that are formulated for or applied to bare wood, prior to applying a stain, to provide uniform penetration of the stain.

(FFF) Wood Preservatives--Coatings formulated to protect wood from decay or insect attack by the addition of a wood preservative chemical registered by the United States Environmental Protection Agency.

§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) 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, except as specified in paragraphs (4) [and], (5), and (6) of this subsection.

(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 all of the requirements in §115.453 of this title except §115.453(f) - (i) 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.

(4) As of the applicable compliance date in §115.459(e) or (g) of this title, if the commission has published notice for the Dallas-Fort Worth and/or Houston-Galveston-Brazoria area in the Texas Register, as provided in §115.459(e) or (g) of this title, to require compliance for the applicable area with the industrial maintenance coatings contingency measure control requirements of §115.453(f) or (g) of this title, respectively, the exemptions in paragraphs (1) through (3) of this subsection no longer apply to industrial maintenance coatings. The owner or operator of a site may continue to exclude industrial maintenance coatings from the criteria in paragraphs (1) through (3) of this subsection for the purposes of determining applicability of this division for the purposes of coatings other than industrial maintenance coatings.

(5) As of the applicable compliance date in §115.459(f) or (h) of this title, if the commission has published notice for the Dallas-Fort Worth and/or Houston-Galveston-Brazoria area in the *Texas Register*, as provided in §115.459(f) or (h) of this title, to require compliance for the applicable area with the traffic marking coatings contingency measure control requirements of §115.453(h) or (i) of this title, respectively, the exemptions in paragraphs (1) through (3) of this subsection no longer apply to traffic marking coatings. The owner or operator of a site may continue to exclude traffic marking coatings from the criteria in paragraphs (1) through (3) of this subsection for the purposes of determining applicability of this division for the purposes of coatings other than traffic marking coatings.

(6) Beginning March 1, 2026, the exemptions in paragraphs (1) through (3) of this subsection no longer apply to industrial maintenance coatings, metal parts and products coatings, or architecture coatings in the Bexar County area. The owner or operator of a site may continue to exclude industrial maintenance coatings, metal parts and products coatings, and architectural coatings from the criteria in paragraphs (1) through (3) of this subsection to determine applicability of this division for the purposes of coatings other than industrial maintenance coatings, metal parts and products coatings, and architectural coatings.

(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) 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) of this title (relating to Applicability and 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;

(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 the requirements in this division, except for §115.453(f) - (i) of this title.

(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.

(q) In the Bexar County area, the following categories are exempt from the VOC limits in §115.453(a)(1)(C) and (D) of this title:

(1) Emulsion type bituminous pavement sealers; and

(2) Architectural coatings based on small container usage.

(A) One liter (1.057 quarts) or less:

(i) Bond Beakers;

(ii) Building Envelope Coatings;

(iii) Concrete-Curing Compounds;

(iv) Concrete Surface Retarders;

(v) Default Coatings;

(vi) Driveway Sealers;

(vii) Dry-Fog Coatings;

(viii) Faux Finishing Coatings (Clear, Topcoat, Decorative Coatings, Glazes, Japans, and Trowel Applied Coatings);

(ix) Fire-Resistive Coatings;

(x) Form Release Compound;

(xi) Graphic Arts (Sign) Coatings;

(xii) Mastic Coatings;

(xiii) Primers, Sealers, and Undercoaters;

(xiv) Recycled Coatings;

(xv) Roof Coatings;

(xvi) Roof Primer, Bituminous;

(xvii) Specialty Primers;

(xviii) Stains (Stains, Interior);

(xix) Tile and Stone Sealers;

(xx) Waterproofing Concrete/Masonry sealers; and

(xxi) Waterproofing Sealers.

(B) Eight fluid ounces or less or used for touch-up purpose only:

(i) Flat Coating;

(ii) Nonflat Coatings; and

(iii) Rust Preventive Coatings.

§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. Upon the compliance date

specified in §115.459(d) or (e) of this title (relating to Compliance Schedules), the requirements in subsection (f) or (h) of this section apply in the Dallas-Fort Worth area in addition to this subsection, and upon the compliance date specified in §115.459(g) or (h) of this title, the requirements in subsection (g) or (i) of this section apply in the Houston-Galveston-Brazoria area in addition to this subsection.

(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)

(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)

(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.

(i) The following VOC limits apply in the Dallas-Fort Worth and Houston-Galveston-Brazoria areas, as defined in §115.10 of this title (relating to Definitions) These limits also apply in the Bexar County area, as defined in §115.10 of this title (relating to Definitions), until March 1, 2026.

Figure: 30 TAC §115.453(a)(1)(C)(i) (No change)

[Figure: 30 TAC §115.453(a)(1)(C)]

(ii) The following VOC limits apply in the Bexar County area beginning March 1, 2026.

Figure: 30 TAC §115.453(a)(1)(C)(ii)

Coating Category	Air-Dried pounds of volatile organic compounds per gallon coating	Baked pounds of volatile organic compounds per gallon coating
General Coating, One Component	2.3	2.3
General Coating, Multi-Component	2.8	2.3
Camouflage Coating	3.5	3.0
Electric-Insulating Varnish Coating	3.5	3.0
Etching Filler Coating	3.5	3.0
Extreme High-Gloss Coating	2.8	3.0
Extreme Performance Coating	3.5	3.0
Heat-Resistant Coating	3.5	3.0
High Performance Architectural Coating	3.5	3.5
High Temperature Coating	3.5	3.5
Metallic Coating	3.5	3.0
Military Specification Coating	2.8	2.3
Mold-Seal Coating	3.5	3.0
Pan-Backing Coating	3.5	3.5
Prefabricated Architectural Coating, Multi-Component	2.8	2.3
Prefabricated Architectural Coating, One-Component	2.3	2.3
Pretreatment Coating	3.5	3.0
Repair and Touch-Up Coating	3.5	3.0
Silicone Release Coating	3.5	3.0
Solar-Absorbent Coating	3.5	3.0
Vacuum-Metalizing Coating	3.5	3.0
Drum Coating, New, Exterior	2.8	2.8
Drum Coating, New, Interior	3.5	3.5
Drum Coating, Reconditioned, Exterior	3.5	3.0
Drum Coating, Reconditioned, Interior	4.2	4.2

(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)

(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) (No Change)

(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)

(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)

(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)

(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)

(5) The coating VOC limits for an architectural coating surface coating process must be met by applying low-VOC coatings.

Figure: 30 TAC §115.453(a)(5)

[Figure: 30 TAC §115.453(a)(5)]

Table 1.

Coating Category	Limit Grams of VOC per liter coating, less water and less exempt compounds
Bond Breakers	350
Building Envelope Coatings	50
Concrete-Curing Compounds	
Concrete-Curing Compounds for Roadways and Bridges	350
Concrete-Curing Compounds, Other than for Roadways and Bridges	100
Concrete Surface Retarder	50
Default Coatings	50
Driveway Sealer	50
Dry-Fog Coatings	50
Faux Finishing Coatings	
Clear Topcoat	100
Decorative Coatings	350
Glazes	350
Japans	350
Trowel Applied Coatings	50
Fire-Resistive Coatings	150
Flat Coatings	50
Floor Coatings	50
Form Release Compound	100
Graphic Arts (Sign) Coatings	200
Magnesite Cement Coatings	450
Mastic Coatings	100
Metallic Pigmented Coatings	150
Multi-Color Coatings	250
Nonflat Coatings	50
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	100
Reactive Penetrating Sealers	350
Recycled Coatings	150
Roof Coatings	
Roof Coatings, Other than Aluminum	50
Roof Coatings, Aluminum	100

Roof Primers, Bituminous	350
Rust Preventative Coatings	100
Sacrificial Anti-Graffiti Coatings	50
Shellacs	
Clear	730
Pigmented	550
Specialty Primers	100
Stains	
Stains, Other than Interior	100
Stains, Interior	250
Stone Consolidants	450
Swimming Pool Coatings	
Repair	340
Other	340
Tile and Stone Sealers	100
Tub and Tile Refinishing Coatings	420
Waterproofing Sealers	100
Waterproofing Concrete/Masonry Sealers	100
Wood Coatings	
Varnish	275
Sanding Sealers	275
Lacquer	275
Other	275
Wood Conditioners	100
Wood Preservatives	
Below-Ground	350
Other	350

Table 2.

Coating Category	**Limit** **Grams of VOC Per Liter of Material**
Low-Solids Coating	120

Table 3.

Coating Category	Limit Grams of VOC Per Liter of Colorant Less Water and Less Exempt Compounds
Colorant added to Architectural Coatings, excluding IM Coatings	50

(6)[(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)]

Figure: 30 TAC §115.453(a)(6)

$$E = \frac{(VOC - S)}{VOC}$$

Where:

E = The required overall control efficiency, decimal fraction.

VOC = The volatile organic compounds (VOC) content of the coatings used on the coating line expressed on a solids basis in units consistent with the VOC emission limits

provided in paragraphs (1) or (4) of this subsection. The owner or operator may choose to use either a daily weighted average or the maximum VOC content.

S = The applicable VOC emission limit in paragraphs (1) or (4) of this subsection expressed on a solids basis in units consistent with the units expressed in the VOC variable above.

(b) Except for the surface coating process in subsection (a)(5) 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 (HVLP) 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.

(f) In the Dallas-Fort Worth area, in accordance with the schedule specified in 115.459(e) of this title, industrial maintenance coatings must meet a VOC limit of 2.1 pounds per gallon (250 grams per liter) of coating (minus water and exempt solvent), which must be met by applying low-VOC coatings.

(g) In the Houston-Galveston-Brazoria area, in accordance with the schedule specified in 115.459(g) of this title, industrial maintenance coatings must meet a VOC limit of 2.1 pounds per gallon (250 grams per liter) of coating (minus water and exempt solvent), which must be met by applying low-VOC coatings.

(h) In the Dallas-Fort Worth area, in accordance with the schedule specified in §115.459(f) of this title, traffic marking coatings must meet a VOC content limit of 100 grams of VOC per liter of coating (minus water and exempt solvent), which must be met by applying low-VOC coatings.

(i) In the Houston-Galveston-Brazoria area, in accordance with the schedule specified in §115.459(h) of this title, traffic marking coatings must meet a VOC content limit of 100 grams of VOC per liter of coating (minus water and exempt solvent), which must be met by applying low-VOC coatings.

(j) In the Bexar County area, industrial maintenance coatings must meet a VOC content limit of 2.1 pounds per gallon (250 grams per liter) of coating (minus water and exempt solvent), which must be met by applying low-VOC coatings.

§115.455. Approved Test Methods and Testing Requirements.

(a) Approved Test Methods and Testing Requirements. Compliance with the requirements in this division must be determined by applying one or more of the following test methods, as appropriate. As an alternative to the test methods in paragraph (1) of this subsection, the volatile organic compounds (VOC) content of coatings and, if necessary

dilution solvent, may be determined by using analytical data from the material safety data sheet.

(1) The owner or operator shall demonstrate compliance with the VOC limits in §115.453 of this title (relating to Control Requirements), by applying the following test methods, as appropriate. Where a test method also inadvertently measures compounds that are exempt solvent an owner or operator may exclude the exempt solvent when determining compliance with a VOC limit. The methods include:

(A) Method 24 (40 Code of Federal Regulations (CFR) Part 60, Appendix A);

(B) American Society for Testing and Materials (ASTM) Test Methods C67, C97, C97M, C140, C309 Class B, C373, C642, D523, D714, D1186, D1200, D1644, D2832, D3359, D3363, D3794, D3960 [D1186-06.01, D1200-06.01, D3794-06.01, D2832-69, D1644-75, and D3960-81], D4060, D4214, D4585, D6490, E96/E96M, E284, E331, E2167, and E2178.

(C) the United States Environmental Protection Agency (EPA) guidelines series document "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings," EPA-450/3-84-019, as in effect December, 1984;

(D) The American National Standards Institute (ANSI) A137.1 Standard Specifications for Ceramic Tiles;

(E) The National Cooperative Highway Research Report 244 (1981), "Concrete Sealers for the Protection of Bridge Structures";

(F)[(D)] additional test procedures described in 40 CFR §60.446 (as amended through October 17, 2000 (65 FR 61761)); and

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

(2) The owner or operator shall determine compliance with the VOC limits for automobile and light-duty truck assembly coating processes in §115.453(a)(3) of this title by applying the following test methods in addition to paragraph (1) of this subsection, as appropriate. The methods include:

(A) Protocol for Determining the Daily VOC Emission Rate of Automobile and Light-Duty Truck Topcoat Operations (EPA-453/R-08-002);

(B) the procedure contained in subparagraph (A) of this paragraph for determining daily compliance with the alternative emission limitation in §115.453(a)(3) of this title for final repair. Calculation of occurrence weighted average for each combination of repair coatings (primer, specific basecoat, clearcoat) must be determined by the following procedure;

(i) the relative occurrence weighted usage calculated as follows for each repair coating:

Figure: 30 TAC §115.455(a)(2)(B)(i) (No Change)

(ii) 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 calculated according to this subparagraph;

Figure: 30 TAC §115.455(a)(2)(B)(ii) (No Change)

(C) the procedure contained in 40 CFR Part 63, Subpart PPPP, Appendix A (as amended through April 24, 2007 (72 FR 20237)), for reactive adhesives; and

(D) the procedure contained in 40 CFR Part 60, Subpart MM (as amended October 17, 2000 (65 FR 61760)) for determining the monthly weighted average for electrodeposition primer.

(3) The owner or operator shall determine compliance with the vapor control system requirements in §115.453 of this title by applying the following test methods, as appropriate:

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

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

(C) 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 §60.444 (as amended through October 18, 1983 (48 FR 48375)); or

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

(4) The owner or operator of a surface coating process subject to §115.453(a)(6) [§115.453(a)(5)] or (b) of this title shall measure the capture efficiency using applicable procedures outlined in 40 CFR §52.741, Subpart O, Appendix B (as amended through October 21, 1996 (61 FR 54559)). 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) The following exemptions apply to capture efficiency testing requirements.

(i) If a source installs a permanent total enclosure that meets the specifications of Procedure T and that 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 permanent total enclosure are met during testing for control efficiency.

(ii) If a source uses a vapor control system 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 (as amended through October 17, 2000 (65 FR 61761)), 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 verification 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 be calculated using one of the following 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 §115.455(a)(4)(B)(i) (No Change)

(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 §115.455(a)(4)(B)(ii) (No Change)

(iii) Gas/gas method using the building or room enclosure (BE) in which the affected source is located and in which the mass of VOC captured and delivered to a control device and the mass of fugitive VOC that escapes from BE 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 §115.455(a)(4)(B)(iii) (No Change)

(iv) Liquid/gas method using a BE in which the mass of liquid VOC input to process and the mass of fugitive VOC that escapes from BE 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 §115.455(a)(4)(B)(iv) (No Change)

(C) The operating parameters selected for monitoring of the capture system for compliance with the requirements in §115.458(a) of this title (relating to Monitoring and Recordkeeping Requirements) must be monitored and recorded during the initial capture efficiency test 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) Test methods other than those specified in paragraphs (1) - (4) of this subsection may be used if approved by the executive director and validated by Method 301 (40 CFR Part 63, Appendix A). For the purposes of this paragraph, substitute "executive director" each place that Method 301 references "administrator."

(b) Inspection requirements. The owner or operator of each surface coating process subject to §115.453 of this title shall provide samples, without charge, upon request by authorized representatives of the executive director, the EPA, or any local air pollution agency with jurisdiction. The representative or inspector requesting the sample will determine the amount of coating needed to test the sample to determine compliance.

§115.458. Monitoring and Recordkeeping Requirements.

(a) Monitoring requirements. The following monitoring requirements apply to the owner or operator of a surface coating process subject to this division that uses a vapor control system in accordance with §115.453 of this title (relating to Control Requirements). The owner or operator shall install and maintain monitors to accurately measure and record operational parameters of all required control devices to ensure the proper functioning of those devices in accordance with design specifications, including:

(1) continuous monitoring of the exhaust gas temperature immediately downstream of direct-flame incinerators or the gas temperature immediately upstream and downstream of any catalyst bed;

(2) the total amount of volatile organic compounds (VOC) recovered by carbon adsorption or other solvent recovery systems during a calendar month;

(3) continuous monitoring of carbon adsorption bed exhaust; and

(4) appropriate operating parameters for capture systems and control devices other than those specified in paragraphs (1) - (3) of this subsection.

(b) Recordkeeping requirements. The following recordkeeping requirements apply to the owner or operator of a surface coating process subject to this division.

(1) The owner or operator shall maintain records of the testing data or the material safety data sheets (MSDS) in accordance with the requirements in §115.455(a) of this title (relating to Approved Test Methods and Testing Requirements). The MSDS must document relevant information regarding each coating and solvent available for use in the affected surface coating processes including the VOC content, composition, solids content,

and solvent density. Records must be sufficient to demonstrate continuous compliance with the applicable VOC limits in §115.453(a) and [or] (f) – (j)[(i)] of this title.

(2) Records must 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 VOC limits. Such records must be sufficient to calculate the applicable weighted average of VOC content for all coatings.

(3) As an alternative to the recordkeeping requirements of paragraph (2) of this subsection, the owner or operator that qualifies for exemption under §115.451(a)(3) of this title (relating to Exemptions) may maintain records of the total gallons of coating and solvent used in each month and total gallons of coating and solvent used in the previous 12 months.

(4) The owner or operator shall maintain, on file, the capture efficiency protocol submitted under §115.455(a)(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 or control device destruction or removal efficiency test may be required.

(5) The owner or operator claiming an exemption in §115.451 of this title shall maintain records sufficient to demonstrate continuous compliance with the applicable exemption criteria.

(6) Records must be maintained of any testing conducted in accordance with the provisions specified in §115.455(a) of this title.

(7) Records must be maintained a minimum of two years and be made available upon request to authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution agency with jurisdiction.

§115.459. Compliance Schedules.

(a) The owner or operator of a surface coating 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 of this division, except as specified in §115.453(f) - (i) of this title (relating to Control Requirements), 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, except as specified in §115.453(f) - (i) of this title, no later than January 1, 2017.

(c) The owner or operator of a surface coating process in the Bexar County area subject to the requirements of this division shall comply with all applicable [the] requirements [in this division], except for §115.453(a)(1)(C)(ii) and §115.453(a)(5) of this title, [no later than] by January 1, 2025. Compliance with §115.453(a)(1)(C)(ii), §115.453(a)(5), and §115.453(j) of this title must be achieved no later than March 1, 2026.

(d) 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 shall comply with the requirements in this division no later than 60 days after becoming subject.

(e) The owner or operator of a surface coating process in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties shall comply with §115.453(f) of this title by no later than 270 days after the commission publishes notification in the Texas Register of its determination that this industrial maintenance coating contingency rule is necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality

Standard for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(f) The owner or operator of a surface coating process in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties shall comply with §115.453(h) of this title by no later than 270 days after the commission publishes notification in the Texas Register of its determination that this traffic marking coating contingency rule is necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(g) The owner or operator of a surface coating process in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.453(g) of this title by no later than 270 days after the commission publishes notification in the Texas Register of its determination that this industrial maintenance coating contingency rule is necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failed to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

(h) The owner or operator of a surface coating process in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with §115.453(i) of this title by no later than 270 days after the commission publishes notification in the Texas Register of its determination that this traffic marking coating contingency rule is necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failure to demonstrate reasonable further progress as set forth in the 1990 Amendments to the Federal Clean Air Act, §172(c)(9).

SUBCHAPTER E: SOLVENT-USING PROCESSES

DIVISION 6: INDUSTRIAL CLEANING SOLVENTS

§§115.460, 115.461, 115.463, 115.465, 115.468, 115.469

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, concerning general powers; §5.103, concerning Rules; TWC, §5.105, concerning General Policy, which authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; TWC, §7.002, concerning Enforcement Authority, which authorizes the commission to enforce the provisions of the Water Code and the Health and Safety Code within the commission's jurisdiction; and under Texas Health and Safety Code (THSC), §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purpose of the Texas Clean Air Act.

The amendments are also proposed under THSC, §382.002, concerning Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning the State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.016, concerning Monitoring

Requirements; Examination of Records, which authorizes the commission to prescribe reasonable requirements for measuring and monitoring the emissions of air contaminants; and THSC, §382.021, concerning Sampling Methods and Procedures.

The proposed amendments implement TWC, §§5.102, 5.103, and 7.002; and THSC, §§382.002, 382.011, 382.012, 382.016, 382.017, and 382.021.

§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 Bexar County, 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 indicates otherwise.

(1) Aerosol can--A hand-held, non-refillable container that expels pressurized product by means of a propellant-induced force.

(2) Application device--A device used to apply adhesive, coating, ink, or polyester resin materials.

(3) Application line--A portion of a motor vehicle assembly production line which applies surface and other coatings to motor vehicle bodies, hoods, fenders, cargo boxes, doors, and grill opening panels.

(4) Blanket--A synthetic rubber mat used in offset-lithography to transfer or offset an image from a planographic printing plate to the paper or other substrate.

(5) Blanket wash--A solvent used to remove ink from the blanket of a press.

(6) Cured coating, cured ink, or cured adhesive--A coating, ink, or adhesive, which is dry to the touch.

(7) 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. In the context of the provisions in §115.461(d),[and] (e), and (f) of this title (relating to Exemptions) and §115.463(e) and (f) of this title (relating to Control Requirements), Electronic component is defined as that portion of an assembly, including circuit card assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and other electrical fixtures, except for the actual cabinet in which the components are housed; and Electrical component is defined as an internal component such as wires, windings, stators, rotors, magnets, contacts, relays, energizers, and connections in an apparatus that generates or transmits electrical energy including, but not limited to: alternators, generators, transformers, electric motors, cables, and circuit breakers, except for the actual cabinet in which the components are housed. Electrical components of graphic arts application equipment and hot-line tools are also included in this category.

(8) Electron beam ink--An ink that dries by chemical reaction caused by high energy electrons.

(9) Facility--A business or businesses engaged in solvent cleaning operations which are owned or operated by the same person or persons and are located on the same or contiguous parcels.

(10) Grams of VOC per liter of material--The weight of VOC per volume of material and can be calculated by the following equation.

Figure: 30 TAC §115.460(b)(10) (No Change)

(11) Graphic arts--All gravure, letterpress, flexographic, and lithographic printing processes.

(12) Gravure printing-- An intaglio process in which the ink is carried in minute etched or engraved wells on a roll or cylinder. The excess ink is removed from the surface by a doctor blade.

(13) High precision optic--An optical element used in an electro-optical device and is designed to sense, detect, or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.

(14) Hot-line tool--A specialized tool used primarily on the transmission systems, sub-transmission systems and distribution systems for replacing and repairing circuit components or for other types of work with electrically energized circuits.

(15) Janitorial cleaning--The cleaning of building or facility components including, but not limited to, floors, ceilings, walls, windows, doors, stairs, bathrooms, furnishings, and exterior surfaces of office equipment, and excludes the cleaning of work areas where manufacturing or repair activity is performed.

(16) Letterpress printing--The method in which the image area is raised relative to the non-image area and the ink is transferred to the paper directly from the image surface.

(17) Liquid-tight food container--A paperboard container that can hold liquid food and food products without leaking even when it is held upside-down.

(18) Lithographic printing--A plane-o-graphic method in which the image and non-image areas are on the same plane.

(19) Magnet wire--Wire used in electromagnetic field application in electrical machinery and equipment such as transformers, motors, generators, and magnetic tape recorders.

(20) 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.

(21) Maintenance cleaning--A solvent cleaning operation or activity carried out to keep clean general work areas where manufacturing or repair activity is performed, to clean tools, machinery, molds, forms, jigs, and equipment. This definition does not include the cleaning of coatings, adhesives, or ink application equipment.

(22) Manufacturing process--The process of making goods or articles by hand or by machinery.

(23) Medical device--An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar article, including any component or accessory, that meets one of the following conditions:

(A) it is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease; or

(B) it is intended to affect the structure or any function of the body; or

(C) it is defined in the National Formulary of the United States Pharmacopeia, or any supplement to them.

(24) 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.

(25) Medical or pharmaceutical work surface--An area of a medical device or pharmaceutical facility where solvent cleaning is performed on work surfaces including, but not limited to, tables, countertops, and laboratory benches. Medical or pharmaceutical work surface shall not include items defined under janitorial cleaning.

(26) Non-absorbent container--A container made of nonporous material, which does not allow the migration of the liquid solvent through it.

(27) On-press component--A part, component, or accessory of a press that is cleaned while still being physically attached to the press.

(28) On-press screen cleaning--A solvent cleaning activity carried out during press runs in screen printing operation to remove excess inks and contaminants from a screen that is still attached to the press.

(29) Packaging printing--Any lithographic, flexographic, gravure, or letterpress printing that results in identifying or beautifying paper, paperboard, or cardboard products to be used as containers, enclosures, wrappings, or boxes.

(30) Pharmaceutical product--A preparation or compound of medicinal drugs including, but not limited to, a prescription drug, analgesic, decongestant, antihistamine, cough suppressant, vitamin, mineral and herb, and is used by humans or animals for consumption to enhance personal health.

(31) Photocurable resin--A chemical material that solidifies upon exposure to light.

(32) 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.

(33) 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.

(34) Printing--In the graphic arts, is any operation that imparts color, design, alphabet, or numerals on a substrate.

(35) Removable press component--A part, component, or accessory of a press that is physically attached to the press but is disassembled and removed from the press prior to being cleaned. Rollers, blankets, metering rollers, dampening rollers, ink trays, printing plates, fountains, impression cylinders and plates shall not be considered as removable press components.

(36) Repair cleaning--A solvent cleaning operation or activity carried out during a repair process.

(37) Repair process--The process of returning a damaged object or an object not operating properly to good condition.

(38) Roller wash--A solvent used to remove ink from the rollers of a press.

(39) Scientific instrument--An instrument (including the components, assemblies, and subassemblies used in their manufacture) and associated accessories and reagents that is used for the detection, measurement, analysis, separation, synthesis, or sequencing of various compounds.

(40) Screen printing--A process in which the printing ink passes through a web or a fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

(41) Solvent--A volatile organic compound-containing liquid used to perform solvent cleaning operations.

(42) 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. In the context of the provisions in §115.461(d), [and](e), and (f) this title and §115.463(e) and (f) of this title, each distinct method of cleaning in a cleaning process that consists of a series of cleaning methods shall constitute a separate solvent cleaning operation.

(43) Solvent flushing--The use of a solvent to remove uncured adhesives, uncured inks, uncured coatings, or contaminants from the internal surfaces and passages of the equipment by flushing solvent through the equipment.

(44) Specialty flexographic printing--Flexographic printing on polyethylene or polypropylene food packaging, fertilizer bags, or liquid-tight food containers.

(45) Stereolithography--A type of printing process that employs a system using a light to solidify photocurable resins in a desired configuration in order to produce a 3-dimensional object.

(46) Stripping--The removal of cured coatings, cured inks, or cured adhesives.

(47) Surface preparation--The removal of contaminants such as dust, soil, oil, grease, etc., prior to coating, adhesive, or ink applications.

(48) Ultraviolet ink--An ink that dries by polymerization reaction induced by ultraviolet energy.

(49) 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) (No Change)

§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) - (d),[and] (f), and (g) 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) numisimatic 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) If the commission publishes notice in the *Texas Register*, as provided in §115.469(d) of this title (relating to Compliance Schedules) for the Dallas-Fort Worth area, or §115.469(e) of this title for the Houston-Galveston-Brazoria area, or both areas, to require compliance with the contingency measure control requirements of §115.463(e) of this title, then the exemptions in subsections (a) - (d) of this section are no longer available, and the following exemptions apply in the applicable area as of the compliance date specified in §115.469(d) or (e) of this title.

(1) In the Dallas-Fort Worth area, in accordance with the schedule specified in §115.469(d) of this title, the following types of cleaning are exempt from the VOC content limits in §115.463(e)(1) of this title:

(A) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;

(B) Cleaning conducted with performance laboratory tests on coatings, adhesives, or inks; research and development programs; and laboratory tests in quality assurance laboratories;

(C) Cleaning of paper-based gaskets, and clutch assemblies where rubber is bonded to metal by means of an adhesive;

(D) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;

(E) Medical device and pharmaceutical facilities using up to 1.5 gallons per day of solvents;

(F) The cleaning of photocurable resins from stereolithography equipment and models;

(G) Cleaning of adhesive application equipment used for thin metal laminating operations provided the clean-up solvent used contains no more than 950 grams of VOC per liter;

(H) Cleaning of electronic or electrical cables provided the clean-up solvent used contains no more than 400 grams of VOC per liter;

(I) Touch up cleaning performed on printed circuit boards where surface mounted devices have already been attached provided that the solvent used contains no more than 800 grams of VOC per liter;

(J) Cleaning carried out in batch loaded cold cleaners, vapor degreasers, conveyorized degreasers, or motion picture film cleaning equipment;

(K) Janitorial cleaning, including graffiti removal; and

(L) Stripping of cured coatings, cured ink, or cured adhesives.

(2) In the Houston-Galveston-Brazoria area, in accordance with the schedule specified in §115.469(e) of this title, the following types of cleaning are exempt from the VOC content limits in §115.463(e)(2) of this title:

(A) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;

(B) Cleaning conducted with performance laboratory tests on coatings, adhesives, or inks; research and development programs; and laboratory tests in quality assurance laboratories;

(C) Cleaning of paper-based gaskets, and clutch assemblies where rubber is bonded to metal by means of an adhesive;

(D) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;

(E) Medical device and pharmaceutical facilities using up to 1.5 gallons per day of solvents;

(F) The cleaning of photocurable resins from stereolithography equipment and models;

(G) Cleaning of adhesive application equipment used for thin metal laminating operations provided the clean-up solvent used contains no more than 950 grams of VOC per liter;

(H) Cleaning of electronic or electrical cables provided the clean-up solvent used contains no more than 400 grams of VOC per liter;

(I) Touch up cleaning performed on printed circuit boards where surface mounted devices have already been attached provided that the solvent used contains no more than 800 grams of VOC per liter;

(J) Cleaning carried out in batch loaded cold cleaners, vapor degreasers, conveyorized degreasers, or motion picture film cleaning equipment;

(K) Janitorial cleaning, including graffiti removal; and

(L) Stripping of cured coatings, cured ink, or cured adhesives.

(f) In the Bexar County area, exemptions in §115.461(a) through (d) of this section do not apply after February 28, 2026. Beginning March 1, 2026, exemptions for industrial cleaning solvents from the VOC content limits specified in §115.463(f) of this title are limited to the following cleaning activities:

(A) Cleaning of solar cells, laser hardware, scientific instruments, and high-precision optics;

(B) Cleaning conducted with performance laboratory tests on coatings, adhesives, or inks; research and development programs; and laboratory tests in quality assurance laboratories;

(C) Cleaning of paper-based gaskets and clutch assemblies where rubber is bonded to metal by means of an adhesive;

(D) Cleaning of cotton swabs to remove cottonseed oil before cleaning of high-precision optics;

(E) Medical device and pharmaceutical facilities using up to 1.5 gallons per day of solvents;

(F) The cleaning of photocurable resins from stereolithography equipment and models;

(G) Cleaning of adhesive application equipment used for thin metal laminating operations provided the clean-up solvent used contains no more than 950 grams of VOC per liter;

(H) Cleaning of electronic or electrical cables provided the clean-up solvent used contains no more than 400 grams of VOC per liter;

(I) Touch up cleaning performed on printed circuit boards where surface mounted devices have already been attached provided that the solvent used contains no more than 800 grams of VOC per liter;

(J) Cleaning carried out in batch loaded cold cleaners, vapor degreasers, conveyorized degreasers, or motion picture film cleaning equipment;

(K) Janitorial cleaning, including graffiti removal; and

(L) Stripping of cured coatings, cured ink, or cured adhesives.

(g)[(f)] 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.

§115.463. Control Requirements.

(a) Except as specified in subsections [subsection] (e) and (f) of this section, the owner or operator shall limit the volatile organic compounds (VOC) content of cleaning solutions to:

(1) 0.42 pound of VOC per gallon of solution (lb VOC/gal solution), as applied; or

(2) limit the composite partial vapor pressure of the cleaning solution to 8.0 millimeters of mercury at 20 degrees Celsius (68 degrees Fahrenheit).

(b) As an alternative to subsection (a) of this section, the owner or operator shall operate a vapor control system capable of achieving an overall control efficiency of 85% by mass. Control device and capture efficiency testing must be performed in accordance with the testing requirements in §115.465 of this title (relating to Approved Test Methods and Testing Requirements).

(c) The owner or operator of a solvent cleaning operation shall implement the following work practices during the handling, storage, and disposal of cleaning solvents and shop towels:

(1) cover open containers and used applicators;

(2) minimize air circulation around solvent cleaning operations;

(3) properly dispose of used solvent and shop towels; and

(4) implement equipment practices that minimize emissions (e.g. maintaining cleaning equipment to repair solvent leaks).

(d) A solvent cleaning operation that becomes subject to subsection (a) of this section by exceeding the exemption limits in §115.461 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 §115.461 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, 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.

(e) If the commission has published notice in the *Texas Register*, as provided in §115.469(d) or (e) of this title (relating to Compliance Schedules), to require compliance with the contingency measure control requirements for the Dallas-Fort Worth area, the Houston-Galveston-Brazoria area, or both areas the following control requirements apply instead of subsection (a) of this section.

Figure: 30 TAC §115.463(e) (No Change)

(1) In the Dallas-Fort Worth area, in accordance with the schedule specified in §115.469(d) of this title, the limits in Table 1 of this subsection apply.

(2) In the Houston-Galveston-Brazoria area, in accordance with the schedule specified in §115.469(e) of this title, the limits in Table 1 of this subsection apply.

(f) In the Bexar County area, the following control requirements apply beginning March 1, 2026.

Figure: 30 TAC §115.463(f)

Solvent Cleaning Category	VOC Content Limit (pounds VOC per gallon)	VOC Content Limit (grams VOC per liter)
(A) Product Cleaning During Manufacturing Process or Surface Preparations for Coating, Adhesives, or Ink Application		
(i) General	0.21	25
(ii) Electrical Components and Electronic Components	0.83	100
(iii) Medical Devices and Pharmaceuticals	6.7	800
(B) Repair and Maintenance Cleaning		
(i) General	0.21	25
(ii) Electrical and Electronic Components	0.83	100
(iii) Medical Devices and Pharmaceuticals		
(A) Tools, Equipment, Machinery	6.7	800
(B) Medical or Pharmaceutical Work Surfaces	5.0	600
(C) Cleaning of Coatings or Adhesives Application Equipment	0.21	25
(D) Cleaning of Ink Application Equipment		
(i) General	0.21	25
(ii) Flexographic Printing	0.21	25
(iii) Gravure Printing		
(A) Publications	0.83	100
(B) Packaging	0.21	25

Solvent Cleaning Category	VOC Content Limit (pounds VOC per gallon)	VOC Content Limit (grams VOC per liter)
(iv) Lithographic (Offset) or Letter Press Printing		
(A) Roller Wash, Blanket Wash, and On-press Components	0.83	100
(B) Removable Press Components	0.21	25
(v) Screen Printing	0.83	100
(vi) Ultraviolet Ink/Electron Beam Ink Application Equipment (except screen printing)	0.83	100
(vii) Specialty Flexographic Printing	0.83	100
(E) Cleaning of Polyester Resin Application Equipment	0.21	25

§115.465. Approved Test Methods and Testing Requirements.

The owner or operator shall demonstrate compliance with the control requirements in §115.463 of this title (relating to Control Requirements) by applying the following test methods, as appropriate.

(1) Compliance with the volatile organic compound (VOC) limits in §115.463(a), [or](e), or (f) of this title must be determined by the following methods, as applicable:

(A) Method 24 (40 Code of Federal Regulations (CFR) Part 60, Appendix A);

(B) American Society for Testing and Materials Method D2879, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope to demonstrate compliance with §115.463(a)(2) of this title;

(C) using standard reference texts for the true vapor pressure of each VOC component to demonstrate compliance with §115.463(a)(2) of this title; or

(D) using analytical data from the cleaning solvent supplier or manufacturer's material safety data sheet.

(2) The owner or operator subject to §115.463(b) of this title shall measure the capture efficiency using applicable procedures outlined in 40 CFR §52.741, Subpart O, Appendix B (as amended through October 21, 1996 (61 FR 54559)). 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) The following exemptions apply to capture efficiency testing requirements.

(i) If a source installs a permanent total enclosure that meets the specifications of Procedure T and that 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 permanent total enclosure are met during testing for control efficiency.

(ii) If a source uses a vapor control system 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 (as amended through October 17, 2000 (65 FR 61761)), 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 verification 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 be calculated using one of the following protocols referenced. Any affected source must use one of these protocols, unless a suitable alternative protocol is approved by the executive director and the United States Environmental Protection Agency (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 §115.465(2)(B)(i) (No Change)

(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 §115.465(2)(B)(ii) (No Change)

(iii) Gas/gas method using the building or room enclosure (BE) in which the affected source is located and in which the mass of VOC captured and delivered to a control device and the mass of fugitive VOC that escapes from the BE 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 §115.465(2)(B)(iii) (No Change)

(iv) Liquid/gas method using a BE in which the mass of liquid VOC input to process and the mass of fugitive VOC that escapes from the BE are measured while operating only the affected facility. All fans and blowers in the BE must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

Figure: 30 TAC §115.465(2)(B)(iv) (No Change)

(C) The operating parameters selected for monitoring of the capture system for compliance with the requirements in §115.468(a) of this title (relating to Monitoring and Recordkeeping Requirements) must be monitored and recorded during the initial 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.

(3) In addition to the requirements of paragraph (2) of this section, the owner or operator shall determine compliance with §115.463(b) of this title by applying the following test methods, as appropriate:

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

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

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

(D) additional performance test procedures described in 40 CFR §60.444 (as amended through October 18, 1983 (48 FR 48375)).

(4) Minor modifications to the methods in paragraphs (1) - (3) of this section may be approved by the executive director. Methods other than those specified in paragraphs (1) - (3) of this section may be used if approved by the executive director and validated using Method 301 (40 CFR Part 63, Appendix A). For the purposes of this paragraph, substitute "executive director" each place that Method 301 references "administrator."

§115.468. Monitoring and Recordkeeping Requirements.

(a) Monitoring requirements. The following monitoring requirements apply to the owner or operator of a solvent cleaning operation subject to this division that uses a vapor control system in accordance with §115.463(b) of this title (relating to Control Requirements). The owner or operator shall 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:

(1) continuous monitoring of the exhaust gas temperature immediately downstream of direct-flame incinerators or the gas temperature immediately upstream and downstream of any catalyst bed;

(2) the total amount of volatile organic compounds (VOC) recovered by carbon adsorption or other solvent recovery systems during a calendar month;

(3) continuous monitoring of carbon adsorption bed exhaust; and

(4) appropriate operating parameters for vapor control systems other than those specified in paragraphs (1) - (3) of this subsection.

(b) Recordkeeping requirements. The following recordkeeping requirements apply to the owner or operator of a solvent cleaning operation subject to this division.

(1) The owner or operator shall maintain records of the testing data, the material safety data sheet,or documentation of the standard reference texts used to determine the true vapor pressure of each VOC component, in accordance with the requirements in §115.465(1) of this title (relating to Approved Test Methods and Testing Requirements). The concentration of all VOC used to prepare the cleaning solution and, if diluted prior to use, the proportions that each of these materials is used must be recorded.

Records must be sufficient to demonstrate continuous compliance with the VOC limits in §115.463(a), [and](e), and (f) of this title.

(2) The owner or operator claiming an exemption in §115.461 of this title (relating to Exemptions) shall maintain records sufficient to demonstrate continuous compliance with the applicable exemption criteria.

(3) The owner or operator claiming exemption from this division in accordance with §115.461(c) of this title shall maintain records indicating the applicable division the process or operation is subject to as specified in §115.461(c)(1) of this title and the control requirements or emission specifications used to control the VOC emissions from the solvent cleaning operation as specified in §115.461(c)(2) of this title. The owner or operator shall also comply with the applicable recordkeeping requirements from the division the process or operation is subject to sufficient to demonstrate that the VOC emissions from the solvent cleaning operation are controlled in accordance with the control requirements or emission specifications of that division.

(4) The owner or operator shall maintain records of any testing conducted in accordance with the provisions specified in §115.465(2) - (4) of this title.

(5) Records must be maintained a minimum of two years and be made available upon request to authorized representatives of the executive director, the United States Environmental Protection Agency, or any local air pollution agency with jurisdiction.

§115.469. Compliance Schedules.

(a) In Brazoria, Chambers, Collin, Dallas, Denton, Ellis, Fort Bend, Galveston, Harris, Johnson, Kaufman, Liberty, Montgomery, Parker, Rockwall, Tarrant, Waller, and Wise Counties the compliance date has passed for control requirements in §115.463(a) - (d) of this title (relating to Control Requirements) and all associated requirements, and the owner or operator of a solvent cleaning operation shall continue to comply with the requirements in this division, except as specified in subsection (d) and (e) of this section.

(b) The owner or operator of a solvent cleaning operation in the Bexar County area subject to the requirements of this division shall comply with each applicable requirement [the requirements in this division no later than], except for §115.463(f) of this title, by January 1, 2025. Compliance with the control requirement in §115.463(f) of this title must be achieved no later than March 1, 2026.

(c) 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 shall comply with the requirements in this division no later than 60 days after becoming subject.

(d) The owner or operator of a solvent cleaning operation in Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties shall be in compliance with the requirements of §115.463(e) of this title (relating to Control Requirements) no later than 270 days after the commission publishes notification in the Texas Register of its determination that the industrial cleaning solvent contingency requirements are necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failed to demonstrate reasonable further progress as set forth in the 1990 Amendments to the federal Clean Air Act, §172(c)(9).

(e) The owner or operator of a solvent cleaning operation in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties shall be in compliance with the requirements of §115.463(e) of this title no later than 270 days after the commission publishes notification in the Texas Register of its determination that the contingency requirements are necessary as a result of EPA publication of a notice in the Federal Register that the specified area failed to attain the applicable National Ambient Air Quality Standard for ozone by the attainment deadline or failed to demonstrate reasonable further progress as set forth in the 1990 Amendments to the federal Clean Air Act.