

(63)(43) Volatile *organic* [carbon] compound—water separator. Any tank, box, sump, or other container in which any volatile *organic* [carbon] compound, floating on or entrained or contained in water entering such tank, box, sump, or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

.022. *The National Primary and Secondary Ambient Air Quality Standards.* The National Primary and Secondary Ambient Air Quality Standards as promulgated pursuant to Section 109 of the Federal Clean Air Act as amended will be enforced throughout all parts of Texas. [The Primary Standards are to be achieved no later than three years after the Implementation Plan is approved by the Environmental Protection Agency, and the Secondary Standards are to be achieved within a reasonable time thereafter as so determined by the Texas Air Control Board.]

Doc. No. 786507

Regulation I—Control of Air Pollution from Visible Emissions and Particulate Matter

The Texas Air Control Board proposes to amend Rules 131.03.01.002(h), 131.03.03.002, and Subchapters 131.03.04 (including the addition of Rule 131.03.04.006) and 131.03.08 (including the addition of Rule 131.03.08.002) of Regulation I in connection with revisions to the State Implementation Plan pursuant to the Federal Clean Air Act. These amendments (and their associated control strategy) relate to the control of suspended particulates.

The Federal Clean Air Act, as amended in August of 1977, calls for revisions to the State Implementation Plan for all areas which do not meet the National Ambient Air Quality Standards. Portions of 10 Texas counties have been designated as nonattainment for particulates. As revised, the plan must demonstrate attainment of this standard by December 31, 1982. Descriptions of each nonattainment area are available at the central office of the Texas Air Control Board at 8520 Shoal Creek Boulevard, Austin, Texas 78758, and at all board regional offices. Additionally, a copy of the revised particulate control strategy, which will be incorporated into the plan, will be available at the above locations.

Rule 131.03.01.002(h) is being modified to allow cities with a population of less than 5,000 to burn solid waste under certain conditions provided the burning is done in a county with a population of 100,000 or less. An addition is proposed to Rule 131.03.03.002 which would exempt acid gas flares from the no visible emissions requirements of this rule. However, acid gas flares must continue to comply with Rule 131.03.03.001, which covers emissions from stationary flues.

Subchapter 131.03.04, which pertains to the control of particulate matter from materials handling, construction, and roads, is being amended. The following summary itemizes the key points of the proposed rules:

(a) The rule is applicable in all counties with an urban place population of 200,000 or more.

(b) A provision is being added to require controls on road construction activity and demolition activity.

(c) The provision requiring controls on emissions from paved and unpaved roads is being strengthened.

(d) A provision is being added requiring all parking surfaces having more than five spaces, except those located at a private residence, to be paved.

(e) A provision is being added requiring that roads located inside a commercial or industrial facility be paved.

Because the proposed Regulation I changes substantially increase the coverage and the stringency of Subchapter 131.03.04 (for controlling particulate matter contributed from construction, roads, and material handling), an increase of net expenditures is expected for the Texas Air Control Board and for local air pollution agencies:

	1979	1980	1981	1982	1983
state agency	0	\$32,000	\$14,800	\$16,100	\$17,900
local agencies	0	52,000	101,000	154,000	210,900

The probable net increases shown represent the added costs of enforcing the changes of Subchapter 131.03.04 over a five-year period. During 1979, the regulation will be enforced to the extent feasible under existing resources. Similarly, existing resources will suffice for the other rule changes proposed here during all five years.

The indicated state agency increases for 1980 and 1981 correspond to budget estimates being submitted by the Texas Air Control Board to the Governor's Budget and Planning Office and Legislative Budget Board. For the years 1982 and 1983, the agency has made associated projections of continuing enforcement needs.

The estimates for net increased enforcement by local agencies were obtained from air pollution control officials of the following local governments: Houston, El Paso (city-county), Dallas, Fort Worth, San Antonio, Galveston County, and Corpus Christi (city-county).

The Texas Air Control Board has scheduled public hearings on these proposed rules to be held at the following places and times:

Holiday Inn, Medical Center
Tanglewood Room
6701 South Main
Houston, Texas
November 9, 1978
9:30 a.m., 1:30 p.m., 6:30 p.m.

Bowie Building—meeting room
4545 Centerview Drive
(at Centerview Drive and Piedras West)
San Antonio, Texas
November 10, 1978
1:30 p.m. and 6:30 p.m.

Arlington Public Library
Community Room
101 East Abram
Arlington, Texas
November 13, 1978
1:30 p.m. and 6:30 p.m.

Texas Electric Service Company
Redi Room
520 North Lincoln
Odessa, Texas

November 14, 1978
1:30 p.m. and 6:30 p.m.

El Paso Civic Center
Juarez Room
One Civic Center Plaza
El Paso, Texas
November 15, 1978
1:30 p.m. and 6:30 p.m.

Galvez Hotel
Grecian Room
2024 Seawall Boulevard
Galveston, Texas
November 16, 1978
1:30 p.m. and 6:30 p.m.

Public comment on these proposed rules, including cost of compliance, is invited, both orally and in writing at the public hearings and by submission of written comments. Because of the limited time available to complete all activities associated with the preparations of revisions to the State Implementation Plan, submission of written comments on or before the hearing date to the maximum extent feasible is requested. All written comments so received will be entered into the record and reviewed. Oral presentations should therefore supplement or highlight but not repeat testimony. Written comments should be submitted to the Texas Air Control Board hearing examiner at 8520 Shoal Creek Boulevard, Austin, Texas 78758, prior to November 16, 1978. Written copies of comments made at the hearings are requested, if possible. Oral presentations may be limited by the hearing examiner if necessary to afford all interested persons an opportunity to speak.

Outdoor Burning; Restriction 131.03.01

This amendment is proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

.002. *Authorized Outdoor Burning.* Outdoor burning is authorized in each of the following instances:

(a)-(g) (No change.)

(h) *Outdoor burning of municipal solid waste.*

(1) *Outdoor burning of municipal solid waste may be conducted at Texas Department of Health (TDH) permitted Type II or III landfill sites (sites serving less than 5,000 population equivalent), located outside any county with a population of 100,000 or more as determined by the latest United States population census if prior authority is obtained from the executive director of the Texas Air Control Board. Sites previously authorized to burn under Rule 131.03.01.002(h), effective December 5, 1975, are not required to request further authorization to burn. Heavy oils, asphaltic materials, and vehicle tires must not be burned.*

(2) *Outdoor burning of brush and demolition/construction wood waste may be conducted at Texas Department of Health permitted Type IV landfill sites as defined by the Texas Department of Health, located outside of the counties described in Rule 131.03.01.002(h)(1) if prior authority is obtained from the executive director of the Texas Air Control Board. Sites previously authorized to burn under Rule 131.03.01.002(h), effective December 5, 1975, are not required to request further*

authorization to burn. Heavy oils, asphaltic materials, and vehicle tires must not be burned.

(3) *The executive director of the Texas Air Control Board may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule by requiring that trenches be dug to align with prevailing winds, specifying times for burning and other related factors. Authorizations to burn may be revoked by the executive director at any time if he determines that: the burning is causing nuisance conditions to exist, the burning is not conducted in accordance with the conditions specified by the executive director, the burning violates any provision of an applicable permit, or the burning causes a violation of any air quality standard.* [Outdoor burning of the garbage and rubbish generated by a city or a town having a population of less than 3,000, as determined by the most recent census, may be conducted if the following conditions are met:

[(1) The city or unincorporated area and the location of the burning must be outside a defined standard metropolitan statistical area.

[(2) Cities in newly designated standard metropolitan statistical areas shall have 18 months after the designation of the standard metropolitan statistical area to comply with Rules 131.03.01.001-.004.

[(3) The location of the burning must not be within a city or town, must be at least one mile from any residential, recreational, commercial, or industrial area, and must be at least 300 yards (275 meters) from any public road.

[(4) The initial burning may be commenced only between the hours of 9 a.m. and 1 p.m. Combustible material must not be added to the fire between 1 p.m. of one day and 9 a.m. of the following day.]

Doc. No. 786508

Visible Emissions 131.03.03

This amendment is proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

.002. *Gas Flares.* No person may cause, suffer, allow, or permit visible emissions from a waste gas flare for more than five minutes in any two-hour period except as provided in Rule 131.01.00.012(1) of the general rules. *Acid gas flares are exempt from the provisions of this rule; however, acid gas flares must continue to comply with Rule 131.03.03.011.*

Doc. No. 786509

Particulate Matter from Materials Handling, Construction and Roads, Streets, and Alleys 131.03.04

These amendments are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

.001. *Geographic Areas of Application.* *Rules 131.03.04.001-.006 shall apply within any county containing an urban place population of 200,000 or more as determined by the latest U.S. Government census.* [Rules 131.03.04.001-.005 shall apply only in standard metropolitan statistical areas where the federal air quality standards for particulate matter are exceeded.]

.002. *Handling, Transportation, and Storage.* No person may cause, suffer, allow, or permit any [fine] material to be handled, transported, or stored without taking at least the following precautions to prevent particulate matter from becoming airborne:

(a)-(c) (No change.)

.003. *Structures, Roads, Streets, and Alleys.* No person may cause, suffer, allow, or permit a [building] structure, **road, street, or alley** to be [used,] constructed, altered, repaired, or demolished without taking at least the following precautions to prevent particulate matter from becoming airborne:

(1) use of **oil**, water, or **suitable** chemicals [where feasible] for control of dust in the demolition of buildings or structures in construction operations **during any work performed on a road, street, or alley**, or in the clearing of land;

(2) use of adequate methods to prevent airborne particulate matter during sandblasting of **structures** [buildings] or other similar operations.

.004. *Road Construction.* No person may cause, suffer, allow, or permit a road, **street, or alley** to be used, constructed, altered, or repaired without taking at least the following precautions to prevent particulate matter from becoming airborne:

(1) application of asphalt, oil, water, or suitable chemicals on **unpaved surfaces used by more than 100 vehicles in any 24-hour period** [heavily traveled dirt streets as necessary];

(2) **removal as necessary from paved surfaces of soil or other materials** [paving of public or commercial parking surfaces having more than five parking spaces;

(3) removal as necessary from paved street and parking surfaces of earth or other material which has a tendency to become airborne.]

.005. *Parking Surfaces.* **No person may allow any parking surface having more than five parking spaces to be used or constructed unless the parking surface is paved or controlled by an equivalent alternate method in a way to prevent particulate matter from becoming airborne. Parking surfaces at a property designed for and used exclusively as a private residence, housing not more than three families, are exempt from this rule.** [Alternate means of control may be approved by the executive director of the Texas Air Control Board.]

.006. *Road Construction within Commercial Plants.* No person may allow any road, street, or alley to be used or constructed inside the property boundary of a commercial or industrial plant unless such road is properly paved or controlled by an equivalent alternate method to prevent particulate matter from becoming airborne.

Doc. No. 786510

Compliance 131.03.08

These amendments are proposed under the authority of Article 4477-5, Vernon's Annotated Texas Civil Statutes.

.001. *Superseded Rules.* **The provisions of this regulation supersede the provisions of Regulation I, which was adopted on January 26, 1972, and last modified on October 31, 1975. Persons must remain in compliance with the**

provisions of the superseded regulation until compliance is achieved with this superseding regulation. [Persons affected by this regulation shall be in compliance with the provisions contained herein no later than December 31, 1973. Not later than six months after the effective date of this regulation, any person affected by this regulation shall submit to the Texas Air Control Board a written report on his compliance status, including but not limited to the minimum time required to design, procure, install, and test abatement equipment or procedures. Progress reports shall be submitted to the board every four months commencing in July of 1972 until compliance is achieved.]

[All persons shall continue to be governed by the provisions of Regulation I, which became effective on March 16, 1967, and amended on January 23, 1968, September 12, 1969, and May 18, 1971, and Regulation II, which became effective February 22, 1968, and amended on September 12, 1969, until December 31, 1973, at which time this regulation shall supersede the previous Regulations I and II.]

.002. Compliance Dates.

(a) Except as noted below, all persons shall be in compliance with the provisions contained herein no later than the effective date of this regulation.

(b) Persons affected by Rules 131.03.04.001-.006 shall be in compliance as soon as possible but no later than December 31, 1980.

Issued in Austin, Texas, on October 31, 1978.

Doc. No. 786511 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Proposed Date of Adoption: November 10, 1978

For further information, please call (512) 451-5711, ext. 354.

