

submerged when the pipe used to withdraw liquid from the tank can no longer withdraw liquid in normal operation.

(58) Sulfur compounds. All inorganic or organic chemicals having an atom or atoms of sulfur in their chemical structure.

(59) Surface coating processes. Continuous or assembly-line surface coating operations using solvent-containing liquids.

(A) 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.

(B) Metal furniture coating. The coating of metal furniture (tables, chairs, waste baskets, 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.

(C) Coil coating. The coating of any flat metal sheet or strip supplied in rolls or coils.

(D) 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). This definition does not include operations using a web coating (printing) process that does not distribute coatings uniformly across the web.

(E) Fabric coating. The application of coatings to fabrics, which includes rubber application (rainwear, tents, and industrial products such as gaskets and diaphragms.)

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

(G) Can coating. The coating of cans for beverages (including beer), edible products (including meats, fruit, vegetable, and others), tennis balls, motor oil, paints, and other mass-produced cans.

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

(I) Light-duty truck coating. The assembly-line coating of motor vehicles rated at 8,500 pounds (3,859 kg) gross vehicle weight or less and designed primarily for the transportation of property, or derivatives such as pickups, vans, and window vans.

(60) Sweet crude oil and gas. Those crude petroleum hydrocarbons that are not "sour" as defined.

(61) Systems or device. Any article, chemical, machine, equipment, or other contrivance, the use of which may eliminate, reduce, or control the emissions of air contaminants to the atmosphere.

(62) True vapor pressure. The absolute aggregate partial vapor pressure (psia) of all volatile organic compounds at the temperature of storage, handling, or processing.

(63) Upwind level. The representative concentration of air contaminants flowing onto a property as measured at any point.

(64) Vapor recovery system. Any control system that reduces volatile organic compounds (VOC) emissions such that the aggregate partial pressure of all VOC vapors will not exceed a level of 1.5 psia (10.3 kPa) or other emission limits

specified in Texas Air Control Board Regulation V (Chapter 131.07).

(65) Vapor-tight. Not capable of allowing the passage of gases at the pressures encountered.

(66) Vent. Any duct, stack, chimney, flue, conduit, or other device used to conduct air contaminants into the atmosphere.

(67) Visible emissions. Particulate or gaseous matter which can be detected by the human eye. The radiant energy from an open flame shall not be considered a visible emission under this definition.

(68) Volatile organic compound. Any compound of carbon or mixture of carbon compounds, excluding methane, ethane, methyl chloroform, Freon 113, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(69) Volatile organic compound—water separator. Any tank, box, sump, or other container in which any volatile organic compound, floating on 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.

Doc. No. 792187

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

Outdoor Burning 131.03.01

This amendment is adopted under the authority of Article 4477-5, Vernon's Texas Civil Statutes, Texas Clean Air Act.

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

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

(h) The outdoor burning of solid wastes may be conducted if the following conditions are met:

(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 in any county with a population of 100,000 or less as determined by the latest United States population census if prior authority is obtained from the executive director of the Texas Air Control Board. 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 TDH permitted Type IV landfill sites, as defined by the TDH, located in 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. Heavy oils, asphaltic materials, and vehicle tires must not be burned.

(i) 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 time 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.

Doc. No. 792188

Visible Emissions 131.03.03

This amendment is adopted under the authority of Article 4477-5, Vernon's Texas Civil Statutes, Texas Clean Air Act.

.002. *Gas Flares.* No person may cause, suffer, allow, or permit visible emissions from a 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 the preceding rule (Rule .001).

Doc. No. 792189

Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys 131.03.04.001-.005

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

.001. *Geographic Areas of Application.* Rules 131.03.04.002-.005 shall apply only to sources in areas designated as nonattainment for total suspended particulate in accordance with Section 107 of the Federal Clean Air Act of 1977 to the extent needed to provide for the attainment of the National Ambient Air Quality Standards.

.002. *Fines Handling.* No person may cause, suffer, allow, or permit any material except for abrasive material for snow and ice control to be handled, transported, or stored without taking at least the following precautions to prevent particulate matter from becoming airborne:

(a)-(b) (No change.)

(c) Covering at all times, when in motion, of open-bodied trucks, trailers, or railroad cars transporting materials which can create airborne particulate matter in areas where the general public has access. Suitable wetting may be used as an alternative to covering in all areas except the City of El Paso.

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

(1) use of water or of suitable oil or chemicals for control of dust in the demolition of structures in construction operations, in 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 or similar operations.

.004. *Roads.* No person may cause, suffer, allow, or permit any public, industrial, commercial, or private road, street, or alley to be used without taking at least the following precautions to prevent particulate matter from becoming airborne:

(1) application of asphalt, water, or suitable oil or chemicals on unpaved surfaces having more than 100 vehicle traversals daily, averaged on an annual basis, or more than 200 vehicle traversals daily, averaged on a monthly basis, whichever is the more stringent;

(2) removal from paved surfaces, as necessary, of soil or other materials, except for sand applied for the specific purpose of snow or ice control.

.005. *Parking Lots.* No person may allow any vehicular parking surface having more than 20 parkings daily, averaged on a monthly basis, to be used unless dust is controlled by the appropriate application of asphalt, water, or suitable oil or chemicals. Parking surfaces having five spaces or less and 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.

Doc. No. 792190

131.03.04.006

The Texas Air Control Board has withdrawn from consideration proposed Rule 131.03.04.006, Road Construction within Commercial Plants. The text of the proposal was published in the October 10, 1978, issue of the *Texas Register* (3 TexReg 3551).

Doc. No. 792191

Compliance 131.03.08

These amendments are adopted under the authority of Article 4477-5, Vernon's Texas Civil Statutes, Texas Clean Air Act.

.001. *Superseded Rules.* The provisions of amended Rules 131.03.01.002, 131.03.03.002, 131.03.04.001-.005, and 131.03.08.001-.002 as amended supersede the provisions of these same numbered rules as contained in Regulation I which was adopted on January 26, 1972, and last amended on October 31, 1975.

.002. *Compliance Dates.* Except as noted below, all persons shall be in compliance with all provisions of Regulation I no later than the effective date of this rule.

(a) Persons affected by Rules 131.03.04.001-.005 shall be in compliance as soon as possible but no later than December 31, 1981.

(b) For areas which are designated as nonattainment for particulate after the effective date of this regulation in accordance with Section 107 of the Federal Clean Air Act, persons affected by Rules 131.03.04.001-.005 shall be in compliance as soon as possible but no later than two years after the date of designation.

Doc. No. 792192