

# PROPOSED RULES

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**—Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

## Texas Air Control Board

### Regulation II—Control of Air Pollution from Sulfur Compounds

#### Allowable Emissions from Solid Fossil Fueled Boilers 131.04.01

The Aluminum Company of America (Alcoa) has petitioned the Texas Air Control Board (TACB) to consider the advisability and feasibility of amending Rule 131.04.01.005 to allow an increased emission limitation for existing solid fossil fueled boilers. This rule, which was adopted by the TACB on January 26, 1972, prohibits sulfur dioxide emissions in excess of three pounds per million BTU heat from solid fossil fuel-fired steam generators. The proposed amendment would increase the allowable to five pounds of sulfur dioxide per million BTU heat input for such generators constructed prior to January 1, 1955, and located in Milam County.

Prior to January 1, 1955, Alcoa commenced operation of Units 1, 2, and 3 (the units) of its Sandow Steam Electric Generating Station (the station), located six miles southwest of Rockdale in Milam County, Texas. An adjacent mine provides the station with Texas lignite which is burned to produce steam to operate the units. The electricity from the units is used at Alcoa's Rockdale aluminum smelting works. As new areas of the adjacent mine have been opened to mining, Alcoa has noted an increase in the sulfur content of the lignite. According to Alcoa, this increase has impaired the company's ability to comply with the existing emission limitation prescribed by Rule .005. Based on research, testing, and evaluation performed to determine what alternatives are available to ensure compliance with the existing emission limitations, Alcoa has concluded that the only alternatives which appear technologically feasible are the retrofitting of the units with sulfur dioxide scrubbers or the use of low-sulfur coal imported from other states. Alcoa does not believe that either of these alternatives is economically reasonable.

Alcoa has performed atmospheric dispersion modeling studies with regard to the impact of changing Rule .005 to accommodate the increased emissions of sulfur dioxide that result from the burning of the higher sulfur content lignite in the units. Alcoa has stated that those studies indicate that the proposed change would not result in a violation of either the national ambient air quality standards (NAAQS) or the ambient air quality increments established for the prevention of significant deterioration (PSD) of air quality. The modeling demonstrates, however, that a substantial portion of the PSD increment would be consumed.

Since its studies indicate that the NAAQS and PSD increments would be maintained, Alcoa believes that TACB Rule .005 should be amended to allow the company to continue using Texas lignite in the units without having to install additional air pollution abatement equipment and thus incur significantly higher operating costs.

The proposed amendment adds no new enforcement requirements; therefore, no additional funding will be required for the TACB or any other state or local agency during the next five years.

The TACB has scheduled a public hearing to develop information and to secure public comment as to whether this rule should be amended as requested by Alcoa at the following place and time:

August 13, 1979, 7 p.m.  
Rockdale State Bank Community Room  
Ackerman and Cameron  
Rockdale, Texas 76567

Copies of the proposed amendment, Alcoa's original petition, and the agency's response to that petition are available at the following locations: (1) the Central Office of the TACB, 8520 Shoal Creek Boulevard, Austin, Texas 78758; (2) the Waco Regional Office, 1512 Lake Air Drive, Suite 114, Waco, Texas 76710; and (3) Lucy Hill Patterson Memorial Library, 201 Ackerman, Rockdale, Texas 76567. Public comment on the proposed amendment is invited orally and in writing, both at the public hearing and by submission of written comments. Fifteen copies of written comments may be submitted to the TACB hearing examiner at the scheduled hearing or at 8520 Shoal Creek Boulevard, Austin, Texas 78758, through August 24, 1979. Copies of the oral and written testimony from any previous hearing on this rule are available for review during normal working hours at the Austin office.

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

*.005. Allowable Emissions from Solid Fossil Fueled Boilers.*

*(a) Except as provided in subsection (b) of this rule, no person may cause, suffer, allow, or permit emissions of sulfur dioxide from any solid fossil fuel-fired steam generator to exceed three pounds per million BTU heat input. New proven technology must be applied in removing sulfur dioxide from the emission from solid fossil fuel-fired steam generators when it becomes available.*

*(b) No person may cause, suffer, allow, or permit emissions of sulfur dioxide from any solid fossil fuel-fired steam generator located in Milam County, which began*

operation prior to January 1, 1955, to exceed five pounds per million BTU heat input.

Doc. No. 794038

## Regulation VI—Control of Air Pollution by Permits for New Construction or Modification 131.08.00

The Texas Air Control Board (TACB) proposes to amend Rule 131.08.00.003 to conform with amendments to the Texas Clean Air Act passed by the 66th Texas Legislature (House Bill 726), which took effect on June 13, 1979. This proposal substitutes general requirements for protecting public health and physical property for "proper considerations of land use" to match the corresponding amendment to the Act.

The proposed amendment to conform to changes in specific language of the Act adds no new enforcement costs, according to staff estimates. No additional funding, therefore, will be required for the TACB or other agencies, state and local, during the next five years.

The TACB has scheduled public hearings on this proposal at the following places and times:

August 6, 1979, 6:30-8:30 p.m.  
Arlington Public Library Auditorium  
Abram and Center Streets  
Arlington, Texas

August 7, 1979, 6:30 p.m.  
Holiday Inn Medical Center  
Tanglewood Room  
6701 South Main  
Houston, Texas

August 8, 1979, 6:30 p.m.  
Jefferson County Courthouse  
252nd District Court Room  
1149 Pearl Street  
Beaumont, Texas

August 8, 1979, 6:30 p.m.  
City Council Chamber  
City-County Building  
500 East San Antonio  
El Paso, Texas

These hearings will be held concurrently with the hearings on a proposed State Implementation Plan for the attainment of the national ambient air quality standard for lead. Public comment, oral and written, is invited on the proposed amendment at the public hearings, through mail submissions, or both. Fifteen copies of written submissions are desirable, given to the hearings examiner at a scheduled hearing or mailed to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758, through August 18, 1979.

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

.003. *Consideration for Granting a Permit to Construct and Operate.*

(a) In order to be granted a permit to construct, the owner or operator of the proposed facility shall submit information to the Texas Air Control Board which will demonstrate that all of the following are met:

(1) *The emissions from* the proposed facility will comply with all rules and regulations of the Texas Air Control Board and with the intent of the Texas Clean Air Act, *including protection of the health and physical property of the people.*

(2) (Deleted.)

(3) *The emissions from* the proposed facility will not cause significant deterioration of existing ambient air quality in the area.

(4) (No change.)

(5) (Deleted.)

(6) (No change.)

(7) *The emissions from* the proposed facility will meet, at least, the requirements of any applicable new source performance standards promulgated by the Environmental Protection Agency pursuant to authority granted under Section 111 of the Federal Clean Air Act as amended.

(8) *The emissions from* the proposed facility will meet, at least, the requirements of any applicable emission standard for hazardous air pollutants promulgated by the Environmental Protection Agency pursuant to authority granted under Section 112 of the Federal Clean Air Act as amended.

(9)-(14) (No change.)

(b)-(f) (No change.)

Issued in Austin, Texas, on June 28, 1979.

Doc. No. 794039 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Proposed Date of Adoption: 30 days after hearing  
For further information, please call (512) 451-5711, ext. 354.

## Railroad Commission of Texas

### Oil and Gas Division

#### Restriction of Production of Oil and Gas from Different Strata 051.02.02.

The Railroad Commission of Texas proposes to amend Rule 051.02.02.010 to conform to Senate Bill 257, passed by the 66th Legislature and effective May 29, 1979. The bill amended Sections 85.046 and 86.012 of the Texas Natural Resources Code to permit the commingled production of oil and gas. The rule is being amended to permit commingled production as an exception to the general rule that such production is prohibited.

The staff of the commission's Oil and Gas Division has determined that this proposed amendment has no fiscal implications for the state or for units of local government of the state.

Public comment on the proposed amendment to Rule .010 is invited. Comments may be submitted to John G. Soule, chief legal counsel, Oil and Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711. Comments will be received for 30 days from the date of publication of this proposed rule amendment in the *Texas Register*.

This amendment is proposed under the authority of the Texas Natural Resources Code, Title 3.