

The Attorney General

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Copies of the proposals are available at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposals is invited at the hearings. Written testimony submitted by December 22, 1980, will be included in the hearing record. The Texas Air Control Board would appreciate receiving 20 copies of testimony prior to the hearings, where possible. Written comments should be sent to the hearing examiner, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

Chapter 113. Fluoride Compounds

The Texas Air Control Board proposes to amend Regulation III, Chapter 113 (131.05), to delete measurement methods which are obsolete or redundant. The revised regulation does not specify any measurement methods because the board believes that the methods can be kept current better if published in the agency's Compliance Sampling Manual. This revision affects §113.3 (131.05.00.003) and §113.9 (.009) of this title. Sections 113.4-113.6 (.004-.006) of this title are proposed for repeal elsewhere in this *Register*.

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

§113.3 (131.05.00.003) *Specific Toxic Materials.*

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

(1) The board declares that the concentration of beryllium in the atmosphere higher than 0.01 microgram average per cubic meter of air based on a 24-hour sample constitutes an undesirable level, and that a state of air pollution exists when the concentration of beryllium exceeds that level. [Sampling and analyses to determine the concentration of beryllium in the ambient atmosphere shall be performed in accordance with the procedures outlined in §113.4 (.004) of this title (relating to measurement of hydrogen fluoride in the ambient atmosphere).]

- (2) (No change.)

§113.9 (131.05.00.009) *Measuring and Monitoring.*

- (a) (No change.)
(b) Monitoring for inorganic fluoride compounds.

(1) The owner or operator of a source from which the emissions of gaseous inorganic fluoride compounds, calculated as high frequency, exceed 3.5 parts per billion average during a period of three consecutive hours more frequently than three times during any 12-month period, shall conduct sampling of the emissions from the source [in any manner authorized in the applicable subsection of §113.4 (.004) of this title (relating to measurement of hydrogen fluoride in the ambient atmosphere), §113.5 (.005) of this title (relating to measurement of fluoride in plant tissue), §113.6 (.006) of this title (relating to measurement of fluorides in stacks), and §113.7 (.007) of this title (relating to calculation of fluoride concentration from stack samples and measurements)] on a periodic, representative basis which will reflect with reasonable accuracy the pattern of the emissions being made.

- (2) (3) (No change.)

Doc. No. 808488

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Air Control Board, 6330 Highway 290 East, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas Air Control Board proposes to repeal §§113.4-113.6 (131.05.00.004-.006) of this title, concerning Regulation III, Chapter 113 (131.05), to delete measurement methods which are obsolete or redundant. The revised regulation does not specify any measurement methods because the board believes that the methods can be kept current better if published in the agency's Compliance Sampling Manual.

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

§113.4 (131.05.00.004) *Measurement of Hydrogen Fluoride in the Ambient Atmosphere.*

§113.5 (131.05.00.005) *Measurement of Fluoride in Plant Tissue.*

§113.6 (131.05.00.006) *Measurement of Fluorides in Stacks.*

Doc. No. 808489

Chapter 115. Volatile Organic Compounds

Specified Solvent-Using Processes in Bexar, Brazoria, Dallas, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties

The Texas Air Control Board proposes to amend the subchapter concerning specified solvent-using processes in Bexar, Brazoria, Dallas, Ector, El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties, §§115.173, 115.75, and 115.176 (131.07.59.103, .106, and .105), of this title to delete reference to Ector County and make other minor editorial changes.

The deletion of controls in Ector County is proposed because the ozone standard is now being attained in Ector County and thus the controls specified in the regulation are not needed to demonstrate attainment of the ozone standard. The TACB has recommended and EPA has proposed that the classification of Ector County be changed to "attainment."

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

§115.173 (131.07.59.103) *Open-Top Vapor Degreasing.*

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the open-top vapor cleaning of objects without the following controls:

- (1)-(2) (No change.)

(3) A spray safety switch which will shut off the spray *pump to prevent spraying above the vapor level* [sump heat if the vapor level drops more than four inches (10 centimeters)].

- (4)-(5) (No change.)

- (b) (No change.)

§115.175 (131.07.59.105) *Exemptions.*

(a) Degreasing operations located on any property *in any affected county except Harris* which can emit when uncontrolled a combined weight of volatile organic compounds less than 550 pounds (250 kilograms) in any consecutive 24-

hour period are exempt from the provisions of §§115.172-115.174 (.102-.104) of this title (relating to cold solvent cleaning, open-top vapor degreasing, and conveyORIZED degreasing).

(b)-(d) (No change.)

(e) All affected persons in Ector County are exempt from the requirements of §115.172(a) (.102(a)) of this title (relating to cold solvent cleaning), §115.173(a) (.103(a)) of this title (relating to open-top vapor degreasing), and §115.174(a) (.104(a)) of this title (relating to conveyORIZED degreasing).]

(e)(f) An owner or operator who operates a remote reservoir cold solvent cleaner which uses solvent with a volatility equal to or less than 0.6 psia (4.1 kPa) measured at 100°F (38°C) and which has a drain area less than 16 inches square (100 centimeters square) is exempt from §115.172 (.102) of this title (relating to cold solvent cleaning).

§115.176 (.131.07.59.105). *Counties and Compliance Schedule.*

(a) (No change.)

(b) The provisions of §§115.172-115.174 (.102-.104) of this title (relating to cold solvent cleaning, open-top vapor degreasing, and conveyORIZED degreasing) shall apply only within Bexar, Brazoria, Dallas, [Ector.] El Paso, Galveston, Gregg, Harris, Jefferson, Nueces, Orange, Tarrant, and Victoria Counties. All affected persons shall submit a final control plan for compliance to the Texas Air Control Board no later than December 31, 1980, and shall be in compliance with these sections as soon as practicable but no later than December 31, 1982.

Doc. No. 808490

Chapter 116. Permits

Several minor changes are proposed in Regulation VI primarily for the purpose of expediting the permitting process. Specific changes are:

(1) The conditions for granting of permits in paragraphs (11) and (13) of §116.3 (.131.08.00.003) of this title would be revised to require net decreases in emissions when offsets are applied, rather than no increase, to comply with EPA requirements.

(2) The deletion of §116.3(a)(2) (.003(a)(2)) of this title concerning significant deterioration is proposed. This provision was adopted in 1972 before the present prevention of significant deterioration (PSD) requirements became statutory under the Federal Clean Air Act Amendments of 1977. The similarity of terms makes it appear that the TACB is involved with permit review under the EPA PSD Program, which is not true at present. The present section cannot be construed to incorporate the comprehensive federal program which was adopted at a much later date, therefore, any interpretation could be inconsistent with and redundant to the federal program which is currently in effect under 40 Code of Federal Regulations, Section 52.2303. Deletion of this paragraph will remove this ambiguity.

(3) Wherever "State Implementation Plan" appears in §116.3 (.003) of this title, additional wording has been added to clarify the meaning to be the plan as promulgated by EPA.

(4) The public notification procedures in §116.10 (.010) of this title would be revised to require that a preliminary analysis of the effect of the new or modified facility be availa-

ble for public review at the time that notification of the proposed issuance of the construction permit is published; to require publication only in the public notice section of a news paper of general circulation in the area where the construction will occur; to provide flexibility in the published public notice so that the permit applicant can include information that otherwise would have to be published separately to satisfy public notification requirements of EPA; and to allow the executive director to delegate to appropriate persons authority to exempt relocations of previously permitted facilities from the public notification requirements.

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

§116.3 (.131.08.00.003). *Consideration for Granting Permits [a Permit] To Construct and Operate.*

(a) Permit to construct. 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) (No change.)

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

(2)(3) The proposed facility will have provisions for measuring the emission of significant air contaminants as determined by the executive director.

(3)(4) The proposed facility will utilize the best available control technology, with consideration given to the technical practicability and economic reasonableness of reducing or eliminating the emissions from the facility.

(4)(5) 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.

(5)(6) 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.

(6)(7) The proposed facility will achieve the performance specified in the application for a permit to construct. The applicant may be required to submit additional engineering data after a permit to construct has been issued in order to demonstrate further that the proposed facility will achieve the performance specified in the application for a permit to construct.

(7)(8) All requirements of Section 129(a)(1) of the Clean Air Act Amendments of 1977 (Public Law 95-95). This provision shall not apply to new or modified facilities for which construction permits are issued after June 30, 1979.

(8)(9) After June 30, 1979, the owner or operator of a proposed new facility which is a major stationary source of volatile organic compound emissions or which is a facility that will undergo a major modification with respect to VOC emissions and which is to be located in any area designated as nonattainment for ozone in accordance with Section 107 of the Federal Clean Air Act shall demonstrate that the following additional requirements are met:

(A) (B) (No change.)

(9)(10) After June 30, 1979, the owner or operator of a proposed new facility which is a major stationary source