

Particulate matter emissions—All finely-divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, as specified at Part 51 of 40 Code of Federal Regulations, or by a test method specified in an approved state implementation.

PM10—Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of Part 50 of 40 Code of Federal Regulations and designated in accordance with Part 53 of 40 Code of Federal Regulations or by an equivalent method designated with that Part 53.

PM10 emissions—Finely-divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method specified in Part 51 of 40 Code of Federal Regulations, or by a test method specified in an approved state implementation plan.

Total suspended particulate—Particulate matter as measured by the method described in Appendix B of Part 50 of 40 Code of Federal Regulation.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812865 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: April 30, 1989

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

Chapter 111. Control of Air Pollution from Visible Emissions and Particulate Matters

Outdoor Burning: Restriction

• 31 TAC §§111.1-111.4

(Editor's note: The text of the following sections proposed for repeal will not be published.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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board proposes the repeal of §§111.1-111.4, concerning outdoor burning: restriction. All sections within this undesignated head are proposed for repeal as follows: §111.1, concerning outdoor burning; §111.2, concerning exceptions; §111.3, concerning disposal of material capable of spontaneous ignition; and §111.4, concerning responsibility for consequences of outdoor

burning.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10)

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Les Montgomery, director of the technical support and regulation development program, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3. 09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.1. Outdoor Burning

§111.2. Exceptions.

§111.3. Disposal of Material Capable of Spontaneous Ignition.

§111.4. Responsibility for Consequences of Outdoor Burning.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812874 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: April 30, 1989

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

Incineration

• 31 TAC §111.11, §111.12

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board proposes the repeal of §111.11 and §111.12, concerning incineration. All sections within this undesignated head are proposed for repeal as follows: §111.11, concerning single-chamber incinerators; and §111.12, concerning approval of incinerators.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10).

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Les Montgomery, director of the technical support and regulation development program, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditori-

um, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.11. Single-Chamber Incinerators.

§111.12. Approval of Incinerators.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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Allen Eli Bell
Executive Director
Texas Air Control Board

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

Visible Emissions

• 31 TAC §§111.21-111.28

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board proposes the repeal of §§111.21-111.28, concerning visible emissions. All sections within this undesignated head are proposed for repeal as follows: §111.21, concerning prohibition; §111.22, concerning gas flares; §111.23, concerning buildings; §111.24, concerning motor vehicles; §111.25, concerning railroad locomotives or ships; §111.26, concerning stationary flues; §111.27, concerning contributions from uncombined water; and §111.28, concerning alternate opacity limitations.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This

action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10)

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Les Montgomery, director of the technical support and regulation development program, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.21. Prohibition.

§111.22. Gas Flares.

§111.23. Buildings.

§111.24. Motor Vehicles.

§111.25. Railroad Locomotives or Ships.

§111.26. Stationary Flares.

§111.27. Contributions from Uncombined Water.

§111.28. Alternate Opacity Limitations.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812876

Allen Eli Bell
Executive Director
Texas Air Control Board

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

• 31 TAC §§111.41-111.45

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes the repeal of §§111.41-111.45, concerning particulate matter from materials handling, construction, and roads, streets, and alleys. All sections within this undesignated head are proposed for repeal as follows: §111.41, concerning geographic areas of application; §111.42, concerning fines handling; §111.43, concerning construction and demolition; §111.44, concerning roads; and §111.45, concerning parking lots.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10).

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, director of the technical support and regulation development program, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rules and improved control of inhalable particulate matter. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723 and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rules or regulation the TACB makes.

§111.41. Geographic Areas of Application.

§111.42. Fines Handling.

§111.43. Construction and Demolition.

§111.44. Roads.

§111.45. Parking Lots.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812881 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: April 30, 1989

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

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• 31 TAC §§111.51-111.53

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board proposes the repeal of §§111.51-111.53, concerning particulate matters. All sections within this undesignated head are proposed for repeal as follows: §111.51, concerning allowable emissions, §111.52, concerning ground level concentrations; and §111.53, concerning steam generators.

The repeal of this undesignated head is part of a series of substantial proposed revisions

to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10).

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Les Montgomery, director of the technical support and regulation development program, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin, February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.51. Allowable Emissions.

§111.52. Ground Level Concentrations.

§111.53. Steam Generators.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812877

Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: April 30, 1989

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

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Agricultural Processes

• 31 TAC §§111.71-111.76

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board (TACB) proposes the repeal of §§111.71-111.76, concerning particulate matter from agricultural processes. All sections within this undesignated head are proposed for repeal as follows: §111.71, concerning applicability of rules; §111.72, concerning process weight method; §111.73, concerning alternate method; §111.74, concerning failure to select alternate method; §111.75, concerning severability of rules; and §111.76, concerning compliance.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10).

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Les Montgomery, director of the technical support and regulation development program, has also determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rule. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal

are available at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.72. Process Weight Method.

§111.73. Alternate Method.

§111.74. Failure to Select Alternate Method.

§111.75. Severability of Rules.

§111.76. Compliance.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812880 Allen Eli Bell
Executive Director
Texas Air Control Board

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

Exemptions

• 31 TAC §§111.81-111.83

(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 or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board proposes the repeal of §§111.81-111.83, concerning exemptions. All sections within this undesignated head are proposed for repeal as follows: §111.81, concerning exemption policy, §111.82, concerning requirements for exemption; and §111.83, concerning extension of exemption.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation

by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10).

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Les Montgomery, director of the technical support and regulation development program, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to eliminate antiquated and unused provisions and confusing language. The public benefit from the concurrent adoption of new sections will result in better understanding and utility of the rules. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeals are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.81. Exemption Policy.

§111.82. Requirements for Exemption.

§111.83. Extension of Exemption.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812878 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: April 30, 1989

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

Compliance

• 31 TAC §111.92

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Air Control Board or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Air Control Board proposes the repeal of §111.92, concerning compliance. The section within this undesignated head is proposed for repeal as follows: §111.92, concerning compliance dates.

The repeal of this undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to propose concurrently the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10)

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed repeal is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Les Montgomery, director of the technical support and regulation development program, has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be to eliminate completely extraneous material from the chapter. Current practice is to locate the compliance date in conjunction with the provision it governs, whenever necessary. In most cases, however, the effective date of the rule is sufficient. There is no anticipated economic cost to individuals who are required to comply with the repeal as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the sections proposed for repeal are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Oral and written public comment on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, will be included in the hearing record.

The repeal is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the gen-

eral intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.92. Compliance Dates.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812879 Allen Eli Beil
Executive Director
Texas Air Control Board

Earliest possible date of adoption: April 30, 1989

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

Outdoor Burning

• 31 TAC §§111.101, 111.103, 111.105, 111.107

The Texas Air Control Board (TACB) proposes §§111.101, 111.103, 111.105, and 111.107, concerning outdoor burning. The proposed new §111.101 concerning general prohibition, would establish a restriction on outdoor burning and disallow the disposal or deposition of material capable of igniting spontaneously. The proposed new §111.103, concerning exceptions to prohibition of outdoor burning would enumerate circumstances under which outdoor burning could take place providing certain conditions are met. The proposed new §111.105, concerning general requirements for allowable outdoor burning, would stipulate additional conditions to be dealt with prior to conducting outdoor burning. The individual requirements would only apply when specifically referenced as a condition associated with an authorized outdoor burning circumstance under §111.103, concerning exceptions to prohibition of outdoor burning. The proposed new §111.107, concerning responsibility for consequences of outdoor burning, would specify that the authority to conduct outdoor burning does not excuse any person from the responsibility for the consequences.

The proposed new undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to concurrently propose the repeal of Chapter 111 in its entirety and to add a new Chapter 111.

This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a National Ambient Air Quality Standard for inhalable particulate matter (PM₁₀). While in most instances the purpose of proposed rule provisions remains the same, the chapter has been significantly reorganized, and the rules are renumbered and stylistically changed. Antiquated or generally unused provisions have been updated or deleted.

Bennie Engeike, director of management and

staff services, has determined that for the first five years the proposed sections are in effect, there would be no fiscal implications for state and local governments or for small businesses.

Les Montgomery, director of technical support and regulation development program, also has determined that for each of the first five years the sections as proposed are in effect the public benefit anticipated will be more effective and consistent enforcement associated with outdoor burning. There will be no anticipated cost to individuals.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the proposed sections are available at the TACB Central Office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, at the TACB central office will be included in the hearing record.

The new sections are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.101. General Prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by §111.103 of this title, (relating to Exceptions to Prohibition of Outdoor Burning). Outdoor disposal or deposition of any material capable of igniting spontaneously shall not be allowed without written permission of the executive director of the Texas Air Control Board.

§111.103. Exceptions to Prohibition of Outdoor Burning.

(a) Outdoor burning may be authorized by written permission from the executive director of the Texas Air Control Board (TACB) if there is no practical alternative and if the burning will not cause or contribute to a violation of any federal primary or secondary ambient air standard. The executive director may also specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this section 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 the burning is causing nuisance conditions, is not con-

ducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

(b) Outdoor burning shall also be authorized in each of the following instances.

(1) Training of fire-fighting personnel when requested by certified mail and then authorized in writing by the local air pollution control agency or local health unit. The burning shall be authorized if notice of denial from the local air pollution control agency or local health unit is not received within 10 days of the request. Authorization to conduct outdoor burning under this provision may be revoked by the executive director if this provision is used to circumvent §§111.101, 111.103, and 111.105 of this title, (relating to General Prohibition; Exceptions to Prohibition of Outdoor Burning; General Requirement for Allowable Outdoor Burning).

(2) Domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property. Such burning shall be subject to the requirements of §111.105(3), (5), (6), and (7) of this title (relating to General Requirements for Allowable Outdoor Burning).

(3) Campfires and fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of §111.105(7) of this title (relating to General Requirements for Allowable Outdoor Burning).

(4) Diseased animal burning when such burning is the most effective means of controlling the spread of disease.

(5) Rural area on-site burning of trees, brush, grass, and other dry plant growth when no practical alternative to burning exists for right-of-way maintenance, land-clearing operations, and for those forest, crop, and range management purposes not specifically governed by orders issued pursuant to subsection (a) of this section. Such burning shall be subject to the requirements of §111.105 of this title, (relating to General Requirements for Allowable Outdoor Burning).

(6) Salt marsh grass management burning may be conducted only in Aransas, Brazoria, Calhoun, Chambers, Galveston, Harris, Jackson, Jefferson, Kleberg, Matagorda, Nueces, Orange, Refugio, and San Patricio counties and only if the following requirements are met.

(A) All land on which burn-

ing is to be conducted shall be registered with the appropriate regional office of the TACB and its location identified on a United States Geological Survey map or equivalent. The person who owns or controls the land must also submit a legal description of the land boundaries and identify significant points such as roads, canals, lakes and streams, and the method by which access is made to the site. For large acreage, the map should be divided into manageable blocks not larger than a section, with numerical identification for each defined block. The information must be provided for review at least 15 days before the burning takes place.

(B) Prior to any burning, approval must be obtained from the appropriate regional office. Notification of the burning may be verbal or written, and must identify the specific area and block to be burned, estimated acreage, start and end time of the burn, and a person who can be contacted during the burn period.

(C) The person responsible for the burning must provide access and transportation to the burn site upon request by the regional office.

(D) Such burning shall be subject to the requirements of §111.105 of this title, (relating to General Requirements for Allowable Outdoor Burning).

(7) Hydrocarbon burning from pipeline breaks and oil spills may be allowed upon proper notification as set forth in §101.6 of this title, (relating to Notification Requirements for Major Upset), if the executive director determines that the burning is necessary to protect the public welfare.

(8) Municipal solid waste burning may be conducted until such time as it is eliminated by the Federal Resource Conservation and Recovery Act, and as long as the following conditions are met.

(A) Municipal solid waste burning may be conducted at Texas Department of Health (TDH) permitted Type II or 111 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 authorization is obtained from the executive director of the TACB. Any authorization provided hereunder must be consistent with all TDH regulations and in accordance with 40 Code of Federal Regulations 257, criteria for classification of solid waste disposal facilities and practices.

(B) Brush and demolition or construction wood waste burning may be conducted at TDH permitted Type IV landfill sites, as defined by the TDH, located in

the counties described in subparagraph (A) of this paragraph if authorization is obtained from the executive director of the TACB. Any authorization provided hereunder must be consistent with the criteria referenced in subparagraph (A) of this paragraph.

(C) Such burning shall be subject to §111.105(3), (4), (5), (6), and (7) of this title (relating to General Requirements for Allowable Outdoor Burning).

§111.105. General Requirements for Allowable Outdoor Burning. Outdoor burning which is otherwise permissible shall also be subject to the following requirements when specified in §111.103 of this title (relating to Prohibition of Outdoor Burning).

(1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.

(2) The burning must be outside the corporate limits of a city or town except when it is necessary to eliminate a naturally occurring fire hazard as determined by the local fire department.

(3) Burning shall be commenced only when the wind will carry smoke and other pollutants away from any city, town, residential, recreational, commercial, or industrial area, navigable water, public road, or landing strip which may be affected by the smoke. Burning shall not be conducted when a shift in wind direction is predicted which could produce adverse effects to persons, animals, or property during the burning period. If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burning to post flag-persons on affected roads in accordance with the requirements of the Department of Public Safety.

(4) The burning must be at least 300 feet (90 meters) from any adjacent properties which have residential, recreational, commercial, or industrial use.

(5) The hours and wind conditions for burning shall comply with the following.

(A) The initiation of burning shall commence after 9 a.m. Burning shall be completed on the same day as soon as is reasonably practical prior to 5 p.m.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six m.p.h. (five knots) or greater than 23 m.p.h. (20 knots) during the burn period.

(6) Burning shall not be conducted during periods of actual or predicted persistent (12 hours or more) low-level at-

mospheric temperature inversions (nonsurface based) or in areas covered by a current National Weather Service Air Stagnation Advisory.

(7) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material which may produce unreasonable amounts of smoke must not be burned.

§111.107. Responsibility for Consequences of Outdoor Burning. The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812867

Allen Eli Bell
Executive Director
Texas Air Control Board

Earliest possible date of adoption: April 30, 1989

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

Visible Emissions

• 31 TAC §111.111, §111.113

The Texas Air Control Board (TACB) proposes §111.111 and §111.113, concerning visible emissions. The proposed new §111.111, concerning requirements for specified sources, would list types of sources from which visible emissions would be allowed and would enumerate opacity limits for each. These sources are vents, gas flares, motor vehicles, railroad locomotives or ships, and structures. Other sources not specifically listed in §111.111 would be limited to an opacity of 30% for any six-minute period. Previously separated and confusing references to stationary flues would be consolidated in one location under vents, and specific time frames would be assigned to motor vehicle, locomotive, and ship emissions to improve enforceability. Test methods would be included where appropriate, and in such cases, opacity measurement time frames would be expanded to six minutes to conform to Environmental Protection Agency (EPA) guidelines. The proposed new §111.113, concerning alternate opacity limitations, would enable a facility to operate under higher opacity rates if applicable emissions limitations could not be met, ambient air quality standards would not be exceeded, and the facility could prove it would be technically impractical or economically unreasonable to comply with established opacity limits. Applications for alternate opacity would be re-

quired to be finalized within 180 days.

The proposed new undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to concurrently propose the repeal of Chapter 111 in its entirety and to add a new Chapter 111.

This action is being proposed in order to update the regulation and to respond to promulgation by the EPA of a National Ambient Air Quality Standard for inhalable particulate matter (PM10). While in most instances the purpose of proposed rule provisions remain the same, the chapter has been significantly reorganized, and the sections are renumbered and stylistically changed. Antiquated or generally unused provisions have been updated or deleted.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed sections are in effect there would be no fiscal implications for state and local governments or for small businesses.

Les Montgomery, director of technical support and regulation development program, has determined that for each of the first five years the sections as proposed are in effect the public benefit anticipated as a result of implementing the sections will be more effective and consistent enforcement associated with visible emissions. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston, and February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the proposed sections are available at the Texas Air Control Board, Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, at the TACB central office will be included in the hearing record.

The new sections are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.111. Requirements for Specified Sources.

(a) Visible emissions. No person may cause, suffer, allow, or permit visible emissions from any source, except as follows.

(1) Vents. Visible emissions from any vent shall not exceed the following opacities and must meet the following requirements.

(A) The opacity rate will average 30% over a six-minute period.

(B) The opacity rate will average 20% over a six-minute period for any source on which construction was begun after January 31, 1972.

(C) The opacity rate will average 15% over a six-minute period for any source having a total flow rate greater than or equal to 100,000 actual cubic feet per minute (acfm) unless an optical instrument capable of measuring the opacity of emissions is installed in the vent in accordance with subparagraph (D) of this paragraph. Records of all such measurements shall be retained as provided for in §101.8 of this title, (relating to Sampling). This provision shall not apply to vents having gas streams containing moisture which interferes with proper instrument operation, if so determined by the executive director.

(D) Any opacity monitoring system installed as provided for in subparagraph (C) of this paragraph must satisfy the new source performance standards requirement for opacity continuous emission monitoring systems as contained in 40 Code of Federal Regulations Part 60, Appendix B, Performance Specification 1. Compliance determinations may be made based on results of monitoring with a certified opacity monitor or by a currently certified opacity reader. Current certification shall be determined by having completed the Texas Air Control Board Visible Emissions Evaluator's course within 180 days of the reading. Compliance for vents with condensible particulate or water vapor shall be determined by a certified opacity reader. Compliance with this provision shall be accomplished within six months of the effective date of this section.

(E) Visible emissions during the cleaning of a firebox or the building of a new fire, soot blowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits set forth in this section for a period aggregating not more than six minutes in any 60 consecutive minutes, nor more than six hours in any 10 day period. This exemption shall not apply to the emissions mass rate standard, as outlined in §111.151(a) of this title (relating to Allowable Emissions Limits).

(F) Compliance with paragraph (1)(A), (B), and (C) of this subsection shall be determined by applying the following test methods, as appropriate:

(i) Test Method 9 (40 Code of Federal Regulations 60, Appendix A); or

(ii) equivalent test method approved by the executive director.

(2) Gas flares.

(A) Visible emissions from a gas flare shall not be permitted for more than five minutes in any two-hour period except as provided in §101.11(a) of this title (relating to Exemptions from Rules and Regulations). Acid gas flares, as defined in §101.1 of this title (relating to Definitions), are exempt from the provisions of this paragraph but are subject to the provisions of subsection (a) (1) of this subsection.

(B) Compliance with paragraph (2)(A) of this subsection shall be determined by applying the following test methods, as appropriate:

(i) Test Method 22 (40 Code of Federal Regulations 60, Appendix A); or

(ii) equivalent test method approved by the executive director.

(3) Motor vehicles. Motor vehicles shall not have visible emissions for more than 10 consecutive seconds.

(4) Railroad locomotives or ships. Visible emissions shall not be permitted from any railroad locomotive, ship, or any other vessel to exceed an opacity of 30%, for any five-minute period, except during reasonable periods of engine start-up.

(5) Structures. Visible emissions shall not be permitted to exceed an opacity of 30% for any six-minute period from any building, enclosed facility, or other structure.

(6) Other sources. Visible emissions shall not be permitted to exceed an opacity of 30% for any six-minute period from all other sources not specified in §111.111 of this title (relating to Requirements for Specified Sources).

(A) Compliance with paragraph (5) of this subsection shall be determined by applying the following test methods, as appropriate:

(i) Test Method 9 (40 Code of Federal Regulations 60, Appendix A); or

(ii) equivalent test method approved by the executive director.

(b) Compliance determination exclusions. Contributions from uncombined water shall not be included in determining compliance with this section. The burden of proof which establishes the applicability of this subsection shall be upon the person seeking to come within its provisions.

§111.113. Alternate Opacity Limitations. The owner or operator of any facility who is unable to meet the opacity limitations of §111.111(a)(1) (A) and (B) of this title (relating to Requirements for Specified Sources), with available and economically reasonable control technology may apply to the Texas Air Control Board (TACB) for approval of an alternate limit. Within 60 days after receipt of an application, the TACB staff will either determine that the application is complete or will determine that it is incomplete and provide a written list of deficiencies. There shall be no more than 180 days between the initial application and the issuance of a certification of completeness by the executive director. Failure to obtain such certification shall result in a voiding of the application. Within 90 days after issuance of the certification of completeness, an adjudicative public hearing will be conducted in accordance with the requirements of §§103.31-103.34 of this title (relating to Calling the Hearing; Petition for Hearing Other than a Petition for the Adoption of Rules; Action on Request for a Hearing and Docket of Hearings) and the undesignated head of this title (relating to Adjudicative Hearings). The application will be approved if the applicant provides for the hearing record a preponderance of evidence which substantiates that emissions resulting from the alternate opacity limit will not result in an exceedance of any ambient air quality standard or other ambient air concentration limit prescribed by the TACB or exacerbate any existing exceedance or cause or contribute to a nuisance as defined in §101.4 of this title (relating to Nuisance) and that:

(1) all applicable concentration and mass limitations are met;

(2) the facility has failed to meet the applicable opacity limitation during performance tests conducted with both the affected facility and the air pollution control equipment needed to comply with TACB regulations, and which were operating in a manner consistent with good engineering practice for minimizing the opacity of the emissions; and

(3) it is technically impractical or economically unreasonable for the facility to comply with the established opacity limits.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812868 Allen Eli Bell
Executive Director
Texas Air Control Board

Proposed date of adoption: April 30, 1989

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

Incineration

• 31 TAC §111.121

The Texas Air Control Board (TACB) proposes new §111.121, concerning incineration. The proposed new §111.121, concerning single-chamber incinerators, would establish limitations on the burning of garbage or rubbish in residential, publicly-owned, commercial, or hospital/pathological waste incinerators. Single-chamber incinerators would be required to demonstrate equal performance with multiple-chamber incinerators and be approved by the executive director.

The proposed new undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to concurrently propose the repeal of Chapter 111 in its entirety and to add a new Chapter 111.

This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a National Ambient Air Quality Standard for inhalable particulate matter (PM10). While in most instances the purpose of proposed section provisions remains the same, the chapter has been significantly reorganized and the sections are renumbered and stylistically changed. Antiquated or generally unused provisions have been updated or deleted.

A change of particular note would be to eliminate the distinction previously given to single-chamber incinerators constructed after April 1, 1972. Also publicly-owned and hospital/pathological waste incinerators would be added to the restriction on residential and commercial single-chamber incinerators.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed section is in effect there would be no fiscal implications for state and local governments or for small businesses.

Les Montgomery, director of technical support and regulation development program, has determined that for each of the first five years the section as proposed are in effect, the public benefit anticipated as a result of implementing the section will be more effective and consistent enforcement associated with incineration. There will be no anticipated cost to individuals.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; and February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the proposed section are available at the central office of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony

prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989 at the TACB central office will be included in the hearing record.

The new section is proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.121. Single-Chamber Incinerators. No person may cause, suffer, allow, or permit the burning of garbage or rubbish in a single-chamber residential, publicly owned, commercial, or hospital/pathological waste incinerator unless the incinerator has been demonstrated to provide equivalent performance to multiple-chamber incinerators and is approved by the executive director.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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Executive Director
Texas Air Control Board

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

Materials Handling, Construction, Roads, Streets, Alleys and Parking Lots

• 31 TAC §§111.141, 111.143, 111.145, 111.147, 111.149

The Texas Air Control Board (TACB) proposes new §§111.141, 111.143, 111.145, 111.147, and 111.149 concerning materials handling, construction, roads, streets, alleys, and parking lots. The proposed new §111.141, concerning geographic areas of application and date of compliance, would establish the areas for which the rules would be applicable and a compliance deadline of December 31, 1991. These areas include portions of the City of El Paso, the City of Houston, and the City of Corpus Christi. The proposed new §111.143, concerning materials handling, would outline dust-control measures for materials handling operations. Controls would be required on stockpiles and open-bodied trucks, trailers, and railroad cars. In the City of El Paso, complete covering of open-bodied trucks, trailers, and railroad cars would be the minimum requirement. In the other counties where this rule is applicable, suitable wetting of these vehicles would be required. The proposed new §111.145, concerning construction and demolition, would outline dust-control measures for construction and demolition activities. Controls would be required on construction, alteration, repairing, sandblasting, demolition, and land-clearing activities. In El Paso County, removal of soil

from the wheels of vehicles at construction and demolition sites prior to entering a public thoroughfare would be required. The proposed new §111.147, concerning roads, streets, and alleys, would outline dust-control measures for industrial facility roadways, public thoroughfares, and commercial and residential roads. Unpaved surfaces would be required to apply asphalt, water, or suitable oil or chemicals. Removal of soil and other materials from paved surfaces would be required in all areas; however, in El Paso County, paved-surface soil removal would be required to be accomplished by mechanical sweepers or their equivalent. The proposed new §111.149, concerning Parking Lots, would specify that lots with more than five parking spaces would be required to control dust by application of asphalt, water, or suitable chemicals and that in the City of El Paso, such lots would be required to be paved or uniformly covered with gravel. Lots in El Paso with more than 100 parking spaces would be required to be paved or otherwise covered. Private residential lots and lots with less than five parking spaces would be exempted from these requirements.

The proposed new undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to concurrently propose the repeal of Chapter 111 in its entirety and to add a new Chapter 111.

This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency (EPA) of National Ambient Air Quality Standard for a inhalable particulate matter (PM₁₀). While in most instances the purpose of proposed rule provisions remains the same, the chapter has been significantly reorganized, and the sections are renumbered and stylistically changed. Antiquated or generally unused provisions have been updated or deleted. In addition, PM₁₀ provisions are proposed for a portion of El Paso County to satisfy EPA state implementation plan requirements.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed sections are in effect, the fiscal implications for local government would be costs incurred in El Paso, Harris, and Nueces counties to enforce dust control measures enumerated in the rules. Small businesses in El Paso which own or operate vehicles at construction/demolition sites or which own unpaved parking lots would also be affected by the proposed revisions.

Les Montgomery, director of technical support and regulation development program, also has determined that for each of the first five years the sections as proposed are in effect, the public benefit anticipated as a result of implementing the sections will be more effective and consistent dust control enforcement associated with materials handling, construction activities, and thoroughfares and parking lots. There will be no anticipated cost to individuals.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control

Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston, Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the proposed sections are available at the TACB, Central Office, of the TACB, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, at the TACB central office will be included in the hearing record.

The new sections are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.141. Geographic Areas of Application and date of Compliance. Sections 111.141, 111.143, 111.145, 111.147, and 111.149 of this title, (relating to Geographic Areas of Application and Date of Compliance Materials Handling; Construction and Demolition; Road Streets, and Alleys; and Parking Lots) shall apply to the following areas: the City of El Paso, unless otherwise specified; that portion of Harris County inside the loop formed by Beltway 8; and that area of Nueces County outlined in the Group II State Implementation Plan for Inhalable Particulate Matter adopted by the Texas Air Control Board on May 13, 1988. Compliance with these sections shall be as soon as practicable but no later than December 3, 1991.

§111.143. Materials 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 achieve maximum control of dust emissions to the extent practicable:

(1) application of water or suitable chemicals or some other covering on materials stockpiles and other surfaces which can create airborne dusts;

(2) installation and use of hoods, fans, and filters to enclose, collect, and clean the emissions of dusty materials; or

(3) application of water or suitable chemicals, or complete covering of materials contained in open-bodied trucks, trailers, or railroad cars transporting such materials which can create airborne particulate matter in areas where the general public has access.

(A) Suitable wetting may be used as an alternative to covering in all areas except the City of El Paso.

(B) Complete covering, at a minimum, is required in the City of El Paso.

§111.145. Construction and Demolition. No person may cause, suffer, allow, or permit a structure, road, street, alley, or parking area to be constructed, altered, repaired, or demolished, or land to be cleared without taking at least the following precautions to achieve maximum control of dust emissions to the extent practicable:

(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, alley, or parking area, or in the clearing of land;

(2) use of adequate methods such as wet-sandblasting and enclosure of work areas to prevent airborne particulate matter during sandblasting of structures or other similar operations;

(3) in areas designated as Group I for inhalable particulate matter in the City of El Paso, removal of soil from the wheels of vehicles prior to entering a public thoroughfare shall be accomplished by wheel washing or by equivalent methods.

§111.147. Roads, Streets, and Alleys. 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 achieve maximum control of dust emissions to the extent practicable:

(1) application of asphalt, water, or suitable oil or chemicals on the following unpaved surfaces:

(A) industrial facility roadways—all major in plant roads and all truck or other heavy-duty vehicle pathways;

(B) public thoroughfares—all roads and streets with traffic of more than 10 vehicle traversals in any one-hour period;

(C) commercial roads—all roads which serve as access for more than 50 employees or as access to more than ten heavy-duty truck parking spaces, and all roads with traffic of more than ten vehicle traversals in any one-hour period; and

(D) residential roads—all roads which serve as access for more than 20 residences and/or apartment units, and all roads with traffic of more than 10 vehicle traversals in any one-hour period.

$$\left(\frac{\text{Effective Stack Height}}{\text{Standard Effective Stack Height}} \right)^2$$

TABLE 1
 ALLOWABLE PARTICULATE EMISSION RATES
 FOR SPECIFIC FLOW RATES

Effluent Flow Rate acfm	Rate of Emission TSP lb/hr
1,000	3.5
2,000	5.3
4,000	8.2
6,000	10.6
8,000	12.6
10,000	14.5
20,000	22.3
40,000	34.2
60,000	44.0
80,000	52.6
100,000	60.4
200,000	92.9
400,000	143.0
600,000	184.0
800,000	219.4
1,000,000	252.0

Interpolation and extrapolation of the data in this table shall be accomplished by the use of the equation $E = 0.048 q^{0.62}$ for TSP where E is the allowable emission rate in lb/hr and q is the stack effluent flow rate in actual cubic feet per minute (acfm).

TABLE 2
 STANDARD EFFECTIVE STACK HEIGHT
 BASED ON SPECIFIC FLOW RATES

Effluent Flow Rate acfm	Standard Effective Stack Height ft
1,000	12
2,000	15
4,000	19
6,000	22
8,000	24
10,000	26
20,000	34
40,000	43
60,000	49
80,000	55
100,000	59
200,000	75
400,000	96
600,000	110
800,000	122
1,000,000	132

Interpolation and extrapolation of the data in this Table shall be accomplished by the use of the equation $H_e = 1.05 q^{0.35}$ where H_e is the standard effective stack height in feet and q is the stack effluent flow rate in acfm.

(c) Effective stack height shall be calculated by the following equation:

$$h_e = h + 0.083 v_e D_e \left[1.5 + 0.82 \left(\frac{T_e - 550}{T_e} \right) D_e \right]$$

Where:

h_e = Effective stack height in feet (ft)

h = Physical stack height above ground level in feet (ft)

v_e = Stack exit velocity in feet per second (ft/sec)

D_e = Stack exit inside diameter in feet (ft)

T_e = Stack exit temperature in degrees Rankine (°R)

§111.153. Emissions Limits for Steam Generators.

(a) Section 111.151 of this title (relating to Allowable Emissions Limits) shall not apply to any oil or gas fuel-fired steam generator with a heat input greater than 2500 million British thermal units (Btu) per hour or any solid fossil fuel-fired steam generator.

(b) No person may cause, suffer, allow, or permit emissions of particulate matter from any solid fossil fuel-fired steam generator to exceed 0.3 pound of total suspended particulate per million Btu heat input, averaged over a two-hour period.

(c) No person may cause, suffer, allow, or permit emissions of particulate matter from any oil or gas fuel-fired steam generator with a heat input greater than 2500 million Btu per hour to exceed 0.1 pound of total suspended particulate per million Btu input averaged over a two-hour period.

§111.155. Ground Level Concentrations. No person may cause, suffer, allow, or permit emissions of particulate matter from a source or sources operated on a property or from multiple sources operated on contiguous properties to exceed any of the following net ground level concentrations.

(1) Two hundred micrograms per cubic meter (ug/m³) of air sampled, averaged over any three consecutive hours.

(2) Four hundred micrograms per cubic meter (ug/m³) of air sampled, averaged over any one-hour period.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 20, 1988.

TRD-8812871 Allen Eli Bell
Executive Director
Texas Air Control Board

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

**Emissions Limits on
Agricultural Processes**

**• 31 TAC §§111.171, 111.173,
111.175**

The Texas Air Control Board (TACB) proposes new §§111.171, 111.173, and 111.175, concerning emissions limits on agricultural processes. The proposed new §111.171, concerning emissions limits based on process weight method, would establish that all sources affected by the Texas Clean Air Act (TCAA), §3.10(e) shall have allowable particulate emission levels determined by the process weight method unless requesting an approved alternate method. The proposed new §111.173, concerning emissions limits based on alternate method, would stipulate that a source affected by the TCAA, §3.10(e) may request to be regulated by an approved alternate method. The proposed new §111.175, concerning exemptions, would enumerate the sections of this title from which agricultural processes would be exempt.

The proposed new undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to concurrently propose the repeal of Chapter 111 in its entirety and to add a new Chapter 111. This action is being proposed in order to update the regulation and to respond to promulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM₁₀). While in most instances the purpose of proposed rule provisions remains the same, the chapter has been significantly reorganized, and the rules are renumbered and stylistically changed. Antiquated or generally unused provisions have been updated or deleted.

Bennie Engelke, director of management and staff services, has determined that for the first five years the proposed sections are in effect, there would be no fiscal implications for state and local governments or for small businesses.

Les Montgomery, director of technical support and regulation development program, has determined that for each of the first five years

the sections are in effect the public benefit anticipated as a result of enforcing the sections will be more effective and consistent enforcement associated with agricultural processes. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the proposed sections are available at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, at the TACB Central Office will be included in the hearing record.

The amendments are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the TCAA and to amend any rule or regulation the TACB makes.

§111.171. Emissions Limits Based on Process Weight Method. No person affected by the Texas Clean Air Act, §3.10(e) may cause, suffer, allow, or permit emissions of particulate matter from any or all sources associated with a specific process to exceed the allowable levels specified in Table 3 as follows, except as provided by §111.173 of this title (relating to Emissions Limits Based on Alternate Method). Any affected person who does not request an alternate method and notify the executive director in writing shall be regulated by the process weight method.

TABLE 3

ALLOWABLE RATE OF EMISSION
 BASED ON PROCESS WEIGHT RATE

PROCESS WEIGHT RATE	RATE OF EMISSION	PROCESS WEIGHT RATE	RATE OF EMISSION
lb/hr	lb/hr	lb/hr	lb/hr
1,000	1.6	16,000	24.2
1,500	2.4	18,000	27.2
2,000	3.1	20,000	30.1
2,500	3.9	30,000	44.9
3,000	4.7	40,000	59.7
3,500	5.4	50,000	64.0
4,000	6.2	60,000	67.4
5,000	7.7	70,000	70.5
6,000	9.2	80,000	73.2
7,000	10.7	90,000	75.7
8,000	12.2	100,000	78.1
9,000	13.7	150,000	87.7
10,000	15.2	200,000	95.2
12,000	18.2	250,000	101.5
14,000	21.2	500,000	123.9

Interpolation of the data in this table for process weights up to 40,000 lb/hr shall be accomplished by the use of the equation $E = 3.12 (p^{0.985})$, and interpolation and extrapolation of the data for process weight rates in excess of 40,000 lb/hr shall be accomplished by use of the equation $E = 25.4 (p^{0.287})$ where E = rate of emission in pounds per hour and p = process weight rate in tons per hour.

§111.173. Emissions Limits Based on Alternate Method. Any person affected by the Texas Clean Air Act, §3.10(e) who does not wish to be regulated by the process weight method may request an alternate method of regulation which the executive director finds will provide equivalent emission control efficiency as §111.171 of this title (relating to Emissions Limits Based on Process Weight Method).

§111.175. Exemptions. Any person affected by the Texas Clean Air Act, §3.10(e) shall be exempt from the following: §111.111 of this title, (relating to Visible Emissions), §§111.141, 111.143, 111.145, 111.147, and 111.149 of this title (relating to Geographic Areas of Application and Date of Compliance; Materials Handling; Construction and Demolition; Roads, Streets, and Alleys; and Parking Lots), and §§111.151, 111.153, and 111.155 of this title (relating to Allowable Emissions Limits, Emissions Limits for Steam Generators; and Ground Level Concentrations). All other provisions of this title shall apply.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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Executive Director
Texas Air Control Board

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

Exemptions for Portable or Transient Operations

• 31 TAC §111.181, §111.183

The Texas Air Control Board (TACB) proposes new §111.181 and §111.183, concerning exemptions for portable or transient operations. The proposed new §111.181, concerning exemption policy, would exempt most portable facilities and transient operations, except those in the inhalable particulate matter Group I and Group II areas in Dallas, El Paso, and Harris counties, from the requirements of certain sections of this title. The proposed new §111.183, concerning requirements for exemption, would stipulate conditions which would have to be met in order to meet exemption requirements.

The proposed new undesignated head is part of a series of substantial proposed revisions to Chapter 111, concerning control of air pollution from visible emissions and particulate matter. Since the proposed changes are extensive, the staff has determined that it would be administratively more efficient to concurrently propose the repeal of Chapter 111 in its entirety and to add a new Chapter 111.

This action is being proposed in order to update the regulation and to respond to pro-

mulgation by the Environmental Protection Agency of a national ambient air quality standard for inhalable particulate matter (PM10). While in most instances the purpose of proposed rule provisions remains the same, the chapter has been significantly reorganized, and the rules are renumbered and stylistically changed. Antiquated or generally unused provisions have been updated or deleted.

Bennie Engelke, director of management and staff services, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Les Montgomery, P.E., director of technical support and regulation development program, has determined that for each of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be more effective and consistent enforcement associated with emissions from portable or transient operations. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Public hearings on this proposal are scheduled for the following times and places: February 1, 1989, 10 a.m., Texas Air Control Board Auditorium, 6330 Highway 290 East, Austin; February 1, 1989, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston; February 2, 1989, 7 p.m., City Council Chambers, Second Floor, Two Civic Center Plaza, El Paso.

Copies of the proposed sections are available at the TACB Central Office, 6330 Highway 290 East, Austin, Texas 78723, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section by 4 p.m. on February 3, 1989, at the TACB Central Office will be included in the hearing record.

The amendments are proposed under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purposes of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

§111.181. Exemption Policy. All portable facilities and transient operations, such as portable rock crushers, but excluding portable hot-mix asphaltic concrete facilities, engaged in public work projects in any county except Dallas, El Paso, or Harris are exempt from the requirements of §111.111 and §111.113 of this title (relating to Requirements for Specified Sources and Alternate Opacity Limitations) and §111.151, 111.153, and 111.155 of this title (relating to Allowable Emissions Limits; Emissions Limits for Steam Generators; and Ground Level Concentrations) if the conditions of §111.183 of this title, concerning Requirements for Exemption, are met.

§111.183 Requirements for Exemption.

(a) The facility shall be located at least one mile outside the nearest corporate limits of any city or town.

(b) The facility shall be located at least one mile from any recreational area or any occupied building other than that located on the same property as the facility.

(c) The facility shall be equipped with cyclones, or wet scrubbers, or water sprays at the material transfer points open to the atmosphere, or other equipment or systems approved by the executive director, properly installed, in good working order, and in operation.

(d) The facility shall not operate on the same property for a period of more than six months.

(e) The emissions from the facility shall not create a nuisance.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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Texas Air Control Board

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

Part IX. Texas Water Commission

Chapter 294. Underground Water Management Areas

Subchapter B. Antlers Sand Aquifer

• 31 TAC §§294.10-294.12

The Texas Water Commission proposes new §§294.10-294.12, concerning the Antlers Sand Aquifer and the designation of the Union Hill Underground Water Management Area therein.

Section 294.10 (Definitions) defines words and terms used in Subchapter B of this chapter.

Section 294.11 (Designation of Union Hill Underground Water Management Area) designates the Union Hill Underground Water Management Area.

Section 294.12 (Description of Boundaries) describes the area designated as the Union Hill Underground Water Management Area.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.