

The staff agrees that the term "PM10" should be used consistently. However, EPA's assertions regarding the term "major modification" do not appear reasonable. Since PM10 regulations are administered under federal PSD rules which have been adopted by reference by the TACB, the staff sees no need for any changes to the TACB's existing definition of major modification. All new major PM10 sources or modifications must undergo PSD review. Additionally, the staff maintains that basing the definition on potential, rather than actual, emissions is more stringent and protective of air quality. Therefore, the previously-proposed change (listing a significant level of PM10 for major modification review) is withdrawn and no changes related

AIR CONTAMINANT

INHALABLE PARTICULATE MATTER (PM₁₀)

SULFUR DIOXIDE

NITROGEN DIOXIDE

CARBON MONOXIDE

to PM10 are made to this definition. Finally, a specific EPA test reference method is added to the definition of "particulate matter emissions" in order to ensure strict adherence to established sampling procedures.

The amendment is adopted 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.

§101.1. *Definitions.* Unless specifically defined in the Act or in the rules of the

ANNUAL 24-HOUR 8-HOUR 3-HOUR 1-HOUR

	1.0 ug/m ³	5 ug/m ³		
	1.0 ug/m ³	5 ug/m ³	25 ug/m ³	
	1.0 ug/m ³			
		0.5 mg/m ³		2 mg/m ³

Domestic wastes - Particulate matter (No change).

Particulate matter emissions—All finely-divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by EPA Reference Method 5, as specified at Part 60, Appendix A of 40 Code of Federal Regulations, modified to include particulate caught by impinger train; by 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 plan.

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 Regulations.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 26, 1989.

TRD-8905575 Allen Eli Bell
Executive Director
Texas Air Control Board

Effective date: July 18, 1989

Proposal publication date: December 27, 1989

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

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

Outdoor Burning

- 31 TAC §§111.1, 111.2, 111.3, 111.4

The Texas Air Control Board (TACB) adopts the repeal of §§111.1-111.4, without changes to the proposed text as published in the December 27, 1988, issue of the *Texas Register* (13 TexReg 6428). The purpose of the repeals are to remove material superceded by a new undesignated head, which is adopted in concurrent action.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(c)(1), requires categorization of comments as being for or against a proposal. A commenter who suggested any changes in the proposal is categorized as against the proposal, while a commenter who agreed with the proposal in its entirety is categorized

board, the terms used by the Board have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Civil Statutes, Article 4477-5, the following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

De minimis impact—A change in ground level concentration of an air contaminant as a result of the operation of any new major stationary source or of the operation of any existing source which has undergone a major modification, which does not exceed the following specified amounts.

as being for the proposal.

No comments were received regarding adoption of the repeals.

Copies of the hearing transcript are available for inspection at the central office of the TACB, 6330 Highway 290 East, Austin.

The repeals are adopted 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 purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Executive Director
Texas Air Control Board

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

Incineration

- 31 TAC §§111.11, §111.12

The Texas Air Control Board (TACB) adopts the repeal of §111.11 and §111.12, without changes to the proposed text as published in the December 27, 1988, issue of the *Texas Register* (13 TexReg 6428). The purpose of the repeals are to remove material super-