laboratory wastes such as pathological specimens and disposable fomites attendant thereto; and surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms (see also: Fomites)].

Industrial solid waste–Waste resulting from or incidental to a process of industry or manufacturing, or mining or agricultural operations.

Medical waste–Waste materials identified by the Texas Department of Health as "special waste from health care-related facilities" and those waste materials commingled and discarded with special waste from health care-related facilities.

Municipal solid waste–Solid waste resulting from or incidental to municipal, community, commercial, **institutional,** and recreational activities, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and all other solid waste except industrial solid waste.

Special waste from health care-related activities–A solid waste which if improperly treated or handled may serve to transmit infectious disease(s) and which is comprised of the following: animal waste, bulk blood and blood products, microbiological waste, pathological waste, and sharps.

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 April 13, 1990.

TRD-9003854 Steve Spaw, P.E.
Executive Director
Texas Air Control Board

Earliest possible date of adoption: May 25, 1990

For further information, please call: (512) 451-5711, ext. 215

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

Visible Emissions

• 31 TAC §111.111

The Texas Air Control Board (TACB) propose an amendment to §111.111, concerning visible emissions. The proposed amendment adds test methods for opacity compliance determinations for railroad locomotives and ships, and other sources to the amended section.

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

Les Montgomery, deputy director of program development, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be more effective enforcement of opacity standards. There will be no effect on small businesses as a result of enforcing the section. There is no economic cost for persons who are required to comply with the section as proposed.

Public hearings on this proposal are scheduled for the following times and places: May 17, 1990, 10 a.m., Texas Air Control Board, Auditorium, 6330 Highway 290 East, Austin; and May 17, 1990, 7 p.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston.

Copies of the proposed sections 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 May 18, 1990, at the TACB Central Office will be included in the hearing record.

The amendment is proposed under the Texas Clean Air Act (TCAA), §382.017, which provides the TACB with the authority to make rules consistent with the policy and purposes of the TCAA.

§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)-(3) (No change.)

(4) Railroad locomotives or ships.

(A) 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.

(B) Compliance with paragraph (4)(A) 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.**

(5) Structures.

(A) 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.

(B) Compliance with paragraph (5)(A) 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.**

(6) Other sources.

(A) Visible emissions shall no be permitted to exceed an opacity of 30% for any six-minute period from all other sources not specified in this section.

(B)[(A)] Compliance with paragraph **(6)(A)** [(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) (No change.)

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 April 13, 1990.

TRD-9003853 Steve Spaw, P.E.
Executive Director
Texas Air Control Board

Earliest possible date of adoption: May 25, 1990

For further information, please call: (512) 451-5711, ext. 215

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Incineration

• 31 TAC §§111.121, 111.123, 111.125, 111.127, 111.129

The Texas Air Control Board (TACB) proposes an amendment to §§111.121, 111.123, 111.125, 111.127, and 111.129, concerning incineration. The proposed revision of §111.121, concerning single-chamber incinerators, deletes the reference to hospital/pathological incinerators, replaces the term "publicly-owned" with "institutional," and adds a reference to industrial incinerators. Also, a compliance date is added for industrial solid waste incinerators. The proposed revisions to §111.123, concerning dual- or multiple-chamber incinerators, adds a reference for industrial incinerators, deletes the term "hospital/pathological waste," and replaces "publicly-owned" with "institutional." Further, clarification is added that medical waste is not included in §111.123(a). Additional changes to §111.123: make hydrogen chloride, oxygen content, and opacity requirements consistent throughout both subsections; replace combustion efficiency measurements with carbon monoxide limits;