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TEXAS AIR CONTROL BOARD
REGULATION I
(31 TAC CHAPTER 111)
CONTROL OF AIR POLLUTION
FROM VISIBLE EMISSIONS
AND PARTICULATE MATTER
REVISED MARCH 20, 1981

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Preface to Revised Regulation I

This revision incorporates changes adopted by the Texas Air Control Board on March 20, 1981. Pages are dated so that revised pages can be identified.

If you have any questions or suggestions concerning the regulation, please contact Beverly Fowler in the Emissions Standards and Engineering Section of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.



REGULATION I
 VISIBLE EMISSIONS AND PARTICULATE MATTER

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OUTDOOR BURNING: RESTRICTION

§111.1(131.03.01.001). Outdoor Burning.

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by §111.2 of this title (relating to Authorized Outdoor Burning).

§111.2(131.03.01.002). Exceptions.

Outdoor burning is authorized in each of the following instances:

(1) Pursuant to a written grant of authority from the Texas Air Control Board or Executive Director, who, before granting such authority, must determine that there is no practical alternative to outdoor burning, and the burning will not cause or contribute to a violation of any Federal primary or secondary ambient air standard.

(2) Outdoor burning for the purpose of training firefighting personnel when requested by certified mail and when authorized in writing by the local air pollution control agency or local health unit. If notice of denial from the local air pollution control agency or local health unit is not received within 10 days of the request, the burning is authorized. Authorization to conduct outdoor burning under this provision may be revoked by the Texas Air Control Board if it is found that this provision is used to circumvent

§§111.1-111.4 of this title (relating to Outdoor Burning: Restriction).

(3) Outdoor burning of domestic waste at and from 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 by the local governmental entity having jurisdiction.

(4) Outdoor burning consisting of 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.

(5) Outdoor burning of diseased animals when burning is the most effective means of controlling the spread of disease.

(6) Outdoor burning in a rural area of trees, brush, grass and other dry vegetable matter at the site where it occurs and only 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 paragraph (1) of this section if all the following conditions are met:

(A) Any burning conducted for salt marsh grass management purposes in the following counties may be

conducted only after verbal or written notification to the Texas Air Control Board Regional Office having jurisdiction: Orange, Jefferson, Chambers, Galveston, Harris, Brazoria, Matagorda, Jackson, Calhoun, Aransas, Refugio, San Patricio, Nueces, and Kleberg. Burning of salt marsh grass in these counties shall not be conducted during periods of actual or predicted persistent (12 hours or more) low-level atmospheric temperature inversions (nonsurface based) or in areas covered by a current National Weather Service (NWS) Air Stagnation Advisory. This meteorological data will be available from the Texas Air Control Board Regional Office having jurisdiction.

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

(C) 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.

(D) Burning shall be commenced only when the wind direction is such as to 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 significant 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.

(E) The burning must be at least 300 feet (90 meters) from any residential, recreational, commercial, or industrial area except those located on the property where the burning is to take place, except when it is necessary to eliminate a naturally occurring fire hazard.

(F) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material other than dry plant growth which may produce unreasonable amounts of smoke must not be burned.

(G) The hours for burning shall comply with the following:

(i) The initiation of burning for land-clearing and right-of-way maintenance purposes shall commence after 9 a.m. Material which will not be completely consumed before 5 p.m. shall not be added to the fire.

(ii) The initiation of burning for crop and range management purposes shall commence after 9 a.m. The acreage to be burned should be adjusted to provide that the burning is completed by 5 p.m. on the same day or as soon as is reasonably practical.

(H) Burning shall not be commenced when surface wind speed is predicted to be less than 6 m.p.h. (5 knots) or greater than 23 m.p.h. (20 knots) during the burn period.

(7) Outdoor burning of hydrocarbons 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) The outdoor burning of solid wastes may be conducted if the following conditions are met:

(A) Outdoor burning of municipal solid waste may be conducted at Texas Department of Health (TDH) permitted Type II or III 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 prior authority is obtained from the Executive Director of the Texas Air Control Board. Heavy oils, asphaltic materials, and vehicle tires must not be burned.

(B) Outdoor burning of brush and demolition-construction wood waste may be conducted at TDH permitted Type IV landfill sites, as defined by the TDH, located in the counties described in paragraph (8)(A) of this section if prior authority is obtained from the Executive Director of the Texas Air Control Board. Heavy oils, asphaltic materials, and vehicle tires must not be burned.

(9) The Executive Director of the Texas Air Control Board may specify procedures or methods to control or abate

emissions from outdoor burning authorized pursuant to this rule 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 he determines that the burning is causing nuisance conditions to exist, the burning is not conducted in accordance with the conditions specified by the Executive Director, the burning violates any provision of an applicable permit, or the burning causes a violation of any air quality standard.

§111.3(131.03.01.003). Disposal of Material Capable of Spontaneous Ignition.

No disposal or deposit outdoors of any material capable of igniting spontaneously is allowed except where the disposal or deposit is made pursuant to a specific grant of authority by the Texas Air Control Board or the Executive Director.

§111.4(131.03.01.004). Responsibility for Consequences of Outdoor Burning.

The authority to conduct outdoor burning under this regulation does not exempt or excuse the 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 the regulation.

INCINERATION

§111.11(131.03.02.001). Single-Chamber Incinerators.

No person may cause, suffer, allow or permit the burning of garbage or rubbish in a single-chamber residential or commercial incinerator unless the Executive Director approves an incinerator demonstrated to provide equivalent performance to multiple-chamber incinerators.

§111.12(131.03.02.002). Approval of Incinerators.

No person may cause, suffer, or permit the burning of garbage or rubbish in a single-chamber incinerator constructed after April 1, 1972, unless the Executive Director approves an incinerator demonstrated to provide equivalent performance to multiple-chamber incinerators.

VISIBLE EMISSIONS

§111.21(131.03.03.001). Prohibition.

No person may cause, suffer, allow, or permit visible emissions from any stationary flue to exceed an opacity of 30% averaged over a five-minute period. No person may cause, suffer, allow or permit visible emissions from any stationary flue beginning construction after January 31, 1972, to exceed an opacity of 20% averaged over a five-minute period. Visible

emissions during the cleaning of a firebox or the building of a new fire, sootblowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits set forth in this section for a period aggregating not more than 5 minutes in any 60 consecutive minutes, nor more than 6 hours in any 10-day period.

§111.22(131.03.03.002). Gas Flares.

No person may cause, suffer, allow, or permit visible emissions from a gas flare 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 are exempt from the provisions of this rule; however, acid gas flares must continue to comply with the provisions of §111.21 of this title (relating to Prohibition).

§111.23(131.03.03.003). Buildings.

No person may cause, suffer, allow or permit excessive visible emissions from any building or enclosed facility.

§111.24(131.03.03.004). Motor Vehicles.

No person may cause, suffer, allow, or permit excessive visible emissions from motor vehicles for more than 10 consecutive seconds.

§111.25(131.03.03.005). Railroad Locomotives or Ships.

No person may cause, suffer, allow, or permit excessive

visible emissions from any railroad locomotive, ship, or any other vessel, except during reasonable periods of engine startup.

§111.26(131.03.03.006). Stationary Flues.

No person may cause, suffer, allow, or permit visible emissions from any stationary flue having a total flow rate of 100,000 acfm or more to exceed an opacity of 15% averaged over a five-minute period unless an optical instrument capable of measuring the opacity of emissions is installed in the flue. Records of all such measurements shall be retained as provided for in §101.8 of this title (relating to Sampling). The provision shall not apply to flues having gas streams containing moisture which interferes with proper instrument operation, if so determined by the Executive Director.

§111.27(131.03.03.007). Contributions from Uncombined Water.

Contributions from uncombined water shall not be included in determining compliance with §§111.21-111.27 of this title (relating to Visible Emissions). The burden of proof which establishes the applicability of this section shall be upon the person seeking to come within its provisions.

§111.28. Alternate Opacity Limitations.

Procedures. The owner or operator of any facility who is unable to meet the opacity limitations of §111.21 (relating to Prohibition) with available and economically reasonable

control technology may apply to the Texas Air Control Board for approval of an alternate limit. Within ninety days after receipt of such an application, an adjudicative public hearing will be conducted in accordance with the requirements of §§103.31-.34, 103.41-103.63(131.02.04.001-.004, 131.02.05.001-.023). The application will be approved if the applicant provides in the hearing record evidence, which when considered with other evidence presented, substantiates by a preponderance of evidence 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 mass and concentration limitations are met; and

(2) The facility has failed to meet the applicable opacity limitation during performance tests which were conducted with both the affected facility and the air pollution control equipment needed to comply with TACB regulations 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.

March 20, 1981

**PARTICULATE MATTER FROM MATERIALS HANDLING,
CONSTRUCTION, AND ROADS, STREETS, AND ALLEYS**

§111.41(131.03.04.001). Geographic Areas of Application.

Sections 111.41-111.45 of this title (relating to Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys) shall apply only to sources in areas designated as nonattainment for total suspended particulate in accordance with section 107 of the Federal Clean Air Act of 1977 to the extent needed to provide for the attainment of the National Ambient Air Quality Standards.

§111.42(131.03.04.002). Fines 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 prevent particulate matter from becoming airborne:

(1) Application of water or suitable chemicals or some other covering on materials stockpiles and other surfaces which can create airborne dusts under normal conditions.

(2) Installation and use of hoods, fans and filters to enclose, collect and clean the emissions of dusty materials.

(3) Covering or wetting at all times when in motion, of open-bodied trucks, trailers, or railroad cars transporting materials which can create airborne particulate matter in areas where the general public has access. Suitable wetting may be used as an alternative to covering in all areas except the City of El Paso.

§111.43(131.03.04.003). Construction and Demolition.

No person may cause, suffer, allow, or permit a structure, road, street, or alley to be constructed, altered, repaired or demolished without taking at least the following precautions to prevent particulate matter from becoming airborne:

(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, or alley, or in the clearing of land.

(2) Use of adequate methods to prevent airborne particulate matter during sandblasting of structures or other similar operations.

§111.44(131.03.04.004). Roads.

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 prevent particulate matter from becoming airborne:

(1) Application of asphalt, water, or suitable oil or chemicals on unpaved surfaces having more than 100 vehicle traversals daily, averaged on an annual basis, or more than 200 vehicle traversals daily, averaged on a monthly basis, whichever is the more stringent.

(2) Removal from paved surfaces, as necessary, of soil or other materials, except for sand applied for the specific purpose of snow or ice control.

§111.45(131.03.04.005). Parking Lots.

No person may allow any vehicular parking surface having more than 20 parkings daily, averaged on a monthly basis, to be used unless dust is controlled by the appropriate application of asphalt, water, or suitable oil or chemicals. Parking surfaces having five spaces or less and parking surfaces at a property designed for and used exclusively as a private residence housing not more than three families are exempt from this rule.

PARTICULATE MATTER

§111.51(131.03.05.001). Allowable Emissions.

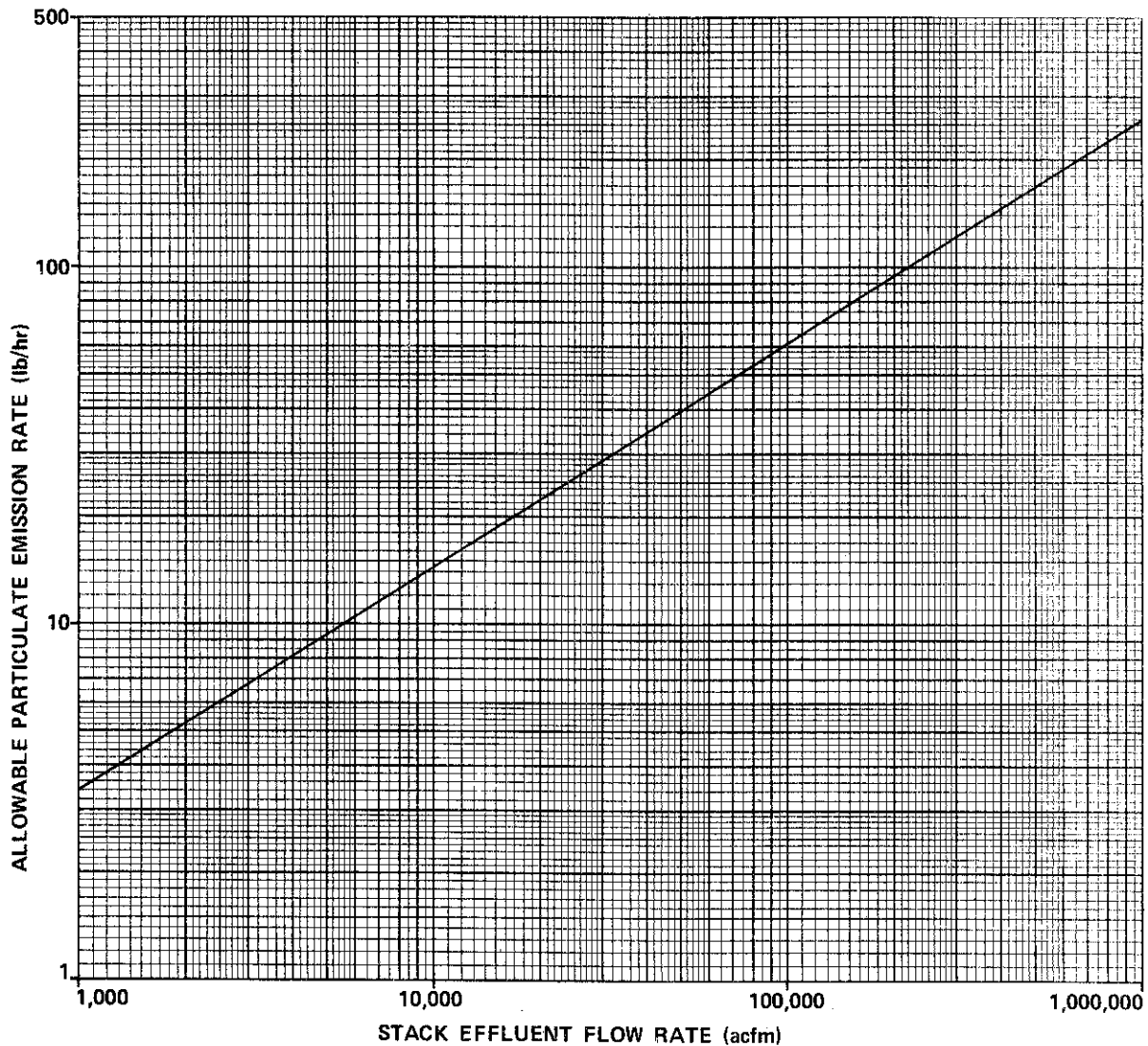
(a) No person may cause, suffer, allow, or permit emissions of particulate matter from any source to exceed the allowable rates specified in Table 1 and/or Figure 1.

TABLE 1
ALLOWABLE PARTICULATE EMISSION RATES
FOR SPECIFIC FLOW RATES

Effluent Flow Rate acfm	Rate of Emission 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 $E=0.048 q^{0.62}$ where E is the allowable emission rate in lb/hr and q is the stack effluent flow rate in acfm.

FIGURE 1
ALLOWABLE PARTICULATE EMISSION RATES
FOR SPECIFIC FLOW RATES



(b) If a source has an effective stack height less than the standard effective stack height as determined from Table 2 and/or Figure 2, the allowable emission level must be reduced by multiplying it by

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

(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)

§111.52(131.03.05.002). 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:

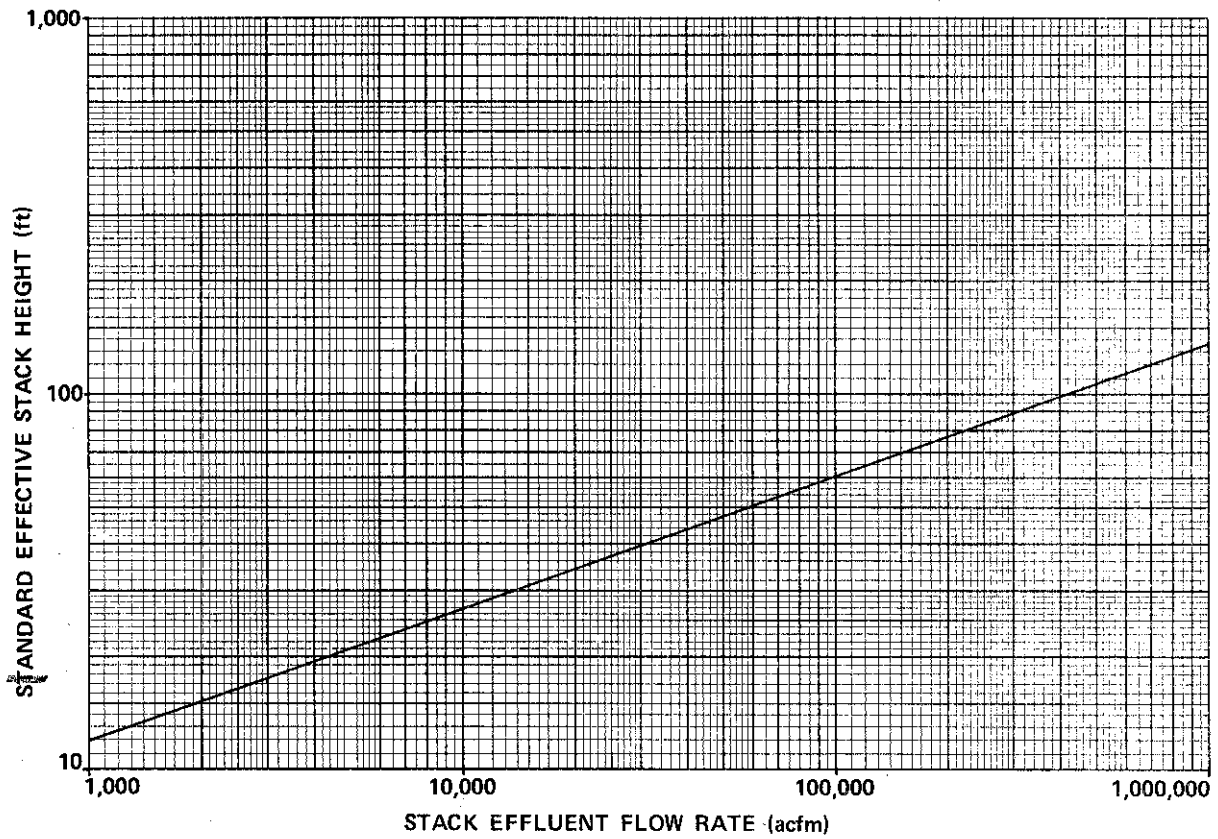
January 26, 1972

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.

FIGURE 2
STANDARD EFFECTIVE STACK HEIGHT
BASED ON SPECIFIC FLOW RATES



(1) One hundred micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) of air sampled, averaged over any five consecutive hours.

(2) Two hundred micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) of air sampled, averaged over any three consecutive hours.

(3) Four hundred micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) of air sampled, averaged over any one hour period.

§111.53(131.03.05.003). Steam Generators.

(a) Section 111.51 of this title (relating to Allowable Emissions) and §111.52 of this title (relating to Ground Level Concentrations) shall not apply to any oil or gas fuel fired steam generator with a heat input greater than 2500 million 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 pounds per million Btu heat input maximum two-hour average.

(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 per million Btu input maximum two-hour average.

TRANSIENT OPERATIONS

§111.61(131.03.06.001). Applicability of Rules.

Sections 111.21-111.27 of this title (relating to Visible Emissions) and §§111.51-111.53 of this title (relating to Particulate Matter) shall not apply to portable hot-mix asphaltic concrete plants, portable rock-crusher, and other transient operations engaged in public works projects which are not operated at the same premise for more than six months if all the following conditions are met:

(1) The plant is located at least one mile outside the nearest corporate limits of any city or town.

(2) The plant is located at least one mile from any occupied facility or recreational area other than that located on the same property as the plant.

(3) The plant is 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.

§111.62(131.03.06.002). Time Requirement Extension.

The time requirement for §111.61 of this title (relating to Applicability of Rules) may be extended by the Executive Director upon written request.

January 26, 1972

§111.63(131.03.06.003). Prevention of Nuisances.

All emissions from sources operating under provisions of §§111.61-111.65 of this title (relating to Transient Operations) shall be controlled so as not to permit or create a nuisance.

§111.64(131.03.06.004). Exemption: Counties.

Sections 111.61-111.65 of this title (relating to Transient Operations) shall not apply in Dallas or Harris Counties.

§111.65(131.03.06.005). Exemption: Facilities.

Sections 111.61-111.65 of this title (relating to Transient Operations) shall not apply to portable hot-mix asphaltic concrete plants after December 31, 1974.

AGRICULTURAL PROCESSES

§111.71(131.03.07.001). Applicability of Rules.

Sections 111.21-111.27 of this title (relating to Visible Emissions), §§111.41-111.45 of this title (relating to Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys), §§111.51-111.53 of this title (relating to Particulate Matter), and §111.91 of this title (relating to Superseded Rules) shall not apply to any person affected by section 3.10(e) of the Texas Clean Air Act.

§111.72(131.03.07.002). Process Weight Method.

No person affected by section 3.10(e) of the Texas Clean Air Act 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 and/or Figure 3, except as provided by §111.73 of this title (relating to Alternate Method).

§111.73(131.03.07.003). Alternate Method.

Any person affected by section 3.10(e) of the Texas Clean Air Act who does not wish to be controlled by the process weight method, established by §111.72 of this title (relating to Process Weight Method), may select an alternate method of control which the Executive Director finds will provide emission control efficiency and measurement to achieve the same goal as §111.72 of this title (relating to Process Weight Method).

§111.74(131.03.07.004). Failure to Select Alternate Method.

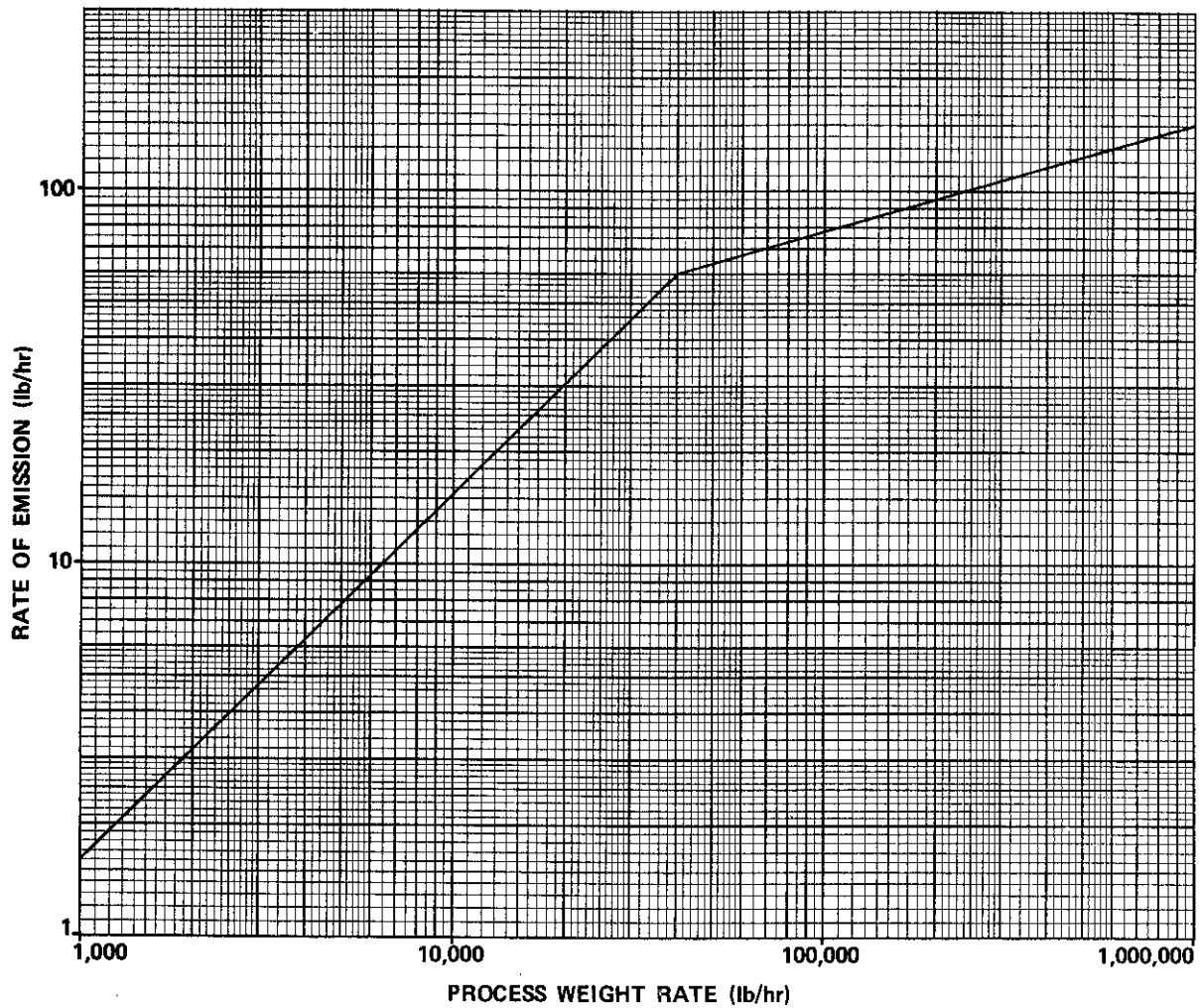
Any person affected by section 3.10(e) of the Texas Clean Air Act who does not select an alternate method and notify the Executive Director, in writing, prior to any plant investigation by the staff of the Texas Air Control Board shall be controlled by the process weight method established by §111.72 of this title (relating to Process Weight Method), unless the Executive Director, at his discretion, chooses to accept proposals for an alternate method at that time.

TABLE 3
 ALLOWABLE RATE OF EMISSION
 BASED ON PROCESS WEIGHT RATE

PROCESS WEIGHT RATE lb/hr	RATE OF EMISSION lb/hr	PROCESS WEIGHT RATE lb/hr	RATE OF EMISSION 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.

FIGURE 3
ALLOWABLE PARTICULATE EMISSION LEVELS
BASED ON PROCESS WEIGHT RATE



§111.75(131.03.07.005). Severability of Rules.

Nothing herein is intended to affect the limitations on burning set out in §§111.1-111.4 of this title (relating to Outdoor Burning: Restriction).

§111.76(131.03.07.006). Compliance.

Persons affected by §§111.71-111.76 of this title (relating to Agricultural Processes) shall be in compliance with the provisions set forth herein by February 15, 1973.

COMPLIANCE

§111.91(131.03.08.001). Superseded Rules.

The provisions of amended §111.2 of this title (relating to Exceptions), §111.22 of this title (relating to Gas Flares), §§111.41-111.45 of this title (relating to Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys), §111.92 of this title (relating to Compliance Dates), and this section as amended supersede the provisions of these same numbered rules as contained in Regulation I which was adopted on January 26, 1972, and last amended on October 31, 1975.

§111.92(131.03.08.002). Compliance Dates.

Except as noted in this section, all persons shall be in compliance with all provisions of Regulation I no later than the effective date of this rule.

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Control of Air Pollution
from Visible Emissions
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(1) Persons affected by §§111.41-111.45 of this title (relating to Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys) shall be in compliance as soon as possible but no later than December 31, 1981.

(2) For areas which are designated as nonattainment for particulate after the effective date of this regulation in accordance with section 107 of the Federal Clean Air Act, persons affected by §§111.41-111.45 of this title (relating to Particulate Matter from Materials Handling, Construction, and Roads, Streets, and Alleys) shall be in compliance as soon as possible but no later than two years after the date of designation.

Date Adopted: January 26, 1972
Date Filed with Secretary of State: February 4, 1972
Date Effective: March 5, 1972

Amendment of §111.53(131.03.05.003)
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