

a Texas Air
Control Board
publication

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T A C B
BULLETIN



AGENCY ADVISES CITIES OF SAND- BLASTING DANGERS

The Texas Air Control Board (TACB) sent out an advisory to more than 1500 Texas towns, cities, and utility districts throughout the state this month in an effort to prevent the reoccurrence of hazardous situations associated with sandblasting water towers.

The one page advisory essentially warns of potential public health problems that can occur when lead-based painted structures are sandblasted in populated areas. The advisory also explains the potential for violating TACB regulations in sandblasting, by causing a nuisance condition and provides several precautions to be taken before contracting for sandblasting.

Two Texas towns learned these lessons the hard way when proper precautions were not taken when they contracted to have water towers sandblasted before repainting. In both cases,

TACB staff members were brought in to investigate the situation and undertook the job of collecting and analyzing soil and dust samples both inside and outside of homes, advising citizens on health related matters, and working as a team to help correct the situation.

One incident took place late last year in San Angelo and marked the first time the agency had to deal with this type of compliance issue. The most recent took place in Cedar Park, north of Austin. The incident in Cedar Park became a concern for the agency when its Waco office received a citizen complaint about the dust being created by the blasting. After investigating the situation, the investigator recognized there was a greater problem than just a dust nuisance.

Sampling confirmed that lead-based paint particles were being scattered throughout several neighborhoods,

creating a potential health hazard, especially for children, who may have been playing in yards where paint particles may have landed. To correct the situation, the town had to contract to have individual homes and yards vacuumed to clear the area of the paint particles. And in some cases, top soil had to be replaced. Because of serious concerns by citizens of Cedar Park and concerns by the TACB staff on the extent of contamination, the sampling and analysis staff took more than 100 samples and worked through weekends to get the analyses completed as quickly as possible. The results in some of the samples had lead measurements as high as 11,000 parts per million (ppm). Fifty ppm of lead is considered typical in urban areas. More than 300 ppm is cause for concern and with more than 500 ppm, the Environmental Protec-

(continued on page 10)

IN THIS ISSUE:

NEWS BRIEFS
page 2

REVISIONS TO RULES & REGULATIONS
page 8

LEGAL ACTIVITIES
page 11

AGREED ENFORCEMENT ORDERS
issued in April through June
page 3

PM 10 WORKSHOP
page 9

NEWS BRIEFS

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BOARD MEMBERS CONFIRMED

Three members of the TACB were confirmed by the Texas State Senate on May 29 following referral by the Senate Committee on Nominations. Receiving unanimous confirmation were William H. Quortrup, Warren P. Roberts, and Calvin B. Parnell.

Questions were recently raised through the Attorney General's Office concerning the requirement of Senate confirmation of gubernatorial nominees during the first regular or special legislative session after being appointed. Mr. Quortrup was initially appointed to the board by Governor William P. Clements, Jr. in May 1987. Mr. Roberts and Mr. Parnell were appointed by Governor Clements in December 1989.

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NEW POSITIONS ESTABLISHED WITH ORGANIZATION CHANGES

The TACB made several functional changes recently and established four programs. Lane Hartsock was named director of the Planning and Development Program. This program is composed of the Control Strategy and Information Systems divisions. Debra Barber, former director of the Abilene office, has been named director of the Enforcement and Field Operations Program. The Compliance Division and the 12 regional offices comprise this program. The Permits (New Source Review) Program is headed by Lawrence Pewitt and has four divisions: Control Operations Review and Evaluation (CORE), Chemical, Combustion, and Mechanical. The Research and Special Services Program is headed by Walter Bradley. This program has the Research, Health Effects, Technical

Services, and Grants divisions. In addition, the Data Analysis Division is now part of the Monitoring Operations Program. Three deputy directors were also established in the organizational change. Les Montgomery is Deputy Director for Program Development, Doyle Pendleton is Deputy Director for Monitoring Operations, and James Myers is Deputy Director for Regulatory Operations.

Winona Henry was named director of the Region 1 office in Abilene replacing Debra Barber. Also, James Braddock has replaced John Turney as general counsel. Mr. Turney left the agency in June to join a private law firm.

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STAFF PARTICIPATES IN AWMA CONFERENCE

Several staff members participated in the 83rd Annual Meeting and Exhibition of the Air and Waste Management Association (AWMA), June 24-29, in Pittsburgh. "Right Choices for a Cleaner Tomorrow" was the theme of the meeting. Staff members presented technical papers and participated on various technical panels.

Marion Everhart, Beaumont, presented a paper entitled "A Suggested Protocol for Conducting Odor Complaint Investigations Using a Single Investigator." Stuart Dattner, Research Division, presented a paper entitled "Automating the Annular Denuder." The paper was co-written by Karen Crum and Fabian Kalapach, also of the Research Division, and James Harper of the Ambient Monitoring Division. Mr. Dattner also chaired a meeting of the AWMA Data and Quality Assurance Technical Committee and a poster session on recent developments in diffusion denuders for sampling reactive pollutants.

Randy Hamilton, Permits Division, participated on a panel

that discussed "Expanding Frontiers of New Source Review," and Dick Flannery, Houston, participated in a council meeting of the Southwest Section of AWMA. Mr. Flannery is vice chair of the section.

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AGENCY SUPPORTS CHEMICAL COUNCIL SPONSORED WORKSHOP

During the May board meeting, Ed Fiesinger, representing the Texas Chemical Council, passed along the council's gratitude for the TACB's support of their third annual permits workshop. The workshop was held in Austin in May. According to Mr. Fiesinger, more than 400 people attended the workshop, and of those about 90 percent were attending for the first time.

He stated that plans are underway for next year's workshop and that all the comments were very favorable toward the staff members who made presentations.

More than 20 members of the permits staff, as well as staff members from other programs, contributed to the workshop. Briefings were given on subjects such as preparation of permit/amendment applications, nonattainment review, permit conditions/representations, disaster evaluation, standard exemption, modeling concepts, permit continuance, and toxics review.

TACB Chairman Dick Whittington and member Charles Rivers were the featured luncheon speakers during the workshop. ■

AGREED ENFORCEMENT ORDERS

issued April through June

The Texas Air Control Board (TACB) issued the following agreed enforcement orders.

Effective September 1, 1989, the Texas Clean Air Act is now referred to as the Texas Clean Air Act (the Act), Texas Health and Safety Code, Chapter 382. One of the amendments to the Act redesignated several sections including those referenced in the violations summarized below. Some of the violations summarized below, however, occurred prior to September 1.

APRIL

Auto Wax Co., Inc., an automobile maintenance products manufacturing operation at 1300 Roundtable Drive, Dallas, Dallas County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the operation without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company met the conditions for qualifying for a standard exemption.

Brookshire Grocery Co., owner and operator of two grocery stores, Brookshire Food Store No. 21 at 2235 Gentry Parkway and B-Mart Food Store on East Front Street at Beckham Street, Tyler, Smith County, violating Board Rules 111.111(a)(1)(B), 101.4, and 116.4 and Sections 4.01(a) and (b) [redesignated as Sections 382.085(a) and (b) effective September 1, 1989] of the Act by causing, suffering, allowing, or permitting excessive visible emissions from incinerator stacks; by discharging odor and smoke from the incinerators; and by operating dual-cham-

bered incinerators without an afterburner; \$7,500.

Carolina Mirror Co., a mirroring plant at 17015 Park Row, Houston, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by modifying the mirroring plant without a permit or without qualifying for a standard exemption, \$2,750. Subsequent to the notice of violation, the company submitted an application for a permit amendment.

Casual Concepts, Inc., a wooden furniture manufacturing plant at 1400 Everman Parkway, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating three dip stain tanks without a permit or without qualifying for a standard exemption, \$4,000. Subsequent to the notice of violation, the company submitted an application for a permit.

Eagle Lake Concrete Products, Inc., a concrete products plant on Highway 90A, west of Eagle Lake, in Colorado County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating an additional concrete block products line without a permit or without qualifying for a standard exemption, \$1,125. Subsequent to the notice of violation, the company submitted an application for a permit amendment.

Erickson Refining Corp., a petroleum refinery at the intersection of Block and Lee Streets, Port Neches, Jefferson County, violating Board Rules 115.102, 115.104, and 101.20(1) and Section 4.01(b)

[redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to inspect the secondary seals on Storage Tanks 213, 214, and 218 to ensure compliance with Board Rule 115.102(5) and (6), by failing to maintain records of said inspections, and by failing to comply with an applicable new source performance standard, \$1,500.

Grand Canyon Dairy, a dairy 1.1 miles east northeast of FM 219, 5.6 miles southeast of the intersection of FM 219 and SH 6 in Erath County, violating Board Rules 101.4 and 116.4, Section 4.01(a) and (b) [redesignated as Section 382.085(a) and (b) effective September 1, 1989] of the Act, and Agreed Board Order No. 88-05(i) by discharging excessive odors from solid wastes, by applying solid waste to pastures during nighttime hours, by failing to maintain compliance with Board Rule 101.4 and all applicable rules in TACB Regulation VI, and by failing to maintain good housekeeping and operating practices to minimize odor during normal operations, \$6,000.

Hercules, Inc., a synthetic organic chemical manufacturing plant at 2727 Miller Cut-Off Road, LaPorte, Harris County, violating Board Rules 116.1 and 115.163 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating a Pulpex facility without a permit or without qualifying for a standard exemption and by allowing two vent gas streams to be emitted from process vents at the Pulpex facility without incinerating such vent gas streams, \$56,060. Subsequent to the notice of violation, the company submitted an application for a permit.

T.L. James and Co., Inc., a central mix concrete plant 2.15 miles north of Queen City on

(continued on page 4)

Highway 59, Cass County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$500.

LaPorte Chemical Corp., an ethylene dichloride and vinyl chloride manufacturing plant at 2400 Miller Cut-Off Road, LaPorte, Harris County, violating Board Rules 101.20(2) and 116.4, Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act, and Agreed Board Orders No. 88-08(p) and 89-07(l) by allowing a non-emergency discharge from a relief valve on equipment in vinyl chloride service, by allowing emission of exhaust gas which contained greater than 10 parts per million of vinyl chloride from equipment used in vinyl chloride formation and/or purification, and by failing to equip 19 open-ended pipeline valves in vinyl chloride service with a cap, blind flange, plug, or a second valve, \$8,000.

Lowenco, Inc., a waste oil storage facility at 500 Hobbs Road in League City, Galveston County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$2,000. Subsequent to the notice of violation, the company submitted an application for a permit.

Monsanto Chemical Co., a synthetic organic chemicals manufacturing plant on FM 2917 in Alvin, Brazoria County, violating Board Rule 116.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to record results of fugitive monitoring of five valves, thereby indicating that such

monitoring was not performed, \$1,000.

Moody Printing Co., an offset printing facility at 4900 Augusta Drive, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating a Didde 850 headset press without a permit or without qualifying for a standard exemption, \$1,450. Subsequent to the notice of violation, the company submitted an application for a permit.

Mother Frances Hospital, owner and operator of a solid waste incinerator at 800 East Dawson Street, Tyler, Smith County, violating Board Rules 101.4 and 116.4 and Sections 4.01(a) and (b) [redesignated as Sections 382.085(a) and (b) effective September 1, 1989] of the Act by discharging excessive air contaminants from the incinerator, \$5,000.

Newman Stock Farm, a hog feeding facility on Flores Lane, near Floresville, Wilson County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$1,000. Subsequent to the notice of violation, the company submitted an application for a permit.

Phillips 66 Co., a copolymer plant on Highway 136 approximately 2 3/4 miles west of Borger, Hutchinson County, hired an independent contractor to conduct demolition operations at the plant which violated Board Rule 101.20(2) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to provide timely written notice of intention to renovate and by failing to utilize

required procedures for the removal of friable asbestos materials, \$8,000.

Phillips 66 Co., a petroleum refinery landfarm and petroleum refinery wastewater ponds 2 miles south of Highway 35 on Hasema Road in Van Vleck, Matagorda County, violating Board Rule 101.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by causing, suffering, allowing, or permitting excessive odors, \$48,000.

Reef Chemical Co., an oilfield chemical blending plant at 1600 Avenue Q, Synder, Scurry County, violating Board Rule 116.4 and Section 382.085(b) of the Act by blending pyradine by sparging (introducing air into a storage tank to blend the contents of the tank), \$2,000.

TM & S Oil Co., a gasoline distribution operation in El Paso, El Paso County, violating Board Rules 115.111 and 115.131(2) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by transferring gasoline from delivery vessels into stationary storage containers without processing the displaced vapors from such containers by a vapor recovery system and by unloading gasoline from one of its tank trucks to a distribution point with all four of the top hatches of the truck not being closed and vapor tight, \$6,000.

Transformer Components, an asphalt blowing plant on FM 1595 approximately two miles east of Harlingen, Cameron County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$1,700. Subsequent to the notice of violation, the

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company submitted an application for a permit.

U.S. Chaparral Water Systems, Inc., a tank battery at West 42nd Street and Cypress Road, Odessa, Ector County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$500. Subsequent to the notice of violation, the company submitted an application for a permit.

Walburg Furniture, Inc., a furniture manufacturing facility on CR 1105 South, Walburg, Williamson County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating a cyclone collection system and three spray paint booths without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company submitted an application for a permit.

Westex Aromatics, Inc., a cedar oil mill 1.5 miles east of Leakey on FM 337 in Real County, violating Board Rule 111.21 (now Rule 111.111) and Section 382.085(b) of the Act by causing, suffering, allowing, or permitting excessive visible emissions from its boiler stacks, \$21,750.

Yarbrough Elastomer Products, a rubber blowout preventer manufacturing plant at 15 South Trade Center parkway, Conroe, Montgomery County, violating Board Rule 116.4 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by operating two open top solvent vapor degreasers without either unit being equipped with a properly sized refrigerated chiller or

having the proper freeboard ratio. No monetary penalty.



Barta Gin Co., a cotton gin at 23719 Highway 36, Damon, Brazoria County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the gin without a permit or without qualifying for a standard exemption, \$700.

Berwind Railway Service Co., a railcar cleaning facility in Scottsville, Harrison County, violating Board Rule 116.4 by exceeding the maximum allowable emission rate for volatile organic compounds established in a special provision of its TACB permit, \$3,600.

Dow Chemical U.S.A., an Operating Unit of the Dow Chemical Co., an organic chemical manufacturing plant on Battleground Road, LaPorte, Harris County, violating Board Rules 115.272(a)(7) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to adequately monitor components and record calibration(s) of the instrument used to monitor components in phosgene and volatile organic compound service at units K, L, M, and D, \$1,500.

Frontier Manufacturing Co., a metal shelving manufacturing operation approximately four blocks southeast of Highways 69 and 121 in Trenton, Fannin County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating an automatic paint line without a permit or without qualifying for a standard exemption, \$750. Subsequent to the notice of violation, the

company submitted an application for a permit.

Gibraltar Chemical Resources, Inc., a hazardous waste disposal facility on Highway 155, approximately 3 miles south of Winona, Smith County, violating Board Rule 101.4 and Section 4.01(a) [redesignated as Section 382.085(a) effective September 1, 1989] of the Act by discharging excessive emissions of cyclopentadiene and butylhydroquinone, \$8,000.

Hutson Industries, Inc., a semiconductor manufacturing plant at 1000 Hutson Circle, Frisco, Collin County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating a semiconductor fabrication facility and a degreaser without a permit or without qualifying for a standard exemption, \$500. Subsequent to the notice of violation, the company submitted an application for a permit.

La Gloria Oil & Gas Co., an oil refinery on East Commerce Street, Tyler, Smith County, violating Board Rule 101.4 by discharging excessive odors, \$12,000.

La Porte Chemical Corp., a vinyl chloride monomer plant at 2400 Miller Cut-Off Road, La Porte, Harris County, violating Board Rules 101.20(2) and 116.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by violating national emission standards for vinyl chloride by allowing an excessive concentration of vinyl chloride in exhaust gas streams from equipment used in ethylene dichloride purification and vinyl chloride formation and/or purification, \$15,000.

Pilgrim's Pride Corp., a poultry feed mill on Highway 104 South in Pittsburg, Camp County,

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violating Board Rule 116.1 and Sections 382.051(a) and 382.085(b) of the Act by constructing and operating the mill without a permit or without qualifying for a standard exemption, \$21,450. Subsequent to the notice of violation, the company submitted an application for and was issued a permit.

Pilgrim's Pride Corp., a blood and rendering plant wastewater spreading operation on FM 1519, one-half mile southeast of FM 1448 in Franklin County, violating Board Rule 101.4 and Section 382.085(a) and (b) of the Act by causing, suffering, allowing, or permitting excessive odor emissions, \$20,000.

Pyrament/Lone Star Industries, Inc., a cement blending plant at 8901 Manchester, Houston, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$11,414. Subsequent to the notice of violation, the company submitted an application for a permit.

Quantum Chemical Corp., a high density polyethylene plant at 1515 Miller Cut-Off Road, Deer Park, Harris County, violating Board Rules 115.271(4) and 116.5 and Sections 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by operating valves at the end of a pipe or line containing volatile organic compounds without sealing the pipe or line with a second valve, blind flange, plug, or cap and by exceeding production rates represented in its permit application, \$15,000.

Soltex Polymer Corp., owner and operator of polyethylene and polypropylene units at 1230 Battleground Road, Deer Park, Harris County, violating Board Rules 115.172(a)(1), 115.271(2), (4), and (5), and 115.273(a)(5), (6), and (9) and Section 4.01(b) [redesignated as

Section 382.085(b) effective September 1, 1989] of the Act by operating a system utilizing a volatile organic compound for the cold cleaning of objects without a cover for each cleaner which shall be kept closed whenever parts are not being handled in the cleaner; by failing to make all technically feasible repairs to leaking components within 15 days after leak is found; by installing or operating a valve at the end of pipe or line containing volatile organic compounds which is not sealed with a second valve, blind flange, plug, or cap; by failing to mark pipeline valves and pressure relief valves in gaseous volatile organic compound service in a manner that will be readily obvious to monitoring personnel; and by failing to maintain a leaking components monitoring log showing the date on which a leaking component is repaired, the date and instrument reading of the recheck procedure after a leaking component is repaired, the total number of components checked, and the total number of components found leaking, \$7,000.

Upper Valley Materials, Inc., a gravel processing plant one-fifth of a mile west of Tom Gill Road, four miles northeast of La Joya, Hidalgo County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating a rock crusher without a permit or without qualifying for a standard exemption, \$850. Subsequent to the notice of violation, the company submitted an application for and was issued a permit.

JUNE

Anago Inc, a medical products sterilization facility at No. 14 Finegan Road, Del Rio, Val Verde County, violating Board Rule 116.4

and Section 4.01(b) [redesignated as Section 382.085(b), effective September 1, 1989] of the Act, and a special provision of its TACB permit by failing to install a catalytic incinerator to control ethylene oxide emissions, \$6,750.

Baker Hughes Vetco Services, a pipe cleaning facility located at 16700 Highway 90 East, Houston, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$2,000.

Cominco American Inc., an anhydrous ammonia fertilizer manufacturing plant on FM 1551, Borger, Hutchinson County, violating Board Rule 116.1 and Sections 382.051(a) and 382.085(b) of the Act by constructing and operating new portions of an existing ammonia converter and an existing ammonia reformer without a permit or without qualifying for a standard exemption, \$29,900. Subsequent to notice of violation, the company submitted an application for a permit.

Exxon Company, U.S.A., a petroleum refinery at 2800 Decker Drive, Baytown, Harris County, violating Board Rules 101.20(1), 101.20(2), 115.251(4), 116.4, and 118.5; Sections 4.01(b) and 4.02(b) [redesignated as Sections 382.085(b) and 382.082(f) effective September 1, 1989] of the Act; and several special provisions of its TACB permit by failing to submit quarterly reports regarding Gas Turbine Generator No. 45 and initial semiannual reports; by allowing the water-to-fuel ratio to fall below the demonstrated level for compliance; by failing to comply with applicable new source performance standards; by failing to conduct required monitoring at Pipe-Still Unit No. 8; by failing to monitor the closed vent systems associ-

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ated with pressure relief devices in gas/vapor service; by failing to monitor the closed vent systems associated with sampling connection systems of direct flares; by failing to equip open-ended valves with a cap, blind flange, plug, or second valve; by failing to operate Flare 14 with a flame present at all times; by improperly mixing gas and air for calibrating fugitive monitoring devices; by failing to maintain the minimum required steam injection rate and thereby failing to maintain continuous compliance with nitrogen oxides limits; and by failing to update its emission reduction plan, \$10,750.

Fermenta ASC, Co., a pesticide manufacturing plant at 2239 Haden Road, Harris County, violating Board Rule 115.172 and Section 382.085(b) of the Act by failing to post a permanent label summarizing operating requirements on four cold solvent degreasers and failing to keep the degreasers covers closed when parts were not being handled, \$800.

Friedrich Air Conditioning & Refrigeration Co., an air conditioner manufacturing plant at 4200 N. Pan Am Expressway, San Antonio, Bexar County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating spray paint booths and vapor degreasers without a permit or without qualifying for a standard exemption, \$4,400. Subsequent to notice of violation, the company submitted an application for a permit.

Helena Chemical Co., a bulk fertilizer blending and distribution plant at Route 2, Box 28, Honey Grove, Fannin County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plant without a permit or

without qualifying for a standard exemption, \$1,100. Subsequent to notice of violation, the company submitted an application for a permit.

Lifetile Co., a concrete roof tile manufacturing facility at 30595 FM 529, Katy, Waller County, violating Board Rule 116.1 and Sections 382.051(a) and 382.085 of the Act by constructing and operating a concrete roof tile manufacturing facility without a permit or without qualifying for a standard exemption. Subsequent to notice of violation the company met the conditions for qualifying for a standard exemption. No monetary penalty.

Mobil Oil Co., a petroleum refinery at the end of Burt Street, Beaumont, Jefferson County, violating Board Rules 101.20(1) and 115.102(5) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by having a visible hole, tear, or other opening in the seal or seal fabric of Tank No. 2238 and by failing to comply with new source performance standards for new stationary sources, \$5,400.

Motorola, Inc., an automotive and industrial electronics facility at 3740 N. Austin Street, Seguin, Guadalupe County, violating Board Rule 116.1 and Sections 382.051(a) and 382.085(b) of the Act by modifying and operating the facility without a permit or without qualifying for a standard exemption, \$7,600. Subsequent to notice of violation the company submitted an application for and was issued a permit.

Occidental Chemical Corp., an organic chemical manufacturing plant on Tidal Road, Deer Park, Harris County, violating Board Rules 101.20(2) and 116.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by discharging an excessive amount of vinyl chloride to the atmosphere from a relief valve on a storage tank in the absence of an emergency, \$3,500.

Permian Metals, Inc., a metals salvage facility at 3501 West 2nd Street, Odessa, Ector County, violating Board Rules 101.4 and 111.1 and Sections 382.085(a) and (b) of the Act by causing, suffering, allowing, or permitting outdoor burning and by discharging one or more air contaminants or combinations thereof, \$7,200.

Star Enterprise, a petroleum refinery plant at Houston Avenue and 19th Street, Port Arthur, Jefferson County, violating Board Rule 101.20(1) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to equip each open-ended valve and line in volatile organic compound service with a plug or similar closure, \$1,000.

Texas Trench Burn, a land clearing operation based in Garland, violating Board Rule 111.101 and Section 4.01(a) [redesignated as Section 382.085(a) effective September 1, 1989] of the Act by causing, suffering, allowing, or permitting outdoor burning, \$250. ■

BOARD MEETING

**AUGUST 10
(10:30a.m.)
TACB AUDITORIUM
AUSTIN**

COMMITTEE MEETINGS

**Monitoring & Research
(8:30a.m.)**

**Budget & Finance
(9:00a.m.)**

**Regulation Development
(9:30a.m.)**

**State & Federal Affairs
(10:00a.m.)**

REGULATIONS UNDER REVISION

These articles are summaries of recent regulation development activities since April 1990. For additional information or copies of TACB regulations address correspondence to TACB Regulations Development.

need for explanations for "operated properly," "good working order," and "normal facility operations," and rule language was added to clarify those terms.

"We are proposing a separate definition and exemption for waste oil as suggested

by the comments," said Mr. Hartsock.

"The staff recommended retaining the requirement that facilities properly maintain and operate their air pollution control equipment, but eliminate the requirement that facilities shut down when the equipment is not operating properly," he added.

REGULATION VI

At its May 18 meeting, the board adopted changes to Regulation VI.

One section of the regulation was amended to require that any application for permit or permit amendment with an estimated capital cost of the project over \$2 million be submitted under seal of a registered professional engineer.

"This change was developed in response to requirements of the Texas Engineering Practice Act (TEPA). Concern was expressed in testimony that this new rule would limit sealing requirements of the TEPA for projects under \$2 million, would disallow exemptions provided in the Act for projects over that amount, and could have this agency regulating jurisdiction of the Texas State Board of Registration for Professional Engineers," said Mr. Hartsock.

"We added clarifications to the proposal to indicate that it was not our intent to create exemptions from the TEPA nor to modify exemptions within the Act. A clause

was added that states exemptions provided in the engineers' statute are unaffected by our new rule," added Mr. Hartsock.

Also, a section of the regulation was reformatted to add a distance requirement for most proposed lead smelters, and a section was amended to prohibit the owner/operator of a proposed facility from circumventing TACB permitting rules. Mr. Hartsock explained that this amendment eliminates a possible loophole in the exemption rule.

REGULATION V

At its June 22 meeting, the board adopted changes to Regulation V.

The revisions relate to the primer surfacer, topcoat, and final repair operations at General Motor's (GM) Arlington facility.

"In conjunction with these revisions, the agency is carrying out a strictly administrative role to help facilitate a lawsuit settlement between GM and the Environmental Protection Agency (EPA)," explained Mr. Hartsock.

Changes have been made to emission specifications, testing requirements, and compliance schedules. The emission specifications for primer surfacer and topcoat operations are modified to allow compliance to be determined by emissions of volatile organic compounds per gallon of solids deposited.

The emission specifications for final repair are modified to allow compliance to be demonstrated on a daily occurrence weighted average basis.

The testing requirements are revised to incorporate EPA approved test methods for determining compliance with alternate emission specifications. And, compliance by automobile and truck manufacturing in Tarrant County

GENERAL RULES

At its April 20 meeting, the board adopted revisions to several of the General Rules.

A new rule (101.26) was developed in response to the requirements of Senate Bill 769. The rule will levy a clean fuel incentive surcharge on fuel oil used between April 15 and October 15 of each year in industrial and utility boilers capable of using natural gas. The surcharge is applicable in metropolitan statistical areas with populations of 350,000 or more which have not met the national ambient air quality standard for ozone.

One additional substantive change to the General Rules requires that facilities not operate unless all pollution control equipment is in good working order and operated properly. Several other rules were administratively changed to references to the Texas Clean Air Act to reflect the incorporation of the Act into the Texas Health and Safety Code.

"Concerns addressed during the comment period centered around the definition of waste oil and the intent of the legislation regarding the exemption of waste oil from the surcharge, and the requirement that facilities shut down if control equipment is not operating properly," said Lane Hartsock, Planning and Development Program Director.

Comments also addressed the

(continued on page 9)

must be achieved no later than September 30, 1990.

"These revisions now allow a single determination of compliance through a method satisfactory to both EPA and TACB. We have agreed to submit this revision to EPA by July 23, 1990," added Mr. Hartsock.

REGULATION XI

At its June 22 meeting, the board adopted changes to Regulation XI.

The regulation applies to municipal solid waste management facilities licensed by the Texas Health Department and contains specifications and requirements relating to the TACB air quality review of applications for landfill permits.

"These changes were proposed in response to recent changes to the Solid Waste Disposal Act which retitled the statute and removed the requirement for us to review landfill applications except for incinerators," said Mr. Hartsock.

The new statutory language states that applications for municipal solid waste management facilities are not subject to TACB review under the statute, with the exception of applications for facility units which burn or incinerate solid waste.

Also, a statement has been added to the regulation to explain that the definition of municipal solid waste incinerator does not include a unit which incinerates gas emanating from the decay of solid waste, that is, off-gas.

"At the public hearing, the most notable issue raised was the legislature's removal of our requirement to review applications for most municipal landfills. Notwithstanding some of the arguments, the legislature did remove the statutory requirement for the TACB to conduct technical review of air emissions from landfills and to be a

necessary party to landfill permit hearings.

"Major factors considered by the legislature were the high cost of staff resources needed to review all landfill applications and attend all

landfill permit hearings, and the small air quality benefits, if any, gained by our participation in the process for regular landfills," said Mr. Hartsock. ■

WORKSHOP SETS STAGE FOR PM 10 STUDY

Members of the TACB staff, along with nine members of the agency's Resource Panel on Health, Environmental Effects, and Technology, two board members and officials from El Paso met on June 14 in Austin for a workshop to detail an upcoming Research Division study on PM10 visibility in El Paso.

"There are several reasons why we decided to include this project in our research objectives. Basically it involves health and safety. There are high concentrations of carbon monoxide and PM10 in the area. We feel we can provide additional information for the state implementation plan (SIP) for El Paso and it is important to start soon because of the SIP deadlines we face," said Stuart Dattner, Research Division project officer.

Areas to be considered in the study include examining how much of the particulate is fine versus coarse, the predominate species, the visual characteristics, and the temporal variations.

The project will also compliment work being conducted by the Environmental Protection Agency (EPA) in cooperation with the Mexican government on border air pollution issues which began last year with some saturation monitoring and continues with additional monitors in operation on both sides of the border.

Six members of the research staff, along with a chemist in the Monitoring Operations Program, and some El Paso personnel will be responsible for the project.

About \$90,000 is budgeted for the project which includes funds for sample collection and analysis. The instruments include dichotomous samplers which separate coarse and fine particulate matter and annular denuders which will measure for sulfate and nitrate for about 100 days. Besides the samplers, the project involves the deployment of two 35mm cameras facing downtown El Paso. One camera will be located in east El Paso and the other in Juarez, photographing the city at least three times each day.

Plans call for the cameras to be deployed to El Paso in November. Sampling will be done during the winter months until March 1991, with the analysis of the data to begin in the Spring of 1991. ■

MONITORING OPERATIONS AND REGION 7 SUPPORT PEARLAND EMERGENCY

For the third time in the past nine months, several central office staff members have had to literally drop everything to respond to an emergency situation several hundred miles away. However, according to Doyle Pendleton, Deputy Director for Monitoring Operations, this particular part of the job is one of the most valuable because it provides an immediate service to other authorities who must make critical decisions that affect many citizens.

Around noon on June 9, emergency response coordinator Bob Mauel received a call from the Houston regional office requesting the emergency response trailer and team to respond to a chemical fire in Pearland. Since there is no full time emergency response team per se, those staff personnel trained for the different aspects of emergency response had to be located. The response team members wear telephone pagers which were activated in this incident.

An important part of the job is analyzing air samples in the vicinity of the fire. Since it would take some time for the emergency team to get to the scene, Houston staff members were able to get to the area and took the air samples. The full emergency trailer was not taken because of mechanical trouble encountered during an emergency response the previous week, however all the necessary

equipment was transported to the area in three vehicles, leaving Austin about 2:30 p.m.

Upon arrival, they had four air samples to analyze. Each sample takes about 45 minutes to analyze. At about 10 p.m. the results were provided to the on-scene coordinator and the public, as well as the large number of media representatives. The decision was made earlier to evacuate the area near the plant, and the information provided by the TACB helped confirm that this was the right decision to make.

"Once again much was learned on this trip. We were able to get on the road a lot more quickly. We also realize how important it is that the air samples be taken within the affected community as well as at the maximum emission impact points. But in these types of situations there is always a lot of uncertainty and there is always going to be something new," said Mr. Pendleton.

This was a particularly busy day for the Houston staff, because they had several other emergency situations at about the same time.

The people deploying from Austin included Mr. Pendleton, Scott Mgebhoff, Milton Wood, Henry Krauss, and Jim Lindgren. Houston staff involved in the emergency were Steve Rossing, Pete Bolds, Faye Liu, and Linda Vasse. ■

from page 1 SANDBLASTING DANGERS

tion Agency (EPA) recommends removal of soil.

All sampling results were provided to residents, city officials, and the news media. The TACB health effects staff coordinated health related responses with the Texas Department of Health.

In addition, meetings were held with the community, the city, and others involved to work on strategies for correcting the problem. Area residents had blood tests taken through private physicians and through a county clinic arranged for just that purpose. Results showed low blood lead levels, indicating that little of the lead had been ingested by the residents. Following the massive clean-up effort, additional sampling and analysis was done for confirmation.

"Several staff members in the central office worked on the advisory. These staff members were directly involved in the Cedar Park incident, and they recognized the potential for future problems. I believe this advisory will certainly help city officials. We don't want any more citizens to have to go through the anxiety and fear experienced by the two communities involved," said Debra Barber, Director, Enforcement and Field Operations Program. ■

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TACB COMMITTEE LISTING

Since the beginning of the year, Dick Whittington, TACB Chairman, has made new appointments and named new chairmen to several of the TACB committees. Listed below are the most current makeup of the eight committees:

BUDGET AND FINANCE

William H. Quortrup, Chairman
Bob G. Bailey
Marcus M. Key
Warren H. Roberts

ENFORCEMENT

C.H. Rivers, Chairman
Bob G. Bailey
William H. Quortrup
Warren H. Roberts

FEE REVIEW

Bob G. Bailey, Chairman
C.H. Rivers
Mary Anne Wyatt
Calvin B. Parnell, Jr.

HEARINGS OVERSIGHT

Mary Anne Wyatt, Chairman
John L. Blair
Warren H. Roberts
Calvin B. Parnell, Jr.

MOBILE SOURCE EMISSIONS

Marcus M. Key, Chairman
William H. Quortrup
Mary Anne Wyatt
Warren H. Roberts

MONITORING AND RESEARCH

Marcus M. Key, Chairman
John L. Blair
Calvin B. Parnell, Jr.
C.H. Rivers

REGULATION DEVELOPMENT

John L. Blair, Chairman
Marcus M. Key
Calvin B. Parnell, Jr.
C.H. Rivers

STATE AND FEDERAL AFFAIRS

Mary Anne Wyatt, Chairman
Bob G. Bailey
John L. Blair
William H. Quortrup

LEGAL ACTIVITIES

The following is a summary of TACB legal activities for the months of April through June 1990.

The TACB requested that the Attorney General file and prosecute a lawsuit against the following: **Alltest, Inc.**, Tarrant County, for violation of Board Rule 114.4(b)(4) (motor vehicles).

Nasa Auto Sales, Harris County, for violation of Board Rule 114.1(c) (motor vehicles).

Temple-Inland Forest Products Corp., Angelina County, for violation of Board Rule 101.4 (nuisance).

Universal Industries, Travis County, for violation of Board Rule 101.4 (nuisance).

Lloyd Walters, Jefferson County, for violation of Board Rule 111.101 (outdoor burning).

CONTESTED CASE HEARINGS SCHEDULED:

A hearing is scheduled to begin at 8 a.m. on August 21 in the auditorium of the TACB central office in Austin to consider issuing a permit to **Capitol Aggregates, Inc.** to construct an asphalt plant in Oak Hill, Travis County.

A hearing is scheduled to begin at 1:30 p.m. on September 11 in Room 332 of the TACB central office in Austin to consider affirming, modifying, or setting aside an emergency order authorizing **Starco, Inc.** to reconstruct a fiberglass tank coating facility located at 149 Hwy. 81 in Rhome, Wise County.

A hearing is scheduled to begin at 1:30 p.m. on September 24 in Room 332 of the TACB central office in Austin to consider a request by **Texas Utilities Electric Company** for an alternate opacity limitation for boiler stacks on Units 1 and 2 of the Big Brown Steam Electric Station located 10 miles northeast of Fairfield, Freestone County.

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In This Issue

-  NEWS BRIEFS
-  REVISIONS TO RULES
& REGULATIONS
-  PM 10 WORKSHOP
-  AGREED ENFORCEMENT
ORDERS
-  LEGAL ACTIVITIES

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