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# Task force to study environmental justice



Texas became the first state in the country to formally examine environmental issues and their impact on minority and lower income communities with the formation of the Task Force on Environmental Equity and Justice.

Texas Air Control Board (TACB) Chairman Kirk P. Watson announced the formation of the task force during a news conference in January.

The task force is also cosponsored by the Texas Water Commission (TWC).

"Recently, there has been an increased and overdue concern about inequities in the distribution of environmental hazards. Various

studies have provided empirical evidence supporting the conclusion that environmental hazards are disproportionately concentrated in low income communities and in particular in minority communities," said Mr. Watson during the conference.

"Texas stands on the eve of creating a comprehensive new environmental agency that will be one of the largest such agencies in the country and

that will be one of the state's most vital agencies in terms of impacts on the lives of all citizens. TWC Chairman John Hall and I are initiating a necessary, timely and appropriate step to lay the groundwork for this new agency," he added.

The task force will work to ensure that public benefits resulting from the work of the new agency will be fully and

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TACB Chairman Kirk Watson drives home a point during a January Capitol press conference at which he announced the formation of the nation's first Task Force on Environmental Equity and Justice.





## From The Chair

# TACB chairman testifies in Washington

▼▼▼  
Texas Air Control Board (TACB) Chairman Kirk Watson's March 10 testimony to a U.S. Senate subcommittee in Washington, D.C., focused on the unique role of the agency's small business assistance program in bringing small businesses into the regulatory process.

Speaking to the Subcommittee on Clean Air and Nuclear Regulation, Mr. Watson emphasized the potential pitfalls that many small businesses will face in meeting requirements of the Federal Clean Air Act Amendments of 1990 and the continuing role Congress needs to play to make this program a success. He commended the subcommittee for recognizing the burdens facing small businesses in complying with the Act, an awareness that resulted in a requirement that each state develop a small business program.

"Our research indicates that almost 60,000 small businesses and 500,000 jobs

in Texas are being impacted by these regulations in our state alone," Mr. Watson told the subcommittee. "Preliminary estimates indicate the cost to these small businesses may be more than \$1 billion."

To the subcommittee's question, "What can Congress do to make this program viable?", Mr. Watson stressed three key areas in which Congress could assist:

- Request that the U.S. Environmental Protection Agency (EPA) consider favorably a Minor Source Policy regarding penalties and the use of creative penalty programs as workable incentive regulations;
- Recommend that the EPA work with the federal Small Business Administration to earmark loan guarantees for the purchase of control technology;
- Support a low-interest loan program for such purchases.

"A particularly significant aspect of our program is to give a voice to our small businesses, a way to cut government red tape and solve problems. This is accomplished

through our independent Small Business Ombudsman. The role of that office is to provide small businesses with a sounding board," Mr. Watson said.

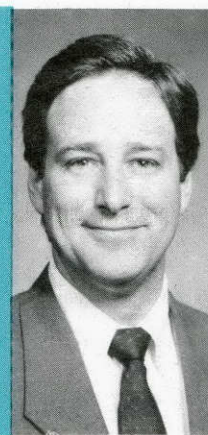
"Our Small Business Technical Assistance Program has begun working closely with the Texas Employment Commission, the Department of Commerce and other agencies to develop a data base of specific businesses for direct-mail information campaigns describing regulations affecting them. Statewide workshops, seminars and training programs are supplementing this effort," he added.

To make this task easier, Chairman Watson noted that he has begun appointing regional small business advisory committees in each of Texas' ozone nonattainment areas.

"Formation of these advisory committees provides us with the opportunity to create partnerships of the public and private sectors," Mr. Watson said. "In this way, we can harness the creative thinking and the in-

genuity of our business community in an effort to clean up our air and recommend ways to protect public health at the lowest possible cost and with the least impact on jobs." ♦

**Kirk Watson,  
Chairman**



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## Cement kiln task force issues final report



The Texas Air Control Board's (TACB) Task Force on Waste-Derived Fuels for Cement Kilns presented its final report at the February board meeting, including recommendations on various issues associated with burning waste-derived fuels in cement kilns.

The 18-member group was established in July 1992 by TACB Chairman Kirk P. Watson because of growing concerns by the public on the issue and increased interest by the cement industry in using waste-derived fuels.

The task force, chaired by TACB member C.H. "Chuck" Rivers, held five public meetings and approached issues through three subcommittees. The subcommittees evaluated capacity needs for hazardous waste incineration, the many state and federal rules and regulations relating to cement kilns and commercial incinerators, and testing and monitoring procedures throughout the hazardous waste burning process in cement kilns. The results and recommendations of their work are included in the report.

The Subcommittee on

Capacity Needs concluded that the state will have approximately twice the commercial capacity needed to meet estimated demand for commercial incineration of liquid waste generated in Texas through 1995. They also made several public policy recommendations regarding importing of commercial hazardous waste, cost benefits for waste disposal, permitting, impact of extra capacity on waste minimization policies and benefits of fossil fuel substitution.

The subcommittee also stated that "nothing in their report is intended to suggest that the decision to grant a permit to utilize or dispose of hazardous waste by either a cement kiln or an incinerator should be solely dependent upon the state's existing capacity to dispose of hazardous waste."

The Subcommittee on Rules and Regulations concluded that cement kilns commercially burning hazardous waste and commercial hazardous waste incinerators should be held to the same standards, enforcement and

monitoring. They also addressed the burning of tires in cement kilns and concluded that tire-derived fuel use should be encouraged provided emissions are comparable to the burning of fossil fuels. The task force as a whole recommended that the kiln product should be tested on a regular, routine basis between test burns.

The Subcommittee on Monitoring and Testing made recommendations that analyze the procedure commencing with the arrival of the material (monitoring incoming waste), through the burning conditions (stack testing and monitoring during burning) and finally the residuals after burning is com-

pleted (kiln dust testing of residues).

"This task force and the staff who worked with us spent many long hours on the project. We toured cement kilns and a hazardous waste incinerator, and it was an educational process for all of us. I believe these recommendations will help better define the required technology and regulations to assure that burning of hazardous waste and tire-derived fuel can be conducted appropriately," said Mr. Rivers.

The board unanimously accepted the task force report and directed the implementation of those recommendations as resources permit. ♦

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business owner with a  
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pollution laws?**

.....  
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# Enforcement plan to target problem polluters



A plan to create a multi-faceted, effective enforcement program was unveiled recently by Texas Air Control Board (TACB) Executive Director Bill Campbell.

The Strategic Enforcement Priorities Plan '93 will place a heavier emphasis on strategic priorities targeting use of resources. The plan is a mix of special initiatives for this year, along with improvements that will have value year after year.

The director noted that while the enforcement program focusing on strategic priorities will have different areas of emphasis from year to year, particularly troublesome or risky pollution sources can expect more attention every year. For 1993, for example, sources which may get special attention are:

1. those which have not conscientiously submitted required emissions data;
2. those not in compliance with past board orders;
3. sources of ozone (smog) forming pollutants in

Travis, Bexar and Gregg counties which haven't recently checked on their compliance with permit regulations (Travis, Bexar and Gregg counties are areas which have come close to violating the federal ozone standards);

4. sources not complying

with upset reporting requirements.

"As the agency implements these initiatives, some of which will be pilot projects, we will be carefully observing which measures are most effective," said Mr. Campbell.

"I believe that there are

opportunities not only to strengthen current practices, but also to create momentum that will allow the Texas Natural Resources Conservation Commission (TNRCC) to inherit an air pollution enforcement program that is on its way to being a leader in the country," said TACB Chairman Kirk Watson.

"I hope this will begin a new era of enforcement characterized by periodically identifying, announcing and implementing initiatives that target problem polluters by allocating our resources for maximum effectiveness," Watson added.

The air quality enforcement program in Texas has had two distinct eras. Prior to 1985, the hallmark of air quality enforcement involved encouraging voluntary compliance from industry since the TACB could not assess fines.

After 1985, the Texas Legislature provided the agency with a new mandate and a new tool for enforcement - administrative penalties to be set by the agency's board.

## TACB Enforcement Development History

### Pre-1985 - Voluntary Compliance

### Post-1985 - Mandatory Compliance

- ▼ Administrative Penalty Authority
- ▼ Rapidly Growing Work Loads

### 1993 - Strategic Enforcement Priorities

- ▼ Risk-Based Inspection Targeting
- ▼ Focus on Sources With Major Impact
- ▼ Board Order Follow-up
- ▼ Emissions Inventory Enforcement
- ▼ Preventive Enforcement in High Ozone Areas
- ▼ Air Pollution Training Academy
- ▼ Enforcement Consistency
- ▼ Upset/Maintenance
- ▼ Creative Partnerships With Other Levels of Government

### 1994 - Future Strategic Enforcement Priorities

- ▼ Multi-Media Enforcement
- ▼ Incorporate Successes of 1993
- ▼ Design Future Initiatives

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## I/M testing program surges forward



The thrust for a vehicle inspection and maintenance (I/M) program in the state's four ozone nonattainment areas got a renewed push Jan. 15 as the Texas Air Control Board (TACB) adopted a revised State Implementation Plan (SIP) dealing with improved vehicle emissions testing.

Using requirements under the new program, vehicle testing is scheduled to begin by Jan. 1, 1995, in most ozone nonattainment areas, and in Dallas, Tarrant, Collin and Denton counties by July 1, 1994. A phase-in schedule is also planned for older-model vehicles in El Paso, although late model vehicles will begin testing under the new program by Jan. 1, 1995.

In a separate January action, the board simultaneously opened the way for proposals from prospective management firms to establish biennial testing facilities in each nonattainment area. After the TACB receives and reviews bids, managing contractors will be selected for the construction and maintenance of test-only stations in each of

these metropolitan areas: Houston-Galveston, Dallas-Fort Worth, Beaumont-Port Arthur and El Paso.

However, the TACB Mobile Source Division, which implements the program, will give special consideration to the predominantly rural Liberty, Chambers and Waller counties, according to the board's wishes. As stipulated, staff members conducted an analysis to determine how the I/M program should be phased into these counties. Startup for

the I/M program in these areas is forecast for January 1997.

Another board-directed change to the contractor proposal process is an adjustment to the performance bond and public information campaign to implement El Paso's I/M program. The performance bond was reduced from \$2 million to \$1.25 million, and the public information account was adjusted downward from \$300,000 to \$230,000.

The decentralized I/M program now in effect in El Paso will continue to be used for 1968 to 1989 year models, although those vehicles must be tested under the new network beginning Jan. 1, 1996.

### Managing and operating contractors

As these developments fall into place over the next two years, local entrepreneurs in each nonattainment area may serve as lessees, or

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## Governor names new board member



Gov. Ann Richards has appointed Elaine Barrón, M.D. as the newest member of the Texas Air Control Board. Dr. Barrón replaces Suzanne Ahn, M.D., of Dallas who resigned earlier this year.

Dr. Barrón practices internal medicine in El Paso. She is the first board member from

El Paso and has been involved with several continuing medical education projects throughout the state.

Prior to obtaining her medical degree from Universidad Autonoma de Ciudad Juarez Chihuahua, Mexico, Dr. Barrón received nursing degrees from the Uni-

versity of Texas at El Paso. She has received professional nursing licenses from Texas, Michigan and Ohio.

Dr. Barrón is married to Miguel Luis Barrón, a vascular and thoracic surgeon. They have three children, Maria Elena, Miguel Antonio and Diana Margarita. ♦



## Environmental Justice

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equitably realized by communities of color, taking into account the greater degree of risk to which such communities are already exposed.

The task force is chaired by Antonio Diaz of the Texas Center for Policy Studies. State legislators, city officials, community activists, other governmental representatives, interested citizens and TACB/TWC staff are the other members of the task force.

Chairman Watson has asked the task force to focus its attention on and develop recommendations in several areas including:

- a review of factors that have traditionally tended to cause risk to be concentrated in lower income and minority communities;

- a review of statutes, policies and procedures used by the TACB and TWC that relate to the location of facilities posing environmental risk;

- a review of data and methodologies by which the state might become more specifically aware of situations in which neighborhoods are at particularly high risk and the incorporation of environmental equity considerations into the risk assessment process;

- a review of enforcement practices to determine if alternative methods of allocating resources would more equitably serve minority or other high-risk communities and a review of outcomes to identify any tendencies toward more lenient outcomes in communities of color;

- a review of the role played by local governments in influencing siting and location decisions that often pose a significant element of risk;

- a review of the efforts of the agencies in ensuring equitable representation of people of color in their work

force and in helping minority youth to learn about career opportunities in the environmental field;

- a review of methods by which the state environmental agency communicates with communities of color and can become more "user friendly" to persons of color; and

- a review of approaches to institutionalizing a focus on lower income and minority communities when formulating and implementing policies, procedures and legislation.

The task force held its first meeting the last week in February. ♦

## Enforcement Plan

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"While there has been great improvement since 1985 due to the administrative penalty authority, there are still significant challenges to enforcement in a state as large and diverse as Texas," said Debra Barber, Director of Field Operations.

Ms. Barber noted that to address many of the complex problems, the staff is developing a holistic approach which includes a comprehensive investigator training program,

standardization of investigative procedures and a system for tracking and monitoring overall effectiveness.

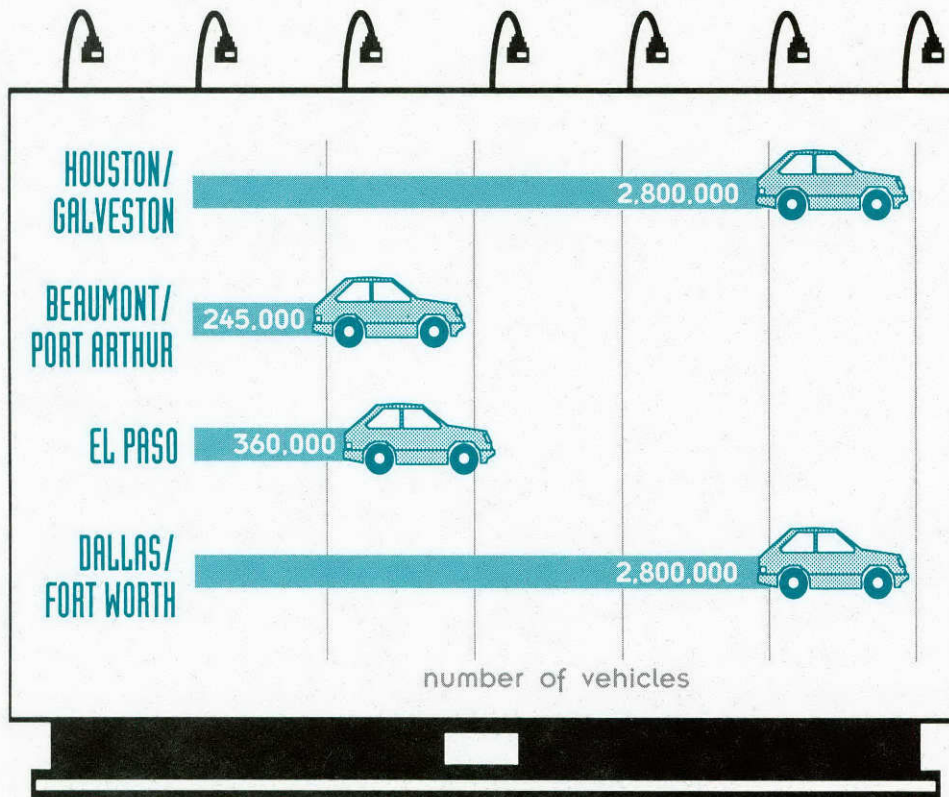
"We continue to seek additional resources for our traditional enforcement obligations but it is likely that the huge work loads mandated by the Federal Clean Air Act Amendments of 1990 will soak up most additional resources. Therefore, strategic use of resources to target Texas' problem polluters is more important than ever," added Mr. Campbell. ♦



## I/M Testing Program

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Nearly six million cars and trucks registered in the nonattainment areas will be required to undergo emissions inspections. Major emphasis will be placed on ensuring that vehicles are properly repaired when necessary.



operating contractors, of I/M stations in specific geographic areas. The board-directed "request for proposals," aimed at prospective managing contractors, instructs bidders to give a preference to local small or disadvantaged businesses as operating contractors.

Operating contractors, however, must not be engaged in the repair or maintenance work necessary to get the emissions of failing vehicles up to state air quality standards.

In addition, the TACB is considering a "vehicle scrap-age" program in conjunction with the Houston I/M program.

Under this option, the

motorist of a failing vehicle could choose to forego required repair work and receive fair compensation for the vehicle from a "scrapage dealer." This party would serve as an intermediary between the vehicle owner and any area organization interested in receiving an emission reduction "credit" for its own operations. In this way, some older vehicles, which the TACB has determined account for the large majority of mobile source emissions, would be taken off the road, leading to improved air quality.

The I/M operating contractors will be involved in conducting the day-to-day vehicle

emissions tests, collecting fees and verifying passing or failing vehicles. The verification process will be coordinated with tax assessors in the county where the tests are performed, and these officials will determine whether vehicle registration stickers will be issued to particular vehicles, based on test results.

Although each nonattainment area may be administered by different managing contractors, the entire system will be centrally networked, and vehicle test data will be routed to the main computer center in the Austin TACB office.

### Testing modes

Eight counties in the Houston area, as well as El Paso County, will be subject to "enhanced" I/M programs so that significant reductions in volatile organic compound emissions may be realized. The Houston area subject to the requirement consists of Harris, Galveston, Brazoria, Chambers, Fort Bend, Waller, Liberty and Montgomery counties. This cluster of counties continues to be designated by the U.S. Environmental Protection Agency (EPA) as a severe ozone nonattainment area.

This designation will require test facilities that conduct the high-tech, enhanced I/M tests, which significantly improve the detection of harmful pollutants in vehicle exhaust. The El Paso area is required to implement an enhanced program due to its high annual concentration of ozone.

Motorists in the Beaumont-Port Arthur and Dallas-Fort Worth areas must have their vehicles tested at facilities using a "basic" loaded-mode, two-speed test. These areas were designated by the EPA as "serious" and

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# Stage II vapor recovery deadline approaches



Two Stage II vapor recovery deadlines for equipment installation — May 15 and Nov. 15, 1993 — must be met by owners/operators of most gasoline refueling stations in the state's ozone nonattainment areas, including some public and private fleet operators, depending on the volume of gasoline dispensed.

Because of these deadlines, the Texas Air Control Board (TACB) staff began the new year with priority, time-sensitive public education programs that are tied to Stage II requirements in the Federal Clean Air Act Amendments of 1990.

By the May deadline, Stage II vapor recovery equipment must have been installed and tested at stations for which construction began after Nov. 15, 1990. The requirement does not apply to stations pumping less than 10,000 gallons of gasoline in any calendar month since January 1, 1991. This exemption, however, will not cover any gas refueling stations if

construction of these began on or after November 15, 1992.

Facilities with a gasoline throughput of at least 100,000 must comply with the Stage II requirements by Nov. 15, 1993, and operators of all other facilities must install and test the equipment by Nov. 15, 1994.

Owners/operators qualifying as "independent small business marketers" of gasoline could receive a waiver from the requirements until December 1998. (A full description of these compliance requirements and deadlines is available in a special TACB Stage II vapor recovery fact sheet.)

Stage II vapor recovery equipment is required in the Texas counties that continue to exceed air-quality standards for ozone. The equipment consists of specially designed gasoline nozzles, hoses and related above- and below-ground hardware that, when operational, sharply reduces the amount of harmful organic vapors that otherwise would escape to the air during vehicle refueling. These vapors, including benzene, may cause

adverse health effects.

The TACB public education workshops were held in January and February. These placed emphasis on the required training of inspectors and informing soon-to-be-regulated station operators, equipment vendors and others about the quickly approaching requirement in these 16 Texas counties: Harris, Galveston, Fort Bend, Waller, Liberty, Montgomery, Chambers, Brazoria, Orange, Jefferson, Hardin, Dallas, Tarrant, Collin, Denton and El Paso.

TACB staff expected, and received, a range of important inquiry from workshop participants about the program. Many questions pertained to the regulated community's ability to comply timely, and the board recently directed that the TACB should streamline a process whereby station operators could obtain expedited approval to use the most up-to-date Stage II equipment.

Although the equipment must be certified by the California Air Resources Board (CARB), the TACB requires that station operators must rely on CARB executive orders

certifying Stage II equipment, but effective only through April 1992.

As directed by the board Feb. 19, the TACB will attempt to make it possible for operators to use post-April 1992 CARB-certified equipment. Under this approach, the station operator would make a request to the TACB to use such equipment under Regulation V for alternate methods of control.

Participants also inquired at length about employee training for daily equipment inspections for defects and the Stage II waiver process until December 1998 for independent small business marketers of gasoline. TACB staff members noted that the agency is keeping an ongoing dialogue with U.S. Environmental Protection Agency officials to reach acceptable solutions to some of the participants' outstanding concerns.

According to Walter Bradley, director of TACB's Program Development, "We had a high level of interest from the station operators in each city simply because so many out-

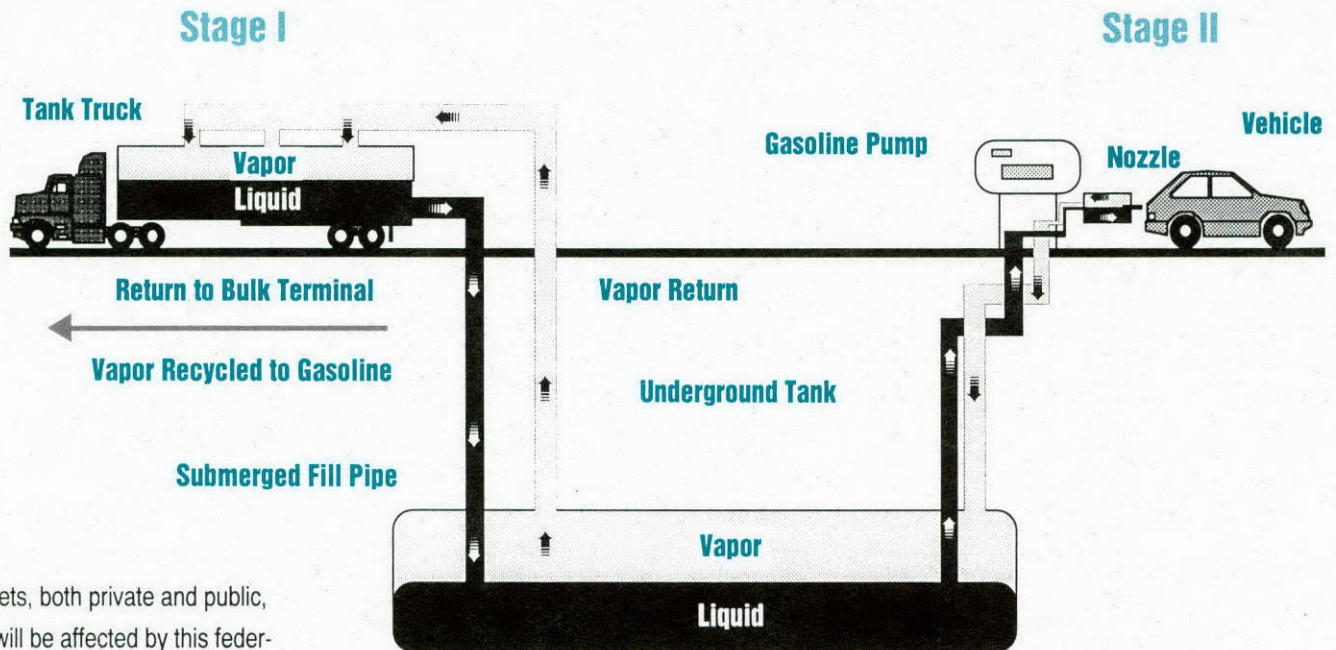
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## Stage II Deadline

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### Regulation Summary for Stage II Vapor Recovery Systems



lets, both private and public, will be affected by this federally imposed regulation. Several groups within the agency, and from the TACB regional offices, have been pulling together over the past three months to increase the visibility of this approaching requirement. We did this because we knew there would be a large response and a need-to-know among those affected in the short time available to us," he added.

Once properly installed, Stage II vapor recovery equipment will control otherwise escaping vapors by up to 98 percent efficiency, although the TACB regulation requires a 95 percent efficiency. The trapped vapors are routed by vacuum-assisted or vapor-balance technology back into the underground storage tank,

ultimately saving a substantial volume of gasoline. Again, all Stage II equipment used in accordance with the TACB requirements in Regulation V must be certified by CARB.

To receive a detailed TACB fact sheet on Stage II, or to get on the mailing list for periodic updates and future workshops, call (512) 908-1064, or write the TACB's Small Business Technical Assistance Program, 12124 Park 35 Circle, Austin, Texas 78753.



## Court upholds fine authority

In a direct-appeal case dating to 1985, the Texas Supreme Court on March 3 upheld the authority of state environmental agencies to assess administrative fines against violators of environmental laws. However, the court struck down the practice of requiring that fine amounts be paid into escrow pending appeal through the court system.

Justices noted that escrowed funds equivalent in amount to proposed fines or bonded funds violated open courts provisions in the Texas Constitution guaranteeing free judicial access.

The case was styled Texas Association of Business vs. Texas Air Control Board, Texas Water Commission, et al. The original filing of the test case followed legislation allowing state environmental agencies to assess penalties against pollution law violators.

Virtually all TACB enforcement cases containing proposed penalties are negotiated in advance and result in Agreed Enforcement Orders. ◆



## Staff recommends hold on LEV standards



The Texas Air Control Board (TACB) on February 19 considered staff recommendations on the legislatively mandated study regarding the adoption of the California "low-emission vehicle" (LEV) standards in Texas.

The board agreed with TACB Mobile Source Division Director Russ Baier and the LEV Advisory Committee that,

considering the many outstanding issues and uncertainties currently existing, it would be inadvisable at this time to move forward with the LEV program implementation in Texas.

Mr. Baier pointed out that the new legislation directed at such a requirement would be improbable during this session, since a recent U.S. District Court judgment in New York upheld a challenge by the Automobile Manufacturers

Association to the state's LEV requirements. The association argued that without the use of California reformulated gasoline with LEVs, manufacturers would be required to produce a third type of automobile, which is prohibited by the Federal Clean Air Act (FCAA).

The LEV emission standards certified by the California Air Resources Board (CARB) are lower than those that would apply under the Federal Motor Vehicle Control Program

for new vehicles. A major issue is whether vehicles meeting the LEV standards would result in lower in-use emissions over the lifetime of the vehicle than those with the federal vehicle emission standards. However, under the FCAA of 1970, Congress specifically prohibited any state from imposing different standards that would require auto manufacturers to produce a "third" type of vehicle (in

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## Standard exemption studied for auto body shops



Representatives from auto body paint shops in the Houston, Dallas-Fort Worth and Austin areas attended an initial meeting of the Texas Air Control Board's (TACB) newly appointed Auto Body Shop Task Force. The group's purpose is to develop a more ac-

ceptable statewide standard exemption process that could substitute for what would otherwise be a difficult permitting process for these types of operations.

Many auto painting operators have difficulty meeting conditions in the current exemption. Staff's goal is to harmonize requirements of permitting and Regulation V pro-

visions affecting these businesses.

Auto painting businesses, just like dry cleaners and several others in which toxic air contaminants may be used as an incidental part of the operation, soon will be regulated statewide, not just in ozone nonattainment areas.

Also attending were representatives of the Consumers

Union and the general public, with TACB staff from Austin, Houston and Fort Worth on hand to discuss ways the new exemption might be developed.

The group reviewed an initial draft prepared by staff and received a questionnaire, which will be used to gather data on actual in-use

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## I/M Testing Program

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"moderate" for ozone, respectively. Since the Beaumont-Port Arthur area has a smaller population, a basic I/M program will meet the EPA's requirement.

All test facilities will be strategically located for quick access and designed for customer convenience, with inspection lane wait times estimated at 15 minutes or less. Motorists who dispute emis-

sion test results also may obtain an alternate test at a "referee" facility at no additional charge, although a fee would be assessed if the vehicle also failed the alternate test. Special inspection lanes and scheduling may be provided for operators of large fleets of vehicles.

In the Houston and Beaumont-Port Arthur areas, extensive preliminary testing will be

conducted from July 1 to Dec. 31, 1994, to gauge the effectiveness of the program. The El Paso preliminary time frame for testing will be from Sept. 1 through Dec. 31, 1994.

All 1968 and newer models of gasoline-powered vehicles in all nonattainment areas will be subject to emissions and anti-tampering tests of the catalytic converter and fuel inlet restrictor. How-

ever, 1990 and newer light-duty cars and trucks in the Houston and El Paso areas must undergo the comprehensive "I/M 240" test, and pressure and purge testing. Heavy-duty trucks, excluding diesels, will be subject to a two-speed idle and pressure test. Diesel-powered vehicles will be exempt from the program until January 1997. ♦

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## LEV Standards

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addition to the federal and California vehicles).

The TACB was required under Senate Bill 2 of the 72nd Texas Legislature to evaluate the potential benefits and cost of the adoption of the California LEV standards in Texas. In response, the TACB awarded a contract to E.H. Pechan & Associates Inc. to evaluate the implementation of the LEV program in Texas and to prepare a report.

The TACB staff also per-

formed an extensive study, did technical reviews of available information and analyzed critical policy issues associated with adoption of the LEV standards in Texas.

Based on the information obtained from both staff and contractual efforts, the significant emission reduction benefits from the implementation of the LEV program in Texas would not occur until the year 2005 and after, too late to contribute to the required 15 per-

cent reduction of volatile organic compounds (VOCs) in the nonattainment areas of Texas by 1996, as required by the FCAA. The most substantial reduction of ozone precursors (VOCs and oxides of nitrogen) will be in the Houston/Galveston nonattainment area.

A LEV Study Advisory Committee named by the chairman of the TACB, consisting of representatives from the diverse interests, reviewed

draft reports submitted by Pechan & Associates, policy documents and correspondence exchanged with the U.S. Environmental Protection Agency, and other information available to the TACB. These provided valuable insight and guidance regarding the adoption of the LEV program. In turn, the board is to report the findings of the study to the 73rd Legislature now in session.

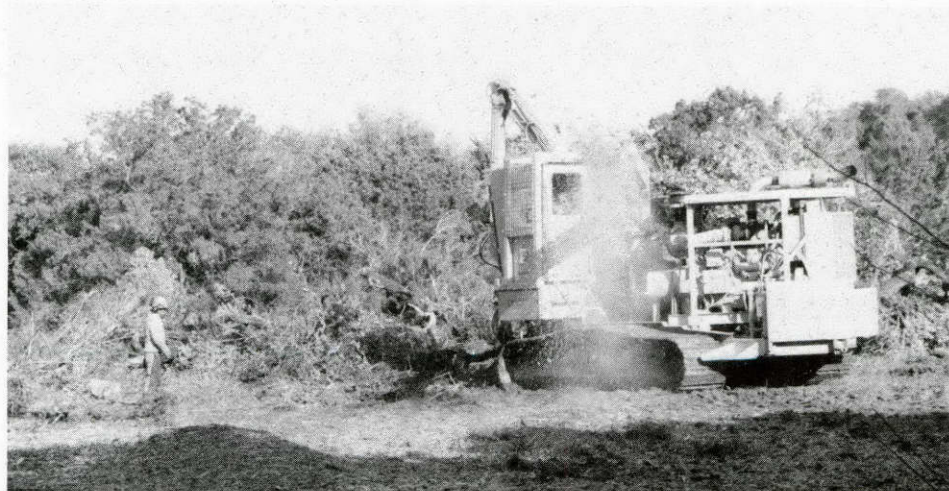
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# Policies studied for crop burning

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**A** task force sanctioned by the Texas Air Control Board (TACB) has been charged with developing new policies to address annual burning of crop stubble in some parts of the state. The problems associated with crop burning primarily have persisted in the West Texas and Panhandle regions, where the practice has been used as an alternative to plowing under or shredding stubble.

The first meeting of the Crop Residue Task Force was held Feb. 3 at the TACB's re-



*Material shredding is one of many alternatives to outdoor or crop burning. The TACB is pursuing new policies to improve control over agricultural burning and to offer alternatives to the potentially dangerous practice.*

gional office in Lubbock. The group discussed the future of stubble burning among South

Plains farmers, formal enforcement procedures and penalties violators might be required to pay. The group also discussed the status of the open burning interim policy that became effective in November 1992 to offer some relief to corn growers in the Panhandle region. The members reviewed current TACB regulations and practical issues associated with crop burning.

The TACB and the Texas Department of Public Safety received an unprecedented number of calls over the past few months relating to crop burning and the general nuisance conditions it can cause,

as well as its effects on health and driving visibility. Callers have called in the wake of crop burning to complain of aggravation of asthma, allergy and emphysema. Roads have been closed due to poor visibility, schools were disrupted and smoke alarms at various nursing homes have been triggered, according to reports.

TACB staff believes the large volume of rainfall last spring led to farmers planting a range of alternative crops. Therefore, crop burning became much more pervasive in the fall. ◆

## LEV Standards

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Mr. Baier noted that while several legal and technical issues remain unresolved, the TACB will continue its analysis and should hold open its options to evaluate the LEV program in light of future emission-reduction needs across Texas. The final TACB report will go to the legislature and the governor in late March. ◆



# TACB adds ethanol to list, fuel conversion kits designated



Ethanol and gasoline blends of at least 85 percent ethanol have officially been added to a current state list of acceptable alternative fuels for transit authorities and other fleets, following an action taken by the Texas Air Control Board (TACB) Jan. 15.

As such, ethanol joins a TACB list consisting of compressed natural gas, liquified petroleum gas, electricity, and methanol and methanol-gasoline blends. The requirement will target fleets operated by city and regional transportation authorities and metropolitan rapid transit authorities in ozone nonattainment areas having populations of 350,000 or greater. The General Services Commission also has interpreted the law as applying to school districts and state

agencies covered by the Texas alternative fuels program.

During the same meeting, the board simultaneously adopted a requirement that equipment certified by the California Air Resources Board (CARB) be used in the conversion of fleet vehicles to compressed natural gas and other alternative fuels. Since the requirement became effective upon publication in the Texas Register, the board will recognize good-faith efforts on the part of current conversion tech-

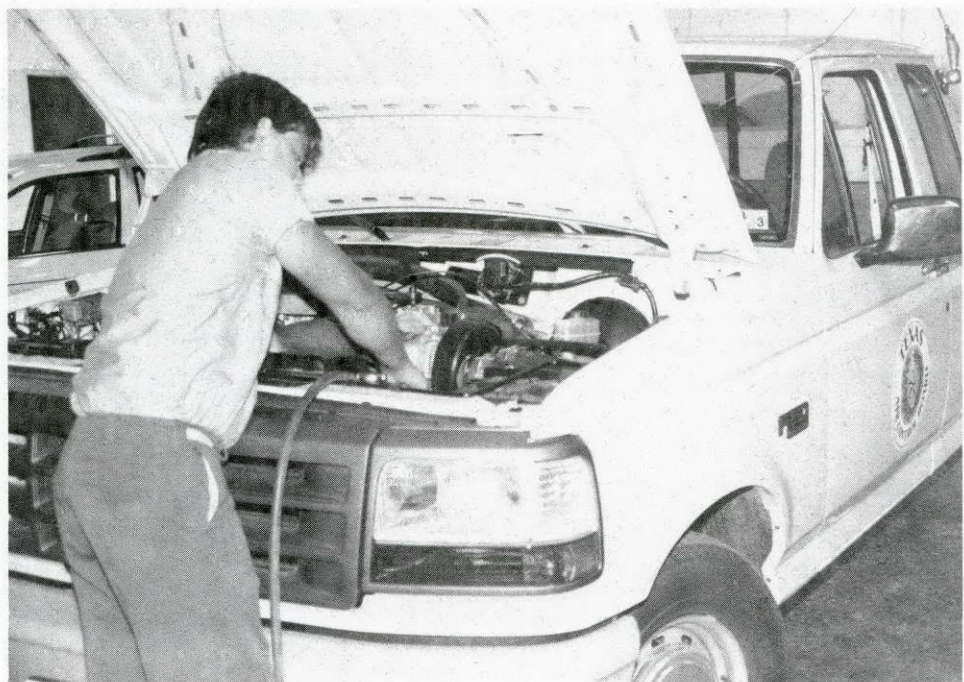
nology manufacturers in obtaining the proper certification from CARB.

Under provisions in the TACB's rule, new conversion equipment must be at least as effective in reducing emissions as equipment originally installed on a vehicle. The rule also prohibits unlawful tampering of original equipment and replacement with unauthorized engines or conversion parts, and auto parts retailers will be required to post warning signs on their premises to that effect.

Conversion equipment manufacturers may seek an alternative to the CARB requirement by obtaining written recognition of the equipment's emission-reduction capability from the U.S. Environmental Protection Agency. All conversion kits must comply with Texas Railroad Commission safety requirements.

For information on currently approved alternative fuel conversion kits, please call (512) 908-1516. ♦

*Vehicle fuel conversions to compressed natural gas or liquified petroleum gas are becoming more common among state fleet vehicles, as well as among private and school district fleets statewide. The Texas Clean Air Act mandates alternative fuel capabilities for certain fleets before the end of the decade.*



The Texas Air Control Board is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age or disability in employment or in the provision of services, programs or activities.

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# REVISED REGULATIONS

These articles are summaries of regulation changes adopted recently. For additional copies of TACB regulations, address correspondence to TACB Regulations Development.

## General Rules

A new "emissions banking" regulation adopted by the Texas Air Control Board (TACB) Feb. 19 establishes the foundation for a system of voluntary emission reduction credits and the purchasing of those credits by new sources in ozone nonattainment areas.

As approved by the board, emissions banking is designed to guarantee a net reduction of predominantly industrial-based air pollution, and later mobile-source emissions, across entire nonattainment areas. The ratio of pollution "offsets" available to new or modified sources, as described in the regulation, will ensure a constant trimming of pollution levels even as new sources come into an area.

For example, a business interest that has the potential to release air pollutants may

wish to build a new plant in the eight-county Houston nonattainment area. However, for every ton of a specific emission permitted to that applicant by the TACB, at least 1.3 tons of the same pollutant must have been credited to another source as a voluntary reduction below permitted levels. This reduction could have occurred as the result of a plant shutdown or a change in production process. Despite the banking transaction, the new source also will be reviewed by permit engineers the same as any other source.

The TACB will certify emission reduction credits (ERCs) as low as 10 tons per year of volatile organic compounds or nitrogen oxides. Plant shutdowns will receive the highest priority ranking for ERCs, then other facilities will be considered that have shown reductions resulting from at least two years of continuous emissions monitoring. An ERC will be available to fulfill an offset requirement for five years after the emission reduction was achieved.

## Upcoming Regulation Development Activities

Based on a petition filed by the Texas Chemical Council (TCC), the TACB proposed a revision to Regulation I Jan. 15 that would limit the daily visual observation of gas flares to six minutes each.

A hearing on this matter was scheduled for March 17, and early commentors have questioned whether daily observations are even necessary.

The rule prohibits visible emissions from gas flares that exceed five minutes in duration over a two-hour period, a requirement that was not challenged. Test methods prescribed for this observation, however, would require a minimum two-hour visual monitoring of each flare at a given

facility. TACB staff responding to the rule change commented that the current requirement could result in unreasonable observation times.

A proposed repeal and reorganization of Regulation VI, which was approved for hearing by the board Jan. 15, would enable the TACB to allow for upcoming changes to the agency's permitting process for new or modified construction. The TACB permits workshop group made several recommendations for the reorganization.

The reorganization has been proposed in anticipation of implementation of Title V of the Federal Clean Air Act Amendments. These state regulatory requirements must be in place by Nov. 15, 1993.



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# AGREED ENFORCEMENT ORDERS

ISSUED

*January*  
THRU  
*February*

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

**AKZO CHEMICALS, INC.**, a metal alkyl manufacturing plant at 730 Battleground Road, Deer Park, Harris County, violating Board Rule 116.4 and Section 382.085(b) of the Texas Clean Air Act (the Act) by failing to perform quarterly monitoring of valves in the Butyl Ethyl Magnesium Settler area, \$15,000.

**ARTHUR DAMM MOTORS**, owner of property at 6226 San Pedro, San Antonio, Bexar County, where a contractor conducted a demolition operation, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intention to demolish buildings at least 10 working days prior to the beginning of demolition, \$1,000.

**BBB FERTILIZER CO.**, an anhydrous ammonia storage and distribution plant at 313 North Main, McKinney, Collin County, violating Board Rule 116.1 and

Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the plant 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.

**BILL C. BURNS**, a crude oil production plant at the intersection of Spring Creek and North Cross Lane, San Angelo, Tom Green County, violating Board Rules 116.1, 101.4, and 101.6 and Sections 382.0518(a) and 382.085(a) and (b) of the Act by constructing and operating a tank battery which included three tanks, one flare, and a heater-treater without a permit or without qualifying for a standard exemption; by discharging excessive odor emissions; and by failing to report an upset condition; \$11,500.

**CHROMALLOY GAS TURBINE CORP.**, an industrial turbine repair plant at 11241 Gemini Lane, Dallas, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a plasma spray booth, HF furnace, and sandblast (grit) room without a permit or without qualifying for a standard exemption, \$800. Subsequent to the notice of violation, the company submitted an application for a permit.

**COMPOSITE TECHNOLOGY, INC.**, a unit of W. R. Grace and Co., a fiberglass products manufacturing plant at 1005 Blue Mound Road, Blue Mound, Tarrant County, violating Board Rules 116.1, 101.4, and 115.121(a)(2) and Sections 382.0518(a) and 382.085(a) and

(b) of the Act by operating the plant without a permit or without qualifying for a standard exemption, by discharging excessive styrene odors, and by emitting a vent gas stream containing volatile organic compounds without burning the gas stream properly or qualifying for an exemption, \$36,025.

**CONSTRUCTION CLEAN UP AND DEMOLITION**, a demolition project at a railroad depot at or near the intersection of 28th Street and Main Street, Bryan, Brazos County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give written notice of the intent to demolish a building where asbestos-containing materials were present, by failing to adequately wet asbestos-containing materials during removal and to ensure that the material remained wet until disposal, and by failing to properly dispose of asbestos-containing material by adequate wetting followed by proper bagging or wrapping, \$3,500.

**COUNTRY CLUB CLEANERS**, a dry cleaning plant using perchloroethylene at 2901 Valley View Lane, Farmers Branch, Dallas County, violating Board Rule 115.521 and Section 382.085(b) of the Act by failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution, \$500.

**DIAMOND SHAMROCK REFINING AND MARKETING CO.**, owner of a

building at 803 Halm, San Antonio, Bexar County, where a demolition project took place, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intention to demolish buildings containing asbestos, \$1,000.

**DYO CHEMICAL CO.**, a leather dye and finish blending facility at 1834 Carpenter Road, Hutchins, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) 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 facility satisfied the conditions for a standard exemption.

**EASTGATE CLEANERS**, a dry cleaning facility using perchloroethylene at 4525 Saturn Road, Garland, Dallas County, violating Board Rules 115.521 and 115.526 and Section 382.085(b) of the Act by failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution and by failing to keep required records, \$500.

**ELCOM, INC.**, an electronic components facility at 20 Butterfield Trail, El Paso, El Paso County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating two vapor degreasers without a permit or

(continued)



## Agreed Enforcement Orders

without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company qualified one of the degreasers for a standard exemption and submitted an application for a permit for the other degreaser.

**E. P. OPERATING CO.**, a distillate treatment system three miles northwest of Fashing in Atascosa County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by operating the system without a permit following the expiration of its TACB permit, \$2,100. Subsequent to the notice of violation, the company applied for and was issued a new permit.

**EXXON CHEMICAL AMERICAS**, a chemical plant at 5000 Bayway Drive, Baytown, Harris County, violating Board Rules 101.20(1) and (2) and 115.335(1) and Section 382.085(b) of the Act by failing to conduct first attempt at repair of a valve within five days, by failing to calibrate the monitoring equipment using gas of less than 10 parts per million of hydrocarbon, by failing to conduct Method 22 performance test to determine compliance of Flares 9 and 23, by failing to calibrate instruments on a quarterly basis as required by Method 21, and by failing to conduct inspections of benzene storage tanks at least once every 12 months, \$20,500.

**FAIR DEAL AUTO SALES**, a motor vehicle sales operation at 4220 North Freeway, Houston, Harris County, violating Board Rule 114.1(c) and Section 382.085(b) of the Act by offering for sale two motor vehicles which were not equipped with the emission control systems or devices with which the vehicles were origi-

nally equipped. Specifically, one vehicle was missing its fuel restrictor and the other had a frozen air pump and was missing a belt, \$1,000.

**FIRST QUALITY AUTO SALES**, a motor vehicle sales operation at 7902 North Freeway, Houston, Harris County, violating Board Rule 114.1(c) and Section 382.085(b) of the Act by offering for sale two motor vehicles which were not equipped with operable emission control systems or devices with which the vehicles were originally equipped. Specifically, one vehicle was missing its air injection pump, oxidation catalyst, and thermostatic air cleaner heat rise hose and a hose for the evaporative canister was disconnected. The other was missing its oxidation catalyst and thermostatic air cleaner heat riser hose, \$1,500.

**FOUR SEASONS, DIVISION OF STANDARD MOTOR PRODUCTS, INC.**, an automotive compressor remanufacturing plant at 500 Industrial Park Drive, Grapevine, Tarrant County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by conducting caustic degreasing and spray painting operations without a permit or without qualifying for a standard exemption, \$3,475.

**FRAME INDUSTRY SUPPLIERS, INC.**, a picture frame manufacturing plant at 1415 Vanderbilt Drive, El Paso, El Paso County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$3,700.

**HACKBERRY, LIMITED**, conducted a renovation project at a

building at 3100 Eastside, Houston, Harris County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intention to demolish a building containing asbestos at least 10 working days prior to the beginning of demolition and by failing to implement specified handling and wetting procedures to control emissions from asbestos-containing materials, \$9,000.

**HENRY PETROLEUM CORP.**, a salt water disposal facility (known as Yates No. 1 SWD) off Hwy. 137 northwest of Stanton, Martin County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) 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 applied for and was issued a permit.

**MR. HARRY EDOHOUKWA & MR. MICHAEL UDOESSIEN, DBA HERITAGE CLEANERS**, a dry cleaning plant using perchloroethylene at 2710 Valwood Parkway, Farmers Branch, Dallas County, violating Board Rule 115.521 by failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution. No monetary penalty.

**CHARLES HUMPHREY & ASSOCIATES**, a picture frame manufacturing and assembly plant at 5212 Buford Jett Lane, Balch Springs, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by operating a paint spray booth beyond the limits of a stan-

dard exemption without first obtaining a permit, \$1,500.

**JEFF'S AUTO SALES**, a motor vehicle sales operation at 701 North McDonald, McKinney, Collin County, violating Board Rule 114.1(c)(1) and Section 382.085(b) of the Act by selling, leasing, or offering for sale or lease a motor vehicle which was not equipped with the original or equivalent replacement emission control systems. Specifically, the vehicle had a disconnected PCV, missing catalytic converter, missing hose from the evaporative canister, missing thermostatic air cleaner, and a widened leaded fuel restrictor, \$500.

**KHEMPAK INDUSTRIES, INC.**, a spent caustic plant at 3508 Cherry Street, Houston, Harris County, violating Board Rule 101.4 and Sections 382.085(a) by emitting excessive air contaminants, \$9,000.

**KOCH MATERIALS CO.**, an automotive sealant manufacturing plant at 201 Longhorn Road, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating three 600 gallon mixers with powder conveyors without a permit or without qualifying for a standard exemption, \$775. Subsequent to the notice of violation, the company submitted an application for a permit.

**STEVE KRAMMER**, owner of property off FM 713 northwest of Whitney, Hill County, violating Board Rule 111.101 and Section 382.085(b) of the Act by permitting outdoor burning without prior written consent of the TACB, \$3,000.



**LONGHORN PACKAGING, INC.**, a flexographic printing plant at 110 Pierce Avenue, San Antonio, Bexar County, violating Board Rule 116.1 by installing and operating a Kidder printing press and a Carraro printing press without a permit or without qualifying for a standard exemption, \$2,125. Subsequent to the notice of violation, the company applied for and was issued a permit.

**M & H AUTO SALES**, a motor vehicle sales operation at 7916 Westview, Houston, Harris County, violating Board Rule 114.1(c) and Section 382.085(b) of the Act by offering for sale a motor vehicle which was not equipped with the emission control systems or devices with which the vehicle was originally equipped. Specifically, the vehicle was missing its catalytic converter and fuel restrictor, \$500.

**MARTEX, INC., DBA ONE HOUR MARTINIZING DRYCLEANING**, a dry cleaning plant using perchloroethylene at 4422 Lovers Lane, University Park, Dallas County, violating Board Rules 115.521, 115.522, and 115.526 and Section 382.085(b) of the Act by failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution; by failing to store all wet waste and filters in vapor tight containers; and by failing to maintain adequate records of maintenance, inspection, and testing; \$500.

**OSAGE CATTLE CO., INC.**, a cattle feedlot on County Road 272 in Gatesville, Coryell County, violating Board Rule 116.1 and Sections 382.0518(a) and

382.085(b) of the Act by constructing and operating the feedlot without a permit or without qualifying for a standard exemption, \$1,375.

**PARKDALE ASSOCIATES**, a California Limited Partnership, owner of property at the southeast corner of Bosque and Valley Mills, Waco, McLennan County, where a contractor conducted a demolition operation, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intention to demolish buildings at least 10 working days prior to the beginning of demolition and by failing to inspect and test the building for the presence of asbestos-containing materials prior to commencement of demolition, \$1,000.

**PHIBRO ENERGY USA, INC., FORMERLY PHIBRO REFINING, INC.**, a petroleum refinery at 9701 Manchester Avenue, Houston, Harris County, violating Board Rules 101.20(2), 115.132(a)(2), 116.4, 115.112(a)(2)(A), and 101.6 and Section 382.085(b) of the Act by failing to perform monthly monitoring of valves in benzene service, by failing to conduct visible emissions tests on three flares using Method 22, by failing to keep a volatile organic compound source (oil/water separator, aft bay) vapor tight, by failing to initiate a monthly monitoring program for volatile organic compound fugitive emissions of a residual oil solvent extraction unit, by failing to monitor stack exhaust gases for sulfur dioxide concentration with a certified continuous emissions monitor, by leaving sampling hatches open on two volatile organic compound storage tanks, by failing to keep volatile organic compound storage tanks

vapor tight, and by failing to report an upset condition in a timely manner, \$163,650.

**PHILLIPS PETROLEUM Co.**, a petroleum products transfer and storage plant near the intersection of County Road 731 and Quintana Road in Freeport, Brazoria County, violating Board Rule 101.20(2) by failing to mark valves in benzene service at Marine Loading Dock No. 3, \$9,000.

**ROHR-HTA AEROSTRUCTURES, INC.**, a high temperature aerospace manufacturing facility at 2005 Technology Way, San Marcos, Hays County, violating Board Rule 116.4 and Section 382.085(b) of the Act by exceeding the allowable usage rate for methyl ethyl ketone and by operating the facility in excess of the operating hour limitations set in its permit. No monetary penalty.

**RYDER AVIALL, INC.**, an aircraft turbine repair plant at 6114 Forest Park, Dallas, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating plasma spray and painting facilities without a permit or without qualifying for a standard exemption, \$3,025. Subsequent to the notice of violation, the company applied for and was issued a permit.

**SANDEN INTERNATIONAL (U.S.A.), INC.**, an automotive air conditioner compressor manufacturing plant at 10710 Sanden Drive, Dallas, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating three degreasers without a permit or without qualifying for a standard exemption, \$2,825. Subsequent to the notice of viola-

tion, the company submitted an application for a permit.

**SHOW AND GO CYCLE**, a chrome plating plant at 6525 Industrial, Sachse, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$750. Subsequent to the notice of violation, the company applied for and was issued a permit.

**SOUTHWEST TEXAS STATE UNIVERSITY**, owner of the J.C. Kellam Building on the university's campus where a renovation project was conducted, San Marcos, Hays County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to TACB of start date change no later than the original start date. No monetary penalty.

**STAR ENTERPRISE**, an asphalt plant at Spur 136 and Grigsby Drive, Port Neches, Jefferson County, violating Board Rule 115.132(a) and Section 382.085(b) of the Act by using a single or multiple compartment volatile organic compound water separator with liquids having a true vapor pressure above 0.5 psia entering the uncontrolled portion of the separator without using one of the control methods listed in the Rule, \$40,000.

**STATE SERVICE Co., Inc.**, an equipment construction and maintenance plant on Hwy. 35 South, approximately one mile south of Rockport, Aransas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by conducting sandblasting and painting operations

(continued)



## Agreed Enforcement Orders

without a permit or without qualifying for a standard exemption, \$750. Subsequent to the notice of violation, the company modified the painting operation to meet a standard exemption and submitted a standard exemption registration for the sandblasting operation.

**TEXACO PIPELINE, INC.**, owner of a pipeline system where an insulation removal project was conducted on a portion of the pipeline 3.5 miles northeast of the intersection of FM 1080 and FM 266 in Haskell County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intention to remove asbestos and by failing to follow proper procedures for handling and removal of asbestos, \$12,000.

**TEXAS MAGNET WIRE CO.**, an insulated wire manufacturing plant at 9541 Plaza Circle, El Paso, El Paso County, violating Board Rule 116.5 and Section 382.085(b) of the Act by constructing and operating additional vents and fans which were not represented in the company's application for its TACB permit and which resulted in additional emission points of air contaminants, \$4,200. Subsequent to the notice of violation, the company obtained an amendment to its permit to include the additional emission points.

**TEXOMA ACCENT MARBLE, INC.**, a cultured marble plant at 310 East Cherry Street, Sherman, Grayson County, violating Board Rule 101.4 and Sections 382.085(a) and (b) of the Act by discharging excessive air contaminants, \$2,000.

**TIFFANY BRICK, INC., DBA US BRICK**, a face brick manufacturing plant at 500 NE 14th Street, Mineral Wells, Palo Pinto County, violating Board Rules 111.111, 101.20(3), 116.4, and 101.6 and Section 382.085(b) of the Act by exceeding the maximum opacity limitations in the Rule; by exceeding the permit maximum allowable emission rates for volatile organic compounds, nitrogen oxides, particulate matter, inorganic fluoride, sulfuric acid, and carbon monoxide established in its TACB permit; and by failing to report an upset condition; \$200,000. Subsequent to the notice of violation, the company submitted an application for an alternate opacity limitation and permit amendments.

**THE SALLY TUCKER ESTATE** owner of property on FM 434 one mile south of Asa, Falls County, violating Board Rule 111.101 and Section 382.085(b) of the Act by permitting outdoor burning without prior written consent to the TACB, \$1,000.

**VENTURE CHEMICALS, INC.**, a specialty chemicals plant 2 miles northeast of Seagraves, Terry County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to provide written notification of an asbestos demolition operation and by failing to properly handle asbestos containing material during a demolition operation, \$25,000.

**VENUS MARBLE CO., INC.**, a cultured marble product manufacturing plant at 1101 South Hampton Road, DeSoto, Dallas County, violating Board Rule 116.4, Section 382.085(b) of the Act, and Agreed Board Order No. 86-111 by exceeding allowable gelcoat usage and by failing to keep cumulative materials usage records, \$1,200.

**WALRAY, INC. DBA LASER BOATS OF TEXAS**, a fiberglass boat manufacturing plant at 526 Benson Lane, Roanoke, Denton County, violating Board Rule 116.4, Section 382.085(b) of the Act, and Agreed Board Order No. 87-06(u) by failing to keep records on daily usage of gelcoat resin, laminating resin, and acetone and on the hours of operation, \$500.

**JAMES WASHINGTON**, owner of property four miles west of Woodbury, Hill County, where insulated copper wire, auto motor parts, and other items were burned, violating Board Rule 111.101 and Section 382.085(b) of the Act by allowing outdoor burning without prior written consent of the TACB, \$250.

**GEORGE L. WILLIAMS, INC.**, a demolition operation at 803 Halm, San Antonio, Bexar County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intention to demolish building containing asbestos, \$1,000.

**THE CELOTEX CORP.**, an asphalt roofing manufacturing plant at 1400 North Post Oak Road, Houston, Harris County, violating Board Rule 101.4 and Sections 382.085(a) and (b) of the Texas Clean Air Act (the Act) by emitting excessive contaminants, \$24,000.

**COOPER, INC.**, conducted an asbestos abatement project at the J. C. Kellum Building on the campus of Southwest Texas State

University in San Marcos, Hays County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of delay of the start date no later than the original start date, \$500.

**DEWITT ENTERPRISES, INC.**, a trailer manufacturing plant 0.7 miles west of Hwy. 56 and FM 1417, near Sherman, Grayson County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by operating a paint booth without a permit or without qualifying for a standard exemption, \$250. Subsequent to the notice of violation, the company applied for and was issued an amendment to its TACB permit.

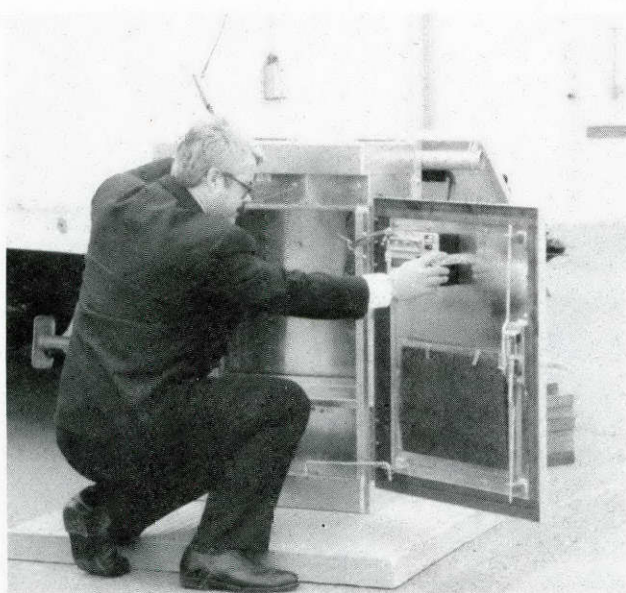
**MR. JIMMIE DICKEY**, owner of property one-half mile south of 175th St. on Avenue P, Woodrow, Lubbock County, violating Board Rule 111.101 and Section 382.085(b) of the Act by causing, suffering, allowing or permitting outdoor burning without prior written consent of the TACB executive director, \$2,500.

**FIVE POINT SALT WATER DISPOSAL**, a salt water disposal facility on Hwy. 158, three miles east of I-10, in Midland County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$975. Subsequent to the notice of violation, the company applied for and was issued a permit.

**FRANKLIN MANUFACTURING AND SUPPLY, INC.**, a metal fabrication plant at 1490 Southwest Wilshire Blvd., Burleson, Johnson County, violating Board Rule 116.1 and

# February





*Fabian Kalapach of TACB's Quality Assurance Division demonstrates part of the calibration process used in the stainless steel air toxics sampling shelter he designed to cut costs for the agency. The thermostatically controlled shelter is shown here next to a larger trailer that otherwise would have been deployed to perform the same tasks. The TACB estimates that using the device as a substitute for the trailer saved the state about \$70,000 in sampling costs statewide as part of the ongoing Air Toxics Monitoring Network. The Texas Incentive and Productivity Commission recently awarded a special honor to Mr. Kalapach for his role in developing the shelter.*

Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a ceramic plasma spray booth without a permit or without qualifying for a standard exemption, \$250. Subsequent to the notice of violation the company applied for and was issued a permit.

**GULF METALS INDUSTRIES**, a wire reclaimer plant at 707 N. Drennan, Houston, Harris County, violating Board Rules 101.4, 116.4, and 101.6 and Sections 382.085(a) and (t) of the Act by discharging excessive dust emissions, by operating an auger associated with the aluminum wire cyclone hopper while the auger was not in good working order, by operating the classifier exhaust system while it was not in good working order, and by failing to report an upset condition, \$10,000.

**HIRSCHFELD STEEL CO., INC.**, a girder and heavy fabrication plant at 696 Art Street, Sar Angelo, Tom Green County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(c) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$2,475. Subsequent to the notice of violation, the company submitted an application for a permit.

**HYDRA RIG, INC.**, an oil field equipment manufacturing plant at 6000 East Berry Street, Fort Worth, Tarrant County, violating Board Rules 116.1 and 116.4, Sections 382.0518(a) and 382.085(b) of the Act, and Agreed Board Order 91-10(g) by operating a sandblasting facility with a sand usage rate in excess of limits established in two TACB standard exemptions, \$2,000.

**THE PAKS CORP.**, a cedar oil mill eight miles southeast of Junction on RR 2169, Segovia, Kimble County, violating Board Rule 111.111(a)(1)(B), Section 382.085(b) of the Act, and Agreed Board Order 88-04(e) when boiler stacks Nos. 2 and 3 tested with emissions opacity of over 20 percent during the test period, \$8,000.

**PIONEER AGGREGATES**, a rock crusher on FM 1658 near Bridgeport, Wise County, violating Board Rule 116.5 and Sections 382.0518(a) and 382.085(b) of the Act by replacing a 6' x 16' three-deck screen with a new 8' x 24' three-deck screen at the wash plant, by installing an Omnicone crusher at the secondary plant instead of the washing plant, by transferring a four-foot Norberg crusher from the secondary plant to the washing plant, and by in-

stalling a new base plant at the quarry without prior authorization, \$2,500. Subsequent to the notice of violation, the company applied for and was issued an amendment to its TACB permit.

**REXENE CORP., FORMERLY D/B/A REXENE PRODUCTS CO.**, a petrochemical manufacturing plant at 2400 South Grandview, Odessa, Ector County, violating Board Rules 101.20(2), 101.4, and 101.6 and Sections 382.085(a) and (b) of the Act by failing to submit annual notification in accordance with the 10-working-day requirement; by failing to provide certification showing trained supervisor of abatement project; by failing to provide description of procedures required; by discharging excessive contaminants from the ponds at the wastewater treatment unit, from the sludge storage piles, from the propane loading rack, from the south storage pond, and from the Olefins API Separator Pit and the Gulf Seal Ponds; and by failing to report an upset condition; \$76,000.

**TEXACO CHEMICAL CO.**, an organic chemical manufacturing plant on Jefferson Chemical Road, Conroe, Montgomery County, violating Board Rules 101.20(1) and (2) and 120.11 and Section 382.085(b) of the Act by failing to equip sampling valves with a closed purge or closed vent system, by failing to equip valves with a plug or cap, by failing to comply with EPA Method 22 regarding tests of flares, and by failing to perform quarterly cylinder gas audits, \$10,500.

**TEXAS GALVANIZING, INC.**, a zinc galvanizing plant at 645 West Hurst Blvd., Hurst, Tarrant County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by modifying the plant without authorization, \$1,875. Subsequent to the notice of violation, the company submitted an application for a permit.

**TONKA CORP.**, a toy manufacturing plant at 9050 Viscount Blvd., El Paso, El Paso County, violating Board Rule 101.4, Sections 382.085(a) and (b), and Agreed Board Order No. 90-07(s) by discharging excessive contaminants and by failing to submit all requested permit application material in a timely manner, \$32,000.

**VADCO MARBLE, INC.**, a cultured marble production plant at One North Sampson Street, Houston, Harris County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$1,250. Subsequent to the notice of violation, the company applied for and was issued a permit.

**WILSON SYSTEMS, INC.**, a salt water disposal plant known as the T. J. Martin No. 2 Salt Water Disposal Facility, north of Hwy. 20 and west of FM 1936, near Odessa, Ector County, violating Board Rules 101.4 and 116.1 and Sections 382.085(a) and (b) of the Act by emitting excessive contaminants and by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$4,000. ◆



## Body Shops

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operations. Industry representatives supported revisions to the TACB's current rules and expressed specific ideas for changes, as well as general ideas for the proper approach to regulating these small businesses.

During a Feb. 17 meeting the members discussed pertinent issues from the perspective of three subcommittees. These dealt with paint and control equipment currently on the market, paint products available to body shop opera-

tors and the necessary ventilation needed to conduct compliant operations. Each subcommittee identified several key points from which an acceptable standard exemption could be crafted to make requirements for thousands of auto spray painting operations as uniform as possible.

Many of those present at the February meeting indicated that the most successful way to ensure compliance of painting operations is from a point-of-sale approach, or, in

other words, by monitoring and tracking the paint sold to body shops.

Unanimous agreement also was reached regarding the necessity for body shops to register with the TACB at the front end of the exemption process and to maintain a compliant hazardous waste management system. Many members agreed as well that the TACB should build into the standard exemption a distance requirement from residences for painting operations, mini-

mum filtration and control provisions and a uniform limitation for the volatile organic compounds found in auto paint sprays.

Paint spray guns should have a transfer efficiency of at least 60 percent, and gun cleaning should be done in a contained area, the group agreed.

For additional information on upcoming workshops, call the TACB Small Business Technical Assistance Program at (512)908-1064. ♦

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