

TACB Bulletin

a Texas Air Control Board publication

A SALUTE AND FAREWELL

Achievements of last Board makes Texas a leader in air quality

Although 44 men and women have served on the Texas Air Control Board (TACB) since 1966, it is perhaps the challenges and accomplishments of the group that served during the last two years that most will remember.

Under the leadership of Chairman Kirk P. Watson, this

group of men and women ignored the fact that the board would go out of existence in 1993. Instead, they continued to work diligently to make Texas a leader in air quality.

From an agency that was attuned to conducting meetings in a couple of hours, the last two years saw marathon sessions

tackling some of the most complex and misunderstood air quality issues that the state has ever faced. And the sessions were not just during the monthly board meetings. It included task force meetings, committee meetings, workshops, and many other types of public gatherings. The

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The current board breaks for a photo opportunity at one of its last meetings. From left to right are Dr. Elaine Barrón, Dr. Jack Matson, Chuck Rivers, Bob Bailey, Chairman Kirk Watson, Mary Anne Wyatt, William Quortrup, Dr. Calvin Parnell and Warren Roberts.



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From The Chair

Chairman offers thoughts at the end of the agency



Kirk Watson,
Chairman

When Kirk P. Watson was appointed as Chairman of the TACB in September 1991, he spoke on challenges and his insights with regard to the agency. The chairman shares his thoughts on the past two years.

Bulletin: During the first meeting you chaired, one of your primary concerns was public accessibility to board activities. Do you feel you've succeeded in making the board more accessible?

Watson: I think we are doing a good job of assuring



access. The numerous task forces, working groups and workshops that have been created guarantee that everyone can be at the table and have their views heard. Additionally, the task forces have addressed important substantive issues that many people felt needed to be addressed in an open forum. In some cases, we were or are the first agency in the country to address these issues of public concern. Also, our effort to seek public input with regard to the Federal Clean Air Act (FCAA) implementation has increased access.

The day we set aside for committee meetings makes a positive difference. When I first came on the board, I had a knee-jerk reaction against the committee system. I was wrong. The committee meetings allow a full day of education for board members, staff and the public. They also allow a time for input from affected people. I don't think you would achieve such an open oppor-

tunity with just a day to go through the board agenda.

While I think we are realizing some successes, we should continue to explore new ways to increase access. I hope the new agency will utilize some of what we have been doing and will expand on our efforts.

Bulletin: You also had strong concerns with regard to enforcement - board orders, amount of penalties, etc. Have you seen improvements in this area, and what do you think has helped in this area?

Watson: I am pleased that there has been progress in addressing some of my concerns. This is a difficult area and there is still positive work that can be done. Again, I relate this in part to task force work and review. I also congratulate staff on hearing the concerns of board members and working to address them.

Bulletin: "I know that somebody congratulated me on my appointment to the Texas Traffic Control Board, so it is obvious there are some folks who may not know that there is an Air Control Board that deals with their complaints

if they want to make a complaint."

This is something you said during the first meeting you chaired. Today would you say that more people know that there was an air board? Why?

Watson: I do think more people are aware. There are

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The TACB Bulletin is published by the Texas Air Control Board, 12124 Park 35 Circle, Austin, Texas 78753. Subscription is free, upon request.

Kirk Watson ■

Chairman

Bill Campbell ■

Executive Director

M.A. Bengtson ✍️

Director of
Communications

Stephen Davis ✍️

Chief of
Public Information

Mark Steinfeldt ✍️

Art Director

Dodie Stillman ✍️

Graphics Designer

Tom Kelley ✍️

Writer

Gwen Sharpe ✍️

Editorial Assistant

A TACB retrospective

interviews with agency veterans



In these retrospective interviews with TACB current and former board and staff members, keep in mind that since the inception of environmental programs in the early 1970s, Texas has experienced explosive growth. This growth occurred not only in a population driven by the desire to drive an automobile, but in large and small industries and the dominant petrochemical complex. These are all key sources of urban air pollution today. This dramatic upturn in economic

activity in the past few years and the Federal Clean Air Act (FCAA) Amendments of 1990, have challenged the TACB to respond to air pollution and health concerns as never before. This has led to significant reductions or even the virtual disappearance of a number of harmful air pollutants.

Charles Barden had the dual distinctions of having served as the TACB's first and longest-running executive director, and from 1965-77 he saw the agency evolve as perhaps no other

employee. Under his leadership, the agency grew from an intimate staff of three in 1965 to an almost equally intimate 360 by 1977. By that, he means that he knew every employee by name, as well as their families. "That's what leadership is all about — knowing people and giving them a free hand to do their jobs well," he said.

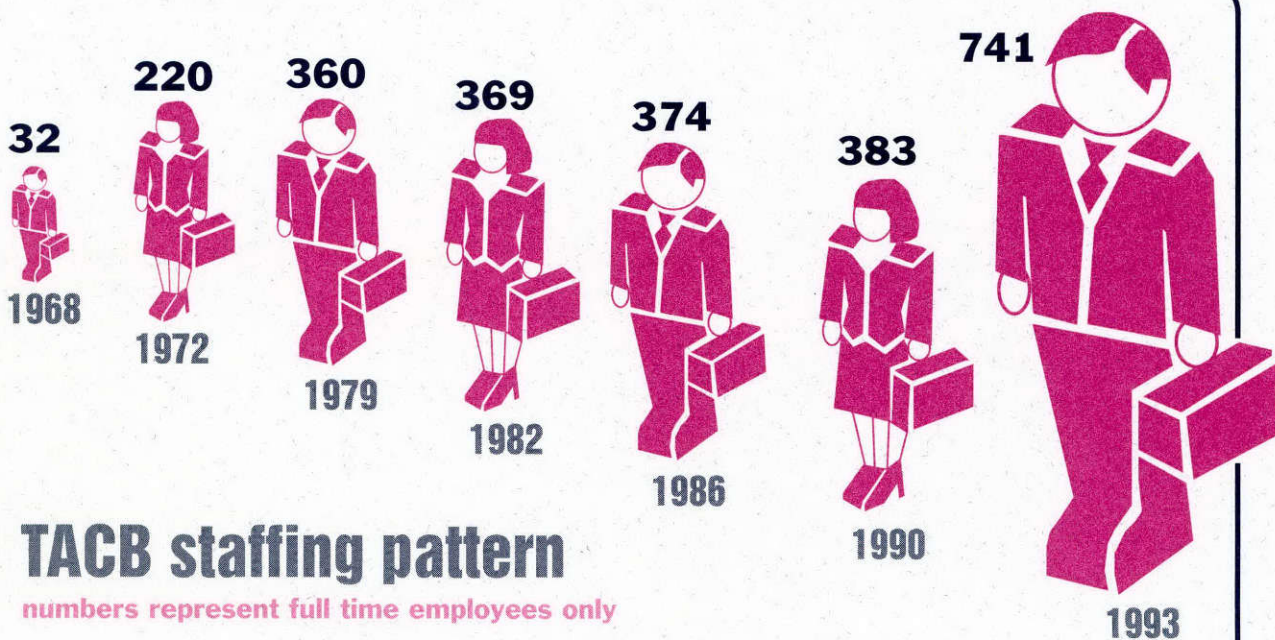
When the TACB split off from the Texas Department of Health, Mr. Barden said the agency had the freedom to adopt "innovative regulations, pioneer the development of unique techniques of air quality

measurement, prevent millions of tons of air pollutants from entering our atmosphere, and collect monetary penalties."

One aspect of the old days that has continued to this day on a greater scale involves the agency's commitment to border regions like El Paso/Juarez, Mexico. This international exchange was sparked when Mr. Barden and other staff members invited about 25 Juarez engineers to Texas for an intensive, hands-on training program, a move that essentially drove Mexico toward a

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PERSONNEL



TACB staffing pattern

numbers represent full time employees only

1965 - 1993

Twenty-seven years of air quality excellence

- ◆ **1965** - Texas Clean Air Act establishes Texas Air Control Board (TACB)
- ◆ **1966** - First board members appointed, including Dr. Herbert C. McKee, Dr. Wendell H. Hamrick, Herbert Whitney, Henry J. LeBlanc, Clinton Howard, and John T. Files.
- ◆ **1967** - First TACB regulations are adopted.



The agency conducted its first visible emissions evaluator's course in January 1969.



One of the first continuous air monitoring stations is made ready for deployment to Texas City in October 1968.

- ◆ **1968** - The air board undergoes major expansion going from nine employees to 32.
- ◆ **1969** - The agency conducted its first visible emissions evaluator's course (smoke school).
- ◆ **1973** - First continuous monitoring air station deployed.
- ◆ **1973** - TACB becomes separate agency with 353 employees.
- ◆ **1977** - Federal Clean Air Act is amended and TACB begins to administer and enforce New Source Performance Standards (NSPS), New Source Review, National Emission Standards for Hazardous Air Pollutant Sources (NESHAPS), and Prevention of Significant Deterioration (PSD) review.
- ◆ **1978** - Service awards presented for the first time. Since then more than 300 agency staff have received 10, 15 and 20 year service awards.
- ◆ **1980** - Texas Clean Air Act amended to authorize the board to collect permit fees and to begin a pilot program of voluntary vehicle inspection/maintenance program in Houston.
- ◆ **1982** - TACB establishes a Research Advisory Council to provide guidance in identifying air pollution research needs in Texas.

TACB executive staff pose with Executive Director Charles Barden in 1972. Two people in this photograph are still with the agency.



- ◆ **1985** - Texas Clean Air Act amendments authorize levying of administrative penalties.
- ◆ **1986** - During a January meeting, the board enters 10 agreed orders, assessing penalties of \$292,550.
- ◆ **1986/87** - TACB participates in the Dallas Wintertime Visibility Study (Dallas Brown Cloud Study) to attempt to determine the chemical composition and sources of the visible haze over Dallas during the winter months.



One of the lasting traditions for the TACB was the annual signing of a proclamation by the governor during Clean Air Week.

- ◆ **1992** - Texas becomes one of the first states to meet more than 20 November 15 deadlines required by the 1990 amendments to the FCAA.
- ◆ **1992-1993** - TACB Chairman Kirk Watson creates a series of task forces composed of citizens, government officials and environmentalists to tackle some of the most difficult environmental issues. Some of the task forces include Environmental Justice and Equity, Odor Nuisance, Enforcement, and El Paso/Juarez Air Quality.

- ◆ **1993** - Dr. Elaine Barrón becomes the last person named to the board.
- ◆ **1993** - On August 31, the final board meeting is held at the central office auditorium in Austin.

- ◆ **1987** - Mary Anne Wyatt of Victoria becomes the first woman appointed to the board
- ◆ **1991** - Senate Bill 2 is passed, consolidating the Texas Air Control Board and Texas Water Commission effective September 1, 1993.
- ◆ **1992** - During a press conference, TACB chairman announces that the state will be one of the first to establish the Small Business Assistance Program as required under the 1990 amendments to the FCAA.



By 1992, the work and leadership of various TACB task forces were used by other states across the country in air quality planning. Pictured are members of the Task Force on Waste-Derived Fuels for Cement Kilns

Achievements of Last Board

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"part-time" board devoted thousands of hours to ensuring the best for the air quality of Texas.

Federal and other state agencies kept an eye on Texas and how this board handled issues such as burning of hazardous waste in cement kilns, odor nuisance investigations, outdoor burning, environmental equity, unique border (U.S./Mexico) pollution problems, emissions banking and the many requirements of the 1990

Federal Clean Air Act Amendments. On more than one occasion, officials from the U.S. Environmental Protection Agency have applauded the leadership role the TACB has taken on implementing complex air pollution laws urging others to look at what Texas is doing.

Because of the determination and dedication of the board to complete as many of the important tasks as possible before fading into the sunset, the

group was scheduled to hold its final meeting on August 31. On September 1, members will be honored and recognized by Governor Ann Richards during a ceremony to welcome the Texas Natural Resource Conservation Commission.

Perhaps Calvin Parnell best summed up the feelings of the last board, "Without a doubt, the work of this board and the staff has resulted in improved air quality for the state.

Often the media and some members of the public were wrongly critical of our efforts, implying that we were not doing a well enough job. But I am extremely proud of our many accomplishments. We've protected the environment, and at the same time we've ensured that the vital economic interests of the state were protected also." ♦

A TACB Retrospective

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long growth of its environmental protection programs.

One of those early students of the Texas training program, Rogelio Gonzalez, now heads the air pollution program of Mexico's counterpart to the EPA. "I believe that was one of the best things we did," Mr. Barden recalled, "and we didn't have any formal arrangements to do it."

If he has reservations about the upcoming agency consolidation with the Texas Water Commission, it is that he hopes the character of the air

program will not become transformed altogether into an impersonal bureaucracy. "It was a real interesting experience, and personally, I would hate to see (the program) disappear. Hopefully, it will survive, and I'm sure it will."

John Blair not only served 20 years on the board as a general public member, but served 14 of those years as its chairman.

Appointed by Gov. Preston Smith, then reappointed by governors Dolph Briscoe, Bill

Clements and Mark White, Mr. Blair said his longevity was due in part to a sense of mutual respect and bipartisanship among members.

"I enjoyed every minute of it," he said. "The people on the board were all fine people during my tenure. We certainly had disagreements, but we never had a knock-down-drag-out. The majority ruled and then we went on to the next issue."

Among developments he is most proud of are the permitting system established in the early 1970s and the various

committees designed to mull issues early and make recommendations to the full board, as is done today.

"I think one of the most important things we did was to break up the board into committees," Mr. Blair said. "We put different board members on different committees because of their knowledge of particular issues. We tried to take advantage of everybody's expertise and put them where we thought they could do the best job."

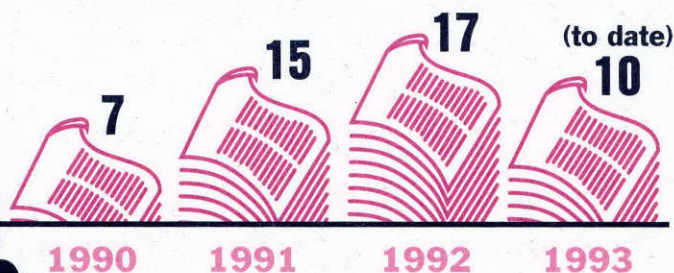
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Number of lawsuits referred to the Attorney General since 1990



Steve Spaw, who served as TAC3 executive director from February 1990 to May 1992, was a veteran of the agency, serving 21 years in various capacities beginning in 1970. His ascendant movement through the ranks shows not only his skill in a diversity of tasks, but reflects as well an evolving agency that has now shed or distinguished some programs from others: director of Compliance; director of Permits, Emissions Inventory and Regulation Development; Deputy Director of Measurement and Analysis; director of Central Regulatory Operations; and Deputy Executive Director of the TACB.

Mr. Spaw ranks the Permits Program, which he initiated in 1971, and the enforcement function under Regulatory Operations as two of the most far-reaching pollution-

prevention programs ever instituted by a state agency.

"The Permits Program was a very significant move for us," he recalled. "There was no permitting at all prior to that, and all of our work was sampling- and compliance-oriented.

"The law authorizing the TACB to collect administrative penalties in 1985 had a tremendous effect regarding enforcement," Mr. Spaw added. "It was light years ahead of what we had before because we had been able to bring very few lawsuits and the whole thing was so time-consuming. The administrative penalty authority sped this up immensely because we could get enforcement and fines much quicker. In magnitude, it was the same leap forward as our Permits Program was to pollution prevention."

The TACB Permits Program has undergone perhaps the most marked changes of any program in the agency, due mainly to the mandates triggered by the Federal Clean Air Act Amendments (FCAA) of 1990.

Lawrence Pewitt, director of the Permits Program since 1984 and a TACB permit engineer since 1972, has answered the mandates in the only way possible: by recruiting and training a new force of the most qualified environmental permit engineers. These new faces have been brought on board to supplement the existing corps of professional staff engineers in meeting these enormous regulatory challenges. As a result, Texas has become the lead state in meeting many requirements under the FCAA.

"The TACB Permits Program has been changing for

about 20 years, and now it is classified as one of the finest and most efficient in the U.S.," Mr. Pewitt said. "The permit requirements for industries have grown from a two-page regulation to 40-plus pages." Yet, he added, the core staff needed to handle this increased effort remained unchanged for 15 years. That is, until recently.

The challenge of meeting the sanctionable "Federal Operating Permit" deadlines under Title V of the FCAA has necessitated expanding the permits staff from 75 in 1992 to about 150 by the end of this year, he said.

Debra Barber as director of TACB's Field Operations since 1990 has built and maintained professional staffs in the agency's 12 regional offices. She was promoted to investigator in the Abilene regional office

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in 1978 and became that office's director in 1983.

Highest among her priorities in her current job has been the enhancement of the regional offices' ability to respond to public complaints about all types of air pollution virtually anywhere in the state. And, since the broadening of the TACB's enforcement authority in 1985, investigators can take attention-getting action if necessary, much more than just case referral to the Texas Attorney General's office, she said.

"Before 1985, the cases we had involved voluntary compliance, and sometimes not so voluntary," Ms. Barber said. "We'd write notices of violation and

work with regulated companies to get them to come into compliance. But when you start talking penalties, people's attention becomes much more focused."

Carl Snow, a technical specialist in the TACB Emissions Inventory Division with two decades of air quality planning and research behind him, looks at the agency's evolution

from the perspective of organizational structure. Such a regrouping in 1984 set the stage for a better planning and reporting apparatus, he said.

"A major realignment of the agency occurred in March 1984. This was a significant measure in my mind and moved the agency in a new direction," Mr. Snow said. "This was a reorganization of the top management structure of the

agency and created a new way of doing business. It was really a forerunner of the Air Quality Planning Program that we have today.

"At this same time we began having a more positive working relationship with the EPA, whereas prior to that time it was a more adversarial relationship than anything."

Mr. Snow said the realignment also led to the creation of a more sophisticated computer data base to communicate with the EPA, and between and among other programs within the TACB.

Jim Gise heads the TACB Air Quality Assessment Program, and, along with Dave Jones, John Key, Larry Butts and others, he has been instrumental since 1973 in developing the agency's vital continuous air monitoring station network

in different areas of the state. Before the wonders of the electronic age revolutionized data collection and analysis of this type, Mr. Gise said staff members relied on paper "strip chart recorders." "These could easily be inserted backwards into a teletype, resulting in some confusion to say the

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Citizen air pollution complaints investigated

3,617
1988

3,754
1989

4,482
1990

6,298
1991

7,299
1992

(to date)
5,853
1993

From The Chair

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several reasons, but the single biggest reason is because of all the difficult but outstanding work we are doing to satisfy the FCAA. The Act addresses so many parts of day to day living and the way people do business. As we moved forward aggressively and in seeking input from the public, more folks knew about the agency. Our efforts to educate people about the FCAA naturally increased the agency's exposure.

Bulletin: Has your concept "Being more a facilitator, and less a regulator" worked? Why?

Watson: I think it has. For example, when you have such unanimous support across all lines for the Texas approach to Title V operating permits, you know the agency is doing something right. This is an example of where a

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state regulatory agency could have put on our regulator hat and said "This is the rule, we have to follow it. Just do it." Instead, we have focused on the rule's goals and, as problem solvers, worked with all parties to achieve a sensible mechanism for achieving the goals. There are a number of other examples involving the inspection and maintenance program, nitrogen oxide reasonable available control technology rules and others.

Our work in the area of small business is another prime example of our positive approach. Instead of simply evaluating the conduct of a small

business and identifying when it is out of compliance and penalizing it, which might put some small businesses out of business, we have recognized that the goal of clean air can be achieved by facilitating compliance with the rules and keep the small business going. We are doing this through creative penalty approaches and maintaining the independence of the Small Business Advocate's Office.

Also, we don't just tell small businesses what the Federal Clean Air Act says and then what we are going to do to enforce it. Instead, we have created small business

advisory panels across the state. I don't know of any other state that is doing this. These panels help us to figure out ways to help business meet the demands of the act. We get the air cleaned up and we keep jobs.

Part of the reason Texas is leading the nation in complying with the FCAA is because we are not limiting our perspective. We are looking to clean up the air in ways that make sense.

Bulletin: What would you like people to remember as the greatest accomplishment of this board?

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least," he said. "At other times, our tape readers would have to hand-hold the tapes up to a light to determine a monitoring site. Those days have really changed."

The validation of monitoring data significantly evolved with more widespread use of computers. "At one time, five staff validators did the work that is now done by one," he said, referring to the improved efficiency of computer technology.

Major improvements over time have been in the TACB's laboratory analysis and field monitoring techniques, Mr. Gise said. "Since the 1970s, when instrumentation was primitive by today's standards, we have expanded our technical and analytical capabilities by acquiring state-of-the art equipment. This has increased the level of service we provide to many groups within the agency and to the general public." ♦

From The Chair

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Watson: That we put Texas on the right track in terms of cleaning up the air. We are making Texas a healthier place to live and we are doing it in ways that overall bring about the least disruption in people's lives and in ways that reduce or eliminate negative economic impact. There are, of course, a number of specific examples of how we are doing this. I've mentioned some of them in different answers.

I'm also very proud that,

at the same time, we are taking important steps toward assuring that an agency dedicated to public protection serves all Texans and that all citizens receive the benefits of the agency's work.

I think it will also be noted that the board worked very hard at a time of great stress on an air agency. And, the board worked together. We focused on common goals and then moved toward them. Although each of the members

has a different view of the world, each wants a quality air program and we all worked to achieve that goal.

Bulletin: What will be the biggest challenge of the TNRCC with regard to air quality?

Watson: Initially, it will be the learning curve the new commissioners face regarding air issues. It will take some time. I know it did for me, and I wasn't also dealing with other environmental areas. Plus, the

consolidation alone will continue to demand substantial attention. In the longer term, it will be exactly what this board has been dealing with. How to assure healthier air for Texas at the same time we work for a healthy economy.

Bulletin: You've put so much time and effort into this "part-time" board. Do you foresee a future role for yourself in protecting air resources in the state?

Watson: I hope so, even on an informal basis. I want to continue to address some of the opportunities we have in this critical public policy area. Plus, I've learned a lot. This has been a real growth experience for me personally. Frankly, it's kind of difficult to imagine not dealing with this "part-time" board each day. It's going to be tough to quit cold turkey.

Bulletin: What message would you leave for the staff as their outgoing leader?

Watson: Keep up your good work! I've been extremely honored to have worked with, learned from and been friends with such a remarkable group of dedicated, imaginative professionals. I'm proud to have been a small part of your work. ♦

During the past two years the TACB for the first time established three toll-free hotlines that provide easier public access for several air quality programs.

To report automobiles and trucks that are emitting excessive amounts of smoke call

1-800-453-SMOG

If you are a small business owner with a question about air pollution laws call

1-800-824-7247

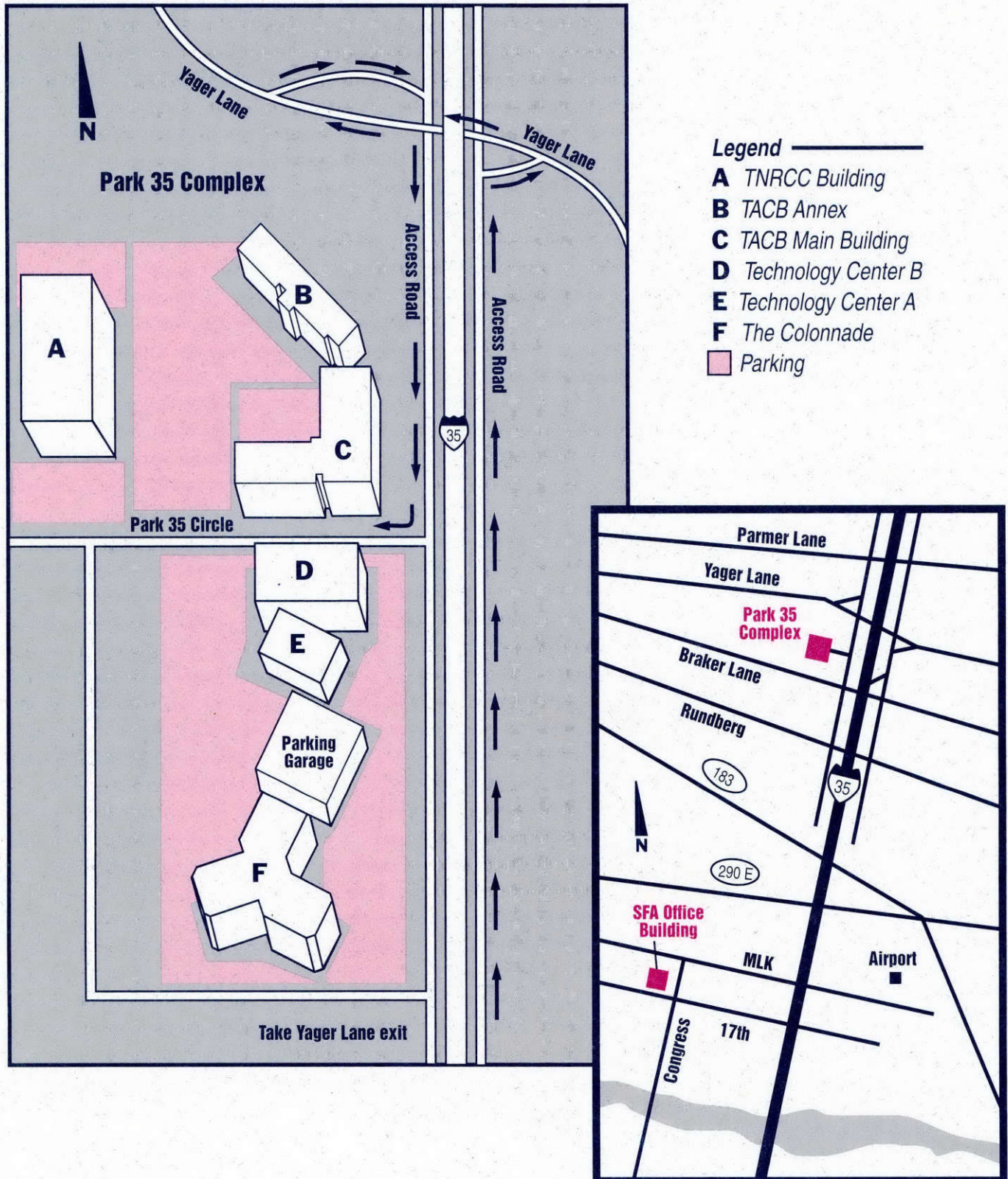
Gasoline service station owners with questions about Stage II vapor recovery requirements can call

1-800-533-3AIR

Texas Natural Resource Conservation Commission Complex

The entire Texas Natural Resource Conservation Commission will ultimately be located at the current TACB central office complex. The complex will consist of six buildings with a seventh to be added. Additional staff from the Texas Water Commission should begin the move to Park 35 around September 15. Until the seventh building can be built, the TNRCC Commissioners, executive director staff and several water related programs will remain at the Stephen F. Austin Building in the state Capitol Complex.

The TACB's current agency general information telephone number will become the official main phone number of the TNRCC effective September 1, 1993. That number is: 512/908-1000.



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12124 Park 35 Circle
Austin, Texas 78753
(512)908-1000

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NO. 4-1993



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