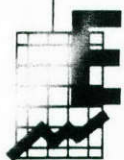


NO. 1-1990, MARCH



TRENDS REFLECT INCREASED ACTIVITY



ENFORCEMENT EFFORTS REVIEWED

Five years ago, the Texas Air Control Board received its most powerful tool to date for enforcing air quality laws in the state. The additional authority came as a result of amendments to the Texas Clean Air Act (TCAA) passed by the 69th Legislature. The legislature acted on recommendations by the Sunset Advisory Commission, which found that the agency's enforcement powers were not adequate to ensure timely compliance.

The TCAA gave the agency the authority to levy administrative penalties against those who violated

laws and regulations. Prior to 1985, the only remedy the agency had was through lawsuit referral to the Attorney General's Office.

Late last year, the board asked the staff to prepare a five year summary of actions related to the enforcement provision of the TCAA. Jim Myers, deputy director for Regulatory Operations, presented the report during the March meeting of the Enforcement Committee.

"I believe that over the last five years we have developed an enforcement system that is consistent and designed to attain compliance in as short a time as possible," said Mr.

Myers.

Although the state population hasn't grown much during the past five years, it was pointed out that this was not an indicator of agency activity. Statistics showed that complaints had increased more than 66 percent during the period.

"I think this is because the public is less tolerant with regards to odors, dust, and other pollutant nuisances. Also, the public is much more aware, informed, and concerned about environmental issues.

"The impact on the regional offices has been significant with

(continued on page 2)

CAMPBELL JOINS AGENCY AS DEPUTY

SPAW REPLACES BELL AS EXECUTIVE DIRECTOR

Steven N. Spaw, formerly deputy executive director of the Texas Air Control Board, was selected by the board on February 8 to become the executive director, replacing Allen Eli Bell.

Mr. Bell resigned in January to go into private law practice. The board met in executive session three times for more than 10 hours and interviewed eight individuals for the position, before announcing the selection of Mr. Spaw.

"Each member of the board had one and only one goal and that was

to make the best decision we could for the people of Texas and for the members of the agency. The board is going to do everything it can to see that Mr. Spaw's administration goes smoothly. We support him 100 percent," said Dick Whittington, chairman.

Mr. Spaw has been with the agency since 1968, when he worked in the Air Pollution Control Program of the Texas State Department of Health. In addition to serving as deputy executive director, he has been director of the permits division, deputy director of

measurements and analysis, and director of central regulatory operations. He became deputy executive director in 1986.

He is a graduate of the University of Texas at Austin, with a bachelor's degree in mechanical engineering and a master's in environmental health engineering. He is a licensed professional engineer and a member of the Air and Waste Management Association.

"I appreciate the confidence the board has shown in me. I do not take this responsibility lightly. I

(continued on page 15)

IN THIS ISSUE:

 ENFORCEMENT REVIEW
page 1

 BUDGET PLANNING
page 9

 SOIL SAMPLING ANALYSIS
page 13

 REVISIONS TO RULES & REGULATIONS
page 8

 AGREED ENFORCEMENT ORDERS
issued in January through March
page 3

E from page 1 ENFORCEMENT STATISTICS

regards to dealing with complaints, and it has meant a 30 percent increase in the number of investigations during the period - from a little over 11,000 in 1985 to nearly 15,000 in 1989. Regardless of what changes the amendments to the Federal Clean Air Act (FCAA) bring, I believe more resources will be needed by the regions to handle the complaints," said Mr. Myers.

VIOLATIONS AND CATEGORIES

Myers explained that more than 40 percent of violations have dealt with permit issues - unauthorized construction or violation of permit conditions. He noted that most of the unauthorized construction violations were by small businesses that didn't realize they needed permits. Violation of permit conditions came about mostly through carelessness of the permitted source or lack of understanding of federal standards. He felt that some big companies did not place enough emphasis in this area. He also felt that there could be an increase in the number of permit related violations in the future because the FCAA amendments are expected to have expanded permitting requirements as well as additional federal standards.

Although permit violations represent the largest number of violations, the trend is downward. Myers said it is indicative of the enforcement efforts and the agency's efforts to inform various groups and associations of the permit requirements.

"We issue about 500 permits a year, however, and the potential for people to violate permit requirements could grow. Some people just don't read the permits and do what is required," he explained.

Unauthorized outdoor burning is another category with a signifi-

cant number of violations - about 17 percent of the 1985-89 total. Myers said some people don't realize the rules, and in many cases the violators are difficult to catch.

The trend for violation of federal standards showed increases from less than 100 in 1985 to close to 200 in 1988-89. "This can be

Since September 1, 1985, the TACB has conducted 67,918 investigations, issued notices of violation representing 6,415 violation situations, received 20,879 complaints, adopted 643 Board Orders, levied \$3,697,005 in administrative penalties and referred 74 cases for lawsuit.

attributed to companies not understanding some of the complicated federal requirements and to our investigators who have become very knowledgeable of the standards in the past couple of years," explained Mr. Myers.

Violations for nuisance conditions were high five years ago. The trend decreased somewhat in 1987, but since then has steadily climbed. Myers said he felt this trend would continue as more and more people learn about the agency.

"We are proud of the decrease in the number of violations of particulate emissions standards. There has been a decrease of about 48 percent since 1985. In 1989 there were 73 violations, compared with a high of 151 in 1986. Particulate emissions problems are easy to correct with the cooperation of the companies. This is one area where there is a definite correlation with the additional enforcement tool.

"Although motor vehicle violations only represent about six percent of the total, these types of violations have increased significantly during the last five years. I

believe that violations of motor vehicle regulations will continue to go up, because we are increasing our efforts on enforcing prohibition of sale of motor vehicles without control equipment. And as the inspection/maintenance (I/M) rules expand to other parts of the state, there will be increased probability of the rules being broken."

Violations of volatile organic compound (VOC) emission control regulations increased significantly in 1988-89. Prior to those years, the highest number of violations was 68; since then the numbers have doubled. Myers attributed this to expansion of the rules, and he pre-

dicted even more violations as the requirements are applied to other parts of the state. In addition, small VOC sources are now a high priority in the agency as well as with the Environmental Protection Agency.

BOARD ORDERS

The first board orders with penalties were adopted in January 1986. A year later the agency developed the minor source policy to deal with certain small source violators. Orders are entered without penalty if the small business was unaware of the permit requirements, cooperated with the agency, and was able to fulfill the permit requirements. However, the trend for orders with penalties is increasing. The largest number continues to be in the unauthorized construction/operation category (38 percent), since formal action is required if a business cannot obtain the permit or exemption in 30 days and doesn't qualify under the minor source policy.

Last year the agency assessed

(continued on page 10)

AGREED ENFORCEMENT ORDERS

issued January through March

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

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

JANUARY

Amoco Chemical Co., a petrochemical manufacturing plant in Texas City, Galveston County, violating Board Rules 101.20(1), 101.20(2), and 116.4; Section 4.01(b) [redesignated Section 382.085(b) effective September 1, 1989] of the Act; Agreed Board Order No. 88-03(a); and two special provisions of its TACB permit by failing to operate the flare which serves the No. 1 Paraxylene, No. 2 Styrene, and Light Aromatic Fractionation/Toluene Disproportionation units with a flame present at all times, and at all times when emissions may be vented to the flare, and by failing to maintain the flare as required; by failing to operate the closed vent systems and control devices (flares) at all times when emissions may be vented to them; and by failing to operate sources in benzene service as required; \$3,500.

Amoco Oil Co., a petroleum refinery at 2401 Fifth Avenue South, Texas City, Galveston County, violating Board Rules 101.20(1), 101.20(2), 115.101, 115.102(1), 101.7, and 116.4; Section 4.01(b) of the Act; and a special provision of its TACB permit by failing to equip each opening in the roof of Slop Oil Tank No. 140, except for automatic

bleeder vents, rim space vents, and leg sleeves, with a cover, seal, or lid and maintain in a closed position at all times; by failing to properly record leak detection and repair information on Alkylation Unit No. 3; by failing to provide results of the annual performance tests on the Aromatic Recovery Unit in the semi-annual report; by operating Slop Oil Tanks Nos. 135-138 without the required emission control systems; by failing to comply with requirements for floating roof storage tanks for Slop Oil Tanks Nos. 135-138; by failing to submit timely written notification to the Board prior to the planned maintenance activity which caused an excessive emission; and by failing to properly maintain the floating roof seals of Crude Storage Tank No. 1052 in order to minimize vapor loss; \$11,700.

Arco Chemical Co., a chemical plant at 10801 Choate Road, Pasadena, Harris County, violating Board Rules 101.20(1), 101.24, 115.271-275, 116.4, and 118.5; Section 4.01(b) of the Act; Agreed Board Order No. 88-08(e); and a special provision of its TACB permit by failing to submit required notifications and maintain records on equipment subject to new source performance standards regulating volatile organic compounds; by failing to install a continuous flare equipped with pilot flame detecting thermocouples or equivalent device; by failing to equip Tank 1216 with required control equipment and failing to vent pressure Vessel F-1004-B and F-1001-E to a flare which meets specified requirements; by failing to provide timely notice to allow for inspection prior to refilling Tank 1219; by failing to submit a timely report of defective vessels and failing to submit information, records, and reports required after installation of a closed vent system and flare; by

failing to equip the sampling connection system in the propylene glycol unit with a closed purge or closed vent system; by failing to designate and maintain a monitoring schedule for unsafe or difficult to monitor valves; by failing to comply with recordkeeping requirements for leak repair logs; by failing to submit initial report for the propylene glycol unit subsequent to start up; by failing to pay the total amount of the inspection fee due in 1988 and 1989; by failing to maintain required leak repair records and failing to repair leaking equipment within the required time; and by failing to prepare and maintain an emission reduction plan; \$6,750.

Baruch-Foster Corp., owner and operator of the Gist et al Lease Tank Battery at the intersection of West 64th Street and Golder Avenue, Odessa, Ector County, violating Board Rule 101.4, Sections 4.01(a) and (b) [redesignated as Sections 382.085(a) and (b) effective September 1, 1989] of the Act, and Agreed Board Order No. 87-03(a) by discharging excessive hydrogen sulfide gas emissions from tank thief hatches which were opened during a tank gauging operation, \$7,000.

Leonard W. Brehm, owner of a private road off Smithson Valley Road near New Braunfels in Comal County, violating Board Rule 101.4 and Sections 4.01(a) and (b) [redesignated as Sections 382.085(a) and (b) effective September 1, 1989] of the Act by discharging excessive dust emissions, \$3,600.

Celanese Engineering Resins, Inc., a petrochemical manufacturing plant on U.S. 77, Bishop, Nueces County, violating Board Rule 101.20(1) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to equip eight open-ended valves with a cap,

(continued on page 4)

blind flange, plug, or a second valve, \$500.

Christie Gas Transmission Corp., a natural gas liquids production plant 2.5 miles north-northeast of Desdemona, East and County, violating Board Rule 101.20(1) and Section 382.085(b) of the Act by failing to demonstrate compliance with monthly monitoring requirements no later than 180 days after initial start up and by failing to submit semi-annual reports beginning six months after initial start up, \$1,500.

Dow Chemical U.S.A., an Operating Unit of Dow Chemical Co., a petrochemical manufacturing plant in Freeport, Brazoria County, violating Board Rules 101.20(1), 101.20(2) and 116.4; Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act; and a provision of its TACB permit by failing to provide notifications and to keep records of start up of 13 product storage tanks; by failing to perform initial and annual inspections, failing to submit the initial and annual inspection reports, and failing to keep inspection records for Tank No. D-4003; by failing to submit an operating plan, failing to monitor the parameters of the closed vent system and control device, and failing to keep a copy of the operating plan and a record of the measured values of the parameters monitored for 20 product storage tanks; by failing to demonstrate compliance with requirements for all equipment within 180 days of initial start up of the Soil Fumigant Unit and the Toluene Diisocyanate Unit; by failing to monitor closed vent systems and control devices on the Polycarbonate Unit; by failing to use a calibration gas in monitoring of approximately 10,000 parts per million (ppm) methane or n-hexane on the Bisphenol Unit; by failing to keep records of repair methods used to repair leaks and the expected date of successful repair of leaks on the Soil Fumigant Unit; by failing

to submit initial semi-annual reports on the Bisphenol Unit and the Soil Fumigant Unit within six months of the initial start up date; by failing to monitor closed vent systems on Light Hydrocarbon Units Nos. 6 and 7; by failing to perform monthly monitoring for leaks of 60 valves in benzene service on Light Hydrocarbon Unit No. 7; and by failing to conduct quarterly monitoring for fugitive emissions; \$14,900.

Exxon Chemical Co., an olefins plant on Bayway Drive, Baytown, Harris County, violating Board Rule 115.101 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by storing volatile organic compounds with a true vapor pressure equal to or greater than 1.5 pounds per square inch absolute in a stationary storage tank which was not equipped with the required control device or vapor recovery system, \$5,400.

The Goodyear Tire and Rubber Co., a specialty chemicals plant at 13441 Bay Area Blvd., Pasadena, Harris County, violating Board Rule 101.20(2), Section 382.085(b) of the Act, and Agreed Board Order No. 87-08(i) by failing to equip three open-ended valves in benzene service with a cap, plug, or second valve; \$2,000.

Henley International, a medical products manufacturing plant at 104 Industrial Road, Sugarland, Fort Bend County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051 and 382.085(b) effective September 1, 1989] of the Act by constructing an ethylene oxide sterilizer without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application to amend a special exemption. No monetary penalty except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete

its review of the application is late and a penalty of \$500 could be assessed if it is determined after review that substantial additional controls are necessary.

Himont U.S.A., Inc., a polymer manufacturing plant at 12001 Bay Area Blvd., Pasadena, Harris County, violating Board Rules 115.272(a)(2) and 116.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to measure emissions from compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service during the fourth quarter of 1988 and by failing to monitor valves in volatile organic compound service by leak checking for fugitive emissions during the fourth quarter of 1988, \$500.

ICO, Inc., a pipe coating plant at 2400 Stevens Road, Odessa, Ector County, violating Board Rule 101.4, Sections 382.085(a) and (b) of the Act, and Agreed Board Order No. 87-01(h) by discharging excessive air contaminants from the east burnout oven, \$7,000.

International Drilling Fluids, a barite handling facility on Highway 359 near Bruni, Webb County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete its review of the application is late.

Lopez-Gloria Construction Services, Inc., a concrete batch plant on Highway 146 at Cedar Bayou, Baytown, Chambers County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective

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September 1, 1989) of the Act by constructing and operating a fly ash silo without a permit or without qualifying for a standard exemption, \$1,000.

Marathon Petroleum Co., a petroleum refinery in Texas City, Galveston County, violating Board Rules 101.20(2), 115.101, and 115.252(a)(6) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to cap open-ended lines for pumps Nos. 12-J-444, -445, -437, -439, and 12-O-1473; by failing to monitor a valve during the two-month period following detection of a leak in the valve; by failing to properly calibrate the detection instrument used to analyze gases at the plant and failing to maintain readable certification on said instrument; by failing to record the dates of detection of leaks and the dates of each repair attempt for pumps and valves; by failing to record the repair methods used in each attempt to repair pumps and valves; by placing, storing, or holding in Tank No. 116 volatile organic compounds with a true vapor pressure equal to or greater than 1.5 pounds per square inch absolute without maintaining working pressure sufficient at all times to prevent vapor or gas loss to the atmosphere or without using the specified control device (primary seal); and by failing to measure (with a hydrocarbon gas analyzer) emissions from a leaking relief valve immediately after repairing it; \$50,000.

A. McKnight Motor Co., a motor vehicle sales operation at 403 W. Division, Arlington, Tarrant County, violating Board Rule 114.1(c) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by offering for sale a motor vehicle with a missing belt and frozen air pump on the air injection system, \$500.

Joe Myers' Ford, Inc., a motor

vehicle sales operation at 16634 Northwest Freeway, Houston, Harris County, violating Board Rule 114.1(c) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by offering for sale two motor vehicles which were not equipped with the emission control systems or devices with which they were originally equipped. The heat riser hose to the thermostatic air cleaner was disconnected and the T-union connecting hose from the evaporative canister to the carburetor was broken on one vehicle and the other vehicle did not have a catalytic converter, \$500.

Occidental Chemical Corp., a vinyl chloride monomer unit at its organic chemical manufacturing plant on Tidal Road, Deer Park, Harris County, violating Board Rules 101.20(2) and 116.4, Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act, and a provision of its TACB permit by discharging excessive emissions of vinyl chloride, \$12,000.

Stearns Airport Equipment Co., Inc., an airport conveyor manufacturing plant at 230 West Risinger Road, Crowley, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating an abrasive cleaning operation without a permit or without qualifying for a standard exemption, \$2,200.

Valley Feed Mill, Inc., a fertilizer storage and blending plant and a bulk feed plant at 1211 Coke Road, Winnsboro, Wood County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plants without permits or without qualifying for standard exemptions, \$2,700.

MARCH

Amarillo Redi-Mix, Inc., a concrete batch plant at 15th Street and Progressive Avenue in Hereford, Deaf Smith County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty.

Amarillo Road Co., a hot mix asphaltic concrete plant on Highway 281 near Scotland, Archer County, violating Board Rules 101.5 and 116.5 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by discharging particulate matter in amounts which caused a traffic hazard or an interference with normal road use and by operating the plant as an aggregate mixer and dryer instead of a hot mix asphaltic concrete plant as represented in its application for a permit, \$5,500.

American Excelsior Co., a polystyrene foam products manufacturing operation at 850 Avenue H East, Arlington, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating a polystyrene foam expander unit without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company applied for and was issued a permit. No monetary penalty.

Amoco Oil Co., a petroleum refinery at 2401 Fifth Avenue South, Texas City, Galveston County, violating Board Rules 101.20(1),

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101.20(2), and 116.4; Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act a special provision of its TACB permit; and Agreed Board Order No. 89-06(a) by failing to monitor in the first month of each quarter any valve in VOC service at the Alkylation Unit No. 3 for which a leak is not detected for two successive months; by failing to comply with appropriate new source performance standards; by failing to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve; and by failing to report revisions in the semi-annual report to items previously reported; \$4,500.

B&W Cabinets and Mill Work, a woodworking operation at 8200 Precinct Line Road, Colleyville, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating 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.

Cast-Rite, Inc., a casting operation at 2010 East Lancaster, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating two sand silos without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company met the conditions for qualifying for a standard exemption. No monetary penalty.

Chemical Lime, Inc., a lime kiln north of Marble Falls off Highway 281 in Burrell County, violating Board Rules 111.21 and 116.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by causing, suffering, allowing, or permitting excessive visible emissions from a stationary flue, \$2,150.

Chevron USA, Inc., a petroleum refinery on West Seventh Street in Port Arthur, Jefferson County, violating Board Rules 101.20(2) and 115.102(5), Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act and Agreed Board Order No. 88-01(e) by failing to equip several open-ended valves or lines in benzene service with a cap, blind flange, plug, or a second valve and by operating floating roof storage tank No. 2159, containing a volatile organic compound with a true vapor pressure equal to or greater than 1.5 psia, with a visible hole, tear, or other opening in the secondary seal, \$7,100.

Composite Technology Engine Components (CTEC), a components production facility at 1000 Technology Way, San Marcos, Hays County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing the facility without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete its review of the application is late and a penalty of \$37,846 could be assessed if it is determined after review that substantial additional controls are necessary.

Double "B" Foods, Inc., a meat processing plant 3/4 mile west of Weimer on Highway 90, Colorado County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating two smokehouses without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty

except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete its review of the application is late and a penalty of \$500 could be assessed if it is determined after review that substantial additional controls are necessary.

La Gloria Oil and Gas Co., an oil refinery at 425 McMurrey Drive, Tyler, Smith County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emission standard for asbestos by failing to provide proper notice of intention to renovate, \$1,000.

La Porte Chemical Corp., an ethylene dichloride and vinyl chloride manufacturing plant at 2400 Miller Cut-Off, La Porte, Harris County, violating Board Rules 101.20(2) and 116.4, Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act and Agreed Board Order No. 89-07(1) by discharging non-emergency emissions of vinyl chloride to the atmosphere from relief valves on equipment in vinyl chloride service and by discharging emissions of exhaust gas which contained greater than 10 parts per million of vinyl chloride from equipment used in vinyl chloride formation and/or purification, \$11,500.

Liquid Energy Corp., a natural gas processing plant near Mineral Wells in Palo Pinto County, violating Board Rule 101.20(2) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to provide timely written notification of intention to renovate and by failing to use required procedures for the removal and collection for disposal of friable asbestos containing materials, \$4,000.

Namark Farm Products, a feed processing plant in Moody, McLennan County, violating Board Rules 101.4 and 116.1 and Sections 3.27(a) and 4.01(a) and (b) [redesignated as Sections 382.051(a) and 382.085(a) and (b) effective September

(continued)

ber 1, 1989] of the Act by constructing and operating a feed pelletizing plant without a permit or without qualifying for a standard exemption and by discharging excessive odor emissions from its feed plant, \$10,500. Subsequent to the notice of violation, the company submitted an application for a permit.

Northeast Motor Co., a motor vehicle sales operation at 5708 Jacksboro Highway, Fort Worth, Tarrant County, violating Board Rule 114.1(c) and Section 382.085(b) of the Act by offering for sale a motor vehicle without a fresh air duct on the thermostatic air cleaner, without evaporative canister hoses, and without a main three-way catalytic converter, \$500.

Parker Hannifin Corp., an "O" ring facility at 3700 W. Military Highway, McAllen, Hidalgo County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a

permit. No monetary penalty except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete its review of the application is late and a penalty of \$32,234 could be assessed if it is determined after review that substantial additional controls are necessary.

Rhone-Poulenc Basic Chemicals Co., a sulfuric acid manufacturing facility at 8615 Manchester, Houston, Harris County, violating Board Rule 101.4 and Sections 4.01(a) and (b) [redesignated as Sections 382.085(a) and (b) effective September 1, 1989] of the Act by discharging excessive emissions of sulfur trioxide and sulfuric acid mist, \$8,000.

Sawyers Used Cars, a motor vehicle sales operation at 2801 East Main, Grand Prairie, Dallas County, violating Board Rule 114.1(c) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by offering for sale a motor vehicle with a disconnected thermostatic air cleaner heat riser tube, a frozen air injection system

pump and a missing pulley and belt, and a plugged exhaust gas recirculation valve, \$500.

Schenectady Chemicals, Inc., a chemical manufacturing plant at 702 FM 523, Freeport, Brazoria County, violating Board Rules 101.20(1) and 116.4 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to demonstrate compliance with requirements of new source performance standards for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry for all equipment within 180 days of initial start up and failing to submit an initial semi-annual report; by failing to use a calibration gas in monitoring of approximately, but less than, 10,000 parts per million of methane or n-hexane; by failing to submit six semi-annual reports; by failing to continuously record the temperature and the oxygen concentration on its thermal oxidizer; and by failing to submit a sampling report to the TACB within 30 days after the completion of sampling; \$3,150. ■

NEWS BRIEFS

PERMITS WORKSHOP SCHEDULED

The TACB will participate in a Permits Workshop sponsored by the Texas Chemical Council on May 7 and 8, at the Capitol Marriott Hotel in Austin.

The workshop is the third in a series designed to improve applicants understanding of what information is needed to complete a permit review and how that information will be used so that original applications will be more complete and require less backtracking by the permit staff.

TACB staff members will present sessions on general permit requirements, preparation of permit/amendment applications, nonattainment and Prevention of Significant Deterioration review, fugitive emissions, standard exemptions, and general modeling concepts. Staff members will also cover permit continuance, toxics review, disaster evaluations, and participate in panel discussions to address specific concerns.

Dick Whittington, board chairman, and board member C.H. "Chuck" Rivers will be speakers at the luncheons during the workshop. Jim Myers, deputy director for

regulatory operations, will present an overview of the TACB permits program.

Attendance at the May workshop is open to the public. A registration fee of \$195 will cover the cost of both luncheons and the workshop materials. Registration can be made in advance by contacting Ed Fiesensinger, (713) 393-4486.

AIR MONITORING REPORTS AVAILABLE

The TACB Monitoring Program publishes a quarterly report which

(continued on page 14)

REGULATION DEVELOPMENT

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

HEARINGS PLANNED

At its March 9 meeting the board approved staff recommendations to hold public hearings on proposed revisions to the following regulations:

REGULATION I/ GENERAL RULES

At its December meeting, the board adopted revisions to Regulation I, Control of Air Pollution From Visible Emissions and Particulate Matter, and the General Rules. The changes were in response to enactment of House Bill 2468, passed by the 71st Legislature. The bill required the agency to develop provisions for controlling commercial waste incinerators.

"At that meeting, it was generally agreed that there were other unresolved issues relating to the bill, including general rule changes in the definitions, which would make our definitions consistent with the Texas Department of Health. We will be going to hearing on those definition changes as well as attempting to resolve some other issues in this area," said Lane Hartsock, TACB Regulation Development.

"We propose to equalize control requirements for commercial and on-site infectious waste incinerators and to place limits on the hours of operations for those incinerators not equipped with automatic feed mechanisms," he added.

The staff also proposes additional recordkeeping requirements and the need to post operating pro-

cedures on or near the incinerators. A proposal is also being made to repeal the exemption for incinerators burning less than five tons per day.

"Because of the potential impact on hospitals, we have made some preliminary

contact with the Texas Hospital Association. Their primary concerns dealt with the hours of operation when heat recovery is involved. They also felt some hospitals may need more time to comply," said Mr. Hartsock.

The proposed date for all incinerators to be in compliance is May 31, 1991. Mr. Hartsock indicated that the two concerns expressed by the association could be accommodated during the hearing process if warranted. Another planned revision involves TACB emissions rules that add test methods to source categories not previously covered such as railroad locomotives and ships.

Public hearings will be held in Austin and Houston in April or early May. Locations, dates, and times will be announced later.

REGULATION XI

Senate Bill 1518, passed by the 71st Legislature, amended the Solid Waste Disposal Act (SWDA). The statutory changes state that applications for municipal solid waste management facilities are not subject to TACB review, with the exception of applications for municipal solid waste incinerators.

Until last June, the act required the TACB to perform air quality reviews for permit applications submitted to the Texas Department of Health. The proposed changes to Regulation XI, Control of Air Pollution From Municipal Solid Waste Facilities, will carry out the

provisions of the revised statute by limiting TACB future permit review activities to applications for municipal solid waste incinerators.

The proposed changes will include an explanation that the definition of municipal solid waste incinerator does not include a unit which incinerates gas which emanates from solid decaying solid waste.

A public hearing will be held in Austin at a date and time to be determined.

REGULATION V

Changes to Regulation V, Control of Air Pollution From Volatile Organic Compounds (VOC), are proposed in response to a petition from General Motors Corp. (GM).

The changes are proposed in order for GM and the Environmental Protection Agency (EPA) to carry out the terms of their settlement agreement. The EPA had initiated legal action with regard to the surface coating operation at the GM Arlington, Texas lacquer paint facility. In the lawsuit, EPA claimed that the alternate means of demonstrating compliance of the VOC emissions rule that had been granted by the TACB were not federally approved, and therefore invalid.

"Our role is administrative, in that we will have an amendment in the regulation that allows GM to use the EPA Topcoat Protocol as an alternate means of demonstrating compliance with the VOC emission limits for coating applications at automobile and light-duty truck manufacturing facilities. Also, the revisions would identify federally approved test methods and procedures to be used to determine compliance with applicable emission limitations.

"The overall emissions from the GM plant would remain the

(continued on page 12)

AGENCY PLANS FOR EXPANSION/NEW REQUIREMENTS

BUDGET PROCESS BEGINS FOR NEXT BIENNIUM

The Budget and Finance Committee of the Texas Air Control Board (TACB) has spent its past two meetings examining budget proposals by the staff for the 1992-93 biennium. The committee members are looking at proposed figures that would significantly enlarge the agency's staffing and increase the money available to carry out expanded programs, which in some cases may be required by the new Federal Clean Air Act (FCAA) amendments.

At the January meeting, the staff laid out the budget proposal that would expand efforts to monitor, permit, and regulate sources of toxic air contaminants. This represents the largest single effort in the budget increases. The air toxics efforts in the agency are being examined not only as part of the biennial budget process but also in response to the Joint Committee on Toxic Air Emissions and Greenhouse Effect appointed by the Texas Lieutenant Governor and Speaker of the House.

"We currently have an exemplary toxics new source review program that is part of our permitting activity, however, we felt improvements were needed in several areas," explained Les Montgomery, deputy director for program development.

The staff agreed that improvements were needed in the agency's knowledge of toxic air emissions and its impacts and in the regulatory and permitting program with respect to mobile sources, small sources, and major existing sources of toxic emissions.

Six areas were identified that would require extensive funding to undertake the initiatives. These included emissions inventory, monitoring, mobile sources, regulatory development, permitting, and research.

Long-term recurring costs were estimated at \$19.8 million, with an

increase in staffing of more than 500 for full program implementation. Long-term recurring costs are expected annual costs for the program after it has been phased in.

Full implementation of the air toxics program alone would mean the agency could double in size. Mr. Montgomery explained that the emissions fees proposed with the permitting program included in the FCAA amendments would be sufficient to support the budget increases.

Essentially, the proposed FCAA legislation includes a requirement for all major and other existing sources covered by the hazardous air pollution, acid rain, or nonattainment sections of the bill to obtain a new 5-year renewable operating permit. States could apply for delegation of authority to implement the program. Annual fees would be charged to all permit holders based on a dollar per ton of pollutant emitted. These fees would apply to not only facilities that currently hold permits, but "grandfathered" facilities as well.

During the March meeting, the staff presented an overview of all proposed increases. The budget increases were divided into eight categories, including the previously discussed air toxics program. Initial estimates include \$20 million increases for FY-92, and more than \$25 million for FY 93, with long-term needs increasing to \$40 million.

CATEGORIES FOR BUDGET INCREASES

● The Post 1987 State Implementation Plan (SIP) increases are being proposed in response to new Environmental Protection Agency (EPA) and FCAA requirements for SIP revisions for ozone and carbon monoxide in all areas not yet attaining the standard. Plans will require extensive technical work to

gather inventories and monitoring data, conduct modeling, develop rules, and enforce controls. Budget estimates are \$5 million for the first year and a staff increase of 83.

● The TACB has been delegated authority to conduct technical review of permit applications as part of the Prevention of Significant Deterioration (PSD) program. This federal preconstruction review program requires special inventory data bases and different dispersion modeling techniques. To implement the program in accordance with EPA requirements, the staff proposes \$1.6 million with 27 additional staff members.

● Another area proposed for budget increases includes the asbestos program. The agency has enforced the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) rules for asbestos since it was delegated by EPA in 1978. However, the amount of reported demolition/renovation involving asbestos has increased dramatically in recent years due to a growing awareness of the presence and danger of asbestos. The staff proposes a budget of about \$1 million, which would include funding for 12 vans equipped with emergency decontamination enclosures and two mobile asbestos units.

● The alternate fuels program proposal would allow the agency to carry out the oversight evaluation and reporting tasks required by recent Texas legislation. The legislation requires certain state and local fleet vehicles to be converted to alternate fuel use by the mid-1990s. The agency is required to establish program guidelines, track and evaluate effectiveness, and report to the legislature. An increase in staff of seven, and \$300,000 is initially proposed in the budget for this program.

● The staff believes it will be

(continued on page 12)

E *from page 2*
ENFORCEMENT STATISTICS

more than \$1.3 million, almost double the amount from the previous year. The median amount assessed by board orders was \$2,000.

In 1986, 41 cases were referred to the Attorney General's Office for lawsuit. Myers said this was near the start of our program and it had a lot to do with people not wanting to settle with the agency. Since that time, the agency has referred about six cases a year.

Even though some critics of the agency believe that more cases should be referred for lawsuit, Myers feels it is debatable.

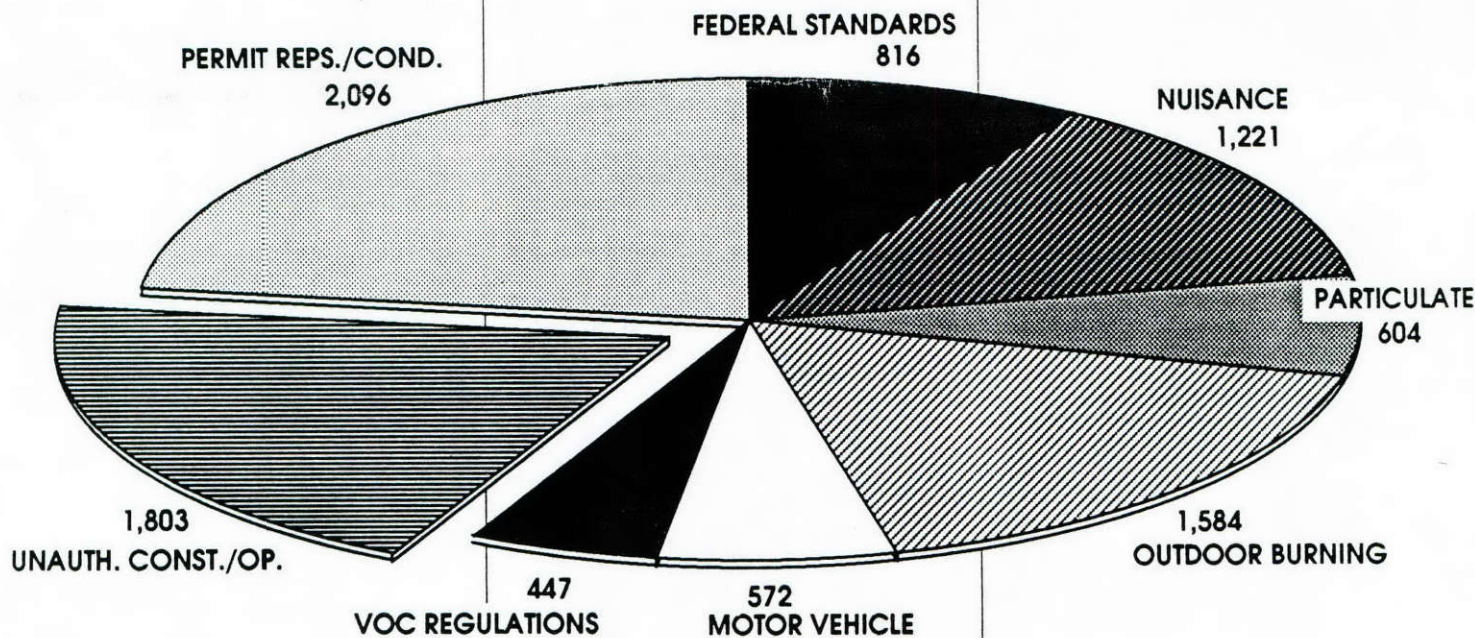
"The median number of days it took us to get from notice of violation to board order was about 180. The median time for lawsuits to be settled is over two years. I believe that if expeditious compliance is the goal, board orders are the way to go," he said.

FUTURE EFFORTS

The board expressed its thanks to the staff for those positive trends, but expressed concerns in some areas. They asked the staff to review the data to see if the penalties at the current levels are incentive enough to get compliance. Of special concern in this regard was the repeat violator, who may be making a profit while breaking the law. They felt that some future legislation may be required to address this issue by taking away the financial gain. ■

(graphs continued on page 11)

NUMBER OF VIOLATIONS BY CATEGORY 9/85 - 9/89

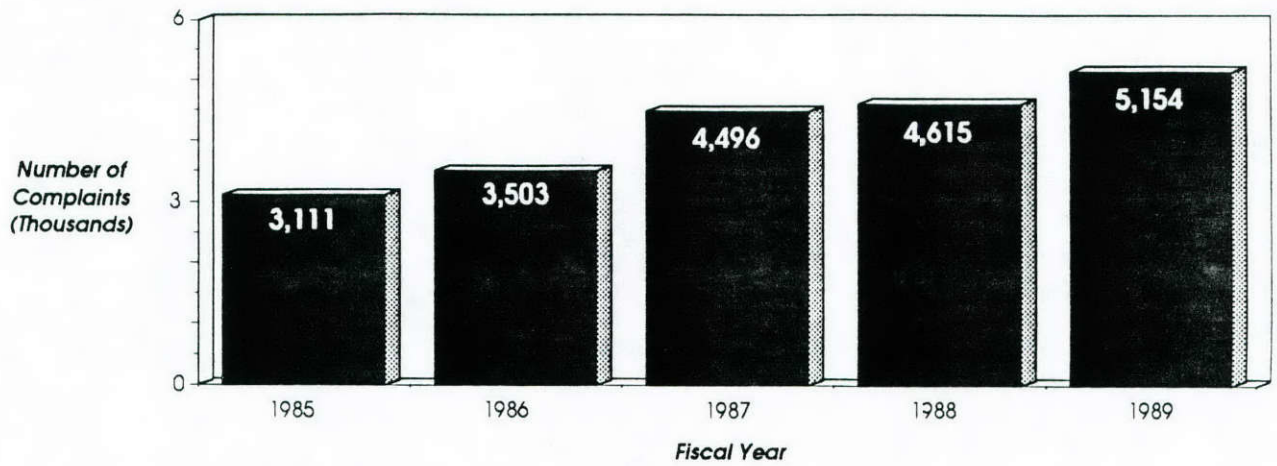


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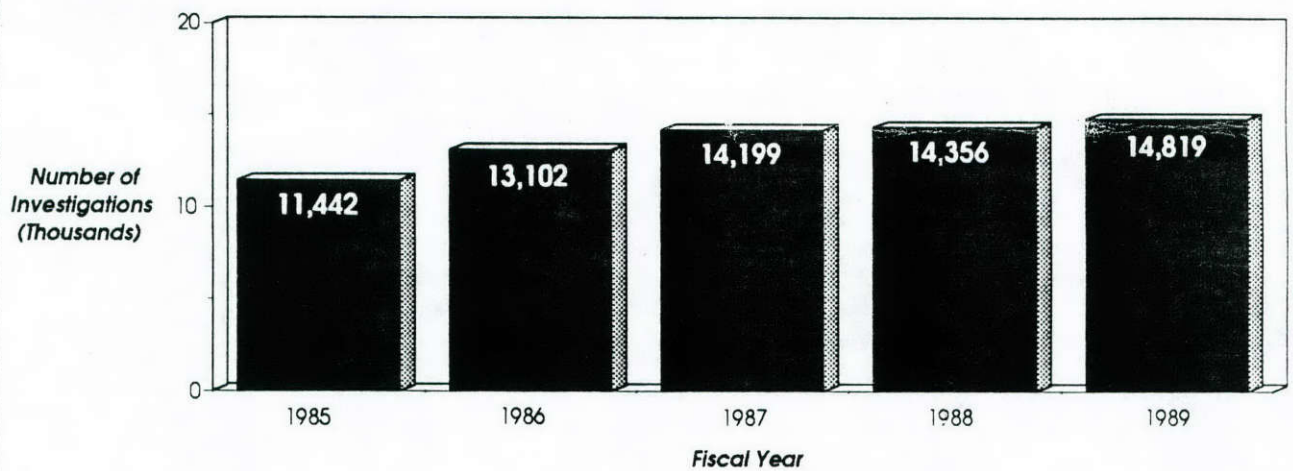
E from page 10

ENFORCEMENT STATISTICS

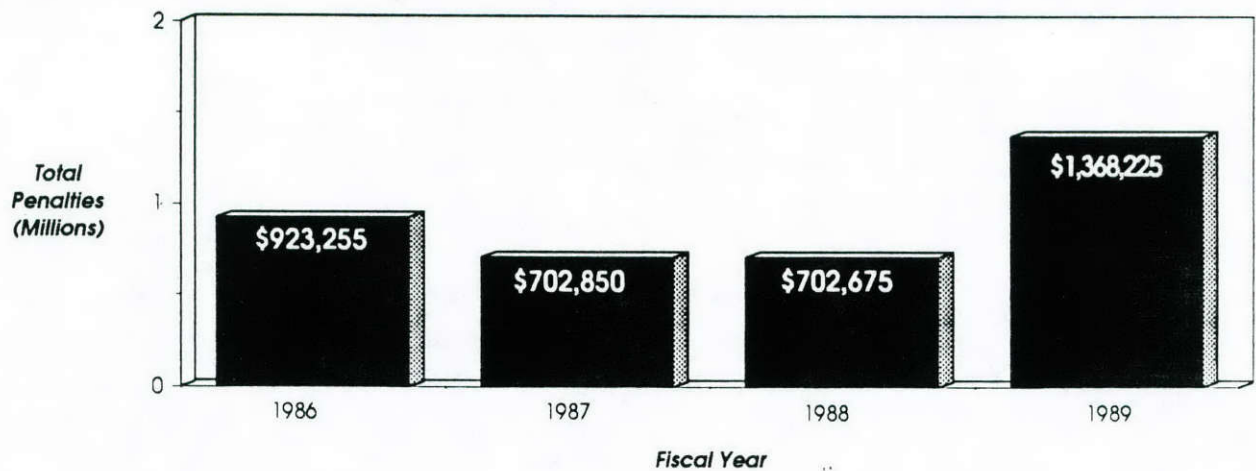
CITIZEN COMPLAINTS RECEIVED



TOTAL INVESTIGATIONS PERFORMED



ADMINISTRATIVE PENALTY ASSESSMENTS



from page 8

REGULATION HEARINGS

same. Also, no other facility will be affected by the proposed amendment," explained Mr. Hartsock.

A public hearing will be held in Arlington on April 25 at 7 p.m. in the City Council Chambers, located at 101 East Abrams.

EXTENDING REGULATION V CONTROLS

The staff is recommending that the agency proceed to public hearings with revisions to Regulation V, which would equitably apply existing controls to all core areas that are nonattainment for ozone. The core areas are Dallas/Tarrant, Harris, Jefferson/Orange, and El Paso counties.

"Currently there is substantial inequity in the applicability of many VOC controls in the state. Since ozone levels above the standard are being experienced in each nonattainment area, we feel that expansion in the applicability of Regulation V, as well as consideration of more stringent exemption levels, may be warranted," said Mr. Hartsock.

In 1988 the EPA called for State Implementation Plans (SIP) for a number of ozone nonattainment areas in Texas, to be done in two phases. Phase 1 involved the addition of test methods and recordkeeping requirements to make existing control measures more enforceable. These additions were adopted by the agency in 1989.

Phase 2 would require new controls. The agency had not considered lowering exemption levels or expanding the regulation coverage to other nonattainment counties as part of the first phase because the actions would involve stringent new controls for many existing sources.

Development of Phase 2 control initiatives are being delayed as EPA awaits action on a revised Federal Clean Air Act. If the new act is passed by the summer, the new SIP requirements will probably not be in place until mid-1990s.

In anticipation of Phase 2 requirements, the staff has prepared a list of VOC process controls and exemption levels that they propose for expanding into all core areas. Although the agency has not made a recommendation as to the cost-effectiveness of the proposed exemption, the staff believes that public hearings could be used to solicit information related to cost-effectiveness.

"Basically, the EPA expects us to complete additional Regulation V revisions, including lowering exemptions levels as part of Phase 1 of the Post-1987 SIP call. Since revisions will need to be initiated anyway, we recommend that proposals be developed to apply the same levels of control in each of the nonattainment areas, thereby making it possible to enter Phase 2 of the process with each core area on equal footing," explained Mr. Hartsock.

We are recommending that only core counties be involved at this time, because the peripheral counties are more correctly a part of Phase 2. Also, enforcement resources are presently inadequate to deal effectively with the additional requirements in the peripheral counties," he added.

Tom Diggs, Region 6 EPA Office, said the EPA was very supportive of the agency going ahead with public hearings on extending the controls, and they felt it was a positive step in the progress the state has made in addressing the nonattainment issue.

Mr. Diggs offered some positive encouragement to the question of whether or how these initiatives/reductions would be credited toward attainment for the state if initiated before passage of the FCAA.

"Based upon both the house and administration versions of the FCAA bills, we can speculate that VOC reductions taking place beyond the base year (date of enactment) would be expected to be

credited toward the reduction percentage required. In other words, these reductions are creditable if they go beyond those required in the current FCAA and beyond those required in the current SIP. We feel these new initiatives will go beyond those required in the current SIP," said Mr. Diggs.

Public hearing dates, locations, and times will be announced later, but are not expected to be scheduled before early fall. ■

from page 9

BUDGET FOR NEXT BIENNIUM

essary in the future to expand the criteria pollutant monitoring network to include new ozone monitoring stations primarily in high growth areas along the Texas-Mexico border, and purchase new sulfur dioxide monitors for the Houston area. Although an exact dollar amount was not included for this expansion, the staff felt it was important to keep these additional needs in mind during budget discussions.

● In addition, the staff looked at two other types of increases. Current service needs include a number of individual activities and general administrative support necessary to respond to increased demands for existing services. Equipment replacement and upgrade increases represented \$1.4 million in the proposed budget. It would allow the agency to replace some equipment such as monitoring stations and purchase new computer equipment, vehicles, etc.

The agency will be required to submit its preliminary draft budget proposals to the Legislative Budget Board in early summer. During the next few months the staff will work with individual committees of the board to make modifications on the proposals. ■

RESEARCH DIVISION AND REGIONAL OFFICES COMPLETE SOIL ANALYSIS

The Research Division of the Texas Air Control Board began a project last Spring to determine whether or not air emissions of heavy metals from industrial facilities could cause significant contamination of soils in areas surrounding those facilities. The staff recently issued a final report of their findings, based upon analyses of soil samples taken from four sites across the state.

The sites selected for sampling were based upon recommendations from several staff members who are most aware of what facilities had significant emissions of metals for long periods of time. The staff evaluated the soil samples for chromium, arsenic, and lead. The samples were taken between June and November of 1989. The number of samples taken from each area ranged from 27 to 42.

"The results of this study were consistent for all four facilities. In each case, the highest levels of metals in soils were measured in close proximity to the plant boundaries. These areas were either industrial or open land in which there was little or no possibility for human exposure to contaminated soils," explained Tom Dydek, Effects Evaluation.

Soil samples were evaluated for chromium in the vicinity of the American Chrome and Chemicals site in Corpus Christi. The chromium content was measured in industrial, public access, and background areas.

"I concluded that the presence of chromium in the soils near the facility does not pose a threat to human health. In evaluating this area, our biggest public health concern was for children playing in areas where soil contains elevated levels of chromium. Based upon the part per million number we measured, the intake of chromium would

not be high enough to cause further concern. This is true using the highest measured levels of chromium from soil in the area of public access.

"A maximum of only 11 micrograms of chromium per day could be ingested by children from soils whereas the normal daily intake of chromium in foods is about 250 micrograms," added Mr. Dydek.

Another area in which soil was sampled was the vicinity of the ASARCO smelter in El Paso, which is a major emitter of arsenic. The staff believed this would be one of the areas in the state that most likely would have high levels of arsenic in the soils.

"Somewhat surprisingly, the levels of soil arsenic found in this study were not that high. There were only two samples in which arsenic levels exceeded that thought to represent an acceptable level. These two samples were taken in industrial areas very close to the facility," said Mr. Dydek.

"Arsenic levels in soils in areas to which the public has access were less than 60 parts per million, which is below the acceptable level of 100 parts per million. Based on this data, I would not expect public health problems because of the presence of arsenic in the soils at the levels measured."

Soil was sampled near the Standard Industries facilities in Bexar County for lead content. The staff, in consultation with a member of the TACB Resource Panel on Health, Environmental Effects, and Technology, also evaluated the soil lead levels for effects on cattle and horses grazing in contaminated areas. The conclusion from the study indicated no evidence that lead being emitted into the air and settling on the ground posed any threat to human or animal life at the site.

The fourth site where samples were taken and evaluated was near GNB Batteries, Inc., near Frisco. Lead was measured at high levels in the soil in areas nearest the plant. None of these areas are ones in which it is likely that children would be playing. There are also no grazing lands in the area.

"Unless there is a change in the land use there, I do not expect any adverse effects on human health or welfare due to exposure to lead," explained Mr. Dydek.

"We believe these four sites represented areas where the greatest potential for soil contamination from air emissions existed. At this time we see no need for any ongoing investigation because our results indicate that it does not appear that air emissions typically cause significant soil contamination.

"We will do further soil sampling at other sites if needed. We will continue to give priority to sites where there is a clear indication of a potential for soil contamination and a high probability of human exposure," concluded Mr. Dydek. ■

B BOARD MEETINGS

APRIL 20
TACB AUDITORIUM
AUSTIN

MAY 18
TACB AUDITORIUM
AUSTIN
(TENTATIVE)

N from page 7
NEWS BRIEFS

provides a summary of air quality measurements collected in the state by the agency and local governmental agency monitoring networks. The staff recently published the 1989 third quarter report.

Summaries are based on routine measurements from all the continuous and non-continuous monitors operated by the state and several local agencies, which measure for criteria pollutants. In addition, data on chromium, arsenic, and acid rain studies conducted by the agency is included.

Copies of the report are available for \$2.50 each from the Monitoring Program, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas, 78723. A 1-year subscription to the Monitoring Program's Air Monitoring Reports (4 quarterly and 2 annual reports) is also available for \$15.00.

•••••
**Earth Day 1990
Set for April 22**

April 22 will mark the 20th anniversary of the first Earth Day when more than 20 million people participated in the beginning of the modern American environmental movement. Earth Day 1990 is designed to begin a long-term commitment to respect and restore the environment and to use natural resources in a non-destructive way.

The TACB will participate in several activities across the state, including ceremonies at the Texas State Capitol with other state agencies, public speaking engagements, school and educational activities, media events, and others. In addition, several in-agency activities are being planned around Earth Day, including strengthening the recycling program. Activities are planned throughout the month of April.

•••••
**Nuisance Condition
Investigation Policy
Adopted**

At the March board meeting, a policy was officially adopted concerning nuisance condition investigations.

The policy states "in situations involving alleged nuisance conditions, the likelihood that the problem will require multiple investigations should be identified as soon as possible. If it is probable that more than one or two investigations will be necessary to resolve the problem or respond to complaints, you (regional directors) should review the case with the investigative staff that has been or may be involved and establish a prospective pattern of investigations sufficient to ensure that all of our findings are reasonably corroborated. Of course, the circumstances surrounding these matters may vary greatly and the appropriate pattern of investigation will need to be established on a case-by-case basis based on your judgment and that of the other staff members involved. As always, members of the Legal Division may be consulted when needed.

"In the future, any person alleging that any member of our staff is predisposed in any matter should be requested to reduce his or her allegations to writing and submit them, together with any evidence supporting their claim, to the agency. Any such complaints received should be forwarded to the Deputy Executive Director who will involve our General Counsel in a review of the matter. Once their review is completed, they will report their findings to me (the executive director)."

•••••
**Urban Air Toxics Monitor
Moved to Port Neches**

An urban air toxics monitor, which is part of an Environmental Protection Agency (EPA) sponsored Urban Air Toxics Monitoring Program, began operations in Port Neches on March 8.

The monitor, one of two located in the state and 10 nationwide, is part of the program to address the status and magnitude of the air toxics problem throughout the country.

The TACB decided to move one of the monitors from Dallas to Port Neches because of growing concerns from the public in that area and to collect additional data for planning actions on air toxics related issues. The other monitor in Texas is located in the industrial area of Houston.

The air samples will be collected by personnel from the TACB region 10 office in Beaumont. Samples will be shipped to and analyzed by the EPA Office of Air Quality Planning and Standards at Research Triangle Park, N.C.

Although it has not been decided how long the equipment will remain in the area, samples will be collected, shipped, and analyzed for at least a year.

•••••
Panel Meetings Planned

The TACB Resource Panel on Health, Environmental Effects, and Technology was constituted to provide expert consultation to the staff on a variety of subjects. The staff is in the early planning stages for two meetings with the 30-member panel.

The first meeting, to be held in Austin this spring, will discuss the design of a proposed agency study of visibility and fine particulate

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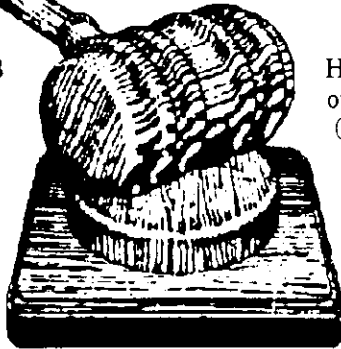
LEGAL ACTIVITIES



The following is a summary of TACB legal activities for the months of December 1989 through March 1990.

The TACB requested that the Attorney General file and prosecute a lawsuit against the following:

Dynagen, Inc., Ector County, for violation of Board Rules 101.4 (nuisance), 101.6 (failure to notify of upset), 101.20(2) (compliance with National Emissions Standards for Hazardous Air Pollutants), 111.21 (opacity), and 116.4 (exemption conditions).



Hackberry, Ltd., Harris County, for violation of Board Rule 101.20 (compliance with National Emissions Standards for Hazardous Air Pollutants).

AGREED FINAL JUDGMENTS ENTERED:

State of Texas vs. American Demolition, Hutchinson County, for violation of Board Rule 101.20(2) (compliance with National Emissions Standards for Hazardous Air Pollutants). The judgment assessed a civil penalty of \$275,000.

Harris County and State of Texas vs. NFRS, Inc., Harris County, for violations of Board Rules 101.4 (nuisance), 101.6 (failure to notify of upset), 111.1 (outdoor burning), 111.21 (opacity), 116.4 (exemption conditions), 116.5 (representations in application for permit or exemption), 116.6 (exempted facilities), and Standard Exemption 96. The judgment assessed a civil penalty of \$15,000 to be split equally between the county and state. ■

from page 1

SPA W APPOINTED

look forward to the challenges ahead of us. We have a staff capable of handling the projected growth and expansion for this agency," said Mr. Spaw.

At the March board meeting, Mr. Spaw introduced William R. Campbell as his deputy executive director. Mr. Campbell joins the agency following eight years with the Texas Legislative Budget Board (LBB).

Mr. Campbell was previously senior program analyst at the LBB. He was responsible for evaluating the operations of several agencies, reporting findings to the board, assisting in preparation of budget recommendations, and estimating fiscal impacts of proposed legislation.

He received his bachelor's degree from State University College, Cortland, N.Y., and is a 1981 graduate of the Lyndon B.

Johnson School of Public Affairs, University of Texas at Austin, with a Master of Public Affairs. He is also a part time government instructor at Austin Community College.

As deputy executive director, Mr. Campbell will be second in charge and will have deputy directors of program development, monitoring, and regulatory operations reporting directly to him.

"I believe Bill (Campbell) will bring tremendous expertise to the board and will benefit us greatly in meeting the challenges ahead of us," said Mr. Spaw.

"I believe the TACB is one of the finest state agencies I have been exposed to during my work with Texas state government. I welcome the opportunity to play a role and will give my best effort," added Campbell. ■

from page 14

NEWS BRIEFS

matter in El Paso. The purpose of the meeting would be to refine certain aspects of the design and to facilitate implementation of the project, planned for the winter of 1990-91.

The second meeting is planned to be held in Houston later this year. This meeting will center on epidemiological research issues and will focus on identifying the need for, capability for conducting, and the costs of such research in Texas. The staff has identified epidemiological research on acute effects of air contaminants as a major agency concern. ■

TEXAS AIR CONTROL BOARD

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In This Issue

- ENFORCEMENT REVIEW
- REVISIONS TO RULES
& REGULATIONS
- BUDGET PLANNING
- AGREED ENFORCEMENT
ORDERS
- LEGAL ACTIVITIES

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