

TACB Bulletin

a Texas Air Control Board publication

Texas successfully meets critical FCAA deadlines



When the 1990 Clean Air Act Amendments were signed into law there was one date that loomed large in the minds of TACB members and staff - November 15, 1992. This was the date when close to 20 significant milestones had to be accomplished by states.

TACB Chairman Kirk Watson proudly announced at a press conference on November 13 that Texas was leading the pack by meeting all the deadlines. During the November board meeting, the board completed action on adopting the

final new rules and plans.

"We have demonstrated that we are a leader in meeting Clean Air Act mandates. Texas was the first state to adopt the new source permitting changes and the Employer Trip Reduction program required by the Act. Texas is the first to begin implementing a small business program under these Clean Air Amendments. In addition, the state is on the forefront of defining national standards for industrial nitrogen oxide emission controls," said Mr. Watson.

The new programs were

developed as a result of more than 100 public meetings with representatives of industry, government entities, environmental groups, and health organizations. The bulk of the work in meeting the deadlines was carried out by the staff of the Air Quality Planning Program.

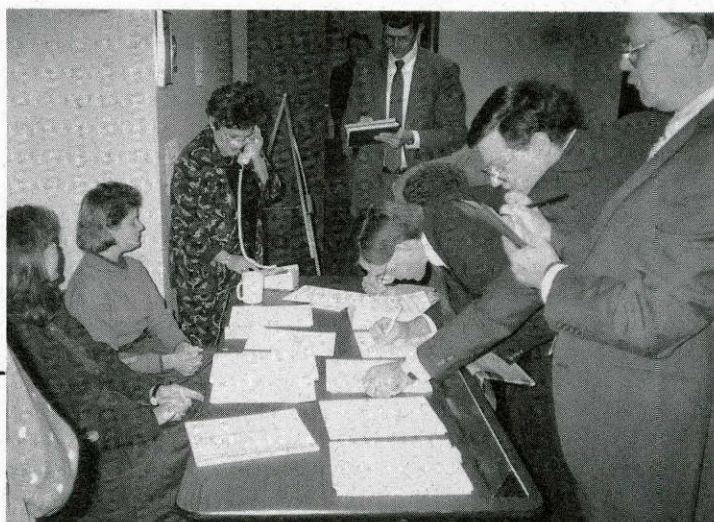
The agency was lauded by U.S. Environmental Protection Agency Region 6 staff during the November board meeting.

"The TACB met the requirements that were due November 15, which is not true in all other

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Public attendees sign up to speak at one of the more than 100 meetings held in 1992 to discuss Federal Clean Air Act issues.



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From The Chair

A lot more to be accomplished in 1993



The other board members, the hard-working staff and I were proud to announce that Texas met all of the November 15, 1992 deadlines of the Federal Clean Air Act Amendments of 1990.

At a capitol press conference, I also said there was still much work to do in 1993. In fact, the next year is going to be just as challenging as 1992, but I am confident that Board and staff, working with other Texans, will continue to make the state a leader in air quality management.

Of course not everything we want to accomplish in 1993 is totally Clean Air Act related. There are some other goals that we hope to reach as we head toward a consolidation of the TACB and the Texas Water Commission (TWC) in early fall.

In order to address some of the pressing issues, we will request substantial funding increases for the upcoming biennium. The increases we seek will be fee funded, generally utilizing revenue gener-

ated from the emissions fees required by the Clean Air Act Title V operating permit program and the current state motor vehicle fee.

A few of the areas that the regulated community, general public and elected officials will see us focus on in the coming months include:

- Increasing our awareness of pollution levels in some regions of the state, such as the border. To do this it will be necessary to increase our monitoring capabilities.

- Improving our ability to monitor suspected hot spots using permanently deployed equipment units. Also in the area of monitoring we must obtain the ability to monitor and analyze air quality samples for highly carcinogenic substances created as products of incomplete combustion.

- Increasing our ability to do certain types of high altitude, and highly sophisticated air monitoring to improve the data we input to the Urban Airshed Model. This model will, in large part, determine the pollution control regulations needed in the ozone

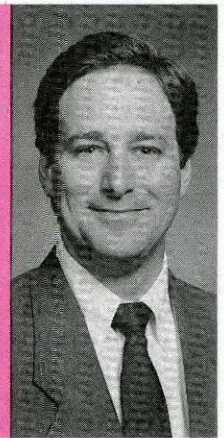
nonattainment areas.

- Striving to educate those in areas that are marginally in compliance with the federal ozone standard of the importance of taking proactive steps to reduce emissions. Such action would provide for a healthier environment and, by staying in attainment, the area would avoid Federal restrictions on growth and development.

- Continuing to improve our permitting process. Our permit staff has been strained under the huge increase in permit renewals over the past few years. Renewal applications totaled 385 in fiscal year 1992. In fiscal year 1987, only 38 renewal applications were received. We hope to be able to develop industry-specific applications, packages and examples. Helping business and industry to prepare better applications will facilitate timely permit processing. Poorly prepared or incomplete applications are a major source of delay.

- Working harder to respond to complaints in a more timely manner. Although we have fallen short of our goal of response to all complaints

**Kirk Watson,
Chairman**



within 24 hours, we recognize that the complaint work load has increased 76% since 1986. And increased resources must be allocated to meet that goal. More than 6,000 complaints

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Workshops reveal methods to streamline process



As applications for Texas Air Control Board (TACB) permits increase due to changes brought about by the 1990 amendments to the Federal Clean Air Act (FCAA), the agency will counter by adopting streamlined approaches to the permit review process. The new policy will first be subject to Board approval.

Without such a streamlined process, TACB permit engineers would continue to be inundated by a tide of permit applications. Recent workshops jointly conducted by TACB permits staff, regulated industry representatives, and the public reveal an inevitable trend: The permit process

must be made less complex through standardization, and applicants need to be educated as to regulations that affect them. At the same time, simpler and more complex permits will be defined and handled differently, with simpler applications handled expeditiously using a TACB/industry team approach.

With the addition of a number of new permit engineers, the TACB will group its experts depending on the type of project to be permitted, while also limiting the number of projects to be reviewed by a single engineer.

Regarding more technical issues, staff will develop a

reliable data base for referencing best available control technologies for a number of polluting emissions. The data base also would be accessible via a computer bulletin board, and specific guidance will be built in to the process to correspond to particular industry types.

Guidance also would be developed to aid engineers and applicants in determining whether modeling should be included in the permit review process. Staff will in turn develop more reliable criteria with which to evaluate potential adverse health effects from emissions. Criteria may include land use, acute vs.

chronic effects from exposure, and health effects vs. nuisance odors.

To avoid unwarranted permit reviews, staff intends to centralize and clarify the standard exemption function. As such, permittees would not be required to obtain a permit amendment for using a standard exemption as part of a permitted unit. ♦

New and Amended Permits, 1992



Task force to study effects of odors



A newly-formed Task Force on Nuisance Odors is charged with developing equitable enforcement measures under the Texas Clean Air Act to deal with the relative severity of odors from various emissions sources, such as agricultural or oil and gas activities.

The Texas Air Control Board (TACB) Task Force, recently appointed by Chairman Kirk Watson, held its first meeting at the Austin central office Dec. 16. Another meeting is planned for Jan. 28 in the Capitol complex. The group also will hold an informational meeting with technical experts in the near future, and a general meeting with the public is planned to air various issues related to odors.

During the initial meeting, the group formulated the basis for new policy on what most members agree is a difficult, subjective area of regulation. In so doing, the group reviewed existing statutes, regulations, complaint

response time, and enforcement. The task force also prioritized what it believes to be the main issues associ-

ated with nuisance odors and the public's desire for action. The group also will review enforcement provisions in other states as these relate to nuisance odors and study the role of poor land use decisions in causing odor problems. Special policies also may be established for

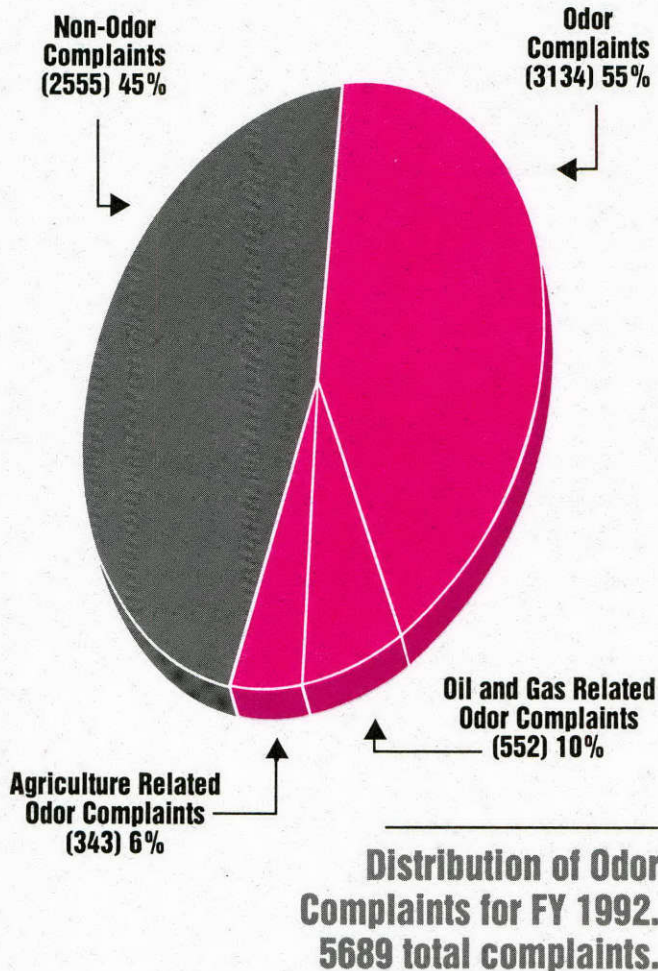
specific industries.

Many past complaints to the TACB have focused on incidents involving some type of nuisance odor, despite the fact that many odors in themselves are not harmful to one's health. TACB Field Operations Director Debra Barber said the 11,000 nuisance odor complaints received over the past five years represent 50 percent of all TACB complaints.

Therefore, the Task Force will be formulating new policies to address the very real impacts of area odors on normal human activities such as family cookouts or a variety of other outdoor recreational events.

Lynch said of her role, "We're going to look at the state of the law as it exists now, and any kind of technology that is out there now that will help us implement the law as equitably as possible. We know that the technology issue is very high on the list right now."

Lynch, who also served for seven years as director of Environmental Protection for



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The group, headed by Chairman Nancy Lynch, director of Texas Water Commission Enforcement Policy, will study new technological

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LEV study clears some hurdles; others remain



A recent study contracted by the Texas Air Control Board (TACB) to determine the practicality of introducing California "low-emission vehicle" (LEV) standards in Texas is in the final stage of completion.

TACB Mobile Source Division staff members and the 14-member LEV Study Advisory Committee, which was appointed by TACB Chairman Kirk Watson, have completed a review of a draft of the final report submitted by contractor E.H. Pechan & Associates. The contractor is in the process of addressing several issues raised by staff and the advisory committee.

On Jan. 15 the Board will hear a staff report on the study, which when finalized, must be submitted to the 73rd Texas Legislature for review.

"The focus of the study has been to determine the net air quality benefits of a LEV program, relative to costs, if Texas opted to proceed with vehicle emission standards established by the California Air Resources Board (CARB)," said Russ Baier, director of the Mobile Source Division. "These new 'technology-forc-

ing' standards are more stringent than federal standards in achieving marked reductions in emissions of major pollutants such as volatile organic compounds and nitrogen oxides."

Pechan & Associates submitted a preliminary draft of the study to the Mobile Source Division in late September. The consultants acknowledge the value of low-cost alternative fuels such as compressed natural gas (CNG) and liquified petroleum gas (LPG). However, they point out that adopting a California LEV program, while resulting in indirect benefits, may not directly promote the expanded future use of these alternative fuels in Texas.

The CARB established that state's exhaust emissions standards for new vehicles, and compliance with these will be achieved through a combination of advanced vehicle emission-control technology and clean-burning fuels.

The influence of CNG or LPG in such a scenario would be contingent upon which fuel combinations the vehicle manufacturers choose to cer-

tify for their vehicles in California. Currently, a special California reformulated fuel is that state's clean fuel of choice, a condition that is not likely to change, the consultants point out. Texas is unlikely to adopt similar fuel standards. TACB staff plans to evaluate the LEV program relative to the Texas alternative fuels program.

A primary concern is whether the Texas LEV pro-

gram would place an unreasonable burden on vehicle manufacturers and fuel suppliers, particularly if California reformulated fuel requirements are not adopted in Texas.

Vehicle technology upgrades to attain the LEV standards, including electrically-heated catalysts, would increase per-vehicle costs by

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TACB seeks funding for ozone study



The Federal Clean Air Act requires Texas to submit a new ozone control plan for the Houston-Galveston area by Nov. 15, 1994, a measure that must be based on data collected through 1993.

To aid in achieving this goal, the Texas Air Control Board (TACB) formally requested an emergency legislative appropriation of almost \$3 million on Oct. 16 to fund field and emis-

sions inventory studies. If approved, these funds would support the development of ozone control strategies in the upper Texas Gulf Coast and would supplement \$700,000 already available in state and federal funds.

Estimates for the cost of ozone control technologies in this area range from hundreds of millions of dollars to about \$2

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Task force to submit final report on cement kilns



The Texas Air Control Board's (TACB) Task Force on Waste-Derived Fuels for Cement Kilns fine-tuned its final policy recommendations in Austin Dec. 11.

The final report will be revised in preparation for Board consideration in February, and the policy recommendations may be the basis for revised agency regulations and new policies for cement kiln incineration of hazardous waste.

TACB Chairman Kirk Watson requested that Board member Chuck Rivers chair the 18-member task force in July. It was formed in response to the public's concern about commercial incineration of hazardous wastes in cement kilns, as well as the need for a clearer policy on the issue.

Incineration of waste-derived fuel has been permitted at two existing Midlothian plants, Texas Industries Inc. and North Texas Cement Co. These qualified for the activity under an "interim status" established by the Texas Water Commission (TWC) as new regulations

governing boilers and industrial furnaces became effective in July.

Lafarge Corp. sought a similar permit amendment for its New Braunfels facility. The TACB denied the permit, a decision that recently was upheld on appeal in a federal court due to a siting prohibition found in Senate Bill 1099. The

TACB relied on this provision in the law when making its original decision. On Dec. 23 U.S. District Judge Sam Sparks of Austin denied an appeal of the TACB decision by Lafarge. The court judgment upheld the state legislation, which prohibits siting of such facilities within one-half mile of residences, schools, and other public places.

At a Nov. 20 task force meeting at the TACB, members obtained additional public comment regarding the feasibility of cement-kiln incineration of hazardous waste statewide. The December meeting essentially was held to firm up ongoing policy construction in relation to the range of comments received. ♦



Judge issues decision in Lafarge Case



U.S. District Judge Sam Sparks of Austin ruled in favor of the state Dec. 23 in denying the appeal of the Lafarge Corp. of New Braunfels. The company sought an injunction and declaratory judgment against the Texas Air Control Board (TACB) for its refusal to grant Lafarge an amended permit to allow the incineration of waste-derived fuels at its Portland cement plant.

In denying Lafarge's original request, the TACB based the decision on a prohibition contained in Senate Bill (SB)

1099, which precludes siting of such facilities within one-half mile of residences, schools, parks and other public places. As such, the Judge Sparks deemed the legislation constitutional.

In the course of the opinion, the judge ruled that Lafarge failed to prove that the one-half mile prohibition violated the Commerce, Supremacy or Equal Protection doctrines of the U.S. Constitution. The court agreed with the arguments of the attorneys general that Lafarge had not

met its burden of proving that the statute was unconstitutional.

In its arguments on appeal, Lafarge contended that the federal Resource Conservation and Recovery Act (RCRA) and U.S. Environmental Protection Agency rules governing boilers and industrial furnaces preempts the siting prohibition found in SB 1099. The attorneys general, however, argued that more stringent state requirements are expressly permitted under RCRA. ♦

Marketable permit group tackles NOx trading



The staff of the Marketable Permits Study of the Texas Air Control Board (TACB) met with industry representatives in Houston Nov. 18 to resume policy discussions involving the feasibility of an industry trading program of emission reduction credits. The system would involve control of industrial nitrogen oxides (NOx), a major contributor to ozone formation.

The Marketable Permits Advisory Committee also met Nov. 30 in Houston to draft proposed legislation for a statewide community banking system. Such a system dedicated to economic development issues would facilitate prospective industries' ability to acquire emissions offset credits in ozone nonattainment areas. In short, the community banking system as proposed would encourage economic development by attempting to alleviate barriers posed by emissions offset requirements.

Paralleling these developments, the Board approved for public hearings Nov. 6, a proposal to replace its previous Regulation VII NOx emissions requirements with new rules. These would address reason-

ably available control technology and continuous emissions monitoring provisions for NOx in accordance with the Federal Clean Air Act (FCAA) amendments of 1990.

Under the FCAA amendments, an industry might be precluded from obtaining a permit unless it can prove that sufficient emission reductions have been made by other industries.

If it can prove so, this would enable the new or expanded facility, utilizing offset credits, to be constructed.

Jim Dodds, who heads the TACB Marketable Permits Study for the TACB, said the agency will be looking closely at verifiable credits based on NOx emission reductions beyond what is required.

"An emission reduction

credit would be created by reducing your emissions more than the law requires, and documenting the reduction so that it is quantifiable, verifiable, and enforceable. Then a company's emissions permit would be amended to reflect a new, lower level of emissions," Mr. Dodds explained.

Ongoing studies by the

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SIP Deadlines

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parts of the country or in all other states. I think it is very noteworthy and commendable on the effort that has gone into developing employee trip reductions, Stage II, Small Business Assistance and oxygenated fuel programs, and the many committal State Implementation Plans," said Stan Meiburg, director of Air, Pesticides and Toxics Division in Region 6.

"It's very clear throughout the country, as I go around and talk to my counterparts and people at headquarters, that the kind of work that Texas has been doing on programs is making the state a national leader for clean air," he added.

Others making note of the states' achievement included the American Lung Association (ALA). "The staff and board has done a superb job of

working to build consensus among all parties, while developing the programs which will reduce air pollution in Texas' non-attainment areas," said Kevin Tuerff, public affairs director for ALA.

Mr. Watson noted that although great progress was made in 1992, the job was far from done. "This next year will bring numerous challenges. Not only must we complete the new vehicle emission testing and repair programs, nitrogen oxide emission control programs, transportation control and clean fuel fleet programs, but we must also develop a new operating permit program and plans to reduce emissions by 15 percent in each of the ozone nonattainment areas by 1996. We look forward to successfully meeting these new challenges." ♦

New NOx emissions controls proposed



The Texas Air Control Board held public hearings in Houston and Beaumont in December to receive comment about the agency's proposal to add new rules governing emissions of nitrogen oxides (NOx).

Hearings were held Dec. 14 in the City of Houston's

Pollution Control Building and Dec. 15 at the John Gray Institute in Beaumont.

The proposed rules track requirements under the 1990 amendments to the Federal Clean Air Act. The new rules would apply reasonably available control technology (RACT) to major sources of NOx emissions in the Houston-Galveston and Beaumont-Port Arthur regions, which are

ozone nonattainment areas. This requirement would apply to operations in the following counties: Brazoria, Chambers, Fort Bend, Galveston, Hardin, Harris, Jefferson, Liberty, Montgomery, Orange, and Waller.

Since NOx has been defined as a precursor to ozone formation in those areas, the FCAA mandated tighter controls on industrial sources of these pollutants.

Industrial categories to be affected under the regulation will include electric utilities, commercial and industrial boilers, internal combustion engines, process heaters, gas turbines, and adipic and nitric acid manufacturers.

To simplify the rule numbering sequence, the current rule will be repealed and readopted under newly-numbered sections within the rule. ♦

From The Chair

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were received in fiscal year 1992 alone.

- Attempting to inspect pollution sources as often as is desirable. Many pollution sources, because of size and location in an attainment area may go several years between compliance inspections if there is no complaint. I don't believe it should be this way in light of some of the problems we've seen this past year. Additional resources will be necessary to

make it possible.

- Doing a better job of responding to reports we receive of emissions caused by upsets or malfunctions at industrial facilities. It is my goal to have the resources to provide for better investigation of the upset reports to identify incidents which were avoidable and, therefore, subject to enforcement, or at least be able to analyze patterns. It is time for Texas to have a com-

prehensive upset program.

- Beginning a new era of enforcement. We will be setting strategic enforcement priorities and testing certain innovations, including such things as a risk-based approach to target sources for periodic inspection, in 1993.

- Analyzing the potential for assuring environmental equity and justice. Chairman John Hall of the Texas Water Commission and I have appointed a

Task Force on Environmental Equity and Justice to help our agency and the consolidated agency assure that all Texans receive the benefits of a public regulatory agency.

None of these goals for the coming year are directly related to Federal Clean Air Act-related activities. If I were to talk of those, the plate would overflow. But all of these activities will help improve the environment for all Texans. ♦

LEV Study Clears Hurdles

from page 5

about \$345, according to Pechan's study. However, these estimates would depend on the extent of development of alternative technologies to achieve LEV standards, including bypass start catalysts, hydrocarbon traps, direct injection

two-stroke engines, and exhaust gas ignition.

TACB staff has expressed concerns about the emission-reduction and cost-effectiveness calculations performed in the study because the initial test version of the MO-

BILE5 model used by the contractor has been shown to have significant problems. Thus, additional modeling is required now that the final version of MOBILE5 has been released.

TACB staff is in the pro-

cess of determining a procedure for doing the additional work using the final version of MOBILE5 and completing the study. The study should be finalized within six to eight weeks, according to Mobile Source Division staff. ♦

Trading

from page 7

TACB Marketable Permits Advisory Committee suggest feasibility for NOx emission reduction-credit trading as this concept would be used in lieu of eventual compliance measures for reasonably available control technology (RACT), an allowable option under the Federal Clean Air Act (FCAA). The committee has found that emission reduction-credit trading would provide a cost-effective way for industries to achieve overall compliance with NOx RACT requirements.

In addition, if emissions credits could be relied on to comply with pollution reductions estimated using RACT, applicants would not be forced to apply for extensions to deadlines in a RACT installation scenario. This would provide a measure of flexibility for industries committed to long-term maintenance schedules.

"Compliance with the proposed NOx RACT rules is estimated to cost industry \$500 million to \$1 billion in the Houston area alone," Mr. Dodds said. "If trading can get the same level of emission reductions at a lower cost, it should be seriously considered."

FCAA compliance plans to be submitted by industries on or before April 1, 1994, will become the baseline from which emissions credits will be calculated, and this data would be derived from actual emissions testing. This would yield a more accurate picture of current emissions. Also, continuous emissions monitoring and testing

requirements will ensure that this data is accurate and up-to-date, a critical component if any emissions trading program is to work properly.

Some options previously discussed for the emission trading program include the following:

- Allow emissions averaging across units within the same facility or between facilities, and the average of all permitted units would comply with RACT requirements;
- Establish a facility permit limiting total emissions for the facility, based on RACT. An industry could vary each of its unit's emissions, but total emissions from all units could not exceed the facility's cap;
- An industry could exceed the cap if the operator offset those higher emissions with reductions from another source.

Specific language to incorporate NOx emissions trading is being included in proposed revisions to the TACB's Regulation VII, which the Board approved for hearing Nov. 6. All options would be evaluated in terms of the resulting economic and environmental benefits. Once operative, however, emissions credits would be certified by the TACB, and the use of credits will be limited to situations in which monitoring and certification are available.

Mobil laboratory samples in Brownsville



Thirteen members of the Source and Mobile Monitoring Division staff spent the first week in December at various locations in the Brownsville area. The mobile laboratory traveled to the area to conduct a survey of the ambient air for a number of organic air pollutants, selected heavy metals, and selected pesticides.

The main laboratory was set up just a few miles north of the Texas- Mexico border. In fact, emission plumes from industries in Matamoros could be observed from the laboratory.

Three other mobile vans conducted air sampling from areas in Brownsville such as near a power plant and near the ship channel. The staff worked around the clock in twelve-hour shifts trying to

develop an accurate picture of the air quality in Brownsville.

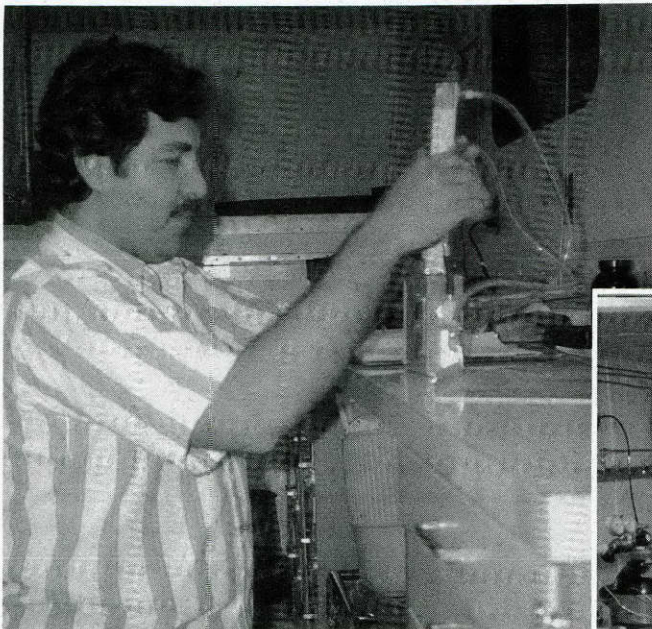
Some analysis of the samples was done in the field, with most being brought back to Austin for analysis. Results of the survey will be reviewed by the Effects Evaluation Division to assure that emissions from area industries are not adversely affecting the community. The Brownsville area has received increased emphasis from state and federal officials in recent months because of health concerns.

Jackie Durchin was the team leader for the trip, and the regional office in Harlingen provided assistance. The TACB does not have a staff

whose duties are solely related to mobile lab trips. Members of the staff who travel on the trips also have the regular duties they are responsible for.

"Most people don't realize that a mobile lab trip involves more time than the week spent at the sampling location. Before the trip there is a lot of preparation time and after we return there is a lot of laboratory work. So a laboratory trip is like working continuously for three weeks," said Mark Leidig, a TACB chemist.

Air monitoring surveys using the mobile laboratory are made three to four times each year in selected industrialized areas around the state. ♦



Above: Andy Mendez prepares a sampling tube to beginning one of his 12-hour shifts during the mobile laboratory trip.

Right: Jim Lindgren gives Brownsville City Commissioner Jackie Lockett a tour and briefing of the mobile laboratory during the trip to the Valley.



Task Force Studies Odors

from page 4

the Texas Attorney General's Office, said the group specifically plans to study new advances in measuring odorous air pollutants, as well as methods to assess the severity of such odors.

Another member, Karen Kilpatrick, director of the Galveston County Air Pollution Control Program, said tracking nuisance odors to a specific source is a difficult task, even when local governments get involved.

"Investigating those kinds of complaints is a very difficult position to be in," she noted. "Odors come and go with the wind and come from various sources, so at times it's hard to track down what the source is.

"We really respond quickly now as a local pollution control program, probably within minutes sometimes," she added. "But often we have not been able to confirm, to the satisfaction of the complainant, that a nuisance actually existed."

Task Force member Rep. Robert Saunders, D-La Grange, said, "I feel the nuisance odor problem needs to

be dealt with. The agricultural segment needs to be involved because of the subjective nature of determining nuisance odor. Because of passage of the Right-to-Farm Bill in 1981, a farmer can't be put out of business because of development into rural areas. It is important to bring everybody to the table to arrive at a workable solution. I look forward to participating with this special Task Force."

TACB Chairman Watson said empaneling the task force could not have come at a more opportune time.

"An in-depth look at this problem is long overdue," Mr. Watson said. "We hope the task force will come up with recommendations for changes in the law or changes in the way we do business as an agency that will provide enforcement that is more efficient, more effective and more equitable."

Because odors are often fleeting conditions, which make it difficult for TACB investigators covering large geographical areas to make accurate assessments

quickly, Mr. Watson said the task force will explore ways local governments can get involved as partners with the state in enforcement. He said citizens overall would be better served under this arrangement.

Initially, the task force ranked priorities under headings to address implementation, definition of terms, technical issues, public communications, land use and zoning, and permitting. Specific policy issues under each heading relate to prevailing community standards, economic impacts, program funding, complaint hotline, objective standards and equitable application, local program training, and alternative measures that could be used to avoid nuisance conditions.

Other task force members and their affiliations are as follows: Susana Almanza (People Organized for the Defense of Earth and her Resources (PODER) and the Tank Farm Citizen Monitoring Committee); Steven Brown (citizen of Gonzales); Vic Carlstrom (Mobil Oil Co.); Neil Carman

(Sierra Club); Leslie Fields (NAACP); Pam Giblin (Jones Day law firm); Ken Horton (Texas Pork Producers Association); Mary Kelly (Texas Center for Policy Studies); Karen Kilpatrick (Galveston County Air Pollution Control Program); Austan Librach (City of Austin Environmental and Conservation Services).

Jerry McGuire (city manager, City of Odessa); Michael Peters (Texaco Chemical Co.); Larry Soward (Texas Department of Agriculture); John Sweeten (Agricultural Engineering Department, Texas A&M University); state senators Ken Armbrister, Carl Parker, and Bill Sims; state representatives Glen Maxey, Robert Saunders, and Jerry Yost; David Preister of the Texas Attorney General's office; Jim Braddock, TACB general counsel; Debra Barber, TACB director of Field Operations; and JoAnn Wiersema, TACB director of Effects Evaluation. The task force also will be represented by a member of the League of United Latin American Citizens (LULAC). ♦

Governor apprised of TACB conservation programs



In a letter to Gov. Ann Richards Dec. 11, as required by Senate Bill 1340, Texas Air Control Board (TACB) Executive Director Bill Campbell highlighted the many programs that reflect the agency's commitment to recycling and energy conservation.

The Recycling and Conservation Annual Summary Report reflects the TACB's status as one of the major natural resource agencies, as well as the agency's policy to remain at the forefront of resource conservation efforts.

As a way to implement this official policy, the TACB Recycling and Resource Conservation Committee was established, and its volunteer members have undertaken a number of tasks this year.

The committee conducted a waste audit at one of the Austin central office buildings to ascertain the success of the ongoing recycling program. As a result, the committee found that aluminum can recycling had been a large success with cans comprising only 1.9 per-

cent of the waste stream. However, white office paper represented about 29 percent of audited waste, indicating an area that needs improvement.

The committee and all upper division managers continue to encourage staff to recycle these materials, and the TACB will embark on a newspaper recycling program as soon as collection bins are available through state contract. Telephone directories also will be recycled.

The TACB also has initiated an employee vanpool program with Capitol Metro, a reflection of the agency's advocacy for mass transit, as well as its concern about air pollution caused by too many commuting vehicles.

Finally, the letter to the governor referred to the TACB as the first state agency in Texas to join the Environmental Protection Agency's "Green Lights" energy conservation program. The national

lighting efficiency program's underlying principle is "environmental protection at a profit," which in effect means that saving energy equates to reducing air pollution levels. For example, the TACB estimates that 145,000 tons of sulfur dioxide, 76,000 tons of nitrogen oxides, and 20 million tons of carbon dioxide emitted from electric power plants could be prevented if all Texas businesses adopted high-efficiency lighting techniques. ♦



Members of the TACB Recycling and Resource Conservation Committee sift through mounds of agency refuse during a "trash audit" to determine the effectiveness of the TACB's recycling program. State agencies by law must implement recycling programs for office paper, aluminum cans and other materials, and all employees are required to participate in the project.

Upcoming Stage II events planned



Implementation of the Stage II vapor recovery program for gasoline refueling stations in the state's ozone nonattainment areas will include Texas Air Control Board-

sponsored public workshops statewide this February.

Compliance Division staff members have planned for these to begin on the afternoon of Feb. 16 in El Paso.

Follow-up workshops will be conducted on Feb. 18 in Dallas; Feb. 23 in Beaumont; and Feb. 25 in Houston. All workshops are scheduled to begin in the early afternoon and extend into the evening hours for the convenience of the public. A special Stage II fact sheet has been finalized and will be

mailed to affected persons and businesses prior to the workshops.

For more information on Regulation V requirements and compliance deadlines for Stage II vapor recovery equipment, contact Brad Toups, TACB Compliance Division, (512) 908-1872. ♦

Ozone Study Funding

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billion. Due to this potentially major impact, therefore, the state needs to place an emphasis on the most reliable modeling techniques with which to design control strategies.

Currently available data are inadequate when it comes to deciding which controls will be most effective in reducing ozone concentrations in the Houston-Galveston area, which, next to Los Angeles, has the worst ozone problem in the nation.

"Using the current data to run the long-range planning effort known as the 'urban airshed model' could cause the misdirection of control requirements and the many millions of dollars required to comply with them," said Jim Price, director of TACB Research.

The field study as proposed could take advantage of \$2.2 million in funding for monitoring in the Texas-Louisiana Gulf Coast area. This would be paid for by the Minerals Management Service of the U.S. Department of the Interior, and the study would focus on the effect of offshore oil and gas production on inland ozone problems.

The proposed 1993 monitoring and special field studies in the Gulf Coast region are significantly lower in cost than more comprehensive and intensive projects carried out to support the development of comparable ozone control strategies in other parts of the United States. For example, the Southern California Air Quality Study conducted in the Los Angeles area cost about \$12 million, and the San Joaquin Valley study, also in California, cost \$11 million. ♦



Enforcement Council formed at TACB



Texas Air Control Board (TACB) Executive Director Bill Campbell announced Dec. 23 the formation of an internal Enforcement Council and the naming of Herb Williams as Director of Enforcement Strategy.

Williams, formerly Director of Special Projects, will provide oversight and critical management of enforcement situations that cut across normal organizational lines.

Mr. Campbell said, "The complexity of certain enforcement situations may require

participation from many areas of the agency such as Permitting, Monitoring, Modeling, Health Effects and Field Operations.

"The appointment of Herb Williams and an Enforcement Council, whose members represent a cross-section of agency functions, will allow the TACB to respond intensively to these problems and will enhance long-range planning for quick resolution of future enforcement situations," Mr. Campbell added. ♦

Obligations met in Regulation Development



Although the Texas Air Control Board (TACB) Air Quality Planning Program continues to work toward federal obligations on this second anniversary of the 1990 amendments to the Federal Clean Air Act (FCAA) several key milestones were met as a result of November Board actions.

The Board committed to adopting future rules concerning reasonably available control technology (RACT) for sources of nitrogen oxides emissions in the Houston-Galveston and Beaumont-Port Arthur ozone nonattainment areas. These proposed rules will set stricter emissions limits on utility and industrial boilers, process heaters, internal combustion engines, gas turbines, and nitric acid plants.

In further FCAA-related activity, TACB staff has completed preliminary emissions inventories for constituents that are considered precursors to ozone formation, according to Beecher Cameron of the

TACB's Air Quality Planning Program. These inventories would be constructed for the Houston-Galveston, Dallas-Fort Worth, Beaumont-Port Arthur, and El Paso areas. A separate carbon monoxide inventory has been devised for El Paso, and all have been forwarded to the Governor's office to be included as revisions to the State Implementation Plan (SIP).

Rules and control measures to obtain a 15 percent

reduction of volatile organic compounds in each nonattainment area will be added to the SIP in 1993, Mr. Cameron said. Hearings to address these measures are planned for summer 1993 in each nonattainment area. SIP teams, led by members of the Regulation Development Division, have been developed for each area to complement the planning process.

The Dallas-Fort Worth team is led by Buddy Henderson,

with Mobile Source Division Director Russ Baier as sponsor. Mr. Cameron leads the El Paso team, and Modeling Director Dave Harper is sponsor for that project. Chuck Mueller heads the Beaumont-Port Arthur effort with Emissions Inventory Director Bill Gill acting as sponsor. In the Houston-Galveston team, Dwayne Meckler heads the group with Regulation Development Director Karen Kirkpatrick attending as sponsor. ♦



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AGREED ENFORCEMENT ORDERS

ISSUED IN

November

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

AAA CLEANERS, a dry cleaning facility using perchloroethylene at 1303 W. Buckingham, Suite 101, Garland, Dallas County, violating Board Rule 115.521 and Section 382.085(b) of the Texas Clean Air Act (the Act) by failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution, \$500.

AMOCO CHEMICAL COMPANY, owner and operator of a paraxylene unit within a synthetic organic chemical manufacturing plant at 2800 Farm Road East, Texas City, Galveston County, violating Board Rule 101.20(1) and Section 382.085(b) of the Act by failing to repair 28 leaking valves within 15 days of detection of leaks, \$7,000.

ATLAS PALLET INDUSTRIES, INC., a wooden pallet manufacturing plant on the west side of IH-35, 0.6 miles south of FM 917 near Burleson, Johnson County, violating Board Rule 111.101, Section 382.085(b) of the Act, and Agreed

Board Order 89-05(b) by allowing outdoor burning without prior written consent of the executive director of the TACB, \$1,000.

BAYTANK (HOUSTON), INC., owner and operator of a tank that provides methyl acrylate storage at a terminal on 12211 Port Road, Seabrook, Harris County, violating Board Rule 116.4 and Section 382.085(b) of the Act by failing to take corrective action when breakthrough was detected from the carbon adsorption unit on the tank, \$11,000.

BLUE RIDGE SIGN CRAFTERS, a wood sign making plant at 228 Santa Fe Drive, Weatherford, Parker County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a wooden sign sandblasting operation without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company met the qualifications for a standard exemption.

GULF STATES UTILITIES COMPANY, owner and operator of an electric power generation station on Power Plant Road, Beaumont, Jefferson County, where an asbestos abatement renovation project was conducted, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to TACB of intention to demolish buildings at least 10 working days prior to the beginning of demolition, \$1,000.

HOLLMAN, INC., a woodworking plant at 2118 Parkside Drive,

Irving, Dallas County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a sawdust collection cyclone without a permit or without qualifying for a standard exemption, \$3,425. Subsequent to the notice of violation, the company began operating within the parameters of a standard exemption.

OCCIDENTAL CHEMICAL COMPANY, an ammonia terminal at 4403 La Porte Road, Pasadena, Harris County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by modifying and operating the terminal without a permit or without qualifying for a standard exemption, \$5,000. Subsequent to the notice of violation, the company submitted an application for a permit.

PEARL CLEANERS, INC. (FORMERLY DBA COMET CLEANERS), a dry cleaning plant using perchloroethylene at 983 Centerville Road, Garland, Dallas County, violating Board Rule 115.521 and Section 382.085(b) of the Act by failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution, \$500.

ROWLETT CLEANERS, a dry cleaning facility using perchloroethylene at 3390 Hwy. 66, Rowlett, Dallas County, violating Board Rules 115.521 and 115.526 by failing to vent the entire dryer exhaust through a properly func-

tioning carbon adsorption system or equally effective control device so that perchloroethylene emissions are limited to no more than 100 parts per million before dilution and by failing to keep required records, \$500.

TOTAL MANAGEMENT, operator of a building at 2400 Fountainview, Houston, Harris County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by failing to give proper notification to the TACB of intent to remove asbestos and by failing to follow proper procedures for handling and removal of asbestos, \$2,500.

TOTAL MANUFACTURING COMPANY, INC., a PVC bonding plant at 3309 South Kaufman Street, Ennis, Ellis County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$400. Subsequent to the notice of violation, the company submitted an application for a permit.

TOWN & COUNTRY FOOD STORES, owner and operator of a dual-chambered incinerator at a food store at 1001 4th Avenue, Sterling City, Sterling County, violating Board Rules 111.121(5), 111.129(2), and 116.4 and Section 382.085(b) of the Act by failing to maintain visible emissions from the incinerator at an opacity of 5.0% or less, by failing to post equipment instructions and operate the incinerator in compliance with those instructions, and by failing to maintain incinerator temperatures, \$2,500. ♦

TACB Bulletin

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