



TACB Bulletin

6330 HWY. 290 EAST AUSTIN, TEXAS 78723

512/451-5711 NOVEMBER/DECEMBER 1985

Air Control Board expected to levy first administrative fines in January

The Air Control Board at its January 10 meeting will consider TACB staff recommendations for the first administrative fines to be assessed violators of the Texas Clean Air Act (TCAA) and TACB rules and regulations.

The levying of administrative penalties is a new TACB enforcement tool included in the 1985 amendments to the TCAA passed by the 69th Legislature.

The TCAA provides that an administrative penalty not to exceed \$10,000 a day may be assessed a person who violates the act or a rule or order adopted or a permit issued under the act. It further provides that the penalty be assessed for each violation and that each day a violation continues may be considered a separate violation for purposes of penalty assessments.

(The act requires that a lawsuit be instituted immediately if a determination is made that the apparent violation or threat of violation would materially affect human health and safety.)

James C. Myers, director of the TACB Enforcement Group, said that in order to foster consistent and equitable recommendations, the staff has developed guidelines for determining an appropriate penalty amount in specific fact situations.

"Each fact situation is evaluated on the basis of two main considerations, the seriousness of the violation

and the environmental impact or potential impact of the violation," Myers said. "The history of previous violations, the gravity of the violation, and good faith efforts made to correct the violation are considered in determining whether the seriousness is minor, moderate, or major. First time or unintentional violations are generally characterized as minor.

"If the violation could have been reasonably prevented or if the violator has a limited history of prior violations, the seriousness of the violation is considered to be moderate," Myers said. "Frequent intentional and/or knowing acts on the part of the violator are considered to be major."

Myers said that assessments of the impact include consideration of whether complaints have been received, whether toxic or hazardous compounds have been emitted, and the percent deviation from the permit or regulation allowables.

To illustrate, Myers said that opacity violations which are generally not considered to have a quantifiable impact

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Board Agenda

The Texas Air Control Board will meet at 10:30 a.m. Friday, Dec. 6, in Austin. No committee meetings are scheduled.

Executive Director Bill Stewart will report on the first meeting of the Inter-agency Coordination Council on Solid Waste Management held Nov. 14; the Clean Air Study Committee meeting Nov. 15; and the mid-winter meeting of the State Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials, to be held Dec. 8-11 in Jackson Hole, Wyoming.

The board also will hear a report on TACB enforcement actions and a staff report on acid rain monitoring and analysis. A hearing examiner's report will be presented on Contested Case No. 186, in the matter of the City Public Service Board of San Antonio (J.T. Deely Power Plant).

The staff also will report on the redesignation status of Nueces and San Patricio counties as being in attainment of the national ambient air quality standard for ozone. Nueces County had been classified as having failed to attain the standard, and San Patricio County was unclassified as monitoring for ozone had not been conducted in that county.

The board will consider passage of a resolution redesignating both counties as attainment for ozone.

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New rules for public notification of permit applications take effect

Amendments to TACB Regulation VI (Chapter 116) and revisions to the Procedural Rules (Chapter 103) took effect on Nov. 25. The amendments to Regulation VI expand public notification requirements regarding newspaper notices and signs. The revisions to the Procedural Rules broaden the opportunity for hearings and reduce variance options.


The amendments and revisions were adopted to comply with 1985 amendments to the Texas Clean Air Act.

An applicant for a permit for new construction or modification must now include in a newspaper announcement of the application a statement that persons who may be affected by air contaminants from the facility may request a hearing.

In addition, the applicant at his own expense must post signs at the site of the proposed new construction de-

claring that an application for an air quality permit has been filed and stating the manner in which the TACB may be contacted for further information. The sign must meet the specifications stated in the rule and remain in place and be legible from the date of publication of the required newspaper notice through the public comment period.

The Procedural Rules now require that a public hearing concerning a permit application be held whenever a request is reasonable and made by a person who may be affected by the emissions or is made by a member of the Texas Legislature.

A revision to the Standard Exemption List amends an exemption pertaining to trench burners. The revision reduces the minimum distance restriction from one-fourth mile to 300 feet and requires local agency site approval prior to operation. 

Pilot study under way in El Paso to assess causes and degree of visibility degradation


Equipment designed to gather data for a winter visibility pilot study at El Paso is being tested at the Austin TACB offices and set up at monitoring sites in El Paso County.

The pilot study will attempt to assess the causes and degree of visibility degradation reported in downtown El Paso during fall and winter mornings.

A continuous particulate matter sampler (called a "streaker sampler") and one of three automatic camera systems are now in place in El Paso.

Other equipment to be used includes a dichotomous sampler and a nephelometer. All equipment is expected to be in operation by January.

A total of 14 monitoring sites were assessed by Dr. Richard Tropp and Keith Zimmermann of the TACB Atmospheric Sciences Section, Research Division, and TACB El Paso Regional Director Manuel Aguirre.

Faculty at the University of Texas at El Paso participated in discussions about the study including an overview of the project. 

Administrative fines

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off-property are generally characterized as having a minor impact; emissions leaving property which could have some impact, such as a violation of an emission rate allowable, are considered to have a moderate impact; and any violation involving significant emissions of toxic or hazardous compounds or confirmed nuisance complaints is considered to have a major impact.


A penalty matrix based on the following points will be applied:

1. Good faith efforts to correct the violation are considered in recommending a penalty amount within the range assigned to the penalty, and the recommended amount will typically be less than the upper limit of the range.

2. In accordance with the TCAA amendments, the amount needed to deter future violations and other matters "as justice may require" are considered.

3. The appropriate amount for each violation is multiplied by the number of days the violator will remain in violation after notice of the violation is received.

Myers said the penalty amount recommended is a non-negotiable lump sum, and in those cases where the violator does not agree to the recommended amount and a contested case hearing is called, the staff will recommend at least the highest amount set by the penalty matrix.

Procedures will be continually reviewed, Myers pointed out, and changes made where appropriate. "The implementation of this program is in its early stages and we expect the need for refinements to the process to evolve," he said. 

Collection of TACB's new inspection fee begins, operation 'going well'

The TACB staff is fielding numerous questions from companies affected by the agency's new fee system for the inspection of facilities, but for the most part the operation is going well, according to Paul Henry, director of the TACB technical services division.

The 1985 amendments to the Texas Clean Air Act require the TACB to recover part of the cost of enforcement by assessing an annual fee related to inspections of facilities. The fees are to be collected in the months of December and January.

The TACB adopted a new rule in September in order to collect an inspection fee for each separate property owned by a company.

Inspection fees apply to each property or plant site (referred to as an "account" in the rules) which had actual emissions in 1984 of at least 50 tons per year of any air contaminant including fugitive emissions. In addition, for the rule to apply, the potential emissions of this air contaminant must be at least 100 tons per year. Potential emissions are those that would result if any facilities at the property, including any temporarily shut-down, were operating at maximum design or operational capacity, Henry said.

"Inspection fees apply to all facilities at an account, including grandfathered and permitted facilities," Henry said. "All properties or account sites are liable for inspection fees, not just those that received notices from the TACB. If a company did not receive a notice and feels that an inspection fee is applicable, we will send a no-

tice package to them upon request. Account numbers can be assigned to those properties not having existing records in the TACB computer."

Henry explained that properties are not subject to the inspection fee requirements if they contain only non-regulated, non-permitted facilities and did not receive any TACB notices of violation within the past five years.

"If a company feels that it can qualify for this exclusion, it still must complete and return the TACB form," Henry said. A statement should be attached as to why the fee would not be appropriate.

"Companies are invited to contact us by telephone at (512) 451-5711 or at a toll-free number, 1-800-252-8250," Henry said. "Questions directed to the toll-free number have been related to applicability of the fee requirement; account information; and sources of emission fac-

tors for some facilities. The TACB is not responsible for estimating emissions for the companies. We will help as much as possible, however, by referring companies to sources of information."

The inspection fee is due in either December or January depending on the last numeric digit of the company's TACB account number. Time for payment will not be extended, Henry said; the last dates to pay inspection fees without penalty are January 10, 1986 for those fees due in December, and February 10, 1986 for those fees due in January.

If the account number ends in 1, 2, 3, 4, or 5, the fee is due in December. If it ends in 6, 7, 8, 9, or 0, the fee is due in January.

Fees payable in December and January are based on emissions that occurred in 1984. The total fee includes a base fee and an incremental fee for each ton of emissions above the initial tonnage in each of the four categories, shown below:

EMISSION RATE (tpy rounded down to the nearest ton)	BASE FEE	INCREMENTAL FEE*
50-99	\$ 500	\$12.00/ton
100-249	1,100	9.00/ton
250-999	2,450	3.00/ton
1,000-up**	4,700	1.50/ton

*Incremental fee to be applied to each ton in excess of the initial tonnage in that category

**Maximum fee is \$10,000

The TACB Bulletin is published monthly by the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723. Subscription is free, upon request. John L. Blair, Chairman; Bill Stewart, Executive Director; Allen Ell Bell, Deputy Executive Director; Walter Bradley, Public Information Officer; Lucille Linden, Editor; Mark Steinfeldt, Graphic Artist; Gwen Sharpe, Editorial Assistant. Address inquiries and requests to be placed on the mailing list to Public Information Section, TACB.

Nueces, San Patricio counties now meet ozone standard

One county classified under the EPA standard for ozone as "nonattainment" and another which was originally "unclassified" because of the lack of monitoring data are to be reclassified as attainment areas if the Air Control Board adopts TACB staff recommendations. A resolution identifying Nueces and San Patricio counties as attainment areas will be submitted to the board for its consideration at its Dec. 6 meeting.

The resolution would revise the list of attainment-status counties to include Nueces and San Patricio and would direct that the EPA be advised of the action.

The ozone standard is 0.12 parts per million. Daily measurements that record 0.13 or more ppm for a one-hour period or longer can put an area into the nonattainment

category if such measurements occur four or more times in a consecutive three-year period.


Nueces County was classified as a nonattainment area in September 1978, and in 1979 the TACB proposed control strategies for limiting hydrocarbon emissions (a major constituent of ozone).

At the same time, San Patricio County was identified as an unclassified county for want of monitored air quality data. This county, which adjoins Nueces County on the Gulf Coast, was selected in 1981 as a site for a monitor downwind of Corpus Christi (in Nueces County). One result was the collection of data appropriate for reclassification of San Patricio County according to Bruce Broberg, chief of the TACB Data Analysis Section.

The redesignation of Nueces County to attainment status removes the possibility of requiring implementation of more restrictive control strategies as long as ozone levels remain at or below the standard.

Ozone measurements of 0.13 in 1982 and 0.14 in 1984 at a monitor in Corpus Christi West (a highly industrialized area) exceeded the national standard in Nueces County.

Broberg said that because San Patricio County had not been classified in relation to the ozone standard, control strategies have not had to be prepared for that county.

In San Patricio County, a high measurement of 0.13 was recorded in monitoring year 1981/1982, and a measurement of 0.14 was recorded in 1982/1983. 

Significant Texas legislation

Provisions of Hazard Communications Act of 1985 are outlined

Environmental legislation passed by the 68th Texas Legislature included passage of the "Hazard Communications Act" which has as its purpose the provision of access to information regarding exposure of employees to hazardous chemicals.


TACB attorney Bill Ehret said the "Hazard Communication Act" (House Bill 1112) requires employers to maintain a workplace list for each hazardous chemical normally used or stored in amounts of 55 gallons or 500 pounds and to inform employees of this list and their rights under the act.

Other requirements cited by Ehret are: 1) the fire chief of the area must be given a copy of the list and

the names of personnel to contact in case of an emergency; 2) employers must maintain a safety data sheet for each hazardous chemical, to be kept available for review by employees; 3) employees may not be required to work with hazardous chemicals in unlabeled containers (with certain exceptions) and employers are to provide an education and training program for employees who deal with hazardous chemicals.

The Commissioner of Health is charged with investigating any written allegations of violations, and investigators are given a right of entry. An employer found in violation has 14 days to comply or be levied a \$500 administrative penalty. An employer

who knowingly gives false information or negligently fails to disclose a hazard is subject to a fine of up to \$5,000 per violation and, if injury to an individual results, criminal liability of up to \$25,000 under the act.

A laboratory under the direct supervision or guidance of a technically qualified individual may be exempt from the act provided labels on incoming containers are untouched, material safety data sheets are maintained and made accessible, and provisions on emergency (fire) information and employee education programs are met, and the lab is not used primarily to produce hazardous chemicals in bulk for commercial purposes. 

PM₁₀ levels in state below range for proposed standard

Data gathered through a state network of air monitoring equipment indicates that the levels of particulate matter of the size that can have the greatest adverse health effect are well below the lower limit of the range for a new proposed national ambient air quality standard, Dave Jones, director of the TACB ambient air monitoring division, reported at the Oct. 25 board meeting.

The Environmental Protection Agency is expected to publish a new national standard for particulate matter less than 10 microns in diameter (PM₁₀) by the fall of 1986. Jones said the TACB PM₁₀ monitoring network of 17 sites was established in March partly to assist in the setting of a national standard.

Particulate matter is dust, dirt, smoke, or soot in the atmosphere. Jones said that a particle of matter 10 microns in diameter is approximately one-twentieth the diameter of a human hair, which is approximately 200 microns in diameter.


"This year we have begun to collect particulate matter less than 10 microns in diameter because we are interested in looking specifically at those particles which are more closely related to health effects," Jones said. "Also, we are now able to collect and more easily analyze samples to classify particles that are due to man's activities compared to those which occur naturally."

Monitoring at the 17 PM₁₀ sites is by size selection inlet instruments which collect particles less than 10 microns; and dichotomous samplers which divide particles less than 20 microns into two fractions, one less than 2.5 microns, which is called the fine fraction, and one 2.5

microns to 10 microns, the coarse fraction. Adverse health effects result principally from the "fines", Jones said.

As particle size increases, he said, a smaller percentage of particles is inhaled into the respiratory system.

The fine particles consist primarily of those made by man's activities, while the particles 2.5 to 10 microns in size are produced by natural processes for the most part, Jones said.

"The quantity of particulate matter less than 10 microns in the air is measured in micrograms per cubic meter. Ninety to 95 percent of the data we have received from our monitoring network indicates particulate levels to be in the 30 to 55 microgram per cubic meter range, which is considerably less than the lowest level of the proposed range of particulate standards of 150 to 250 micrograms per cubic meter," Jones said. 

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Legal activities: October

TACB Executive Director Bill Stewart announced the following legal activities related to air quality in Texas during the month of October:

HEARINGS AND ENFORCEMENT

Final judgment was entered in the case of U.S. v. Chevron, U.S.A., Inc., U.S. District Court for the Western District of Texas, on September 30, 1985. This suit was originally filed by the City of El Paso, with the State of Texas joined as a necessary party, on January 31, 1978 in the 41st District Court of El Paso County, Texas. The state's and city's request for a temporary injunction prohibiting Chevron from violating TACB Rule 201.06 (now Rule 112.6) was granted by the State District Court and affirmed on appeal in 1980. [Chevron, U.S.A., Inc. v. City of El Paso, 593 S.W. 2d 396 (Tex. Civ. App. - El Paso, 1980, no writ)]. Later, the United States filed suit and the state suit was joined with the federal suit in U.S. District Court. Trial ended on August 2, 1984 and the judge took the case under advisement. Chevron was found to have exceeded the allowable net ground level concentration for sulfur dioxide in violation of Rule 201.09 (now Rule 112.9) on 11 occasions, to have exceeded the allowable level of emissions of sulfur dioxide from liquid fuel-fired furnaces in violation of Rule 201.06 (now Rule 112.6) on 991 occasions, and to have modified an existing facility without a TACB permit and operated that facility in violation of Rule 601 (now Rule 116.1) for 522 days. The modification was also found

to be a violation of the 1974 PSFD regulations because for 522 days Chevron failed to obtain the approval of the Administrator of the EPA. The final judgment ordered Chevron to pay civil penalties of \$4,530,000.00 to the United States and \$1,524,000.00 to the State of Texas for a total of \$6,054,000.00. The City of El Paso will receive half of the civil penalties awarded to the State of Texas.

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On October 4, the TACB requested the Attorney General to bring legal actions against Bruce Kennedy Sand and Gravel Company, Atlanta Chemical Enterprises, Inc., Chilton, Falls County for violations of Section 4.01(a) and (b) of the Texas Clean Air Act (TCAA) and General Rule 101.4 of the board.

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The State of Texas filed a Motion for Judgment Notwithstanding the Verdict and Motion to Disregard Findings on Special Issues in the case of State of Texas v. Whitehead Utilities, Inc., and Marvin Whitehead on October 3, 1985. In the trial which ended on August 14, 1985, the jury assessed civil penalties of \$5,450 against Whitehead Utilities, Inc., and \$5,450 against Marvin Whitehead for construction and operation of a refinery without a permit for 109 days in violation of Rule 116.1 of Regulation VI of the board. However, the jury did not find an additional 114 days of violation despite the fact that the defendants admitted to the violations in a Request for Admissions. The motion filed by the state requests Judgment N.O.V. for an additional 114 days of violation, with the statutory minimum civil penalty of \$50.00 per

day of violation, for an additional penalty of \$5,700.00 against each defendant.

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The Attorney General filed suit on October 16, on behalf of the TACB against John D. Sprenkle, Individually and d/b/a J-V Dirt and Loam in the 261st Judicial District Court of Travis County for violations of General Rule 101.4 (nuisance). The state is requesting that civil penalties be assessed and injunctive relief granted.

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On October 16, the TACB requested the Attorney General to bring legal actions against Four Winns of Texas, Inc., Athens, Henderson County for violations of Sections 3.27(a) and 4.01(b) of the TCAA and Rule 116.5 of Regulation VI of the board.

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On October 22, the TACB requested the Attorney General to bring legal action against Permian Chemical Company, Odessa, Ector County for violations of Sections 4.01(a) and (b) of the TCAA and General Rule 101.4 and Rule 116.5 of Regulation VI of the board.

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On October 22-23, a temporary injunction hearing was held in the case styled City of Houston v. Cam-Or of Texas, Inc. The lawsuit was brought by the City of Houston for alleged violations of the TACB's nuisance rule as well as water pollution problems at the company's oil re-refining plant in Houston, Harris County, Texas. Following the two-day hearing, the judge took the matter under advisement, ordered the company to undertake two interim steps to reduce odors and scheduled another hearing for November 12, 1985, for final disposition of the

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Legal activities

. . . from page six
request for a temporary in-
junction.

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A Motion for Rehearing was filed in Contested Case No. 190, in the matter of Bean Hog Farm, decided October 25, 1985 with the issuance of Board Order 85-12. The motion will be automatically overruled unless action is taken by December 9, 1985.

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On October 29, the TACB requested the Attorney General to bring legal actions against the following:

Dow Chemical Company, Freeport, Brazoria County for violations of Section 4.01(b) of the TCAA, and Rule 101.20 of the board.

Pool Well Servicing Company, Kirvin, Freestone County for violations of Sections 3.27(a), and 4.01(a) and (b) of the TCAA, General Rule 101.4 and Rules 116.1, 116.4, and 116.5 of Regulation VI of the board.

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On October 31, the TACB requested the Attorney General to bring legal actions against Pride Pipeline Company, Lubbock, Lubbock County for violations of Sections 3.27(a) and 4.01(b) of the TCAA and Rule 116.1 of Regulation VI of the board.

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On October 31, 1985 an Agreed Final Judgment was signed and entered by the District Court, Calhoun County, Texas in the case of State of Texas v. Formosa Plastics Corp. The lawsuit was requested by the TACB to address violations of the National Emission Standards for Hazardous Air Pollutants (NESHAPS) vinyl chloride, promulgated by the Environmental Protection Agency and adopted by the board in General Rule §101.20. The

violations occurred at the company's facilities near Point Comfort, Calhoun County. The judgment assessed a civil penalty of \$66,000 and enjoined the company to implement a number of remedial measures designed to ensure future compliance with the NESHAPS standards.

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BOARD ORDERS


Board Order 85-12 was entered by the board on October 25, to Bean Hog Farm requesting that Mr. Bean cut back the size of his operation to 600 head of hogs in lieu of the 1300-1400 on his property to date.

Board Order 85-13 was entered by the board on October 25, adopting amendments to Regulation VI and the Board Procedural Rules.

Board Order 85-14 was entered by the board on October 25, adopting of the Texas Air Control Board Enforcement Rules and amendments to the Board Procedural Rules.


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RESOLUTIONS

Resolution R85-3 was approved by the board on October 25 authorizing the executive director to request the Attorney General to bring civil suits to enforce the TCAA and all rules and regulations of the board. 

DPS adds three counties to state I/M program

The Public Safety Commission has formally adopted revisions to the Harris County vehicle inspection and maintenance program which allows the Department of Public Safety to establish a similar program in Dallas, El Paso, and Tarrant counties effective January 1.

The revisions were requested by the TACB in Board Order 85-8. 


Hazardous waste permits review criteria proposals being studied

Staff members from the Texas Water Commission (TWC) and the TACB are designing proposals for air quality review criteria for permitting of hazardous waste management facilities. Such criteria will be formalized through joint rulemaking by the two agencies.

The 69th Legislature placed primary responsibility for solid and hazardous waste permits under the Water Commission. The TACB is required to provide a review of permit proposals as they pertain to air contaminants before the TWC may issue a permit. Prior to the 69th Legislature's action, both the TWC and the TACB issued such permits.

Act passed by 69th Legislature

The solid and hazardous waste permits are issued under the authority of the Solid Waste Disposal Act passed by the 69th Legislature.

Lawrence Pewitt, director of the TACB Permits Division, said TACB will be responsible for reviewing the permit applications to make sure that any emissions from a hazardous waste facility will not endanger health or property, cause an odor nuisance, or violate any other rule or regulation of the TACB. The TACB would participate in any hearings that might be held in connection with the application for such permits, Pewitt said. 

Clean Air Study Committee begins work

Work was begun Nov. 14 by a legislative/citizens committee that may influence 1987 state legislation concerning air quality in Texas.

The Clean Air Study Committee, created by a 1985 amendment to the Texas Clean Air Act, is to report to the next session of the legislature on its study to determine if there is a need for the state to broaden its air quality regulations to include:

1. Emissions from ships;
2. A requirement for operating permits for facilities built prior to 1971;
3. Renewal of operating permits for facilities built after 1971.

Hubert Oxford III, a member of the Air Control Board, is chairman of the study committee. Members are Kenneth W. MacKenzie, Jr., Houston; Dr. Ivan George Smith, Houston; Ms. Karen Shewbart, Lake Jackson; Senator Bill Sims, San Angelo; Senator John Traeger, Seguin; Charles Barden, Austin; Rep. Arves E. Jones, El Paso; Rep. Ed Watson, Deer Park; and Joe Paul Jones, Fort Worth.

The TACB staff assists the committee by researching the issues and preparing reports.

The issue of emissions from ships will be the sub-

ject of the committee's next meeting, January 10. Persons and companies interested in the subject may attend and present their views. The U.S. Coast Guard will be among the agencies invited to participate.

This issue first arose in connection with the TACB in late 1972 and early 1973 when a proposal was made that the TACB regulate hydrocarbon emissions from ships. This was dropped because of the view that the regulation of marine vessels should be centralized in the Coast Guard which was developing a program that would result in emission control. The issue raises two major questions: one, the question of the supremacy of federal regulation over that of the state; and two, whether state regulation would be a burden on interstate commerce.


TACB lawyer John Turney told the committee that in his view the question of implied preemption and the question of the effect on interstate commerce would depend on the nature of any particular state requirements. "Generally, however, state regulatory requirements have been upheld unless they materially affect interstate commerce by imposing a burden that is ex-

cessive in relation to the benefit provided, and environmental pollution control generally has been considered to be a state responsibility," Turney said.

Eli Bell, TACB deputy executive director, discussed the background of the issues of the permitting of grandfathered facilities and renewable operating permits.

Executive Director Bill Stewart described the creation of the Clean Air Study Committee under 1985 amendments to the Texas Clean Air Act.

The committee adopted the following schedule to allow for it to report to the 70th Legislature in early 1987: March, renewable permits; May and June, grandfathered facilities; August, September, and October, reviews of findings and suggestions from interested parties. The final report on the committee's study will be approved in November.

In view of Executive Director Stewart's decision to retire from the TACB in March, Oxford asked Executive Director-designate Eli Bell to serve as TACB coordinator with the committee. Ms. Barbara Butters, administrative assistant to the TACB executive director, was named committee clerk. 

Effective January 1

Car dealers in four counties must post TACB-required notices

Effective January 1, car dealers in Harris, Dallas, Tarrant, and El Paso counties will be required to post notices concerning requirements for exhaust systems on vehicles offered for sale and stating prohibitions against the alteration of emission systems.

The notices are in compli-


ance with rules adopted by the TACB and included in the state implementation plan for ozone.

Two automobile dealer associations are offering to supply dealers with posters which comply with the TACB requirements. They are:

Texas Automobile Dealers Association, 1108 Lavaca,

P.O. Box 1028, Austin TX 78767-1028; and

Texas Independent Automobile Dealers Association, 1440 Mockingbird Lane, Dallas TX 75247.

The notices must be no smaller than eight inches by 10 inches and clearly visible to customers. 

New brochure explains auto emissions control program

The TACB has published a new brochure on the state's program to reduce vehicle emissions through the proper maintenance of engines and checks for the presence of manufacturer-installed emission control equipment.

The brochure applies to Harris, Dallas, Tarrant, and El Paso counties where ozone levels in the ambient air exceed federal standards. EPA requires the adoption of programs for the inspection and maintenance of vehicle pollution devices in areas where the ozone standard is exceeded. Ozone is produced by the chemical reaction of hydrocarbons in sunlight. Automobiles are a major source of hydrocarbon emissions.

Copies of the brochure, entitled "Facts About Vehicle Parameter Inspection and Maintenance Program", are available from the regional offices of the TACB in Fort Worth, El Paso, and Houston, as well as from the Austin office. It explains what vehicles are included in the inspection/maintenance program, what conditions cause vehicles to be rejected by inspectors, how proper maintenance of a vehicle affects inspection results, why the inspection/maintenance program is required in the four counties, and identifies pictorially the placement of the control devices.

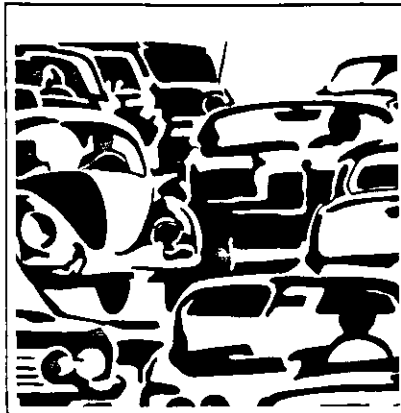
Sabino Gomez, director of the TACB Compliance Division, said another brochure, "Tampering/Fuel Switching: What's It Really Costing You?", also is available from the TACB offices. It deals with "myths" about the use of leaded gasoline in engines designed to burn unleaded fuel, and with problems that

result from alterations to manufacturer-installed pollution control devices.

Gomez said the brochures are available to individuals, industries, commercial concerns, and organizations.

FACTS

ABOUT VEHICLE PARAMETER
INSPECTION AND
MAINTENANCE PROGRAM
FOR HARRIS, DALLAS,
TARRANT AND
EL PASO COUNTIES



If your vehicle is registered and operated in these counties, this program concerns YOU.

Requests should be directed to Ms. Carolyn Allford, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, or to regional offices: Region 8, 6421 Camp Bowie Blvd., Suite 312, Fort Worth 76116; Region 7, 5555 West Loop, Suite 300, Bellaire (Houston) 77401; Region 11, 1200 Golden Key Drive, Suite 369, El Paso 79925.

The inspection program to

ensure that vehicle emission control systems are installed and maintained properly has operated for 17 months in Harris County. A similar program -- inspection of vehicle equipment critical to controlling emissions -- will go into effect in early 1986 in Dallas, Tarrant, and El Paso counties. In addition, a program to determine if vehicle engines are properly tuned (by inserting a probe into the tail pipe to check on emissions while the engine runs at idle) will begin in El Paso County early in 1987. This test is part of the control program required because the carbon monoxide standard is exceeded in El Paso County.

"Manufacturers are required by law to include pollution control equipment as standard equipment on vehicles, but the responsibility for the proper operation and maintenance of that equipment rests with the individual vehicle owners," Gomez said. "Under the type of visual inspection program in operation for just over a year in Harris County, and soon to go into effect in Dallas, Tarrant, and El Paso counties, if equipment is missing, or has been tampered with, the problem is apparent and the person responsible for the vehicle has the responsibility to correct it."

Gomez said he believes that this program has proved to be socially acceptable because people are accustomed to having their cars undergo an annual inspection and because residents of urban areas generally are conscious of the environment and the need to maintain the quality of the air.

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Earthquakes may slow U.S./Mexico pollution program

The recent earthquakes in Mexico may indirectly affect the progress of a cooperative air pollution control program between Mexico and the United States and Texas, according to Manuel Aguirre, TACB regional director in El Paso.

"It can be foreseen that the government of Mexico must concentrate resources to take care of emergency needs as well as long-term problems caused by the earth-

quake disaster," Aguirre said. "Those of us in Texas and Mexico who have been working over a long period of time to bring about a practical, effective program of cooperation on air pollution problems are aware that now we may not be able to do all we had hoped to do within the near future. That does not mean that attention to our mutual air pollution concerns will be relaxed, however.

"The interest, enthusiasm, and vision of the Mexico representatives in this program are not likely to subside now. On the American side, the TACB and the EPA participants are seeking avenues for carrying on the

work envisioned by the international group."

The Ciudad Juarez/El Paso Air Quality Task Force is exploring possibilities for joint training of personnel from the Secretaria de Desarrollo Urbano y Ecologia (SEDUE), the City of El Paso, and the TACB. Other cooperative efforts could include vehicle inspection and maintenance programs, participation of representatives of both countries in an EPA "first responders course" on hazardous spills, exchange of emission inventory information, monitoring operations, and a personnel "exchange" program that would allow Mexican engineers to spend time with TACB engineers.

Public health effects is brochure theme

A brochure, "Car Care and Clean Air", recently published by the American Lung Association, says that auto emissions account for approximately 90 percent of the carbon monoxide and more than 50 percent of the hydrocarbons and nitrogen oxides in the nation's air.

The brochure describes the public health effects of these auto emissions and makes recommendations to car owners on how to maintain cars and keep to a minimum air pollution resulting from their operation.

The importance of regular car maintenance is discussed and motorists are warned against tampering with emission control equipment and also against fuel switching (using leaded gas when their cars call for unleaded gas), all of which makes economic as well as environmental sense, it is pointed out.

The brochure, produced by the Lung Association in cooperation with the American Automobile Association and the U.S. Environmental Protection Agency, is available free from the American Lung Association of Texas, 7701 North Lamar Blvd., Suite 104, Austin, Texas 78752-1088.

Brochure explains auto inspections

Requirements to pass inspection vary for different vehicle model years, as follows:

1968-1979 models -- A vehicle may be rejected if any of the exhaust system is missing, altered, or disconnected. The system includes the thermostatic air intake system, exhaust gas recirculation system, positive crankcase ventilation (PCV) system, air injection reaction system, evaporative canister, and choke system.

1980-1983 models -- These vehicles will be rejected if any of the requirements for the 1968-1979 vehicles are not met, and also if the fuel inlet restrictor or catalytic converter has been visibly altered, removed, or disconnected. A test also will be made to detect lead in the tail pipe. A vehicle failing first inspection because of an altered or removed catalytic converter or fuel inlet restrictor, or which fails the

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lead detection test, will be allowed up to one year to replace the contaminated tail pipe and catalytic converter. This vehicle will be issued a windshield sticker with a hole punched in the lower left corner. At the next annual inspection, the owner must provide proof (such as receipts) that appropriate repairs have been made or the owner will not be issued an inspection sticker.

1984 and later models -- In addition to the criteria and requirements for earlier models, these vehicles will be checked visually for the presence and proper connection of oxygen sensors and valves. These vehicles will also be tested for engine misfires. Any vehicle failing to meet these criteria and not repaired immediately will not receive a sticker. A receipt will be issued listing reasons for rejection, as well as other information.

TACB updating inventory of major emissions sources

Comprehensive information on the air emissions from 200 major Texas industrial sources is being sought by the TACB in an effort to bring its emissions inventory records up to date and to assess major source emissions of sulfur dioxide (SO₂) and oxides of nitrogen (NO_x) the emissions data will also be used by EPA in its national acid precipitation assessment program (NAPAP).

The information pertains to emissions in calendar year 1985. Companies asked to participate in the survey annually emit at least 800 tons of SO₂. (In addition to information on SO₂ and NO_x emissions, general emissions

information from these companies is needed in connection with a rural ozone nonattainment state implementation plan the TACB will develop in the event EPA calls for such a plan. Approximately 175 of the companies are located in Jefferson, Orange, Galveston, Brazoria, and Gregg counties, the rural ozone nonattainment counties.)


Bob Love, chief of the TACB Emissions Inventory Section, said EPA's interest in SO₂ and NO_x emissions came about because of requests by Canada and other units of government, organizations, and individuals that the United States government investigate the causes and effects of acid rain.

"Acid rain is believed by many to be the cause of serious damage to the lakes and forests of Canada and the

United States, particularly in the northeastern part of the country," Love said. "The federal administration in responding to this concern has taken the position that more acid deposition research is needed before more stringent emission controls are imposed.

"Congress provided the EPA with \$85 million to investigate the problem, and one of the first steps taken by EPA was to ask the states to inventory SO₂ emissions. Our agency received a \$45,000 grant from EPA in response to a TACB initiative concerning such emissions."

Love said the TACB will report to EPA on its findings by July 1.


EPA also is considering asking the states to collect data on sources of SO₂ emissions greater than 100 tons per year, Love said. 

Agency chemists to present papers

Three staff members have had papers accepted for presentation at the 1986 Pittsburgh Conference, one of the largest meetings of analytical chemists in the world. The following papers will be presented at the conference which is scheduled to be held March 9-14 in Atlantic City, New Jersey:

"Retention of 2,2¹,4,4¹ tetrachlorobiphenyl; 1,2,3,4 tetrachlorodibenzo-p-dioxin; and Hexachlorobenzene C¹³ in XAD-2 and Charcoal Tubes Used for Ambient Air Sampling" by Nabi Zarr.

"Sampling to Determine Chlorinated Organic and Hydrochloric Acid Air Emissions From Municipal Solid Waste Incinerators" by James Barta.

"Gravimetric Determination of Organics From Exhaust Gases Emitted by Asphaltic Concrete Plants" by Henry Krauss. 

For acid rain research

Automated monitor to be located northeast of Huntsville

The TACB will locate an automated acid rain monitor nine miles northeast of Huntsville on land owned by Sam Houston State University to gather data in connection with its research into air contamination associated with acid rain.


The site meets National Atmospheric Deposition Program (NADP) siting criteria, according to Dr. Thomas H. Porter, TACB bioorganic chemist in charge of the agency's acid rain studies.

The site was chosen by TACB Research Division and Region 7 staff. The monitor will be operated by the TACB with the assistance of personnel from the university.

The new monitor is in

addition to an NADP automated monitor operated by TACB in Gregg County since June 1982.

Siting of the automated monitor near Huntsville means that now TACB researchers will have data on both Northeast Texas and Southeast Texas, which make up the region of the state expected to be most vulnerable to acid rain damage because of the vegetation, soil chemistry, and emission densities, Dr. Porter said.

Automated monitors collect continuously throughout each rain occurring within a period of a week and thus include a week's rainfall in each collection. 

Tentative date for El Paso I/M public meeting: January

A public meeting is expected to be held in El Paso in January to receive public comment on a proposed vehicle emissions control program that would involve an idle emissions check. El Paso County would become the first county in the state where such a program would be implemented.

The proposal is one aspect of the strategy proposed by the TACB staff to demonstrate attainment of the national carbon monoxide standard set by the EPA.

The 69th Legislature revised the Texas Clean Air Act to authorize this type of vehicle inspection and maintenance program where needed to meet EPA requirements.

Les Montgomery, director of the TACB Technical Support and Regulation Development Group, said the public will be invited to comment orally and in writing on

issues related to the "tail pipe check".

Montgomery said the idle emissions check would be implemented as early as possible in 1987. It would be in addition to a visual check of emissions control equipment on vehicles corresponding to the type of inspection and maintenance program in effect for the past 18 months in Harris County. This type of program will go into effect in early January in El Paso, Dallas, and Tarrant counties.

Montgomery said the major issues expected to be presented at the El Paso public meeting include:

1. Should the I/M program include 1980 and newer, 1975 and newer, or 1968 and newer model year vehicles?

2. How stringent should the exhaust emission standard for pre-1981 vehicles be?

3. Should manual or automated emission analyzers be required?

4. Should the I/M program provide for repair cost waivers, delayed compliance, or specified repairs?

TACB attorneys will speak at conference

TACB attorneys Pat Finn Walker and Jim Braddock will speak in Houston at a December 5-6 State Bar of Texas conference on enforcement of environmental laws.

Braddock will discuss enforcement under the Texas Clean Air Act, including how the TACB enforcement process works. Ms. Walker will discuss regulation of toxics by the TACB, including how toxic air contaminants are reviewed by the agency with regard to the permit process.

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