

# TACB Bulletin

a Texas Air Control Board publication

## New policies announced to streamline hearings, permits



The Texas Air Control Board (TACB) proposed seven additional policies Aug. 20 that are designed to streamline the agency's permit hearing process, while focusing agency resources on contested cases that clearly warrant the full weight of staff hearings. Settlements in contested cases and protection of public health and safety will continue to be emphasized.

As recommended by Chairman Kirk Watson, the Board simultaneously approved the formation of a new standing committee that will review proposals to help streamline the agency's permitting process.

The establishment of the Board's Permits Oversight Committee was announced during this meeting, and Calvin Parnell of College Station was named to chair the committee. Other members are Jack Matson, Warren Roberts, and Mary Anne Wyatt.

Regarding the agency's hearing process, the TACB has maintained as one of its highest priorities the development of

policies that will free up backlogged cases and expedite cases that should be resolved in a timely manner.

The Board approved the incorporation of the proposed policy changes along with 13 other policies currently in effect, and staff will proceed in drafting these revisions. The proposals, submitted to the TACB Hearings Oversight Committee by Mr. Watson Aug. 19, represent the collective views of industry and environmental interests, as well as staff.

Although affected parties still may be allowed to appeal a decision made by the TACB Executive Director regarding permits, the new policies will allow hearing examiners to ascertain party standing more quickly in prehearing conferences. The Executive Director will retain the authority to dismiss unreasonable requests. The procedure will be as follows:

- A party requesting a hearing must first submit a brief outlining various issues of contention and

the basis for challenging an applicant's permit;

- In a second prehearing conference, the examiner will set the discovery schedule, and documents must be exchanged among parties by a specific date;
- Case continuances requested by any party will only be granted in limited circumstances and with a showing of good cause.

The Board also anticipates amending its Procedural Rules at a later date to reflect a proposed change in hearing procedure.

- TACB staff, represented by the Legal Division, will open a hearing by giving a statement of its position;
- The applicant would present evidence to meet its burden of proof;
- Opponents to the application would present evidence next;
- Staff members would then present evidence in support of TACB's position;
- Each party then would be given time for rebuttal.

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## From The Chair

# New programs will tax agency resources

As the Texas Air Control Board (TACB) makes projections for the 1994-95 biennium, a number of major programs will challenge the agency's human and financial resources as compliance dates trigger mandatory requirements for Texas under the Federal Clean Air Act (FCAA). Many of these requirements can mean serious sanctions for Texas if we fail to meet them.

Finding resources for these programs in times of budget restraint has become almost as serious a challenge to the agency as the programs themselves.

The complex vehicle emission inspection and maintenance program, also called the Texas "Clean Car" program, perhaps the TACB's most extensive planning project, must be implemented by 1994 in the state's four ozone nonattainment areas, consisting of the following counties: Harris, Galveston, Brazoria, Fort Bend, Chambers, Waller, Jefferson, Liberty, Montgomery, Orange, Dallas,

Tarrant, Collin, El Paso and Denton.

In addition, the transfer of the Federal Clean Air Act (FCAA) Title V operating permits program from the federal government to the TACB, the Small Business Assistance Program, and vapor recovery requirements for gas stations represent only a few other areas of major concern.

While the TACB has recently increased its central and regional office staffing to a total of 650 employees, implementation of these four programs alone will require a significant swelling of the ranks. TACB directors estimate the agency will need at least another 700 new employees to implement, monitor, and enforce these programs, all dependent on appropriations from the Legislature. Budget projections for the biennium show that, at a minimum, staff levels must be further increased by 1995.

Agency directors project as a conservative estimate that overall operating revenue by 1994 must more than double to meet various federal requirements. However, directors anticipate that pollution fee collec-

tions for the biennium will allow the agency to meet its needs through self-funding and without reliance on taxes or general revenue.

Small businesses, in nonattainment areas in particular, will be challenged to meet more stringent federal pollution control requirements just like larger industries. In turn, the TACB will be expected to confirm levels of compliance with those requirements. In many instances — and rightfully so — technical assistance and financial information will be requested of TACB's Small Business Assistance Program to get business owners over the regulatory hump.

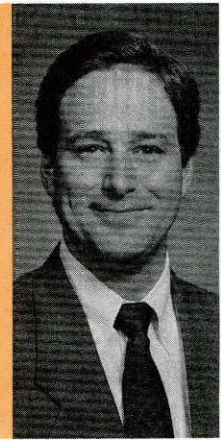
Owners of neighborhood dry cleaners and service stations in the nonattainment areas have been educating themselves regarding the clean air law, as well as shop owners who paint and repair cars for a living. The TACB, in turn, will be responsible for deploying staff and supplying information as an outreach to these new clients.

TACB oversight for the new Clean Cars program, for example, must account for inspections of approximately 6

million vehicles in our state's four nonattainment areas, and many of these likely will be repaired and re-inspected due to initial failure. Tracking for compliance with Clean Car require-

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**Kirk Watson,**  
Chairman



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## TACB to allow companies to "bank" voluntary emission reductions

**A**n innovative approach to addressing one of the 1990 Federal Clean Air Act's (FCAA) tough new requirements got a boost at the Aug. 20 meeting of the Texas Air Control Board (TACB) when the TACB voted to consider at public hearings new rules to allow companies to "bank" emission reductions that they make voluntarily.

TACB Chairman Kirk Watson said, "This proposal is consistent with our efforts to create programs that are environmentally friendly and economically healthy. Banking of credits, with the built-in requirement for a reduction in pollutants, will allow for new growth and job development in our nonattainment areas at the same time we are cleaning up our air.

"Companies will know with certainty the exact process to follow to satisfy all of the new federally-mandated permit requirements," Watson added, "and I am pleased that our Board has voted to move forward with these rule proposals."

Under the new rules proposed by the Board, industrial

reductions of volatile organic compounds (VOCs) or nitrogen oxides (NOx) that are not otherwise required by the Board's permits and rules, and that can be verified by TACB staff, could be "deposited" in the banking system. The proposed new system would be applicable in all four of the state's ozone nonattainment areas - Houston/Galveston, Dallas/Fort Worth, Beaumont/Port Arthur, and El Paso.

The need for a banking system has been brought to

the forefront as new permitting requirements from the 1990 FCAA become effective in these areas on November 15, 1992. These new requirements will bring many smaller operations proposing to build or modify their plants in these ozone nonattainment areas under the federal review program.

As part of that federal program, any new emissions from the proposed facility or facility modification must be offset by a greater than 1 to 1 ratio before the new operation

can be built. Areas with high emission levels are required to meet higher offset requirements. For example, in Houston/Galveston, an area labeled "severe," the ratio of exchange will be 1.30 to 1, a ratio which will provide an effective net reduction in emissions of 30 percent. In Beaumont/Port Arthur and in El Paso, both designated as "serious," the ratio is set at 1.20 to 1. And in Dallas/Fort Worth, "moderate," the ratio is 1.15 to 1.

There is also a built-in 3

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## New emission inspection program hearings move forward

programs in the state's four ozone nonattainment areas.

The vote followed a workshop and presentation by staff from the TACB's Mobile Source Division on the proposed revision to the State Implementation Plan (SIP) for I/M, as required by the Federal Clean Air Act (FCAA).

In addition, the Board heard a lengthy succession of viewpoints from municipal leaders, automotive repair industry spokesmen, U.S. Environmental Protection Agency (EPA) representatives, environmental and consumer advocacy groups, and

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## Emission Program

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emission testing firms. All but two municipal groups supported the TACB plan.

As a follow up to the Board's vote, TACB staff conducted hearings from Sept. 2-10 to receive public comment on the I/M proposal. These were held in Houston, Beaumont, El Paso, and Arlington.

Also, in August two integral components of the I/M program began taking shape.

Mobile Source Division Director Russ Baier, appearing before the Mobile Source Committee of the Board on Aug. 19, obtained authorization to seek consulting services to assist staff in developing communications criteria for the I/M host computer network. Criteria also will be developed for the TACB information system. The TACB will use the system enhancements to complement and update the agency's current communication system so that interface with the Texas Department of Transportation's (TxDOT) network and I/M managing contractors will be possible. The study, which was later awarded to Model System Consultants, Inc., of Austin, will be financed at an amount not to exceed \$9,500. It should be completed by February.

The criteria set out in the Model Systems communications study, which would include networking to a local host computer in each nonattainment area, will then be used to develop requests for proposals from qualified managing contractors. These companies in turn would submit bids for the I/M program implementation in each nonattainment area. The consulting firm also will assist staff in evaluating each bidding vendor's design for the communications network in each area, Mr. Baier said.

"A key aspect to any program that we implement will be the establishment of a host computer network," Mr. Baier told the committee, "essentially tying in all of the inspection facilities to a single computer here in Austin, where we'll have access to that data on a real-time basis."

Access will be crucial because the TACB will provide the oversight and enforcement necessary for the success of the I/M programs and to meet rigorous federal requirements. Furthermore, the computer and telecommunications system must be sufficiently elaborate to mesh smoothly with the TxDOT system, as well as the

local I/M host computers.

Mr. Baier later announced Sherman Engineering Inc. of Springfield, Ill., as his division's choice of applicant as consulting partner with TACB in drafting requirements for managing contractors in each nonattainment area. The request-for-proposal format should be ready for committee consideration by November, Mr. Baier said, and prospective managing contractors will submit bids at a later date for each area based on these requirements drafted by staff and the company.

The I/M plan that the TACB currently envisions would provide for strategically located test-only sites to be operated as local small businesses, but with oversight by a managing vendor serving as the licensed contractor for that particular nonattainment area. If vehicles fail emission tests, repairs must be performed by Board-certified technicians at convenient service facilities in order to apply for a waiver from the emissions standards.

However, a new proposed EPA rule does not mandate technician training or certification, although Mr. Baier said much of the comment on that rule was favorable toward

both those measures.

The majority of speakers giving comment during the Dallas meeting prefer the centralized, "contractor-operated" program that TACB staff, following a lengthy study of the options, has recommended be incorporated in the State Implementation Plan. The revision to accommodate the I/M program is required by the EPA under the 1990 FCAA amendments. The 1990 amendments also established deadlines for implementing I/M plans by this November, and actual program startup in 15-Texas counties by July 1994.

The Dallas-Fort Worth area adopted a decentralized anti-tampering program in 1987 and included exhaust emissions testing in 1990. But the EPA has reiterated its position that such programs would be acceptable only if they meet stringent performance standards and pollution reduction targets outlined in the FCAA.

More than one-half of these nonattainment counties will be subject to a high-tech "enhanced" I/M program. These will include Harris, Galveston, El Paso, Brazoria, Fort Bend, Chambers, Liberty, Montgomery and Waller. El



Paso County will be allowed to phase out its current decentralized program in conjunction with a new program as long as a fully centralized program is operational by 1996.

"Basic" I/M programs apply to areas of moderate ozone levels or more severe areas with specific population densities. These include Dallas, Tarrant, Denton, Collin (moderate), Jefferson and Orange (serious).

Mr. Baier and staff members Cindy Morphew, Candy Garrett and Michael Fahy, gave a comprehensive I/M presentation to the Board and the public during the Dallas meeting. Using color visuals, Mr. Baier detailed the components of the enhanced, computerized "I/M 240" system that will be used to meet increasingly stringent emissions standards required by the EPA, depending on the model of the vehicle being tested.

The numerical designation refers to the number of seconds -- 240 -- a vehicle will be subject to the test, which simulates accelerations, decelerations, cruise and idling periods experienced in actual driving conditions.

Vehicle models dating from 1968-90, including cars,

light- and heavy-duty trucks, will be subject to a two-speed test with evaporative pressure testing, depending on the exact year of manufacture.

A "transient" test, or I/M 240, will be required for 1990 and later vehicles and will include pressure and purge testing. This will involve data transfer from a state-of-the-art mass emissions analyzer to a computerized tabulation listing the results, a test that gives a certified technician highly accurate information about a vehicle's performance.

Mr. Baier also outlined the cost savings and significant pollution reduction associated with I/M programs. Although EPA estimates the high-tech tests average about \$17 per vehicle, the consumer will realize a substantial savings in gasoline costs and increased fuel efficiency by having a properly maintained vehicle. The EPA estimates that high-tech I/M programs nationwide can save about 15 million barrels of gasoline per year. The programs also will result in a 28 percent reduction in harmful volatile organic compounds, a 31 percent reduction in carbon monoxide and a 9 percent reduction in nitrogen oxides, according to the EPA.

Mr. Baier pointed out that a managing contractor for each nonattainment area will be chosen based on bid proposals submitted. A company's past management integrity, financial stability, and technical performance will be some of the criteria that TACB staff will scrutinize in the selection process.

One of the key requirements for the managing contractor will be to ensure that 95 percent of motorists will be within 12 miles of an inspection center. The TACB expects that 80 percent of motorists will be within five miles at most, while 99 percent will be within 20 miles of a testing facility.

In terms of enforcing convenience standards for consumers' benefit, including short waiting periods for inspections, Mr. Baier said the

TACB will be "extremely vigilant" and will have the authority to impose heavy fines on operators who fail to perform as required. For example, operators must not exceed the 15-minute wait period more than three times per month. Moreover, the convenience factors — proximity and wait-time requirements for all stations — are more stringent than any existing program.

Local residents will be given an equitable opportunity to invest in the program as operating contractors, Mr. Baier said. These persons will manage the day-to-day operations of the test facility; perform the actual emissions tests; collect fees associated with the work; provide lists of certified technicians in the area who are trained in emissions repair work; and participate in inspecting large fleets. ♦

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## Agency Resources

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ments will be handled via regional networks to a host computer located at the TACB central office. All of these controls will necessitate the addition of technology and the hiring of additional technicians and inspectors.

Transfer of the FCAA Title V operating permit program to the TACB will mean that facilities previously exempt from permit requirements and emitting between 25 and 100 tons of regulated pollutants per year must now be permitted. Previously, only stationary sources emitting 100 tons or more per year were required to obtain a permit. For this program alone, the agency will need 195 positions in the Permits Program, 11 in the Regulation Development Division, and 37 in other positions related to permit issuance and enforcement.

Also, the U.S. Environmental Protection Agency (EPA) has required that permit terms be reduced to five-year cycles by 1994, down from the previous 15 years. That time reduction will place an almost overwhelming burden on staff, which already regulates approximately 24,000 businesses and industries. That number will more than double as an estimated 35,000 to 50,000

additional smaller businesses are brought under the regulatory umbrella.

Upcoming TACB requirements for reasonably available control technology to curb the emissions of nitrogen oxides from major industrial sources will stress TACB resources because staff will be engaged in gathering additional emissions data from these industries and in quality assurance of control technologies.

Obviously, this will mean that the agency must recruit a significant number of additional permit engineers to review applications and inspect facility designs and construction. TACB permit engineers already have been severely burdened with mounting work loads, and most have been with the TACB three years or less.

Stage II vapor recovery equipment, which is designed to curb emissions of volatile organic compounds found in gasoline by 95 percent, must be installed on gas pumps at approximately 6,000 retail service stations found in the state's four nonattainment areas. Additional TACB regional staff members will be needed to inspect stations for compliance as the FCAA requirement for Stage II equipment is

phased in over the next two years. The control equipment is designed to minimize the public's exposure to cancer-causing benzene found in gasoline.

While service stations built prior to November 1992 and pumping less than 10,000 gallons per month will be exempt from the rule, the remaining station operators may face considerable expense meeting the clean air standards sought by the EPA.

The Board is considering a proposal to extend the deadline date for Stage II renovation until 1998 for "small business marketers" of gasoline, which would include numerous small distributors and dealers. In a recent survey conducted by the Texas Oil Marketers Association, about 42 percent of the 91 companies they represent in the nonattainment areas responded. The responding companies either own or supply 672 stations in the four areas. They estimate that roughly one-third of these likely would be closed unless the Board extends the deadline for the Stage II requirements.

It boils down to the fact that, in many cases, money must be spent to clean up our air. The money can come al-

most entirely from fees on air pollution thereby avoiding taxes. By proper implementation, we will avoid creating unnecessary hardships for business people and citizens alike. If the state can prevent or reduce negative economic impacts, and at the same time avoid costly federal sanctions for failure to comply with the FCAA, we will have conquered a large part of the challenge.

It should be evident, therefore, that the TACB will be sensitive to financial hardship, economic realities and technical hurdles, as well as maintaining its designated role as environmental watchdog. Our commitment is to have a healthy environment and a healthier economy.

As the first big wave of FCAA deadlines approaches in November, the TACB seeks to have the public involved every step of the way. Agency staff by no means can accomplish all that lies ahead by themselves, and it will be imperative for all Texans to take a hard look at the challenge and pitch in where possible. After all, the many changes coming over the horizon definitely will affect Texans, directly or indirectly, in all walks of life as well as the areas where they live. ♦



## Bank Emissions

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percent depreciation factor. Any emission placed in the bank depreciates at the rate of 3 percent per year, and at the end of five years, the emissions credits are eliminated and are no longer available for trading. This assures a continual decrease in harmful emissions.

These offsetting emission reductions cannot be from controls or other process changes that the Board has required in the company's permit or through other rules. Instead, the reductions must have been made voluntarily and must be in excess of the requirement.

Chairman Watson said, "The TACB has recognized that, if administered properly, this proposal will use market incentives to allow companies who voluntarily reduce their emissions to sell their emission credits to a new or expanding business. This banking system offers the opportunity to significantly reduce emissions of these pollutants in target areas, while allowing for reasonable development of jobs and industry within our state. These emission reductions would occur not only because of the net air quality improvement guaranteed by

the offset program, but also from encouraging companies to make voluntary reductions and to make them more quickly."

The banking of emission credits can prove to be a major factor for cities and economic development groups who are working to expand their economic base in the current battle for economic recovery.

Watson said, "This type program is a good example of the new thinking we're seeing

in this state and around the country. If we can just use our imagination and be resourceful in our approach, I believe we can have both environmental and economic good health."

The action by the Board will trigger a series of public hearings early in 1993 to determine the most effective and verifiable method for "banking" emissions credits. Testimony received will be used to develop final rules for Board consideration.

Another study underway

by the TACB - the marketable permits pilot program - will be coordinated with whatever emission reduction banking system is ultimately adopted to provide a smooth interface between these two types of programs. Marketable permits are an emerging pollution control concept aimed at harnessing economic forces to push toward additional emission reductions. The pilot study is due to be completed in March 1993. ♦

## Regulatory staff takes on alternative fuels

(TACB). "In short, our actions must speak louder than our words."

To that end, the TACB is demonstrating a continuing commitment to clean air as it converts an additional 17 small pickups and vans to cleaner, alternatively fueled liquified petroleum gas (LPG).

Meanwhile, TACB's Mobile Source Division continues on its course to develop new

policies related to the public's acceptance of fuels other than gasoline to achieve marked reductions in vehicle emissions. The group also recommends the use of certified fuel conversion gear to equip fleet vehicles, especially in the state's four nonattainment areas.

The agency's vehicle conversions represent a grow-

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**A**s a state environmental agency, we not only must talk clean-and-green issues through regulations and programs designed for others, we must also take the lead in adopting certain programs as agency policy," said Kirk Watson, chairman of the Texas Air Control Board



# Cement kiln task force forms subcommittees



The Task Force on Waste-Derived Fuels for Cement Kilns held its first meeting Sept. 3 to hammer out public policy regarding the propriety of using this technique as a means for disposing and incinerating hazardous waste.

Texas Air Control Board (TACB) Chairman Kirk Watson appointed the task force during the July 21 meeting of the Monitoring and Research Committee in Dallas. The panel was named after the committee heard extensive public testimony about cement kiln operations currently using this method in the Midlothian area.

The 18-member task force, chaired by Board mem-

ber Chuck Rivers, addressed some initial controversies in attempting to frame the following policy questions:

- An assessment of health risks vs. benefits; and which types of hazardous waste should be burned in kilns at all, and if so, why;
- What are the alternatives, and how do regulations differ between cement kiln and hazardous waste incineration technologies;
- Should best available control technology and continuous testing and monitoring be required of operators to guard against health threats;
- How does incineration of other materials such as waste tires compare in terms of emissions and volumes;
- Should the Community Right-to-Know law be invoked for such facilities, requiring

routine labeling of materials to be incinerated.

Because of the complexity of some of the issues, Mr. Rivers decided to split the group into three subcommittees, with each to study specific areas of concern. These include reviewing different standards for various facilities, studying the waste capacity outlook for the state judged against the acceptance of out-of-state waste, and the feasibility of continuous monitoring and testing.

Members of the task force are Edward Kleppinger, Ph.D., a Washington, D.C. consultant; Bob Ginsburg, Ph.D., a Chicago-based environmental health consultant; former Texas Supreme Court Justice William Kilgarlin; Jim Parsons of Palestine, a past State Bar of Texas president; Kathryn Kelly, Ph.D., a Seattle, Wash., environmental toxicologist; Cynthia Fava, a member of Midlothian's grassroots environmental group Citizens Aware & United for a Safe Environment; Jeff Heckler, an aide to Sen. Chet Brooks; Helen Johnson of Dow Chemical Co.; New

Braunfels City Councilman Paul Fraser; former Court of Appeals Justice David Keltner of Fort Worth; Austin attorney Thomas Leonard, a member of the Governor's Environmental Agency Transition Committee; Diane Schenke, a partner in the Houston law firm of Brown McCarroll & Oaks Hartline; Austin attorney Melinda Taylor; Duncan Gage, president of Lafarge Corp.'s Southern Region; Mitch Wilson, a Kilgore environmental consultant; Ken Ramirez, deputy executive director of the Texas Water Commission's Legal Services and Compliance Division; and Randall Jones, resource recovery manager for Texas Industries Inc. in Dallas.

The full task force will reconvene Oct. 2 in Midlothian to hear any recommendations and to tour the cement plants. An Oct. 23 meeting is scheduled in Houston, where the group will tour a hazardous waste incinerator. A Nov. 23 meeting is planned in Austin to obtain additional comment, and the group plans to hold its final meeting Dec. 11 in Austin. ♦

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## Alternative Fuels

from page 7

ing trend among government agencies, school districts, and other large fleet-size public and private operations to opt for alternative fuel vehicles in Texas' quest for cleaner air.

Fourteen LPG-fueled Ford Ranger pickups and three vans will be used for routine work at TACB regional offices located in Abilene, Corpus Christi, Odessa, Houston, Dallas-Fort Worth, San Antonio, Beaumont, El Paso and Tyler.

Seven converted Chevrolet and Ford pickups have been running on LPG for the past two years at the Houston, Fort Worth, Beaumont, Lubbock and Corpus Christi regional offices. TACB regional staff members report that using the more efficient, cleaner-burning fuel allows for more flexibility, since drivers may cover hundreds of miles for as long as 10 days before refueling, depending on tank size. Tank capacities vary between 30 to 100 gallons on most models. Using LPG, like compressed natural gas (CNG), appears to increase fuel economy, reduce tail pipe smoke, and lower hydrocarbon emissions.

"The TACB Austin central office also plans to imple-

ment a pilot program using two full-sized GMC Sierra pickups with factory-installed CNG fuel systems," Watson added.

"Five passenger vans, fueled either by LPG or CNG, will also be available at the Austin office in the near future."

"By the year 1996, 50 percent of vehicles in mass transit systems operating in nonattainment metro areas of 350,000 or more, such as Dallas and Fort Worth, must be operating on alternative fuels," he said. Local government and private fleet vehicles must achieve the same percentage by the year 2000, Watson noted, a factor that figured prominently in the TACB's decision to go forward with the pilot study to determine engine performance, emissions reductions and driver satisfaction.

As the TACB and other agencies move ahead of the times regarding the use of alternative fuels, staff members from the Mobile Source Division continue to meet with a recently formed Alternative Fuels Working Group. In these sessions, the group continues to define and solve management barriers for fuel conversion kit manufacturers, the TACB, and fleet consumers.

Specifically, the TACB

wants assurances that conversion kits to be marketed in Texas meet the reduced emission requirements established by the California Air Resources Board (CARB) for such equipment. The TACB also is considering a Texas certification process and should be proposing it this spring.

Written recognition from the U.S. Environmental Protection Agency (EPA) regarding kits not certified by CARB may also suffice, but manufacturers will be expected to provide substantial documentation to the EPA about the kits' performance and emission reduction benefits. Third-party recognition may be an option as well, but Mobile Source Division Director Russ Baier said staff will need to closely evaluate the details of that

option before endorsing it.

At an Aug. 19 meeting of the Mobile Source Committee, Mr. Baier received approval from the committee, as well as the Board on Aug. 20, to execute a \$9,500 contract with Radian Corp. of Austin. The consulting company was instructed to evaluate the state-of-the-art conversion technologies now available on the market to fleet operators, as well as the various types of refueling facilities that would support these fleets.

Another provision in the contract directs Radian to estimate and evaluate the emission reductions to be realized under various fueling scenarios: dedicated and bi-fueled natural gas, LPG and methanol vehicles relying on a range of applications such as public

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## October is National Car Care Month

**"Car care means cleaner air"**



# New asbestos fee rule takes effect



A new Texas Air Control Board (TACB) fee rule effective Sept. 1 requires that asbestos removal contractors pay fees associated with the amount of asbestos to be removed in a demolition or renovation project. The TACB authority to collect these fees was provided in the appropriations bill passed during the last legislative session.

Board members adopted this new rule and other fee rules at the July meeting held in Dallas.

Under the new rule, contractors will continue to notify the TACB about proposed asbestos removal projects as required by the U.S. Environmental Protection Agency. However, the agency will bill the contractor based on the amount of asbestos-containing material to be removed.

Under typical processing, a contractor notifies the TACB about a proposed asbestos removal project and a calculation of the volume of material to be disposed. From this total estimated volume, the contrac-

tor then applies a linear-foot formula to arrive at the appropriate fee to pay the TACB for authority to remove the material. According to the rule, a contractor will pay no more than \$7,500 per notification, and no less than \$50. The agency in turn mails the contractor an "asbestos billing invoice" containing the amount payable within 30 days.

Another aspect of the rule

provides for contractor reimbursement for inadvertent overcalculations. A contractor will be eligible for refunds of overpaid fees by the TACB, less a \$25 administrative processing fee. The contractor must show that the amount of asbestos to be removed was overestimated.

The current asbestos enforcement activity soon will be consolidated with the

Texas Department of Health's (TDH) program to improve efficiency. On Aug. 20 the Board approved a \$915,000 contract with the TDH for conducting future asbestos investigations. The contract is designed to phase in TDH's authority over the asbestos program, while that agency is securing statutory authority to enforce the National Emis-

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## Alternative Fuels

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and private fleets and individual use. These will be measured against current alternative fuel programs in Texas.

The Mobile Source Division estimates that 26,000 state vehicles and school buses, as well as several thousand more mass transit buses, will be subject to the new fleet conversion requirements. Preliminary information suggests that between 2,000 and 3,000 conversions have been performed on public vehicles thus far.

Staff held a Sept. 10 hearing in Austin to gather public comment on the new fuel conversion requirements as proposed in TACB's Regulation IV, as well as a proposed measure to allow ethanol or ethanol/gasoline blends as an acceptable alternative fuel for mass transit authority fleets.

Once emissions reductions can be quantified by reliable data on the use of alternatively fueled vehicles over time, staff will look at the possibility of emissions "trading" with other sources of pollution.

In such a scenario, fleets eventually may be able to accrue emissions credits for their reductions, then trade or sell these as offsets to industrial stationary sources of emissions within the same area. (For more information on this concept, see the article on emissions banking in this issue of the TACB Bulletin.) ♦



## Proposed NOx control rules occupy staff

At the Texas Air Control Board (TACB) meeting in Dallas July 23, the Board endorsed the Regulation Development Division's proposal to revise the State Implementation Plan (SIP) and its later commitment to adopt rules to reduce emissions of nitrogen oxides (NOx) in ozone nonattainment counties.

Under the Federal Clean Air Act (FCAA), the U.S. Environmental Protection Agency (EPA) may consider such a commitment and SIP revision if a state then adopts enforceable rules for reasonably available control technology (RACT) for NOx emissions within one year of EPA's SIP approval.

The TACB intends to adopt new NOx RACT rules in Regulation VII affecting major stationary sources by April 30, 1993, for the Houston-Galveston and Beaumont-Port Arthur ozone nonattainment areas. Adopted rules affecting the Dallas-Fort Worth and El Paso areas are expected by Nov. 1, 1993. The "committal" SIP approval by the EPA will enable TACB staff to develop these rules in the interim.

The hearing on the SIP proposal was held Sept. 2 in Austin. Representatives from the EPA, Houston Lighting and Power Co. (HL&P), Gulf States Utilities Co. and Texas Utilities Electric Co. gave oral testimony at the hearing. Officials from DuPont and HL&P presented comment as representatives of the Texas Chemical Council and the Greater Houston Partnership, respectively.

Affected counties include El Paso, Harris, Galveston, Brazoria, Chambers, Fort

Bend, Hardin, Jefferson, Orange, Montgomery, Liberty, Waller, Dallas, Tarrant, Collin and Denton.

The leading sources of NOx emissions in these areas are utility boilers and turbines used in electricity generation; heaters, boilers, engines and turbines used in the refining, petrochemical, and gas processing and transmission industries.

NOx emissions react with volatile organic compounds and sunlight to form unhealthy

levels of ozone near the ground. The EPA and the scientific community have indicated that substantive NOx emissions reductions could lead to attainment of national air quality standards.

The rule the TACB envisions would require reduced air emissions and sufficient testing and monitoring to establish actual NOx emission rates from industries. A second phase of the rule would open the possibility for an emissions trading program. ♦

## New emissions inventory rule adopted

New emissions inventory requirements adopted by the Texas Air Control Board (TACB) Aug. 20 allows the agency to obtain data for specific inventories, identifiable by source.

The addition to the General Rules also will result in the delineation of types of inventories subject to the rule, establishes methods for calculating the inventories, sets deadline dates

for filing, and provides for formal action relating to noncompliance.

The rule applies to facilities in ozone nonattainment counties emitting a minimum of 10 tons per year (tpy) of volatile organic compounds (VOCs), 25 tpy of nitrogen oxides (NOx), or 100 tpy of carbon monoxide (CO). The rule also applies to facilities in nonattainment or unclassified areas emitting 100 tpy or more of

any contaminant for which a National Ambient Air Quality Standard has been issued, as well as major sources of hazardous air pollutants.

Initial inventories must be filed for any criteria or hazardous air pollutant that has not been identified in a previous inventory. ♦



# Minor source policy adopted by board



A new "minor source" policy adopted by the Texas Air Control Board (TACB) Aug. 20 establishes special enforcement conditions for small businesses that may be subject to clean air laws and permitting for the first time.

The intent of the policy is to defer first-time penalties against independently-owned

businesses employing fewer than 100 people if the operators meet other preliminary conditions for such consideration. These include the following:

- The business must not be under Board review for repeat nuisance violations;
- The emissions in question do not cause or contribute to air pollution;
- The operator installs interim controls if the facility has the

potential to cause nuisance conditions or air pollution;

- The violation does not represent a knowing or flagrant disregard for agency regulations, such as an instance in which an asbestos contractor has not notified the TACB prior to beginning a removal project;
- The violation would not be otherwise recommended for lawsuit; or
- The operator commits to

achieving compliance with an acceptable pollution abatement plan.

If the conditions are met by the operator, a Minor Source Order will be issued by the TACB regional director in that area. In turn, the order documenting the violations will be forwarded to the TACB Compliance Division in Austin, where it will be processed in accordance with the Minor Source Policy. ♦

## Asbestos Rule

*from page 10*

sions Standards for Hazardous Air Pollutants regarding asbestos. The TDH consolidation also will reduce most of the jurisdictional overlap and cost involved in TACB/TDH joint asbestos regulation.

Walter Bradley, director of TACB's Program Development, estimates that at least 1,500 asbestos demolition/renovation projects inspected annually by the TACB "are, or could be, inspected under the TDH asbestos program as well."

### Inspection/Emission Fee Rule Changes

In addition to the asbestos fee rule, the TACB adopted minor changes to its inspection and emissions fee rules. These changes clarify previous language and allow the due dates for the annual inspection and emissions fees to coincide. Companies subject to both fees pay only the greater of the two fees. Notification packets related to those fees were mailed to affected companies on Sept. 1.

Changes to the emissions fee rule contained revisions to applicability requirements for nitrogen oxides to coincide with volatile organic compound thresholds for ozone nonattainment areas. The fee rate was increased from \$3 to \$5 per ton of emissions, and a minimum of \$25 was established.

For additional information on fee rules, contact Paul Henry, Director of TACB's Technical Services Division, at (512)-908-1526. ♦



## Sites selected for monitoring network

Fourteen of the authorized 25 sites to be established for the Texas Air Control Board's (TACB) Air Toxics Monitoring Network (ATMN) have been selected and ranked based on the types and quantities of emissions released to the air, as well as the public's perception of the project's significance.

The top 12 ranked sites are at Nessler Center in Texas City, Channelview, Allendale Subdivision in Houston, Clinton Drive in Houston, Navigation Boulevard in Corpus Christi, Port Neches High School in Port Neches, Clute, Lamar University in Beaumont, El Vista Subdivision in Port Arthur, Hayes Elementary School in Odessa, Hag Hill in El Paso, and Houston Regional Monitoring Site No. 3. Two additional sites have been added, one at the Midlothian water treatment plant and another in West Dallas.

The sites for the network were evaluated according to

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the following criteria:

- The quantity of emissions within five kilometers of a monitoring site, with consideration given for windblown emissions;
- The quantity of industrial volatile organic carbon emissions within two, five, and 10 kilometers of the site;
- Population density in the area;

- Public concern about air toxics;
- The number of roadways and traffic congestion in the area;
- Accessibility to the site; and
- Geographic distribution.

Technical Operations staff spent several weeks organizing meetings in LaMarque, Beaumont, Houston, Arlington, Cor-

pus Christi, El Paso, and Austin to ascertain the public's desire for ATMN sites in certain locales.

Another 13 sites will be selected for next year's program, which was funded by the Legislature during its 1991 session. A total of 60 monitors is expected to be placed by 1995. ♦

## Second phase of compliance history policy considered

The Task Force on Compliance History, formed by the Texas Air Control Board (TACB) in early spring, returned to the Board's Enforcement Committee Aug. 19 for approval of Phase II of its proposed policy changes affecting permit applicants.

The Sept. 17 final recommendations of the Enforcement Committee, approved by the full Board Sept. 18, establishes guidance whereby agency staff may use five-year compliance history information in recom-

mending approval or denial of pending permit applications, amendments, or renewals.

In Phase I, the task force was charged with rulemaking pertaining to Regulation VI, which set up a proposed framework by which staff could compile an applicant's compliance history. The Board has yet to consider adopting that rule.

The Phase II part of the process will provide guidance to staff in recommending denial of a permit if staff can show a "recurring pattern of egregious

conduct" indicating a disregard for TACB's regulatory authority. Staff members also must notify the applicant of the decision, allowing sufficient time for response if a contested case hearing has not already been requested.

Another component of the guidance policy will allow staff to recommend special conditions for the permit, instead of outright denial, if compliance history suggests a pattern of disregard for regulations. ♦



# EPA hotline answers questions about CFC regulations



A new hotline administered by the U.S. Environmental Protection Agency (EPA) will assist callers with questions related to new Federal Clean Air Act (FCAA) requirements affecting air conditioning repair and other businesses using freon and other

sources of chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs).

The hotline number is 800/296-1996, and operators will take questions concerning the EPA's regulation, and eventual phase-out, of these pollutants, which are thought to cause depletion of stratospheric ozone. The ozone layer at that level of the atmo-

sphere filters harmful ultraviolet rays from the sun.

Title VI of the FCAA amendments of 1990 established new controls to safeguard stratospheric ozone depletion, but the EPA, not the Texas Air Control Board (TACB), will enforce these provisions directly. TACB has received a number of calls about the state's possible role

in enforcing the new controls, but the EPA has not transferred that authority to the state.

The hotline hours of operation are Monday through Friday from 9 a.m. to 3 p.m. For callers seeking information unique to Texas, EPA's Region 6 contact in Dallas is Phylis Putter. That telephone number is 214/655-7271. ♦



# TACB regulations now available on disk



If tracking state regulations on paper seems tedious at times, the Texas Air Control Board (TACB) hopes to remedy this administrative burden by offering currently adopted regulations on computer diskette.

TACB's Microcomputer

Support Division completed the first phase of the process in early August by placing the regulations on the agency's local area network for in-house use on personal computers. After working out an arrangement with TACB's Fiscal and Budget Division for cost allocations, the system was made to accommodate requests for complete sets of regulations

on diskette. However, for regulations that have undergone revisions, clients will be expected to purchase new diskettes containing those changes. Hard copies of only the revised regulation will still be available.

Diskettes by mail will cost \$12.97, and requests should be made to the Air Quality Planning Division, 12124 Park

35 Circle, Austin, Texas, 78753. Diskettes also may be picked up at the Air Quality Planning office at a cost of \$10.97. In the near future, regulations will be available on TACB's electronic bulletin board, which will be accessible via telephone modem from selected areas. ♦



# AGREED ENFORCEMENT ORDERS

ISSUED

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

**ACME BAG MANUFACTURING, Inc.**, a bag manufacturing plant at 9141 Premier Row, Dallas, Dallas County, violating Board Rule 116.4, Section 382.085(b) of the Texas Clean Air Act (the Act), and Agreed Board Order 87-39(a) by exceeding the annual volatile organic compound emissions limitation for its Hudson Sharp flexographic press and adhesive laminator set in its TACB permit and by failing to maintain adequate records of volatile organic compound emissions, \$5,500.

**ADVANCED AROMATICS CHEMICAL Co.**, a chemical manufacturing plant at 5501 Baker Road, Baytown, Harris

County, violating Board Rules 115.125(1) and (2) Section 382.085(b) of the Act by failing to perform a visual smoke emission test on a flare and by failing to install a flame detection device on a flare, \$2,000.

**AGGRECO, Inc.**, a hot mix asphalt plant at 100 S. 2nd Street, Conroe, Montgomery County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating an asphalt hot mix silo without a permit amendment or without qualifying for a standard exemption, \$1,050. Subsequent to the notice of violation, the company applied for and received an amendment to its TACB permit.

**AGRI-EMPRESA, Inc.**, an oilfield chemicals plant at 6001 West Industrial, Midland, Ector County, violating Board Rule 111.101 and Section 382.085(b) of the Act by allowing outdoor burning without obtaining prior written consent of the TACB executive director, \$1,000.

**GEORGE ALLEN**, owner of property seven miles southwest of Clifton, Bosque County, where insulated cop-

per wire burning took place, violating Board Rule 111.101 and Section 382.085(b) of the Act by allowing outdoor burning without prior written consent of the TACB executive director, \$1,000.

**ASTON'S AUTO INSPECTION #2**, a motor vehicle inspection station at 4054 East Lancaster, Fort Worth, Tarrant County, violating Board Rule 114.3(b) and Section 382.085(b) of the Act by issuing a vehicle inspection certificate without completely and properly performing all air pollution emission control-related requirements, \$1,000.

**BAYLOR UNIVERSITY**, owner of a building known as Moody Library at 1312 South 3rd Street, Waco, McLennan County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by violating an applicable national emission standard for asbestos by failing to notify the administrator of the scheduled starting and completion dates of asbestos removal work, \$1,000.

**BERRIDGE MANUFACTURING Co.**, a coil coating facility at 6515 Fratt Road, San Anto-

nio, Bexar County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$500. Subsequent to the notice of violation, the company qualified for a standard exemption.

**BLUCO PRODUCTION Co., Inc.**, owner and operator of Cowden "A" Crude Oil tank Battery on Hwy. 385 approximately two miles south of Odessa, Ector County, violating Board Rules 101.4 and 101.6 and Sections 382.085(a) and (b) of the Act by discharging excessive emissions and by failing to notify the TACB executive director as soon as possible of a major upset condition, \$9,000.

**BLUE DOLPHIN ENERGY Co.**, a natural gas processing plant at 2834 E. Hwy. 332 near Freeport, Brazoria County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by violating applicable national emissions standards for asbestos by failing to meet all mandatory inspection require-

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## Agreed Enforcement Orders

ments prior to the commencement of demolition activity, by failing to give timely notification to the TACB of intention to remove asbestos, by failing to follow required procedures for handling and removal of asbestos, and by failing to follow required procedures for disposal of asbestos, \$13,500.

**BROADWAY & SMITH, INC.**, a wood working plant at 6781 Exchange, Mansfield, Tarrant County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act standard exemption, \$500. Subsequent to the notice of violation, the company qualified for a standard exemption.

**CAMPBELL SOUP CO.**, successor by merger with Campbell Soup (Texas), Inc., a soup manufacturing plant at 500 Loop 286 N.W., Paris, Lamar County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a sheet coating line in the can plant without a permit amendment or without qualifying for a standard exemption, \$9,000. Subsequent to the notice of violation, the company applied for and was issued an amendment to its TACB permit.

**CANTWELL ENTERPRISES**, a sulfur loading plant on Port Road, Port of Brownsville, Cameron County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act exemption, \$750.

**COUNTRY CLUB MOTORS**, a motor vehicle sales operation at 1400 N. Main, Baytown, Harris County, violating Board Rule 114.1(c) and Section 382.085(b) of the Act by offering for sale six motor vehicles which were not equipped with the emission control systems or devices with which they were originally equipped, \$1,000.

**CRUMP PETROLEUM CORP.**, owner and operator of the Ressie Maurice Crude Oil Tank Battery on West Murphy Street, 0.4 mile west of Williams Avenue, Odessa, Ector County, violating Board Rule 101.4, Sections 382.085(a) and (b) of the Act, and Agreed Board Order No. 89-06(g) by discharging excessive emissions and failing to maintain all air pollution abatement equipment in good working order and operating properly during normal working hours, \$6,000.

**DISCOUNT MUFFLER**, a motor vehicle inspection station at 439 S. Buckner Blvd., Dallas, Dallas County, violating Board

Rule 114.1(b) and Section 382.085(b) of the Act by issuing eight vehicle inspection certificates without performing all the required air pollution emission control tests, \$4,050.

**D & C AUTO SALES**, a motor vehicle sales operation at Route 6, Box 59, New Caney, Montgomery County, violating Board Rule 114.1(c)(1) and Section 382.085(b) of the Act by offering for sale or lease a motor vehicle which was not equipped with the original or equivalent replacement emission control systems or devices in good operating condition, \$500.

**D. J. TARRANT LUMBER AND TIE CO.**, a portable sawmill on Hwy. 79 east of Buffalo, Leon County, violating Board Rule 111.101 and Section 382.085(b) of the Act by allowing outdoor burning without prior written consent of the TACB executive director, \$750.

**D & M USED CARS**, a motor vehicle sales operation at 7102 North Shepherd, Houston, Harris County, violating Board Rule 114.1(c) and Section 382.085(b) of the Act by offering for sale a motor vehicle which was not equipped with the emission control systems or devices with which it

was originally equipped, \$500.

**ETHYL CORP.**, a chemical plant at 1000 N. South Avenue, Pasadena, Harris County, violating Board Rule 101.20(1) and Section 382.085(b) of the Act by failing to comply with applicable new source performance standards by failing to perform initial fugitive monitoring within 180 days of startup of the Olefin Unit, by failing to install required seal systems on 13 compressors in the Olefin Unit, and by failing to perform initial monitoring on the Olefin Unit closed vent system, \$6,500.

**EXECUTIVE CLEANERS**, a dry cleaning facility using perchloroethylene at 6428 FM 1960 West Houston, Harris 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, \$900.

**FORSYTH ACQUISITION CORP.**, a bearing and equipment repair plant at 875 Lockwood, Houston, Harris County, violating Board Rule 116.1 by constructing and op-



erating a crucible furnace and babbitt spinner without a permit or without qualifying for a standard exemption, \$275. Subsequent to the notice of violation, the company submitted an application for a permit.

**FRITZ CHEMICAL Co.**, an aquarium pebble coating plant at 2900 Executive Circle, Mesquite, Dallas County, violating Board Rule 101.4 and Sections 382.085(a) and (b) of the Act by discharging excessive dust emissions and by substituting dolomite for quartz as specified in the company's application for an exemption, \$12,500,

**GOLD STAR AUTO SALES**, a motor vehicle sales operation at 7519 Bonham, Houston, Harris County, violating Board Rules 114.1(c)(1) and 114.1(c)(2) and Section 382.085(b) of the Act by selling or offering for sale four motor vehicles which were not equipped with the emission control systems or devices with which they were originally equipped, \$500.

**GREAT LAKES CARBON CORP.**, a petroleum coke calcining plant at Coke Dock Road, Port Arthur, Jefferson County, violating Board Rule 101.4 and Sections 382.085(a) and (b) of the Act by discharg-

ing excessive black particulate, \$6,000.

**HENDERSON BRICK**, a clay brick manufacturing plant at 1309 Kilgore Drive, Henderson, Rusk County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a jaw crusher and modifying two kilns without a permit or without qualifying for a standard exemption, \$17,875. Subsequent to the notice of violation, the company submitted an application for a permit.

**MR. HYUNG SAN CHOI (FORMERLY D/B/A A-1 DRY CLEANERS)**, a dry cleaning facility using perchloroethylene at 16211 Clay Road, Harris 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, \$1,000.

**JONES BROTHERS DIRT & PAVING CONTRACTORS, INC.**, a batch mix asphalt plant at the southwest corner of Hwy. 80 and FM 1788 near Midland, Midland 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, \$2,425.

**DEAN JONES CONTRACTORS, INC.**, contractor for a water tower sandblasting project in the Anderson Mill West neighborhood of the city of Cedar Park, Williamson County, violating board Rule 101.4 and Sections 382.085(a) and (b) of the Act by discharging excessive emissions, \$10,500.

**LAFARGE CORP. (D/B/A CHICO CRUSHED STONE)**, a rock crushing plant on the south side of FM 1810, 0.5 mile east of Hwy. 101 in Wise County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by adding a new cone crusher and replacing two crushers with vertical shaft impact crushers without a permit or without qualifying for a standard exemption, \$2,250. Subsequent to the notice of violation, the company submitted an application for a permit.

**LA FIESTA AUTO SALES, INC.**, a motor vehicle sales operation at 1245 North Shepherd, Houston, Harris County, violating board Rules

114.1(c)(1) and 114.1(c)(2) and Section 382.085(b) of the Act by offering for sale two motor vehicles which were not equipped with the original or equivalent replacement emission control systems or devices, \$1,000.

**LIGHTWAVE RESEARCH**, a smoke generator assembly and testing plant at 2209 W. Braker Lane, Austin, Travis County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing the plant without a permit or without qualifying for a standard exemption, \$500.

**LYONDELL PETROCHEMICAL Co.**, a refinery at 12000 Lawndale, Houston, Harris County, violating Board Rules 101.4, 101.6, 101.20(2), 111.111(a)(2), 111.111(a)(1), 115.322(4) and (5), and 116.4; Sections 382.085(a) and (b) of the Act; and Agreed Board Order 86-114(h) by discharging excessive hydrogen sulfide emissions; by failing to notify the TACB executive director of a major upset condition; by failing to comply with national emission standards for benzene by failing to tag each piece of equipment in benzene service at the BTU (734) in a

(continued)



## Agreed Enforcement Orders

manner that would distinguish it readily from other equipment and by failing to equip valves with a cap, plug, blind flange, or second valve; by causing, suffering, allowing, or permitting visible emissions from each gas flare for more than five minutes in any two hour period; by allowing the opacity level of the ESP Stack to reach 35 percent and 49 percent and the opacity level of the FCCU Hooper to reach 38 percent; by failing to equip some open-ended valves in volatile organic compound service with a cap, second valve, blind flange, or plug and by failing to tag each component in a manner that can be readily distinguished from others; and by failing to maintain and provide records and data on materials in gasoline storage tank #565A; \$30,500.

**MACHINERY AND EQUIPMENT MAINTENANCE OF AUSTIN**, a sandblasting plant at 1319 South FM 973, Austin, Travis County, violating Board Rule 116.1 and sections 382.0518(a) and 382.085(b) of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$500.

**MAGIC VALLEY CONCRETE, Inc.**, a concrete batch plant on

Las Minas Road near Laredo, Webb County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$1,800. Subsequent to the notice of violation, the company applied for and was issued a permit.

**DON NELLE**, owner of property on CR 103 near Martindale, Caldwell County, violating Board Rule 111.101 and Section 382.085(b) of the Act by causing, suffering, allowing, or permitting outdoor burning without prior written consent of the TACB executive director, \$1,500.

**NEWMAN STOCK FARM**, a hog feeding facility on Flores Lane near Floresville, Wilson County, violating Board Rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing the facility without a permit or without qualifying for a standard exemption, \$1,000.

**NORTHCUTT WOODWORKS, L.P.**, a wood molding manufacturing plant on Loop 304 in Crockett, Houston 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, \$10,275. Subsequent to the notice of violation, the company met the qualifications for a standard exemption.

**QUALITY MOTOR CARS**, a motor vehicle sales operation at 1504 N. Main, Baytown, Harris County, violating Board Rule 114.1(c)(1) and 114.1(c)(2) and Sections 382.085(b) of the Act by offering for sale a motor vehicle which was not equipped with the emission control systems or devices with which it was originally equipped, \$500.

**SAVE MART No. 2**, a grocery store at the intersection of Hwys, 34 and 35, Quinlin, Hunt County, violating Board Rules 111.121(7), 116.6(b), and 111.101 and Section 382.085(b) of the Act by operating an on-site incinerator without having the afterburner turned on; and by causing, suffering, allowing, or permitting outdoor burning in a dumpster without prior written consent of the TACB executive director; \$1,500.

**SOLAR TURBINES, Inc.**, a fabrication plant which includes abrasive cleaning and coating operations at 16504 De Zavala Road, Channelview, Harris County,

violating board rule 116.1 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating a sandblasting and painting operation without a permit or without qualifying for a permit, \$16,000. Subsequent to the notice of violation, the company applied for and was issued a permit.

**SOUTHERN GROUTS & MORTARS, Inc.**, a grout and mortar blending plant 3.8 miles north of the intersection of Hwys. 77 and 287 near Red Oak, Ellis County, violating board Rules 116.5 and 101.6 and Section 382.085(b) of the Act by operating the plant while the central collection system was not operational and by failing to follow the notification requirements for a major upset, \$2,250.

**TARRANT COUNTY PROCESSORS, Inc.**, a waste cooking oil refining plant at 850 Golden Triangle Blvd., Keller, Tarrant County, violating Board Rule 101.4 and Sections 382.085(a) and (b) of the Act by discharging excessive emissions, \$3,000.

**THOMAS STEEL DRUMS, Inc.**, a drum reclamation plant at 2517 Northeast Street, Fort Worth, Tarrant County, violating Board Rule



111.111(a)(1)(A), Section 382.085(b) of the Act, and a judgment issued by Tarrant County District Court in 1987 by causing, suffering, allowing, or permitting the opacity to exceed 30 percent averaged over a six-minute period for a stationary source on which construction was begun on or before January 31, 1972, \$6,000.

**TOSHIBA INTERNATIONAL CORP.**, an electric motor manufacturing plant at 13131 West Little York Road, Houston, Harris County, violating Board rules 116.1, 116.5, 116.4, and 115.426 and Sections 382.0518(a) and 382.085(b) of the Act by constructing and operating three aluminum holding furnaces, a varnish dip and bake system, and a bake oven afterburner and stack without a permit or without qualifying for a standard exemption and by failing to keep proper records on hours of operation and coating usage on three paint booths, \$35,475.

**TOWN AND COUNTRY USED CARS**, Inc., a motor vehicle sales operation at 909 N. Alexander Drive, Baytown, Harris County, violating Board Rules 114.1(c)(1) and 114.1(c)(2) and Section

382.085(b) of the Act by offering for sale two motor vehicles which were not equipped with the emission control systems or devices with which they were originally equipped or their systems were not in good operable condition, \$1,000.

**VALERO HYDROCARBONS, L.P.**, a natural gas plant 14 miles west of Freer on Hwy. 44 in Webb County, violating Board Rule 101.20(2) and Section 382.085(b) of the Act by violating national emissions standards for asbestos by failing to give proper notification to the TACB of intention to

remove asbestos, by failing to follow proper procedures for handling and removal of asbestos, and by failing to follow proper procedures for asbestos, \$5,000.

**ED WILLIAMS**, owner and operator of an operation that conducted outdoor burning for commercial purposes at a site near the intersection of Old Reliance Road and Carraba Road, near Bryan, Brazos County, violating Board Rule 111.101 and Section 382.085(b) of the Act by causing, suffering, allowing, or permitting outdoor burning without

prior written consent of the TACB executive director, \$1,000.

**BEN WILSON**, owner of an operation that burned insulated copper wire at a site approximately three miles west of Hwy. 36 and five miles south of Milano, Milam County, violating Board Rule 111.101 and Section 382.085(b) of the Act by causing, suffering, allowing, or permitting outdoor burning with prior written consent of the TACB executive director, \$1,000. ♦

## Streamline Hearings, Permits

*from page 1*

Another anticipated amendment to the rules will provide for a mandatory alternative dispute resolution (ADR) procedure, with the understanding that any agreements reached during ADR are binding.

The Board directed examiners to set strict time limits on witness cross-examination and to encourage the use of direct written testimony, if parties agree, instead of oral testimony in proving a direct case.

Concerning notices of application, the Board proposed that the applicant must

publish such notice in a newspaper of general circulation in the affected area. The Board directed that the notice also be published both in English and Spanish, or in English and another dominant language for the area.

Watson applauded the new policies as necessary to a public increasingly interested in environmental issues.

"We believe these clearly defined policies will help people who do not have a legal background obtain a better idea of

**(continued on page 20)**



## Streamline Hearings, Permits

from page 19

what they should expect during the hearing process," Watson said.

The more efficient hearing process will go hand-in-hand with the new directives the Board intends to institute regarding permitting.

During the past months, the board has received many suggestions and recommendations from industry and the environmental community on how the permitting process could be improved.

In 1991, the agency pro-

cessed more than 1,200 permit authorizations. So far this year more than 700 permitting projects have been completed. The agency completed this work with a staff of about 43 permit engineers.

"The permitting process is probably one of the most misunderstood of all agency activities," Mr. Watson said. "The appointment of this committee is just part of my continuing commitment in helping the public and regulated community understand the process. The

committee will also provide some new guidance to the staff to give the state an improved permitting system."

"There are state and federal law changes that will require this agency to make quantum leaps in the permits process," he added. "First, we have gone from a 15-year renewal of permits to five years. And when the new federal operating permitting requirements are delegated to the state, it will bring thousands of industries into our permit program that

have never had to go through the process before."

The Permits Oversight Committee becomes the tenth standing committee of the Board, and the second created since Mr. Watson became chairman. Earlier in his term he appointed a Community Involvement Committee. The first meeting of the committee was held in September during the regular committee meeting period prior to the board meeting. ♦

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# TACB Bulletin

a Texas Air Control Board publication

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