



TACB Bulletin

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NOVEMBER 1983

BOARD CLOSER
TO RESOLVING
SANCTIONS ISSUE
IN HARRIS COUNTY

At its Nov. 18 meeting, the board adopted a resolution asking the Department of Public Safety (DPS) to revise the vehicle parameter inspection program for Harris County to include new measures required by the Environmental Protection Agency (EPA). (On Nov. 30, the Public Safety Commission agreed to the board's request.)

The board's resolution was passed in response to requests from local governments and EPA's assurances that the Harris County program would be approved and the threat of Clean Air Act sanctions removed if the new procedures, including the plumbtesmo test for lead, are implemented.

Dick Whittington, administrator for EPA Region 6, presented a letter to the board saying the EPA now is willing to approve the Harris County program if it can be modified. The modifications will require inspection of emissions parameters on light-duty trucks and include inspection of catalysts and fuel filler restrictors on 1980 and later model vehicles using visual checks and the plumbtesmo test for lead deposits in vehicle tail pipes. Catalyst replacement within one year would be required for vehicles found to have missing or impaired catalysts.

To allow the EPA to move forward on a reproposal for approval of the vehicle program, Whittington requested a letter from the DPS and the TACB indicating the agencies' commitment to move forward and including a schedule of the program's implementation in early 1984.

In making its decision to revise the program, the board considered resolutions from the Harris County Commissioners Court and the Houston City Council requesting the TACB to revise the vehicle program to include the plumbtesmo test. The board also considered recommendations to adopt the plumbtesmo test from Houston Mayor Kathy Whitmire; Louie Welch, president of the Houston Chamber of Commerce; the Houston-Galveston Area Council; and Harris County Judge Jon Lindsay. The Harris County Pollution Control Department and the City of Houston Health Department reported that their surveys found the test to be a reasonable and reliable procedure for detecting lead in exhaust pipes.

The board adopted another resolution soliciting the cooperation of any public or private entities that may be associated with the vehicle inspection program in implementing the program.

In a related matter, the TACB is publishing a notice in the Texas Register requesting proposals to implement the mechanics training part of the vehicle inspection program.

The hearings examiner presented the board with an issue concerning TACB policy and jurisdiction relating to hazardous waste disposal facilities, in this case a facility Envirosafe Services of Texas Inc. wants to construct in Liberty County.

The question of jurisdiction was raised during the hearing by the company when opponents attempted to introduce evidence concerning the flooding and water table characteristics of the area where the proposed facility would be located. Opponents claimed the evidence is essential

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TACB Bulletin

to prove that the company's design will not keep water out of the landfill and other areas of the proposed facility, which will result in increased emissions of air contaminants.

As outlined by the examiner, these questions were raised by the dispute: Does the TACB have jurisdiction over air contaminants from hazardous waste disposal facilities? If the TACB and the Texas Department of Water Resources (TDWR) have concurrent jurisdiction over air contaminants from hazardous waste disposal facilities, should the TACB exercise its jurisdiction as opposed to the TDWR?

The company basically took the position that TDWR was the lead agency with respect to hazardous waste disposal facilities and that part of their job was to review the flooding and water-related issues.

The staff took the position that the TACB had jurisdiction; however, the water-related evidence should not be heard because the TACB must presume that TDWR would resolve the issues adequately.

The opponents took the position that the TACB had exclusive jurisdiction over air-related matters and had to hear all evidence that would affect air emissions.

The hearings examiner took the position that both agencies had jurisdiction over the particular issues in dispute and because of that there was a great likelihood both agencies would be hearing the same evidence. He thought the only way the TACB could avoid hearing the evidence was to negotiate a Memo of Understanding with TDWR to clarify which agency was going to resolve the particular issues involved.

The board elected to follow the staff's position not to hear the evidence concerning water-related issues but to consider air emissions from both the processes and the landfill as part of the facility.

In other action, the board upheld the executive director's decision to grant a construction permit to Diamond Shamrock Corp. for a natural gas and fuel oil-fired boiler in Dallas.

Based on testimony from the hearing conducted when the permit was appealed, the hearing examiner found that the facility would comply with TACB and EPA rules and regulations. He recommended, and the board approved, that a special provision be added to the permit restricting the amount of lead in the fuel oil and prohibiting the use of fuel oil containing any waste material other than that so designated within a refinery that refines crude oil.

The executive director reported to the board:

--Congress adjourned without acting on the Clean Air Act. The Senate Environment and Public Works Committee held two hearings on the Act the third week in November. The TACB is requesting that the previous board testimony on needed changes to the Act and a resolution adopted by the Southern Governors' Assn. concerning acid rain be entered into the record of the hearings.

--The Technical Advisory Committee to the TACB Gulf Coast Community Exposure Study met Nov. 7 in Austin to discuss the risk assessment

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seminar held in Houston in September. Committee members concluded that because risk assessment for carcinogens is in its infancy, caution should be exercised in using computer modeling results and that the TACB staff should continue to learn more about modeling methodologies.

--The International Air Pollution Control Assn. has scheduled a specialty conference, "Critical Review of the Current Scientific Data Base for Ozone Regulation," April 10-13, 1984 at the University of Houston. Two TACB staff members will participate in the meeting as general conference chairman and as technical program cochairman.

The time and date for the December board meeting have been changed to Monday, Dec. 19, at 1:30 p.m.

TACB TESTIFIES AT EPA HEARING IN BROWNSVILLE

The Deputy Director of Measurements and Analysis presented oral testimony, Nov. 21, at the EPA hearing in Brownsville on at-sea incineration of polychlorinated biphenyls in the Gulf of Mexico. The TACB recommended changes to correct technical deficiencies in incinerator design and in sampling procedures including monitoring locations.

The agency will submit a technical document detailing its concerns before the Jan. 15 deadline for submitting written comments on the burn permits.

BOARD REQUESTS SUITS AGAINST CONANN, MOBIL

The board has requested the attorney general's office to file suit against two companies for violations of air pollution regulations. Statutory penalties and injunctive relief are being sought in both cases.

A suit against Conann Homes is being sought because the company conducted unauthorized outdoor burning at construction sites in Travis and Hays counties.

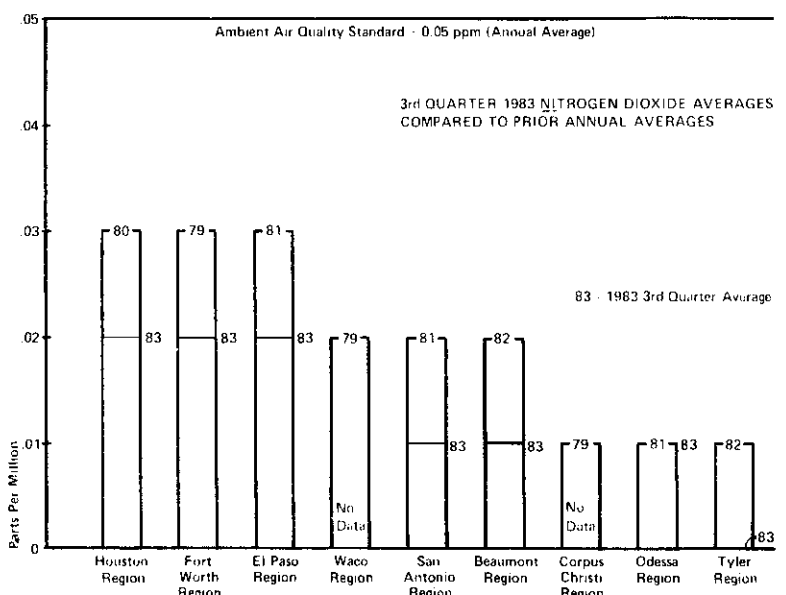
The requested suit against Mobil Oil Corp. in Beaumont is for emitting excessive air contaminants of such a duration that adversely affected the public's health or welfare on Aug. 4, 1983. In addition, the company failed to notify the board as soon as possible of a major upset condition that caused excessive emissions in violation of board regulations.

TACB data, third quarter, 1983

Air quality summary

NITROGEN DIOXIDE

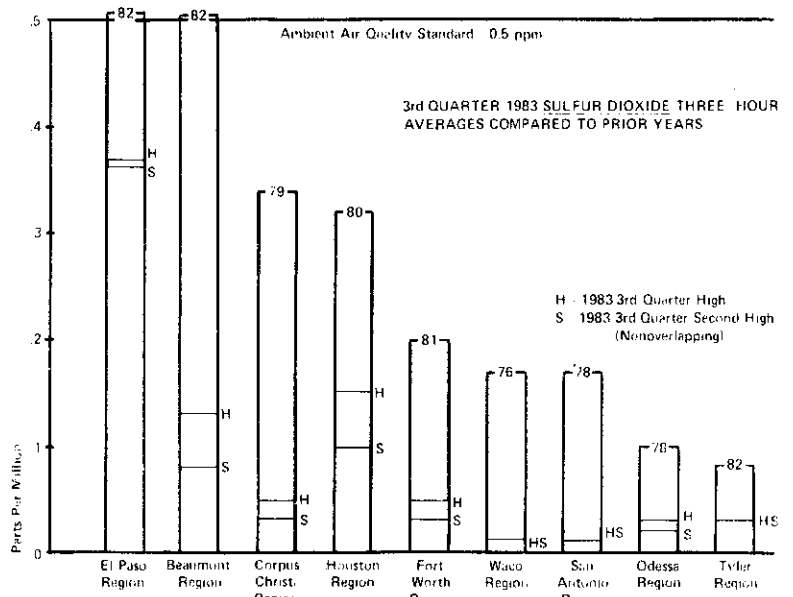
The national ambient air quality standard for nitrogen dioxide (NO₂) is .05 parts per million annual average. This graph presents 1983 third quarter NO₂ averages compared to the highest regional annual averages ever recorded. The NO₂ annual averages continue to be well below the standard.



TACB Bulletin

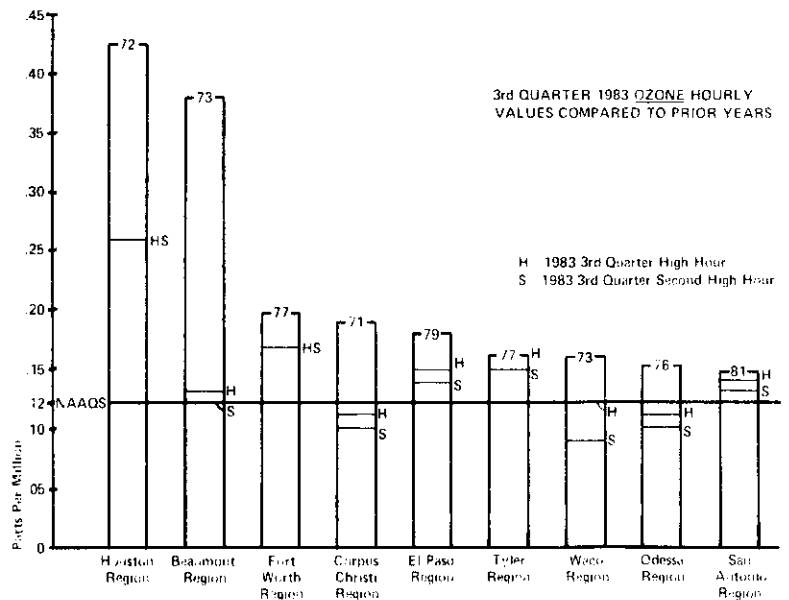
SULFUR DIOXIDE

The national ambient air quality standard for sulfur dioxide (SO₂) is .5 parts per million for a three-hour average, not to be exceeded more than once per year. This graph compares 1983 third quarter high and second high SO₂ three-hour averages to highest regional three-hour levels ever recorded. The graph indicates that the standard has not been exceeded during this year.



OZONE

The national ambient air quality standard for ozone (O₃) is a daily maximum hourly average of .12 parts per million, not to be exceeded more than an average of once per year during any three-year period. This graph compares 1983 third quarter high and second high O₃ levels to previous regional high levels. The Houston, Beaumont, Fort Worth, El Paso, Tyler, and San Antonio regions exceeded the standard during this quarter.



CARBON MONOXIDE

The national ambient air quality standard for carbon monoxide (CO) is an eight-hour average of nine parts per million, not to be exceeded more than once per year. The 1983 third quarter graph of high eight-hour averages indicates the standard has not been exceeded during this year. Texas CO levels are generally lower than previous years.

