



No.1-1988, JANUARY 15

Hearing on fees for continuance of 15-year-old permits set for Jan. 26

The Texas Air Control Board will conduct a public hearing at 2 p.m. Jan. 26 at the TACB, 6330 Highway 290 East, Austin, concerning proposed revisions to fees charged for continuance of its operating permits.

The TACB is proposing to revise the fees companies are assessed for the review. Under the current system, an applicant pays a flat fee of \$300 when applying for a review of a 15-year-old permit. This fee was adopted in August 1986 on an interim basis to allow the agency additional time to evaluate alternative systems which would recover a greater proportion of the administrative costs of conducting continuance re-

views.

"The rapidly increasing number of reviews scheduled during the next few years makes replacement of the minimal flat fee necessary," Steven N. Spaw, deputy executive director, said. "The proposed system includes a tiered schedule based on total annual allowable emissions from the permitted facility for which the continuance is being sought. While we propose to retain the minimum fee of \$300, the maximum would be increased to \$10,000. We think the proposed system is relatively simple and equitable, and will enable the TACB to recover more of the costs of administer-

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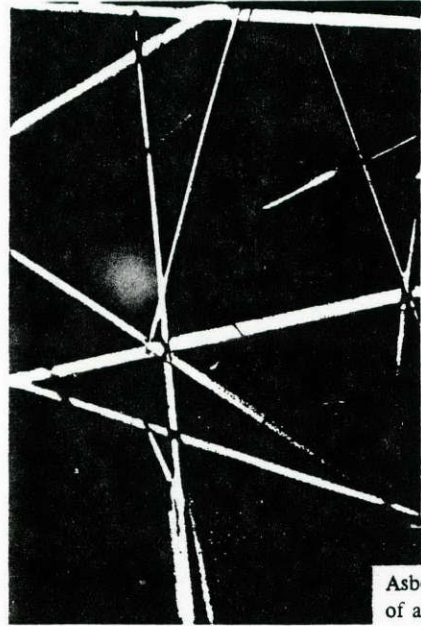
OZONE ■ Dallas, Tarrant counties' SIP status: outlook for new controls

The state met the original EPA Dec. 31, 1987 deadline for submission of an approvable ozone air quality plan for Dallas and Tarrant counties even though passage of a Congressional joint resolution suspended until Aug. 31 EPA's ability to impose sanctions for failure to attain the ozone standard.

Those sanctions could include a ban on construction of major industrial ozone-precursor sources, and the withholding of federal funds for such things as highway construction

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ASBESTOS ■ public concern results in strict regulation



The second highest administrative penalty ever assessed by the Texas Air Control Board --\$175,000-- was levied in November 1987 against Phillips 66 Co. of Borger because proper procedures for the demolition and removal of asbestos materials and the transporting of asbestos waste materials were not followed at its facility.

Fines of \$7,000 and

\$4,000 for asbestos-related violations were assessed Amerada Hess Corp., a refinery in Corpus Christi, and Falcon Associates, a contractor engaged in asbestos removal.

Increasing concern about the use, handling, and disposal of asbestos has resulted in strict national and state regulations. To aid in a better understanding of asbestos abatement requirements and methods, The Bulletin is reprinting an article, beginning on page ten, from Elements, published by Dames and Moore, Los Angeles. ■

Asbestos is a recognized carcinogen. Any level of airborne asbestos presents some health risk. Asbestos fibers magnified 100 times are shown, left.

PUBLIC HEARING

(from page one)

ing the program."

Prior to amendments to the Texas Clean Air Act (S.B. 724) passed by the 69th Legislature, operating permits were issued for the life of the facility and were not required to be renewed. Operating permits are issued after a facility has been constructed and, upon inspection by the TACB, it is found to be operating within the requirements specified in the original construction permit, which must be granted before construction can begin. Operating permits can be revoked if permit terms or pollution control standards are violated.

The Texas Clean Air Act now requires that holders of operating permits apply every 15 years for review to determine whether the permit should be continued. In reviewing such permits, the TACB must consider the compliance history of the facility and the effectiveness of existing emission control equipment. The agency cannot impose requirements less stringent than those in the existing permit, unless the proposed change satisfies all requirements of the Clean Air Act.

"Through the end of fiscal year 1984, TACB records showed approximately 4,976 operating permits issued to active accounts," Lawrence Pewitt, director of the TACB permits division, said. "Many companies have received more than one of these permits, and some of the facilities represented by the permits may no longer be in operation." Pewitt said

facilities holding operating permits are not required to notify the TACB if the facility is closed.

Amendments or revisions to operating permits do not affect the continuance due date, Pewitt said.

The TACB reviewed a total of nine permits in 1987, the first year of the review program. The number to be reviewed between

fiscal years 1987 and 1999 will peak at 653 in 1992 unless the discontinuance of operation of some facilities changes that forecast, Pewitt said.

Oral and written comments by interested persons will be received at the Jan. 26 hearing, and written comments will be accepted by the TACB up to 4 p.m. on Jan. 27.

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OZONE

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and waste water facilities.

Areas where sanctions are already in place are not affected.

Although the deadline was extended, the TACB chose to meet the Dec. 31 deadline by submitting revisions to the state's ozone plan to the EPA which would strengthen proposed control measures adequately to meet with approval.

"Our proposed revisions to the plan have a broad base of support from local officials who are interested in working towards clean air whether or not there is a threat of sanctions," Eli Bell, TACB executive director, said. "We understand that this is the only area in the country that was subject to a sanction threat that has gone as far as quickly as we have.

"We think that the controls we have adopted on the solvent content of architectural paints and paints used for auto refinishing are as stringent as the controls at any location in the country," Bell said. "Our vehicle inspection and maintenance program will incorporate a comprehensive visual inspection of all pollu-

tion control equipment on a vehicle, determination that the car has not been mis-fueled with leaded gasoline, and an emissions check. We believe this program will be as effective as any in the country." Bell pointed out that portions of the vehicle inspection and maintenance program will be expanded to include counties adjacent to Dallas and Tarrant counties.

He said he thought Texas was the only state adopting a ban in an ozone nonattainment area on windshield washer fluid containing solvents.

"We believe the plan will meet or exceed the EPA requirements for demonstrating attainment and we feel it warrants their approval," Bell said.

EPA officials have indicated that the state will be advised probably by sometime in March if the Dallas-Tarrant counties plans meet the federal agency's requirements.

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TACB staff begins laying groundwork for anticipated Post '87 SIP

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The TACB staff is preparing comments on the EPA's proposed strategy addressing post-1987 ozone and carbon monoxide nonattainment and at the same time is laying the groundwork to implement key aspects of that strategy. The comment deadline, originally Jan. 25, has been extended to March 25.

In the meantime, Congressional committees continue to consider revisions to the Federal Clean Air Act which, if enacted, could require broad changes in EPA's strategy.

Under EPA's current proposed strategy, the staff expects to be required to develop revised control strategy plans for ozone for Dallas, Tarrant, Harris, Gregg, and El Paso counties, and for carbon monoxide for El Paso, Harris, and Dallas counties.

The requirement for an ozone plan for Gregg County may drop out if 1988 monitoring data indicates compliance with the federal standard.

Les Montgomery, TACB technical and regulation development program director, said El Paso is the only county the staff is sure will require a carbon monoxide plan. "Dallas and Houston have seen only isolated exceedances and if the air quality data for those areas continues to look good CO plans may not be needed," he said. If two years of data demonstrate attainment of the CO standard "we will not be predisposed to file a plan," he said.

The staff will begin its technical work by setting an emissions inventory work schedule; this would require an intensified effort to obtain current emissions information from regulated industries.

Montgomery cited the following as being the key aspects of the proposed EPA control strategy:

1) The ozone standard will be the same (0.12 ppm) or more stringent.

2) There is some recognition by EPA that ozone is a long-term problem requiring long-term solutions, and sanctions could be counterproductive to achieving air quality standards.

3) There is the expectation that areas where the ozone standard is exceeded may need to consider potentially disruptive (very costly) control measures as part of long-term solutions.

4) There is increased interest in the possible ef-

fects of controls on emissions of oxides of nitrogen.

5) There will be an emphasis on small emission sources.

6) Based on EPA's developing rule-effectiveness policy, states' emissions reduction credits for existing and new control measures will be discounted.

7) If EPA's current proposal to discount the effectiveness of decentralized vehicle inspection/maintenance programs is implemented, centralized I/M inspection may be required.

8) There may be a significant increase in regulatory resources required to develop and implement the plan based on the size of the initial effort, the emphasis on smaller sources and the move to increased ongoing evaluation through rule-effectiveness studies, possible I/M audits, and more frequent emissions inventories. ■

FROM PAGE TWO

Proposed permit continuance fees

<u>Tonnage Range</u>	<u>Base Fee**</u>	<u>Incremental Fee**</u>
0-5	\$ 300	--
6-24	300	\$35/ton
25-99	965	25/ton
100-999	2,840	8/ton
1000+	10,000	--
	(maximum fee)	

** To calculate the fee, multiply the number of tons (rounded down to the nearest ton) in excess of the initial tonnage in that category by the incremental fee, then add this figure to the base fee. For example, if emissions are 50 tons per year, the total fee would be \$1,590 (\$965 base fee, plus \$625 incremental fee [\$25 x 25 tons]). ■

The following is a summary of TACB legal activities for the months of September, October, November and December 1987.

Agreed final judgments entered:

City of Houston v. Hill Petroleum Co., Houston, for violations of Board Rules 101.4 (nuisance), 111.21 (opacity), and 116.4 (exemption condition). The judgment assessed a civil penalty of \$35,000 to be split between the city and state.

City of Houston v. Magnolia Development Corp., et al, Houston, for violations of Sections 4.01 (a) and (b) of the Texas Clean Air Act (TCAA) and Board Rules 101.4 (nuisance), 111.1 (outdoor burning), 111.21 (opacity), 111.52(3) (ground level particulate), and 116.4 (exemption condition). The judgment assessed a civil penalty of \$22,000 to be split between the city and state.

State of Texas and Montgomery County v. Root Co. and Harold Denton Jr., for violations of Board Rules 116.1 (construction without a permit) and 111.1 (outdoor burning). The judgment assessed an injunction to apply a final earthen cover on the landfill and a conditional civil penalty of \$20,000 if the deadlines of the injunction are not met.

State of Texas v. LaPorte Chemicals Corp., LaPorte, for violations of Section 4.01 (b) of the TCAA and Board Rules

101.20 (compliance with National Emissions Standard for Hazardous Air Pollutants) and 116.4 (exemption condition). The judgment assessed a civil penalty of \$120,000 and attorneys' fees of \$5,000.

Legal Activities

State of Texas v. Texland Petroleum Inc., Lubbock, for violations of Section 3.27 (a) of the TCAA and Board Rule 116.1 (construction and operation without a permit). The judgment assessed a civil penalty of \$65,000.

State of Texas v. Harold Denton, Jr., Troy Booker, and Crystal Concrete, Conroe, for violations of Board Rule 111.1 (outdoor burning). The judgment assessed an injunction to apply final earthen covers on two landfills, a conditional civil penalty of \$50,000 if the deadlines of the injunction are not met, and attorney's fees of \$2,500.

City of Houston v. Trumix Concrete Co., Houston, for violations of Sections 4.01 (a) and (b) of the TCAA and Board Rules 101.4 (nuisance), 101.5 (causing traffic hazard), 101.6 (failure to notify of upset), 111.21 (opacity), 111.23 (excessive emissions), 116.4 (exemption condition), and 116.5 (representations in application for permit or exemption). The judgment assessed an

injunction to use pollution control equipment and develop an operation and maintenance manual and assessed a civil penalty of \$25,000 to be split between the city and state.

State of Texas v. Union Carbide Corp., Texas City, for violations of Section 4.01 of the TCAA and Board Rule 101.20 (compliance with National Emissions Standard for Hazardous Air Pollutants). The judgment

assessed an injunction to comply with NESHAP provisions and a civil penalty of \$38,500, attorney fees of \$4,000, and investigative costs of \$1,000.

State of Texas v. Tenneco Polymers, Inc., Pasadena, for violations of Section 4.01 (b) of the TCAA and Board Rules 101.20 (compliance with National Emissions Standard for Hazardous Air Pollutants), 115.275 (submission of monitoring plan), and 116.4 (exemption condition). The judgment assessed a civil penalty of \$180,000 and attorney fees of \$10,000.

State of Texas v. Cherokee Toppers, Waco, for violations of Sections 3.27 (a) and 4.01 (b) of the TCAA and Board Rules 101.4 (nuisance) and 116.1 (construction without a permit). No civil penalty assessed.

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Agreed contempt order:

State of Texas v. Kee-shan and Bost Chemical Co., failure to monitor and keep records as required
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Administrative Penalties

The Air Control Board issued the following agreed enforcement orders on September 18:

Blentech Corp., a drum filling plant at 1305 Rye Street, Houston, constructing and operating the facility without a permit or without qualifying for a standard exemption, \$500. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that an additional penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late.

Border Opportunity Saver Sytems, Inc., a disposable diaper panel assembly plant at 10 Finigan Drive, Del Rio, Val Verde County, constructing and operating a disposable diaper panel assembly line without a permit or without qualifying for a standard exemption, \$1,400. Subsequent to the notice of violation, the company was issued a special permit.

Mr. Richard Wilson and Mrs. Judy Wilson, d/b/a Coastal Paint and Blast, operating abrasive blasting and spray painting facilities at 5615 Hand Road, Pleak, Fort Bend County, constructing and operating the facilities without a permit or without qualifying for a standard exemption, \$1,500. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that

an additional penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late.

Dal-Tile Corp., a ceramic tile manufacturing plant at Camp Silver Springs Road, Panorama City, Montgomery County, modifying and operating the plant without a permit or without qualifying for a standard exemption, \$3,025. Subsequent to the notice of violation, the company submitted an application for a special permit.

Delta Engineering Corp., an offshore drilling rig fabrication plant at 16415 1/2 Jacinto Port Blvd., Channelview, Harris County, constructing and operating a sandblasting facility and a spray painting facility without a permit or without qualifying for a standard exemption, \$1,000. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that an additional penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late.

W. M. Dewey & Son, Inc., a pipe cleaning and coating plant at 18606 Van Road, Houston, constructing and operating the facility without a permit or without qualifying for a standard exemption. No monetary penalty except that a penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the company's permit application is late and a penalty of \$500 could be assessed if, after the application review, it is determined that substantial additional controls are necessary.

The Dow Chemical Co., a vinyl chloride manufacturing plant off FM 523, approximately one mile south of its intersection with State Hwy. 332, near Freeport, Brazoria County, allowing a non-emergency discharge of vinyl chloride monomer in violation of the national emissions standard for vinyl chloride, \$1,500.

Gensco, Inc., an oil field pipe preparation plant at 9393 Sheldon Road, Houston, constructing and operating a pipe spray-coating station without a permit or

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Administrative Penalties

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without qualifying for a standard exemption, \$2,500. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that an additional penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late.

The Goodyear Tire & Rubber Co., a hydroquinone plant at 13441 Bay Area Blvd., Pasadena, Harris County, failing to monitor closed-vent systems and failing to use approved calibration gases in violation of national emissions standards for benzene, \$2,500.

Neyra Industries, Inc., an asphalt sealant manufacturing facility at 1105 East Kirkpatrick Street, Cleburne, Johnson County, constructing and operating process equipment consisting of storage tanks and mixers without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company submitted an application for a special permit.

Ray Sanchez Marble Co., a synthetic marble manufacturing facility at the intersection of South University and Woodrow Street, Lubbock, constructing and operating the facility without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company was issued a special permit.

Scotfoam Corp., a polyurethane foam manu-

facturing plant at 3210 Curtis Blvd., Mesquite, Dallas County, constructing and operating the facility without a permit or without qualifying for a standard exemption, \$7,000. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that an additional penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late.

Texas Lehigh Cement Co., a Portland cement plant two miles south of Buda on FM 2770 in Hays County, causing, suffering, allowing or permitting excessive visible emissions and failing to notify the TACB executive director as soon as practical of a shutdown of the baghouse for maintenance, \$4,500.

T. G. Railway Enterprises, Inc., a railcar painting and repair plant at 1900 Epps Avenue, Fort Worth, constructing and operating a spray painting facility without a permit or without qualifying for a standard exemption, \$1,000. Subsequent to the notice of violation, the company qualified for a standard exemption.

Tufco Ready Mix, Inc., a concrete batch plant at I-35 and FM 1858 near West, McLennan County, constructing the facility without a permit or without qualifying for a standard exemption, \$375. Subsequent to the notice of violation, the company qualified for a standard exemption.

Valley Gin Co., a cotton gin facility one mile southwest of IH-10 and one mile northeast of Tornillo, El Paso County, construct-

ing and operating the facility without a permit or without qualifying for a standard exemption, \$2,600. Subsequent to the notice of violation, the company was issued a special permit.

Wintermute Industries, Inc., a decorative wall plaque manufacturing plant at 3820 1/2 Lamar Avenue, Paris, Lamar County, constructing and operating spray paint and drying oven facilities without a permit or without qualifying for a standard exemption. No monetary penalty except that a penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the company's permit application is late.

The following agreed enforcement orders were issued on November 13:

Acme Bag Manufacturing, Inc., a bag manufacturing operation at 9141 Premier Row, Dallas, constructing and operating a flexographic printing press and an adhesive laminator without a permit or without qualifying for a standard exemption, \$1,925. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that an additional penalty of \$500 per day could be assessed if information requested by TACB to complete its review of the application is late.

Alcon Laboratories, Inc., a pharmaceutical products manufacturing plant at 6201 S. Freeway, Fort Worth, constructing and operating four ethylene oxide sterilizers without a permit or without qualify-

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ing for a standard exemption, \$475. Subsequent to the notice of violation, the company submitted an application for a permit. The agreed order specifies that an additional penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late.

Alonzo's Concrete Co., a concrete batch plant at 2540 Jana Lane, Pasadena, Harris County, constructing and operating the plant without a permit or without qualifying for a standard exemption, \$500. Subsequent to the notice of violation, the company met the qualifications for a standard exemption.

Amarillo By-Products, a rendering plant at 8415 East 1st Avenue, Amarillo, Potter County, failing to comply with a special condition of its permit by stockpiling rendering raw materials outdoors on the ground, causing emission of odors, and modifying its rendering plant without a permit or without qualifying for a standard exemption, \$13,000. Subsequent to the notice of violation, the company applied for and was issued an amendment to its permit.

Amerada Hess Corp., a refinery at 1802 Poth Lane, Corpus Christi, violating national emissions standard for asbestos by failing to timely provide written notification, failing to follow required procedures for the demolition and removal of friable asbestos materials, and failing to follow required procedures for

handling of asbestos-containing waste material, \$7,000.

AMF Ben Hogan Co., a golf ball manufacturing plant at 2912 West Pafford, Fort Worth, constructing and operating a paint burn off oven without a permit or without qualifying for a standard exemption, \$750. Subsequent to the notice of violation, the company applied for and was issued a special permit.

Ashland Chemical Co., volatile organic compound storage tanks at 8900 Galveston Road, Houston, operating the tanks in violation of a condition of its permit by operating the tanks without abatement equipment, \$4,200.

Farmland Industries, Inc., owner and operator of two natural gas compressor stations (Brooks Station east of Mertzon in Irion County and Central Velrex Station northwest of El Dorado in Schleicher County) and a natural gas plant (El Dorado Gas Plant north of El Dorado in Schleicher County), constructing and operating the three facilities without permits or without qualifying for standard exemptions, \$4,250. Subsequent to the notice of violation, the company submitted applications for permits.

Farris Concrete Co., a concrete batch plant north of Melissa, Collin County, failing to install and use water sprinklers to control emissions as required by a standard exemption, \$500.

Formosa Plastics Corp. Texas, plants for processing ethylene dichloride, vinyl chloride, and polyvinyl chloride near Point Comfort, Calhoun County, violating national emissions

standard for vinyl chloride by allowing a discharge of vinyl chloride, \$2,700.

Houston Steel Products, Inc., a sandblasting and painting facility at 6100 Komona Blvd., Houston, constructing and operating the facility without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company met the qualifications for two standard exemptions.

Hydrotex Dynamics, Inc., a pump rebuilding plant at 6320 Cunningham Road, Houston, constructing and operating a sandblasting facility without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty except that a penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late, and a penalty of \$500 could be assessed if it is determined after the review that substantial additional controls are necessary.

ICO, Inc., a pipe coating plant at 401 Saratoga Road, Corpus Christi, constructing and operating pipe-coating facilities without a permit or without qualifying for a standard exemption, \$3,800. Subsequent to the notice of violation, the company submitted an application for a permit.

Kast Marble, a synthetic marble manufacturing facility at 3012 Amarillo Blvd., Amarillo, Potter County, constructing and operating the facility with-

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Administrative Penalties

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out a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company applied for and was issued a special permit.

KG Gas Processors, Ltd., a natural gas processing plant located two miles southeast of Winters, Runnels County, failing to comply with a special provision of its permit by processing gas containing more than 8,000 parts per million of hydrogen sulfide and failing to report fugitive volatile organic compound leaks as required by new source performance standards, \$500.

Mid-State Tile Co., a tile manufacturing plant near Mt. Vernon, Franklin County, constructing and operating the plant without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company submitted an application for a permit.

Modern Machining and Hydraulics, Inc., a facility which rebuilds pumps, valves, and motors at 504 North Richey, Pasadena, Harris County, constructing and operating a chrome plating unit without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty except that a penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late, and a

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

Perryton Equity Exchange, a grain elevator northwest of the intersection of U.S. Hwy. 287 and State Hwy. 207 in Armstrong County, constructing and operating a grain elevator without a permit or without qualifying for a standard exemption, \$3,175. Subsequent to the notice of violation, the company applied for and was issued a special permit.

Phillips 66 Co., a copolymer plant and a butadiene plant located on State Hwy. 136 west of Borger, Hutchinson County, violating national emissions standard for asbestos by failing to follow required procedures for the demolition and removal of friable asbestos materials and failing to follow required procedures for handling and transporting asbestos-containing waste material, \$175,000.

Pilgrim's Pride Corp., a manure spreading operation located seven miles north of Mt. Pleasant on the east side of Hwy. 271, Titus County, causing, suffering, allowing, or permitting odors from manure, \$2,000.

Presbyterian Hospital, a hospital located on west Hwy. 243, Kaufman, Kaufman County, operating a pathological incinerator with visible emissions in violation of a condition of a standard exemption, \$2,700.

Rollins Environmental Services (TX), Inc., an industrial waste disposal plant on Battleground Road, Deer Park, Harris County,

failing to notify the TACB of a major upset; failing to comply with the "Standards of Performance for New Stationary Sources for Volatile Organic Liquid Storage Vessels" by failing to notify the agency of start of construction, failing to maintain required records, and failing to determine vapor pressure prior to initial filling of vessels; failing to comply with the national emissions standard for benzene by failing to maintain a log to demonstrate applicability of exemptions; and violating a special provision of its permit by failing to maintain a negative draft sufficient to prevent fugitive emissions from the kiln or afterburners of the liquid waste incinerator; \$13,000.

Shell Oil Co./Shell Chemical Co., an ethylene dichloride/vinyl chloride monomer plant in Deer Park, Harris County, violating national emissions standard for vinyl chloride by discharging exhaust gases containing excess concentrations of vinyl chloride, \$6,000.

Shintech, Inc., a polyvinyl chloride manufacturing plant at 5618 State Hwy. 332 near Freeport, Brazoria County, violating national emissions standard for vinyl chloride by allowing a non-emergency discharge of vinyl chloride monomer, \$2,000.

Troy Pipe Supply, Inc., a pipe recycling facility at 5080 I-45 North, Willis, Montgomery County, constructing and operating the facility without a permit or without qualifying for a standard exemption, \$4,000. Subsequent to the notice of violation, the com-

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Administrative Penalties

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pany met the qualifications for a standard exemption.

USG Industries, Inc., a lime manufacturing plant on Wald Road near New Braunfels, Comal County, violating a special condition of its permit by unloading "fines" from an electrostatic precipitator into a storage hopper using a free-fall method instead of using the method approved in its permit, \$1,000.

Wells Marble Co., a synthetic marble plant on FM 346 in Flint, Smith County, constructing and operating the plant without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company applied for and was issued a special permit.

Western Packing Co., a dog food production facility at 470 Nelius Road, Austin County, constructing and operating the facility without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company applied for and was issued a special permit.

Henry Whited, 6015 Jacqueline Lane, Kennedy Estates Subdivision, Manor, Travis County, causing, suffering, allowing, or permitting outdoor burning of wire insulation, \$250.

The following agreed enforcement orders were issued on December 18:

Augat Elfab, a printed circuit board manufacturing facility at 1097 Yates, Lewisville, Denton County, constructing and operating

the facility without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company applied for and was issued a special permit.

Bethania Regional Health Care Center, owner of a hospital pathological incinerator at 1600 11th Street, Wichita Falls, Wichita County, constructing the incinerator without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted an application for a permit. No monetary penalty except that a penalty of \$50 per day could be assessed if information requested by TACB to complete its review of the application is late, and a penalty of \$325 could be assessed if it is determined after the review that substantial additional controls are necessary.

Elcor Corp., a sulfur production facility 41 miles northeast of Van Horn, Culberson County, violating national emission standards for asbestos by failing to provide written notice before the beginning of demolition of the sulfur production facility which contained at least 15 square meters of friable asbestos materials, failing to adequately wet the friable asbestos materials to ensure that they remain wet until they are collected for disposal, and failing to seal all asbestos-containing waste material in leak-tight containers. No monetary penalty.

Falcon Associates, a company that removed asbestos-containing materials from Highland Mall in

Austin, violating national emission standards for asbestos by failing to provide written notice of intent to renovate before renovation began, \$4,000.

Fusion, Inc., a chrome plating plant at 6911 Fulton, Houston, constructing and operating two chrome plating tanks without a permit or without qualifying for a standard exemption, \$750. Subsequent to the notice of violation, the company submitted an application for a permit.

Highland Mall Joint Venture, owns Highland Mall in Austin, violating national emission standards for asbestos by failing to provide written notice of intent to renovate before renovation began, \$4,000.

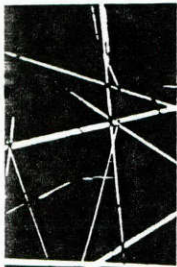
Larry Jones, Inc., a woodworking facility at 7900 Valcasi, Arlington, Tarrant County, constructing and operating the facility without a permit or without qualifying for a standard exemption, \$1,500. Subsequent to the notice of violation, the company applied for and was issued a special permit.

Lattimore Materials Co., a concrete batch plant at 3033 Spencer Street, Greenville, Hunt County, failing to comply with special provisions of its permit, \$2,900.

Leigh Brothers Coating, a blast cleaning facility at 2720 West 81st, Odessa, Ector County, violating a special provision of its permit by conducting sand-blasting outdoors, \$2,000.

Prengler Iron & Metals Co., a metal salvage operation west of Highway 175 about one-half mile north-west of the intersection of

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ASBESTOS

Proper abatement can reduce health and liability risks

The following is a reprint of an article on asbestos abatement by Harch Gill, Ph.D., from Elements, a publication of Dames & Moore, an engineering consulting firm with headquarters in Los Angeles.

Introduction

Asbestos was once termed a "miracle mineral." Because of its unique physical and chemical properties, it has been widely used in the construction and manufacturing industries. Asbestos is now a recognized carcinogen, and any level of airborne asbestos presents some risk.

Because of the durability of the mineral, asbestos is rarely destroyed. This contributes to its ubiquitous nature. Emissions occur from all aspects of mining, milling, manufacturing, use of products containing asbestos, and during disposal of those products. Release occurs mainly because of the degradation of the material in which it is contained, rather than the degradation of asbestos itself.

Regulatory Requirements

The National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated in 1973 and updated in 1975 and 1978, banned spray-applied asbestos-containing materials (ACM) in most new buildings and established procedures for handling ACM during demolition. NESHAP requires that asbestos removal from

buildings be done "wet" rather than "dry" and requires "no visible emissions" from removal sites or during transportation and disposal of removed asbestos.

Another piece of legislation involving asbestos is the Toxic Substance and Control Act (TSCA) which resulted in the "Friable Asbestos-Containing Materials in Schools; Identification and Notification Rule." Known as the Asbestos-in-Schools rule, it requires all primary and secondary schools, both public and private, to inspect buildings for ACM, document the findings, and inform the employees and the Parent-Teachers Association (or parents).

Congress responded to increasing concern about asbestos in schools by passing the Asbestos Hazard Emergency Response Act of 1986. This act requires the U.S. Environmental Protection Agency (EPA) to promulgate specific regulations for asbestos inspections, response actions, operations and maintenance procedures, and for transportation and disposal as well as accreditation plans for asbestos contractors and testing laboratories. Failure to comply with the requirements of this act can make the school agency liable for civil penalty fines of up to \$5,000 per day per building.

Also in 1986, the EPA under the TSCA proposed a "Ban and Phasedown Rule."

This proposal calls for a phased ban on the manufacture or import of specific asbestos products for which known substitutes exist and proposed a complete ban on asbestos-containing products in 10 years. Final action on this proposal is scheduled for sometime this year.

Asbestos In Buildings

The major concern at this time is the degradation or disturbance of in-place ACM in buildings, resulting in airborne asbestos concentrations which may be orders of magnitude higher than ambient levels outside the building. The EPA reported that approximately 30 million tons of asbestos are in-place in buildings in the United States, and about 750,000 public buildings and over 30,000 school buildings contain asbestos. No new asbestos fireproofing is used today in buildings; however, the eventual removal of the existing, in-place asbestos is a major technical and economic dilemma for the nation.

Deterioration, water damage, building modifications, painting, temperature changes, vibrations, air currents, and normal maintenance can all cause various amounts of fiber release. Contact disturbance is the most common cause of releases of large amounts of fibers.

Asbestos releases are generally episodic. Fibers can be spread by a common
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air handling system, and settle on surfaces if the size of asbestos particles are too large to remain entrained in moving air. Sizes of most fibers found in air samples in buildings are small--below 5 um in length. (To place this in better perspective, 1/1000 inch = 25 um.)

Ambient air samples usually show some very small asbestos fibers. Any building with indoor airborne asbestos concentrations above outside levels causes occupants to be at some increased risk for asbestos-related health effects, in accordance with the "no threshold" theory of linear dose/response. The EPA recommends that indoor airborne asbestos concentrations do not exceed local ambient levels. This may be difficult to achieve in many asbestos-contaminated buildings which typically require diligent control measures just to minimize concentrations. Although most health effect researchers subscribe to the EPA-accepted "no threshold" dose response theory, a few feel that there may be an exposure level below which excess cancers do not occur.

Every building owner should be aware of all ACM in his or her buildings. Unless the owner is unusually familiar with all the construction, materials, and systems in the buildings, this usually requires a survey by someone very knowledgeable about all of the uses and potential locations of ACM in buildings. The survey should inven-

tory, locate, and describe all of the ACM.

After the survey identifies ACM, particularly those in poor condition or releasing visible asbestos particles, an operations and maintenance program should be initiated.

Note that the building owner is subject to claims from occupants and should promptly post notices informing occupants that asbestos is present and warn of dangers from disturbing ACM.

Because asbestos abatement done in a safe professional way in compliance with EPA guidelines is often costly, many building owners have tried to deal with abatement with untrained maintenance and custodial employees. Before doing this, we recommend that building owners seek advice from their insurance companies, a

Professional advice is recommended

knowledgeable attorney familiar with asbestos-related litigation, and have a professional inspection of the building.

Abatement Techniques

EPA guidelines recommend three acceptable abatement methods for ACM:

- Remove all ACM
- Encapsulate ACM if appropriate
- Enclose ACM behind a barrier

During ACM removal operations, all abatement areas are to be enclosed by airtight barrier walls constructed on site of poly-

ethylene sheets or other disposable, impermeable sheets with the enclosed area kept at a lower pressure than the surrounding area by use of filtered air pumps called negative pressure units. A minimum of four air changes per hour is to be pulled through the air entry and exhausted from the work area through the filters. The EPA recommends wetting ACM with amended water (water and a surfactant) and then thoroughly scraping, brushing, picking, or, in some way, manually cleaning all ACM off surfaces on which it has been applied. Finally, all waste ACM must be placed in heavy plastic bags and removed to an approved disposal site.

In those cases where removal is not feasible, then encapsulation or enclosure may be employed.

When the EPA first considered asbestos abatement techniques in the mid-1970s, the idea of spraying the ACM with some paint-like material which would penetrate the dry material and hold the fibers in place seemed promising. A good encapsulant would (1) retain the fibers--even if severely disturbed, (2) fully penetrate and bind ACM together, (3) have a Class A (lowest) flame spread index, and (4) not release toxic gas or smoke in large enough quantities to prevent escape from a fire scene.

Out of about 150 candidates tested, only 11 fully met all criteria set forth, and about 20 others came close enough to be consid-

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ered acceptable. The main problems encountered were (1) candidate encapsulants required thinning with water to get penetration and then the resins didn't fully penetrate, (2) the surface was sealed before any deep penetration could occur, (3) the weight of ACM was increased when saturated with water-based encapsulant causing delamination and fallout, (4) there was too much smoke or toxic gas in fire condition or too rapid flame spread, and (5) large amounts of encapsulants were required.

Because of the uncertainty that encapsulation is an effective, long-term solution to ACM hazards, it is now used mostly as a substitute for detailed removal of small, difficult to clean patches of ACM remaining on beams, floor pans, ducts, and so forth. Contractors spray the remaining "fuzzies" with encapsulant so that they will not become airborne during "clearance" sampling. It is not yet clear what the long-term consequences of this practice will be. However, operation and maintenance procedures are necessary for the life of the building to maintain the integrity of the encapsulation.

The sealing off of a wall, beam, or ceiling with an impermeable barrier, such as drywall with taped and filled joints, is an acceptable alternative to removal where special circumstances make it desirable to leave ACM in place. This is not prudent if the barrier must be violated for periodic maintenance.

Building records should show the location of enclosed ACM to insure removal prior to building demolition. Again, continual operation and maintenance procedures need to

Building records aid in safe demolition

be instituted for the life of the building.

Clearance Sampling

Clearance sampling per EPA guidance is performed after removal (or other abatement) is complete. This is done to determine if residual asbestos concentrations are low enough for reoccupation of the area. Use of air blowers, wet wiping, brushing, and strong lighting to find and remove ACM from surfaces is necessary to get an abatement area clean enough to pass the clearance test. Air sampling is conducted by setting up several air pumps to pull air from the abatement area through special 25 um air sampling filters, trapping any airborne asbestos for microscopic analysis.

Technically, EPA acknowledges two analytical techniques for post-abatement clearance sampling, phase contrast microscopy (PCM) and transmission electron microscopy (TEM). Each has a place and should be used in conjunction with each other. PCM is a very technically limited technique which could be termed "quick and dirty." PCM samples cost about \$30 each, can be run on site in

an hour or so after collection, but have a very limited power of resolution (for example, PCM samples cannot "see" below 0.2 micron and cannot distinguish asbestos fibers from nonasbestos fibers). TEM can identify asbestos and has a significantly better resolution capability. In our tests, PCM has missed as much as 99 percent of the asbestos measured by TEM. Because TEM analyses cost about 15 times as much as PCM and it takes about a week to receive the results of a TEM analysis, it is cost effective to take only PCM samples until no fibers appear, and then do TEM sampling.

Summary

The presence of ACM in buildings can pose a serious health risk to occupants. Given the health risks, regulatory requirements, and liability risks, asbestos abatement, where required, should not be delayed. Asbestos contamination is not a problem with a simple "fix," and abatement can represent a significant cost for building owners. It is prudent for building owners to have professional inspections of their buildings to determine the presence, location, and condition of any ACM. At present, removal is the abatement technique preferred by the EPA. ■

LEGAL ACTIVITIES

(from page four)

by July 12, 1985 agreed final judgment, \$250.

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Lawsuits filed in which the TACB is a party:

City of Houston v. Marsh Distributing Co., Houston, for violations of Board Rules 115.131-115.135 which govern filling of gasoline storage vessels (Stage 1) for motor vehicle fuel dispensing facilities in Harris County.

City of Houston v. American Rice, Inc., for violations of Board Rule 101.20(2) (asbestos).

Harris County v. KMCO, Inc. and Artie McFerrin, for violations of Board Rules 101.20(1) (New Source Performance Standards), 116.1 (construction and operation without a permit), 116.4 (exemption condition), and 115.275(b) (1) (submission of monitoring plan).

City of Houston v.

J-Chem, Inc., for violations of Board Rules 101.4 (nuisance) and 101.6 (failure to notify of upset). ■

PENALTIES

(from page nine)

Highways 175 and 31 in Henderson County, causing, suffering, allowing, or permitting outdoor burning of wire insulation and various plastics, cable wire, and debris, \$1,000.

Rushing Paving Co., Inc., an asphalt concrete plant at 6102 Theresa Drive, Sherman, Grayson County, causing, suffering, allowing, or permitting excessive visible emissions and failing to comply with a special provision of its permit which requires the company to sprinkle plant roads and aggregate stockpiles with water and/or chemicals to control the emission of dust, \$2,000. ■

RULE REVISIONS

NOVEMBER 1987:

Regulation V (Harris County only) concerning natural gas/gasoline processing; vent gas streams at air oxidation synthetic organic chemical manufacturing processes; vent gas streams at high-density polyethylene, polypropylene, and polystyrene manufacturing processes.

General Rules, definitions concerning natural gas/gasoline processing; true partial pressure.

DECEMBER 1987:

Regulation VI, to establish timeframes for processing of amendments, special permits, and permits; add new rules for emergency orders.

Procedural Rules: Several changes in support of emergency orders.

Regulation V (Dallas/Tarrant counties only) requirements in revised ozone plan

General Rules: Definitions.

CONTACT: Lane Hartsock

Subscription Notice

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ASBESTOS: UT-A announces certification course schedule

The 1986 Asbestos Hazardous Emergency Response Act requires asbestos abatement contractors and workers to be state-certified or to have attended an Environmental Protection Agency Asbestos Training course.

The 1987 Asbestos Containing Materials in School Model Accreditation Plan requires that specially trained persons conduct inspections for asbestos, development management plans, and design or conduct major actions to control asbestos.

To enable interested persons to meet the above requirements, the University of Texas at Arlington offers asbestos abatement training programs at a number of locations. The courses are intended primarily for inspectors, management planners, project designers, contractors, and

supervisors. Additionally, the courses meet many of the needs of architects, engineers, industrial hygienists, health professionals, government regulators, building managers, asbestos workers, asbestos coordinators, and others desiring information or certification in dealing with asbestos abatement projects.

The courses are sponsored by the EPA and the university's Department of

Civil Engineering and the Continuing Education Office. They have been scheduled for New Orleans, Arlington, Little Rock, Albuquerque, Houston, and Corpus Christi between January 18 and August 22.

Information is available from the Office of Continuing Education, UTA, Box 19197, Arlington, Texas 76019; telephone (817) 273-2581. ■

Board Calendar

January 26, 2 p.m.

Public hearing on TACB Reg VI, permit continuance fees

February 10, 10 a.m.

Joint public hearing with Texas Water Commission on TACB Reg. X, hazardous and solid waste management facilities

February 12, 10:30 a.m.

Board meeting

February 12, time to be set.

Regulation Development Committee meeting, proposed Reg. VI (permits) revisions including standard exemption list; and change of ownership notification requirements.

TEXAS AIR CONTROL BOARD
6330 Hwy. 290 East
Austin, Texas 78723



IN THIS ISSUE

- Dallas, Tarrant counties ozone plan
- Staff preparing for post-'87 SIP
- Asbestos: proper abatement essential
- Permit continuance fees hearing

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