

NO. 3-1989, DECEMBER

**QUORTRUP REAPPOINTED****NEW BOARD MEMBERS NAMED**

Governor William P. Clements, Jr. announced the appointment of two new members to the Texas Air Control Board this month. Selected for six year terms are Warren Hugo Roberts and Calvin Boyd Parnell, Jr. They will replace Otto Kunze and Hubert Oxford, III.

Mr. Roberts is from Arlington and is a 1958 graduate of Texas A&M University. He is a U.S. Navy veteran, having served in 1951-54. He is involved in the personal investment business and is a member of the Institute of Electronic and Electrical Engineers.

His civic involvement includes the Fort Worth Arts Council, Fort Worth Ballet Patron, and University of Texas Institute of Texas Cultures Patron. Mr. Roberts and his wife Betty are the parents of two children. He will fill one of the public member positions.

Dr. Parnell is professor of processing/systems in the department of agricultural engineering at Texas A&M. He received a bachelor degree from New Mexico State University. His masters and doctorate were earned at Clemson (S.C.) University. Between 1968-70 Dr. Parnell was with the Corps of

Engineers. He is a member of the American Society of Agricultural Engineers, Air & Waste Management Association, American Society for Engineering Education, and National and Texas Society of Professional Engineers. He and his wife Peggy are the parents of two children. Dr. Parnell will fill the agriculture engineer position on the board.

In August, Governor Clements announced the reappointment of William H. Quortrup to a new six year term on the board. ■

AGENCIES BEGIN PROGRAM TO STUDY BORDER POLLUTION PROBLEMS

Dr. Laurence Nickey, Director, El Paso City-County Health Department, made a presentation to the TACB at the December meeting that educated those in attendance of the unique air pollution problems along the U.S. - Mexico border. The presentation served somewhat as a prelude to another briefing that explained the first joint study on the urban air pollution of the region, supported by several agencies including TACB.

"El Paso is the largest U.S. city along the border and our sister city

of Juarez is the fifth largest city in Mexico. If you look at the whole area, it encompasses two countries, two states, and two cities, but in terms of public health and air pollution, we are one large community, and we need to share the work to correct our problems," explained Dr. Nickey.

That sharing of the work is starting this month. In October, the Secretaries of State of the U.S. and Mexico signed an agreement to study the air pollution problem from both sides. The Air Quality Monitoring Analysis Study is funded by a \$250,000 congressional

appropriation. The goal of the study is to identify sources of carbon monoxide, ozone, and particulate matter (PM10) in the area, pollutants for which El Paso is nonattainment. The study will also quantify transboundary impacts on ambient air quality and visibility and obtain representative air quality data. Although the main thrust of the program this month is on PM10, the results will aid study of the other pollutants.


Personnel from the Environmental Protection Agency (EPA), TACB, Secretariat of Urban Devel-

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opment and Ecology (SEDUE), as well as city officials from El Paso and Juarez are working together to reach the goals.

"What is impressive about this effort is the number of organizations and people we have working together on the project. This is a real breakthrough, as we have spent several years negotiating with the Mexican government. I feel real optimistic about this, and it's an opportunity to see progress," said Bob Hanneschlager, EPA Region 6.

"Three major initiatives are being undertaken. We will do ambient monitoring on both sides of the border, using comparable methods. We will then use that to develop inventories to characterize those emissions. We would then model using the latest dispersion modeling of what we find through

the monitoring, and determine the effects of control patterns," explained Mr. Hanneschlager.

Twenty-eight monitors were placed along the border on both sides between the two cities on December 8 for about a two-week period to collect particulate measurements. Also, an airplane was scheduled to fly over the area three times to photograph the area with a laser beam and will produce a computer image of the pollution. Weather balloons are being used to collect data on wind direction and other meteorological information which will aid in determining the amount of dust coming from Juarez.

"We were out there with the monitors on the first Friday (December 8) until about 11:30 p.m. and back the next morning. The schedule was to collect samples

three times a day for about three hour periods. Our office is proud to be a part of this first time effort. I think all together it will give us the first good profile of the area," said Manuel Aguirre, Director, TACB Region 11, in El Paso.

Although this is a short-term study, according to Mr. Hanneschlager, the goal is to follow up the emissions inventory work with a long-term monitoring program for the three pollutants.

"We've come a long way with our neighbors across the border on many of our problems including air pollution. It helps that federal and state officials recognize the fact that a foreign country impacts the airshed of El Paso," added Dr. Nickey. ■

NEWS BRIEFS

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YANG WINS AWARD

Jenny Yang, a permits engineer in Region 7, was recently selected as one of six Outstanding Women in Texas Government. She was presented the award by Mrs. Rita Clements in November in ceremonies at the State Capitol. Ms. Yang was honored in the Outstanding Professional Development category.

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KEY PERSONNEL CHANGES

Jeanne Philquist is the new director of the Compliance Division in the Enforcement Program replacing Sabino Gomez who has left the agency and Robert Brewer takes over as director in the Quality Assurance Division of the Monitoring Program replacing Jan Money-smith who has also left the agency.

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REGION OFFICE MOVES

The Region 5 office in Corpus Christi has moved to 1231 Agnes St., Suite 103. Their new phone numbers are (512) 882-5828/5829.

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CHAIRMAN NAMED

Board member Mary Anne Wyatt was selected as acting chair of the Hearings Oversight Committee of the board, replacing Hubert Oxford, III, who recently completed his term and was not reappointed.

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I/M PROGRAM DELAY OK'D

The U.S. Environmental Protection Agency Region 6 office has given its support to the postponement of the enhanced vehicle inspection/maintenance (I/M) program in Dallas and Tarrant counties.

The board along with the Department of Public Safety had requested postponement of the program implementation from January 1, 1990 until April 1, 1990. The request was formally made to the EPA because of the requirement of the program as part of the Post-82 Interim State Implementation Plan.

In an October letter to the

agency, EPA Regional Administrator Robert E. Layton, Jr., said, "We agree that the postponement is in the best interest of the enhanced I/M program.... and is necessary, and we will reflect this decision in the final Federal Register notice for the Dallas/Tarrant County Post-82 Plan."

An updated brochure is being prepared by the TACB and should be available to the public in those affected areas in January.

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EARTH DAY 1990

More than 20 state agencies have joined together to plan statewide activities in recognition of Earth Day 1990. Next year will be the 20th anniversary of the first Earth Day, and organizations throughout the country are being asked to set aside the day for public activities promoting the preservation of the global environment. Steve Davis is representing the TACB on the statewide committee. ■

AGREED ENFORCEMENT ORDERS

issued September through December

The Air Control Board issued the following agreed enforcement orders.

Effective September 1, 1989, the Texas Clean Air Act is now referred to as the Texas Clean Air Act (the Act), Texas Health and Safety Code, Chapter 382. One of the amendments to the Act redesignated several sections including those referenced in the violations summarized below. Most of the violations summarized below, however, occurred prior to September 1.

SEPTEMBER

Chevron USA, Inc., a petroleum refinery on W. 7th Street, Port Arthur, Jefferson County, violating Board Rules 101.4 and 101.6 and Sections 4.01(a) and (b) of the Act by discharging excessive emissions of one or more air contaminants and by failing to notify the TACB as soon as possible of a major upset condition, \$9,000.

Childers Products Co., Inc., an adhesives mixing plant at 1370 E. 40th Street, Houston, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by changing the method of operation of the Myers and Hochmeyer mixing units 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 for each day information requested by the TACB to complete its review of the application is late and a penalty of \$600 could be assessed if it is determined after review that substantial additional controls are necessary.

Cypress Semiconductor (Texas) Inc., a semiconductor manufacturing plant at 17 Cypress Blvd., Round Rock, Williamson

County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$27,500. Subsequent to the notice of violation, the company submitted an application for a permit.

R. E. Hable Co., a hot mix asphalt plant one-half mile west of FM 741 and 5 miles north of Crandall in Kaufman County, violating Board Rules 116.4 and 111.21 and Section 4.01(b) of the Act by violating a provision of its permit which prohibits excessive fugitive emissions from various sources in the plant and by permitting excessive visible emissions from the plant's baghouse stack, \$2,000.

International Paper Co., an oriented strand board plant at Loop 224 and University Drive near FM 1275, Nacogdoches, Nacogdoches County, violating Board Rules 111.21 and 116.4 and Section 4.01(b) of the Act by causing, suffering, allowing, or permitting excessive visible emissions from the wafer dryer stationary flue and by failing to take immediate corrective action to comply with applicable allowable emission rates or standards as required by a special provision of its permit. No monetary penalty.

Ogletree Forest Products, Inc., d/b/a Ogletree Lumber Sales and Ben Ogletree, Sr., a sawmill at 1410 W. Noblitt Street, Livingston, Polk County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating a wood-fired boiler without a permit or without qualifying for a standard exemption, \$1,125. Subsequent to the notice of violation, the company applied for and was issued a permit.

S. K. Rogers Oil, Inc., a crude oil production plant at 309 S.E. 5th

Street, Seminole, Gaines County, violating Board Rule 101.4, Sections 4.01(a) and (b) of the Act, and Board Order No. 87-03(n) by discharging excessive hydrogen sulfide from its crude oil tank battery at its Seminole Townsite plant and by failing to maintain compliance with Rule 101.4 from and after the date of Agreed Board Order No. 87-03(n), \$4,000.

OCTOBER

Austin Nursing Center, a nursing home at 110 East Live Oak, Austin, Travis County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for asbestos by failing to timely provide written notification of intention to renovate, \$1,000.

Billy Bob's Auto World, a motor vehicle sales operation at 514 Spencer Highway, South Houston, Harris County, violating Board Rule 114.1(c) and Section 4.01(b) of the Act by offering for sale a motor vehicle with the evaporative canister missing and the heat riser hose disconnected from the thermostatic air cleaner, \$500.

Bloch Metals, Inc., a scrap metal recovery operation east of Industrial Avenue between Morningdale Drive and Loop 323 in Tyler, Smith County, violating Board Rules 111.1 and 101.4 and Sections 4.01(a) and (b) of the Act by causing, suffering, allowing, or permitting unauthorized outdoor burning and by discharging excessive air contaminants, \$500.

George Cameron, owner of Cameron Ranch located one mile west of Richter Road off Highway 90, west of Hondo in Medina County, violating Board Rule 111.1 and Section 4.01(b) of the Act by causing, suffering, allowing, or

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permitting unauthorized outdoor burning of tires, \$1,000.

Clarke Products, Inc., an acrylic and fiberglass tub manufacturing facility at 1202 Avenue J East, Grand Prairie, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the facility without a permit or without qualifying for a standard exemption, \$4,525. Subsequent to the notice of violation, the company submitted an application for a permit.

Conoco, Inc., a natural gas compressor station on the Vaquillas Ranch, Battery No. 7, approximately 18 miles north of Oilton on FM Road 2895 in Webb County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating two internal combustion engines without a permit or without qualifying for a standard exemption, \$2,000. Subsequent to the notice of violation, the company submitted an application for a permit.

Crown Central Petroleum Corp., a refinery at 111 Red Bluff Road, Pasadena, Harris County, violating Board Rules 101.20(1), 115.103, 115.141(1), and 116.4 and Section 4.01(b) of the Act by failing to give required notice of start-up of the LPG Plant; by failing to perform required performance test; by failing to maintain records of the true vapor pressure of materials stored in Tank Nos. 814-818, 820, and 822; by failing to perform seal gap measurements each year on secondary seals on 5 tanks; by failing to document monthly monitoring and leak detection; by failing to perform seal gap measurements yearly on secondary seals of 21 tanks; by failing to cover the oil/water separator at times when sampling or gauging was not taking place; and by failing to maintain compliance with new source performance standards as required by special provisions of its permits; \$14,200.

Dow Chemical U.S.A., a petrochemical manufacturing plant in Freeport, Brazoria County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by failing to monitor four valves in a closed-vent system in benzene service as required by a national emissions standard for benzene, \$500.

El Paso Natural Gas Co., a gas processing plant on Highway 329 in Crane, Upton County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for asbestos by failing to timely provide written notification of intention to demolish; by failing to utilize required procedures for the demolition and removal of friable asbestos materials; and by failing to utilize required procedures for the handling, transportation, and disposal of asbestos containing materials; \$7,000.

Formosa Plastics Corp. Texas, a polyvinyl chloride plant on FM 1593, Point Comfort, Calhoun County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by allowing a non-emergency discharge of vinyl chloride from a relief valve on equipment in vinyl chloride service, \$6,500.

The Glidden Co., an adhesives plant at 3410 Lucius McCelvey Drive, Temple, Bell County, violating Board Rule 116.4 and Section 4.01(b) of the Act by emitting volatile organic compounds in excess of the limits established by a special provision of its permit. Administrative penalties of \$50 per day will be assessed from April 18, 1989 until October 15, 1989 or until control equipment is installed and operational. Should the equipment not be installed and operational by October 15, administrative penalties of \$100 per day will be assessed until the equipment is installed and operational. The company has already paid \$5,900 in administrative penalties for the

period from April 18 until September 30.

Hamilton Test Systems, Inc., a manufacturer or authorized distributor of vehicle exhaust gas analyzers in El Paso County, violating Board Rule 114.4(e)(2) and Section 4.01(b) of the Act by failing to comply with requirements that the company provide support and assistance in identifying and correcting mechanical or electronic malfunctions to inspection stations using the company's vehicle exhaust gas analyzers in the El Paso area, \$500.

Machined Parts Corp., a surface coating operation at its metal products fabrication facility at 5929 Hampshire Blvd., Fort Worth, Tarrant County, violating Board Rule 115.191(a)(9)(A)(ii) and Section 4.01(b) of the Act by using a prime coating in its surface coating operation which produced excessive emissions of volatile organic compounds, \$2,500.

Mobay Synthetics Corp., a neoprene rubber plant at 8701 Park Place Blvd., Houston, Harris County, violating Board Rule 101.6 and Agreed Board Order No. 88-02(1) by failing to conduct stack sampling of the revamped latex stripper system, by failing to provide timely notice of stack sampling, by failing to restrict concentrations of chloroprene as specified in the agreed board order, and by failing to notify the TACB as soon as possible of a major upset, \$49,000.

Oxy NGL Inc., a natural gas processing plant in Pampa, Gray County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for asbestos by failing to adequately wet friable asbestos materials to ensure that they remain wet until collected for disposal and by dropping friable asbestos materials to the ground or a lower floor, \$5,000.

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Pickups Unlimited Co., Inc., a motor vehicle sales operation at 1601 South Beckley, DeSoto, Dallas County, violating Board Rule 114.1(c) and Section 4.01(b) of the Act by offering for sale a motor vehicle without a catalytic converter, \$500.

Res-Tex Fiberglass, a fiberglass boat repair facility at 2830 Beverly Street, Pasadena, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by 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 indicated its intent to qualify for a standard exemption.

Smith Materials, owner of property on Highway 90 approximately one-half mile east of Rose City, Orange County, violating Board Rules 101.4 and 111.1 and Sections 4.01(a) and (b) of the Act by causing, suffering, allowing, or permitting the emission of smoke and odor and unauthorized outdoor burning of wood and trash which caused or contributed to a condition of air pollution, \$2,875.

Southwestern Refining Co., a BTX/Sulfolane Extraction Unit at its refinery at the intersection of Nueces Bay Blvd. and the Corpus Christi Ship Channel in Corpus Christi, Nueces County, violating Board Rule 101.20(2), Section 4.01(b) of the Act, and Agreed Board Order No. 87-03(o) by failing to equip each of 10 benzene service hand valves with a cap, blind flange, plug, or a second valve and by failing to mark two benzene service hand valves in such a manner that each can be distinguished readily from other pieces of equipment, \$2,000.

Texaco Chemical Co., owner and operator of a ethylenediamine manufacturing plant five miles southeast of Conroe on Jefferson Chemical Road in Montgomery County, violating Board Rule

101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for benzene by failing to monitor, during periods the unit was not purifying ethylenediamine, valves that operate in benzene service during the first month of every quarter and by failing to include in the semiannual report the number of valves, pumps, and compressors for which leaks were detected and for which leaks were repaired for each month during the semiannual reporting period, \$500.

Texas Aircraft and Engine Enterprises, Inc. d/b/a Sentry Chrome, an aircraft engine parts rebuilding plant at 2025 East Rosedale, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating a chrome plating plant without a permit or without qualifying for a standard exemption. No monetary penalty. Subsequent to the notice of violation, the company applied for a permit.

Ucarco, Inc. d/b/a Econo-Car, a motor vehicle sales operation at 4736 Northeast Twenty-eighth Street, Fort Worth, Tarrant County, violating Board Rule 114.1(c) and Section 4.01(b) of the Act by offering for sale a motor vehicle whose air injection system had a frozen air pump and no belt, \$500.

White's Concrete Products, Inc., a concrete batch plant at 1605 Genoa Red Bluff Road, Pasadena, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$500.

facturing plant on the southwest corner of the intersection of Highways 114 and 287 in Rhome, Wise County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the plant 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.

APS - Materials, Inc., a spray metallizing plant at 101 Trade Center Parkway, Conroe, Montgomery County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating a coating operation 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.

Architectural Finishes, Inc., a surface coating facility at 109 East Lowden, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(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 represented that it meets the conditions for qualifying for a standard exemption.

The Atchison, Topeka and Santa Fe Railway Co., owners of a railway depot building, which was demolished, at Highway 96 and Earnest Street in Silsbee, Hardin County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for asbestos by failing to provide timely written notice of demolition operation, by failing to utilize required procedures for the demolition of friable asbestos material, and by failing to adequately wet materials to ensure they remain wet until they are properly disposed of, \$4,500.

DECEMBER

Applied Specialties, Inc., a water treatment chemicals manu-

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Baja Boats of Texas, Inc., a fiberglass boat manufacturing plant at 600 East Mason, Mabank, Kaufman County, violating provisions of its Permit No. C-19018 and thereby violating Board Rules 116.4 and 116.5, Agreed Board Order No. 89-01(a), and Section 4.01(b) of the Act by failing to keep records of its material usage for gel coat resin, laminating resin, and foaming materials; by exhausting ventilation air containing styrene through an elevated stack which was only 30 feet above ground level; by storing scrap partially-cured resin-coated fiberglass roving outdoors, thereby failing to conduct manufacturing operations which may result in odorous emission of air contaminants only inside the manufacturing building; by storing uncured liquid waste resin in an open 55-gallon drum outside the north end of the manufacturing building; by using a spray booth stack which terminates less than 40 feet above grade; by using conventional compressed air spray guns rather than air-assisted airless spray guns for applications of metal flake gel coat; by failing to use a vacuum pickup system for grinding operations; by installing and using a 1000 gallon rather than a 500 gallon acetone storage tank; and by failing to install a makeup air unit; \$500.

Bexar County, by and through its Public Works Department, conducted a demolition operation at the Center School at 12533 West Avenue, San Antonio, Bexar County, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for asbestos by failing to provide written notice of intent to demolish facilities with friable asbestos materials in them and by failing to remove friable asbestos materials from facilities prior to demolition of the facilities, \$7,000.

Bulldog Battery Corp., a battery manufacturing plant at 1000 Airport Road, Terrell, Kaufman County, violating Board

Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption, \$8,575. Subsequent to the notice of violation, the company submitted an application for a permit.

Commodity Traders, a grain handling, storage, and roasting operation at 434 North Jackson, Sulphur Springs, Hopkins County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by constructing and operating the plant 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.

Eastern Livestock of Mineola, a cattle brokerage and holding facility on Highway 80 approximately 5.5 miles east of Mineola, Wood County, violating Board Rule 101.4 and Section 4.01(b) of the Act by discharging excessive emissions of one or more air contaminants or combinations thereof, \$7,500.

Foamlite Corp., an expanded polystyrene packaging material manufacturing plant at 5050 Duncanville Road, Dallas, Dallas County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption. The company is required to submit an application for a permit within 60 days from the date of this Board Order. No monetary penalty except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete its review of the application is late and a penalty of \$6,625 could be assessed if it is determined after review that substantial additional controls are necessary.

G & S Co., a pecan shell grinding and drying plant on Industrial Drive in Lufkin, Angelina County, violating Board Rules 101.4, 101.6,

111.21, and 116.1 and Sections 3.27(a) and 4.01(a) and (b) of the Act by constructing and operating two rotary dryers without a permit or without qualifying for a standard exemption; by discharging excessive particulate emissions; by failing to notify the TACB as soon as possible of major upset conditions; and by causing, suffering, allowing, or permitting excessive visible emissions from a stack; \$8,750.

Gibraltar Chemical Resources, Inc., a copper reclamation facility on Highway 122, Winona, Smith County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing a copper sulfate drying unit without a permit or without qualifying for a standard exemption, \$5,100. Subsequent to the notice of violation, the company applied for and was issued a special permit.

GSF Energy, Inc., a landfill gas recovery plant at 9416 Ley Road, Houston, Harris County, violating Board Rules 101.4 and 101.6 and Sections 4.01(a) and (b) of the Act by discharging excessive odor emissions and by failing to notify the TACB and the appropriate local air pollution control agency as soon as possible of major upset conditions, \$51,000.

Lubrizol Petroleum Chemicals Co., a chemical manufacturing plant at 41 Tidal Road, Deer Park, Harris County, violating Board Rule 115.271(4) and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to seal valves installed or operated at the end of a pipe or line containing volatile organic compounds with a second valve, a blind flange, a plug, or a cap, \$1,000.

M & M Rock Co., Inc., a brick crushing plant in El Paso, El Paso County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating the plant without a permit or without qualifying for a standard exemption. Subsequent to the notice of violation, the company submitted

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an application for a permit. No monetary penalty except that a penalty of \$50 per day could be assessed for each day information requested by the TACB to complete its review of the application is late.

Pilgrim's Pride Corp., a manure spreading operation south of FM 2254, approximately three miles southeast of Pittsburg, Camp County, and other operations in Camp and Titus counties at which manure and/or the byproducts or waste from chicken processing facilities are spread on agricultural land, violating Board Rule 101.4, Agreed Board Order Nos. 87-09(t) and 88-07(y), and Section 4.01(a) of the Act by causing, suffering, allowing, or permitting excessive odor emissions from manure, \$15,000.

Redland Worth Corp., an asphaltic concrete plant at 17910 IH-10 West, San Antonio, Bexar County, violating Board Rule 116.4 and Section 4.01(b) of the Act by failing to comply with a special provision of its Permit No. C-9380 that requires that the main plant roads be paved and cleaned as necessary to achieve maximum control of dust emissions, \$1,000.

The Riverside Press, Inc., a printing plant at 4901 Woodall Street, Dallas, Dallas County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating four offset printing presses and constructing a fifth offset printing press without a permit or without qualifying for a standard exemption, \$7,925. Subsequent to the notice of violation, the company submitted an application for a permit.

Rollins Environmental Services (TX), Inc., a hazardous waste disposal plant on Battleground Road, Deer Park, Harris County, violating Board Rule 120.11 and Section 4.01(b) [redesignated as Section 382.085(b) effective September 1, 1989] of the Act by failing to comply with Texas Water Commission hazardous waste Permit No. HW-50089-001 by

having more than five drums containing hazardous waste opened at the same time, by having non-functioning high level alarms on five storage tanks, by allowing three incinerator area storage tanks to vent directly to the atmosphere, and by failing to equip three incinerator area tanks with rupture disks, \$12,000.

Stabilizing Technology of Texas, Inc., a soil stabilization blending facility at 4742 Dodge Street, San Antonio, Bexar County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(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 submitted an application for a permit.

Tarrant Printing, a commercial printing plant at 600 South Sylvania, Fort Worth, Tarrant County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing and operating an offset heatset webpress without a permit or without qualifying for a standard exemption, \$8,500. Subsequent to the notice of violation, the company applied for and was issued a permit.

Toltech Oil & Gas, Inc., a demolition operation at what was originally known as the "Sinclair Dayton Gas Processing Plant" on 25 acres in northeast Liberty County on Eastgate-Crosby Road, one-fourth mile from the county line, violating Board Rule 101.20(2) and Section 4.01(b) of the Act by violating a national emissions standard for asbestos by failing to timely provide written notification, by failing to utilize required procedures for the demolition and removal of friable asbestos materials, by failing to deposit all asbestos-containing waste material at approved waste disposal sites, and by failing to utilize required procedures for the handling of asbestos-containing waste material, \$4,000.

Union Oil Company of California, d/b/a Unocal, a petroleum

refinery on Highway 347 in Nederland, Jefferson County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) [redesignated as Sections 382.051(a) and 382.085(b) effective September 1, 1989] of the Act by modifying an existing facility (a flare) without a permit or without qualifying for a standard exemption, \$9,300. Subsequent to the notice of violation, the company submitted an application to amend its Permit No. R-1342.

Universal Urethanes, Inc., a polyurethane flexible foam slab plant at 3919 Eastex Freeway, Houston, Harris County, violating Board Rule 116.1 and Sections 3.27(a) and 4.01(b) of the Act by constructing 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 permit.

Willard Grain & Feed, Inc., a liquid fertilizer manufacturing plant near the intersection of FM 107 and IH-35, Eddy, McLennan County, violating Board Rules 101.4 and 116.1 and Sections 3.27(a) and 4.01(a) and (b) [redesignated as Sections 382.051(a) and 382.085(a) and (b) effective September 1, 1989] of the Act by causing, suffering, allowing, or permitting excessive emissions of ammonia; by constructing and operating an ammonia pipe reactor without a permit or without qualifying for a standard exemption; and by beginning construction of an anhydrous ammonia storage facility without a permit or without qualifying for a standard exemption; \$15,000.

Yates Brothers Motors, Inc., a motor vehicle sales operation at 2123 Jacksboro Highway, Fort Worth, Tarrant County, violating Board Rule 114.1(c), Agreed Board Order No. 88-03(bb), and Section 4.01(b) of the Act by offering for sale a motor vehicle without an air pump belt and oxidation catalyst and whose fuel inlet restrictor was punched out and by not complying with an order of the Board, \$750. ■

REGULATIONS UNDER REVISION

These articles are summaries of recent regulation development activities since September 1989. For additional information or copies of TACB regulations address correspondence to TACB Regulations Development.

REGULATIONS ADOPTED

REGULATION IV

At its September 15 meeting, the board adopted revisions to Regulation IV, Control of Air Pollution From Motor Vehicles.

The revisions update the specifications for vehicle exhaust gas analyzers to incorporate many of the latest technological advances identified by the California Bureau of Automotive Repair (BAR) in the most recent specifications (BAR 90). The new generation of analyzer is to be used in the vehicle idle inspection/maintenance (I/M) program in Dallas and Tarrant counties. The revisions also clarify existing rules regarding exemptions for the sale or transfer of tampered vehicles between retail and wholesale dealers.

REGULATION I/GENERAL RULES

At its December 8 meeting, the board adopted revisions to Regulation I, Control of Air Pollution From Visible Emissions and Particulate Matter, and the General Rules.

The revisions are in response to the 71st Texas Legislature's enactment of House Bill 2468, which required the agency to develop provisions for controlling commercial infectious waste incinerators. In addition, the rules specified limits for other multiple-chamber incinerators in order to improve

enforceability and define equivalency requirements for single-chamber incinerators. The amendments to the General Rules concern definitions in support of the expanded incinerator requirements.

Prior to adoption, public hearings were held on the proposals in Houston and Austin. Testifying at one of the hearings was State Representative Jack Harris, who was author of House Bill 2468. He stressed that the bill would require owners and operators of medical waste incinerators to use the most up-to-date and modern technology in incineration.

"As a result of comments received during the hearing process, we recommended several changes to the proposed regulation, including establishing a new compliance date of July 31, 1990 for commercial infectious waste incinerators to replace the previously proposed date of May 31, 1991," said Lane Hartsock, TACB Regulation Development.

The staff also recommended that a July 31, 1990 compliance date be included for all other incinerators. Also, the reference to principal organic constituents was replaced with a carbon monoxide combustion efficiency and formula.

"This is a preferable means of determining complete combustion of organic compounds, and it provides for specifying continuous combustion efficiency," explained Mr. Hartsock.

Other recommended changes included lowering the proposed opacity limit for all incinerators; lowering the removal efficiency for hydrogen chloride in order to allow for use of alternate control equipment; adding test methods for organic compounds and opacity; and clarifying that the exemption for

noninfectious waste incinerators is based on total weight of materials burned, not weight of emissions.

"We received other suggested changes that have merit, but those will require additional public hearings. For example, we agree with the Texas Department of Health's recommendation that definitions be changed or added to be consistent with theirs. We also need to consider adding operating and recordkeeping requirements, limits on hours of operation for noncontinuous incinerators, identical standards for on-site and off-site infectious waste incinerators, and deleting the exemption for non-infectious waste incinerators," said Mr. Hartsock.

The staff was not able to give a specific proposed date for future hearings on the regulation, but Mr. Hartsock indicated that they could be held in early 1990.

REGULATION V

At its December 8 meeting, the board adopted revisions to Regulation V, Control of Air Pollution From Volatile Organic Compounds (VOC).

The revisions were proposed primarily to satisfy Environmental Protection Agency requirements for Phase I of the Post-1987 State Implementation Plan (SIP) revisions for ozone. Revisions also adopt gasoline volatility controls necessary to satisfy SIP commitments in Dallas and Tarrant counties.

The changes included measures to improve the enforceability of Regulation V in all affected areas of Texas. The agency also proposed a comprehensive restructuring of the regulation to promote greater clarity and to eliminate inconsistencies resulting from numerous independent revisions over the past several years. With the exception of gasoline volatility, new control

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measures were not proposed.

Public hearings were held in Austin, Houston, El Paso, and Arlington in August. Oral and written testimony addressed a wide variety of issues, but according to Jim Gise, Control Strategy Division, the numerous changes that resulted were relatively minor in consequence. He also noted that discussions with EPA were considered in developing the final recommendations.

Numerous clarifications were made throughout the regulations to improve the understanding and enforceability of control requirements, exemptions, and administrative provisions.

"Other significant issues raised in the testimony included record-keeping requirements which some felt were either ambiguous or burdensome. We felt that required records include only information which would be necessary for demonstrating compliance, and, therefore, should not constitute a significant additional burden on the affected industry," explained Mr. Gise.

Other comments advocated more stringent controls in all urban areas and the implementation of RVP controls statewide. In addition, there were several issues raised by EPA, but the staff of EPA Region 6 and TACB felt they would possibly be resolved in future rulemaking.

PROCEDURAL RULES

At its December 8 meeting, the board adopted revisions to the Procedural Rules. A public hearing was held in Austin in September and written comments were received from two parties. The legal and regulation staff determined that no notable issues were raised and no changes were made to the rules as proposed.

"The section of the rules that

details the duties and powers of the Hearing Examiner was amended to specify enforcement and sanction procedures available. Also, a new Legislative Continuance section was added to establish procedures for the continuance of a hearing during a legislative session," explained Bill Ehret, Hearing Examiner.

HEARINGS PLANNED

At its December 8 meeting, the board approved the staff recommendation to hold public hearings on proposed revisions to Regulation VI, Control of Air Pollution by Permits For New Construction or Modification.

The proposed revisions include three changes to the permit rules. A new subsection would require that permit or permit amendment applications with an estimated capital cost of the project of over two million dollars be submitted under seal of a registered professional engineer.

"This rule is proposed in response to a requirement of the Texas Engineering Practice Act and the dollar cutoff point was determined through discussions with the Texas State Board of Registration for Professional Engineers staff," said Lane Hartsock, Regulation Development.

"We also propose to reformat a section to add a distance limit for most proposed lead smelters. The new language reflects a 1987 amendment to the Texas Clean Air Act which prohibits the permitting of most new lead smelters at a site within 3000 feet of any residence. Although it is in the Act, we are adding it for clarification purposes," he said.

"Another proposed change would prohibit the owner or operator of a proposed facility from circumventing TACB permit re-

quirements, especially those for public notification and comment, by appearing eligible for an exemption through artificially and/or temporarily low emissions. Our intent here is to deal with intentional circumventing," explained Mr. Hartsock.

An exact hearing date has not been determined.

GENERAL RULES

At its December 8 meeting, the board approved the staff going to public hearing on proposed changes to the General Rules.

"These changes are the first of a series of changes in response to the passage of Senate Bill 769 passed during the last legislative session which deal with use of alternate fuels. In this case we are responding to the requirement to levy a clean fuel surcharge on fuel oil used between April 15 and October 15 in industrial and utility boilers that are capable of using natural gas," said Mr. Hartsock.

The requirement will be applicable to metropolitan areas with a population greater than 350,000 and which are nonattainment for ozone. This includes Dallas/Fort Worth, Beaumont/Port Arthur, Houston/Galveston, and El Paso. There are a series of exemptions in the legislation and these are addressed in the proposed General Rules changes. Also, a series of definitions will be added regarding oil based fuels.

Other additional changes include adding a section that requires all air pollution control equipment to be properly maintained during operation. Also, another change will reflect the incorporation of the Texas Clean Air Act (TCAA) into the Texas Health and Safety Code (THSC).

A public hearing is scheduled for January 24. ■

EXECUTIVE DIRECTOR TESTIFIES AT COMMITTEE HEARING

The recently appointed Joint Committee on Toxic Air Emissions and Greenhouse Effect (see Proclamation) held its first public hearing on November 29, and Eli Bell, Executive Director, Texas Air Control Board (TACB) was one of seven persons providing testimony.

The 10-person committee is composed of four state senators and four representatives. The other members are Chuck Rivers, TACB member, and Ken Kramer, Executive Director, Lone Star Chapter, Sierra Club.

"Any future comprehensive air toxics program would require expansion by this agency in the areas of toxics permitting, regulations, monitoring, research, and mobile sources," said Mr. Bell in response to a question by a committee member.

"We believe our agency has maintained reasonably well with the resources we have, but we also realize our knowledge is incomplete and there is a lot more we can be doing," he added.

Mr. Bell also provided the committee background information on air toxics in the state. Texas accounted for 111 million pounds or six percent of the national total of 191 air toxics emitted by industrial sources. Emissions of toxics from motor vehicles in Texas are similar in magnitude to those from industrial sources. However, the largest source of emissions of toxic air pollutants in Texas is from small (area) sources. Area sources include

small sources that are related to population in an area. Examples include gasoline stations, dry cleaners, and products used around the home.

He explained that the distribution of toxic emissions in Texas is not uniform throughout the state. Graphics were provided to committee members to show the makeup of toxic emissions in particular Texas counties. Mr. Bell also detailed other areas of the current TACB programs that address toxic air pollutants.

Included were brief explanations on impacts of toxic air emissions on public health; the air toxics monitoring program to include ambient community and source-oriented monitoring; and emergency response and efforts by local governments, industries, and the agency to control emissions.

William Harnett, Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards, testified that there is an excellent chance for clean air legislation addressing air toxics for the first time since 1983.

"This is the first time in many years that the president has backed a clean air bill, and in the U.S. House of Representatives, two key congressmen have reached a decision on auto emission standards," he said.

Mr. Harnett also answered questions on how permit fees would be handled under the new legislation, stating that he was unsure if a

change would impact or replace the current federal grant program to states.

Gerald R. North, a researcher on the greenhouse effect from Texas A&M University, testified that there will be increases in global warming during the next 60 years, but he was unsure of how much. He did note that the warming would cause significant earth drying and this would affect water resources. He explained that although global warming does not represent an immediate concern for Texans, it is something in which the public needs to be aware.

Wade Thomason, Program Administrator of Environmental Health, American Lung Association of Texas, called upon the legislature to provide adequate funding for state agencies to deal with the growing environmental concerns being expressed throughout the state. The committee also heard from representatives from two other environmental organizations. Rick Abraham, Texans United, and Tom Smith, Citizens of Texas, asked for the state to do more in controlling air toxics emissions.

The committee will hold its next public hearing in Houston on January 11. Other hearings are planned for Dallas/Fort Worth and El Paso. The TACB staff will continue to work with the committee staff, providing information as requested. The committee will report its findings to the 72nd Legislative session in 1991. ■

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PROCLAMATION . . .

JOINT COMMITTEE ON TOXIC AIR EMISSIONS AND GREENHOUSE EFFECT

WHEREAS, The United States Environmental Protection Agency (EPA) has found that Texas ranks first among the 50 states in the emission of toxic air pollutants; and

WHEREAS, Industries in Texas emitted about 238 million pounds of toxic substances that are reported to the EPA during 1987 alone; and

WHEREAS, These emissions are of grave concern to Texas citizens, since many of these toxic substances are recognized to be carcinogenic, to contribute to the problem of global warming, or to have other deleterious effects on public health and the natural environment; and

WHEREAS, The reauthorization of the Clean Air Act by the United States Congress requires this state to stay abreast of significant changes in federal regulations and requirements, since the federal act is administered in Texas largely through the State Implementation Plan developed and carried out by the Texas Air Control Board and related authorities; and

WHEREAS, An interim study committee will provide the necessary means to begin exploring these changes in federal law and developing an effective response to a problem of such great magnitude;

NOW, THEREFORE, We, the presiding officers of the Texas Senate and Texas House of Representatives, acting under the authority vested with us by House Concurrent Resolution 142, 71st Legislature, Regular Session, 1989, do hereby establish a joint select committee, the Joint Committee on Toxic Air Emissions and Greenhouse Effect, subject to the directives given below:

1. The composition of the committee shall be as identified in Attachment A.
2. The committee shall study:
 - (a) the extent and nature of toxic air emissions

- from industries, small sources, and motor vehicles in Texas;
 - (b) the impact of these toxic air emissions on public health and the environment of the state;
 - (c) the relationship between toxic air emissions, the greenhouse effect, and global warming;
 - (d) the air toxins monitoring program being conducted by the Texas Air Control Board, its effectiveness, and ways in which the program might be expanded or improved;
 - (e) efforts by the Texas Air Control Board and local governments to control toxic air emissions;
 - (f) efforts by Texas industries to reduce toxic air emissions and ways in which state policy and government action might encourage and facilitate such efforts; and
 - (g) changes in the federal air pollution control law being adopted by Congress and modifications in Texas law that may be required to implement these changes.
3. The committee shall be subject to House Concurrent Resolution 142, 71st Legislature, Regular Session, 1989, and to the procedures manual for select committees adopted pursuant thereto.
 4. The committee shall issue a report to the legislature and governor in accordance with the requirements of House Concurrent Resolution 142 and shall expire when the 72nd Legislature convenes on January 8, 1991.

William P. Hobby
Lieutenant Governor of Texas

Gibson D. "Gib" Lewis, Speaker
Texas House of Representatives

STAFF MOVES FORWARD WITH URBAN AIRSHED MODELING

"If we are going to move forward with a control strategy that relies on advanced ozone modeling techniques, we will have to move quickly to efficiently use the money, even though the Environmental Protection Agency, through federal legislation, has not called for new strategies for ozone nonattainment areas," said Les Montgomery, Director, Technical Support and Regulation Development Program.

Mr. Montgomery was addressing the Regulation Development Committee of the TACB about the 1 million dollars to be used for urban airshed modeling (UAM) during this biennium. The funding for the program was appropriated to the agency by the legislature during the last session.

The staff is proposing that the agency proceed with a comprehensive ozone air quality modeling

effort with several major objectives including the obtaining of the model and training of the staff in its use.

Another objective is to develop "base case" UAM scenarios corresponding to the ozone exceedance days in the Dallas/Fort Worth, Beaumont, Houston, and El Paso metropolitan areas. Included will be the evaluation of the UAM's ability to predict ozone formation in the

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AIRSHED MODELING

areas through comparison to monitored ozone concentrations and refining the meteorological and emissions data input files to obtain suitable model accuracy.

Preliminary control strategies evaluations are planned to determine the possible nature and extent of control measures necessary to demonstrate attainment of the ozone standard. This would include preliminary evaluation of the effectiveness of nitrogen oxide controls either alone or in combination with volatile organic compound (VOC) controls.

Also, the staff will perform emission estimation and/or monitoring in the Houston area to evaluate the nature and extent of biogenic VOC emissions from trees and other vegetation to ensure adequate treatment of these emissions in the modeling effort. Such biogenic studies done in Atlanta suggest that biogenic emissions may significantly

affect ozone formation according to Mr. Montgomery.

The staff will work with photochemical modeling committees composed of key representatives from each affected area in conducting the work.

Contractor assistance will be used in the program because the staff concluded it is the most effective way to initiate the project within reasonable time constraints. The staff also contemplates the purchase of a high speed computer system designed for scientific computations. The request for proposal for contractor support of the modeling program is expected to go out for bidding in the near future, with hopes for board approval of a contract as early as March 1990.

No new Federal Clean Air Act has been approved, and it is difficult to predict when formal control strategies will need to be prepared

for ozone nonattainment areas. The Administration's bill would require the first plan relying on modeling to be submitted by December 31, 1995.

Besides expenditures for the computer equipment and software and maintenance, the approved budget includes an agency modeler, funding for the Houston area biogenic emission study, contract assistance, training, and travel. ■

BOARD MEETINGS

- JANUARY 26**
TACB AUDITORIUM
AUSTIN
- FEBRUARY 23**
TACB AUDITORIUM
AUSTIN

TEXAS AIR CONTROL BOARD

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