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Additional inspection fee proposed to meet shortfall

Public hearing set on supplementary assessments

Inspection fees required to be paid to the Texas Air Control Board by the end of January by owners of facilities that emit pollutants into the air are falling short of the amount needed to maintain the agency at its budgeted level. Executive Director Bill Stewart said the board is proposing to levy an additional one-time fee to overcome the deficit.

The TACB is now required by law to recover \$5 million of its budget through the collection of inspection and permit fees. Stewart said the permit fees are determined by the capital cost of construction of facilities that emit pollutants into the air, and inspection fees are

assessed according to a graduated formula based on tons of pollutant emissions at facilities to which TACB regulations apply.

"The TACB worked closely with all areas of the public and private sectors concerned in an effort to establish an equitable fee base that would meet, but not exceed, our cost recovery requirements," Stewart said.

"There was real concern on the part of industry that fees set at too high a schedule would in fact mean that the TACB would be levying the equivalent of a tax for the state's general revenue fund. It appears now, however, that the agency's requirements for cost recovery funds will not be met in this fiscal year by the application of the schedule that was established last fall, and supplemental inspection fees are needed."

Final consideration of proposed TACB rule revisions to allow for supplemental fees

will occur sometime after the current Feb. 8 deadline for the receipt of all inspection fees, including late payments, according to TACB Deputy Executive Director Eli Bell. He said that based on current revenue projections, the supplemental fee could represent as much as a 65 percent increase in the fiscal year 1986 inspection fee.

A total of \$2,058,127.01 in inspection fees had been paid by 537 companies through Jan. 24. Paul Henry, director of the Technical Services Division, said the TACB has tried to contact by phone companies which had not responded by the Jan. 10 deadline and which had been sent notice packages in November 1985.

John Turney, TACB general counsel, said formal letters were sent to appropriate companies that missed the deadline to advise them

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Board agenda

The Texas Air Control Board will meet at 10:30 a.m. Friday, Feb. 14, in the Baja Room, Embassy Suites Hotel, 4250 Ridgmont Drive, Abilene, in keeping with a board policy to conduct some of its meetings in cities other than Austin. Board member Bob G. Bailey of Abilene will be host for the meeting.

The board will hear staff reports on the status of the collection of inspection fees and on enforcement actions, and will consider action on agreed enforcement orders assessing administrative penalties against five industries.

Ms. Debra Barber, Region 1 director, of Abilene, will report on activities of that TACB region. ■

For joint rulemaking

TACB, TWC schedule hearing on control of air pollution at hazardous waste sites

The Texas Air Control Board and the Texas Water Commission will hold a joint public hearing at 10 a.m. February 18 in Austin on proposed rule changes concerning control of air pollution from hazardous waste or solid waste management facilities in compliance with 1985 legislation amending the Solid Waste Disposal Act. The hearing will be held in the

TACB auditorium, 6330 Highway 290 East.

The 69th Legislature made the Texas Water Commission responsible for issuing permits to construct or modify such facilities and the TACB responsible for air quality aspects of the permits.

Air pollution control rules adopted as a result of joint rulemaking by the TACB and

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Inspection fees

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that inspection fees are past due. The letters were signed by Turney and the chief of the Collections Division in the Attorney General's Office.

A public hearing will be held at the TACB in Austin at 2 p.m. Feb. 18 to receive public comment on the proposed supplemental fee; proposals to clarify the applicability of the TACB rule regarding inspection fees to facilities without TACB account numbers as well as to those which have been assigned account numbers; and proposals to allow additional time for fee payment in cases in which an account did not have a previously assigned TACB account number.

The hearing is structured for the receipt of narrative comments which may be oral or written. Although interrogation or cross-examination by persons presenting comments is not permitted, a TACB staff member will be available to answer questions informally immediately before and after the hearing. Written comments received by the TACB as late as 4 p.m. Feb. 19 will be considered by the board prior to any final action on the proposed rule revisions. The Regulation Development staff said it would be helpful if five copies of all written comments would be presented for the board review.

Copies of the proposed revisions are available for inspection at the central office of the TACB, at 6330 Highway 290 East, Austin 78723, and at the regional offices of the agency. Information about the revisions and the hearing is available from Barry Irwin at the TACB, telephone (512) 451-5711. ■

Joint TACB-TWC rulemaking

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the TWC will comprise a new Chapter 120, Title 31 of the Texas Administrative Code.

The proposed rules which are the subject for the February 18 hearing describe the types of facilities affected; stipulate the responsibilities of the TACB in relation to permit applications to the TWC for hazardous waste or solid waste management facilities; and outline general air emissions requirements, as well as requirement alternatives, for new and existing facilities prior to and after they commence operations.

Steve Spaw, director of the TACB Central Regulatory Operations Program, estimated that the TACB will review some 100 permit applications a year for new and existing facilities in the first two-year period of operation under the new per-

EPA to hold hearing on hazardous waste

The U.S. Environmental Protection Agency will hold public hearings in Dallas on Feb. 4-5 on proposed restrictions on the land disposal of hazardous waste.

The hearings will be held at the Lincoln Hotel, 5410 LBJ Freeway, at 9:30 a.m.

The regulations will propose procedures to establish treatment standards for hazardous waste and for evaluating petitions regarding continued land disposal and related issues.

In addition, EPA proposes treatment standards for the first classes of hazardous wastes to be evaluated under this framework: certain dioxin-containing and solvent-containing hazardous waste. ■

mitting program. He expects the number to drop during the following three years to 25 a year.

Spaw said it is expected that the public will benefit from requirements which will result in safer disposal of hazardous and solid wastes, and regulated persons, including small business, will benefit from a simplified permitting process. He estimated the cost to regulated businesses will be \$500,000 a year for the first two-year period and \$125,000 a year for the next three-year period.

Increased costs to TACB during the first two years are expected to amount to \$150,000 a year and \$125,000 a year for the following three years, Spaw said.

Copies of the proposed rule changes are available from Lane Hartsock at the TACB central office, at all TACB regional offices, and from the Legal Division, TWC, P. O. Box 13087, Capitol Station, Austin 78711.

Public comment, both oral and written, is invited at the hearing, Hartsock said. He requested that five copies of testimony be furnished to the TACB prior to or at the hearing.

Written testimony received up to and including February 18 at the TACB central office will be included in the hearing record. Written comments, and requests for copies of the proposed rule changes, should be sent to Lane Hartsock, Regulation Development Division, TACB, 6330 Highway 290 East, Austin 78723, telephone (512) 451-5711; or to Mary Reagan, Legal Division, TWC, P. O. Box 13087, Capitol Station, Austin 78711. ■

Questions invited

Implementation of new enforcement requirements big job

Implementation of new requirements under 1985 amendments to the Texas Clean Air Act has been a tremendous undertaking according to James C. Myers, director of the TACB Enforcement Group, and some questions have arisen with regard to enforcement guidelines.

"We hope that members of the regulated community will let us hear from them if they have questions concerning new enforcement requirements," Myers said. "So far it seems that industry representatives have made significant efforts to keep abreast of the requirements and to let us know if there are areas of confusion." Myers said the following questions and answers are in response to inquiries from the regulated community and TACB regional staff responsible for initiating the enforcement process:

Q. How long do companies have to agree to a Board order and administrative penalty amount?

A. One calendar week from notification of the proposed penalty amount by the Regional Director.

Q. How are compliance schedules determined for facilities in violation of Regulation VI, Rule 116.1 (Construction Permits)?

A. The following times have been assumed for the processing of permits by TACB staff: 60 days from submittal of a complete special permit application; 120 days from submittal of a complete construction permit application. However, the procedure for developing compliance schedules for Rule 116.1 violations is under review and may be modified in the future.

Q. For purposes of assessing penalty amounts, how are sources which operate intermittently being treated?

A. Typically, the entire length of the compliance schedule is used to calculate the penalty amount; however, if a source operates on less than a continuous schedule or has planned periods of shutdown, the down-time may be subtracted from the calculated compliance schedule.

Q. Are the compliance schedules calculated from five days after the date of the local (city or county) program notice of violation or the TACB notice of violation?

A. Typically, the TACB notice of violation date is used if both local program and state notices have been issued.

Researchers to discuss ozone at Feb. 25 meeting

Ozone research in Texas will be discussed at an open informal meeting at 1 p.m. February 25 at the TACB central office in Austin.

James H. Price, Jr., director of the Research Division which is arranging the meeting, said academic, industrial, consulting firm, and government researchers are invited to present short summaries of current work and research plans.

Persons who wish to register to attend, or to obtain information about the meeting, should telephone Keith Zimmermann or Dr. Richard Tropp at (512) 451-5711, or STS 824-7225 or 824-7442. ■

Q. If a company meets all the conditions of a standard exemption but fails to obtain site approval, what is the status of such a violation?

A. Because the exemption list is now a TACB rule, such a violation is not viable for hearing or lawsuit and should be considered to be clerical in nature.

Q. The enforcement guidelines provide that lawsuit, permit revocation proceedings or an administrative penalty be recommended for any violation of a court or Board order. Does this include technical or clerical violations?

A. It includes only violations that will affect the final compliance date, interim emission limits or operating prohibitions.

Q. The guidelines provide that local programs follow the guidelines for all sources that are A1, A2, those with TACB permits or those subject to New Source Performance Standards. What about sources in violation of Regulation VI, 116.1 (relative to construction permits)?

A. Local program sources subject to TACB permit requirements should be handled under the guidelines, whether or not the source currently has a permit. ■

Border pollution task force will meet in El Paso Feb. 11

The El Paso-Ciudad Juarez Task Force on pollution in the border area will meet Feb. 11 in El Paso to discuss training programs, the organization of an ambient air monitoring network in Juarez, and establishment of a joint emissions inventory. ■

Feb. 28 deadline for grandfathered facility registration

The registration with the TACB of facilities built prior to 1971 that emit pollutants into the air must be completed by February 28, the deadline set in a 1985 amendment to the Texas Clean Air Act.

The TACB mailed registration packets to approximately 7,000 companies, according to Bob Love, chief of the TACB Emissions Inventory Section. Approximately a hundred have responded and of those, some 20 were found to have facilities which do not require registration.

"Any company which did not receive the registration packet but believes they have grandfathered facilities which may require registration should contact the TACB staff conducting the registration program," Love said.

Pointing out that emission limits which trigger registration are set in accordance with requirements in the Texas Clean Air Act, Love said "it is not just a matter of the date of construction of the facilities." Any facility constructed before 1971 (when the TACB initiated its permit system) must be registered if in 1984 it had annual emission rates greater than 25 tons of any air contaminant except oxides of nitrogen or carbon monoxide; greater than one ton of any known or suspected toxic air contaminant; or greater than 250 tons of oxides of nitrogen or carbon monoxide.

Love said that even though companies may have actual emissions from any grandfathered facility less than the threshold limits, registration is required if the facility's potential emissions when operating at capacity would exceed those thresholds.

"Companies with grandfa-

thered facilities which could qualify for Special Permits or Standard Exemptions under the TACB's current regulations if they were applied to such facilities are not re-

quired to register them," Love said. In addition, there are exemptions applicable to certain agricultural and oil and gas production/distribution facilities. ■

I/M program opens in three counties

Inspections get under way with minimum of problems at stations

The first few weeks of operation of the program requiring vehicles in Dallas, Tarrant, and El Paso counties to meet state requirements for pollution control devices indicates that in most instances inspection stations are operating without any major problems.

TACB regional offices are answering questions by vehicle owners on a case-by-case basis. In Region 8, which includes Dallas and Tarrant counties, investigations are being made on behalf of owners who claim they bought used cars from which equipment has been removed. Although used car dealers who sold the vehicles disclaim knowledge of such conditions at the time of the sale, thus far they have offered either to buy back the cars or to replace the missing devices, Melvin Lewis, regional director, said. He commended them for their cooperation, especially in instances in which the sale occurred several months ago.

In El Paso County where an El Paso Times survey indicated a heavy inspection failure rate in lower income areas, few problems were reported in other sections, Regional Director Manuel Aguirre said. He pointed out that the program is too new for a trend to be indicated and said that experience of the inspection sta-

tions has been that most vehicle safety inspections are made near the end of the month in which inspection stickers expire.

The pollution control equipment inspections are being carried out as part of the annual vehicle safety inspections required by the Texas Department of Public Safety. The program is part of the state ozone plan required by EPA because high levels of ozone in the three counties violate federal standards. A similar program has been in effect for some 18 months in Harris County.

Vehicles which fail the pollution control test are not issued inspection stickers until requirements for the control devices are met, with these exceptions: If a vehicle fails the first inspection because of an altered or removed catalytic converter or fuel inlet restrictor, or fails the lead detection test, the owner will be allowed up to one year to replace the contaminated tail pipe and catalytic converter. A windshield sticker will be issued, but a hole will be punched in the lower left corner to alert the inspector at the next annual inspection when the owner must provide proof (such as receipts) that appropriate repairs have been made before a sticker will be issued. ■

At meeting in Abilene

Board to consider five enforcement orders

Five agreed enforcement orders are to be presented for action by the Texas Air Control Board at its meeting at 10:30 a.m. Feb. 14 in the Baja Room of the Embassy Suites Hotel, 4250 Ridgemont Drive, Abilene.

The orders are in regard to alleged violations of the Texas Clean Air Act and TACB regulations by the following companies:

Manville Building Materials Corp., a fiberglass manufacturing plant at 200 W. Industrial Blvd., Cleburne, Johnson County, cited for visible emissions exceeding the permitted opacity limit; particulate matter emissions exceeding the allowable rates; failure to comply with special conditions of a permit in regard to the modification of fiberglass wool lines; and construction without a permit. The company has agreed to a penalty of \$54,900.

Southwestern Electric Power Co., at its generating plant at Route 2, Hallsville, Harrison County, cited for failing to install, calibrate, maintain, and operate a properly functioning continuous emissions monitoring (CEM) system for measuring SO₂ emissions in violation of new source performance standards requirements.

The company is to be in compliance by the end of the twenty-first calendar day of operation after Feb. 8. If the company fails to meet the compliance deadline, it would be assessed \$250 a day for each day of violation that occurs after the twenty-first day, TACB Attorney John Worley said.

Olshan Demolishing Co., 9100 Kirkwood, Houston, operator of a landfill, cited for

the discharge of contaminants in concentrations and for periods of time so as to cause or tend to be a nuisance and to be a traffic hazard or interfere with normal road use; failing to notify the TACB and the local pollution control agency as soon as possible of a major upset condition; and unauthorized outdoor burning. The company agreed to a penalty of \$13,500, to achieve compliance by Nov. 15, 1985, and to implement specified corrective action thereafter.

Dyn-O-Mite Demolition, operator of a rock crusher at 2401 North Field St., Dallas, cited for construction without a permit and operating a facility without a permit. The agreed penalty of \$5,500 is to be paid in increments to July 14, 1986. The company ceased operations and has agreed not to operate unless a special permit is issued by the TACB.

The Western Co. of North America, owner and operator of a bulk cement handling facility at the Old Lubbock Highway and Peyton St., Snyder, in Scurry County, cited for constructing and operating a bulk cement handling operation without permits or exemption, has agreed to a penalty of \$5,000. The company achieved compliance on Jan. 6 by meeting the conditions specified in a

Standard Exemption.

At its Jan. 17 meeting, the Texas Air Control Board levied the first agreed penalties -- totaling \$292,550 -- against 10 companies in accordance with new enforcement measures called for in 1985 amendments to the Texas Clean Air Act.

The companies and amounts of the penalties, which are paid into the state general fund, were:

General Dynamics aircraft plant in Fort Worth, \$180,000; Texas Municipal Power Agency generating plant in Grimes County, \$40,800; NIBCO Inc. brass foundry at Nacogdoches, \$3,600; T&N Lone Star Warehouse Co. scrap yard at Lone Star, \$15,000; Round Rock Lime Co. lime plant near Blum, \$36,000; Lanford Corp. woodworking plant in Fort Worth, \$1,000; Brooks Products Inc. precast concrete plant at Arlington, \$2,250; Imperial Design Inc. marble plant in Fort Worth, \$1,100; Elk Corp. fiberglass mat plant at Ennis, \$4,600; and MCI Builders concrete batch plant at Arlington, \$8,200.

The penalties were assessed for a range of alleged violations including excessive particulate emissions, unauthorized outdoor burning, and failure to obtain construction permits for new facilities. ■

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Clean Air Study moves to permit renewal issue

The Texas Clean Air Study Committee, responsible by law to the Legislature, will hold its third meeting March 14 to review the information developed at its January 10 meeting on ships' emissions of pollutants into the air and to take up the subject of the renewal of operating permits for facilities built after 1971. The meeting is scheduled for 10 a.m. in the Lieutenant Governor's Committee Room at the Capitol.

Subsequent sessions will deal with the subject of operating permits for facilities built prior to 1971, when the TACB implemented its permitting program.

The committee's survey of these subjects and any conclusions or recommendations will be presented in a report to the 70th Legislature to be completed by December 1, 1986.

Chairman Hubert Oxford III asked the TACB staff to prepare a summary for committee members of testimony regarding ships' emissions; this will form the basis for the March 14 discussions on this topic.

The committee at its January 10 meeting heard testimony from 13 persons concerning the question of whether ships' emissions should come under state control. Several cited a study recently commissioned by the National Academy of Science, Marine Board, at the request of the U.S. Coast Guard, to assess the technical, safety, and economic aspects of maritime hydrocarbon vapor control/recovery systems.

The study is expected to be completed by mid-1987. It was suggested that action by the state prior to publication of the report would

be premature.

Dr. Anthony L. Rowek, of the U.S. Coast Guard Office of Merchant Marine Safety, said the assessment also will determine the impact that the lack of uniform state standards and controls could produce, look at initiatives government and industry should pursue to ensure safety, and determine alternatives for achieving a nationally accepted standard as well as the impact of not achieving a national standard.

Other speakers were: Jack Divita, chief of the Air Programs Branch, Dallas regional office of the EPA; Richard P. Leach, executive director, Port of Houston Authority; John Ragland, director of sales and transportation, Port of Port Arthur Navigation District; Sharron Stewart, coastal resources chairman, Texas Environmental Coalition; Robert M. Freeman, engineering manager, Exxon Shipping Co. speaking on behalf of the Texas Mid-Continent Oil and Gas Association (TMOGA), the Texas Chemical Council, and the American Waterways Operators; Steven C. Oaks, Houston Chamber of Commerce; Richard Bogan, Independent Liquid Terminals Associa-

tion; Capt. James E. Baker, West Gulf Maritime Association; Hermann Rudenberg, Lone Star Chapter, Sierra Club; Al Cisneros, Brownsville Navigation District; Col. Tex Buch, Port of Corpus Christi Authority; and Norman Radford, Texas Chemical Council and TMOGA.

Testimony raised the following issues:

The question of safety in collecting or destroying various hydrocarbon compounds associated with loading, unloading, and ballasting operations; the need for limiting hydrocarbon emissions in areas where the national ozone standard is met and in those where it is not met; the need to limit emissions of toxic hydrocarbons; the public health impact of uncontrolled hydrocarbon emissions from ships and other vessels; the economic impact upon Texas ports and the state as a whole if Texas were to regulate ships' emissions while neighboring coastal states did not; the problems associated with regulating emissions from ships of foreign registry; and the desirability of regulations to be developed at the national level to ensure consistency among states. ■

Staff chemists' papers go to ACS

Papers by four Sampling and Analysis Division staff members have been accepted for presentation at the National Meeting of the American Chemical Society, April 13-18, in New York. They are:

"The Determination of Low Levels of Airborne Total Chromium and Chromium (VI) by Atomic Absorption and Inductively-Coupled Plasma Emission Spectroscopy" by Dewayne L. Ehman, Ph.D.,

Vincent C. Anselmo, Ph.D., and J. Maxine Jenks, Ph.D.

"Analysis for Sulfur in Particulate Samples by XRF" by Dr. Anselmo, William C. White, and Dr. Jenks.

"An Event-Based Acid Rain Monitoring Network for Texas" by Dr. Anselmo, White, and Dr. Jenks.

"A Comparison of Methods for Making Valid Measurements on the pH of Rain" by Dr. Ehman, White, Dr. Anselmo, and Dr. Jenks. ■

At hazardous waste dump sites

TACB to provide sampling assistance to Water Commission

The TACB will provide air sampling and analytical services for fiscal year 1986 to the Texas Water Commission at five "Superfund" hazardous waste dump sites in Texas under a \$40,000 inter-agency contract. Work is expected to begin in early February.

The contract will be administered by the TWC and is subject to review by the EPA which provided the funds for the cleanup work.

Doyle Pendleton, director of the TACB Sampling and Analysis Group, said monitoring will be conducted first at the Petro-Chemical Systems (Turtle Bayou) site in Liberty County. The four other projects have not yet been determined.

Prior to the commencement of monitoring, each site will be visited by TACB staff

to determine what types of monitoring are needed, Pendleton said. The sampling plans will be based on information gathered from a visual site inspection, collection of soil and vegetation samples, and other pertinent information resulting from previous studies.

Pendleton described the project plans as follows:

Air quality monitoring may be conducted with high volume air samplers specially equipped with pesticide heads (pesticide hi-vols) and/or gas chromatographs mounted in sampling vans. Other equipment including hand-held monitors fitted with charcoal tubes may be used.

Samples collected will be analyzed in the TACB laboratory, using standard laboratory procedures, and follow-

ing EPA guidelines for quality assurance of pesticide, hi-volume sampling.

Gas chromatography may be used to analyze samples at the project site. Pendleton explained that field analyses may enable the staff to correlate results with the pesticide hi-vol monitoring and to concentrate sampling in areas with high measured levels. In the field, standard laboratory practices for the gas chromatograph will be followed with the application of EPA guidelines for quality assurance.

Conclusions contained in the final reports for the five monitoring projects will include a brief discussion of the results in relation to background conditions, emission levels commonly encountered, and potential effects on local residents. ■

Agency permits now issued for 18-month period

New timetable parallels federal PSD regulation

TACB permits for new construction or modification of existing facilities now are issued for a period of 18 months and become invalid if construction is not begun within 18 months, is discontinued for 18 months or more, or is not completed within a reasonable time.

Permits formerly were issued for a period of 12 months and could be extended if application for an extension was made before

the expiration of the 12-month period.

Lawrence Pewitt, director of the TACB Permits Division, said the new timetable, effective January 1, was adopted by the agency so that the life of the permits would parallel that of federal Prevention of Significant Deterioration (PSD) permits.

"The PSD program authorizes extensions of the 18-month period for which the permits are originally issued if the applicant satisfactorily justifies such an extension," Pewitt said.

"The TACB's past policy has provided for routine one-year extensions upon request by

the applicant. Additional extension requests were reviewed to determine whether the Best Available Control Technology (BACT) represented in the application was still 'state of the art'. If so, such extension requests were approved.

"Now, as of January 1, we will grant only one 18-month extension if current BACT is still proposed. This policy will provide a three-year period for the applicant to commence construction after which the permit will expire," Pewitt said. If the applicant requires additional time, a new application must be made. ■

1986 adjustments to CAMS network are announced

The TACB continuous air monitoring station (CAMS) network which measures concentrations of known pollutants in the outside air has been altered for operation in 1986 to retire three stations and reactivate four others.

Stations at Pasadena and Port Arthur North, idled in 1985, will remain idle in 1986.

David Jones, director of the Ambient Monitoring Division, said that CAMS being returned to service this year are located in Odessa, Manchester, and West Orange. Stations in operation in 1985 at Texas City, Seabrook, and Gregg County are closed down in 1986. However, Jones said meteorological equipment at the Texas City and Seabrook sites will be operated this year to provide meteorological data to other agencies and groups operating monitors in the area. He said the cost of

El Paso pilot visibility project equipment tested

Stuart Dattner and Keith Zimmermann, TACB Research Division, and El Paso TACB regional staff have placed an assortment of visibility monitoring equipment in operation in El Paso.

The equipment includes a "streaker" particulate sampler, a nephelometer, and an automatic visibility camera, being used in a special study known as the El Paso Visibility and Aerosol Pilot Characterization Project.

"A test of the time-lapse 16 millimeter movie camera was conducted during a recent visit, and a preliminary review of the film shows that the haze layer that sometimes forms over El Paso can be documented and studied by time-lapse photography," Zimmermann said. ■

this operation is minimal.

CAMS in continuous operation are located in Austin Northwest, Austin North, Corpus Christi West, Corpus Christi, Houston East, Harris County, Clute, Channelview, Deer Park, Baytown, Northwest Harris County, Dallas, Fort Worth Northwest, Fort Worth downtown, North Tarrant County, San Antonio, San Antonio Northwest, San Antonio downtown, Beaumont, Port Arthur West,

El Paso downtown, El Paso University of Texas at El Paso, and El Paso East.

The operation of some stations on an alternating annual basis does not appreciably reduce the network's effectiveness, Jones said, but it does enable the TACB to assign more personnel and funds to such activities as field inspection, complaint response activities, and sampling for toxic air contaminants. ■

Third and final notice

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At public meeting

Speakers generally support El Paso I/M proposals

Twenty-one speakers, most representing agencies or organizations, presented their views at a TACB public meeting Jan. 14 in El Paso on the design characteristics of a vehicle idle emissions inspection/maintenance program to be implemented in 1987 in El Paso.

There was general support for the program but recommendations for its scope, particularly in defining affected vehicle model years, varied.

Issues discussed included (1) vehicle model years to be affected, (2) anticipated vehicle failure rate based on the stringency of compliance required, (3) delayed compliance provisions, (4) emission analyzer capabilities, (5) public information, and (6) the contribution of emissions of air pollutants from Ciudad Juarez.

(The TACB included a commitment to implement an idle inspection and maintenance program for El Paso County in the state implementation plan revisions for carbon monoxide in response to requests from local officials and citizens groups.)

Testimony was given by the following:

State Representative Arves Jones -- expressed concern regarding the economic impact of the program on the lower income residents and recommended a grace period be allowed in which more expensive repairs could be made; and recommended that no or little increase be made in the current inspection fee charged vehicle owners.

Laurance Nickey, El Paso City-County Health Unit -- recommended that only vehicles less than six years old be included; and said "we

have an absolute responsibility to improve air quality but also to protect people with moderate incomes who have a need to get to work."

Dr. Herbert McKee, assistant health director for Environmental Control of the City of Houston's Department of Health and Human Services -- pointed out that technological changes occurring in the automotive industry are making idle test failures less frequent, and this trend will continue.

Judy Price, Metropolitan Planning Organization officer, City of El Paso -- recommended adoption of a two-year grace period for costly repairs, including replacement of catalytic converters.

Several representatives of the El Paso Clean Air Coalition -- recommended that 1968 and newer model years be included in the inspection program; and recommended little or no change in the amount of the current inspection fee. One speaker said the TACB needs to be more concerned about the cost to the individual vehicle owner.

Pat Fowler, secretary of the El Paso Clean Air Coalition -- read an El Paso City Council proclamation supporting the position of the Clean Air Coalition. The TACB had presented as options three levels of carbon monoxide control to determine if a vehicle would pass inspection. Ms. Fowler said the Clean Air Coalition favored the intermediate level. She went on to say that she would support a six-month grace period for costly repairs but would not recommend any other waivers of requirements based on costs to the vehicle owner.

John Garcia, District 4

Chapter, LULAC (League of United Latin American Citizens) -- urged recognition of the economic conditions in El Paso; recommended that the program include newer model vehicles only; and recommended adoption of a grace period of more than a year for costly repairs.

Matt Terrell, a private citizen -- recommended that all 1975 and newer vehicles be included in the program.

With regard to other issues, most speakers recommended the use of automated emissions analyzers; advocated a program to stimulate a greater public awareness; expressed concern about what can be done about vehicles in Ciudad Juarez; and expressed concern that a program limited to 1980 or newer vehicles could have the result that owners would keep older cars longer than they otherwise would and others would purchase older cars to avoid the inspection.

Randy Lucas of Region 6, Environmental Protection Agency, Dallas -- commented that the meeting was "one of the most positive I have ever attended. Both the citizens and officials appear to want to have a reasonable and effective program."

Public hearing to be held sometime in April

Testimony, both oral and written, is being analyzed by TACB staff. A proposed idle emissions inspection and maintenance program design will be presented for Air Control Board committee review in March, and a public hearing date will be set for sometime in April. ■

LEGAL ACTIVITIES: November and December

HEARINGS AND ENFORCEMENT

On October 25 Harris County filed suit against Razorback Construction Company, Etta Kitchens and Randy Kitchens in the 190th Judicial District Court of Harris County, alleging violations of General Rule 101.4 (nuisance) and Rule 222.2 (outdoor burning) of Regulation I and of Sections 4.01(a) and (b) of the Texas Clean Air Act (TCAA). The TACB is a necessary and indispensable party to the lawsuit. An agreed temporary injunction was entered November 15 enjoining the defendants from conducting outdoor burning without written permission from the TACB, from violating any provision of Regulation I, and from violating any provision of any permit granted to them by the TACB for activity in Harris County.

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On October 31 an agreed final judgment was signed and entered by the District Court, Calhoun County, in the case of State of Texas v. Formosa Plastics Corp. The lawsuit was requested by the TACB to address violations of the National Emission Standards for Hazardous Air Pollutants (NESHAPS) vinyl chloride, promulgated by the Environmental Protection Agency and adopted by the board in General Rule \$101.20. The violations occurred at the company's facilities near Point Comfort, Calhoun County. The judgment assessed a civil penalty of \$66,000 and enjoined the company to implement a number of remedial measures designed to ensure future compliance with the NESHAPS standards.

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On November 5 a prehearing conference was held in Crosby on contested case hearing No. 195 concerning TACB permit application S-9720. At the prehearing conference, applicant, Pennwalt Corp., Lucidol Division and the staff of the TACB were admitted as parties. No other persons requested to be designated as parties. On November 5 the applicant filed a motion to dismiss the contested case hearing. On November 7 the staff of the TACB moved that the contested hearing be dismissed. On November 8 the hearing was dismissed by the hearing examiner.

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On November 7 the TACB requested the Attorney General to bring legal actions against the following:

Texaco Refining and Marketing, Inc., Port Arthur, Jefferson County for violations of Sections 4.01(a) and (b) of the TCAA and General Rule 101.4 of the board.

Russ Chemical Company, Inc., Odessa, Ector County for violations of Sections 3.27(a) and 4.01(b) of the TCAA and Rules 116.1 and 116.4 of Regulation VI of the board.

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On November 8 the TACB requested the Attorney General to bring legal actions against Charlie Phillips Crushed Stone, a division of Charlie Phillips Trucking, Inc., Waxahachie, Ellis County for violations of Sections 3.27(a) and 4.01(b) of the TCAA and Rules 116.1, 116.4, and 116.5 of Regulation VI of the board which occurred at its locations near Cleburne, Johnson County and Waxahachie and Midlothian, Ellis County.

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On November 12 a continuation of the temporary injunction hearing that had commenced October 22 was conducted in the case of City of Houston v. Cam-Or of Texas, Inc. The lawsuit was brought by the City of Houston alleging that the company has caused a condition of air pollution/nuisance at its oil re-refining plant located in Houston, Harris County. The 157th District Court ordered the company to continue one of the interim control measures that had been ordered following the October 22 hearing. The court further ordered that the company cease operations during Thanksgiving and Christmas and that another hearing on the temporary injunction request be held on January 31, 1986.

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On November 18 the TACB requested the Attorney General to file and prosecute a lawsuit against Spincote Coating Division, ICO, Inc., Odessa, Ector County, for violations of Sections 3.27(a) and 4.01(a) and (b) of the TCAA and Rule 116.1 (construction without a permit) of Regulation VI and General Rules 101.4 (nuisance) and 101.6 (notification of a major upset) of the board.

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On November 19 the TACB requested the Attorney General to file and prosecute lawsuits against the following:

Ford's Chemical and Service, Inc., Pasadena, Harris County, for violations of Sections 3.27(a) and 4.01(b) of the TCAA and Rule 116.1 of Regulation VI of the board.

John Bankston Construction and Equipment Rental, Inc., Lumberton, Hardin County and Beaumont, Jef-

(continued on page 11)

First 1986 'smoke' school to be held in Austin

The first 1986 TACB "smoke school" -- Visible Emissions Evaluators Course -- will be held March 11-13 in Austin. The first day will be devoted to a lecture program for persons seeking certification as evaluators for the first time in Texas and those whose certificates have lapsed for more than six months and who have never attended a lecture session. Field training and certification of evaluators will be conducted on the second and third days.

Phil Clark, course instructor in the TACB Quality Assurance Division, said the March 11 program will be one of only two lecture sessions to be held during the year. The second is scheduled for September 9 in Austin. He urged that interested persons who wish to qualify for the first time and those with lapsed certificates note the dates and plan their attendance accordingly.

The one-day lectures cover the physical basis of opacity of plumes, certification requirements, field reading procedures, and various legal aspects of visible emissions evaluation.

Evaluators who are eligible for certificate renewal are not required to attend the lecture session, but Clark said he recommends that it possible they attend one classroom session every three years.

Evaluators eligible for certificate renewal may be recertified by successfully passing field tests at Austin (March 12-13); Houston (April 1-2); Arlington (April 15-16); Beaumont (April 29-30); Austin (September 10-11); Houston (September 30-October 1); and Arlington (October 14-15).

Evaluators must be certified every six months by

passing "smoke reading" tests. The field certification test consists of 10 certification runs each of which consists of 25 black smoke plume readings and 25 white smoke plume readings.

There is no charge for the

Legal activities . . . from page 10

person County, for violations of Sections 4.01(a) and (b) of the TCAA and Rules 101.4 and 111.1 (outdoor burning) of the board.

Metec, Inc.; Metallurgical Technologies, Inc.; and James B. Huddleston, an individual, Pearland, Brazoria County, for violations of Sections 3.27(a) and 4.02(a) and (b) of the TCAA and Rules 101.4, 111.1, and 116.1 of the board.

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On November 22 the TACB requested the Attorney General to file and prosecute lawsuits against the following:

Pioneer Concrete of Texas, Inc., Frisco, Collin County and Hurst and Fort Worth, Tarrant County, for violations of Sections 3.27(a) and 4.01(b) of the TCAA and Rules 101.6, 111.23 (visible emissions), 116.1, and 116.4 of the board.

West Eggs Products, West Flour Mill, Inc., West, McLennan County, for violations of Sections 3.27(a) and 4.01(a) and (b) of the TCAA and Rules 101.4 and 116.1 of the board.

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On December 9 the TACB requested the Attorney General to file and prosecute a lawsuit against Heinemann Custom Hardwood Molding, Inc., Round Rock, Williamson County, for violations of Sections 3.27(a) and 4.01(a) of the TCAA and Rule 116.1 (construction without a permit) of Regulation VI of the

training and testing, and registration before the dates of the course is not required.

Further information is available from Clark and Dr. Joe Pennington, director of the TACB Quality Assurance Division. ■

board. -o-

On December 9 the City of Houston filed a lawsuit under the TCAA against Petroleum Wholesale, Inc. The lawsuit alleges that the company operates a fleet of gasoline tank trucks which are used to deliver and unload gasoline at service stations. The lawsuit further alleges that the company has violated board Rules 115.131(2) (unloading of gasoline without a vapor recovery system), 115.131(3) and 115.261 (use of tank truck without a valid leak-test certificate), and 101.4 (nuisance odors from unloading of gasoline). The board is a necessary and indispensable party to this lawsuit.

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On December 17 the TACB requested the Attorney General to file and prosecute a lawsuit against Texland Petroleum, Inc., Lubbock, Lubbock County, for violations of Sections 3.27(a) and 4.01(a) and (b) of the TCAA and Rules 101.4 (nuisance), 101.6 (notification of a major upset), 111.22 (gas flares), 116.1 (construction without a permit), and 116.5 (representations in permit application) of the board.

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On December 23 the TACB requested the Attorney General to file an additional violation of General Rule 101.4 to be included in the lawsuit against Circle S Peaches which was referred September 5. ■

Directory of Texas acid rain researchers available from TACB

Dr. Thomas H. Porter and Dr. Richard J. Tropp of the TACB Research Division have prepared a "Directory of Acid Rain Researchers in Texas" which is available upon request to individuals and organizations interested in acid rain research.

The directory lists people in Texas who are active in some area of acid rain research and/or monitoring. Each entry contains the individual's name, address, telephone number and a short statement of disciplinary interests relating to acid rain research and monitoring.

Dr. Porter said the names were obtained from such sources as scientific publications, workshop and agency contacts, and the National

Atmospheric Deposition Program (NADP)/National Trends Network (NTN) site personnel list for Texas.

"We hope that if we have inadvertently omitted the names of individuals working in this field, they will let us know so their names can be included in revisions to the directory," Dr. Porter said. ■

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see Page 8

Indoor air quality is topic for Feb. 18 workshop

A one-day workshop on indoor air quality will be held February 18 at the Austin Hilton Inn, 6000 Middle Fiskville Road, Austin. The Central Texas Chapter of the Southwest Section of the Air Pollution Control Association will be host for the program, which is sponsored by APCA's TT-7 Indoor Air Quality executive committee.

Advance registration for the workshop will close on Feb. 11. The fee of \$50 covers the all-day sessions and luncheon. A fee of \$60 will be charged for registration at the hotel. Registration information is available from APCA, Sharon DeAndrea, P.O. Box 15230, Pittsburgh, PA. 15230. ■

TEXAS AIR CONTROL BOARD

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