

AGENDA ITEM VII

PLAINTIFF'S EXHIBIT

SH-2701

ENFORCEMENT REPORT
August 1987

Introduction

In accordance with the amended Texas Clean Air Act (Act), this report has been prepared and describes the status of enforcement actions initiated by the agency. Recommendations for Board Orders with administrative penalties are included on the agenda and are reflected in this report.

Enforcement Summary

Since the September 1, 1985 effective date of the amended Act, Notices of Violation have been issued to 2,273 companies, individuals or governmental agencies. Of these violations, 1,974 have been resolved. A total of 115 violation situations currently remain unresolved for more than 30 days and will require formal enforcement action. Specific details for each of the unresolved situations are contained in the attached Tables. Table 4 contains a listing of 11 companies in violation which constructed small facilities without a Board permit or exemption and for which Board Orders without administrative penalties are being developed or recommended. The cases for which Board Orders were approved at the July Board meeting have been removed from the report.

The following summarizes administrative penalty actions by the Board from September 1, 1986.

Agreed Administrative Board Orders Entered: 173
Total of Administrative Penalties Assessed: \$613,125.00

The following summarizes legal actions resolved through court orders entered after September 1, 1986.

Cases Settled by Attorney General: 14
Total Civil Penalties Assessed: \$713,844.00

Administrative Penalty Orders

Pursuant to Sections 3.20 and 4.041 of the Act and in accordance with the Guidelines for Assessing Administrative Penalties, the staff will be presenting the Board Orders that have been finalized with the companies for consideration and action by the Board. Although Table 2 includes brief reference to those situations for which penalties are being recommended, these cases will be considered separately during the Board meeting.

LAM 011583

DPMC-07954

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION
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2	American Demolition, Incorporated Borger/Hutchinson County	Asbestos Contractor	12/16/86	NESHAP** (Asbestos)
2	Nix Electric Company Lubbock/Lubbock County	Transformer Repair	04/17/87	Nuisance (Odor)
2	Perryton Equity Exchange Claude/Armstrong County	Grain Storage	05/07/87	No Permit

**National Emission Standards for Hazardous Air Pollutants

LAM 011584

COMMENT

The company was cited for improper removal of asbestos at the Phillips Chemical Company facility at Borger. A formal enforcement conference was held on April 22, 1987. A recommendation for an agreed Board Order and an administrative penalty has been developed. However, the Legal Division has been asked to review this case which also involves Phillips Petroleum Company.

The transformer repair facility was cited for nuisance odors from the burnout oven and the painting operation. A formal enforcement conference was held on July 7, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

The company constructed and continues to operate a grain elevator without a Board permit. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

DFMC-07955

Table 2
VIOLATIONS(That Will Continue More Than 30 Days)
Since September 1, 1985

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
2	Phillips Chemical Company Borger/Hutchinson County	Chemical Manufacturing	12/16/86	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at the chemical manufacturing facility. The job was contracted to American Demolition, Incorporated. Additional samples were taken from a second location on the property and tested positive for asbestos. The Regional Director has recommended that the violations at both sites on the Borger facility be addressed with a single Board Order with an administrative penalty. A recommendation for an agreed Board Order with an administrative penalty which also involves American Demolition, Incorporated is being developed.
3	Gerald Company, Incorporated Hamilton County	Grain Handling	04/17/87	Nuisance (Odor)	The company operates a feedmill which has been the subject of several odor complaints. Since the company has failed to initiate corrective actions and the nuisance conditions are continuing, the Regional Director has recommended legal action. The file is being prepared for referral to the Attorney General's Office for lawsuit.
3	Pharaoh and Associates, Incorporated Burton/Washington County	Oil and Gas Production	06/15/87	Nuisance (Odor) No Permit	The company was cited for nuisance odors from the unauthorized venting at a gas well. A formal enforcement conference was held on July 20, 1987. The Regional Director is reviewing the matter and will submit a recommendation for appropriate enforcement action.

DPMC-07956

LAM 011585

Table 2
VIOLATIONS(That Will Continue More Than 30 Days)
Since September 1, 1985

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
11	Elcor Corporation Van Horn/Culberson County	Abandoned Sulfur Plant	04/19/87	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at a closed sulfur production facility. A formal enforcement conference was held on June 2, 1987. After a joint review of the company's compliance plan by the Texas Water Commission and the Regional Director, a recommendation for appropriate enforcement action will be submitted.
11	Valley Gin Company Tornillo/E1 Paso County	Cotton Gin	05/16/87	No Permit	The company is continuing the construction of a cotton gin without a Board permit. A formal enforcement conference was held on June 1, 1987. A Board Order with an administrative penalty has been proposed to the company.
12	Louisiana-Pacific Corporation Carthage/Panola County	Pine Lumber and Chip Board Manufacturing	01/27/87	Opacity Permit Conditions	The company was cited for excessive visible emissions from the wood-fired boiler stack. A Board Order with an agreed administrative penalty of \$1,500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
12	Pabco Insulation Tucker/Anderson County	Fiberglass Insulation	03/30/87	Permit Conditions	The company was cited for excessive stack emissions above permit allowables on particulates, phenol and aldehydes. Corrective measures have been completed. Resampling was rescheduled due to operational problems. After a review of the sampling results, the Regional Director will submit a recommendation for appropriate enforcement action.

DPMC-07957

LAM 011586

Table 3
VIOLATIONS(Approved for Referral to Attorney General's Office)
Since September 1, 1985

TACR REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
6	Bryson Tank Company Odessa/Ector County	Tank Manufacturing (Spray Painting)	10/08/85	Nuisance (Paint Overspray)	The company is continuing to operate without the needed controls and the nuisance problem remains. The file on this company was referred to the Attorney General's Office on January 31, 1986. It is projected that this lawsuit can be resolved within 2 months if an agreed settlement is reached.
6	C & M Enterprises Midland/Midland County	Sandblasting	10/24/85	Nuisance (Dust) No Permit	The company has a history of violations which include nuisance (dust) conditions. The file on this company was referred to the Attorney General's Office on January 31, 1986. The Attorney General's Office filed suit against the wrong company. It is projected that once the lawsuit is refilled and service is obtained, the lawsuit can be resolved.
6	Permian Chemical Company, Incorporated Odessa/Ector County	Fertilizer Plant	10/22/85	Permit Representations Permit Conditions Nuisance (Acid Emissions)	The file on this company was referred to the Attorney General's Office on October 22, 1985 for violations occurring prior to September 1, 1985. Additional violations were forwarded on January 29, 1987 for inclusion in the lawsuit. The lawsuit is not expected to reach agreed settlement. An agreed temporary injunction was signed by the company and sent to the Court on June 22, 1987. It requires compliance with Sections 3.27(a) and 4.01(a) of the Act and Rules 101.7 and 111.21. Trial on the merits is set for October 12, 1987.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

DPMC-07952

LAM 011587

Table 3
VIOLATIONS(Approved for Referral to Attorney General's Office)
Since September 1, 1985

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
7	Keeshan and Bost Chemical Company Manvel/Brazoria County	Waste Chemical Processing	02/26/86	Nuisance (Odors) Court Order	A judgment was entered against this company on July 12, 1985 prohibiting future odor nuisances. Additional violations have since been documented. The file was referred to the Attorney General's Office on May 15, 1986. It is projected that this contempt action can be resolved within 2 months.
7 and 5	Cuyahoga Wrecking Corporation Galveston County San Patricio County	Asbestos Contractor	07/30/86	NESHAP (Asbestos)	The file on this company was referred to the Attorney General's Office on May 8, 1987. The company conducted asbestos removal projects at Amoco Production Company (Galveston County) and Sun Exploration (San Patricio County) in violation of the NESHAP-Asbestos standards. The company has filed for bankruptcy. It is projected that the lawsuit can be resolved within 5 months if an agreed settlement is reached.
7	La Porte Chemicals Corporation, Diamond Shamrock Corporation, Diamond Shamrock Plastics Corporation Deer Park/Harris County	Vinyl Chloride Monomer Production	01/28/86	NESHAP (Vinyl Chloride) Permit Conditions	On June 2, 1986, the file on this company was referred to the Attorney General's Office because of the hazardous substance involved. Additional violations have been periodically referred to the Attorney General's Office for inclusion in the lawsuit. It is projected that this lawsuit can be resolved within 4 months if an agreed settlement is reached.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

DPMC-07959

LAM 011588

Table 3
VIOLATIONS

Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
11	Department of Defense, U. S. Army Matyear Construction Company Pioneer Sheet Metal Works, Incorporated Fort Bliss/El Paso County	Building Renovation	09/17/85	NE SIAP (Asbestos Removal)	The file on the Army and the two companies was referred to the Attorney General's Office on April 7, 1986 for legal action because of the hazardous substance involved. On July 17, 1987, an agreed final judgment was sent to the court resolving the violations against Matyear and Pioneer. Civil penalties of \$5,000.00 will be assessed and the companies will be prohibitively enjoined from violating Rule 101.20(2) in the future. Notice of intent to sue the Department of Defense is being drafted. The lawsuit against the Department of Defense will be filed in Federal court. It is not projected that the suit can be resolved through an agreed settlement.
12	Dallas Demolition and Excavating Company Tyler/Smith County	Building Demolition	09/16/85	NE SIAP (Asbestos Removal)	The excavating company was in the process of readying a building for implosion without proper notification and handling of asbestos. This lawsuit is not expected to reach agreed settlement. Interrogatories were sent to the company in June, 1987.
12	Poly Cycle Industries, Incorporated Tecula/Cherokee County	Battery Case Recycling	02/19/86	Permit Conditions Permit Representations	Poor maintenance and cleaning practices at the company's battery case recycling facility have resulted in high lead concentrations in the soil near the grinding process. Additional samples taken confirmed the high lead levels in the soil. The file on this company was referred to the Attorney General's Office on October 22, 1986. Settlement negotiations took place in March, 1987. Another settlement meeting was held on July 1, 1987. It is projected that this lawsuit can be resolved within 5 months if an agreed settlement is reached.

* If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

DFMC-07960

LAM 011589

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AGENDA ITEM VII

ENFORCEMENT REPORT

September 1987

Introduction

In accordance with the amended Texas Clean Air Act (Act), this report has been prepared and describes the status of enforcement actions initiated by the agency. Recommendations for Board Orders with administrative penalties are included on the agenda and are reflected in this report.

Enforcement Summary

Since the September 1, 1985 effective date of the amended Act, Notices of Violation have been issued to 2,398 companies, individuals or governmental agencies. Of these violations, 2,062 have been resolved. A total of 122 violation situations currently remain unresolved for more than 30 days and will require formal enforcement action. Specific details for each of the unresolved situations are contained in the attached Tables. Table 4 contains a listing of 13 companies in violation which constructed small facilities without a Board permit or exemption and for which Board Orders without administrative penalties are being developed or recommended. The cases for which Board Orders were approved at the August Board meeting have been removed from the report.

The following summarizes administrative penalty actions by the Board from September 1, 1986 for fiscal year 1987 (September 1, 1986 through August 31, 1987).

Agreed Administrative Board Orders Entered: 189
Total of Administrative Penalties Assessed: \$702,850.00

The following summarizes legal actions resolved through court orders entered in fiscal year 1987 (September 1, 1986 through August 31, 1987).

Cases Settled by Attorney General: 14
Total Civil Penalties Assessed: \$713,844.00

LAM 011573

Administrative Penalty Orders

Pursuant to Sections 3.20 and 4.041 of the Act and in accordance with the Guidelines for Assessing Administrative Penalties, the staff will be presenting the Board Orders that have been finalized with the companies for consideration and action by the Board. Although Table 2 includes brief reference to those situations for which penalties are being recommended, these cases will be considered separately during the Board meeting.

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
1	K G Gas Processors, Ltd. Winters/Runnels County	Gas Processing	07/05/87	Permit Conditions NPS*	The company failed to submit the emission reports required by NPS on gas processing facilities. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
2	Amarillo By-Products Amarillo/Potter County	Rendering Plant	09/08/86	Nuisance (Odor) Permit Conditions No Permit Maintenance Reporting	The company installed a larger capacity cooker without a Board permit. Odors from unprocessed materials stored outdoors while the cooker was being replaced created nuisance conditions for the area. A permit application has been submitted and is under review. A Board Order with an agreed administrative penalty of \$13,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
2	American Demolition, Incorporated Borger/Hutchinson County	Asbestos Contractor	12/16/86	NESHAP** (Asbestos)	The company was cited for improper removal of asbestos at the Phillips Chemical Company facility at Borger. A formal enforcement conference was held on April 22, 1987. A Board Order with an administrative penalty has been proposed to the company.
2	Mix Electric Company Lubbock/Lubbock County	Transformer Repair	04/17/87	Nuisance (Odor)	The transformer repair facility was cited for nuisance odors from the burnout oven and the painting operation. A formal enforcement conference was held on July 7, 1987. The Regional Director has recommended a Board Order with an administrative penalty. The Director of Enforcement is reviewing the matter to determine the appropriate enforcement action.

*New Source Performance Standards

**National Emission Standards for Hazardous Air Pollutants

LAM 011574

DPMC-07945

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
2	Perryton Equity Exchange Claude/Armstrong County	Grain Storage	05/07/87	No Permit	The company constructed and continues to operate a grain elevator without a Board permit. The Regional Director has recommended a Board Order with an administrative penalty. The Director of Enforcement is reviewing the matter to determine the appropriate enforcement action.
2	Phillips Chemical Company Borger/Hutchinson County	Chemical Manufacturing	12/16/86	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at the chemical manufacturing facility. The job was contracted to American Demolition, Incorporated. Additional samples were taken from a second location on the property and tested positive for asbestos. The Regional Director has recommended that the violations at both sites on the Borger facility be addressed with a single Board Order with an administrative penalty. A Board Order with an administrative penalty has been proposed to the company.
2	Texaco U.S.A. Kingsmill Plant Gray County	Gas Processing	06/22/87	NESHAP (Asbestos)	The company had loose asbestos on the ground in an area where asbestos demolition had occurred. The Regional Director is scheduling a formal enforcement conference after which a recommendation for appropriate enforcement action will be submitted.

LAM 011575

DPMC-07946

Table 2
VIOLATIONS

Since September 1, 1985
(That Will Continue More Than 30 Days)

LAM 011576

DPMC-07947

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
2	Phillips Chemical Company Borger/Hutchinson County	Chemical Manufacturing	12/16/86	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at the chemical manufacturing facility. The job was contracted to American Demolition, Incorporated. Additional samples were taken from a second location on the property and tested positive for asbestos. The Regional Director has recommended that the violations at both sites on the Borger facility be addressed with a single Board Order with an administrative penalty. A recommendation for an agreed Board Order with an administrative penalty which also involves American Demolition, Incorporated is being developed.
3	Gerald Company, Incorporated Hamilton County	Grain Handling	04/17/87	Nuisance (Odor)	The company operates a feedmill which has been the subject of several odor complaints. Since the company has failed to initiate corrective actions and the nuisance conditions are continuing, the Regional Director has recommended legal action. The file is being prepared for referral to the Attorney General's Office for lawsuit.
3	Pharaoh and Associates, Incorporated Burton/Washington County	Oil and Gas Production	06/15/87	Nuisance (Odor) No Permit	The company was cited for nuisance odors from the unauthorized venting at a gas well. A formal enforcement conference was held on July 20, 1987. The Regional Director is reviewing the matter and will submit a recommendation for appropriate enforcement action.

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
3	Structural Metals, Incorporated Austin/Travis County	Painting Metal Fence Posts	07/14/87	No Permit	The company constructed a fence painting facility without a Board permit. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
3	Texas Lehigh Cement Company Buda/Hays County	Portland Cement	02/13/87	Permit Conditions Excessive Visible Emissions	The company was again cited on March 10 after the February 13, 1987 notice for excessive visible emissions. Because of the repeat nature of the violation, a Board Order with an agreed administrative penalty of \$4,500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
3	Tufco Ready Mix, Incorporated West/McLennan County	Concrete Batch Plant	06/07/87	No Permit	The company constructed a concrete batch plant without a Board permit. A Board Order with an agreed administrative penalty of \$375.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
5	Amerada Hess Corporation Corpus Christi/Nueces County	Oil Refinery (Closed)	06/23/87	NESHAP (Asbestos)	The company was cited for improper removal of asbestos insulation during demolition of the oil refinery. A formal enforcement conference was held on June 30, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011577

DPMC-07648

Table 2
 VIOLATIONS
 Since September 1, 1985
 (That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
11	Elcor Corporation Van Horn/Culberson County	Abandoned Sulfur Plant	04/19/87	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at a closed sulfur production facility. A formal enforcement conference was held on June 2, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
11	El Paso Refining Company, Ltd. El Paso/El Paso County	Petroleum Refining	06/30/87	Opacity	The company was cited on two occasions for excessive visible emissions. A formal enforcement conference was held on August 18, 1987. The Regional Director is reviewing the matter to determine the appropriate enforcement action.
11	Department of Defense, U. S. Army Fort Bliss/El Paso County	Building Renovation	07/18/87	NESHAP (Asbestos)	The Department of Defense was cited for improper removal of asbestos at the Fort Bliss facility. A formal enforcement conference is being scheduled after which the Regional Director will submit a recommendation for appropriate enforcement action.
11	Valley Gin Company Tornillo/El Paso County	Cotton Gin	05/16/87	No Permit	The company is continuing the construction of a cotton gin without a Board permit. A formal enforcement conference was held on June 1, 1987. A Board Order with an agreed administrative penalty of \$2,600.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011578

DFMC-07949

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
3	Gerald Company, Incorporated Hamilton County	Grain Handling	04/17/87	Nuisance (Odor)	The file on this company was referred to the Attorney General's Office on September 3, 1987. The company operates a feed mill which has been the subject of several odor complaints and has failed to initiate corrective actions. It is not projected that this suit can be resolved through an agreed settlement.
5	Oceanside Asphalt, Incorporated Robstown/Nueces County	Portable Asphalt Plant	06/26/86	Permit Conditions Nuisance (Dust)	The company was cited for failure to water the stockpiles and roads as required in the Board permit and for creating a nuisance dust condition. The file on this company was referred to the Attorney General's Office on May 28, 1987. It is projected that this lawsuit can be resolved within 10 months if an agreed settlement is reached.
6	Bryson Tank Company Odessa/Ector County	Tank Manufacturing (Spray Painting)	10/08/85	Nuisance (Paint Overspray)	The company is continuing to operate without the needed controls and the nuisance problem remains. The file on this company was referred to the Attorney General's Office on January 31, 1986. The petition was filed on August 13, 1986. Cause was dismissed because of inability to serve the defendant. The case may be refilled.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011579

DPMC-07950

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
6	C & M Enterprises Midland/Midland County	Sandblasting	10/24/85	Nuisance (Dust) No Permit	The company has a history of violations which include nuisance (dust) conditions. The file on this company was referred to the Attorney General's Office on January 31, 1986. The Attorney General's Office filed suit against the wrong company. It is projected that once the lawsuit is refilled and service is obtained, the lawsuit can be resolved.
6	Permian Chemical Company, Incorporated Odessa/Ector County	Fertilizer Plant	10/22/85	Permit Representations Permit Conditions Nuisance (Acid Emissions)	The file on this company was referred to the Attorney General's Office on October 22, 1985 for violations occurring prior to September 1, 1985. Additional violations were forwarded on January 29, 1987 for inclusion in the lawsuit. The lawsuit is not expected to reach agreed settlement. An agreed temporary injunction was signed by the company and sent to the Court on June 22, 1987. It requires compliance with Sections 3.27(a) and 4.01(a) of the Act and Rules 101.7 and 111.21. Trial on the merits is set for October 12, 1987. A second amended original petition was filed on August 20, 1987; it requests that Permian be closed.
7	Keeshan and Bost Chemical Company Marvel/Brazoria County	Waste Chemical Processing	02/26/86	Nuisance (Odors) Court Order	A judgment was entered against this company on July 12, 1985 prohibiting future odor nuisances. Additional violations have since been documented. The file was referred to the Attorney General's Office on May 15, 1986. A tentative settlement has been reached; the agreed contempt order is being drafted.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011580

DPMC-07951

Table 3
 VIOLATIONS
 Since September 1, 1985
 (Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
7 and 5	Cuyahoga Wrecking Corporation Galveston County San Patricio County	Asbestos Contractor	07/30/86	NESHAP (Asbestos)	The file on this company was referred to the Attorney General's Office on May 8, 1987. The company conducted asbestos removal projects at Amoco Production Company (Galveston County) and Sun Exploration (San Patricio County) in violation of the NESHAP-Asbestos standards. The company has filed for bankruptcy. It is projected that the lawsuit can be resolved within 4 months if an agreed settlement is reached.
7	La Porte Chemicals Corporation, Diamond Shamrock Corporation, Diamond Shamrock Plastics Corporation Deer Park/Harris County	Vinyl Chloride Monomer Production	01/28/86	NESHAP (Vinyl Chloride) Permit Conditions	On June 2, 1986, the file on this company was referred to the Attorney General's Office because of the hazardous substance involved. Additional violations have been periodically referred to the Attorney General's Office for inclusion in the lawsuit. It is projected that this lawsuit can be resolved within 4 months if an agreed settlement is reached. A tentative settlement with La Porte Chemicals has been reached. Settlement negotiations with Diamond Shamrock (now Maxus Energy) are continuing.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011581

DPMC-07952

Table 3
VIOLATIONSSince September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
11	Department of Defense, U. S. Army Matyear Construction Company Pioneer Sheet Metal Works, Incorporated Fort Bliss/El Paso County	Building Renovation	09/17/85	NESHAP (Asbestos Removal)	The file on the Army and the two companies was referred to the Attorney General's Office on April 7, 1986 for legal action because of the hazardous substance involved. On July 17, 1987, an agreed final judgment was sent to the court resolving the violations against Matyear and Pioneer. Civil penalties of \$5,000.00 will be assessed and the companies will be prohibitively enjoined from violating Rule 101.20(2) in the future. Notice of intent to sue the Department of Defense is being drafted. The lawsuit against the Department of Defense will be filed in Federal court. It is not projected that the suit can be resolved through an agreed settlement.
12	Dallas Demolition and Excavating Company Tyler/Smith County	Building Demolition	09/16/85	NESHAP (Asbestos Removal)	The excavating company was in the process of readying a building for implosion without proper notification and handling of asbestos. This lawsuit is not expected to reach agreed settlement. Interrogatories were sent to the company in June, 1987 and answers to interrogatories are under review.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011582

DPMC-07953

AGENDA ITEM VI

ENFORCEMENT REPORT

November 1987

Introduction

In accordance with the amended Texas Clean Air Act (Act), this report has been prepared and describes the status of enforcement actions initiated by the agency. Recommendations for Board Orders with administrative penalties are included on the agenda and are reflected in this report.

Enforcement Summary

From September 1, 1985 effective date of the amended Act, through August 31, 1986, Notices of Violation were issued to 1,304 companies, individuals or governmental agencies. From September 1, 1986 through August 31, 1987, Notices of Violation were issued to 1,193 companies, individuals or governmental agencies. Of these violations, 2,184 have been resolved. A total of 117 violation situations currently remain unresolved for more than 30 days and will require formal enforcement action. Specific details for each of the unresolved situations are contained in the attached Tables. Table 4 contains a listing of 14 companies in violation which constructed small facilities without a Board permit or exemption and for which Board Orders without administrative penalties are being developed or recommended. The cases for which Board Orders were approved at the September Board meeting have been removed from the report.

The following summarizes administrative penalty actions by the Board since September 1, 1987.

Agreed Administrative Board Orders Entered: 17
Total of Administrative Penalties Assessed: \$29,400.00

The following summarizes legal actions resolved through court orders entered since September 1, 1987.

Cases Settled by Attorney General: 2
Total Civil Penalties Assessed: \$85,000.00

LAM 011519

Administrative Penalty Orders

Pursuant to Sections 3.20 and 4.041 of the Act and in accordance with the Guidelines for Assessing Administrative Penalties, the staff will be presenting the Board Orders that have been finalized with the companies for consideration and action by the Board. Although Table 2 includes brief reference to those situations for which penalties are being recommended, these cases will be considered separately during the Board meeting.

Table 1
VIOLATIONS
From the September Enforcement Report
(That Have Been Corrected)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
2	Nix Electric Company Lubbock/Lubbock County	Transformer Repair	04/17/87	Nuisance (Odor)	The transformer repair facility was cited for nuisance odors from the burnout oven and the painting operation. A formal enforcement conference was held on July 7, 1987. Since no additional violations have been confirmed and the company appears to be operating in compliance, this matter is considered resolved.
7	Acme Brick Company Sealy/Austin County	Brick Manufacturing	07/12/87	Permit Conditions Regulation III (Hydrogen Fluoride)	Stack sampling results indicated that hydrogen fluoride emissions exceeded the permit allowable. A formal enforcement conference was held on August 10, 1987. The violation was resolved with a permit amendment on September 14, 1987 and no additional control equipment was required.
7	Ash Lake Sand and Gravel, Incorporated Spring/Montgomery County	Soil Stabilization Plant	05/24/87	Exemption Conditions	The company constructed and continued to operate a soil stabilization facility without a Board permit. The matter was initially considered for a Board Order; however, an additional review by the Legal Division concluded a Standard Exemption was applicable, and the matter is resolved.
7	Asphalt for Roofing Dayton/Liberty County	Roofing Asphalt	07/06/87	Permit Conditions Permit Representations NSPS*	The company was found in violation of NSPS and permit provisions at the asphalt blowing facility. A formal enforcement conference was held on July 13, 1987. Additional sampling conducted indicated the facility was operating in compliance. The Regional Director considers the matter resolved.

*New Source Performance Standards

LAM 011520

DPMC-07891

Table 1
VIOLATIONS
From the September Enforcement Report
(That Have Been Corrected)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Intercontinental Terminals Company Deer Park/Harris County	Storage Terminal	07/22/87	NESHAP **(Benzene)	The company was using an unauthorized gas for calibrating its leak detection instruments. The substitution is not allowed under the NESHAP-Benzene regulation. The company has requested authorization from EPA to use the gas. This matter is considered clerical and resolved for this report.
7	Simpson Paper Company Pasadena/Harris County	Paper Manufacture	06/14/87	Court Order	The paper mill was operating in violation of the Court Order with regard to total reduced sulfur emissions. A formal enforcement conference was held on July 21, 1987. Since the Court Order cited was issued to the prior owner, a legal viability was requested in this matter. The Legal Division determined that it is inappropriate to enforce the Court Order issued to the previous owner.
8	Burrus Foods Sanger/Denton County	Grocery Store (Incinerator)	07/06/87	Permit Conditions	The company was observed operating its incinerator without the afterburner in service in violation of the conditions of the permit exemption. The facility was reinspected and found in compliance. The Regional Director considers the matter resolved.
8	Hardcast, Incorporated Wylie/Collin County	Adhesives and Sealants	05/12/87	No Permit	The company constructed and operated the facility without a Board permit. The facility has been sold to the Carbide Corporation and shut down. The Regional Director considers the matter resolved with regard to Hardcast, Incorporated. An inspection is scheduled to confirm the compliance status of the new owner.

**National Emission Standards for Hazardous Air Pollutants

LAM 011521

DPMC-07892

Table 1
VIOLATIONS
From the September Enforcement Report
(That Have Been Corrected)

TACR REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	Research Polymers International Grand Prairie/ Tarrant County	Plastics Material Compounds	06/14/87	Permit Provisions	The company added manufacturing processes to the facility without amending its permit. Since additional controls are not required and a permit amendment is under review, the matter is considered resolved.
8	Source Lumber Systems International Joshua/Johnson County	Woodworking	06/28/87	No Permit	The company relocated its facility without permit authorization. The operation has ceased and the Regional Director considers the matter resolved.
8	USA 1 Dallas/Dallas County	Fiberglass Products	07/12/87	Permit Conditions	The company constructed the fiberglass products manufacturing facility without a permit. A reinspection found the facility had been sold and was shut down. The Regional Director considers the matter resolved.
9	Westex Aromatics, Incorporated Leakey/Real County	Cedarwood Distillery	04/04/87	Opacity	The company was cited for excessive opacity from the boiler stack. Firebox changes were made in an attempt to improve combustion but this was unsuccessful. On July 27, 1987, the company notified us of a change in management and committed to providing a compliance plan with specific remedies in the near future. A recent fire has caused the plant to cease operation for the interim. The matter is considered resolved providing the facility is restarted in compliance.

LAM 011522

DPMC-07893

Table 1
VIOLATIONS
From the September Enforcement Report
(That Have Been Corrected)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
9	U S Brick, Incorporated Elmendorf/Bexar County	Brick Manufacturing	04/06/87	Permit Conditions Fluoride Emissions	The company was cited for exceeding the permit allow- able for emissions of fluorides. The company con- tended the violation was invalid which delayed the submittal of an acceptable compliance plan. A formal enforcement conference was held on July 21, 1987. The Legal Division is evaluating the company's position as outlined in its August 10, 1987 letter. Since this matter is expected to be resolved with a permit amendment requiring no additional control equipment, the issues are considered clerical and resolved for this report.
10	Texaco Refining and Marketing, Incorporated Port Arthur/Jefferson County	Petroleum Refining	07/01/87	Permit Conditions NSPS	The company was cited for failure to conduct perform- ance tests on two process units as required by the NSPS rules and permit conditions. A company request for waiver of the requirement for performance testing has been evaluated and a recommendation will be for- warded to EPA asking that a waiver be granted. If the initial review indicates a waiver can be granted, this matter will be resolved for this report.
12	Trinity Industries Longview/Gregg County	Steel Fabrication (Hopper Cars) (Sandblasting and Spray Painting)	10/28/86	No Permit	The company started construction on a spray painting facility without a Board permit. A permit and a permit amendment have since been issued to the com- pany and the matter is considered resolved.

LAM 011523

DPMC-07894

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
1	K G Gas Processors, Ltd. Winters/Runnels County	Gas Processing	07/05/87	Permit Conditions NSPS	The company failed to submit the emission reports required by NSPS on gas processing facilities. A Board Order with an agreed administrative penalty of \$500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
2	Amarillo By-Products Amarillo/Potter County	Rendering Plant	09/08/86	Nuisance (Odor) Permit Conditions No Permit Maintenance Reporting	The company installed a larger capacity cooker without a Board permit. Odors from unprocessed materials stored outdoors while the cooker was being replaced created nuisance conditions for the area. A permit application has been submitted and is under review. A Board Order with an agreed administrative penalty of \$13,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
2	American Demolition, Incorporated Borger/Hutchinson County	Asbestos Contractor	12/16/86	NESHAP (Asbestos)	The company was cited for improper removal of asbestos at the Phillips Chemical Company facility at Borger. A formal enforcement conference was held on April 22, 1987. A Board Order with an administrative penalty has been proposed to the company. The company has submitted additional information regarding the actual dates of violation which is being reviewed by the Legal Division.

LAM 011524

DPMC-07895

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
2	Perryton Equity Exchange Claude/Armstrong County	Grain Storage	05/07/87	No Permit	The company constructed and continues to operate a grain elevator without a Board permit. A Board Order with an agreed administrative penalty of \$3,175.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
2	Phillips 66 Company Borger/Hutchinson County,	Chemical Manufacturing	12/16/86	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at the chemical manufacturing facility. The job was contracted to American Demolition, Incorporated. Additional samples were taken from a second location on the property and tested positive for asbestos. The Regional Director has recommended that the violations at both sites on the Borger facility be addressed with a single Board Order with an administrative penalty. A Board Order with an agreed administrative penalty of \$175,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
2	Texaco U.S.A. Kingsmill Plant Gray County	Gas Processing	06/22/87	NESHAP (Asbestos)	The company had loose asbestos on the ground in an area where asbestos demolition had occurred. A formal enforcement conference was held on September 2, 1987. The Regional Director has recommended a Board Order with an administrative penalty; however, an additional analysis of the asbestos samples is being conducted prior to proceeding with development of a Board Order.

LAM 011525

DPMC-07896

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
3	Classic Marble Company Austin/Travis County	Cultured Marble	07/18/87	No Permit	The company constructed a cultured marble facility without a Board permit. Because the company had prior knowledge of the permit requirements, the Regional Director has recommended a Board Order with an administrative penalty. A Board Order with an agreed administrative penalty of \$800.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
3	Henry Whitel Austin/Travis County	Copper Wire Recycling	07/01/87	Outdoor Burning	The individual was cited for unauthorized outdoor burning of insulation from copper wire. A Board Order with an agreed administrative penalty of \$250.00 will be presented to the Board for adoption if the Order is finalized with the individual prior to the Board meeting date.
3	Pharaoh and Associates, Incorporated Burton/Washington County	Oil and Gas Production	06/15/87	Nuisance (Odor) No Permit	The company was cited for nuisance odors from the unauthorized venting at a gas well. A formal enforcement conference was held on July 20, 1987. A Board Order with an administrative penalty has been proposed to the company.

LAM 011526

DPMC-07897

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

FACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
3	Plas Clad, Incorporated Temple/Bell County	Wood Products	08/13/87	Nuisance (Sawdust)	The company was cited for nuisance sawdust conditions created by defective air pollution control equipment (cyclone). A formal enforcement conference was held on September 24, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
3	Southwest Railroad Car Parts Jewett/Leon County	Metal and Wood Salvage	05/03/87	Permit Conditions Opacity Outdoor Burning	The company was cited for outdoor burning, excessive visible emissions and for failure to comply with the Board permit exemption conditions at its railcar incineration operation. A formal enforcement conference was held on August 20, 1987. Process changes and modifications were developed and implemented to bring the facility into compliance on the opacity and the permit conditions. A follow-up investigation is scheduled to confirm the compliance status. The outdoor burning violation is being forwarded to the Attorney General's Office for inclusion in an existing lawsuit.
3	Structural Metals, Incorporated Austin/Travis County	Painting Metal Fence Posts	07/14/87	No Permit	The company constructed a fence painting facility without a Board permit. A formal enforcement conference was held on September 23, 1987. A Board Order with an administrative penalty has been proposed to the company.

LAM 011527

DPMC-07898

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
4	Anglo Iron and Metal Company, Incorporated Marlingen/Cameron County	Scrap Metal Shredding	08/26/87	Outdoor Burning Nuisance (Smoke)	The company was conducting outdoor burning of debris and created a nuisance smoke condition. A formal enforcement conference was held on October 9, 1987. The Regional Director will complete a review of the company's compliance plan prior to submitting a recommendation for appropriate enforcement action.
5	Amerada Hess Corporation Corpus Christi/Nueces County	Oil Refinery (Closed)	06/23/87	NESHAP (Asbestos)	The company was cited for improper removal of asbestos insulation during demolition of the oil refinery. A formal enforcement conference was held on June 30, 1987. A Board Order with an agreed administrative penalty of \$7,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
5	American Chrome and Chemicals, Incorporated Corpus Christi/Nueces County	Chromium Chemicals Manufacturing	07/11/87	Opacity	The company was cited for excessive opacity from the chrome hearth stack. A formal enforcement conference was held on August 3, 1987. The company submitted a proposal to install a baghouse to reduce emissions from the hearth. The Regional Director had recommended a Board Order with an administrative penalty. Subsequently, the company requested additional time to further evaluate its abatement plan to insure adequacy. A proposed Board Order is now being finalized.

LAM 011528

DPMC-07899

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
5	Formosa Plastics Corporation Texas Point Comfort/Calhoun County	Plastics Manufacture	06/14/87	NESHAP (Vinyl Chloride)	The company was cited for a relief valve release of vinyl chloride. A formal enforcement conference was held on July 7, 1987. At the company's request, the violation circumstances were reevaluated. A Board Order with an agreed administrative penalty of \$2,700.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
5	Kaspar Wire Works, Incorporated Shiner/Lavaca County	Fabricated Metal Products	08/04/87	Permit Conditions No Permit	The company was cited for an increase in production without obtaining a permit amendment. A formal enforcement conference was held on September 10, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
5	Universal Tubular Services Incorporated aka ICO, Incorporated Corpus Christi/Mueces County	Pipe Facility	03/11/87	No Permit	The company was cited for increasing production without a Board permit. A formal enforcement conference was held on March 20, 1987. The company will provide additional information on the proposed abatement equipment and has requested that the penalty amount be reconsidered. A Board Order with an agreed administrative penalty of \$3,800.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011529

DPMC-07900

Table 2
VIOLATIONS
Since September 1, 1986
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
6	Champion Chemicals, Incorporated Odessa/Ector County	General Chemicals	03/04/87	Nuisance (Odors) Board Order	The company was cited for nuisance odors and non-compliance with Board Order No. 86-114(d). The company had refused to accept the Board Order and administrative penalty which was proposed. However, the company has employed a consultant to develop an effective compliance plan. During a conference held on October 7, 1987, the company proposed the modeling of four substances handled by the plant for downwind nuisance potential. A settlement will be negotiated after the plan has been submitted and approved.
6	Farmland Industries, Incorporated Irion County and Schleicher County	Natural Gas Processing	07/27/87	No Permit	The company was cited for adding and modifying equipment at each of three plant sites without obtaining a permit or permit amendments. The violations were self-reported. A formal enforcement conference was held on August 11, 1987. A Board Order with an agreed administrative penalty of \$4,250.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
6	Leigh Brothers Coatings Odessa/Ector County	Oilfield Equipment Coatings	08/05/87	No Permit Permit Conditions Permit Representations	The company was cited for conducting sandblasting outdoors instead of in a building as required by the special permit. A formal enforcement conference was held on August 13, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011530

DFMC-07901

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
6	Meleh Gas Systems McCombs/Crockett County	Gas Processing	09/05/87	No Permit Permit Conditions	The company was cited for a modification of its production process that resulted in a significant increase in emissions of sulfur dioxide. A formal enforcement conference was held on October 7, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
7	Alonzo's Concrete Company Pasadena/Harris County	Concrete Batch Plant	05/31/87	No Permit	The company constructed and continues to operate a concrete batch facility without a Board permit. A Board Order with an agreed administrative penalty of \$500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
7	Amoco Chemicals Company Texas City/Galveston County	Petrochemical Manufacturing	04/14/86	Permit Conditions NESHAP (Benzene)	The company reported that 2,400 pounds of benzene were released through a defective relief valve. The company claimed its process was not subject to the NESHAP benzene regulation. The matter was referred to the EPA. A recent determination from the EPA indicates the release is regulated under the benzene NESHAP standards. A Board Order with an agreed administrative penalty of \$9,500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011531

DPMC-07902

Table 2
 VIOLATIONS
 Since September 1, 1985
 (That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Amoco Oil Company Texas City/Galveston County	Petroleum Refining	08/17/87	NSPS (Performance Testing) Permit Conditions	The company was found operating in violation of the NSPS monitoring requirements for carbon monoxide with regard to the operation of the fluid catalytic cracking unit. A formal enforcement conference was held on September 10, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
7	ARCO Chemical Company Channelview/Harris County	Chemical Plant	08/08/87	NESHAP (Benzene)	The company was found in violation of several NESHAP benzene fugitive emission control provisions. A formal enforcement conference was held on September 14, 1987. The company failed to install and maintain a flame sensing device on the plant flare in benzene service as required by the NESHAP benzene regulations. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
7	Ashland Chemical Company Houston/Harris County	Petrochemical Manufacturing	05/17/87	Permit Conditions	The company was operating a bulk chemical storage facility without the required emission controls. A formal enforcement conference was held on June 9, 1987. A Board Order with an agreed administrative penalty of \$4,200.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011532

DPMC-07903

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

FACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Crown Cork and Seal Company, Incorporated Galena Park/Harris County	Fabricated Metal Products	02/26/87	No Permit NSPS	The company increased production and added additional capacity to its beverage can manufacturing facility without a Board permit and in violation of the Federal NSPS. The Legal Division completed a review of the matter for viability. The facility is currently shut down. The Board Order with an administrative penalty is being revised to reflect an accelerated compliance date.
7	D and R Metal Finishing Houston/Harris County	Sandblasting, Painting and Plating	04/01/87	No Permit	The company constructed and continues to operate a metal finishing facility without a Board permit. Three attempts were made to deliver the violation letter before it was accepted. A formal enforcement conference was held on July 30, 1987. A Board Order with an administrative penalty of \$1,500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
7	Doty Landfill Houston/Harris County	Landfill	03/16/87	Nuisance (Odors)	The company operates a landfill which has been the subject of numerous citizen complaints. The file has been under review by the Director of Enforcement to determine the appropriate enforcement action. A Board Order with an administrative penalty has been proposed to the company. The company responded with a letter dated September 18, 1987 indicating additional information will be submitted and asked that the penalty be reconsidered.

LAM 011533

DPMC-07904

Table 2
 VIOLATIONS
 Since September 1, 1985
 (That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Exxon Chemical Americas Raytown/Harris County	Petrochemical Manufacturing	08/29/87	NESHAP (Benzene)	The company failed to install and maintain flame sensing devices on the plant flares in benzene service as required by the NESHAP-Benzene regulations. A formal enforcement conference was held on September 21, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
7	Fifty Four O One Dashwood, Incorporated Bellair/Harris County	Office Complex	07/27/87	NESHAP (Asbestos)	The company operated the building complex and was responsible for a renovation project in which asbestos was improperly removed. A Board Order with an administrative penalty has been proposed to the company; however, an additional analysis of the asbestos samples is being conducted before the Order is finalized.
7	Fusion, Incorporated Houston/Harris County	Chrome Plating	08/26/87	No Permit	The company constructed and continues to operate a chrome plating facility without a Board permit. A permit application has been submitted and is under review. A Board Order with an administrative penalty has been proposed to the company.
7	Gulf States Asphalt Company, Incorporated Deer Park/Harris County	Asphalt Products (With Asbestos)	07/26/87	NESHAP (Asbestos)	The company was cited for visible emissions emanating from a process where asphalt containing asbestos is manufactured. The matter is under review in the Legal Division to determine the NESHAP applicability.

LAM 011534

DPMC-07905

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Monsanto Company Alvin/Brazoria County	Petrochemical Manufacturing	08/10/87	NESHAP (Benzene)	The company was found in violation of the NESHAP-Benzene regulation regarding leak testing and calibration of the leak test equipment. A formal enforcement conference was held on September 28, 1987. The Regional Director is reviewing the matter and will submit a recommendation for appropriate enforcement action.
7	Occidental Chemical Corporation Pasadena/Harris County	PVC Manufacturing	03/04/87	NESHAP (Vinyl Chloride) Permit Conditions	The company reported a vinyl chloride release in violation of the NESHAP regulations. A Board Order with an agreed administrative penalty was to be presented to the Board for adoption; however, additional violations have been cited and will be included in a revised Board Order.
7	Olshan Demolition Houston/Harris County	Landfill	03/16/87	Nuisance (Odors)	The company operates a landfill which has been the subject of numerous odor complaints. The file has been under review by the Deputy Executive Director. A Board Order with an administrative penalty has been proposed to the company; however, the company has not agreed to the penalty and negotiations are continuing. Additional formal enforcement action will be recommended if an agreed Board Order cannot be developed.

LAM 011535

DPMC-07906

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Paktank Corporation Deer Park/Harris County	Storage Terminal	07/15/87	NESHAP (Benzene) Board Order No. 86-114(1) Permit Conditions	The company's terminal and storage facility were found to be in violation of permit conditions and NESHAP (Benzene) monitoring and recordkeeping requirements regarding pumps in benzene service. The company was also cited for violating a Board Order which requires compliance with NESHAP regulations. A formal enforcement conference was held on August 3, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
7	Rigs R Us Houston/Harris County	Drilling Structures	03/30/87	No Permit	The company constructed and continues to operate a sandblasting and painting facility without a Board permit. A Board Order with an agreed administrative penalty of \$2,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
7	Shell Oil Company/ Shell Chemical Company Deer Park/Harris County	Organic Chemicals	04/19/87	NESHAP (Vinyl Chloride)	The company reported vinyl chloride releases in violation of the NESHAP regulations. A formal enforcement conference was held on May 12, 1987. A Board Order with an agreed administrative penalty of \$6,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011536

DPMC-07907

Table 2
 VIOLATIONS
 Since September 1, 1985
 (That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Shintech, Incorporated Freeport/Brazoria County	Chemicals Manufacturing	07/08/87	NESHAP (Vinyl Chloride) Permit Conditions	The company reported a vinyl chloride release in violation of the NESHAP standard. A Board Order with an agreed administrative penalty of \$2,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
7	Texas Tx Tx Marine Transportation, Incorporated Houston/Harris County	Petroleum Coke Terminal	01/28/87	Permit Representations Permit Conditions	The company was operating a coke storage and loading facility in a manner not authorized by the Board permit. Additional violations have been issued to the company and will be incorporated into a revised Board Order with an administrative penalty.
7	Troy Pipe Supply, Incorporated Willis/Montgomery County	Pipe Recycling	03/16/87	No Permit	The company constructed and continues to operate an oilfield pipe coating facility without a Board permit. A permit application has been received and is under review. A Board Order with an agreed administrative penalty of \$4,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
7	United States Postal Service Bellair/Harris County	U. S. Post Office	07/27/87	NESHAP (Asbestos)	The Postal Service owns an office complex which was the site of an improper asbestos renovation project. A Board Order with an administrative penalty has been proposed to the Postal Service; however an additional analysis of the asbestos samples is being conducted before the Order is finalized.

LAM 011537

DPMC-07908

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
7	Rollins Environmental Services, Incorporated Deer Park/Harris County	Hazardous Waste Incinerator	09/29/87	Upset Reporting Permit Conditions NSPS (Storage Tanks) NESHAP (Benzene)	The company failed to properly report major upset conditions which resulted in fugitive emissions in violation of the conditions of the permit. In addition, there were violations of the NSPS regulation with regard to volatile organic compound storage facilities and of the NESHAP-Benzene leak detection and reporting requirements. A formal enforcement conference was held on October 13, 1987. A Board Order with an agreed administrative penalty of \$13,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
7	W. R. Grace and Company Deer Park/Harris County	Petrochemical Manufacturing	06/30/87	Permit Conditions	Stack sampling results indicate that the company's formaldehyde emissions exceed the permit allowable. The company has retested the process. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
7	Wood Material aka Barbee Enterprise, Incorporated Conroe/Montgomery County	Asphaltic Concrete Plant	05/14/86	Opacity Permit Conditions NSPS (Opacity)	The company was found in violation of NSPS, opacity and permit conditions at the asphaltic concrete plant. Additional odor complaints have been received and a meeting was held with the company. A Board Order with an administrative penalty was proposed to the company; however, the company did not agree to the Board Order. The file is being prepared for referral to the Attorney General's Office for lawsuit.

LAM 011538

DPMC-07909

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	Acme Bag Manufacturing, Incorporated Dallas/Dallas County	Flexographic Printing	04/29/87	No Permit	The company installed a printing press without a Board permit. A permit application has been submitted and is under review. A Board Order with an agreed administrative penalty of \$1,925.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
8	Alcon Laboratories, Incorporated Fort Worth/Tarrant County	Pharmaceuticals/ Ophthalmic Medication	05/13/87	No Permit	The company constructed and continues to operate five ethylene oxide sterilization units without a Board permit. A permit application has been submitted and is under review. A Board Order with an agreed administrative penalty of \$475.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
8	AMF Ben Hogan Company Fort Worth/Tarrant County	Golf Clubs and Balls Manufacturing	05/04/87	No Permit	The company constructed and continues to operate a controlled pyrolysis furnace without a Board permit. A permit application has been submitted and is under review. A Board Order with an agreed administrative penalty of \$750.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011539

DPMC-07910

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	City Wide Fuels Distributors, Incorporated Southlake/Tarrant County	Gasoline Bulk Terminal Blending Facility	09/19/87	No Permit	The company constructed and continues to operate a gasoline terminal and blending facility without a Board permit. A permit application has been submitted and is under review. The Regional Director is reviewing the matter to determine the appropriate enforcement action.
8	Dext Company Dallas/Dallas County	Waste Food Processing	03/10/87	Permit Representations Opacity	The company was cited for increasing the hours of operation in violation of permit representations. It appears however that this situation may be resolved through permit amendment which was submitted on March 31, 1987. A subsequent investigation on April 30, 1987 revealed excessive opacity from the dryer stack. Opacity levels have now been reduced as confirmed by inspection on July 29, 1987. The company hired a consultant to develop a compliance plan which has been submitted. The Director of Enforcement is reviewing the matter to determine the appropriate enforcement action.
8	DMS Refining, Incorporated Dallas/Dallas County	Silver Recovery	07/21/87	No Permit	The company relocated its silver reclamation facility without a Board permit. A permit application has been submitted and is under review. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011540

DPMC-07911

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACR REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	Farris Concrete Company Melissa/Collin County	Ready Mix Concrete Plant	04/05/87	Exemption Conditions	The company was cited for failure to install water sprinklers on aggregate stockpiles as required by the Standard Exemption. A Board Order with an agreed administrative penalty of \$500.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
8	Flexible Foam Products Terrell/Kaufman County	Foam Rubber Manufacturing	05/05/87	No Permit	The company constructed and continues to operate a foam and carpet pad manufacturing facility without a Board permit. A permit application has been submitted and is under review. A Board Order with an agreed administrative penalty of \$5,250.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
8	Larry Jones, Incorporated Arlington/Tarrant County	Cabinet Shop	12/12/85	No Permit	The company constructed a custom wooden cabinet manufacturing facility without a Board permit. A public hearing was held on May 26, 1987; however, no opposition attended. The Board Order on the contested case hearing was entered at the July 17, 1987 Board meeting and a permit was issued to the company. A Board Order with an administrative penalty has been proposed to the company.

LAM 011541

DPMC-07912

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	Lattimore Materials Company Greenville/Hunt County	Wet Batch Concrete Plant	07/06/87	Permit Conditions	The company was cited for several provisions of its permit including heavy dust emissions and inadequate abatement equipment. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
8	North Texas Aggregates, Incorporated Chico/Wise County	Portable Rock Crushing Plant	08/17/87	Permit Exemption Conditions	The company was cited for violation of the conditions of the exemptions which included the failure to keep in-plant roads watered and inadequate water sprays. The company initiated repairs on the water spray system and the violation was thought to be resolved. Subsequent investigation revealed that the water sprays were still inadequate. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
8	Overwraps, Incorporated Dallas/Dallas County	Flexographic Printing	05/25/87	No Permit	The company constructed and continues to operate a printing facility without a Board permit. A consultant has been hired to identify appropriate controls and prepare a permit application. A Board Order with an agreed administrative penalty of \$5,900.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011542

DFMC-07913

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	Pamarco, Incorporated Dallas/Dallas County	Printing Press Repair	06/14/87	No Permit	The company constructed and continues to operate a printing press roller refurbishing facility without Board permit. The company has agreed to submit a permit application. Additional information has been requested from the company and will be reviewed to determine if the company qualifies as a small source.
8	Presbyterian Hospital Kaufman/Kaufman County	Pathological Incinerator	04/11/87	Exemption Conditions	The hospital was cited for visible emissions from the incinerator in violation of the conditions of the Standard Exemption. A Board Order with an agreed administrative penalty of \$2,700.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
8	Rushing Paving Company, Incorporated Sherman/Grayson County	Asphaltic Concrete Batch Plant	08/30/87	Opacity Permit Conditions	The facility has a history of violations of opacity limits and permit conditions. It was again found to be in violation for excess opacity from the scrubber stack and dust emissions from in-plant traffic. The company has shut down the facility until corrections are completed. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011543

DPMC-07914

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
8	Southwest Heat Exchanger Fort Worth/Tarrant County	Air Conditioning Condensers	08/17/87	No Permit	The company constructed and continues to operate a vapor degreaser without a Board permit. A permit application has been submitted and is under review. The Regional Director is reviewing the matter to determine the appropriate enforcement action.
9	The Paks Corporation Junction/Kimble County	General Chemicals	06/01/87	Nuisance (Sawdust) Opacity	The company was cited for excessive opacity from the air pollution control equipment (cyclone) and for nuisance conditions created by burning sawdust. After a review of the company's compliance plan, the Regional Director will complete the recommendation for a Board Order with an administrative penalty.
9	Powerwall, Incorporated Poteet/Atascosa County	Fiber Reinforced Stucco	06/29/87	No Permit	The company constructed and continues to operate the facility without a Board permit. A formal enforcement conference was held on July 14, 1987. The development of a Board Order with an administrative penalty has been delayed due to the company owner being in the hospital and unable to submit the additional information on capital costs needed to complete the review.
9	Texarome, Incorporated Leakey/Real County	Cedar Oil Mill	04/11/87	Permit Representations Excessive Visible Emissions	The company was cited for not constructing the plant as represented in the permit application and for excessive visible emissions. A formal enforcement conference was held on April 28, 1987. A Board Order with an administrative penalty has been proposed to the company.

LAM 011544

DPMC-07915

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
9	USG Industries, Incorporated New Braunfels/Comal County	Limestone Quarry and Lime Products	06/25/87	Permit Conditions	The company was cited for dust emissions from the lines unloading area. A formal enforcement confer- ence was held on June 30, 1987. A Board Order with an agreed administrative penalty of \$1,000.00 will presented to the Board for adoption if the Order is finalized with the company prior to the Board meet- ing date.
10	American Petrofina Pipeline Company Port Arthur/Jefferson County	Bulk Hydrocarbon Terminal	07/17/87	Nuisance (Odors)	The company was cited for creating nuisance (odor) conditions when a gasoline storage tank overfilled and 1,600 barrels of gasoline were spilled. Adverse health effects were confirmed. A satisfactory compliance plan has been submitted to prevent furth- er incidents. A Board Order with an agreed adminis- trative penalty of \$6,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.
10	Bright Coop, Incorporated Macogdoches/Macogdoches County	Wood Pallet Manufacturing	07/21/86	No Permit	The company has increased its production rate and added manufacturing equipment over the past several years without permit authorization. A request for permit amendment has been submitted and is under review. The regional office staff has conducted sampling to evaluate emissions from the source and assist in the development of a control plan. A Board Order with specific control requirements will be developed when agreement is reached on the permit amendment.

LAM 011545

DPMC-07916

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
10	Chevron U.S.A., Incorporated Port Arthur/Jefferson County	Petroleum Refining	09/01/87	Nuisance (Odors) Adverse Health Impact	Process upsets at the Chevron refinery caused excess emissions of uncombusted hydrocarbons and hydrogen sulfide which resulted in an air pollution episode, including nuisance conditions and adverse health impacts. Corrections were made at the time of the incident and an acceptable plan to prevent future occurrences of this nature has been submitted. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
10	Chevron U.S.A., Incorporated Beaumont/Jefferson County	Petroleum Refining	07/15/87	Permit Conditions Regulation V (VOC***) NSPS	The company was cited for failure to conduct the annual inspections of secondary seals on the storage tanks and other violations of state and federal rules regarding secondary seals on petroleum storage tanks. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
10	Temple Eastex, Incorporated Pineland/Sabine County	Pine Plywood	04/20/87	Permit Representations	The company exceeded the plywood production rate specified in permit provisions. The Regional Director has recommended a Board Order with an administrative penalty. The Director of Enforcement is reviewing the matter to determine the appropriate enforcement action.

***Volatile Organic Compounds

LAM 011546

DPMC-07917

Table 2
 VIOLATIONS
 Since September 1, 1985
 (That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
11	Baltimore Spice Company Westway/El Paso County	Processing/Packaging Spices	06/03/87	No Permit	The company was cited for construction and operation of an ethylene oxide sterilization unit without a Board permit. A permit application has been submitted and is under review. A Board Order with an administrative penalty has been proposed to the company. If the initial review indicates a waiver can be granted, this matter will be resolved for this report.
11	Carpenter Motors El Paso/El Paso County	Used Car Sales	08/08/87	Regulation IV (Motor Vehicle Tampering)	The company was cited for offering for sale, vehicles with inoperative emission control devices. A formal enforcement conference was held on September 23, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
11	Chaparral Motors, Incorporated El Paso/El Paso County	Used Car Sales	08/22/87	Regulation IV (Motor Vehicle Tampering)	The company was cited for offering for sale, vehicles with inoperative emission control devices. A formal enforcement conference was held on October 7, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011547

DPMC-07918

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
11	Department of Defense, U. S. Army Fort Bliss/El Paso County	Building Renovation	07/18/87	NESHAP (Asbestos)	The Department of Defense was cited for improper removal of asbestos at the Fort Bliss facility. A formal enforcement conference is being scheduled. The Regional Director has recommended a Board Order with an administrative penalty which is being reviewed by the Legal Division and the Director of Enforcement.
11	Elcor Corporation Van Horn/Culberson County	Abandoned Sulfur Plant	04/19/87	NESHAP (Asbestos)	The company was cited for improper removal of asbestos during the dismantling of buildings and equipment at a closed sulfur production facility. A formal enforcement conference was held on June 2, 1987. The compliance plan has been reviewed by the Texas Water Commission. A Board Order without an administrative penalty has been proposed to the company.
11	El Paso Refining Company, Ltd. El Paso/El Paso County	Petroleum Refining	06/30/87	Opacity	The company was cited on two occasions for excessive visible emissions. A formal enforcement conference was held on August 18, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011548

DPMC-07919

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
11	Horizon Retread Center El Paso/El Paso County	Tire Retreading	08/03/87	No Permit	The company was cited for construction and operation of a tire retreading facility without a Board permit. A permit application has been submitted and is under review. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.
12	Pabco Insulation Tucker/Anderson County	Fiberglass Insulation	03/30/87	Permit Conditions NPS (Monitoring)	The company was cited for excessive stack emissions above permit allowables on particulates, phenol and aldehydes. Corrective measures have been completed. A formal enforcement conference was held on August 25, 1987. The Regional Director is preparing a recommendation for formal enforcement action.
12	Pilgrim's Pride Corporation Mt. Pleasant/Titus County	Chicken Manure Fertilizing Operation	07/15/87	Nuisance (Odors)	The company was cited for two instances of nuisance conditions (odors) from the spreading of chicken manure on a 120 acre tract near the community of Ripley. A formal enforcement conference was held on August 4, 1987. A Board Order with an administrative penalty of \$2,000.00 will be presented to the Board for adoption if the Order is finalized with the company prior to the Board meeting date.

LAM 011549

DPMC-07920

Table 2
VIOLATIONS
Since September 1, 1985
(That Will Continue More Than 30 Days)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT
12	Pregler Iron and Metal Athens/Henderson County	Metal Salvage	09/04/87	Outdoor Burning	The company conducted outdoor burning of wire insulation, plastic pipe and debris. A formal enforcement conference was held on September 11, 1987. The Regional Director has recommended a Board Order with an administrative penalty which is being developed.

LAM 011550

DPMC-07921

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
1	Bean Hog Farm Brownwood/Brown County	Confined Animal Feedlot	11/21/85	Nuisance (Odors) Board Order (85-12)	The file on this company was referred to the Attorney General's Office on May 21, 1986. The company violated a Board Order issued in October, 1985 which required a reduction in the number of animals in the feedlot and prohibited the creation of any further nuisance conditions. It is projected that this lawsuit can be resolved within 2 months through agreed action.
2	Texland Petroleum Lubbock/Lubbock County	Petroleum Storage	09/23/85	No Permit Nuisance (Odors) Opacity	The file on this company was referred to the Attorney General's Office on December 17, 1985 for violations which occurred prior to September 1, 1985. Additional violations have been periodically referred to the Attorney General's Office for inclusion in the lawsuit. On September 14, 1987, an agreed final judgment was entered assessing a penalty of \$65,000.00, attorney's fees of \$15,000.00 and investigative cost of \$10,000.00.
3	Pool Production Services Company Kerwin/Freestone County	Oil Separation and Injection Well Facility	03/23/87	Permit Conditions	The file on this company was referred to the Attorney General's Office on October 29, 1985 for violations which occurred prior to September 1, 1985. Additional violations were forwarded on April 14, 1987 for inclusion in the lawsuit. This lawsuit is not expected to reach agreed settlement. Trial on the merits is scheduled for December 7, 1987.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011551

DPMC-07922

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
3	Gerald Company, Incorporated Hamilton County	Grain Handling	04/17/87	Nuisance (Odor)	The file on this company was referred to the Attorney General's Office on September 3, 1987. The company operates a feed mill which has been the subject of several odor complaints and has failed to initiate corrective actions. It is not projected that this suit can be resolved through an agreed settlement.
5	Oceanside Asphalt, Incorporated Robstown/Nueces County	Portable Asphalt Plant	06/26/86	Permit Conditions Nuisance (Dust)	The company was cited for failure to water the stockpiles and roads as required in the Board permit and for creating a nuisance dust condition. The file on this company was referred to the Attorney General's Office on May 28, 1987. It is projected that this lawsuit can be resolved within 9 months if an agreed settlement is reached.
6	Bryson Tank Company Odessa/Ector County	Tank Manufacturing (Spray Painting)	10/08/85	Nuisance (Paint Overspray)	The company is continuing to operate without the needed controls and the nuisance problem remains. The file on this company was referred to the Attorney General's Office on January 31, 1986. The petition was filed on August 13, 1986. Cause was dismissed because of inability to serve the defendant. The case may be refiled.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011552

DPMC-07923

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
6	C & M Enterprises Midland/Midland County	Sandblasting	10/24/85	Nuisance (Dust) No Permit	The company has a history of violations which include nuisance (dust) conditions. The file on this company was referred to the Attorney General's Office on January 31, 1986. The Attorney General's Office filed suit against the wrong company. The lawsuit was refiled on September 24, 1987. It is projected that the lawsuit can be resolved within 6 months if an agreed settlement is reached.
6	Permian Chemical Company, Incorporated Odessa/Ector County	Fertilizer Plant	10/22/85	Permit Representations Permit Conditions Nuisance (Acid Emissions)	The file on this company was referred to the Attorney General's Office on October 22, 1985 for violations occurring prior to September 1, 1985. Additional violations were forwarded on January 29, 1987 for inclusion in the lawsuit. The lawsuit is not expected to reach agreed settlement. An agreed temporary injunction was signed by the company and sent to the Court on June 22, 1987. It requires compliance with Sections 3.27(a) and 4.01(a) of the Act and Rules 101.7 and 111.21. Trial on the merits was continued indefinitely and a modified temporary injunction was entered on October 13, 1987 requiring the company to cease production until further order of the court.
7	Keeshan and Bost Chemical Company Marvell/Brazoria County	Waste Chemical Processing	02/26/86	Nuisance (Odors) Court Order	A judgment was entered against this company on July 12, 1985 prohibiting future odor nuisances. Additional violations have since been documented. The file was referred to the Attorney General's Office on May 15, 1986. On October 19, 1987, a First Amended Agreed Final Judgment was mailed to the court assessing a contempt fine of \$1,250.00.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011553

DPMC-07924

Table 3
 VIOLATIONS
 Since September 1, 1985
 (Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
7 and 5	Cuyahoga Wrecking Corporation Galveston County San Patricio County	Asbestos Contractor	07/30/86	MESHAP (Asbestos)	The file on this company was referred to the Attorney General's Office on May 8, 1987. The company conducted asbestos removal projects at Amoco Production Company (Galveston County) and Sun Exploration (San Patricio County) in violation of the MESHAP-Asbestos standards. The company has filed for bankruptcy. It is projected that the lawsuit can be resolved within 3 months if an agreed settlement is reached.
7	La Porte Chemicals Corporation, Diamond Shamrock Corporation, Diamond Shamrock Plastics Corporation Deer Park/Harris County	Vinyl Chloride Monomer Production	01/28/86	MESHAP (Vinyl Chloride) Permit Conditions	On June 2, 1986, the file on this company was referred to the Attorney General's Office because of the hazardous substance involved. Additional violations have been periodically referred to the Attorney General's Office for inclusion in the lawsuit. It is projected that this lawsuit can be resolved within 3 months if an agreed settlement is reached. A settlement with La Porte Chemicals has been reached. Settlement negotiations with Diamond Shamrock (now Maxus Energy) are continuing.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011554

DPMC-07925

Table 3
 VIOLATIONS
 Since September 1, 1985
 (Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
7	Root Company Shenandoah/Montgomery County	Trench Burner Operation	10/09/85	No Permit Outdoor Burning	The company was cited on six occasions for operating without a permit and conducting outdoor burning. The file on this company was referred to the Attorney General's Office on January 29, 1986. An agreed final judgment was entered on September 8, 1987 assessing a \$20,000.00 penalty with injunctive relief requiring defendants to apply a final cover on the Root Landfill and enjoining defendants from operating the landfill and conducting outdoor burning. The penalty will be abated if defendants meet the deadlines for applying a final cover on the Root Landfill.
7	Tenneco Polymers, Incorporated Pasadena/Harris County	Chemical Manufacturing (Vinyl Chloride)	10/24/85	MESHAP (Vinyl Chloride) Permit Conditions	On December 31, 1985, the file on this company was referred to the Attorney General's Office because of the hazardous substance involved. The company sold its vinyl chloride plant in April, 1986. Further settlement negotiations took place on July 1, 1987. A tentative settlement was reached on July 1, 1987. An agreed final judgment is being drafted.
7	Texas City Refining, Incorporated Texas City/Galveston County	Refinery	06/26/86	Permit Provisions NSPS (High Sulfur Crude)	The file on this company was referred to the Attorney General's Office on July 12, 1983. Subsequent violations have been periodically forwarded to the Attorney General's Office for inclusion in the lawsuit. It is projected that this lawsuit can be resolved within 2 months if an agreed settlement is reached.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011555

DPMC-07926

Table 3
 VIOLATIONS
 Since September 1, 1985
 (Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
7	Union Carbide Corporation Texas City/Galveston County	Chemical Manufacturing	02/16/86	MESHAP (Vinyl Chloride and Benzene)	The file on this company was referred to the Attorney General's Office on March 18, 1986. Additional violations have been periodically included in the lawsuit. The parties have agreed to settle this matter. A proposed agreed final judgment is being drafted. It is projected that a judgment can be entered within 1 month. The company has signed and returned the proposed final judgment with a check for civil penalties. The judgment is to be filed.
8	Brandywilde Development Corporation Valley View/Cooke County	Rock Crushing Plant	09/18/85	Permit Conditions	The company has a history of violations beginning in 1983 when it constructed without a Board permit. The file on this company was referred to the Attorney General's Office on February 4, 1986. It is projected that this lawsuit can be resolved within 2 months if an agreed settlement is reached. An agreed judgment was mailed to the defendant for signature in early February by certified mail but was apparently lost in the mail. Another agreed judgment was mailed to the defendant on March 16, 1987. Settlement negotiations have not achieved an agreement. Interrogatories were sent to the company and answered in June, 1987. The company is no longer operating at the site.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011556

DPMC-07927

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
8	Willie Grant Tarrant County	Individual	02/21/86	Outdoor Burning Court Order	A judgment was entered against this individual on May 31, 1985 prohibiting future violations of Regulation 1. An additional violation of unauthorized burning has since been documented. The file was referred to the Attorney General's Office on May 15, 1986. It is projected that this contempt action cannot be resolved by agreement.
10	Great Lakes Carbon Corporation Port Arthur/Jefferson County	Carbon Plant	09/27/85	Opacity Excessive Particulate Emissions Permit Conditions	The file on this company was referred to the Attorney General's Office on September 27, 1985 for violations occurring prior to September 1, 1985. Subsequent violations were forwarded to the Attorney General for inclusion in the lawsuit. Sampling is needed before injunctive relief can be drafted. The strike at the plant has recently ended. Resampling was conducted on March 9, 1987. The resampling indicated continuing violations which were forwarded to the Attorney General on June 18, 1987. It is projected that this lawsuit can be resolved within 7 months if an agreed settlement is reached.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011557

DPMC-07928

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
11	Department of Defense, U. S. Army Matyear Construction Company Pioneer Sheet Metal Works, Incorporated Fort Bliss/EI Paso County	Building Renovation	09/17/85	NESHAP (Asbestos Removal)	The file on the Army and the two companies was referred to the Attorney General's Office on April 7, 1986 for legal action because of the hazardous substance involved. On July 17, 1987, an agreed final judgment was entered by the court resolving the violations against Matyear and Pioneer. Civil penalties of \$5,000.00 were assessed and the companies were prohibitively enjoined from violating Rule 101.20(2) in the future. Notice of intent to sue the Department of Defense is being drafted. The lawsuit against the Department of Defense will be filed in Federal court. It is not projected that the suit can be resolved through an agreed settlement.
12	Dallas Demolition and Excavating Company Tyler/Smith County	Building Demolition	09/16/85	NESHAP (Asbestos Removal)	The excavating company was in the process of readying a building for implosion without proper notification and handling of asbestos. This lawsuit is not expected to reach agreed settlement. Interrogatories were sent to the company in June, 1987 and answers to interrogatories were received on June 20, 1987.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011558

DPMC-07929

Table 3
VIOLATIONSSince September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
12	Poly Cycle Industries, Incorporated Tecula/Cherokee County	Battery Case Recycling	02/19/86	Permit Conditions Permit Representations	Poor maintenance and cleaning practices at the company's battery case recycling facility have resulted in high lead concentrations in the soil near the grinding process. Additional samples taken confirm the high lead levels in the soil. The file on this company was referred to the Attorney General's Office on October 22, 1986. Settlement negotiations took place in March, 1987. Another settlement meeting was held on July 1, 1987. It is projected that this lawsuit can be resolved within 3 months if an agreed settlement is reached. A proposed closure plan has been submitted to the agency for review of clean-up plans.
12	Southwest Railroad Car Parts Jacksonville/Cherokee County	Railcar Salvage	03/18/86	Outdoor Burning Nuisance (Smoke)	The file on this company was referred to the Attorney General's Office on July 12, 1985 for violations occurring prior to September 1, 1985 at two different sites. Subsequent violations have been forwarded to the Attorney General for inclusion in the lawsuit. Since the defendant's attorney is a state legislator, settlement may not be possible until the fall of 1987. The Attorney General has requested a settlement meeting with the company in November, 1987.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011559

DPMC-07930

Table 3
VIOLATIONS
Since September 1, 1985
(Approved for Referral to Attorney General's Office)

TACB REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE	TYPE OF VIOLATION	COMMENT*
12	Texas Basic Resources Overton/Rusk County	Grain Transfer	04/04/86	No Permit Nuisance (Dust)	The file on this company was referred to the Attorney General's Office on March 6, 1987 for constructing and operating a grain transfer facility without a Board permit. It is projected that this lawsuit can be resolved within 9 months if an agreed settlement is reached. The lawsuit was filed on June 17, 1987 and the defendant was served on June 29, 1987.

*If settlement cannot be reached and additional court action is necessary, then it may take 2 years to resolve these lawsuits.

LAM 011560

DPMC-07931

Table 4
VIOLATIONS
On Small Sources With No Permit

The following companies constructed and operated small facilities without Board permits or exemptions. The companies indicated no prior knowledge of the permitting requirements and had no previous permit violations. Applications have been submitted. Board Orders without administrative penalties will be presented to the Board for adoption if the Order is finalized prior to the Board meeting date. The Board Orders require the companies to obtain permits or exemptions.

REGION	SOURCE	TYPE OF FACILITY	NOTIFICATION
	CITY/COUNTY		DATE
1	Bethania Hospital Wichita Falls/Wichita County	Incinerator	07/27/87
2	Kast Marble Amarillo/Potter County	Cultured Marble	09/03/86
7	Blacks Millwork Houston/Harris County	Millwork Hotel Interiors	05/25/87
7	Houston Steel Products, Incorporated Houston/Harris County	Oil Field Equipment Manufacturing	06/16/87
7	Hydrotek Dynamics, Incorporated Harris County	Pump Rebuilding	06/16/87
7	Intermedics, Incorporated Brazoria County	Medical Equipment	06/24/87
7	- Modern Machining and Hydraulics, Incorporated Pasadena/Harris County	Remanufactured Cylinder Valves	05/10/87

LAM 011561

DPMC-07932

Table 4
VIOLATIONS
On Small Sources With No Permit

The following companies constructed and operated small facilities without Board permits or exemptions. The companies indicated no prior knowledge of the permitting requirements and had no previous permit violations. Applications have been submitted. Board Orders without administrative penalties will be presented to the Board for adoption if the Order is finalized prior to the Board meeting date. The Board Orders require the companies to obtain permits or exemptions.

REGION	SOURCE CITY/COUNTY	TYPE OF FACILITY	NOTIFICATION DATE
7	Western Packing Company Bellville/Austin County	Dog Food Manufacturing	07/26/87
8	Augat Elfab Lewisville/Denton County	Printed Circuit Board Manufacturing	06/23/87
8	BASF Corporation Carrollton/Dallas County	Urethane Blending Plant	07/31/87
9	De Los Santos Ready Mix Eagle Pass/Maverick County	Ready Mix Concrete	04/22/87
9	Ray Ellison Industries San Antonio/Bexar County	Cultured Marble	06/08/87
12	Mid State Tile Company Mt. Vernon/Franklin County	Tile Manufacturing	07/11/87
12	- Wells Marble Company Smith County	Cultured Marble	08/12/86

LAM 011562

DPMC-07933

Attachment D

ADMINISTRATIVE PENALTIES AND ORDERS OF THE TEXAS AIR CONTROL BOARD

<u>PERMIT NO.</u>	<u>RESPONDENT</u>	<u>DATE ENTERED</u>	<u>PENALTY AMOUNT</u>	<u>VIOLATIONS/REMEDIAL ACTION</u>
87-10(a)	Acme Bag Manufacturing, Inc. 9141 Premier Row Dallas, TX	11/13/87	\$1,925	Failure to obtain a permit for the construction and operation of a flexographic printing press and an adhesive laminator.
87-10(b)	Alcon Laboratories, Inc. 6201 S. Freeway Fort Worth, TX	11/13/87	\$475	Failure to obtain a permit for the construction and operation of four ethylene oxide sterilizers.
87-10(c)	Alonzo's Concrete Co. 2540 Jana Lane Pasadena, TX	11/13/87	\$500	Failure to obtain a permit for the construction and operation of a concrete batch plant.
87-10(d)	Amarillo By-Products 8415 East 1st Avenue Amarillo, TX	11/13/87	\$13,000	Violated a permit by stockpiling 2,000,000 pounds of rendering raw material outdoors on the ground; caused emission of odors in violation of the Texas Clean Air Act; failed to obtain a permit to modify its rendering plant by installing a new cooker and press.
87-10(e)	Amerada Hess Corp. 1802 Poth Lane Corpus Christi, TX	11/13/87	\$7,000	Violation of National Emission Standards for hazardous air pollutants (asbestos): Failure to timely provide written notification, to utilize required procedures, and to utilize required procedures for the handling of asbestos-containing waste material.

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DPMC-07934

<u>ORDER NO.</u>	<u>RESPONDENT</u>	<u>DATE ENTERED</u>	<u>PENALTY AMOUNT</u>	<u>VIOLATIONS/REMEDIAL ACTION</u>
87-10(f)	AMP Ben Hogan Co. 2912 West Pafford Fort Worth, TX	11/13/87	\$750	Failure to obtain a permit for the construction and operation of a paint burn off oven.
87-10(g)	Ashland Chemical Co. 8900 Galveston Road Houston, TX	11/13/87	\$4,200	Operation of volatile organic compound storage tanks without abatement equipment.
87-10(h)	Farmland Industries, Inc. Irion & Schleicher County, TX	11/13/87	\$4,250	Failure to obtain a permit for the construction and operation of two natural gas compressor stations and one natural gas plant.
87-10(i)	Farris Concrete Co. Melissa Collin County, TX	11/13/87	\$500	Failure to install and use water sprinklers to control emissions in a concrete batch plant.
87-10(j)	Formosa Plastics Corp. Texas Point Comfort Calhoun County, TX	11/13/87	\$2,700	Accidental discharge of 565 pounds of vinyl chloride into the atmosphere.
87-10(k)	Houston Steel Products, Inc. 6100 Romaona Blvd. Houston, TX	11/13/87	\$0	Failure to obtain a permit for the construction and operation of a sandblasting and painting facility.
87-10(l)	Hydrotex Dynamics, Inc. 6320 Cunningham Road Houston, TX	11/13/87	If substantial additional controls necessary \$500	Failure to obtain a permit for the construction and operation of a sandblasting facility.

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LAM 011564

DPMC-07935

<u>ORDER NO.</u>	<u>RESPONDENT</u>	<u>DATE ENTERED</u>	<u>PENALTY AMOUNT</u>	<u>VIOLATIONS/REMEDIAL ACTION</u>
87-10(m)	Ico, Inc. 401 Saratoga Road Corpus Christi, TX	11/13/87	\$3,800	Failure to obtain a permit for the construction and operation of pipe coating facilities.
87-10(n)	Intermedica, Inc. 240 Tarpon Inn Village Freeport, TX	11/13/87	\$1,150	Failure to obtain a permit for the construction and operation of three ethylene oxide sterilization chambers.
87-10(o)	Kast Marble 3012 Amarillo Blvd. Potter County, TX	11/13/87	\$0	Failure to obtain a permit for the construction and operation of a synthetic marble manufacturing facility.
87-10(p)	KG Gas Processors, Ltd. Runnels County Winters, TX	11/13/87	\$500	Texas Clean Air Act violations: Processing gas containing more than 8,000 parts per million by volume of hydrogen sulfide (H ₂ S) and failing to provide semi-annual reports on fugitive volatile organic compound leaks/Submittal of an application for an amendment of a permit; monitoring of H ₂ S content of the inlet gas daily
87-10(q)	Mid-State Tile Co. Franklin County Mt. Vernon, TX	11/13/87	\$0	Failure to obtain a permit to construct and operate a tile manufacturing plant.
87-10(r)	Modern Machining & Hydraulics, Inc. 504 North Richey Pasadena, TX	11/13/87	\$500 if substantial additional controls necessary	Failure to obtain a permit to construct and operate a chrome plating unit.
87-10(s)	Perryton Equity Exchange Armstrong County, TX	11/13/87	\$3,175	Failure to obtain a permit for the construction and operation of a grain elevator.

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LAM 011565

DPMC-07936

<u>ORDER NO.</u>	<u>RESPONDENT</u>	<u>DATE ENTERED</u>	<u>PENALTY AMOUNT</u>	<u>VIOLATIONS/REMEDIAL ACTION</u>
87-10(t)	Phillips 66 Co. Hutchinson County Borger, TX	11/13/87	\$175,000	Violation of National Emission Standards for a hazardous air pollutant (asbestos): Failed to utilize required procedures for the demolition and removal of friable asbestos materials, and to utilize required procedures for the handling and transportation of asbestos containing waste material.
87-10(u)	Pilgrim's Pride Corp. Titus County Mount Pleasant, TX	11/13/87	\$2,000	Violation of the Texas Clean Air Act: Caused, suffered, allowed or permitted the emission of an air contaminant (odor from manure)/Disposing only broiler house manure at the site; disking all manure into the soil on the same day it is spread.
87-10(v)	Presbyterian Hospital West Highway 243 Kaufman, TX	11/13/87	\$2,700	Failure to obtain a permit for the operation of a pathological incinerator.
87-10(w)	Shell Oil Co./ Shell Chemical Co. Harris County Deer Park, TX	11/13/87	\$6,000	Violation of National Emission Standards for a hazardous pollutant (vinyl chloride): Discharged exhaust gases containing concentrations of vinyl chloride in excess of 10 parts per million into the atmosphere from equipment used in ethylene dichloride purification and vinyl chloride formation.
87-10(x)	Shintech, Inc. 5618 State Highway 332 Freeport, TX	11/13/87	\$2,000	Allowed a non-emergency discharge of vinyl chloride monomer (VCM) from a relief valve on equipment in vinyl chloride service at its polyvinyl chloride manufacturing plant.

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LAM 011566

DPMC-07937

<u>ORDER NO.</u>	<u>RESPONDENT</u>	<u>DATE ENTERED</u>	<u>PENALTY AMOUNT</u>	<u>VIOLATIONS/REMEDIAL ACTION</u>
87-10(y)	Troy Pipe Supply, Inc. 5080 I-45 North Willis, TX	11/13/87	\$4,000	Failure to obtain a permit for the operation and construction of a pipe recycling facility/cessation of cleaning pipe by applying heat.
87-10(z)	USG Industries, Inc. Comal County New Braunfels, TX	11/13/87	\$1,000	Unloaded fines from an electrostatic precipitator into a storage hopper by a free-fall method instead of using the approved method (use of a collapsible loading spout vented to a baghouse).
87-10(aa)	Wells Marble Co. Smith County Flint, TX	11/13/87	\$0	Failure to obtain a permit for the construction and operation of a synthetic marble plant.
87-10(bb)	Western Packing Co. 470 Welius Road Austin County, TX	11/13/87	\$0	Failure to obtain a permit for the construction and operation of a dog food production facility.
87-10(cc)	Henry Whited 6015 Jacqueline Lane Kennedy Estates Subdivision Manor, TX	11/13/87	\$250 in 6 installments	Caused, suffered, allowed, or permitted outdoor burning of wire insulation.

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LAM 011567

DPMC-07938

<u>ORDER NO.</u>	<u>RESPONDENT</u>	<u>DATE ENTERED</u>	<u>PENALTY AMOUNT</u>	<u>VIOLATIONS/REMEDIAL ACTION</u>
87-10(dd)	Rollins Environmental Services (TX), Inc. Battleground Road Deer Park, TX	11/13/87	\$13,000	Failed to notify the Executive of a major upset condition or may have caused excess; failed to comply with State Performance for New Station Sources (NSPS) for Volatile Liquid Storage Vessels; failed with NESHAPS; and failed to maintain negative draft sufficient to prevent fugitive emissions from the afterburners of the liquid incinerator/maintenance of time and duration of each that occurs; notification whenever fugitive emissions; and maintenance of a continuous monitoring, recording, and

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LAM 011568

DPMC-07939

Attachment F

1 AN ACT
2 relating to the health risk assessment of certain toxic substances
3 and harmful physical agents by the Texas Department of Health.
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5 SECTION 1. Title 71, Revised Statutes, is amended by adding
6 Article 6477-7a to read as follows:
7 ART. 6477-7a. HEALTH RISK ASSESSMENT OF TOXIC SUBSTANCES AND
8 HARMFUL PHYSICAL AGENTS
9 SEC. 1. DEFINITIONS. In this article:
10 (1) "Agency" includes only the Texas Department of Health,
11 the Department of Agriculture, the Texas Water Commission, the
12 Parks and Wildlife Department, the Department of Public Safety, the
13 Railroad Commission of Texas, and the Texas Air Control Board.
14 (2) "Board" means the Texas Board of Health.
15 (3) "Committee" means the Toxic Substances Coordinating
16 Committee.
17 (4) "Department" means the Texas Department of Health.
18 (5) "Harmful physical agent" means a physical phenomenon,
19 but not a toxic substance, that has or may have carcinogenic,
20 mutagenic, teratogenic, or other harmful effects on humans,
21 including ionizing radiation, B-rays, gamma rays, ultraviolet
22 light, or other electromagnetic radiation and acoustical, thermal,
23 or mechanical vibration.
24 (6) "Health risk assessment" means the use of objective data
25 to characterize the potential adverse health effects that exposure

1 to a toxic substance or a harmful physical agent may have on a
2 person or persons.
3 (7) "Toxic substance" means a substance that has or may have
4 toxic, carcinogenic, mutagenic, teratogenic, or other harmful
5 effects on humans or a product that contains a toxic substance that
6 poses or may pose a substantial hazard to human health.
7 SEC. 2. COORDINATING COMMITTEE. (a) The Toxic Substances
8 Coordinating Committee is created and is composed of seven members
9 as follows: one representative each from the Texas Department of
10 Health, the Department of Agriculture, the Texas Water Commission,
11 the Parks and Wildlife Department, the Department of Public Safety,
12 the Railroad Commission of Texas, and the Texas Air Control Board.
13 (b) The chief administrative officer of each agency shall
14 appoint the agency representative to the committee. A
15 representative serves at the pleasure of the chief administrative
16 officer or until the representative terminates employment with the
17 agency, whichever occurs first.
18 (c) The representative of the department serves as chairman
19 of the committee.
20 (d) The committee shall adopt rules for the conduct of its
21 meetings.
22 (e) The department shall provide administrative support to
23 the committee.
24 (f) Not later than the 15th day before the date on which the
25 committee holds a meeting, the committee shall provide public
26 notice of the meeting date. The committee shall meet.

1 (11) at the call of the chief administrative officer of any
2 member agency, or
3 (12) at a minimum, once each quarter on a meeting date set by
4 the committee.
5 (a) The committee shall coordinate communication among
6 member agencies concerning each agency's efforts to regulate toxic
7 substances and harmful physical agents.
8 (b) The committee shall develop a plan that provides for:
9 (1) intergovernmental cooperation concerning the regulation
10 of toxic substances and harmful physical agents relating to the
11 prevention and control of adverse health effects of these toxic
12 substances and harmful physical agents;
13 (2) health risk assessment of emergency responses to
14 accidents involving toxic substances or harmful physical agents;
15 (3) prevention and control of adverse health effects
16 resulting from exposure to toxic substances or harmful physical
17 agents through the coordination of agency programs;
18 (4) establishment of an integrated system to collect and
19 manage information relating to toxic substances and harmful
20 physical agents; and
21 (5) public education concerning the use of toxic substances
22 and harmful physical agents and the potential adverse health
23 effects.
24 Sec. 2 POWERS AND DUTIES OF DEPARTMENT (a) The
25 department is responsible for protecting the health of the people
26 of Texas as provided by Article 4940b, Revised Statutes, in its

1 capacity to protect the public health, the department shall
2 coordinate health risk assessments conducted under this article.
3 Each agency shall use federal standards and health risk
4 assessments, if appropriate, and avoid duplicating federal efforts.
5 (b) The department may establish an information management
6 system and may collect and evaluate information relating to the use
7 of toxic substances and harmful physical agents.
8 (c) For the purpose of implementing this article, the
9 department may enter into agreements or contracts with federal,
10 state, or local governmental entities, planning regions, and other
11 public or private entities.
12 (d) This article does not amend or affect in any way the
13 regulatory activities or procedures authorized under other law.
14 (e) For purposes of this section, "the department shall
15 coordinate health risk assessments" means that each agency shall
16 advise and consult with the department concerning health risk
17 assessment activities upon the initiation of the health risk
18 assessment unless the agency is acting in an emergency situation,
19 in which case the agency shall advise and consult with the
20 department upon taking the action or as soon as possible
21 thereafter. This may not be construed to require department
22 approval of the agency's action or health risk assessment.
23 SECTION 2. (a) This Act takes effect September 1, 1987.
24 (b) The plan required to be prepared by the Toxic Substances
25 Coordinating Committee by Subsection (b), Section 2, Article
26 4477-7a, Revised Statutes, as added by this Act, shall be presented

LAM 011570

DFMC-07941

1 to the governor and to the chief administrative officer of each
 2 agency as defined by Section 1 of that article not later than May
 3 1, 1988. Each of these agencies shall review the plan and make
 4 recommendations on the implementation of the plan to the governor,
 5 lieutenant governor, and the speaker of the house of
 6 representatives not later than October 1, 1988.

7 SECTION 3 The provisions of this Act expire September 1,
 8 1999.

9 SECTION 4 The importance of this legislation and the
 10 crowded condition of the calendars in both houses create an
 11 emergency and an imperative public necessity that the
 12 constitutional rule requiring bills to be read on three several
 13 days in each house be suspended, and this rule is hereby suspended.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 537 passed the Senate on
 April 23, 1987, by a viva-voce vote; and that the Senate concurred
 in House amendment on May 12, 1987, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 537 passed the House with
 amendment, on May 8, 1987, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LAM 011571

DPMC-07942

FISCAL NOTE

May 1, 1987

TO: Honorable Robert Saunders, Chair
Committee on Environmental Affairs
House of Representatives
Austin, Texas

In Re: Senate Bill No. 537,
as engrossed
By: Parker

FROM: Jim Oliver, Director

In response to your request for a fiscal note on Senate Bill No. 537, as engrossed (relating to the health risk assessment of certain toxic substances and harmful physical agents by the Texas Department of Health) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would establish the Toxic Substances Coordinating Committee to be comprised of seven members from specified agencies. The Committee would develop a plan which provides for intergovernmental cooperation concerning the regulation of toxic substances and harmful physical agents. The bill requires the Committee to submit the plan to the Governor and executive directors of each agency by May 1, 1988. The bill would require the Department of Health to coordinate health risk assessments conducted under the Act.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Fiscal Year	Administrative Cost Out of the General Revenue Fund	Change in Number of State Employees from FY 1987
1988	\$166,487	+ 4
1989	143,782	+ 4
1990	143,782	+ 4
1991	143,782	+ 4
1992	143,782	+ 4

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Department of Health;
LBB Staff: JO, WES, JAM, AW, MC

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