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Texas Natural Resource Conservation Commission
State of Texas

*1 BROWN AND ROOT SERVICES CORPORATION

No. 94-02(G)

Account No. EE-0763-H

Issued: February 9, 1994

The Texas Natural Resource Conservation Commission (TNRCC or the Commission) hereby resolves the matter of enforcement action regarding **Brown and Root Services Corporation** (the company) in the form of an Agreed Order pursuant to Sections 382.023(a) and (b), 382.082(c) and (d), and 382.088 of the Texas Clean Air Act (the Act), Texas Health & Safety Code, Chapter 382. The Executive Director of the Commission and the company have agreed on a settlement of the matters involved in this enforcement action, subject to the approval of the Commission.

I. STIPULATIONS

In settlement of this enforcement action and solely for the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. That the company, as general contractor, hired and supervised Imperial Construction & Roofing (Imperial), the subcontractor, who performed the actual asbestos abatement project at a site located at Texas Building 2901, Fort Bliss, El Paso County, Texas.
2. That the company, as "operator" (as used in NESHAP) of the above site:
 - (a) is alleged to have violated Rule 30 TAC Sec. 101.20(2) by violating 40 C.F.R. Part 61 [National Emissions Standards for Hazardous Air Pollutants (NESHAP)], Subpart M, which are the National Emission Standards for Asbestos, promulgated by the United States EPA pursuant to Section 112 of the Clean Air Act, 42 U.S.C., Sec. 7412. Specifically, the company's alleged violations are:

ALLEGED VIOLATION

CAUSE

- | | |
|---|--|
| <p>40 C.F.R.
61.145(a)</p> <p>40 C.F.R.
61.145(c)(2)(i)</p> <p>40 C.F.R.
61.145(c)(4)</p> | <p>Failure to inspect the site for the presence of asbestos where the demolition or renovation operation will occur.</p> <p>Failure to adequately wet all regulated asbestos-containing material (RACM) exposed during cutting or disjoining operations.</p> <p>Failure to properly strip or contain in leak-tight wrapping a component covered with, coated with, or containing RACM.</p> |
|---|--|

(b) is alleged to have violated Section 382.085(b) of the Act by failing to maintain compliance with Rule 30 TAC Sec. 101.20(2).

*2 3. That notice of the apparent violations of the above rule was received by the company on or about July 27, 1992.

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PLAINTIFF'S
EXHIBIT
B&R-123

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4. That the company and the Executive Director of the TNRCC agree that the allegations set forth in the Commission's file regarding this enforcement action, concerning violations of Rule 30 TAC Sec. 101.20(2), are hereby settled and compromised. It is understood that the entry of this Agreed Order shall not constitute an admission by the company of any violations alleged in paragraph 2.

5. That administrative penalties in the amount of Seven Thousand Dollars (\$7,000.00) should be recovered by the Commission for the violations alleged in paragraph 2.

6. That the company has placed in the possession of the Texas Natural Resource Conservation Commission the sum of Seven Thousand Dollars (\$7,000.00) for deposit in the General Revenue Fund of the State Treasury, as payment of administrative penalties assessed.

7. That the company agrees to maintain compliance with United States EPA NESHAP regulations contained in 40 C.F.R. Part 61, Subpart M, from and after the date of entry of this Agreed Order.

8. That any procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

II. FINDINGS

For purposes of this Agreed Order only and based on the stipulations and agreements of the parties, the Texas Natural Resource Conservation Commission hereby finds that the violations described in paragraph 3 have occurred and that administrative penalties are warranted in the amount of Seven Thousand Dollars (\$7,000.00).

III. ORDER

It is, therefore, ordered by the Texas Natural Resource Conservation Commission that **Brown and Root Services Corporation** pay administrative penalties in the amount of Seven Thousand Dollars (\$7,000.00).

It is further ordered that **Brown and Root Services Corporation** shall, from and after the date of this Agreed Order, maintain compliance with United States EPA NESHAP regulations contained in 40 C.F.R. Part 61, Subpart M.

APPROVED AS TO FORM AND SUBSTANCE:

Anthony C. Grigsby

Executive Director

Date: February 14, 1994

Stephanie G. Broone

Authorized representative

Brown and Root Services Corporation

Date: November 18, 1993

By: John Hall

Chairman

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Texas Industry Environmental Advisor Environmental			
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ENVIRONMENTAL ENFORCEMENT TNRCC AIR QUALITY ENFORCEMENT Finally, Some Proposed Orders

After a 3-month hiatus, TNRCC finally got around to publishing a group of proposed agreed air quality enforcement orders in the Texas Register to enable the mandatory 30 days of public comment prior to their approval as final by the Commissioners. The 23 proposed agreed orders, for which public comments may be received through January 19, include 14 for which no monetary penalty has been proposed and three others for which the proposed fine is just \$500. Since TNRCC waits at least 15 days after the close of the comment period, it will be at least early February before the first air quality penalties of the year are finalized.

Total proposed fines are less than \$175,000, and most of that amount is targeted at a single alleged violator, Miles Inc. of Orange. The synthetic rubber manufacturer is being assessed a penalty of \$134,750 for allegedly exceeding allowable emission levels of VOCs from production lines and exceeding the emission levels of VOCs represented in its permit exemption application. Others being fined significant amounts include:

- * \$12,000 against Texas By-Products Incorporated, a Wylie rendering plant, for failure to comply with special conditions in its permit exemption and for failure to report an upset condition.

- * \$ 7,625 against Bonar Packaging Incorporated, a Tyler plastic bag manufacturer, for unauthorized construction and operation of an incinerator and for failing to comply with special provisions of its air quality permit.

- * \$ 7,000 against **Brown and Root Services Corp.**, for failing to comply with the NESHAP for **asbestos** due to failure to give proper notification when conducting an **asbestos** abatement project at Fort Bliss, El Paso County.

- * \$ 6,850 against Dollinger Steel Co., a Gonzales steel fabrication plant, for conducting a sandblasting operation without first obtaining a permit or qualifying for a standard exemption.

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Publication page references are not available for this document.)

* \$ 5,000 against Goodyear Tire and Rubber Co., for violating
TNRCC rules, an agreed board order, and special provisions in its
permit for the company's tire tread injection molding plant in
reenville.

---- INDEX REFERENCES ----

NEWS SUBJECT: ENVIRONMENTAL NEWS (ENV)

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