

↓ Pollution control system 'weakness'? Permit cases drag on for years

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Six industries in the Houston area have been operating new plant facilities for periods ranging up to nearly three years without operating permits from the Texas Air Control Board.

Air board officials said they are withholding the permits because the new facilities have had trouble achieving their promised performance in controlling air pollution.

Once a new industrial facility starts running, it is required by the Texas Clean Air Act to apply for an operating permit within 60 days.

But the law imposes no time limit on the air board for issuing — or denying — an operating permit. It merely says the board shall issue the permit in a "reasonable time."

The county's pollution control director, Allison R. Peirce, believes this is a "terrible weakness" in the state permitting system to control air pollution.

"A new plant can have flaws in design, or maybe its pollution control equipment doesn't perform as the manufacturer promised," Peirce said. "But there should come a time when a plant has to shut down if it can't meet the standards."

The city's air pollution chief, Kenneth W. MacKenzie Jr., agreed there should be a time limit on issuing operating permits.

"When the conditions for operation are not finalized," MacKenzie said, "it creates a real enforcement problem for us."

Air board regional officials here pointed out the few slow-motion permit cases are not typical of the hundreds of permit applications they handle. Operating permits are normally issued in about four months, they said.

"If there were hazardous pollutants involved," permits engineer Roger Tower added, "we wouldn't let an operating permit drag on indefinitely."

Air board records show the leading slowpoke in getting an operating permit is currently the Southland Paper Mills plant on Sheldon Road in east Harris County.

Southland applied for an operating permit for a plant expansion on June 2, 1975.

The other problem plants and their original permit application dates:

Air Products & Chemicals Inc., Feb. 19, 1976; Charter International Oil Co., Aug. 31, 1977; Exxon's Baytown refinery, from Feb. 28, 1977, to July 5, 1977, for various permits; Gulf Chemical and

Metallurgical Co. at Freeport, July 8, 1975, and Amoco Texas Refining Co. in Texas City, Oct. 20, 1975.

Air board officials said these companies, in most cases, were having problems achieving the pollution limits they agreed to meet in getting construction permits for their new facilities.

These permit limits for new plants, it was pointed out, are more stringent than overall state pollution standards for older plants.

In Southland's case, Tower said, the original permit limits on hydrogen sulfide pollution were revised and relaxed twice because the company's original emission estimates were "unreasonably low."

A Southland spokesman, David White, said the paper mill is now meeting its hydrogen sulfide limits, and the air board is running tests to confirm this.

The spokesman said the long delay resulted from rapidly changing control technology and air board testing procedures.

However, Tower said Southland's lengthy compliance time may have been excessive, and "enforcement action" against the company is a possibility.

Southland at one point was emitting 700 parts per million of hydrogen sulfide, or about 100 times the permitted amount, from its main stack, Tower said.

He said air board computer modeling indicated that, at this emission level, the rotten-egg odor from the plant would be detectable 25 or 30 miles away.

In Exxon's case, the air board is holding up action on operating permits for a major refinery expansion until it determines the source of high sulfur dioxide levels detected near the refinery.

In the Gulf Chemical case, Tower recalled, the air board early in 1977 decided to deny the company an operating permit because of heavy pollution. The air board sought, but was denied, a court order shutting the plant down.

Later, the court approved an agreed injunction against plant violations of air board rules and, Tower said, Gulf Chemical recently submitted a revised operating permit application.

The air board's regional supervisor, Lloyd Stewart, said some new facilities get caught in a pollution problem beyond their control, as when control equipment fails to perform as advertised.

"But basically, I think there should be a cutoff period on operating permits," Stewart said. "I think a company facing a deadline would get more accomplished in a shorter period."

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