

Texas Commission on Environmental Quality Investigation Report

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Customer: CES Environmental Services, Inc.
Customer Number: CN600618946

Regulated Entity Name: CES ENVIRONMENTAL SERVICES

Regulated Entity Number: RN100693282

<p>Investigation # 710235</p> <p>Investigator: SHARAREH RAFATI</p> <p>Conducted: 07/08/2009 -- 07/08/2009</p> <p>Program(s): AIR NEW SOURCE PERMITS</p> <p>Investigation Type: Site Assessment</p> <p>Additional ID(s): 83798 83191 15980</p> <p>Address: 4904 GRIGGS RD, HOUSTON, TX , 77021</p>	<p>Incident Numbers</p> <p>Site Classification MINOR SOURCE</p> <p>SIC Code: 1542 NAIC Code: 562219 SIC Code: 4212</p> <p>Location:</p> <p>Local Unit: REGION 12 - HOUSTON Activity Type(s): ARSV - AIR ARSV - SPECIAL INV</p>
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Principal(s):

Role	Name
RESPONDENT	CES ENVIRONMENTAL SERVICES INC

Contact(s):

Role	Title	Name	Phone
Regulated Entity Mail Contact	PRESIDENT AND REGISTERED AGENT	MATT BOWMAN	
Participated in Investigation	TECHNICAL SERVICES	MR CLARK HICKMAN	Work (713) 676-1460

Other Staff Member(s):

Role	Name
Investigator	ROBERT AGUILAR JR
QA Reviewer	BILLIE ZAPORTEZA
Supervisor	BILLIE ZAPORTEZA

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
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Investigation Comments:

Daily Narrative

On July 8, 2009, Sharareh Rafati conducted an on-site follow-up records review investigation related to some of the violations issued during an investigation (Investigation Number 720985) conducted November 5, 2008 (Investigation Typecode ARSV) that resulted in a Notice of Enforcement (NOE) and a proposed Agreed Order (Docket Number 2009-0141-MLM-E).

On July 8, 2009, Sharareh Rafati and Robert Aguilar, investigators of the Texas Commission on Environmental Quality (TCEQ) Air Section conducted an investigation of CES Environmental Services, Inc. (CES), located at 4904 Griggs Road, Houston, Harris County. An investigation had been scheduled for July 10, 2009 by Sharareh Rafati to review the operational records at the site; however, due to a fatal accident that occurred at this facility on July 7, 2009 the investigation was re-scheduled on July 8, 2009 during which Sharareh Rafati investigated the recordkeeping activities at the site, while Robert Aguilar investigated the fatal accident that occurred on the previous day.

The facility location map and plot plan plus a detailed description of site operations can be found in the original investigation.

Daily Narrative

On July 8, 2009 at approximately 2 PM Sharareh Rafati and Robert Aguilar conducted the investigation. A perimeter survey was conducted before entering the site to observe if there were any significant odors, dust and/or visible emissions. No visible emissions were observed. However, light to moderate hydrocarbon odors were noted along the northern and northeastern perimeter of the site. At the time of the investigation, the sky was partly cloudy with variable winds at approximately 4 miles per hour. The temperature was approximately 89 degrees Fahrenheit.

The investigators were greeted by Messrs Prabhakar Thangugu (HSE Manager), Jose Acosta (HSE Manager), and Clinton Hopkins (Director of Processing). Several investigators from other agencies had arrived to investigate the fatal accident as well; these were Ms. Naomi Macias and Ms. Blue Laurence with the City of Houston Bureau of Air Quality Control (BAQC), and Mr. Basil Singh with the Occupational Safety and Health (OSHA). The TCEQ and BAQC investigators accompanied by Mr. Hopkins were escorted to the scene of the accident and were given a briefing on the known facts about the accident; these findings are available in a separate report.

After the visit to the scene of the accident, the investigators returned to the administrative office and met with Messrs Clark Hickman (Process Engineer) and Matt Bowman (President). The investigators were informed that per the requirements of an Agreed Final Judgment between CES and the City of Houston, CES is required to submit to the City of Houston monthly reports detailing the status of compliance with some of the regulatory requirements pertaining to Air regulations. Subsequently, Mr. Hickman emailed 4 monthly reports (for March, May, June, and July of 2009) to Ms. Rafati. In these reports it is indicated that the emissions from "Truck Washing Area" are "Controlled by Tank Wash Cleaning Restrictions" and the compliance status is claimed to be "In Compliance with PBR...Note: PBR does not require carbon or liquid scrubber". However, the Truck Washing Area is authorized by Permit Exemption 15980 (issued in 1980) which requires that cleaning of odorous materials be routed through a "caustic scrubber with a minimum pH of 12.0". Therefore, the claim that the Truck Washing authorization does not require "liquid scrubber" is not valid. Currently, there are no control devices for the collection or abatement of emissions in the Truck Washing Area; there is some piping installed for the connection of truck hatches and routing of the emissions to a control device but the installation of this piping has not been completed and the vapor collection equipment is currently inadequate for the handling of air emissions. Notices of Violations for nuisance odor have been issued to CES by the City of Houston on March 31, 2009 and June 24, 2009. Therefore, nuisance odors had been confirmed by the City of Houston on 2 separate occasions during the period in which the reports were submitted. However, the source of the nuisance odors is unknown and cannot specifically be tied back to the Truck Washing Area. This will be noted as an Additional Issue.

Violation tracking numbers for the records reviewed and the corresponding Ordering Provisions from the Proposed AO are listed below:

Violation Tracking Number: 352895
Violations: 30 TAC Chapter 106.8(c)(2)(A), 106.8(c)(2)(B)
Proposed AO Ordering Provision: 2.i

This violation pertained to recordkeeping for the processing of Methylene Chloride which is authorized in a Permit by Rule (PBR) authorization (Methylene Chloride PBR Authorization No. 83191). The investigator requested records for the Methylene Chloride scrubber and was told that Methylene Chloride Processing had been abandoned on January 12, 2009 and the site does not engage in this activity any longer.

Violation Tracking Number: 352897
Violations: 30 TAC 106.8(c)(2)(A), 106.8(c)(2)(B)
Proposed AO Ordering Provision: 2.ii

This violation pertained to recordkeeping for the recovery of oil which is authorized in a Permit by Rule authorization (Oil Recovery PBR Authorization No. 83798). The investigator requested documentation of vapor pressure of various oil stocks processed at the site in the Hydrocarbon Processing Area authorized under the Oil Recovery PBR 83798. Mr. Hickman stated that "the oils processed at the site are in the family of motor oil and have low vapor pressure". CES had submitted an MSDS for Motor Oil 30 during the PBR application. Mr. Hickman also stated that since the oils are heavy, a composite sample of various oils from the different storage tanks had been used to calculate the vapor pressure of the processed oils. The Findings of Fact Number 4 of the AO (Docket Number 2009-0141-MLM-E) stated "During an investigation on November 5, 2008, staff documented the Respondent failed to provide sufficient vapor pressure records to demonstrate compliance with Oil Recovery PBR 83798. Specifically, the actual vapor pressure of the various treated oil stocks were not used to calculate the actual emissions from the operations in the emissions data provided for January 1, 2007 through November 14, 2008; therefore, compliance with actual limitations certified in the PBR could not be demonstrated." In April 2009 CES had stated that "CES obtained a sample for analysis for the largest volume of oil stock handled at the site." [The RE had attached the analytical results for this sample which showed negligible vapor pressure.] CES went on to say that "CES believes this finding [Findings of Fact Number 4 of the AO] should be removed from the draft Order and the penalty computation adjusted accordingly. CES added that "Please be aware that beginning in November 2008, CES implemented voluntary emission controls on the oil process tanks by connecting them to a thermal oxidizer. A carbon adsorption system functions as backup vapor control during thermal oxidizer down time. Actual emissions from the process are therefore far less than the uncontrolled losses represented in PBR 83191." However, since CES receives "oily water" and "recycle oil" from a great variety of industrial sources almost on a daily basis at volumes ranging from 100 gallons to 6,000 gallons, there is no "largest volume oil stock handled at the site" since the source of the material processed at the site is different in great many cases. In addition, the analysis of one sample that was "too thick" and showed low vapor pressure is not indicative of vapor pressure values for an entire year. It needs to be pointed out that the installation of the thermal oxidizer was not "voluntary" and was required by the City of Houston Bureau of Air Quality. Lastly, since the CES does not monitor the outlet concentration of carbon canisters, then the actual emissions from the recovery process cannot be determined.

Areas of Concern

No areas of concern were noted.

Additional Issues

CES has submitted reports to the City of Houston and indicated that the emissions from "Truck Washing Area" are "Controlled by Tank Wash Cleaning Restrictions" and the compliance status is claimed to be "In Compliance with PBR...Note: PBR does not require carbon or liquid scrubber". However, the Truck Washing Area is authorized by Permit Exemption 15980 (issued in 1980) which requires that cleaning of odorous materials be routed through a "caustic scrubber with a minimum pH of 12.0". Therefore, the claim that the Truck Washing authorization does not require "liquid scrubber" is not valid. Currently, there are no control devices for the collection or abatement of emissions in the Truck Washing Area; there is some piping installed for the connection of truck hatches and routing of the emissions to a control device but the installation of this piping has not been completed and the vapor collection equipment is currently inadequate for the handling of air emissions. Notices of Violations for nuisance odor have been issued to CES by the City of Houston on March 31, 2009 and June 24, 2009. Therefore, nuisance odors had been confirmed by the City of Houston on 2 separate occasions during the period in which the reports were submitted. However, the source of the nuisance odors is unknown.

No Violations Associated to this Investigation

Signed

Date _____

Environmental Investigator

Signed

Date _____

Supervisor

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Maps, Plans, Sketches

___ Letter to Facility (specify type) : _____

___ Photographs

___ Investigation Report

___ Correspondence from the facility

___ Sample Analysis Results

___ Other (specify) : _____

___ Manifests

___ Notice of Registration

