

# 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**

<b>Investigation #</b> 830249	<b>Incident Numbers</b>
<b>Investigator:</b> SHARAREH RAFATI	<b>Site Classification</b>
<b>Conducted:</b> 04/01/2010 -- 04/01/2010	<b>SIC Code:</b> 1542
	<b>NAIC Code:</b> 562219
	<b>SIC Code:</b> 4212
<b>Program(s):</b> AIR QUALITY NON PERMITTED	
<b>Investigation Type:</b> Compliance Investigation	<b>Location:</b>
<b>Additional ID(s):</b> HG1270B	

**Address:** 4904 GRIGGS RD,  
HOUSTON, TX , 77021

**Local Unit:** REGION 12 - HOUSTON  
**Activity Type(s):** ARSV - AIR ARSV - SPECIAL INV  
GFIR - AIR GFIR - GAS FIND  
INFARED CAMERA

**Principal(s):**

Role	Name
RESPONDENT	CES ENVIRONMENTAL SERVICES INC

**Contact(s):**

Role	Title	Name	Phone
Participated in Investigation	ATTORNEY AT LAW	MR JON C VICKLUND	Work (713) 960-1527
Participated in Investigation	ATTORNEY	COURTNEY GABRILLE	
Participated in Investigation	OPERATIONS MANAGER	SAM BROWN	Work (713) 676-1460
Regulated Entity Mail Contact	PRESIDENT AND REGISTERED AGENT	MATT BOWMAN	Work (713) 676-1460

**Other Staff Member(s):**

Role	Name
Investigator	CHARLES BURNER
QA Reviewer	BILLIE ZAPORTEZA
Investigator	MICHAEL TAYLOR
Investigator	GARY FOGARTY
Investigator	BARBARA JOHNSTON
Supervisor	BILLIE ZAPORTEZA

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**Associated Check List****Checklist Name**

AIR GENERIC INVESTIGATION (10 ITEMS)

**Unit Name**

Sitewide

**Investigation Comments:**

## INTRODUCTION/ INVESTIGATION SUMMARY

## Introduction

On April 1, 2010, Sharareh Rafati and Mike Taylor, investigators of the Texas Commission on Environmental Quality (TCEQ) Air Section, along with John Gott Technical Specialist of the TCEQ Air Permits Division, Barbara Johnston and Charles Burner of the TCEQ Waste Section, and Gary Fogarty, investigator from TCEQ Water Section, conducted a multimedia investigation of CES Environmental Services, Inc. (CES), located at 4904 Griggs Road, Houston, Harris County. The purpose of the investigation (Investigation Typecode ARSV) was to evaluate the current compliance status of the site with air, waste, and water regulations. This investigation included all areas of the facility and was coordinated between CES and TCEQ by the Office of Attorney General (OAG). A sub-contractor, Oil Mop, Inc., was retained by the TCEQ to conduct sampling activities under the direction of the Houston Region personnel. This report only documents the findings of the evaluation of compliance with the air regulations as a result of the multimedia investigation; the findings related to other regulatory issues are not discussed in this report.

The plant site claims authorization to operate under Permit by Rule (PBR) and Permit Exemption authorizations and not to be a major source; therefore, it does not have a Title V federal operating permit. The surrounding land use is primarily residential. There are three schools and one church within an 800-ft radius. These sensitive receptors include a Kindergarten to 8th grade school (Beatrice Mayes Institute) located to the west of the site, two other schools (Hartsfield Elementary and the Local Head Start Center) located approximately 780 feet and 800 feet to the south, and a church located approximately 300 feet to the east of the site. The facility location map and plot plan are provided in Attachment 1. Photographs are included in Attachment 2. The plot plan showing the distances measured by the air investigators during this investigation is provided in Attachment 3.

## Daily Narrative

On April 1, 2010 at approximately 8 AM, Sharareh Rafati, Mike Taylor, John Gott, Barbara Johnston, Charles Burner, and Gary Fogarty of the TCEQ conducted the investigation. At the time of the investigation, the sky was partly cloudy with winds from the south-southeast at approximately 0-6 mph. The temperature was approximately 76 degrees Fahrenheit.

Representing CES were two attorneys: Ms. Courtney Gabrille and Mr. Jon Vickland who stated that only the current activities could be discussed with CES representatives during this investigation. The CES representatives during this investigation were Messrs Matt Bowman (President) and Sam Brown (Operations Manager) who provided answers to investigators' questions regarding current operations at the site. The investigators were at times accompanied by the attorneys and CES representatives on the site tour which involved all areas of the facility; however, the investigators were not continuously accompanied by a CES representative. The air segment of the investigation included the following activities: (1) Imaging the site with an infrared (IR) camera to evaluate the presence of Volatile Organic Compounds (VOCs) and collection of samples as necessary, (2) Measurement of distances to off-site receptors.

The segment of the investigation involving air regulations was concluded at approximately 12:30 PM when the air investigators, Ms. Rafati and Messrs Taylor and Gott left the facility.

## OPERATIONS AT CES

The representatives of the facility reported that only the 4 following activities are currently conducted at the site:

## (1) Limited washing of containers:

The representatives of the facility stated that ever since water supply to the site has been discontinued only limited washing of small totes has been carried out; the wastewater generated from this activity is stored on-site in several frac tanks.

(2) Limited operations in the Oil Processing area:

The representatives of the facility stated that the boilers that generate steam have been down, and therefore, the phase separation activities in the Oil Processing area have been limited to cold phase separation of multi-phase oily material.

(3) Bulking and storage of non-hazardous wastes:

The representatives of the facility stated that CES currently engages in combining the non-hazardous wastes that exist on-site in preparation for their shipment to off-site locations.

(4) Shredding

The representatives of the facility stated that CES currently engages in shredding of tires.

#### IMAGING WITH INFRARED CAMERA AND SAMPLING

No VOCs were detected with the infrared camera and no air samples were collected during this investigation. However, several liquid samples were collected from storage tanks/containers/totes and were analyzed for the purpose of evaluation of air authorizations. The analytical results for all sampling activities are provided in Attachment 4.

#### RECORDS REVIEW

No records were requested or reviewed during this investigation.

#### GENERAL OBSERVATIONS

As mentioned above, no VOCs were observed with the infrared camera. However, mild to moderate odors were detected inside Building C which houses the belt press room used as part of the wastewater treatment operations. In this area, the investigators observed a vapor collection equipment which is used for collection of vapors from some of the wastewater treatment tanks and the belt press room (See Photos #11 and 12 in Attachment 2 taken on November 19, 2008 during a previous investigation). This vapor collection equipment consists of a knockout (KO) pot which is used as a trap for the collection of liquids before the vapors reach a set of scrubbers. The vapor line exiting the KO pot was rusted (See Photos #1 and #2 in Attachment 2) and the vapor line entering the scrubber system was broken (See Photo #3 in Attachment 2).

Outside Building C, the investigators observed eight (8) frac tanks which are reportedly used for the storage of wastewater generated at the site; all of these frac tanks were almost full. Three (3) of the frac tanks had been observed at the site during prior inspections and are properly authorized (See Photo #4 in Attachment 2). These are Black Frac Tanks 1001 (Unit 126), 1002 (Unit 128), and 1004 (Unit 127). However, three (3) Green Frac Tanks and two (2) Gray Frac tanks were not present at the site during prior inspections and are not properly authorized (See Photos #5 and 6 in Attachment 2). In the Oil Processing area the investigators observed three (3) other Green Frac tanks that were almost full and contained "oily water" according to Sam Brown of CES (See Photo #8 in Attachment 2). If the unauthorized frac tanks qualify for PBR 106.472 and 106.261(a)(7)(B) a Form PI-7 must be submitted by March 31, 2011.

Two of the samples collected during the investigation are noteworthy as they relate to Air regulations. These samples are discussed below.

Set No. 3, TC-0002: This sample was in an unlabeled or dated tote found in the storage area for hazardous wastes and had 2 layers. This sample contained 18.8 mg/L benzene in its oil layer, and 17.4 mg/L benzene in its liquid layer. Mr. John Gott of APD stated that benzene is present in most petroleum fractions and at this concentration level the emission limits of PBR 106.262 are satisfied at a distance of 125 feet. The origins of the waste contained in tote TC-0002 is unknown. However, the site is authorized to handle petroleum fractions that contain benzene at the truck washing area which operates under Special Permit Exemption X-15980. This authorization was initially issued by a TCEQ predecessor (Texas Air Control Board) on May 22, 1985 to a CES predecessor (Younger Brothers, Inc.) and has gone through multiple amendments. In 2005, the last amendment to X-15980 was granted by TCEQ to CES under Exemption No. 75375.

Set No. 4, VACRB639: This sample contained high concentration of sulfides (9771 mg/kg as H<sub>2</sub>S). Note that the

sample may or may not have contained H<sub>2</sub>S but the analytical result is represented as H<sub>2</sub>S. If the sample did contain H<sub>2</sub>S then per PBR 106.472 a minimum distance of 600 feet from the nearest off-plant receptor is required. But since the analysis cannot determine the form of the present sulfides, the presence of H<sub>2</sub>S cannot be positively confirmed.

#### Exit Interview

No Exit Interview was conducted for the air segment of the investigation.

#### Agreed Orders, Court Orders, and Other Compliance Agreements

CES was issued an Agreed Order by the TCEQ in 2008 as a result of air investigations (CCEDS No. 720985 and 722419) which documented non-compliance issues at the site. However, this AO was not signed by CES and the case was sent to litigation.

#### Complaints

There have been approximately 196 complaints filed by neighboring residences from October 3, 2005 through November 6, 2008 which were investigated by the City of Houston Bureau of Air Quality Control (COH-BAQC). These complaint investigations resulted in the issuance of 96 citations or notices of violations by the COH-BAQC.

Eight complaints were investigated by the TCEQ on October 1 and October 24, 2008 (Incidents 113164, 113166, 114836, 115051, 116000, and 117496) and Messrs. Prabhakar Thangugu (HSE Manager) and Greg Bowman (Vice President) assisted in these investigations. During all of the complaint investigations conducted by the TCEQ, nuisance odor conditions were not noted since the duration and intensity of the observed odors did not qualify the odors to be classified as a nuisance. These odor investigations were conducted by the TCEQ at least one week after the complaint was filed and therefore, the nuisance conditions were not existent at the time of the investigation.

#### Prior Enforcement Issues

As mentioned above, CES was issued an Agreed Order by the TCEQ in 2008 as a result of an investigation which documented non-compliance issues at the site. However, this AO was not signed by CES and the case was sent to litigation.

#### ADDITIONAL INFORMATION

##### Conclusions and Recommendations

No clear violations were discovered during this investigation. However, some additional issues were identified and are discussed below.

##### Investigation Findings

(1) A sample from a tote showed the presence of benzene at the site. But since this sample was in an unlabeled or dated tote it is unknown when and where it was generated. The site is authorized to handle benzene only at the truck washing area and under Special Exemption X-15980. The handling of benzene is not represented in any other CES PBR requests and the TCEQ has not granted authorization for benzene in any other areas other than the truck washing area.

(2) A sample from a vacuum box contained high sulfides. If these sulfides are in the form of H<sub>2</sub>S then a minimum of 600 feet to the nearest off-site receptor is required. This minimum distance requirement would not be met by CES.

(3) Five (5) frac tanks were observed at the site which reportedly contained wastewater. These frac tanks were not present at the site during prior visits and are not currently authorized. If these frac tanks qualify for PBR 106.472 and 106.261(a)(7)(B) a PI-7 Form must be submitted for these frac tanks by March 31, 2011.

##### List of Report Attachments

- (1) Facility Map and Plot Plan
- (2) Photographs
- (3) Distance Measurement Map
- (4) Sampling Results

**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

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