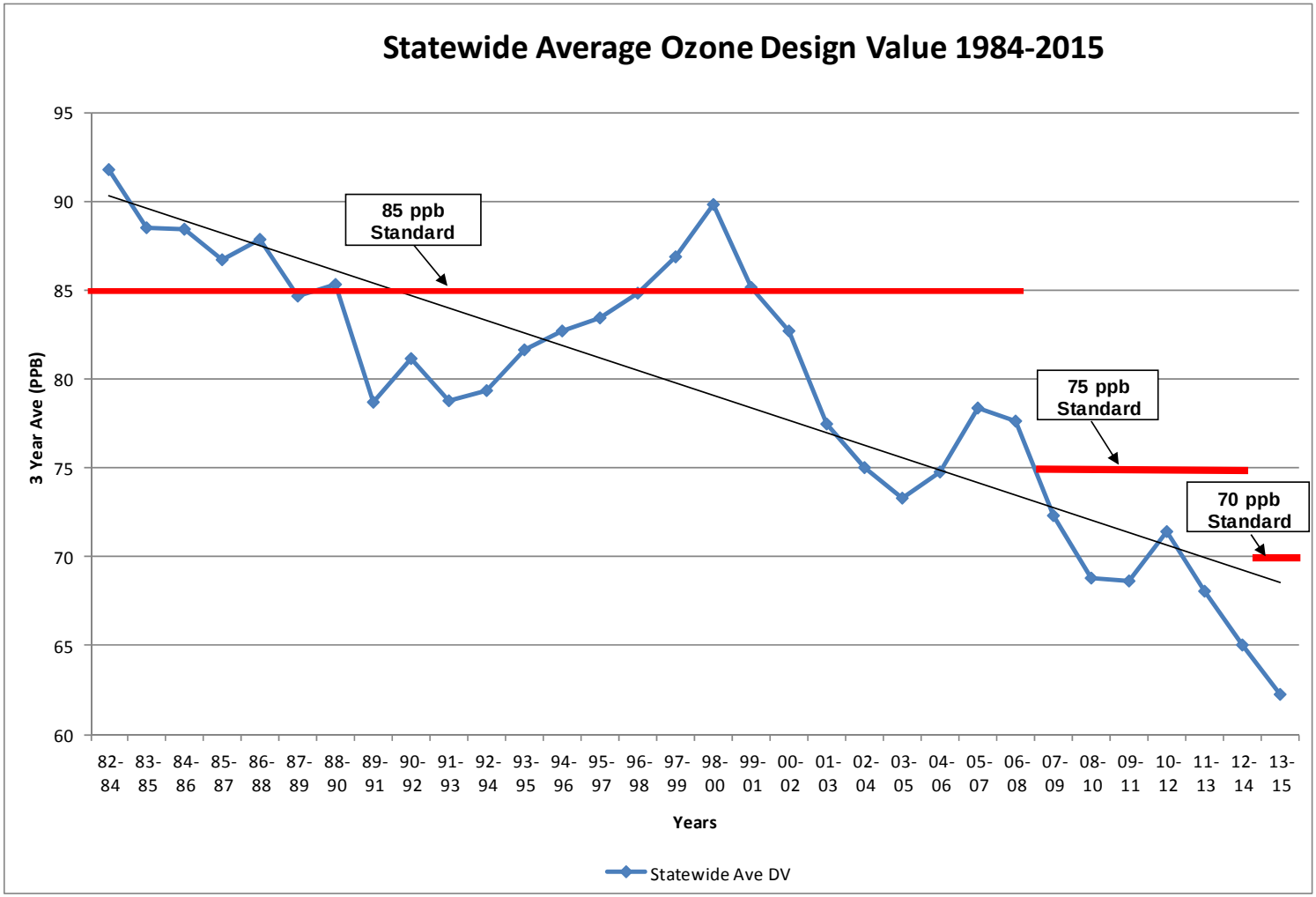
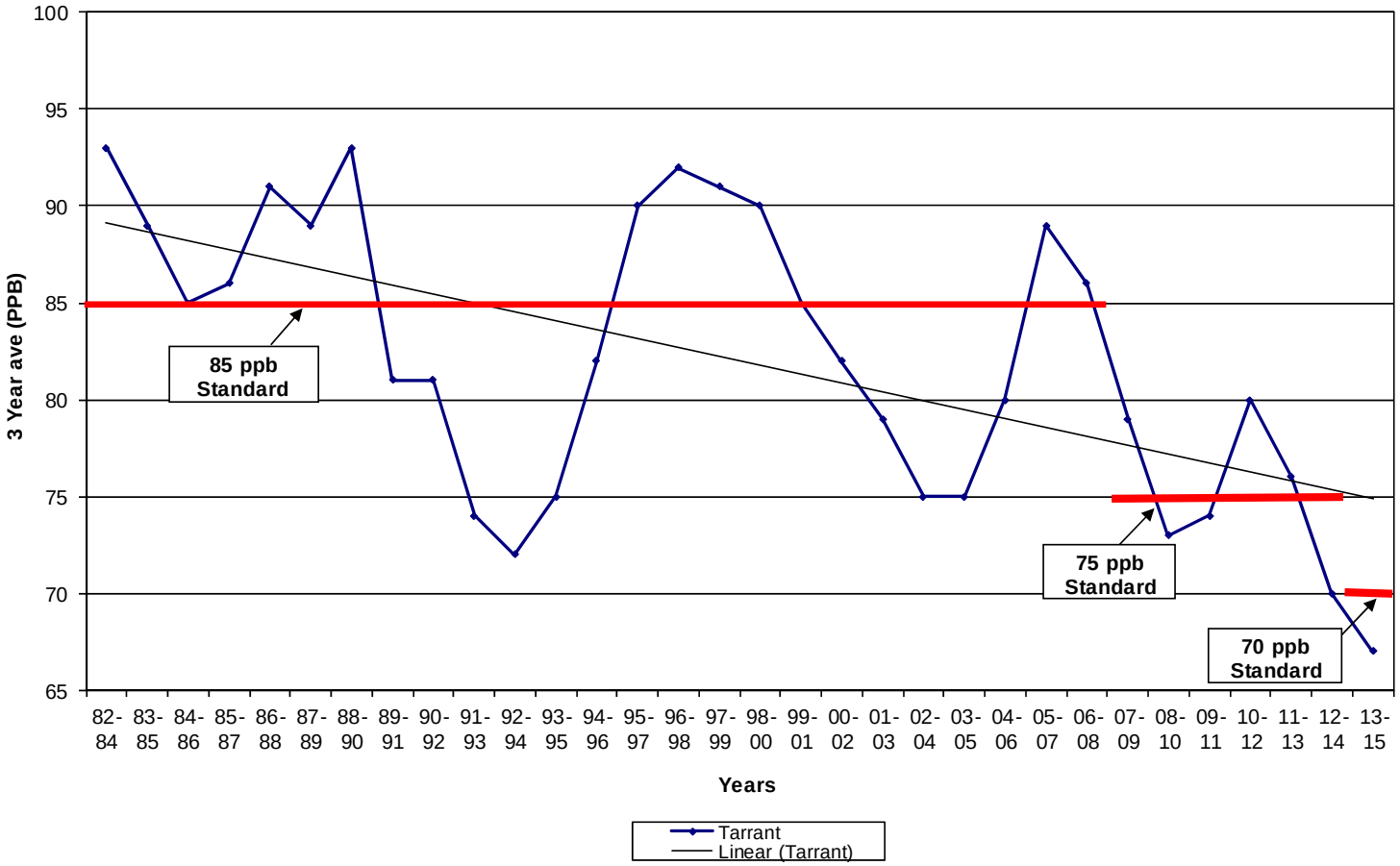
Air Topics

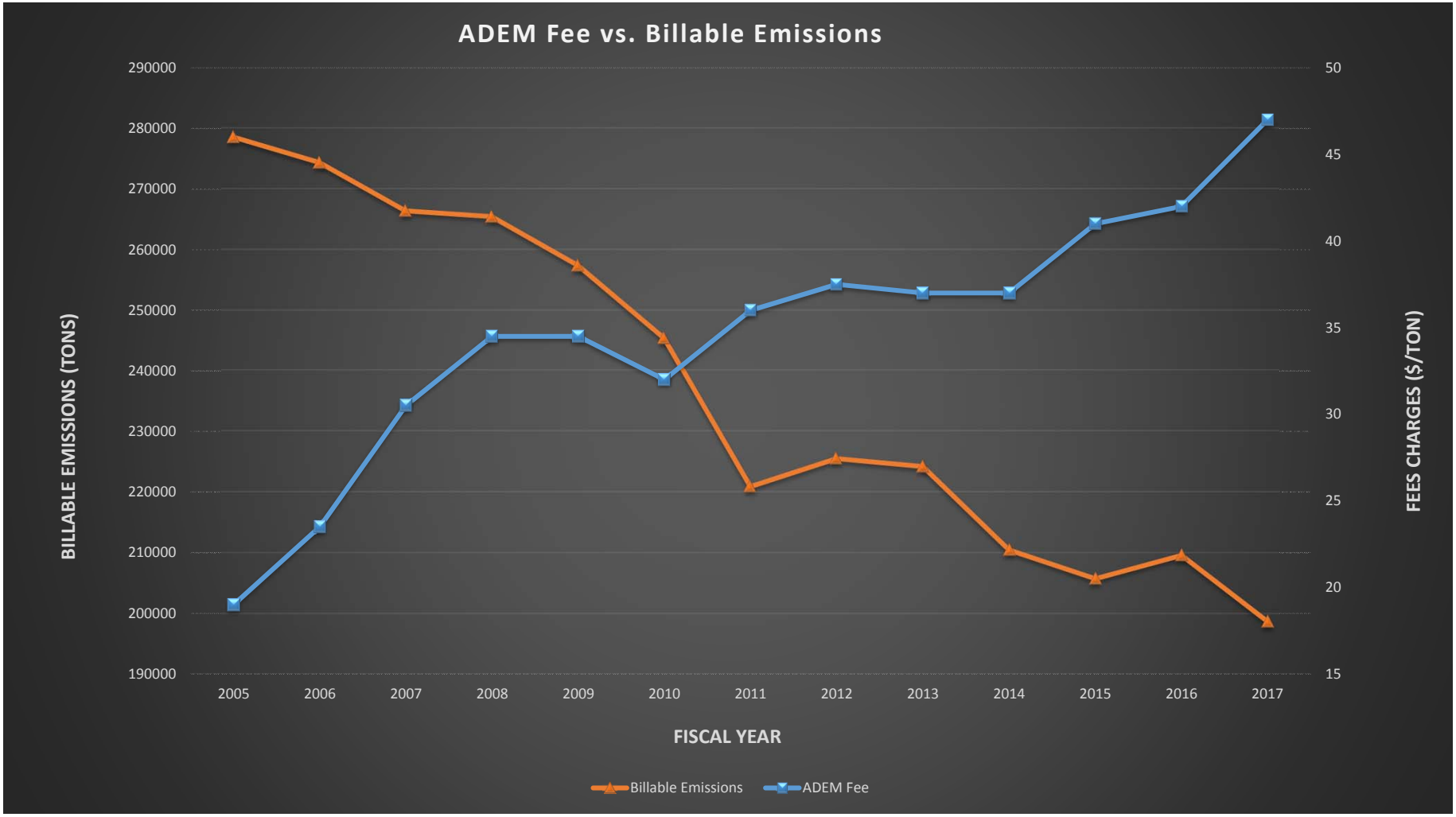
Ron Gore
ADEM

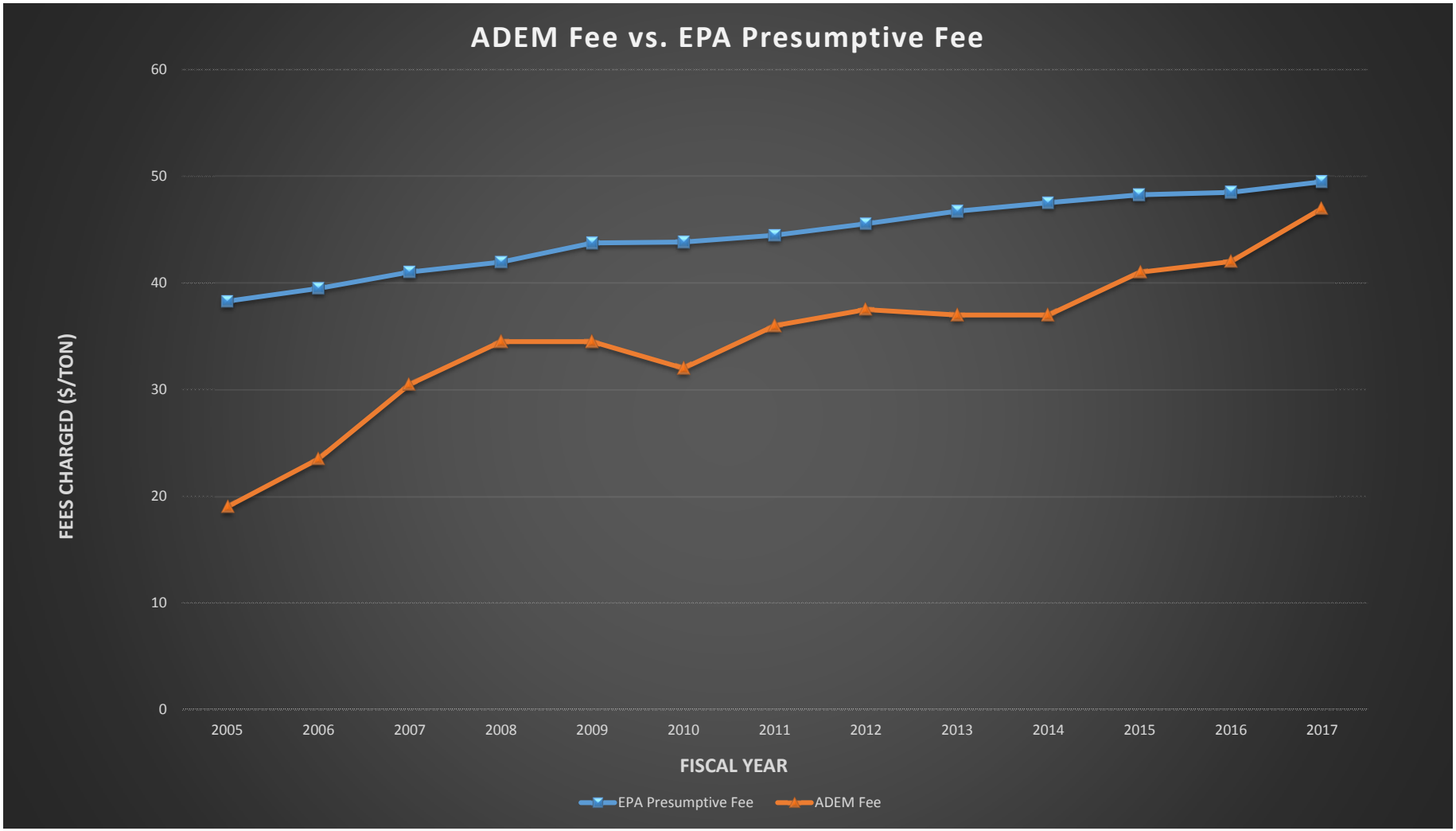
September, 2016


Statewide Average Ozone Design Value 1984-2015
3 Year Ave (PPB)
95
90
85
80
75
70
65
60
85 ppb Standard
75 ppb Standard
70 ppb Standard
82-84
83-85
84-86
85-87
86-88
87-89
88-90
89-91
90-92
91-93
92-94
93-95
94-96
95-97
96-98
97-99
98-00
99-01
00-02
01-03
02-04
03-05
04-06
05-07
06-08
07-09
08-10
09-11
10-12
11-13
12-14
13-15
Years
Statewide Ave DV

Maximum Ozone Design Value for the Jefferson and Shelby County Area
(Tarrant Monitor)




ADEM Fee vs. Billable Emissions
290000
280000
270000
260000
250000
240000
230000
220000
210000
200000
190000
50
45
40
35
30
25
20
15
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
BILLABLE EMISSIONS (TONS)
FEES CHARGES ($/TON)
FISCAL YEAR
Billable Emissions
ADEM Fee


ADEM Fee vs. EPA Presumptive Fee
60
50
40
30
20
10
0
FEES CHARGED ($/TON)
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
FISCAL YEAR
EPA Presumptive Fee
ADEM Fee

The Three Most Misunderstood Topics in Environmental Regulation

1. Civics

Quote from the Noted Scholar, Mr. R. W. Gore

“ The average citizen wants his government to be omnipotent when it deals with others and impotent when dealing with him”

The Three Most Misunderstood Topics in Environmental Regulation

1. Civics
2. Averaging Times

The Three Most Misunderstood Topics in Environmental Regulation

1. Civics
2. Averaging Times
3. Enforcement

Purposes of Enforcement

1. Punishment to Violator
2. Deterrence for violators and others
3. Recovery of Economic Benefit

How to Determine Who Receives Formal Enforcement Action And To What Degree?

1. Penalty Matrices

ADEM’s Penalty Matrix

Attachment A

Company
City, County

Facility ID No. XXX-XXXX

Violation*	Number of Violations*	Seriousness of Violation*	Standard of Care*	History of Previous Violations*	
					Total of Three Factors
TOTAL PER FACTOR		***$0***	***$0***	***$0***	***$0***

Adjustments to Amount of Initial Penalty	
Mitigating Factors (-)	
Ability to Pay (-)	
Other Factors (+/-)	
Total Adjustments (+/-) *Enter at Right*	$0

Economic Benefit (+)	
Amount of Initial Penalty	$0
Total Adjustments (+/-)	$0
FINAL PENALTY	$0

Footnotes

** See the "Department's Contentions" portion of the Order for a detailed description of each violation and the penalty factors.*

How to Determine Who Receives Formal Enforcement Action And To What Degree?

1. Penalty
2. Professional Judgment

Six Enforcement Cases

1. Coater #1

COATER #1 – CALCULATION OF MONTHLY HAP EMISSIONS

COATING	% HAP's BY VOLUME	GALLONS PURCHASED	GALLONS OF HAP's PURCHASED	WEIGHT OF HAP's PER GALLON	MONTHLY EMISSIONS (lbs)
GREEN PAINT	7%	10,000	700	7	4,900
RED PAINT	X	X	X	X	X
BLUE PAINT	X	X	X	X	X
				GRAND TOTAL FOR MONTH (lbs)	

Six Enforcement Cases

1. Coater #1
2. Coater #2

Six Enforcement Cases

1. Coater #1
2. Coater #2
3. Wood Chip Dryer #1

Six Enforcement Cases

1. Coater #1
2. Coater #2
3. Wood Chip Dryer #1
4. Wood Chip Dryer #2

Six Enforcement Cases

1. Coater #1
2. Coater #2
3. Wood Chip Dryer #1
4. Wood Chip Dryer #2
5. Natural Gas Plant

Monthly H_2S Concentrations

JAN, 2014	385 PPM	JAN, 2015	405PPM
F	400	F	395
M	400	M	395
A	360	A	410
M	425	M	410
J	425	J	410
J	425	J	360
A	380	A	380
S	375	S	380
O	415	O	375
N	415	N	390
D	415	D	390

Six Enforcement Cases

1. Coater #1
2. Coater #2
3. Wood Chip Dryer #1
4. Wood Chip Dryer #2
5. Natural Gas Plant
6. Open Burning

Open Burning

- Company A – Discards hundreds of pallets each week
- Contractor B- Takes damaged pallets for repair- gets paid per pallet
- Landowner C- $1000 month to lease land to contractor