



New Source Permits

AIR RN OT 029

Air #: 106616261 X

File Type: Permits

Volume: 001

Date: 1/1/2013 -

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Texas Commission on Environmental Quality**Investigation Report****MORONES, LEONARDO****CN604272781****MORONES AUTO BODY SHOP****RN106616261****Investigation # 1103704****Incident #****Investigator: FABIAN CLIFFORD****Site Classification****Conducted: 06/24/2013 -- 06/24/2013****SIC Code: 7532****Program(s): AIR QUALITY NON
PERMITTED****RECEIVED****OCT 01 2013****Investigation Type: Compliance Investigation****Location:****TCEQ
CENTRAL FILE ROOM****Additional ID(s): R15106616261****Address: 9022 E HWY 107;
EDINBURG, TX 78542****Activity Type: REGION 15 - HARLINGEN
AIRFIOS - AIR AIRFIOS - ONSITE FOLLOW
UP INV****Principal(s):**

Role	Name
RESPONDENT	LEONARDO MORONES

Contact(s):

Role	Title	Name	Phone
Participated in Investigation	OWNER / OPERATOR	MR LEONARDO MORONES	Work (956) 648-3449
Regulated Entity Contact	OWNER / OPERATOR	MR LEONARDO MORONES	Work (956) 648-3449
Regulated Entity Mail Contact	OWNER / OPERATOR	MR LEONARDO MORONES	Work (956) 648-3449

Other Staff Member(s):

Role	Name
Supervisor	FRANCISCO CHAVERO JR.
QA Reviewer	ANJANETTE JACKSON

Associated Check List**Checklist Name****AIR GENERIC INVESTIGATION (10 ITEMS)****Unit Name****Morones Auto Body****Investigation Comments:****INTRODUCTION**

On June 24, 2013, Texas Commission on Environmental Quality (TCEQ) Environmental Investigator Mr. Fabian Clifford conducted an Onsite Follow-Up Investigation at the Morones Auto Body Shop which is located at 9022 State Highway 107, Edinburg (Hidalgo County), Texas. The investigation was conducted to determine compliance with an outstanding alleged violation noted on a Notice of Violation dated April 8, 2013 as a result of a Complaint Investigation (Consolidated Compliance and Enforcement Data System [CCEDS] Investigation Number 1076749, CCEDS

Incident Number 178399) conducted February 1, 2013 through February 15, 2013. Mr. Leonardo Morones, owner and operator of Morones Auto Body Shop participated in the investigation.

Daily Narrative

On June 24, 2013, Mr. Clifford conducted a Follow-up Onsite Investigation in order to resolve a previously outstanding Notice of Violation (NOV). The NOV for failure of the owner or operator of the source to make and maintain records on the measuring and monitoring of emission under Texas Health and Safety Code (THSC) §382.016(a)(2) was alleged during the complaint investigation initially conducted February 1, 2013 through February 15, 2013 (CCEDS Investigation Number 1076749, CCEDS Incident Number 178399). Specifically, the regulated entity failed to provide paint and solvent purchase records to determine compliance under Title 30 of the Texas Administrative Code (30 TAC) §116.119(a)(2)(A) and §116.119(a)(2)(B) which states that facilities or sources which use no more than 50 gallons per year of solvent and 100 gallons per year of coatings respectively are considered by the Commission to be "de minimis". In addition, the regulated entity is alleged to be in violation of THSC §382.085(b) which states that a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order. The NOV letter and attached Summary of Investigation Findings sent on April 8, 2013, required that the regulated entity keep and maintain records of all paint and solvent purchases used at this facility and submit them for review and determination of compliance with 30 TAC §116.119. Earlier review of the air document and permitting files on June 23, 2013 at the TCEQ Harlingen Region Office indicated that purchase records were not submitted by Mr. Morones, or any other representative of the auto body shop.

At approximately 11:00 hours, on June 24, 2013, Mr. Clifford arrived at 9022 SH 107, Edinburg (Hidalgo County), Texas and met with Mr. Morones in order to review paint and solvent purchase records since his last visit in February. Environmental weather conditions included clear skies, wind from the southeast at approximately 12 miles per hour, gusting to approximately 28 miles per hour, and an outdoor ambient temperature of approximately 92° Fahrenheit (Attachment A). During the investigation, Mr. Clifford did not observe any active spray painting or other auto body work being conducted at that time. Mr. Morones readily volunteered all requested records for review. Altogether he had acquired receipts that covered the time period from February 27, 2013 up to current, accounting for approximately 16 weeks of operation. During the review, Mr. Clifford identified purchases from HUB Auto Supply located at 103 Highway 83, in Pharr, TX and O'Reilly's Auto Parts at 8915 Highway 107 in San Carlos, TX respectively. Review of the documentation provided revealed that most all purchases by Mr. Morones were for finished replacement body parts (bumpers, mirrors, car lamps), auto engine parts, tape, and epoxy filler for minor body work. In all, Mr. Clifford did identify that Mr. Morones had purchased a total of 1 gallon, 1 quart, and 2 pints of paint. When asked about the small amount of paint purchased, Mr. Morones simply stated that most of his work is mechanic or replacement/installation work. The extrapolated amount of paint Mr. Morones would be using during a 52 week (one year) period based on the review period of the previous 16 weeks of purchase records maintained was estimated to be approximately 5 gallons. This would suggest that Morones Auto Body Shop was operating as a "de minimus" facility at that time as per 30 TAC §116.119. The outstanding alleged violation will be noted and resolved.

Mr. Clifford explained to Mr. Morones that even though he is determined to be a "de minimus" source, he must retain purchase records, work orders, or operating records in order to prove his status. He further notified him that businesses are not permitted to generate or create nuisance conditions so as to affect or interfere with normal enjoyment of life or property. Generating nuisance conditions or other violations of commission rules, regulations or statute could result in him losing his "de minimus" status and potentially sent to enforcement proceedings.

Exit Interview

An Exit Interview was conducted with the preliminary investigation findings explained (Attachment B). Also, Mr. Morones was provided with a copy of the Exit Interview Form, signed and dated by Mr. Morones, as well as the "TCEQ Has Inspected Your Business" pamphlet and TCEQ Customer Satisfaction Survey Number 62093.

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

The Morones Auto Body Shop operates as an auto body refinishing facility.

BACKGROUND

TCEQ Central Registry identifies Morones Auto Body Shop as Regulated Entity Number RN106616261 and Customer Reference Number CN604272781. The regulated entity and customer performance classification history is identified as "N/A".

Current Enforcement Actions

There are no current enforcement actions noted.

Agreed Orders, Court Orders, and Other Compliance Agreements

There have not been any agreed orders, court orders, and other compliance agreements.

Prior Enforcement Issues

There have been no prior enforcement issues.

Complaints

There has one been complaint has been made against the facility in the past five years (CCEDS Investigation Number 1076749 and CCEDS Incident Number 178399).

ADDITIONAL INFORMATION

Conclusions and Recommendations

Based on the investigation findings during a Follow Up Onsite Investigation June 24, 2013, it was determined that the Morones Auto Body Shop is operating as a "de minimus" facility. The regulated entity has met the recommended corrective action by submitting documentation for review which demonstrates compliance of the applicable requirements of the appropriate air operating authorization for this type facility.

A TCEQ Notice of Compliance with Notice of Violation letter will be sent to the regulated entity to acknowledge compliance via first class mail service by the United States Postal Service (USPS). No further action is required by the TCEQ Harlingen Region Office at this time.

Additional Issues

There are no additional issues.

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 495940

Resolution Status Date: 7/23/2013

Violation Start Date: 2/1/2013

Violation End Date: 6/24/2013

30 TAC Chapter 116.119(a)(2)
5C THSC Chapter 382.016(a)(2)
5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1076749

Comment Date: 04/01/2013

Failure of the owner or operator of the source to make and maintain records on the measuring and monitoring of emissions.

The regulated entity has failed to provide documentation to determine their compliance status. The regulated entity is alleged to be in violation of Texas Health and Safety Code §382.016(a)(2) for failure of the owner or operator of the source to make and maintain

records on the measuring and monitoring of emissions. Specifically, the regulated entity failed to provide paint and solvent purchase records to determine compliance under Title 30 of Texas Administrative Code §116.119(a)(2) which states facilities or sources which use no more the 100 gallons per year of coatings are considered by the commission to be de minimis. In addition, the regulated entity is alleged to be in violation of Texas Health and Safety Code §382.085(b) a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order.

Investigation: 1103704

Comment Date: 07/19/2013

Recommended Corrective Action: Keep and maintain records of all paint and solvent purchases for use at this facility and submit them for review and determination of compliance with Title 30 Texas Administrative Code §116.119 (a)(2)(B). Submit all requested documentation under review to the TCEQ Harlingen Regional Office.

Resolution: On June 24, 2013, TCEQ Environmental Investigator Mr. Fabian Clifford conducted an On-Site Follow-Up Investigation and reviewed documentation which demonstrated that the regulated entity met de minimus status. Based on investigator findings, the facility was determined to be in compliance with 30 TAC §116.119 and the previous outstanding alleged violation will be noted and resolved.

Signed [Signature]
Environmental Investigator

Date 8/9/13

Signed [Signature]
Supervisor

Date 8/9/13**Attachments: (in order of final report submittal)**☐ Enforcement Action Request (EAR)☐ Maps, Plans, Sketches☒ Letter to Facility (specify type): Notice of Compliance
With Notice of Violation☐ Photographs☐ Investigation Report☐ Correspondence from the facility☐ Sample Analysis Results☒ Other (specify):☐ ManifestsList of Attachments☐ NOR

Summary of Investigation Findings

MORONES AUTO BODY SHOP

9022 E HWY 107

EDINBURG, HIDALGO COUNTY, TX 78542

Investigation #

1103704

Investigation Date: 06/24/2013

Additional ID(s): R15106616261

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 495940

30 TAC Chapter 116.119(a)(2)

5C THSC Chapter 382.016(a)(2)

5C THSC Chapter 382.085(b)

Alleged Violation:

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

List of Attachments

Attachment A – Mission Continuous Air Monitoring Station
Meteorological Data for June 24, 2013
Attachment B – Exit Interview

Regulated Entity ID: Account Number:	RN106616261	Regulated Entity Name:	Morones Auto Body Shop	Customer Name:	Morones, Leonardo
Investigation Date:	06/24/2013	TCEQ Investigator:	Fabian Clifford		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT A

Regulated Entity ID:	RN106616261	Regulated Entity Name:	Morones Auto Body Shop	Customer Name:	Morones, Leonardo
Account Number:					
Investigation Date:	6/24/2013	TCEQ Investigator:	Fabian Clifford		

Mission Continuous Air Monitoring Station [CAMS] Meteorological Data for
June 24, 2013



[Calibrations](#)
[Air Quality Maps](#)
[Data Reports](#)
[AutoGC](#)
[Water Data](#)
[Comms](#)
[Log Files](#)
[Configuration](#)
[Site Info](#)

Mission C43/AP143 Daily Summary

Use the controls below to select a different date or time format and to control cell highlighting based on measured PM-2.5 levels. Click on the Generate Report button once you have made your selections. Click on the Plot Data button once the tabular report has been generated to open a separate window containing data plots.

CAMS 43 Mission C43/AP143 [Select a different site](#)

Month: Day: Year: Time Format:

June 24 2013 12 Hour (AM/PM) [Generate Report](#) [Plot Data](#)

☒ Green underline for validated data

☒ Include Non-Public Monitors

☐ Emulate WWW Report

The table below contains hourly averages for all the pollutants and meteorological conditions measured at Mission C43/AP143 for Monday, June 24, 2013. All times shown are in CST.

Parameter Measured	Morning												Afternoon												Parameter Measured	POC
	Mid	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	Noon	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00		
Channel 1 MFC	1.171	1.167	1.159	1.158	1.157	1.153	1.150	1.153	1.157	1.208	1.208	1.204	1.207	1.197	1.213	1.209	1.209	1.213	1.208	1.203	1.196	1.192	1.184	1.190	Channel 1 MFC	1
Channel 1 Canister Pressure	14.697	14.700	14.702	14.706	14.706	14.707	14.710	14.706	14.706	14.707	14.704	14.702	14.697	14.692	14.690	14.691	14.689	14.696	14.697	14.698	14.699	14.702	14.704	14.706	Channel 1 Canister Pressure	1
Channel 2 MFC	0.085	0.085	0.083	0.086	0.088	0.083	0.082	0.085	0.083	0.089	0.090	0.089	0.090	0.088	0.090	0.089	0.088	0.090	0.090	0.088	0.088	0.089	0.089	0.090	Channel 2 MFC	1
Channel 2 Canister Pressure	11.702	11.704	11.706	11.706	11.708	11.708	11.712	11.712	12.439	1.268	0.044	0.042	0.041	0.039	0.039	0.038	0.037	0.037	0.037	0.036	0.037	0.036	0.036	0.035	Channel 2 Canister Pressure	1
Ozone	15	17	18	18	18	17	15	16	17	16	15	14	14	14	13	13	14	15	14	14	14	15	14	16	Ozone	1 R MDL
Wind Speed	9.2	9.5	9.9	10.3	9.6	8.9	8.3	9.8	12.0	12.2	12.3	12.6	13.5	13.5	13.3	14.0	13.6	13.0	13.9	13.7	12.1	10.9	10.8	10.4	Wind Speed	1
Resultant Wind Speed	8.8	9.0	9.5	9.8	9.1	8.5	7.9	9.3	11.3	11.4	11.6	11.7	12.8	12.8	12.5	13.1	12.7	12.2	13.3	13.1	11.5	10.3	10.2	9.9	Resultant Wind Speed	1
Resultant Wind Direction	150	154	153	149	148	149	149	156	155	160	163	152	144	141	149	149	145	147	133	134	139	149	150	153	Resultant Wind Direction	1
Maximum Wind Gust	18.4	22.0	21.7	21.1	20.0	18.7	18.8	19.7	26.2	25.5	26.4	29.5	27.8	27.0	28.3	28.3	28.7	24.8	28.3	28.2	24.1	23.7	22.2	20.6	Maximum Wind Gust	1
Std. Dev. Wind Direction	18	19	17	17	18	18	18	20	19	21	20	22	19	19	21	20	21	20	17	16	17	19	18	18	Std. Dev. Wind Direction	1
Outdoor Temperature	81.5	81.6	81.6	81.1	80.5	79.9	80.3	82.3	85.4	87.9	91.0	92.7	93.5	94.0	94.3	94.2	93.5	91.8	89.1	86.3	84.4	83.3	82.9	82.8	Outdoor Temperature	1
Internal Station Temperature	81.5	81.4	81.4	81.4	81.3	81.3	81.2	81.4	81.7	82.9	82.3	81.9	81.9	82.8	83.0	82.4	82.3	82.2	82.1	82.0	81.8	81.7	81.6	81.8	Internal Station Temperature	1
	81.6	81.6	81.7	81.6	81.6	81.6	81.7	82.0	82.7	82.7	83.3	83.5	83.6	85.6	83.6	83.6	83.2	82.9	82.3	82.0	81.8	81.8	81.8	81.7		3
Solar Radiation	0.001	0.001	0.001	0.001	0.001	0.006	0.115	0.414	0.697	0.821	1.199	1.227	1.311	1.300	1.157	0.932	0.694	0.400	0.117	0.009	0.001	0.001	0.001	0.001	Solar Radiation	1
PM-2.5 (Local Conditions) Acceptable	16.12	12.31	11.93	12.40	12.21	11.64	12.08	10.47	9.00	9.41	10.98	20.93	20.45	QAS	10.57	19.57	22.24	23.75	24.17	22.85	23.13	22.17	21.07	26.86	PM-2.5 (Local Conditions) Acceptable	3 MDL
Parameter Measured	Mid	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	Noon	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	Parameter Measured	POC
Morning													Afternoon													
x.xx Indicates the data has been validated.																										
Maximum values for each parameter are bold within the table. Minimum values are bold italic .																										
R - Data from this instrument meets EPA quality assurance criteria for regulatory purposes.																										

Previous Day

June 23, 2013

Daily maxima and minima for CAMS 43.

All times shown are CST.

Parameter	POC	Daily Maximum		Daily Minimum	
		Value	Hour	Value	Hour
Channel 1 MFC	1	1.205	4:00 pm	1.150	6:00 am
Channel 1 Canister Pressure	1	14.706	10:00 am	14.692	8:00 pm
Channel 2 MFC	1	0.088	3:00 pm	0.080	2:00 am
Channel 2 Canister Pressure	1	11.712	7:00 am	11.683	6:00 pm
Ozone	1 R	20	Noon	10	5:00 am
Wind Speed	1	14.6	5:00 pm	5.0	6:00 am
Resultant Wind Speed	1	13.9	5:00 pm	4.7	6:00 am
Resultant Wind Direction	1	162	8:00 am	130	2:00 pm
Maximum Wind Gust	1	29.9	2:00 pm	9.0	6:00 am
Std. Dev. Wind Direction	1	23	Noon	15	9:00 pm
Outdoor Temperature	1	95.2	3:00 pm	77.4	5:00 am
Internal Station Temperature	1	82.1	2:00 pm	81.0	5:00 am
	3	83.6	11:00 am	81.4	3:00 am
Solar Radiation	1	1.370	11:00 am	0.001	Midnite
PM-2.5 (Local Conditions) Acceptable	3	25.33	7:00 am	11.22	11:00 am

R - Data from this instrument meets EPA quality assurance criteria for regulatory purposes.

PLEASE NOTE: This data has not been verified by the TCEQ and may change. This is the most current data, but it is not official until it has been certified by our technical staff. Data is collected from TCEQ ambient monitoring sites and may include data collected by other outside agencies. This data is updated hourly. All times shown are in local standard time unless otherwise indicated.

Following EPA reporting guidelines, negative values may be displayed in our hourly criteria air quality data beginning 1/1/2013, down to the negative of the EPA listed Method Detection Limit (MDL) for the particular instrument that made the measurements. The reported concentrations can be negative due to zero drift in the electronic instrument output, data logger channel, or calibration adjustments to the data. Prior to 1/1/2013, slightly negative values were automatically set to zero.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT B

Regulated Entity ID:	RN106616261	Regulated Entity Name:	Morones Auto Body Shop	Customer Name:	Morones, Leonardo
Account Number:					
Investigation Date:	6/24/2013	TCEQ Investigator:	Fabian Clifford		

Exit Interview

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	Morones Auto Body		TCEQ Add. ID No. RN No. (optional)	N/A	
Investigation Type	Follow-Up	Contact Made In-House (Y/N)	Purpose of Investigation		
Regulated Entity Contact	Leo Morones		Telephone No.	956-756-9294	Date Contacted
Title	Owner/Operator		Fax No.	—	Date Faxed

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.			
No.	Type ¹	Rule Citation (if known)	Description of Issue		
1	RR		Follow-Up Inv + Records Review / Determined Mr. Morones is operating under Dr. Minimum Standard. Violation outstanding, will be resolved.		

¹Code Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

Investigator Name (Signed & Printed) Fabian Villarreal	Date 6/24/13	Regulated Entity Representative Name (Signed & Printed) Leo Morones	Date 6-24-13
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If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 9, 2013

Leonardo Morones, Owner
Morones Auto Body Shop
10044 East Highway 107
Edinburg, TX 78542

Re: Notice of Compliance with Notice of Violation (NOV) dated April 8, 2013:
Morones Auto Body Shop, 9022 East Highway 107, Edinburg (Hidalgo County), Texas
RN106616261, Investigation No. 1103704

Dear Mr. Morones:

This letter is to inform you that the Texas Commission on Environmental Quality (TCEQ) Harlingen Regional Office has received adequate compliance documentation on June 24, 2013 to resolve the alleged violation(s) documented during the investigation of the above-referenced regulated entity conducted on February 1, 2013 through February 15, 2013. Based on the information submitted, no further action is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions, please feel free to contact Mr. Fabian Clifford at the Harlingen Regional Office at (956) 430-6041.

Sincerely,

A handwritten signature in cursive script, appearing to read "Francisco J. Chavero, Jr.", written in dark ink.

Francisco J. Chavero, Jr. Section Manager
Air, Water, and Waste Programs
Harlingen Regional Office

FJC/fac

Enclosure Summary of Investigation Findings

Summary of Investigation Findings

MORONES AUTO BODY SHOP

9022 E HWY 107

EDINBURG, HIDALGO COUNTY, TX 78542

Investigation #

1103704

Investigation Date: 06/24/2013

Additional ID(s): R15106616261

ALLEGED VIOLATION(S) NOTED AND RESOLVED

Track No: 495940

30 TAC Chapter 116.119(a)(2)

5C THSC Chapter 382.016(a)(2)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1076749

Comment Date: 04/01/2013

Failure of the owner or operator of the source to make and maintain records on the measuring and monitoring of emissions.

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Investigation: 1103704

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Recommended Corrective Action: Keep and maintain records of all paint and solvent purchases for use at this facility and submit them for review and determination of compliance with Title 30 Texas Administrative Code §116.119 (a)(2)(B). Submit all requested documentation under review to the TCEQ Harlingen Regional Office.

Resolution: On June 24, 2013, TCEQ Environmental Investigator Mr. Fabian Clifford conducted an On-Site Follow-Up Investigation and reviewed documentation which demonstrated that the regulated entity met de minimus status. Based on investigator findings, the facility was determined to be in compliance with 30 TAC §116.119 and the previous outstanding alleged violation will be noted and resolved.