

TCEQ AIR QUALITY PERMIT NO. 3342

2008 JUN 11 PM 3:42

APPLICATION BY	§	BEFORE THE	CHIEF CLERKS OFFICE
LONE STAR STEEL CO.	§	TEXAS COMMISSION ON	
LONE STAR, MORRIS COUNTY	§	ENVIRONMENTAL QUALITY	

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review Authorization application.

As required by Title 30 Texas Administrative Code § 55.156 (30 TAC § 55.156), before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received a comment letter from the following person: Donnie Turner. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

Lone Star Steel Co. (Applicant), now U.S. Steel Tubular Products as of January 1, 2008, applied to the TCEQ for renewal of Air Quality Permit No. 3342 and PSD-TX-838. The renewal would authorize continued operation of their steel pipe manufacturing plant consisting of two Electric Arc Furnaces and a Specialty Tubing Facility. The plant is located at 6866 Highway 259 South in Lone Star, Morris County, Texas, 75668. The plant will emit the following air contaminants: carbon monoxide, nitrogen oxides, sulfur dioxide, organic compounds, particulate matter including particulate matter less than 10 microns in diameter, lead, sulfuric acid, nitric acid, sodium hydroxide, zinc nitrate, zinc phosphate, sodium nitrite, sodium stearate, and hazardous air pollutants including, but not limited to, antimony, arsenic, beryllium, cadmium, chromium, cobalt, manganese, mercury, nickel, and selenium. The renewed permit maximum allowable emissions rate table (MAERT) will list compounds that have historically been emitted, but were not listed on the permit at the time this renewal application was submitted. This renewal will not authorize any change in currently authorized operations or change in currently authorized pollutants.

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Procedural Background

The application for renewal of the permit was received on November 10, 2003¹. The application was declared administratively complete on December 11, 2003. The Notice of Receipt and Intent to Obtain (NORI) an Air Quality Permit Renewal was published on December 31, 2003; however due to an error, NORI was again conducted on January 7, 2004, in the *Dangerfield Bee*. Alternative language notice was not required. In response to public notice, one request for a hearing was received; however the request did not identify any specific concerns and stated simply that the responder wanted a contested hearing. Subsequent to the NORI, TCEQ staff determined the permit renewal could not be accomplished until the permit was amended, because NOx and SOx, which are typical electric arc furnace (EAF) emissions, were not reflected on the MAERT and the actual increase in CO emissions resulting from the reconnection of the hydro scrubber would necessitate Prevention of Significant Deterioration (PSD) review. Accordingly, a permit amendment was needed to address these issues. Thus, after a protracted period of time necessary to resolve a variety of unusual technical and procedural issues, Applicant submitted an amendment application on June 9, 2006. NORI was published in the *Daingerfield Bee* on July 5, 2006. Alternative language notice was not required, and no public comments were received in response to NORI. The permit amendment was then issued on May 31, 2007. Following the approval of the permit amendment, processing of the permit renewal application resumed; however, since the permit had been amended, Applicant had to conduct an amended public notice. Applicant was provided authorization to conduct the amended NORI by letter dated December 5, 2007. The amended NORI was published on December 12, 2007, in the *Daingerfield Bee*. Alternative language notice was not required. In response to NORI, one contested case hearing request with comments was received on December 27, 2007. The comment period ended December 27, 2007. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted pursuant to House Bill 801.

¹ Since the inception of the permit time frame reduction (PTR) project in March 2002, Office of Permitting, Remediation and Registration (OPRR) has significantly reduced its permitting backlogs and increased permit efficiencies. In 2002, the Air Permits Division (APD) had a backlog of 1150 permits; APD has decreased that backlog to less than 270 projects currently. This represents a 76% reduction over this time period. Part of PTR is to identify older projects (greater than 2 yrs) and place the needed resources to resolve the issues and to ultimately process the application. Prior to eliminating the division's backlog this was very difficult to do on a consistent basis. Since the reduction of the backlog, all of the projects that are greater than 2 years old are being processed. Currently there are approximately 60 projects within the division that are greater than 24 months old. Over that same time period this represents less than 1.0% of all applications completed by the division. Additionally, control measures have been put in place to identify problem projects early on in the review and to highlight them and focus on their completion well within the expected backlog timeframes for the APD.

COMMENTS AND RESPONSES

COMMENT 1: Commenter is concerned that Applicant's facility will cause harm to his land where members of his family live and use the land for farming and recreation.

RESPONSE 1: Prior to the construction or modification of a facility that may emit air contaminants, the person planning the construction or modification must obtain a permit from the commission. The Texas Clean Air Act (TCAA) and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the permit evaluation process, the permit reviewer identifies all sources of air contaminants at the proposed facility, assures that the facility will be using the best available control technology (BACT) applicable for the sources and types of contaminants emitted, and determines that no adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. The TCEQ cannot deny a permit if the applicant demonstrates that all applicable statutes, rules, and regulations will be met. Special conditions and a maximum allowable emission rates table are created to establish requirements for the operation of the facility. The permit conditions are developed such that a facility that is operated within the terms and conditions of the permit should be able to operate in compliance with standards outlined in the TCAA and applicable state and federal rules and regulations.

A key part of TCEQ's evaluation of an application is determining whether the application abides by the National Ambient Air Quality Standards (NAAQS), which are created by the United States Environmental Protection Agency (EPA). The NAAQS, as defined in the federal regulations (40 C.F.R. § 50.2), include both primary and secondary standards. The primary standards are those which the Administrator of the EPA determines are necessary, with an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those which the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. NAAQS are established for criteria pollutants: ozone, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, and respirable particulate matter (PM).

In addition to complying with the federal and state standards and guidelines mentioned above, applicants must also comply with 30 TAC § 101.4, which prohibits nuisance conditions. Specifically the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." As long as Applicant's facility is operated in compliance with the terms of the permit, nuisance conditions or conditions of air pollution are not expected.

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Finally, the review of a renewal application is limited by statute. TEXAS HEALTH & SAFETY CODE § 382.055(e) states, "The commission may not impose requirements more stringent than those of the existing permit unless the commission determines that the requirements are necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control measures." Review of the permit application found that existing controls meet current BACT and no additional controls or permit limitations are necessary.

COMMENT 2: Commenter is concerned about alleged illegal dumping of hazardous material by Applicant on or near Commenter's land.

RESPONSE 2: This permitting action concerns only Air Quality Permit No. 3342. Therefore, waste issues are beyond the scope of this particular permit review. However, Applicant's waste disposal may be required to be permitted or have some other form of authorization. For more information on other authorizations please contact the Tyler regional office at (903) 535-5100.

Additionally, individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the Tyler Regional Office at (903) 535-5100, or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. The TCEQ has long had procedures in place for accepting environmental complaints from the general public but now has a new tool for bringing potential environmental problems to light. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law and the information can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at (512) 239-0028, and may be downloaded from the agency website at www.tceq.state.tx.us (under Publications, search for document no. 278.)

COMMENT 3: Commenter asserts that the public has a right to know of the dangerous chemicals being used by Applicant.

RESPONSE 3: This permitting action concerns Air Quality Permit No.3342. The plant will emit the following air contaminants: carbon monoxide, nitrogen oxides, sulfur dioxide, organic compounds, particulate matter including particulate matter less than 10 microns in diameter, lead, sulfuric acid, nitric acid, sodium hydroxide, zinc nitrate, zinc phosphate, sodium nitrite, sodium stearate, and hazardous air pollutants including (but not limited to) antimony, arsenic,

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beryllium, cadmium, chromium, cobalt, manganese, mercury, nickel, and selenium. TCEQ staff has reviewed the emissions of this proposed plant for compliance with state and federal air quality rules and regulations, and no harm to human health or the environment is expected. Applicant may be required to obtain other authorizations for use or disposal of hazardous materials unrelated to this permitting action. For more information on other authorizations please contact the Tyler regional office at (903) 535-5100.

COMMENT 4: Commenter says he has protested to TCEQ regarding Applicant in the past, and he would now like information concerning actions taken in response to his protests.

RESPONSE 4: Commenter has not provided the ED with sufficient detail to determine the past protests to which he is referring. However, there are various processes for different kinds of permitting actions. Any response to Commenter's past participation in a permitting action would have been communicated to Commenter pursuant to the timeline relevant to each particular permitting action. For instance, this Response to Comment explains actions taken resulting from Commenter's comments regarding Air Quality Permit No. 3342.

COMMENT 5: Commenter requests that TCEQ appoint an attorney to represent him free of charge.

RESPONSE 5: The Office of Legal Services (OLS) is counsel for the Executive Director (ED), and, pursuant to Agency practice and the disciplinary rules of The State Bar, cannot represent or advocate the interests of individual members of the public. However, TCEQ's Office of Public Interest Counsel (OPIC) advocates positions it determines to be in the interest of the public. If you have any further questions about OPIC, please call (512) 239-6363.

COMMENT 6: Commenter asks to be placed on the mailing lists for any nearby facilities owned by Georgia Pacific Paper Company or International Paper Company, as well as the mailing lists for Titis, Cass, and Morris counties. Commenter also wants a copy of all prior complaints and violations concerning Applicant or any other entity previously located on Applicant's current site forwarded to him.

RESPONSE 6: When the Chief Clerk's Office (CCO) receives letters referencing particular permit applications being processed by the Agency, it places the commenter on the respective mailing list for that project. The CCO does not maintain general mailing lists by county or generally by company. Records of filed applications, complaints, and violations can be found in either the CCO or the Agency's Central Records. Records contained in these offices, including information related to complaints or enforcement, are available to the public during business hours.

COMMENT 7: Commenter objects to the incorporation of all previous authorizations or changes to authorized facilities related to Air Permit Renewal No. 3342.

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RESPONSE 7: Incorporation of emission sources operating under the criteria of other authorizations, such as a Permit By Rule, does not result in any changes in operations or increase in emissions from the plant. Incorporation simply consolidates the other authorized emission sources into the permit under review. Incorporation results in a variety of sources being reflected in a single permit/document.

CHANGES MADE IN RESPONSE TO COMMENT

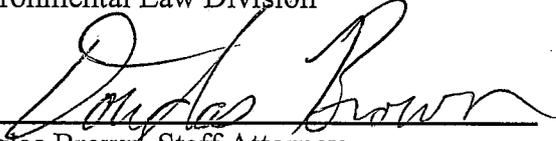
No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE
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