

TCEQ AIR QUALITY PERMIT NO. 19933
TCEQ DOCKET NO. 2007-1039-AIR

APPLICATION BY § BEFORE THE
BORDER STEEL, INC. § TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VINTON, EL PASO COUNTY, TEXAS § ENVIRONMENTAL QUALITY

2007 NOV 15 PM 2:02

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein. The Texas Clean Air Act (TCAA) § 382.056(n) requires the commission to consider hearing requests in accordance with the procedures provided in Texas Water Code § 5.556.¹ This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

A current compliance history report, technical review summary, and draft permit prepared by the ED's staff have been filed with the TCEQ's Office of Chief Clerk for the Commission's consideration. In addition, the ED's Response to Public Comments (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the Chief Clerk for the Commission's consideration.

I. Application Request and Background Information

Border Steel, Inc. (Applicant) has applied to the TCEQ for the renewal of Air Quality Permit No. 19933, and simultaneously the incorporation of Air Quality Permit No. 73387 into Permit No. 19933. The renewal would authorize continued operation of their Vinton Steel Mill Plant. As of the filing of this Response, the Applicant's facility is operating. The mill is located adjacent to United States Interstate 10 and Vinton Road. The Applicant has provided the following driving directions to the site: take US Interstate 10 west to the Vinton Exit and make a left turn at the intersection, then drive over the bridge, turn right on Border Road and the facility is located at the end of the road, Vinton, El Paso County, Texas, 79835. The facility will emit the following air contaminants: organic compounds, nitrogen oxides, sulfur oxides, carbon monoxide, and particulate matter (PM) including trace metals such as chromium, nickel, lead, manganese, zinc, and particulate matter less than 10 microns in diameter (PM₁₀). It appears the Applicant is not delinquent on any administrative penalty payments to the TCEQ. The TCEQ Enforcement Database was searched and no enforcement activities were found that are inconsistent with the compliance history.

¹ Statutes cited in this response may be viewed online at www.capitol.state.tx.us/statutes/statutes.html. Relevant statutes are found primarily in the Texas Health and Safety Code and the Texas Water Code. The rules in the Texas Administrative Code may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the "Rules, Policy & Legislation" link on the TCEQ website at www.tceq.state.tx.us.

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The application for renewal of Permit No. 19933 was received on September 20, 2005. The application was declared administratively complete on October 12, 2005. The Notice of Receipt and Intent to Obtain (NORI) an Air Quality Permit Renewal was published on October 28, 2005 in the *El Paso Times*. Alternative language notice was published October 29, 2005 in *El Paso Y Mas*. An amendment application for Permit No. 19933 was received on October 4, 2005. The amendment application did not require notice because the emission increases were below the threshold values requiring notice. There were several exchanges between ED staff and the Applicant to address technical deficiencies in the amendment application, and the amendment to Permit No. 19933 was issued October 19, 2006. Due to the intervening amendment application, an Amended NORI for the renewal of Permit No. 19933 was published on November 30, 2006 in the *El Paso Times*. Alternative language notice was published on November 30, 2006 in *El Paso Y Mas*. The alternative language notice was illegible as published, and alternative language notice was published again on December 7, 2006 in *El Paso Y Mas*. This notice stated Permit No. 73387 would be incorporated into Permit No. 19933. A public meeting was held in Vinton, Texas on December 14, 2006. To ensure proper notice, Second Amended NORI was published January 11, 2007 in the *El Paso Times*. Alternative language notice was published January 11, 2007 in *El Paso Y Mas*. This notice also stated Permit No. 73387 would be incorporated into Permit No. 19933. The comment period ended January 26, 2007. The ED's RTC was filed July 2, 2007 in the Chief Clerk's Office. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted pursuant to House Bill 801.

The ED's RTC was mailed on October 23, 2007 to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comment or requests for contested case hearing. The cover letter attached to the RTC included information about making requests for contested case hearing or for reconsideration of the ED's decision.²

The TCEQ received timely hearing requests during the public comment period from the following persons: Rita Calderon, Ruperto & Maria Ruiz, Vicente & Antonia Lemon, Edward M. Garcia, Laura Pasillas, Agustin Villa, Victoria Garcia, Rosa Velasquez, Carmen Urbina, Rosalinda Porrus, Rogelio Perez, Enrique Portillo, Francisco Vigil, Maria J. Ramirez, Jose Cadena, Gabriel Aleman, Emeterio Villareal, Angelica Murillo, Abdenago Torres, Juan Manuel Holguin, Paula Salazar, San Juana Lara, Veronica Anchoride, Connie Mendoza, Juan Manuel Munos, Mercedes Varela, Raul Hinojos, Maria Hinojos, Alejandro Rodriguez, Familia Salazar, Ramona Macias, Miguel Marquez, Antonia Holguin, Agustin Villa, Jr., Salvador Soriano, Angelino de los Santos, and David Soriano.

II. Analysis

The Applicant is seeking a renewal that would not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted. Texas Health & Safety Code (THSC) § 382.056(g) states, "The commission may not seek further comment or hold a public

² See TCEQ rules at Chapter 55, Subchapter F of Title 30 of the Texas Administrative Code. Procedural rules for public input to the permit process are found primarily in Chapters 39, 50, 55 and 80 of Title 30 of the Code.

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hearing...in response to a request for a public hearing on an amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted.”³ Therefore, the Commission should deny the hearing requests as a matter of law and approve the renewal of Applicant’s Permit No. 19933.

The Applicant operated a grandfathered steel mill that had two electric arc furnaces (EAFs) and a billet casting operation. The Applicant submitted a permit application in 1990 that would replace the two EAFs with one EAF, and incorporate the existing scrap handling and casting operations into the permit with the one EAF. This action would have resulted in grandfathered operations being permitted. Permit No. 19933 was issued in 1990, authorizing construction of one new EAF to replace the existing two EAFs, however the Applicant did not replace the two EAFs with one new EAF, and the new EAF was never built. Consequentially, the charge handling operation and casting operation became authorized by Permit No. 19933, while the two EAFs remained grandfathered.

On August 31, 2004, the Applicant applied for a permit for the grandfathered operations, and Permit No. 73387 was issued on August 26, 2005. Notice was published for Permit No. 73387, and no comments were received in response to notice. This permit authorized the two EAFs, required Permit No. 19933 be amended to update Permit No. 19933 conditions and maximum allowable emissions rate table to accurately reflect facility configuration and operating parameters, and required Permit No. 73387 to ultimately be incorporated into Permit No. 19933. An amendment application for Permit No. 19933 was received on October 4, 2005. The amendment application for Permit No. 19933 did not require public notice, and the amendment was issued on October 19, 2006. The amendment to Permit No. 19933 and the incorporation of Permit No. 73387 will result in the Applicant having one permit that authorizes charge handling, the two EAFs, billet casting, the rolling mill operation, and other related miscellaneous processes. The application that is the subject of this Response is for the renewal of Permit No. 19933 as amended and will incorporate Permit No. 73387. As a result, this renewal application will not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted.

The ED’s RTC inadvertently identifies the amendment of Permit No. 19933 as the mechanism by which Permit No. 73387 was incorporated into Permit No. 19933. In fact, the renewal of Permit No. 19933, which is the subject of this Response, will incorporate Permit No. 73387 into Permit No. 19933. The ED’s RTC contains the following language in Response 8:

“In the summer of 2005, the Applicant applied for a permit for the grandfathered operations, and Permit No. 73387 was issued on August 26, 2005. This permit authorized the two EAFs and required that Permit No. 19933 be amended to incorporate Permit No. 73387 into Permit No. 19933. An amendment application for Permit No. 19933 was received on October 4, 2005, and the amendment was issued

³ See also 30 TAC § 55.201(i)(3)(C) (Renewals of air applications that “would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted” are applications for which there is no right to a contested case hearing).

on October 19, 2006. The amendment resulted in the Applicant having one permit that authorizes charge handling, the two EAFs, billet casting, the rolling mill operation, and other related miscellaneous processes.”

This passage in Response 8 of the ED's RTC should be revised as follows:

“On August 31, 2004, the Applicant applied for a permit for the grandfathered operations, and Permit No. 73387 was issued on August 26, 2005. This permit authorized the two EAFs, required Permit No. 19933 be amended to update Permit No. 19933 conditions and maximum allowable emissions rate table to accurately reflect facility configuration and operating parameters, and required Permit No. 73387 to ultimately be incorporated into Permit No. 19933. An amendment application for Permit No. 19933 was received on October 4, 2005, and the amendment was issued on October 19, 2006. The amendment to Permit No. 19933 and the incorporation of Permit No. 73387 will result in the Applicant having one permit that authorizes charge handling, the two EAFs, billet casting, the rolling mill operation, and other related miscellaneous processes.”

As noted above, this renewal application will not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted. However, THSC § 382.056(o) states “Notwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the commission determines that the application involves a facility for which the applicant's compliance history is in the lowest classification under Sections 5.753 and 5.754, Water Code, and rules adopted and procedures developed under those sections.”⁴ The commission adopted 30 TAC, Chapter 60 to evaluate compliance history. The lowest classification under the Texas Water Code §§ 5.753 and 5.754 and 30 TAC § 60.2 is a “poor performer.” Under 30 TAC § 60.3(a)(3)(B), the TCEQ may hold a hearing on an air permit renewal if the site is classified as a poor performer. The compliance history for the company and the site is reviewed for the five-year period prior to the date the permit application was received by the ED. The company and this site have a rating of 4.88 and 10.63 respectively, and have been classified as “average” and not “poor” performers according to 30 TAC Chapter 60.⁵ Therefore, a hearing should not be granted under THSC § 382.056(o) based on the compliance history of the Applicant.

⁴ See also 30 TAC § 55.201(i)(3)(C) (stating the commission may hold a hearing if the application “involves a facility for which the applicant's compliance history contains violations which are unresolved and which constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations”).

⁵ Please note, the ED's RTC and the Technical Review Summary state the company and site rating as 4.18 and 8.53, respectively, and a classification of “average.” These ratings were obtained during a compliance history review conducted on June 26, 2007. The attached compliance history report contains current information and the ratings are reflective of updates conducted at the beginning of each fiscal year. The company and site classification remain “average”, and not “poor” performer.

III. Conclusion

The renewal of this permit would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. Under these circumstances, THSC § 382.056(g) directs the Commission to "not seek further comment or hold a public hearing." Because consideration of hearing requests on a "no increase" renewal application is governed by THSC § 382.056(g) and (o), this Response does not include an analysis of the individual hearing requests. Accordingly, the ED respectfully recommends the Commission deny the hearing requests as a matter of law and approve the renewal of Applicant's Permit No. 19933.

Respectfully submitted,

Texas Commission on Environmental Quality

Glenn Shankle
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division



Brad Alan Patterson, Staff Attorney
Environmental Law Division
Bar No. 24037244

Representing the Executive Director of the Texas
Commission on Environmental Quality

CERTIFICATE OF SERVICE

On the 15th day of November, 2007, a true and correct copy of the foregoing instrument was served on all persons on the attached mailing list by the undersigned via deposit into the U.S. Mail, inter-agency mail, facsimile, or hand delivery.



Brad Alan Patterson

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2007 NOV 15 PM 2:03

CHIEF CLERKS OFFICE

MAILING LIST
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DOCKET NO. 2007-1039-AIR

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ATTACHMENT A

Technical Review Summary

Permit Renewal and Consolidation Technical Review Analysis

| | | | |
|-------------------|------------------|-------------------------|-----------------|
| Company: | Border Steel Inc | Permit Nos.: | 19933 and 73387 |
| City: | Vinton | Project No.: | 118259 |
| County: | El Paso | Account No.: | EE-0011-P |
| Project Type: | RNEW/CONS | Regulated Entity No.: | RN100213941 |
| Project Reviewer: | Mr. Dois Webb | Customer Reference No.: | CN600127104 |
| Facility Name: | Steel Mill | | |

AUTHORIZATION CHECKLIST SECTION: (If YES to questions in this section, then ED signature required.)

Will a new policy/precedent be established? NO
 Is a state or local official opposed to the permit? NO
 If yes, please provide name and title of official: NA
 Is waste or tire derived fuel involved? NO
 Are waste management facilities involved? NO
 Will action on this application be posted on the Executive Director's agenda? YES
 Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review? NO

PROJECT OVERVIEW SECTION: If answer to last question above was yes, describe in detail the required changes.

REVIEW SUMMARY SECTION:

Border Steel submitted a permit renewal application in September 2005 to authorize continued operation of the facility. This permit had been issued in 1990 to authorize the construction of a new EAF to replace two existing grand fathered EAFs and authorize other attendant operations such as scrap handling and billet casting. Border Steel never constructed the new EAF thus only the operations that were existing became permitted, i.e. the scrap handling and casting operations. Border Steel also submitted a permit application in 2005 to authorize the two grand fathered EAFs. A permit authorizing the two EAFs was issued on 8-26-05 with the provisions that Permit No. 19933 would be amended to properly reflect operations being conducted and would request incorporation of Permit No. 73387 into Permit No. 19933.

Permit No. 19933 was amended on 10-19-06. This amendment properly listed the emissions sources attributable to 19933 on the MAERT and updated the permit conditions.

This permit action will authorize the continued operation of facilities addressed in the 10-19-06 amendment and will also incorporate permit No. 73387 and two standard exemption (SE)/ permit by rule (PBR) sources into 19933. While the renewed permit will not authorize any change to what is already authorized by permit 19933, 73387, or the two SE/PBR sources, some new permit conditions have been added to address Compliance Assurance Monitoring (CAM) and to provide measures to assist the Regional Investigators in determining compliance. While the new conditions appear more stringent than the existing conditions, they were added with the concurrence of the applicant as a means to satisfy citizen concerns and clarify methodologies for determining permit compliance.

The lime silo which was authorized by PBR, Registration No. 42268 and the Ball Mill Reheat furnace authorized by Standard Exemption No 7 (no registration required) have as noted above been incorporated into the permit.

In summary, while the MAERT will look different due to the incorporation of Permit No. 73387 and the SE/ PBR sources, there will not be any increases in allowable emissions, no changes in controls, and no modifications to facilities. The new MAERT simply reflects emissions that have been previously authorized.

Emissions authorized by the 10-19-06 version of Permit No. 19933, Permit No. 73387, the two SE/PBR sources, and the renewed and consolidated permit follow:

**Permit Renewal
Technical Review Analysis**

Permit No. 19933

Regulated Entity No. RN100213941

| Contaminant | 19933 (TPY) | 73387(TPY) | SE/PBR(TPY) | RNW/CONS (TPY) |
|-------------|-------------|------------|-------------|----------------|
| PM | 11.47 | 28.72 | 0.73 | 32.96 |
| PM10 | 3.43 | 11.67 | 0.18 | 12.75 |
| NOx | 12.84 | 224.06 | 19.14 | 249.42 |
| CO | 5.23 | 325.72 | 16.08 | 347.03 |
| VOC | 0.35 | 52.03 | 1.05 | 53.43 |
| SO2 | 0.05 | 32.38 | 0.11 | 32.54 |

NOTE: Due to refinements in emission calculation, emission rates shown for the renewed/consolidated MRT do not equal the sum of the preceding columns.

COMPLIANCE HISTORY SECTION:

In accordance with 30 TAC Chapter 60, a compliance history report was reviewed on: 6-26-07

The compliance period was from 9-20-05 to 9-21-00

Was the application received after September 1, 2002? YES

If yes, what was the site rating & classification? Avg./8.53 Company rating & classification? Avg./4.18

If no, provide a description of the compliance history.

If site was Poor, what action(s) occurred as a result? (i.e. changes to permit, reduced renewal period, etc.) NA

If the rating is 40<RATING<45, what was the outcome, if any, based on the findings in the formal report? NA

Is the permit recommended to be denied on the basis of compliance history or rating? NO

Has the permit changed on the basis of the compliance history or rating? NO

30 TAC CHAPTER 116 RULES:

§116.315(b) Date of expiration of permit 9-18-05

§116.310 Date written notice of review was mailed 9-27-04

§116.310 Date application for Renewal (PI-IR) rec'd 9-20-05, Application postmarked 9-16-05

§116.311(a)(1) Do dockside vessel emissions associated with the facility comply with all regulations? NA

§116.311(a)(2) Is the facility being operated in accordance with all requirements, conditions, and representations specified in the current permit and do the emissions from the facility comply with all TCEQ air quality rules and regulations, and with the intent of the Texas Clean Air Act? YES

§116.311(a)(3) Compliance with applicable NSPS? NA
Subparts &

§116.311(a)(4) Compliance with applicable NESHAPS? NA
Subparts &

§116.311(a)(5) Compliance with applicable NESHAPS for source categories? NA

§116.311(a)(6) Compliance with applicable hazardous air pollutant requirements in 30 TAC §§ 116.180 - 116.183? NA

§116.311(b)(1) Is additional information regarding emissions from the facility and their impacts on the surrounding area required? NO

§116.311(b)(2) Were additional controls/permit conditions necessary to avoid a condition of air pollution or to ensure compliance with applicable federal or state rules? YES

If yes, explain: Conditions requiring periodic opacity reading for EAF baghouse stacks, baghouse differential pressure recording, and fan motor amperage monitoring were added to provide for compliance determination.

§116.311© Compliance History: Is the facility in substantial compliance with the TCAA and the terms of the current permit? YES

§116.314(a) The facility meets all permit renewal requirements? YES

§116.313(a) Permit Renewal Fee: \$ 1431.32 Paid? YES

Permit Renewal
Technical Review Analysis

Permit No. 19933

Regulated Entity No. RN100213941

The renewal fee was calculated based on allowable emissions attributable to Permit No. 19933 only. Emissions attributable to Permit No. 73387 and the two incorporated SE/PBR sources were not included in the renewal fee.

PUBLIC NOTICE INFORMATION SECTION:

§39.403 Public notification required? YES
If no give reason:
Date application received: September 20, 2005 Date Administrative Complete: 10-12-05
Small Business source? NO
§39.418 Date 1st Public Notice /Admin Complete/Legislators letters mailed: 10-12-05
§39.603 Pollutants: VOC, NOx, SOx, CO, and PM, including PM10 and metals
Date Published in Newspaper: 10-28-05 and 1-11-07 in El Paso Times
Date Affidavits/Copies received: 11-4-05 and 1-23-07
Bilingual notice required? YES Language: Spanish
Date Published in Newspaper: 10-29-05 and 1-11-07 in El Paso y Mas
Date Affidavits/Copies received: 11-4-05 and 1-23-07
§39.604 Certification of Sign Posting / Application availability YES/11-21-05 and 1-23-07
Public Comments Received? YES
Notice and Comment Hearing requested? YES
Hearing held? YES, 12-14-06
Was/were the request(s) withdrawn? NO:
Replies to Comments sent to OCC: YES: 7-2-07
Consideration of Comments: YES
§39.419 2nd Public Notification required? NO
If no, give reason: NO Change Renewal Application

Note: Although the applicant published in 2005, public notice was conducted again in 2007 to inform the public that permit No 73387 would be incorporated into 19933 which gives the appearance the renewal is not a "no change" permit action.. There was no public response to the latter PN.

§39.420 Consideration of Comments:
RTC, Technical Review & Draft Permit Conditions sent to OCC: YES
Request for Reconsideration Received? TBD
Final action? TBD Letters enclosed? YES

REQUEST FOR COMMENTS SECTION:

| | | | |
|-------------|---------|--------------|----------------|
| Region: | 6 | Reviewed by: | K. Smith |
| City: | | Reviewed by: | |
| County: | El Paso | Reviewed by: | No Response |
| TARA: | NA | Reviewed by: | |
| Compliance: | X | Reviewed by: | D. Webb |
| Legal: | X | Reviewed by: | Brad Patterson |

CHAPTER 113 RULES SECTION:

§113.100 Compliance with applicable MACT standards expected? NA
Subparts &

PROCESS DESCRIPTION SECTION:

Operations conducted at this site include receipt of scrap metal by rail and truck, charging of the scrap into two EAFs, and then casting of

Permit Renewal
Technical Review Analysis

Permit No. 19933

Regulated Entity No. RN100213941

the molten metal into billets. The billets are then conveyed to a rolling mill in an adjacent building and transformed into either re-bar or steel balls. The steel products are then shipped off site.

SOURCES AND CONTROLS SECTION:

Emission sources include two EAFs, a caster, tundish heaters, billet reheat furnace, ladle heaters, ball reheat furnace forge, ball mill heat treat operation, ladle lancing, slag processing and disposal, ladles, scrap metal loading and handling, a lime silo, and machine scarfing.

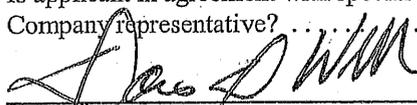
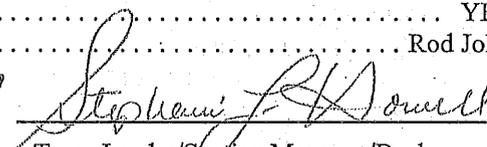
The EAF/caster building area is exhausted to fabric filters. The lime silo also employs a fabric filter. The various heat sources such as the billet reheat furnaces and heat treat furnaces use natural gas for fuel. Operations other than scrap unloading, slag disposal, and ladle heating are conducted inside buildings.

Controls employed by the two SE/PBR sources being incorporated into the permit meet current BACT.

The controls employed have previously been determined to meet BACT and considering the age of the facilities and the impact of emissions on the surrounding area, controls continue to meet BACT criteria.

MISCELLANEOUS SECTION:

Is applicant in agreement with special conditions? YES/E-mail dated 6-26-07
Company representative? Rod Johnson and Jose Vazquez

| | | | |
|---|---------|---|---------|
|  | 7-12-07 |  | 7/20/07 |
| Permit Reviewer | Date | Team Leader/Section Manager/Backup | Date |

ATTACHMENT B

Draft Permit and MAERT

Please note, an earlier version of the draft permit contained a typographical error in Condition 6.B., stating hours of operation shall not exceed 7,450 hours per year. The correct hours of operation, 7,560, are reflected in the attached draft permit, and are as stated in the original Permit No. 19933 and in the amendment to Permit No. 19933. This was a typographical error and does not affect emission rates or calculations.

SPECIAL CONDITIONS

Permit Number 19933

EMISSION

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and those sources are limited to the emission limits and other conditions specified in that attached table.

FUEL STANDARDS

2. Fuel for the 130 MMBtu per hour Mill billet reheat furnace, four ladle heaters, tundish heaters, reheat furnace forge No. 2, two hardening/tempering furnaces, scarfing torches, miscellaneous plant heaters, and the 11 MMBtu/hr auxiliary burners for the two electric arc furnaces (EAFs) shall be pipeline sweet natural gas. Use of any other fuel will require prior approval of the Executive Director of the Texas Commission on Environmental Quality (TCEQ). **(Date)**

Upon request of the TCEQ Executive Director or the TCEQ Regional Director or any local air pollution control program having jurisdiction, the holder of this permit shall provide a sample and/or an analysis of the fuels used in these facilities or shall allow air pollution control program representatives to obtain a sample for analysis. **(10/06)**

OPACITY/VISIBLE EMISSIONS LIMITATIONS

3. In accordance with the U.S. Environmental Protection Agency (EPA) Test Method (TM) 9 or equivalent, opacity of emissions from Emission Point Nos. BH-1A and B, BH-2A and B, LIMESILO, and MRFSTK shall not exceed 5 percent averaged over a six-minute period, except for those periods described in Title 30 Texas Administrative Code §§ 101.201 and 101.211 (30 TAC §§ 101.201 and 101.211.). **(Date)**
4. In accordance with the EPA TM 9 or equivalent, opacity of fugitive emissions from the melt/continuous casting building shall not exceed 10 percent averaged over a six-minute period, except for those periods described in 30 TAC §§ 101.201 and 101.211. **(Date)**
5. No visible emissions from the melt/continuous casting building or rolling mill building shall leave the plant property boundary. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using the EPA TM 22 or equivalent. If this condition is violated, additional controls or process changes may be required to limit visible particulate matter emissions. The permit holder shall achieve and demonstrate compliance with this condition no later than March 1, 2008. **(Date)**

OPERATIONAL LIMITATIONS, WORK PRACTICES, AND PLANT DESIGN

6. Plant operations and production are limited to the following: **(Date)**
 - A. The combined throughput of the two EAFs and the continuous caster shall not exceed 37.0 tons per hour and 264,000 tons per year of steel.
 - B. Rolling Mill and Ball Mill operations shall not exceed 7,560 hours per year.
7. The EAF auxiliary burners will employ oxygen injection and coke injection will be employed as a source of carbon. **(Date)**
8. Emissions from the EAFs during meltdown and refining operations shall be exhausted by a "direct shell evacuation" capture system that exhausts to a fabric filter with vertical discharge. Additionally, canopy hoods, as represented in the permit application, will be located above each EAF to capture fugitive emissions from charging and tapping. The canopy hoods will exhaust through fabric filters with a vertical discharge. **(Date)**
9. The Melt/Caster Building shall be enclosed except as represented in the permit application and there shall not be any roof openings, vents, or monitors other than the roof monitor located immediately above the caster. Openings/doors other than the scrap bucket entrance door shall employ full length vertical hanging strips to reduce fugitive emissions. Additionally, the building shall be maintained and/or repaired as necessary to be free of holes or cracks to contain emissions and prevent building fugitive emissions. **(Date)**
10. Dust collected from the EAF fabric filters shall be pelletized prior to disposal. **(Date)**
11. All air pollution abatement equipment shall be properly maintained and operated during the operation of these facilities. Cleaning and maintenance of the abatement equipment shall be performed as recommended by the manufacturer and as necessary so that the equipment efficiency can be adequately maintained. **(Date)**
12. All hooding, duct, and collection systems shall be effective in capturing fugitive emissions. The hooding and duct system shall be maintained free of holes, cracks, and other conditions that would reduce the collection efficiency of the emissions capture system. **(Date)**
13. This facility shall not create a nuisance as defined in 30 TAC § 101.4 as adopted by the TCEQ. If such a condition does occur, additional controls may be required. **(10/06)**

SPECIAL CONDITIONS

Permit Number 19933

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14. All plant roads and working areas subject to traffic shall be sprinkled with water or dust suppressant chemicals as necessary to control dust emissions.

MONITORING

15. Opacity of EPNs BH-1 and BH-2 shall be monitored a minimum of once per week, by a certified observer, for at least one, six-minute period each day, in accordance with 40 CFR Part 60, Appendix A, Test Method 9 and 40 CFR § 64.7(c). If the observations cannot be conducted due to weather conditions, the date, time, and specific weather conditions shall be recorded. Opacity readings shall be recorded. **(Date)**

16. The holder of this permit shall install, calibrate, and maintain a device to continuously monitor and record pressure drop in each baghouse. The monitoring device shall be calibrated in accordance with the manufacturer's specifications and shall be calibrated at least annually and shall be accurate to within a range of ± 0.5 inches water gauge pressure (± 125 pascals); or a span of $\pm 0.5\%$.

A minimum and maximum pressure drop shall be maintained at or above 2 inches water for baghouse No. 1 and 10 inches water for baghouse No. 2 and below 8 inches water for baghouse No. 1 and 20 inches water for baghouse No. 2 prior to the initial stack test performed in accordance with Special Condition No. 24. After the initial stack test has been completed, the pressure drop limits will be adjusted if appropriate. The actual pressure drop shall be recorded at least one time per day. **(Date)**

17. Upon demonstration that operating conditions upon which the maximum differential pressure would ever need to be changed, the TCEQ Executive Director may grant a request to re-establish the maximum differential pressure. **(Date)**

18. The permittee shall continuously operate the differential pressure monitoring system(s) when the fabric filter baghouse(s) are operating. **(Date)**

19. The holder of this permit shall install, calibrate, and maintain a device to continuously monitor and record the fan motor amperage for each baghouse fan. The monitors shall be installed prior to the stack test required by Special Condition No. 24 and the stack test shall be used to establish the fan motor amperage operating range. Once the operating range is established, operation outside that range for a period exceeding six minutes shall require inspection and corrective action if necessary, and reporting if it results in a reportable emission event. **(Date)**

SPECIAL CONDITIONS

Permit Number 19933

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20. The holder of this permit may elect to collect monitoring data on a more frequent basis and average the data, consistent with the averaging times specified, for purposes of determining whether a deviation has occurred. However, the additional data points must be collected on a regular basis. In no event shall data be collected and used in particular instances in order to avoid reporting deviations. All monitoring data shall be collected in accordance with the requirements specified in 40 CFR § 64.7(c). **(Date)**
21. The holder of this permit shall perform monthly inspections to verify proper operation of the capture system to verify there are no holes, cracks and/or other conditions that would reduce the collection efficiency of the emission capture system as represented. If the results of the inspections indicate that the capture system is not operating properly, the permit holder shall promptly take necessary corrective actions. **(Date)**
22. The control device shall not have a bypass. **(Date)**
23. The TCEQ Regional Office shall be notified as soon as possible after the discovery of any monitor malfunction, which is expected to result in more than 24 hours of lost data. Supplemental stack concentration measurements may be required at the discretion of the appropriate TCEQ Regional Director in case of extended monitor downtime. Necessary corrective action shall be taken if the downtime exceeds 5 percent of the (emissions source) operating hours in the quarter. Failure to complete any corrective action as directed by the TCEQ Regional Office may be deemed a violation of the permit. **(Date)**

DETERMINATION OF COMPLIANCE

24. Within 180 days of the renewal date of this permit, the permit holder shall perform stack sampling to demonstrate compliance with the MAERT for EPNs BH-1 and BH-2. The TCEQ Executive Director may approve a stack sampling plan to demonstrate compliance which proposes sampling of only one stack serving each baghouse upon an adequate technical demonstration made at or before the required pretest meeting required by Special Condition No. 28. **(Date)**
25. Upon being informed by the TCEQ Executive Director that the staff has documented visible emissions from this facility exceeding opacity of emissions stated in Special Condition Nos. 3 and/or 4, the holder of this permit shall conduct stack sampling analyses as appropriate or take immediate corrective action to demonstrate compliance.

SPECIAL CONDITIONS

Permit Number 19933

Page 5

26. Upon request by the Executive Director of the TCEQ or any local air pollution control program having jurisdiction, the holder of this permit shall perform net ground level concentration sampling and/or stack sampling as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere. Sampling must be conducted in accordance with appropriate procedures of the TCEQ Sampling Procedures Manual or in accordance with applicable EPA Code of Federal Regulations procedures. Any deviations from those procedures must be approved by the TCEQ Executive Director prior to sampling. The TCEQ Executive Director or his designated representative shall be afforded the opportunity to observe all such sampling. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense.

SAMPLING REQUIREMENTS

27. The holder of this permit is responsible for providing sampling and testing facilities and conducting the sampling and testing operations at his expense. Sampling ports and platform(s) shall be installed on the exhaust stack according to the specifications set forth in the attachment entitled "Chapter 2, Stack Sampling Facilities" prior to stack sampling. Alternate sampling facility designs may be submitted for approval by the Executive Director of the TCEQ. **(Date)**
28. A pretest meeting concerning the required monitoring shall be held with personnel from the TCEQ before the required tests are performed. Air contaminants to be tested for include PM, PM₁₀, CO, and NO_x. The TM to be used and the determination regarding the need to test only one stack from each baghouse versus both baghouse stacks shall be determined at this pretest meeting. Additionally, the permit holder is reminded that they may be required to conduct additional stack testing pursuant to Special Condition Nos. 25 or 26. **(Date)**
- A. Sampling shall occur within 60 days of being informed that testing other than that set forth specifically in this permit is required.
- B. The TCEQ El Paso Regional Office shall be notified not less than 45 days prior to sampling to schedule a pretest meeting. The notice to the TCEQ El Paso Regional Office shall include:
- (1) Date for pretest meeting.
 - (2) Date sampling shall occur.
 - (3) Name of firm conducting sampling.

SPECIAL CONDITIONS

Permit Number 19933

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- (4) Type of sampling equipment to be used.
- (5) Method or procedure to be used in sampling.

The purpose of the pretest meeting is to review the necessary sampling and testing procedures, to provide the proper data forms for recording pertinent data, and to review the format procedures for submitting the test results.

- C. A written proposed description of any deviation from sampling procedures specified in permit conditions or the TCEQ or EPA sampling procedures shall be made available to the TCEQ prior to the pretest meeting. The TCEQ El Paso Regional Office shall approve or disapprove of any deviation from specified sampling procedures.
- D. The permit holder shall be limited to the EAF production rates established during testing (+10 percent). Additional stack testing shall be required when higher production rates are achieved.
- E. The sampling report shall include the following:
 - (1) Plant production rate in tons of steel melted per hour
 - (2) The amperage of the fan motors shall be recorded along with the corresponding test value of volumetric air flow related to that fan motor for each fabric filter stack
- F. Copies of the final sampling report shall be submitted within 60 days after sampling is completed. Sampling reports shall comply with the provisions of Chapter 14 of the TCEQ Sampling Procedures Manual. The reports shall be distributed as follows:

One copy to the El Paso City-County Health and Environment District,
El Paso Air Quality Program.

One copy to the TCEQ El Paso Regional Office.

One copy to the TCEQ Austin Compliance Support Division.

RECORDKEEPING

- 29. The following records shall be kept, maintained on-site, and made available upon request to the Director of the TCEQ and/or his representatives and any local air pollution control agency having jurisdiction. Records shall be of sufficient detail to demonstrate compliance

SPECIAL CONDITIONS

Permit Number 19933

Page 7

with authorized throughputs and operating parameters. These records shall be maintained on-site for a rolling 60-month period. **(Date)**

- A. Records of the daily and annual production of steel and records of the inspection, maintenance, malfunction, and repair of abatement equipment;
- B. All monitoring data and support information as specified in 30 TAC § 122.144;
- C. Inspections of capture systems and abatement devices shall be recorded as they occur; and
- D. Records required by Special Condition Nos. 15, 16, and 19; and
- E. Hours of operation for the Rolling Mill and Ball Mill.

Dated _____

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 19933

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

| Emission Point No. (1) | Source Name (2) | Air Contaminant Name (3) | Emission Rates | |
|------------------------|---|--------------------------|----------------|--------|
| | | | lb/hr | TPY |
| BH-1A and 1B | Electric Arc Furnace No. 1 Baghouse Stacks (5) (6) | PM | 3.47 | 6.56 |
| | | PM ₁₀ | 1.12 | 2.12 |
| | | VOC | 12.28 | 23.95 |
| | | NO _x | 13.99 | 40.04 |
| | | CO | 67.16 | 138.35 |
| | | SO _x | 8.19 | 15.56 |
| | | Cr | 0.005 | 0.01 |
| | | Ni | 0.001 | 0.003 |
| | | Pb | 0.06 | 0.11 |
| | | Mn | 0.07 | 0.13 |
| BH-2A and 2B | Electric Arc Furnace No. 2 Baghouse Stacks (5) (6) | PM | 3.47 | 6.56 |
| | | PM ₁₀ | 1.12 | 2.12 |
| | | VOC | 12.28 | 23.95 |
| | | NO _x | 13.99 | 40.04 |
| | | CO | 67.16 | 138.35 |
| | | SO _x | 8.19 | 15.56 |
| | | Cr | 0.005 | 0.01 |
| | | Ni | 0.001 | 0.003 |
| | | Pb | 0.06 | 0.11 |
| | | Mn | 0.07 | 0.13 |
| Zn | 0.45 | 0.86 | | |

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

| Emission Point No. (1) | Source Name (2) | Air Contaminant Name (3) | Emission Rates | |
|------------------------|--|--------------------------|----------------|--------|
| | | | lb/hr | TPY |
| EAFBLDG FUG | Electric Arc Furnaces No. 1 and 2, Continuous Caster, Tundish Heaters, and EAF Auxiliary Burners (4) (5) | PM | 2.23 | 4.36 |
| | | PM ₁₀ | 2.13 | 4.07 |
| | | VOC | 0.85 | 1.74 |
| | | NO _x | 4.18 | 13.81 |
| | | CO | 5.47 | 12.52 |
| | | SO _x | 0.52 | 0.99 |
| | | Cr | 0.0033 | 0.0063 |
| | | Ni | 0.0009 | 0.0017 |
| | | Pb | 0.0347 | 0.0655 |
| | | Mn | 0.0407 | 0.0770 |
| Zn | 0.2751 | 0.5199 | | |
| MRFSTK | Billet Reheat Furnace Stack | PM | 0.96 | 3.62 |
| | | PM ₁₀ | 0.24 | 0.91 |
| | | VOC | 0.69 | 2.62 |
| | | NO _x | 35.33 | 133.54 |
| | | CO | 10.60 | 40.06 |
| | | SO _x | 0.08 | 0.29 |
| MILLFUG | Mill Billet Reheat Furnace Fugitives (4) | PM | <0.01 | 0.02 |
| | | PM ₁₀ | <0.01 | <0.01 |
| | | VOC | 0.01 | 0.03 |
| | | NO _x | 0.36 | 1.35 |
| | | CO | 0.11 | 0.40 |
| | | SO _x | <0.01 | <0.01 |
| LDLHTRFUG | Ladle Heaters (4) | PM | 0.01 | 0.11 |
| | | PM ₁₀ | <0.01 | 0.03 |
| | | VOC | 0.01 | 0.08 |
| | | NO _x | 0.20 | 1.48 |
| | | CO | 0.16 | 1.25 |
| | | SO _x | <0.01 | 0.01 |

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

| Emission Point No. (1) | Source Name (2) | Air Contaminant Name (3) | Emission Rates | |
|---------------------------|--|-----------------------------|----------------|--------|
| | | | lb/hr | TPY |
| BALLFUG | Ball Reheat Furnace Forge No. 2, Ball Mill Heat Treat Line (4) | PM | 0.19 | 0.73 |
| | | PM ₁₀ | 0.05 | 0.18 |
| | | VOC | 0.28 | 1.05 |
| | | NO _x | 5.06 | 19.14 |
| | | CO | 4.25 | 16.08 |
| | | SO _x | 0.03 | 0.11 |
| LADLANFUG | Ladle Lancing Station (4) | PM | <0.001 | 0.27 |
| | | PM ₁₀ | <0.001 | 0.21 |
| SLAGLNDFIL | Slag Processing (4) | PM | 0.16 | 0.61 |
| | | PM ₁₀ | 0.08 | 0.31 |
| SLAGNORTH | Slag Disposal North (4) | PM | 0.08 | 0.32 |
| | | PM ₁₀ | 0.04 | 0.15 |
| SLAGSOUTH | Slag Disposal South (4) | PM | 0.08 | 0.32 |
| | | PM ₁₀ | 0.04 | 0.15 |
| LIMESILO | Lime Silo Vent | PM/PM ₁₀ | 0.001 | <0.001 |
| SCRAPLOAD | Scrap Metal Loading and Handling (4) | PM | 1.39 | 5.24 |
| | | PM ₁₀ | 0.66 | 2.48 |
| CASTORCH | Machine Scarfing and Torching Machines (4) | PM | 1.12 | 4.24 |
| | | PM ₁₀ | <0.01 | <0.01 |
| | | VOC | <0.01 | <0.01 |
| | | NO _x | <0.01 | <0.02 |
| | | CO | <0.01 | <0.02 |
| | | SO _x | <0.01 | <0.01 |

(1) Emission point identification - either specific equipment designation or emission point number from a plot plan.

(2) Specific point source names. For fugitive sources, use an area name or fugitive source name.

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

- (3) VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1
 - NO_x - total oxides of nitrogen
 - SO_x - sulfur oxides
 - PM - particulate matter, suspended in the atmosphere, including PM₁₀.
 - PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no particulate matter greater than 10 microns is emitted.
 - CO - carbon monoxide
 - Cr - chrome
 - Ni - nickel
 - Pb - lead
 - Mn - manganese
 - Zn - zinc
- (4) Fugitive emissions are an estimate only.
- (5) The trace metals Cr, Ni, Pb, Mn, and Zn are included in the PM/PM₁₀.
- (6) Total emissions for both baghouse stacks.

Dated _____

ATTACHMENT C

Compliance History Report

Compliance History

| | | | |
|---|--|----------------------------|---|
| Customer/Respondent/Owner-Operator: | CN600127104 Border Steel, Inc. | Classification: AVERAGE | Rating: 4.88 |
| Regulated Entity: | RN100213941 BORDER STEEL | Classification: AVERAGE | Site Rating: 10.63 |
| <hr/> | | | |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | EE0011P |
| | AIR OPERATING PERMITS | PERMIT | 1456 |
| | AIR NEW SOURCE PERMITS | PERMIT | 1672 |
| | AIR NEW SOURCE PERMITS | PERMIT | 19933 |
| | AIR NEW SOURCE PERMITS | PERMIT | 42268 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | EE0011P |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4814100002 |
| | AIR NEW SOURCE PERMITS | PERMIT | 73387 |
| | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 0710030 |
| | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # | 31209 |
| | GENERATION | (SWR) | |
| | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD007398175 |
| | GENERATION | | |
| | WATER LICENSING | LICENSE | 0710030 |
| | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50119 |
| | STORAGE | | |
| | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50119 |
| | POST CLOSURE | | |
| <hr/> | | | |
| Location: | IH 10 & Vinton Rd, Anthony, TX | | Rating Date: 9/1/2007 Repeat Violator: NO |
| <hr/> | | | |
| TCEQ Region: | REGION 06 - EL PASO | | |
| <hr/> | | | |
| Date Compliance History Prepared: | November 09, 2007 | | |
| <hr/> | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| <hr/> | | | |
| Compliance Period: | September 20, 2000 to September 20, 2005 | | |
| <hr/> | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | |
| Name: | <u>N/A</u> | Phone: | <u>N/A</u> |

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 08/09/2001 | (100697) |
| 2 | 10/12/2001 | (100698) |
| 3 | 01/09/2002 | (100699) |
| 4 | 08/06/2002 | (989) |
| 5 | 01/13/2003 | (21440) |
| 6 | 08/26/2003 | (145628) |
| 7 | 11/18/2003 | (254746) |
| 8 | 11/29/2003 | (153110) |
| 9 | 01/09/2004 | (259324) |
| 10 | 01/30/2004 | (261005) |
| 11 | 03/10/2004 | (264894) |
| 12 | 07/29/2004 | (285977) |

13 12/08/2004 (343485)
14 08/04/2005 (402630)
15 09/06/2005 (343861)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/03/2001 (100698)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)
Description: UPSET NOTIFICATION
Date: 08/26/2003 (145628)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(3)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52
Description: Failure to have a contingency plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)(1)
Description: Failure to have personnel training regarding hazardous waste and emergency response.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)
Description: Failure to maintain appropriate employee records pertaining to hazardous waste management.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to update the NOR to reflect current facility information.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4
Description: Failure to prevent the release of industrial solid waste into the environment.
Date: 09/15/2003 (152369)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
Description: Failure to comply with the General Prohibition for outdoor burning.
Date: 11/26/2003 (153110)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)
Description: Failure to maintain recordkeeping requirements.
Date: 08/05/2005 (402630)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.62
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
Description: Failure to complete and document hazardous waste determinations for 0013 (sweepings from empty scrap trailers and railcars), 0014 (purge water from MW-3), and approximately 50 drums of used oil and grease mixture located in CSA 012.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failure to update notice of registration. At the time of investigation, the following changes were noted: 1) remove unit 008 (used oil tank); 2) remove unit 009 (used oil tank); 3) add grease (waste determination pending) to unit 012 (CSA); 4) add Class 2 trash compactors as unit 013 (CSA); 5) add rail spur...
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to ensure and document that emergency alarms, communication, fire protection, spill control, and decontamination equipment is inspected and maintained to ensure proper operation in time of emergency.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to include an evacuation plan for facility personnel in contingency plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
Description: Failure to submit contingency plan to local police department, fire department, hospital, and state and local agencies providing emergency response service.

F. Environmental audits.

Notice of Intent Date: 02/21/2001 (32622)

Disclosure Date: 03/13/2001

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A

Description: Failure to properly classify two waste streams (1) nonmagnetic sweep out material from incoming railcars (2) surge water generated during post closure care groundwater monitoring.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R

Description: Failure to include two waste streams on the nor.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

| | | | |
|---|---|----------------------------------|--|
| Customer/Respondent/Owner-Operator: | CN600127104 Border Steel, Inc. | Classification: AVERAGE | Rating: 4.88 |
| Regulated Entity: | RN100213941 BORDER STEEL | Classification: AVERAGE | Site Rating: 10.63 |
| <hr/> | | | |
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | EE0011P |
| | AIR OPERATING PERMITS | PERMIT | 1456 |
| | AIR NEW SOURCE PERMITS | PERMIT | 1672 |
| | AIR NEW SOURCE PERMITS | PERMIT | 19933 |
| | AIR NEW SOURCE PERMITS | PERMIT | 42268 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | EE0011P |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4814100002 |
| | AIR NEW SOURCE PERMITS | PERMIT | 73387 |
| | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 0710030 |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 31209 |
| | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD007398175 |
| | WATER LICENSING | LICENSE | 0710030 |
| | INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50119 |
| | INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE | PERMIT | 50119 |
| <hr/> | | | |
| Location: | IH 10 & Vinton Rd, Anthony, TX | | Rating Date: September 01 07 Repeat Violator: NO |
| TCEQ Region: | REGION 06 - EL PASO | | |
| Date Compliance History Prepared: | November 14, 2007 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | September 20, 2000 to November 14, 2007 | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | |
| Name: | N/A | Phone: | N/A |

Site Compliance History Components

- | | |
|--|---------------------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner? | <u>Border Steel, Inc.</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Borden Steel Mills, Inc.</u> |
| 5. When did the change(s) in ownership occur? | <u>09/21/2007</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- | | |
|---|----------------------------|
| Effective Date: 04/29/2006 | ADMINORDER 2005-1828-AIR-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A) | |
| 5C THC Chapter 382, SubChapter D 382.085(b) | |
| Description: Complete failure to report an emissions event as required by 30 TAC 101.201(a). | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 101, SubChapter F 101.221(a) | |
| 5C THC Chapter 382, SubChapter D 382.085(b) | |
| Description: Failure to maintain pollution emission capture equipment and abatement equipment in good working order and operated properly during facility operations. | |
| Effective Date: 10/02/2006 | ADMINORDER 2006-0140-AIR-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C) | |
| 30 TAC Chapter 122, SubChapter B 122.146(2) | |
| 5C THC Chapter 382, SubChapter D 382.085(b) | |
| Rqmt Prov: General Terms and Conditions OP | |
| Description: Failed to submit semi-annual deviation reports and annual compliance certifications. | |
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|----|------------|----------|
| 1 | 08/09/2001 | (100697) |
| 2 | 10/12/2001 | (100698) |
| 3 | 01/09/2002 | (100699) |
| 4 | 08/06/2002 | (989) |
| 5 | 01/13/2003 | (21440) |
| 6 | 08/26/2003 | (145628) |
| 7 | 11/18/2003 | (254746) |
| 8 | 11/29/2003 | (153110) |
| 9 | 01/09/2004 | (259324) |
| 10 | 01/30/2004 | (261005) |
| 11 | 03/10/2004 | (264894) |
| 12 | 07/29/2004 | (285977) |
| 13 | 12/08/2004 | (343485) |
| 14 | 08/04/2005 | (402630) |
| 15 | 09/06/2005 | (343861) |
| 16 | 12/13/2005 | (438205) |
| 17 | 12/28/2005 | (450335) |
| 18 | 01/12/2006 | (450094) |
| 19 | 02/03/2006 | (438307) |
| 20 | 02/15/2006 | (451444) |
| 21 | 05/08/2006 | (465199) |
| 22 | 08/22/2006 | (509692) |
| 23 | 10/12/2006 | (515806) |
| 24 | 03/22/2007 | (542528) |
| 25 | 07/05/2007 | (566670) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/03/2001 (100698)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

Description: UPSET NOTIFICATION

Date: 08/26/2003 (145628)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(3)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52

Description: Failure to have a contingency plan.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)(1)

Description: Failure to have personnel training regarding hazardous waste and emergency response.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(1)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)

Description: Failure to maintain appropriate employee records pertaining to hazardous waste management.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update the NOR to reflect current facility information.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent the release of industrial solid waste into the environment.

Date: 09/15/2003 (152369)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter B 111.201

Description: Failure to comply with the General Prohibition for outdoor burning.

Date: 11/26/2003 (153110)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)

Description: Failure to maintain recordkeeping requirements.

Date: 08/05/2005 (402630)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failure to complete and document hazardous waste determinations for 0013 (sweepings from empty scrap trailers and railcars), 0014 (purge water from MW-3), and approximately 50 drums of used oil and grease mixture located in CSA 012.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update notice of registration. At the time of investigation, the following changes were noted: 1) remove unit 008 (used oil tank); 2) remove unit 009 (used oil tank); 3) add grease (waste determination pending) to unit 012 (CSA); 4) add Class 2 trash compactors as unit 013 (CSA); 5) add rail spur...

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to ensure and document that emergency alarms, communication, fire protection, spill control, and decontamination equipment is inspected and maintained to ensure proper operation in time of emergency.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to include an evacuation plan for facility personnel in contingency plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

Description: Failure to submit contingency plan to local police department, fire department, hospital, and state and local agencies providing emergency response service.

Date: 11/21/2005 (438307)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to comply with Special Condition 13 of Permit No. 73387

F. Environmental audits.

Notice of Intent Date: 02/21/2001 (32622)
Disclosure Date: 03/13/2001

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A

Description: Failure to properly classify two waste streams (1) nonmagnetic sweep out material from incoming railcars (2) surge water generated during post closure care groundwater monitoring.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter R

Description: Failure to include two waste streams on the nor.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A