

TCEQ AIR QUALITY PERMIT NO. 19933

2008 JAN 11 AM 11:08

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

**EXECUTIVE DIRECTOR'S RESPONSE TO REMAND**

TO THE HONORABLE GENERAL COUNSEL OF THE TCEQ:

COMES NOW, the Executive Director (ED) of the Texas Commission on Environmental Quality and files his Executive Director's Response to Remand and in support thereof would show the following:

**I. PERMIT AND NOTICE HISTORY**

Prior to 1990, Border Steel was a grandfathered steel mill consisting of two electric arc furnaces (EAFs) and attendant operations such as scrap handling and billet casting. In 1990, the Texas Air Control Board issued permit number 19933 to authorize the construction of a new EAF to replace the grandfathered EAFs and to authorize the attendant operations. However, Border never constructed the new EAF so the only valid authorizations under permit number 19933 were for the attendant operations.

In 2004, given the deadline for submitting applications for grandfathered facilities west of Interstate 35, Border submitted an application to authorize the two grandfathered EAFs. This second Border permit, permit number 73387, was issued on August 26, 2005 and it included a special condition requiring that the second permit number 73387 would be incorporated, or consolidated, into the original permit number 19933.

In September 2005, Border submitted a timely application to renew the original permit 19933. The proposed renewal of permit number 19933 would incorporate permit number 73387, incorporate Permit by Rule 42268, incorporate an existing standard exemption, and include conditions to address Compliance Assurance Monitoring (CAM) and to provide mechanisms to assist the Region in evaluating compliance.

The September 2005 renewal application for permit number 19933 was found to be administratively complete and the Notice of Receipt of Application and Intent to Obtain Permit was published in October 2005. However, before the permit could be renewed it would require an amendment to properly list the sources attributable to the permit on the maximum allowable emission rate table (MAERT). Specifically, the amendment was necessary to remove the authorization for the EAF that was never constructed. The proposed amendment was submitted in

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October 2005 and amended 19933 was issued on October 19, 2006. The amendment did not require public notice because the emissions were below de minimus levels.

Following the October 2006 amendment, the Notice of Receipt of Application and Intent to Obtain Permit for the permit number 19983 renewal application was republished November 30, 2006. This republished notice stated that permit number 73387 would be incorporated into the renewal of permit number 19933.

Therefore, while the MAERT will appear different due to the incorporation of the additional existing authorizations, there are no increases in allowable emissions, there are no changes in controls, and there are no modifications of facilities. The new MAERT simply reflects emissions that have been previously authorized.

**II. APPLICANT'S REQUEST FOR REMAND**

Permitting staff learned in April 2007 that Border Steel had been purchased by a new owner. During a telephone call on December 7, 2007, with representatives of Border Steel and the new owner, ArcelorMittal, the applicant informed permitting staff that it may need to apply for changes to one or possibly both of the two permits. Permitting staff requested that the applicant identify those changes and its proposal on how to include them in the permits given the existing Agenda setting for January 13, 2008. On January 2, 2008 counsel for the applicant informed counsel for the ED that the applicant would like to request a remand of the application from agenda.<sup>1</sup>

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<sup>1</sup> Withdrawing the application was not an option since the application included a renewal.

**III. DISCUSSION**

After reviewing the issues raised in the Applicant's January 7, 2008 filing, the ED does not believe a remand is necessary. The applicant has proposed changes in emission rates necessary for permit 73387 and, given the lack of detail in the letter, possibly 19933. These changes can be addressed in separate amendment applications.

If a remand is granted, the ED respectfully requests that the applicant resubmit all of the necessary authorization requests within 30 days after the date of remand.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Glenn Shankle  
Executive Director

Stephanie Bergeron Perdue, Deputy Director  
Office of Legal Services



Booker Harrison, Senior Attorney  
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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

On this 11<sup>th</sup> day of January 2008, a true and correct copy of the foregoing document was served on all persons on the attached mailing list via deposit into the U.S. Mail, inter-agency mail, facsimile, or hand delivery.



Booker Harrison

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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CHIEF CLERKS OFFICE

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**DOCKET NO. 2007-1039-AIR**

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