CHIEF CLERK'S OFFICE

TCEQ AIR QUALITY PERMIT NO. 19933

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

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (RTC or Response) on the application for renewal of Air Quality Permit No. 19933 by Border Steel Inc. (Applicant). As required by 30 TEXAS ADMINISTRATIVE CODE (TAC) § 55.156, before an application is approved, the ED prepares a response to all timely, relevant and material, or significant comments. 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.

Written and oral comments were received from the following persons: Edward Garcia, Vicente & Antonia Lemon, Maria Ramirez, Emeterio Villarreal, Angelica Murillo, Rita Calderon, Ruperto & Maria Ruiz, Gabriel Aleman, Jose Cadena, Francisco Vigil, Enrique Portillo, Agustin Villa, Laura Pasillas, Victoria Garcia, Rosa Velasquez, Carmen Urbina, Rosalinda Porras, Rogelio Perez, San Juan Lara, Paula Salazar, Connie Mendoza, Veronica Anchoride, Mercedes Varela, Juan Manuel Munos, Maria Hinojos, Raul Hinojos, Fam Salazar, Alejandro Rodriguez, Miguel Marquez, Ramona Macias, Agustin Villa, Jr., Antonia Halguin, Juan Manuel Halguin, Abdenago Torres, Salvador Soriano, Angelina de los Santos, David Soriano, Border Interfaith, Adela Delgado, Wendy Rios, Casimino Rodriguez, Alejandro Rodriguez, Gregoria Marquez, Blanca Lucero, Jose & Velia Triana, Rosa Potillo, Fernando Garcia, Refugio Rodriguez, Maria Lopez, Arnulfo Conejo, Martha Rangel, Pablo Matta, Elisa Palma, Mirtha Anguiano, Julia Melendez, Dora Nieves, Marcela Nieves, Iliana Nieves, Gaby Madrid, Erica Ochoa, Francisco Lopez, Maria Ramirez, Carmen Madrid, Maria Delgado, Agustina Lieske, Martina Nieves, Alma Lara, Ignacia Garcia, the Agustin Villa Family, Jessica Garza on behalf of the Village of Vinton, Jesus Luna, Moises Lazalde, Brenda Barraza, Patricia Angulo, Amalia de Villarreal, Berenice Mercado, Angel Garcia, and Eddie Chew. A petition with a number of forms attached was filed by St. Jude Catholic Church. The petitioners are listed on Attachment A and any comments attributed to the petitioners will be annotated by "St. Jude Petitioners." Some of the forms contained comments by the individual petitioners. Those commenters are listed above and will be identified with their individual comments. This Response addresses all timely public comments received, whether or not withdrawn.

BACKGROUND

Description of Facility

The Applicant has applied to the TCEQ for 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. 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 (PM_{10}).

Procedural Background

The application for renewal of the permit 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 Amended NORI 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*. A public meeting was held in Vinton, Texas on December 14, 2006. 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*. The comment period ended January 26, 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.

COMMENTS AND RESPONSES

Written and oral comments have been combined where it was determined that a common response could be provided.

COMMENT 1: Many commenters express concern regarding adverse health impacts from air emissions from mill on: themselves (Vicente & Antonia Lemon, Angelica Murillo, Laura Pasillas, Wendy Rios, Mirtha Anguiano, Edward Garcia, Gabriel Aleman, Enrique Portillo, Carmen Urbina, Rosalinda Porras, Rogelio Perez, Mercedes Varela, Antonia Halguin, Juan Manuel Halguin, Abdenago Torres, David Soriano, Salvador Soriano, Emeterio Villarreal, Moises Lazalde, Maria Ramirez, Adela Delgado, Fernando Garcia, Refugio Rodriguez, Arnulfo Conejo, Martha Rangel, Elisa Palma, Francisco Lopez), children/grandchildren (Angelica Murillo, Laura Pasillas, Veronica Anchoride, Wendy Rios, Pablo Matta, Julia Melendez, San Juan Lara, Abdenago Torres, Emeterio Villarreal, Patricia Angulo, Amalia de Villarreal, Jose Cadena, Moises Lazalde, Adela Delgado, Casimino Rodriguez, Gregoria Marquez, Jose & Velia Triana, Fernando Garcia, Maria Lopez, Martha Rangel, Dora Nieves, Marcelo Nieves, Iliana Nieves, Erica Ochoa, Maria Delgado), their family (Edward Garcia, Francisco Vigil, Rosalinda Porras, Rogelio Perez, Raul Hinojos, Moises Lazalde, Casimino Rodriguez, Maria Ramirez), the elderly (Jose Cadena, Gregoria Marquez, Erica

Ochoa), the community (Laura Pasillas, Paula Salazar, Veronica Anchoride, Fam Salazar, Pablo Matta, Rita Calderon, Francisco Vigil, Agustin Villa, Raul Hinojos, Juan Manuel Halguin, Salvador Soriano, Jesus Luna, Patricia Angulo, Emeterio Villarreal, Marcelo Nieves, Martina Nieves, Alma Lara, Ignacia Garcia), and plants/vegetation (Moises Lazalde). Some commenters express concern for the effect lead emissions from the mill have on their children. (Ruperto & Maria Ruiz, Iliana Nieves)

Many commenters believe operation of the mill will cause or exacerbate the following conditions: allergies (Wendy Rios, Abdenago Torres, Moises Lazalde, Blanca Lucero, Jose & Velia Triana, Maria Lopez, Martha Rangel, Elisa Palma), asthma (Pablo Matta, Mirtha Anguiano, Julia Melendez, Edward Garcia, Mercedes Varela, Emeterio Villarreal, Moises Lazalde, Patricia Angulo, Adela Delgado, Alejandro Rodriguez, Gregoria Marquez, Fernando Garcia, Iliana Nieves, Erica Ochoa, Maria Delgado), bronchial conditions (Mirtha Anguiano), respiratory problems (Julia Melendez, Refugio Rodriguez, Maria Lopez), lung conditions (Maria Hinojos), burning eyes (Antonia Halguin), stomach illness/nausea (Abdenago Torres, Emeterio Villarreal), headaches (Emeterio Villarreal, Amalia de Villarreal, Blanca Lucero), memory loss (Emeterio Villarreal), fatigue (Emeterio Villarreal, Moises Lazalde, Amalia de Villarreal), mood swings (Emeterio Villarreal, Amalia de Villarreal), dizziness (Emeterio Villarreal), stress (Moises Lazalde, Maria Ramirez), cancer/lymphoma/leukemia (Moises Lazalde, Patricia Angulo, Ignacia Garcia), learning disabilities (Patricia Angulo), and kidney problems (Maria Delgado).

Some commenters request a study of the soil in Vinton and Westway, and blood tests on local citizens to determine the nature and cause of illness in the community. (Moises Lazalde, Adela Delgado)

RESPONSE 1: For many permits, potential impacts to human health and welfare or the environment are determined by comparing air dispersion modeling predicted emission concentrations from the proposed facility to appropriate state and federal standards and effects screening levels. [1,2,3] The specific health-based standards or guidance levels employed in evaluating the potential emissions include the National Ambient Air Quality Standards (NAAQS); TCEQ standards contained in 30 TAC Chapter 112, specifically 30 TAC § 112.3; and TCEQ Effect Screening Levels (ESLs).[3]

NAAQS are created by the United States Environmental Protection Agency (EPA) and are set to protect sensitive members of the population such as children, the elderly, and individuals with existing respiratory conditions. The NAAQS, as defined in the federal regulations (40 C.F.R. §

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[1] See the document "Air Quality Modeling Guidelines" for details on air modeling at the TCEQ website at http://www.tceq.state.tx.us/assets/public/permitting/air/Guidance/NewSourceReview/rg25.pdf. Also visit the agency air modeling page at http://www.tceq.state.tx.us/permitting/air/nav/modeling_index.html.

[2] Documents referenced in this response that are available on the TCEQ website are also available in printed form at a small cost from the TCEQ Publications office at 512-239-0028.

[3] To view the ESL list or obtain more information on ESLs, visit the TCEQ website at http://www.tceq.state.tx.us/implementation/tox/esl/list_main.html.

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 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 public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse affects associated with the presence of an air contaminant in the ambient air. The standards are set for criteria pollutants: ozone, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, and respirable particulate matter (PM).

After a permit application's modeling review is complete, in most instances, the modeling results are then sent to the TCEQ's Toxicology Section (TS) to evaluate whether emissions from the proposed facility are expected to cause health or nuisance problems. TS reviews the results from air dispersion modeling by comparing those results to the TCEQ Effects Screening Levels (ESLs). ESLs are constituent-specific guideline concentrations used in TCEQ's effects evaluation of constituent concentrations in air. These guidelines are derived by TS and are based on a constituent's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based screening levels are set at levels lower than levels reported to produce adverse health effects, and as such are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. Adverse health or welfare effects are not expected to occur if the air concentration of a constituent is below its ESL. If an air concentration of a constituent is above the screening level, it is not necessarily indicative an adverse effect will occur, but rather further evaluation is warranted. Generally, maximum concentrations predicted to occur at a sensitive receptor which are at or below the ESL would not be expected to cause adverse effects.

For this specific permit application, appropriate air dispersion modeling was performed. The likelihood of whether adverse health effects caused by emissions from the Applicant's facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was determined by comparing the facility's predicted air dispersion computer modeling concentrations to the relevant state and federal standards and effects screening levels. The permit reviewer used modeling results to verify predicted ground level concentrations from the proposed facility are not likely to adversely impact off-property receptors. TCEQ background concentrations from the geographic area surrounding the site or other appropriate background are added to the modeled concentrations when applicable. The overall evaluation process provides a conservative prediction that is protective of the public. The modeling predictions were reviewed by the TCEQ Air Permits Division, and the modeling analysis was determined to be acceptable.

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 the facility is operated in compliance with the terms of the permit, nuisance conditions or conditions of air pollution are not expected. According to the facility's maximum allowable[4] emission rate table in the draft permit, the facility will emit approximately 33 tons per year of particulate matter, 250 tons per year of nitrogen oxides, 32.5 tons per year of sulfur dioxide, 347 tons per year of carbon monoxide, 0.29 tons per year of lead, and 53.4 tons per year of volatile organic compounds.

Emissions of particulate matter (PM) were evaluated for the Applicant's facility. Particles up to 50 microns (μm) in diameter are collectively referred to as "total suspended particulates" (TSP). Particulate matter includes TSP, $PM_{2.5}$, and PM_{10}. Particulate matter consists of solid particles and liquid droplets found in the air. Particles less than 10 μm in diameter (PM_{10}) are referred to as "coarse" particles and particles less than 2.5 μm in diameter are referred to as "fine" particles ($PM_{2.5}$). Sources of coarse particles include wind-blown dust, dust generated by vehicles traveling on unpaved roads, and material handling. Fine particles are usually produced via industrial and residential combustion processes and vehicle exhaust.

The NAAQS for PM_{10} are based on 24-hour and annual time periods. The measurement for predicted concentrations of air contaminants in modeling exercises is expressed in terms of micrograms per cubic meter ($\mu g/m^3$). One microgram is 1/1,000,000 of a gram, or 2.2/1,000,000,000 of a pound (approximately the weight of a dust mite) of air contaminant per cubic meter of ambient air. The air volume of a cubic meter is approximately the size of a washing machine. Predicted air concentrations occurring below the 24-hour and annual NAAQS of 150 $\mu g/m^3$ and 50 $\mu g/m^3$, respectively, are not expected to exacerbate existing conditions or cause adverse health effects.[5] Modeling for this facility resulted in predicted PM_{10} concentrations to be 28 $\mu g/m^3$ (24-hour) and 39 $\mu g/m^3$ (annual), which are both below the NAAQS.

Particulate matter[6] was also regulated by state standards located in 30 TAC Chapter 111.[7] Predicted air concentrations occurring below the one-hour and three-hour state standards of 400 $\mu g/m^3$ and 200 $\mu g/m^3$, respectively, are not expected to cause nuisance conditions (dust accumulation, decreased visibility) or eye and throat irritation. Based on air dispersion modeling described above, the maximum off-property concentrations of PM are predicted to be 224 $\mu g/m^3$ (one-hour) and 124 $\mu g/m^3$ (three-hour). Therefore, based on the potential concentrations reviewed by the ED's staff, it is not expected that existing health conditions will worsen or that adverse health effects in the general

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[4] The term "allowable" means the maximum emission rate of a specific pollutant from a given source, as specified in the permit.

[5] The EPA revoked the annual PM_{10} standard in 2006. *See* Federal Register, Vol. 71, No. 200 (October 17, 2006). However, the standard was in effect at the time the permit application that is the subject of this RTC was filed.

[6] State standards do not refer to PM. Rather, state standards refer to Total Suspended Particulate, or "TSP". The terms TSP and PM have been used interchangeably. However, TSP more specifically refers to all particulate matter that can be captured in a high-volume air sampler regardless of particle size, whereas PM is usually further classified by particle size; i.e. PM_{30}, PM_{10}, and $PM_{2.5}$.

[7] Repealed May 17, 2006, TCEQ Docket No. 2005-1606-RUL, 31 Tex. Reg. 4651 (June 2, 2006). However, these standards were in effect at the time the permit application that is the subject of this RTC was filed.

public, sensitive subgroups, or animal life will occur as a result of exposure to the expected levels of PM.

Sulfur dioxide (SO_2) was also evaluated for the Applicant's facility. The SO_2 NAAQS, regulated by the EPA, are based on three-hour, twenty-four hour, and annual time periods. Predicted SO_2 air concentrations occurring below the three-hour, twenty-four hour, and annual NAAQS of 1,300 $\mu g/m^3$, 365 $\mu g/m^3$, and 80 $\mu g/m^3$, respectively, are not expected to exacerbate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted air concentrations of SO_2, with background concentrations included, to be 980 $\mu g/m^3$ (three-hour), 276 $\mu g/m^3$ (twenty-four hour) and 39 $\mu g/m^3$ (annual), which are each below the NAAQS.

Nitrogen dioxide (NO_2) was also evaluated for the Applicant's facility. The NO_2 NAAQS, regulated by the EPA, are based on an annual time period. Predicted NO_2 air concentrations occurring below the annual NAAQS of 100 $\mu g/m^3$ are not expected to exacerbate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted air concentrations of NO_2 to be 70 $\mu g/m^3$ (annual), which is below the NAAQS.

Lead (Pb) was also evaluated for the Applicant's facility. The Pb NAAQS, regulated by the EPA, are based on a quarterly period. Predicted Pb air concentrations occurring below the annual NAAQS of 1.5 $\mu g/m^3$ are not expected to exacerbate existing conditions or cause adverse health effects. Modeling of this facility resulted in predicted air concentrations of Pb to be 1.0 $\mu g/m^3$, which is below the NAAQS.

Finally, carbon monoxide (CO) was modeled to determine whether a state NAAQS analysis was required. In this analysis, the resulting maximum concentrations from the sources associated with this facility are compared to the federal Modeling Significance Levels (MSL) (found in 40 C.F.R. 52.21(b)(23)) to determine the significance of CO. Concentrations that do not exceed the MSL are considered to be so low that they do not require a state NAAQS analysis. The CO MSL are based on one-hour and eight-hour time periods. The CO MSL are 2,000 $\mu g/m^3$ (one-hour) and 500 $\mu g/m^3$ (eight-hour). Modeling of this facility resulted in predicted air concentrations of CO to be 863 $\mu g/m^3$ (one-hour) and 415 $\mu g/m^3$ (eight-hour). Therefore, since predicted CO air concentrations occur below the MSL, a state NAAQS analysis was not required for this pollutant.

In summary, based on the potential concentrations reviewed by the ED's staff, it is not there will be adverse health effects in the general public, sensitive subgroups, or animal life as a result of exposure to the expected levels of PM, PM_{10}, SO_2, NO_2, CO, or Pb.

For contaminants where no NAAQS has been established, modeled concentrations were compared to their respective ESLs. The following listed compounds were evaluated and the table reflects both the maximum expected ground level concentration (GLC_{max}) in micrograms per cubic meter ($\mu g/m^3$) and the standard for each compound:

Pollutant	Averaging Time	GLC_{max} ($\mu g/m^3$)	ESL ($\mu g/m^3$)
Zinc	1-hr	24	50
Nickel	1-hr	0.07	0.15
Manganese	1-hr	3.5	2
	Annual	0.1	0.2

Review of the above shows, except for the hourly manganese value, all the maximum predicted concentrations are well below the allowable standard or ESL and thus will comply with state and federal standards.

When the predicted concentration for a compound exceeds the screening level, TS further reviews the matter, considering additional information to include the predicted annual maximum concentration, the frequency of the hourly exceedence, the location of the maximum predicted hourly concentration, the location of residences or other structures, and other issues.

Given the foregoing, the TS reviewed the manganese emissions and concluded:

"Maximum off-property ground level concentrations (GLC_{max}) are predicted to occur over an undeveloped, non-industrial area 120 meters away from the property line. Because the GLC_{max} occur over undeveloped, non-industrial land, they were evaluated as maximally impacted non-industrial receptors (GLC_{ni}). Submitted concentrations were compared to their short -term and long-term Effects Screening Levels (ESL).

"The short-term GLC_{ni} for manganese (3.5 ug/m^3) exceeds its short -term ESL (2 ug/m^3) 17-hours per year. Considering the magnitude and frequency of the ESL exceedance, and the annual ESL is not exceeded, the proposed manganese concentrations are allowable.

"In conclusion, the submitted modeled impacts are allowed. We do not expect adverse health effects to occur among the general public as a result of exposure to the proposed emissions from the facility.

Therefore, as long as the Applicant operates within the terms of the permit and applicable rules, emissions from the Applicant's facility are expected to comply with all state and federal requirements, and are not expected to adversely affect human health. The requested study is not a requirement for renewal of the permit, and is not within the purview of an air quality renewal application renewal.

COMMENT 2: Some commenters express concern air emissions from the mill will adversely affect the environment. (Laura Pasillas, Juan Manuel Munos, Jose Cadena, Marcelo Nieves, Carmen Madrid, the Agustin Villa Family) One commenter expresses concern for emissions of lead, nitrogen oxides, and volatile organic compounds, perhaps including dioxins and furans. (Border Interfaith)

Some commenters express concern air emissions from the mill will contaminate their land. (Ruperto & Maria Ruiz)

RESPONSE 2: As stated in Response 1, emissions from the Applicant's facility, including lead, nitrogen oxide, and volatile organic compounds, were evaluated and are expected to comply with state and federal air quality requirements. Additionally, the facility will not emit dioxins or furans. Therefore, adverse effects to the environment are not expected.

Furthermore, all facilities must comply with the Texas Clean Air Act (TCAA) and all TCEQ rules and regulations, including 30 TAC § 101.4, which prohibits a person from causing or maintaining a nuisance. 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." No adverse impacts to the environment are expected if the Applicant operates the facility in compliance with the permit and commission rules.

COMMENT 3: Some commenters state emissions from the mill adversely affect air quality in the area, or they observe smoke emanating from the facility. (Vicente & Antonia Lemon, Angelica Murillo, Veronica Anchoride, Connie Mendoza, Fam Salazar, Border Interfaith, Wendy Rios, Pablo Matta, Rita Calderon, Enrique Portillo, Agustin Villa, Victoria Garcia, Rosa Velasquez, Carmen Urbina, Rosalinda Porras, Rogelio Perez, Alejandro Rodriguez, Miguel Marquez, Ramona Macias, Agustin Villa, Jr., Antonia Halguin, Juan Manuel Halguin, Abdenago Torres, Angelino de los Santos, David Soriano, Jesus Luna, Emeterio Villarreal, Eddie Chew, Raul Hinojos, Patricia Angulo, Angelina de los Santos, Berenice Mercado, Angel Garcia, Maria Ramirez, Gabriel Aleman, Gregoria Marquez, Rosa Potillo, Refugio Rodriguez, Arnulfo Conejo, Martha Rangel, Dora Nieves, Gaby Madrid, Francisco Lopez) Some commenters state they have observed orange smoke or an orange cloud emanating from the facility at night. (Alejandro Rodriguez, Angel Garcia)

RESPONSE 3: Steel mills produce smoke and flame by the nature of operations conducted. Arc furnace charging operations produce dust and smoke, and the flame from the furnaces is most visible at night. Also, natural gas lances are employed outside the main furnace building to preheat ladles used to transport molten steel. Although the flames from the lances are not large, they appear quite bright at night.

Emission sources at the Applicant's facility will employ controls that meet state and federal requirements for Best Available Control Technology (BACT). Specifically, the melt/casting building is generally enclosed, and capture systems are used to collect and route emissions from the arc furnaces to fabric filters. Additionally, the Applicant's permit establishes opacity limits for the furnace building that comply with state visible emission requirements and requires no visible emissions leave the property, as determined by EPA Test Method 22.[8]

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[8] 30 TAC § 101.1(73) defines "opacity" as the degree to which an emission of air contaminants obstructs the

Special Condition No. 5 establishes a maximum opacity for Baghouse No. 1 (BH-1) and No. 2 (BH-2) stacks. Additionally, Special Conditions No. 15 requires an opacity reading by a certified opacity reader at least once per week. Special Condition No. 16 requires BH-1 and BH-2 to be equipped with differential pressure monitors and establishes minimum and maximum acceptable pressures. Finally, Special Condition No. 19 requires BH-1 and BH-2 fan motors to be equipped with a monitor to continuously record the fan motor amperage and establishes an operating amperage range. These requirements provide the tools to ensure the fabric filters are operated and not bypassed, and the monitored parameters are indicative of proper fabric filter operation.

The permit requires the Applicant to properly maintain and operate all pollution control equipment and maintain capture equipment such as hoods and ducts free of holes and ensure their effectiveness. Combustion sources at the site use pipeline quality natural gas for fuel, which is considered BACT.

Although the required controls and/or practices will not result in there never being any visible emissions from the facility, emissions will be reduced and controlled such that state and federal rules are met. Therefore, so long as the Applicant operates within the terms of the permit and applicable rules, no adverse effects to air quality are expected.

COMMENT 4: Some commenters express concern air emissions from the mill will adversely affect water quality in the area. (Agustin Villa, Jr., Iliana Nieves)

RESPONSE 4: While the TCEQ has responsibility for the environmental protection of all media, including water, the law governing air permits deal specifically with air-related issues. Water issues cannot be addressed in an air quality permit, and therefore the scope of this air quality permit application review does not include water assessment or consideration of issues involving water quality. However, the Applicant must comply with all TCEQ rules and regulations including any applicable requirements regarding water discharges or storm water. Questions concerning ground, surface, or waste water may be addressed to the Water Permits and Resource Management Division in Austin at 512-239-4300, or to the TCEQ El Paso Regional Office at 915-834-4949.

COMMENT 5: Some commenters express concern air emissions from the proposed facility will cause or contribute to nuisance conditions related to dust. (Abdenago Torres, Alejandro Rodriguez) Some commenters state residents report a black substance on their cars in the morning. (Border Interfaith, Moises Lazalde, Angel Garcia) Another commenter expresses concern for the black particles that are emitted from the facility. (Abdenago Torres)

RESPONSE 5: As stated in Response 3, emission sources at the Applicant's facility will employ controls that meet state and federal requirements for BACT. The permit also includes opacity limits that comply with state visible emission requirements and requires no visible emissions leave the property, as determined by EPA Test Method 22.

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transmission of light expressed as the percentage of light obstructed as measured by an optical instrument or trained observer.

Furthermore, all facilities must comply with the TCAA and all TCEQ rules and regulations, including 30 TAC § 101.4, which prohibits a person from causing or maintaining a nuisance. 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."

In summary, the control equipment and practices required by the permit meet all state and federal requirements for control of emissions. No adverse impacts to air quality or the public welfare are expected if the Applicant operates the facility in compliance with the permit and commission rules.

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 TCEQ El Paso Regional Office at (915) 834-4949 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 6: Some commenters express concern operation of the mill causes or contributes to noise pollution. (Angelino de los Santos, David Soriano, Salvador Soriano, Maria Ramirez, Moises Lazalde) Some commenters state the operation of the mill is disturbing at night, and interrupts sleep. (Veronica Anchoride, Alejandro Rodriguez, Emeterio Villarreal, Moises Lazalde, Emeterio Villarreal, Angelina de los Santos)

Some commenters state operation of the mill causes vibrations, which damage their home and property. (Ruperto & Maria Ruiz, Maria Hinojos, Patricia Angulo, Amalia de Villarreal, Angelina de los Santos, Angel Garcia, Martha Rangel) Some commenters state they observe explosions at the facility during the night. (Miguel Marquez, Ramona Macias, Emeterio Villarreal, Moises Lazalde, Angelina de los Santos, Berenice Mercado, Angel Garcia)

RESPONSE 6: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider noise or vibrations from a facility when determining whether to approve an application for an air quality

permit. If you have concerns regarding noise, vibrations, or other issues that are not within the jurisdiction of the TCEQ, please contact your city or county officials.

COMMENT 7: Some commenters express concern air emissions from the mill cause or contribute to nuisance conditions related to odor. (Wendy Rios, Rosa Velasquez, Miguel Marquez, Antonia Halguin, Abdenago Torres, Rosa Potillo)

RESPONSE 7: Permit applicants must comply with 30 Texas Administrative Code § 101.4, which prohibits nuisance conditions. The rule states that "no person shall discharge from any source" air contaminants which are or may "tend to be injurious to or 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." "Air contaminant" is defined in the Texas Clean Air Act (TCAA) § 382.003(2), to include "particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor." Emissions from the facility are not expected to produce nuisance odors. However, individuals are encouraged to report any concerns about nuisance issues by contacting the Regional Office at 915-834-4949, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. 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.

COMMENT 8: One commenter states the September 1990 permit is based on consolidating Electric Arc Furnaces 1 and 2 into a single furnace with a net decrease in emissions, and since this has not occurred, the basis for the permit is not valid. (Border Interfaith)

RESPONSE 8: The Applicant operated a grandfathered steel mill that had two electric arc furnaces (EAF) 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.

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 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.

In summary, during the period of September 1990 until September 2005, the Applicant operated

under grandfathered criteria and Permit No. 19933. Permit No. 19933 was valid during that period for those activities that were authorized by the permit (the charge handling and casting).

COMMENT 9: One commenter states Permit Nos. 19933 and 73387 specify low or no visible emissions past the plant boundary, but residents say they see visible emissions frequently, usually at night when it is difficult to distinguish where and how extensive the discharges are. (Border Interfaith) One commenter urges the TCEQ to continue the requirement contained in Permit No. 73387 to have no visible emissions form the EAF Furnace Building beyond the plant property boundary. (Border Interfaith)

RESPONSE 9: Permit No. 19933 now contains as a result of this permitting action, and will continue to contain, Special Condition No. 5 specifying no visible fugitive emissions from the EAF building off property. Furthermore, the permit also includes Special Condition Nos. 15, 16, and 19 requiring baghouse monitoring devices and establishes operating parameters to demonstrate the baghouses are being operated and are operating properly.

COMMENT 10: One commenter states anticipated improvements in the processes at the plant do not appear to be progressing, thus the March 1, 2008, deadline in Special Condition 5 appears to be in question. (Border Interfaith)

RESPONSE 10: The permit requirement to achieve and demonstrate compliance with the no visible emissions off-property requirement no later than March 1, 2008, remains in effect. Satisfaction of this requirement will be determined by the TCEQ Regional Office. Additionally, Special Condition No. 8 specifies enclosure requirements for the Melt/Caster building, which will also be evaluated by the TCEQ Regional Office Investigators.

COMMENT 11: One commenter urges the TCEQ to continue Special Condition Nos. 3 and 4 of Permit No. 73387, which deal with the allowable opacity from specific plant emissions, and notes residents are concerned about the smoke coming from the mill. (Border Interfaith) One commenter asks the Applicant to place filters on their smokestacks. (Angel Garcia)

RESPONSE 11: The requirements in Special Condition Nos. 3 and 4 of Permit No. 73387 regarding opacity have been included in Permit No. 19933. Furthermore, as noted in Response 3, Permit No. 19933 also requires periodic opacity reading by a certified opacity reader, differential pressure monitors on the fabric filter stacks, and continuous fan motor amperage monitors to demonstrate compliance with permit requirements.

The emissions from the EAFs (charging, melting, and tapping phases) are exhausted through fabric filters before release to the atmosphere. These filters comply with BACT criteria.

COMMENT 12: One commenter urges the TCEQ to require stack monitoring. (Border Interfaith)

RESPONSE 12: The draft permit conditions have been revised to include Special Condition No.

23, requiring stack testing.

COMMENT 13: One commenter states the Air Quality Modeling Analysis uses weather data from 1988 from the El Paso International Airport, and states the Weather Bureau now has data from Santa Teresa, New Mexico that would be much more representative of the region around the mill. (Border Interfaith) One commenter states ground-level concentrations of pollutants in the Westway area may be understated. (Border Interfaith)

RESPONSE 13: When on-site weather data is not available, off-site weather data from a nearby National Weather Service (NWS) station may be used if the data is representative for the site. The TCEQ considers the weather data collected at the El Paso International Airport to be representative of the site. Additionally, the TCEQ considers the representative worst-case weather conditions (light winds and stable air) to be adequately represented in the weather data collected at the El Paso International Airport. Modeling results used to support the air permitting process are based on the maximum hourly emission rates coupled with the worst-case weather conditions, and not on an exercise of replicating ambient monitoring data collected at a nearby site.

COMMENT 14: One commenter objects to the choice of location for background concentrations of nitrogen oxides. (Border Interfaith) One commenter states the measurements at Sunland Park, New Mexico are not representative of the area around the mill due to the presence of a major highway next to the mill and a truck-stop in the Westway community. (Border Interfaith) One commenter believes the NAAQS from nitrogen dioxide might be exceeded if the appropriate background concentration were used. (Border Interfaith)

RESPONSE 14: Data from nearby monitors are not always available and monitoring data from existing monitoring sites are used as a surrogate for the air quality in the vicinity of the site. With the exception of the presence of a major highway, the TCEQ considers the background data collected at Sunland Park (the nearest NO_2 monitor) to be representative for the area around the site. The highest monitored NO_2 annual concentration during a time span of 2003-2005 from El Paso County is 38 $\mu g/m^3$ (EPA AIRS monitor # 481410044). Adding this conservative background concentration to the maximum modeled prediction of 49 $\mu g/m^3$ NO_2 yields results that are less than the annual National Ambient Air Quality Standard of 100 $\mu g/m^3$ NO_2.

COMMENT 15: Some commenters state they are in support of Border Steel cleaning the air that families breathe in Westway and Vinton. (St. Jude Petitioners) One commenter looks forward to improved air quality in the Westway area as a result of the new permit and improvements to the process used by the Applicant. (Border Interfaith)

RESPONSE 15: All air quality permits issued by TCEQ must ensure state and federal air quality standards will be met, and the permitted facility will not cause or contribute to a condition of air pollution. The permit application has been reviewed pursuant to applicable requirements and proposed emissions have been evaluated using accepted practices. The permit imposes controls and restrictions on the operation that will ensure air quality standards are met if the facility is operated in

accordance with the permit.

COMMENT 16: One commenter requests the TCEQ strictly enforce environmental regulations against Border Steel when violations occur. (Agustin Lieske) One commenter requests an enforceable permit. (Eddie Chew)

RESPONSE 16: The TCEQ is charged with implementing the environmental laws of the State of Texas, which are designed and intended to protect human health and the environment. The ED takes that duty seriously, and makes every effort to conduct compliance investigations and follow-up on enforcement activity.

The existing permit conditions approved by the October 2006 amendment and the representations and conditions proposed in the renewal application have been reviewed by the TCEQ permit staff and the TCEQ Regional Staff, who found those conditions and representations enforceable.

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 TCEQ El Paso Regional Office at (915) 834-4949 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.

COMMENT 17: One commenter expresses concern for the history of noncompliance by the Applicant. (Border Interfaith) One commenter states in addition to several air quality incidents in 2005, the Applicant has been delinquent in filing annual reports, late in filing for permits, late in supplying needed information, and slow in supplying an acceptable Air Quality Modeling Analysis to the TCEQ for Permit No. 19933. (Border Interfaith) One commenter states the Applicant continues to operate with expired permits. (Border Interfaith)

RESPONSE 17: During the technical review, a compliance history review of the company and the site is conducted which brings all of the other sites operated by the company into the review process. This review is based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: http://www.tceq.state.tx.us/rules/index/html. 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 Executive Director. The compliance history includes multimedia compliance related components about the site under review which includes both the air and water concerns expressed by the commenters. The complete list of components incorporated in the compliance review include the following: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance.

The Applicant's permit application was received after September 1, 2002, and the company and site have been rated and classified pursuant to 30 TAC Chapter 60. A company and site may have one of

the following classifications and ratings:

High: rating < 0.10 (above average compliance record)
Average by Default: rating = 3.01 (these are for sites which have never been investigated)
Average: 0.10 < rating < 45 (generally complies with environmental regulations)
Poor: 45, rating (performs below average)

The Applicant's compliance history was considered in the review of this permit renewal application. The site has a rating of 8.53, and a classification of "Average." The company rating, which is the average of the ratings for all sites the company owns, is 4.18, and has a classification of "Average."

In addition, the Applicant timely supplied also required information for the renewal of this permit, and the ED is unaware of any unauthorized activity at the Applicant's site.

COMMENT 18: Some commenters request a public meeting to be conducted in English and Spanish. (Border Interfaith, Juan Manuel Munos, Mercedes Varela, Agustin Villa, Jr.)

RESPONSE 18: A public meeting was held on December 14, 2006, in the Village of Vinton. The meeting was conducted in English and Spanish.

COMMENT 19: Some commenters express support for the Applicant, stating it has been an integral part of the Vinton community, and provided employment for people in the area. (Jessica Garza, Brenda Barraza)

RESPONSE 19: The ED acknowledges the commenters' support of the Applicant.

Changes Made in Response to Public Comments

No changes to the draft permit have been made.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Glenn Shankle
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

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

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

ATTACHMENT A

"St. Jude Petitioners"

Alicia Franco
Adela Delgado
Wendy Rios
Casimino Rodriguez
Alejandro Rodriguez
Gregoria Marquez
Blanco Lucero
Jose & Velia Triana
Rosa Portillo
Fernando Garcia
Refugio Rodriguez
Maria Lopez
Arnulfo Conejo
Martha Rangel
Pablo Matta
Elisa Palma
Mirtha Anguiano
Julia Melendez
Dora Nieves
Marcelo Nieves
Iliana Nieves
Gaby Madrid
Erica Ochoa
Francisco Lopez
Maria Ramirez
Carmen Madrid
Maria Delgado
Agustina Lieska
Martina Nieves
Alma Lara
Ignacia Garcia
Martha Gomez
Gabriela Acevedo
Carlos Gomez
Rosario Hernandez
Angelina de los Santos
Angelica Murillo
Dominga Vega
David Gonzales
Ramon Pacheco
Kimberly Chavez
Manuela Sandoval
Altagracia Perez
Luis Lopez
Rafael Contreras
Ana Ramirez
Manuel & Paulina Estrada
Adriana Ramirez
Angelica Ramirez
Maria Chavez
Maria Vazquez
The Agustin Villa Family
Fam Ruiz
Jessica Cuellar
Jorge Carlos Macias
Blanco Soto
Rodolfo Navarette
Lizzie Juarez
Veronica Poole
Juan Jose Gonzales
Rita Calderon
Raul Hinojos
Daniel Martinez
Elisabet Melendez
Sara Herrera
Graciela Calleros
Maria Maldonado
Pilar Macias
Enrique & Maria Zaavedra
Jose & Enedina Girado
Fernando & Mirna Figueroa
Alfonso Licerio
Ernestina de la Cruz
Bertha Capetillo
The Mejia Family
Maria Perez
Maria Dozal
Rosa Velasquez
Esmeralda Rios
Jose Cano
Esther Esparza
The Leobardo Family
Maria Torres
Pedro Garcia
Yochetl Delgado
Maria Rodriguez
Hector Rodriguez
Heriberto & Mary Dominguez
Filomeno Oventana