

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners **Date:** August 7, 2009
Thru: LaDonna Castañuela, Chief Clerk
Mark R. Vickery, P.G., Executive Director
From: Susana M. Hildebrand, P.E., Chief Engineer 
Docket No.: 2009-0065-SIP
Subject: Commission Adoption of a Collin County 2nd Ten-year Lead Maintenance Plan State Implementation Plan (SIP) Revision

Project No. 2009-0065-SIP-NR – Collin County 2nd Ten-year Lead Maintenance Plan

Scope of the SIP revision:

Section 175A(b) of the Federal Clean Air Act (FCAA) requires submission of a SIP revision to provide for maintenance of the National Ambient Air Quality Standard (NAAQS) for lead for the second ten-year period following redesignation of the nonattainment area to attainment. This SIP revision fulfills that requirement for the portion of Collin County that was redesignated to attainment of the 1978 lead NAAQS on December 13, 1999.

The maintenance plan must contain: 1) a commitment to monitor ambient air quality to determine whether air quality meets the 1978 lead NAAQS; and 2) a requirement to implement one or more contingency measures if a quarterly average exceeds the 1978 lead NAAQS of 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) or if emissions exceed a specified value. Exide Technologies' battery recycling plant (Exide) in Collin County is the source subject to emission limitations under the lead maintenance plan. During the period of the first ten-year maintenance plan, Exide voluntarily implemented emission reduction measures that met the intended purpose of the two contingency measures listed in the 1999 maintenance plan. The 2009 maintenance plan contains new contingency measures to meet the requirements of Section 175A(d) of the FCAA.

Reasons for the SIP revision:

The United States Environmental Protection Agency (EPA) designated a portion of Collin County as nonattainment for the 1978 lead NAAQS on November 6, 1991. The EPA approved the Collin County lead attainment demonstration SIP submission on November 29, 1994. On August 31, 1999, the governor of Texas submitted to the EPA a request to redesignate the nonattainment portion of Collin County to attainment and to approve a ten-year maintenance plan for the area. The EPA redesignated the Collin County nonattainment area to attainment for the 1978 lead NAAQS on October 13, 1999, effective December 13, 1999, and approved the ten-year maintenance plan. The 1999 ten-year maintenance plan expires in December 2009.

The EPA published a new NAAQS for lead in the November 12, 2008, issue of the *Federal Register* (73 FR 67043). The effective date for the new standard was January 12, 2009; however, the EPA states that it is retaining the original 1978 lead NAAQS of 1.5 $\mu\text{g}/\text{m}^3$ until one year after the effective date for designations under the 2008 lead NAAQS of 0.15 $\mu\text{g}/\text{m}^3$. For areas like Collin County that have lead air quality monitoring data, the EPA indicated that it plans to issue area designations that would be effective January 12,

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2011, two years after issuance of the 2008 standard. That schedule could keep the 1978 lead NAAQS in force in Collin County until January 2012.

Statutory Authority:

Texas Water Code,

- §5.102, General Powers;
- §5.103, Rules; and
- §5.105, General Policy.

Texas Health and Safety Code,

- §382.002, Policy and Purpose;
- §382.011, General Powers and Duties;
- §382.012, State Air Control Plan;
- §382.014, Emission Inventory;
- §382.016, Monitoring Requirements;
- §382.017, Rules; and
- §382.023(a), Orders.

FCAA,

- §175A, Maintenance Plans (42 U.S.C., 7505a); and
- §110, FCAA (42 U.S.C., 7410).

Potentially controversial matters:

None. The facility affected, Exide Technologies, has agreed to the contingency measures.

Public comment:

Staff appeared in Frisco at 2:00 p.m. on April 20, 2009, to conduct a public hearing on the second ten-year lead maintenance plan SIP revision for Collin County (and for an agreed order with Exide Technologies). Because no member of the public appeared to make comments on either proposal, staff did not open the public hearing.

During the comment period, which closed on April 24, 2009, the Texas Commission on Environmental Quality received two comment letters from the EPA. EPA addressed primarily the clarification of contingency measure triggers and actions and additional linguistic and technical requests.

Significant changes from proposal:

The following changes were made in response to comments received from the EPA:

- The commission added a provision to incorporate the EPA's requirement to implement the contingency measure(s) as expeditiously as practicable, but not later than 24 months after an exceedance is certified by the EPA.
- Section 5.7 of the SIP narrative was clarified to address comments related to the existing monitoring sites and new requirements for the monitoring network.
- A detailed explanation of how the contingency measures would reduce lead emissions was added to Section 5.6 of the SIP narrative.

Key points in adoption schedule:

Proposal date: March 11, 2009

Anticipated adoption date: August 26, 2009

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Attachments

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