

## **Texas Commission on Environmental Quality (TCEQ) Lead Stakeholder Meeting Summary – January 19, 2011**

### **Moderators**

Bridget Bohac and Brad Patterson, Office of Public Assistance

### **Attendees**

Al Mollabashy, Andrew Hunt, Ann Reid, Bart Dalton, Beth Benk, Bob Allen, Carolyn Kresek-Lis, Chris Woods, Cindy McHale, Colette McCadden, Dawn Perkins, Don Barar, Emad Shahin, F. Evans, Hal Deatherage, Henry Bradbury, Henry Hill, Isabel P. Sem, Jean Solberg, Jeane Sukalac, Jerry McWharton, Jim Mallett, Jimmy Schnum, Joe Marguardt, John Parchman, Kandace Morgan, Kathy Scott, Katryn Miller, Lance Ketko, Laura Huff, Liz Scaggs, Lloyd Mutters, Mack Borchardt, Lisa and Bob Vanek, Mark Cummings, Martha Tuttle, Mathew Haag, Michael Symmons, Natasha Woods, Norman Olsen, Pete Hosp, Peter Reid, Phil Lohec, Robert Messina, Roy S. Tindula, Rustin Wright, Scott Boxer, Scott Johnson, Sharon Ketko, Tim H. Nelson, Tim Sanz, Trey Brown, and Valerie Wigglesworth

### **TCEQ Staff**

Amy Browning, Holly Brightwell, Keith Sheedy, Professional Engineer (P.E.), Jay Tonne, P.E., Robert Opiela, P.E., and Dr. Gulan Sun

The meeting was held in the Frisco City Hall, Council Chambers, 6101 Frisco Square Boulevard, Frisco, Texas. The meeting was started at 6:30 pm by Bridget Bohac, from the TCEQ Office of Public Assistance, making the opening remarks. The meeting lasted approximately 107 minutes; the presentation was about 30 minutes, with question and answer lasting about 77 minutes.

### **Presentation**

Four TCEQ staff from Chief Engineers Office and Air Permits Division gave presentations. To see all the presentations, go to the Lead Stakeholder Web page at ([www.tceq.state.tx.us/goto/pbstakeholder](http://www.tceq.state.tx.us/goto/pbstakeholder)).

Health Effects and Toxicology - Dr. Gulan Sun, Toxicology Section.

Lead Standard and SIP Update - Holly Brightwell, Air Quality Planning Section.

Modeling in SIP Development - Robert Opiela, P.E., Air Permits Division.

Potential Control Strategies -Jay Tonne, P.E., Air Quality Planning Section.

## Summary of Question and Answer Session

Brad Patterson, TCEQ, moderated the question and answer session.

### Controls

Question: Is Exide incorporating some of the control strategies mentioned in the presentation?

*TCEQ: Yes, Exide has started implementing measures to reduce air emissions. The TCEQ has been in talks with Exide on further controls. Many options have been discussed with the company. Engineering studies on how controls will work usually takes several years, but Exide is on a fast track of one month. If Exide must add abatement equipment to reduce emissions, then the company may first be required to get permits from the TCEQ to make the changes. Permits for amendments or alterations are a process that may take several months and is a separate process from the SIP. New construction and some other types of changes require a permit change. So far, Exide has made changes to their bag houses and other measures.*

Question: What controls were used in the California plant with 99% reduction and can it be used here? How does Exide's emissions compare to other battery recycling plants? What abatement technology do other Exide plants use? What happens if Exide does not meet the standard after 3 years?

*TCEQ: The Federal Clean Air Act requires that all areas of the state reach attainment, but does not specify controls or strategies to be used for reaching attainment. Staff provided a list of possible abatement options in the presentation, which will be on the web site for further viewing. Exide will first determine which controls will work for its plant. If the plant does not meet reduction milestones along the way from 2012 to 2015, then contingency measures may be implemented.*

Question: Are there contaminants in the ground, water, or air?

*TCEQ: The focus of this meeting is to discuss the air. In December 2010, the EPA determined that Frisco was nonattainment for the new lead standard, which means that the concentration of lead in ambient air exceeds the standard of 0.15 micrograms per cubic meter. The EPA has taken soil sample and will be providing a report. (March Note: EPA report now available at [http://www.tceq.texas.gov/implementation/air/sip/texas-sip/stakeholders/pb\\_stakeholder](http://www.tceq.texas.gov/implementation/air/sip/texas-sip/stakeholders/pb_stakeholder))*

Question: What do you do with monitoring and modeling information? Do you also look at the plant's operating times?

*TCEQ: The agency uses as much information as is available to make the most reasonable judgments. The modeling is for long-term planning and is used to estimate*

*if the controls will allow the area to achieve attainment. The monitoring is used to track daily, monthly, 3-month design values to make sure controls are achieving attainment as required.*

### Real Estate

Question: How does this lead nonattainment area affect housing prices? Does the realtor have to disclose?

*TCEQ: Another agency would be a better source of housing prices. The EPA has taken soil samples and a report is expected soon.*

### Family Health and Schools

Question: Family housing and part of Frisco High School are within the lead nonattainment area. Parents are concerned about learning disabilities and whether Exide's air emissions may have harmed their children. One person mentioned a family member with cancer. Is anyone tracking diseases in the city? What about other air emissions from the plant, like cadmium?

*TCEQ: The health department will track diseases and look at further studies.*

Question: Has TCEQ done a toxicology study? Will the SIP process look at the health effects?

*TCEQ: The EPA has done a study, not TCEQ. Once the study comes out, all agencies will work together to determine solutions, including EPA, TCEQ, the City of Frisco, and Exide. TCEQ Toxicology does look at health effects in certain cases. The federal air standards are health based and the state follows the EPA guidelines. Therefore, if the area is in attainment, the pollutant levels are within safe bounds. For the SIP process, the focus is not toxicology; however, if monitoring shows high levels, TCEQ or EPA would look at the effects.*

Question: Until Exide is monitoring attainment, will the city move the students out of the nonattainment area? Why not shut down Exide now until the plant has a plan to meet the NAAQS?

*TCEQ: There is a process before a plant is shut down. Exide has been following its permit. The Frisco area was only recently designated nonattainment in December 2010, under the newest standard of 0.15 micrograms per cubic meter. The area has until late 2012 to monitor attainment. The company has to lower its emissions so it is no longer causing or contributing to a violation of the NAAQS by using new controls, reducing production, or other means.*

## Timeline

Question: If Exide is not in attainment by 2015, what would TCEQ do?

*TCEQ: The data is closely tracked. If Exide's lead emission reductions are not showing a downward trend or improvement according to the designated timeline, then TCEQ would require stricter controls. Exide would have to make choices, like reduce production or add abatement equipment. These contingency measures will be provided in the Lead SIP so all parties will know the options. Shut down is an option on the list of control strategies.*

Question: If the new lead NAAQS was out in 2008, why did it take three years (2011) for TCEQ to discuss control measures? The EPA lists only 16 nonattainment areas in United States and only four different owners. Why is it taking so long? Why not start making Exide comply today?

*TCEQ: Regarding the timeline, the EPA established the final standard in 2008, but the Frisco area was not designated nonattainment until December 2010. Exide must show that it is complying with the standard by 2012 through 2015 and beyond. The TCEQ must show EPA, through the SIP plan that the Frisco area is in attainment by 2012, or in compliance with the standard. Any rolling 3-month period the Frisco area is over the 0.15 micrograms per cubic meter standard would mean the designated area was nonattainment. If the area monitors nonattainment after November 2012, then the plant must use contingency measures or a backup plan. Monitoring attainment means the plant must comply with the NAAQS so the monitors show numbers at or under the standard, in this case starting in 2012. The SIP includes modeling, control strategies, attainment demonstration, and future timeline to reach the goal of attainment.*

Question: If the soil samples are contaminated, who cleans it up? Will the schools be closed if they have contaminated soil? Is it possible to clean up lead in the soil?

*TCEQ: Another part of the TCEQ, the remediation section, would oversee soil clean up. If EPA determined it was necessary, the contaminated topsoil could be removed and replace with clean fill.*

*City of Frisco response to soil question: Soil samples were taken by EPA at parks, the school, and other places. The EPA says the samples were negative for lead. A report is being developed by EPA and expected in January 2011.*

Question: Would the agency consider another stakeholder meeting to discuss soil contamination with the appropriate TCEQ staff?

*TCEQ: We will take the suggestion to have another meeting back to the agency. If soil contamination is evident from the samples, another meeting might be arranged with the TCEQ staff concerned. In closing directions for comments were provided with the agenda and in the presentation.*