

## Cecelia Hartley

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**From:** Sunset  
**Sent:** Friday, December 17, 2010 11:53 AM  
**To:** Cecelia Hartley  
**Subject:** FW: WEB EMAIL FEEDBACK

-----Original Message-----

**From:** Sunset  
**Sent:** Friday, December 17, 2010 10:35 AM  
**To:** Sunset  
**Subject:** WEB EMAIL FEEDBACK

**Name:** Mr. Eddie W. Chew

**City:** El Paso  
**State:** TX

**Organization:** Border Interfaith

**Agency Name:** Environmental Quality, Texas Commission on

**Comments:** Three Border Interfaith leaders made the trip to Austin to comment on the TCEQ Sunset Review. We regret that the length of the meeting prevented us from testifying due to a late evening return flight schedule. I trust you will give these comments, which I intended as testimony, the same weight as if I had given them orally.

My name is Eddie Chew. I am a member of Border Interfaith and University Presbyterian Church in El Paso, Texas and a retired environmental monitoring manager. I believe that the Texas Commission on Environmental Quality (TCEQ) has failed to provide meaningful opportunities for public input and has a definite industry bias rather than a goal of protection of the environment. My testimony will be based on the dealings that I and Border Interfaith have had with TCEQ over the last five years regarding air permits for the ArcelorMittal Vinton steel mill, across Interstate Highway 10 from the community of Westway, Texas.

In December 2006, Border Interfaith commented at a public meeting on the air quality permit for the plant, even though the draft permit was not provided to us until the night of the meeting. The permit was not issued until February 2008. ArcelorMittal, who had just purchased the steel plant, said immediately that they could not meet the permit conditions. In a TCEQ letter dated June 30, 2008, TCEQ relaxed opacity requirements until December 2009, delayed stack testing of the baghouse stacks, and set an August 30, 2008 deadline for a permit amendment application. An acceptable permit amendment was finally submitted by ArcelorMittal on June 3, 2009. The public meeting on the draft permit was not held until July 2010. I cite these dates to show a continuing willingness of TCEQ to agree to requests of the steel plant and to agree to long delays even though the plant was operating in violation of its air quality permit!

One of our major issues is with the limit on carbon monoxide in the amended permit issued on August 20, 2010. This amendment raises the limit for carbon monoxide emissions from 347 tons per year to 1500 tons per year, ArcelorMittal Vinton estimates their historical output at 2500 tons per year. They are required to complete a project by December 28, 2010 that would result in less than 1500 tons per year carbon monoxide emissions. However this number is based on a study by WorleyParsons that the project would allow the Vinton facility to achieve a guaranteed CO emission level of 9 pounds of

CO per ton of liquid steel. ♦ TCEQ accepted that number, even though the EPA commented that the proposed CO emission limit is 1.5 lb CO/ton higher than the highest average best available control technology (BACT) emission rates listed. Once more, TCEQ has given the steel plant whatever they asked for.

TCEQ also permitted what the company wanted for metal emissions. The predicted ground-level concentration of lead is 90% of the National Ambient Air Quality Standards. We believe there are significant errors in the air quality modeling, leading to large uncertainties. The 10% margin does not appear prudent.

Emission monitoring has been lacking. There is significant uncertainty in how much particulate is actually being emitted from the stacks. The first stack testing for particulates occurred in April 2009. The results were 16 times less than the outlet grain loading the company had requested in their permit application. TCEQ says that it was unaware of the results of those tests until July 2010. While these data suggest that actual emissions will be far less than permitted emissions, there are still no measurements of gaseous stack emissions. We do not think permitted releases by TCEQ should be set far higher than can be achieved by the plant.

After years of testifying and attending delayed TCEQ meetings about these issues, rarely has TCEQ supported the requests of the community, and it has consistently granted all Border Steel/ArcelorMittal Vinton requests for amended standards and delays.

Thank you for the opportunity to comment on TCEQ ♦s performance.

Resolution: 1. In addition to the recommendations for OPIC, please examine the timing of public input opportunities so that the input is not scheduled so late in the that the agency is forced to defend decisions already negotiated with industry.

2. A change of culture within the agency is needed to lessen bias in favor of industry.