

Citizen Cory Jensen submitted the following written inquiry:

"Why were they (Exide) given an extension to meet 2009 standards of .15?"

The following is the verbatim response from the Texas Commission on Environmental Quality (TCEQ):

Dear Mr. Jensen,

Thank you for your inquiry regarding the Exide Technologies Inc. battery recycling plant (Exide) and the 2008 National Ambient Air Quality Standard (NAAQS) for lead. No extension has been requested or granted for meeting the new standard of 0.15 micrograms per cubic meter, nor have any extensions/exceptions been given to Exide with respect to their existing permit requirements.

It is the responsibility of the state to ensure that the NAAQS are met, and the United States Environmental Protection Agency (EPA) has not granted an extension of any sort to the state with respect to the 2008 lead NAAQS. Please note, also, that the EPA has not yet designated any areas as nonattainment for the 2008 standard. The governor submitted a recommendation of a nonattainment designation to the EPA for the area surrounding the Exide plant in Collin County on October 14, 2009. The EPA is not expected to promulgate official designations until October 2010. In accordance with sections 191 and 192 of the Federal Clean Air Act, states with areas designated nonattainment of the 2008 lead NAAQS are required to submit an attainment demonstration state implementation plan (SIP) within 18 months of the EPA's designation, and are required to provide for the attainment of the 2008 lead NAAQS "as expeditiously as practicable but no later than 5 years from the date of the nonattainment designation." For additional information on the implementation of the 2008 lead NAAQS, please visit the following EPA website: <http://epa.gov/air/lead/implement.html>.

Concerning the Exide permit requirements, Exide is in compliance with their existing permits. Because the new lead standard is currently in effect, as of January 12, 2009, the TCEQ can require that permit applicants for new permits or amendments to existing permits provide assurance that the lead standards will be met if a new permit (or amendment) were granted; however we cannot require new, more stringent standards for existing individual permittees in the absence of a nonattainment designation and subsequently approved SIP. The TCEQ will be working with Exide, however, to seek enforceable emissions reductions in anticipation of a nonattainment designation and SIP requirements, in order to expeditiously reach attainment of the 2008 lead NAAQS. For additional information on Exide's existing permits, please contact TCEQ permit engineer Dois Webb at dwebb@tceq.state.tx.us or 512-239-1575.

Please feel free to contact me with any additional questions regarding the 2008 lead NAAQS designation process. Thank you again for your inquiry.

Respectfully,
Melissa Kuskie

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