

From: Melissa Kuskie [mailto:MKuskie@tceq.state.tx.us]
Sent: Tuesday, October 20, 2009 9:55 AM
To: John Parchman
Cc: Sugawara-Adams.Estella@epamail.epa.gov; leadership@friscoisd.org;
worthams@friscoisd.org; MayorandCouncil
Subject: Recommended Lead Nonattainment Area, Frisco, TX

Dear Mr. Parchman:

Thank you for your recent e-mails (pasted below this response) to the United States Environmental Protection Agency (EPA) and City of Frisco Mayor, Council and ISD, which were forwarded to the Texas Commission on Environmental Quality (TCEQ), concerning the recommended nonattainment area for the 2008 lead National Ambient Air Quality Standard (NAAQS) located in the vicinity of the Exide plant in Collin County. We appreciate your interest and hope we can answer any questions you may have as this process moves forward.

The TCEQ analysis you mentioned relates to the EPA's 2008 lead NAAQS of 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of air (measured as a 3-month rolling average). The new standard represents a ten-fold tightening of the 1978 lead NAAQS of 1.5 $\mu\text{g}/\text{m}^3$ (measured as a calendar quarterly average). On August 26, 2009, the commission approved a recommendation for a nonattainment area that included a portion of the Frisco area surrounding the Exide facility. The recommendation is now being considered by EPA prior to their determination of final designation.

Please note that while the recommendation of nonattainment resulted from a monitored exceedance of the 2008 lead NAAQS, the actual nonattainment boundary relied primarily on predicted maximum lead concentrations calculated using air dispersion modeling. The presumed nonattainment boundary default is the county boundary unless sufficient information, such as modeling and/or monitoring, as used in this case, is available to define an alternative boundary. The values depicted on the attached aerial boundary map show estimated (modeled), not actual (monitored), values. These estimates are based on the facility's current maximum permitted emissions. For that reason, the predicted maximum concentrations in ambient air appear to be roughly two to three times higher than actual monitored values. The highest monitored rolling 3-month average concentration in a neighborhood (from the neighborhood monitor located on Ash Street) was 0.23 $\mu\text{g}/\text{m}^3$, and occurred in January 2006. The most recent NAAQS exceedance at this neighborhood monitor was a value of 0.17 $\mu\text{g}/\text{m}^3$ in August 2008.

With respect to your concern about Exide's increased 2008 emissions, Exide emissions typically do not reach their maximum permitted level. The maximum allowable emissions rate of lead in TCEQ Air Quality permits ensures that lead emissions will not exceed 4.27 tons per year. The attached table shows the facility's reported lead emissions and the relevant lead air quality monitored values from 2000 through 2008. The increase in reported emissions from 2006 to 2007 was largely the result of improved stack testing methods from Exide, which result in a more accurate emissions inventory, more so than from a significant increase in emissions from the facility. The TCEQ has been working with Exide to ensure their authorized lead emissions will be at levels that ensure the area meets the federal NAAQS.

Regarding your question concerning real estate disclosures, the TCEQ is unaware of any regulatory requirements pertaining to real estate disclosure for properties in NAAQS nonattainment areas. There are, however, regulations in place for properties where lead has been found to exceed acceptable levels in the soil. The EPA set standards in accordance with Title X (Residential Lead-Based Paint Hazard Reduction Act of 1992). Such regulations apply primarily to housing built before 1978 and require certain seller and landlord disclosures as they pertain to lead-based paint and its hazards (for additional information, consult the following pamphlets: <http://www.epa.gov/lead/pubs/leadpdf.pdf> and <http://www.epa.gov/lead/pubs/1018qa.pdf>).

Previous TCEQ surface soil sampling in the vicinity of the Exide facility in Frisco showed levels ranging from 17 to 280 parts per million (ppm) on residential properties, which are below the Texas Risk Reduction Program Protective Concentration Level of 500 ppm for residential soil lead. Exposure to lead concentrations in soil below this level would not be expected to result in adverse health effects, even in sensitive members of the population (including children). However, should you seek to conduct soil sampling at your home you may wish to consult the following pamphlet: <http://www.epa.gov/lead/pubs/leadtest.pdf>.

For additional information, please check the TCEQ's pamphlet on lead health hazards (<http://www.tceq.state.tx.us/files/gi-069.pdf> 4447084.pdf). You may also wish to contact the National Lead Information Center at 1(800) 424-LEAD (5323).

The TCEQ has monitored lead concentrations in ambient air on-site and near the Exide facility since 1981. We will be working with the EPA, City and other property owners to add an additional neighborhood lead air quality monitor by January 1, 2010, in accordance with EPA monitoring requirements under the 2008 lead standard. In response to your request for a public meeting, should an amendment to Exide's existing permit be brought before the commission, there would be an opportunity for public review and comment. Additionally, if the EPA designates the area as nonattainment, when we develop the attainment plan, it will be publicly available and the TCEQ will solicit public comments on the proposal. Please continue to visit our website (http://www.tceq.state.tx.us/implementation/air/sip/lead/lead_main.html), as well as the EPA's (<http://epa.gov/air/lead/>), for additional information as the lead designation process moves forward. For information concerning Exide's air permits, please contact Dois Webb at dwebb@tceq.state.tx.us or 512-239-1575.

Please contact me at 512-239-6098 or mkuskie@tceq.state.tx.us with any additional questions or concerns regarding the designation or attainment plan processes.

Respectfully,
Melissa Kuskie

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