

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGENDA ITEM REQUEST

for Adoption of State Implementation Plan Revision

AGENDA REQUESTED: August 26, 2009

DATE OF REQUEST: August 7, 2009

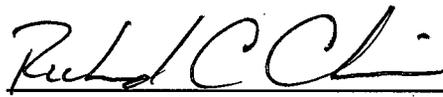
NAME & NUMBER OF PERSON TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Kerry Howard, 239-0556

CAPTION: Docket No. 2009-0065-SIP. Consideration of the adoption of a revision to the state implementation plan (SIP) to address a second ten-year maintenance plan regarding the 1978 lead National Ambient Air Quality Standard (NAAQS) for Collin County.

The adopted SIP revision would implement Federal Clean Air Act requirements for a second ten-year maintenance plan for an area redesignated to attainment in 1999 for the 1978 lead NAAQS. Although a revised lead NAAQS took effect January 12, 2009, the original 1978 lead NAAQS remains in effect for Collin County until January 12, 2012. (Jim Price, Amy Browning)



Chief Engineer



Acting Division Director



Agenda Coordinator

Copy to CCC Secretary? NO X YES

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,

Re: Docket No. 2009-0065-SIP

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

Commissioners
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Re: Docket No. 2009-0065-SIP

Agency contacts:

Jim Price, Ph.D., Technical Specialist, 239-1803, Air Quality Division
Amy Browning, Staff Attorney, 239-0891

Attachments

cc: Chief Clerk, 5 copies
Executive Director's Office
Susana M. Hildebrand, P.E.
Daniel Womack
Kevin Patteson
Betsy Bird
Office of General Counsel
R. Cory Chism
Jim Price
Kerry Howard

REVISIONS TO THE STATE IMPLEMENTATION PLAN (SIP)
FOR THE CONTROL OF LEAD AIR POLLUTION

2009 COLLIN COUNTY MAINTENANCE PLAN FOR LEAD



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE
AUSTIN, TEXAS 78753

PROJECT NUMBER 2008-020-SIP-NR

August 26, 2009

EXECUTIVE SUMMARY

The United States Environmental Protection Agency (EPA) designated a portion of Collin County as a lead nonattainment area for the 1978 lead National Ambient Air Quality Standard (NAAQS) on November 6, 1991. The EPA approved the Collin County lead attainment state implementation plan (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 for the 1978 lead standard and to approve a ten-year maintenance plan for the area. The EPA redesignated the Collin County nonattainment area to attainment 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 of 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) is January 12, 2009; however, the EPA states that it is retaining the 1.5 $\mu\text{g}/\text{m}^3$ NAAQS for lead until one year after the effective date for designations under the new 0.15 $\mu\text{g}/\text{m}^3$ lead NAAQS. For areas like Collin County that have lead air quality monitoring data, the EPA indicated that it plans to issue area designations by January 12, 2011, two years after issuance of the new 0.15 $\mu\text{g}/\text{m}^3$ lead standard. That schedule could keep the 1.5 $\mu\text{g}/\text{m}^3$ 1978 lead NAAQS in force in Collin County until January 2012.

Section 175A(b) of the Federal Clean Air Act (FCAA) requires a state to submit a SIP revision for maintaining the primary NAAQS for a second ten-year period following expiration of the first ten-year maintenance plan. This SIP revision is to maintain the 1.5 $\mu\text{g}/\text{m}^3$ 1978 NAAQS for lead calculated as a calendar-quarter average after expiration of the 1999 ten-year maintenance plan for Collin County, which expires in December 2009. Under the 1.5 $\mu\text{g}/\text{m}^3$ 1978 lead NAAQS, the design value is the highest calendar-quarter average over the last two years. The highest quarterly values for 2007-2008 for the three lead monitors in Collin County are 1.19, 0.29, and 0.15 $\mu\text{g}/\text{m}^3$. The first two monitors are located on Exide battery recycling plant property. The third monitor is approximately 633 feet north of the plant's property line and is at the edge of a neighborhood.

The maintenance plan must contain: 1) a commitment to monitor ambient air quality to determine whether air quality meets the NAAQS; and 2) a requirement to implement one or more contingency measures if a quarterly average exceeded 1.5 $\mu\text{g}/\text{m}^3$ or emissions exceed a specified value. Exide voluntarily implemented emission reduction measures that meet the intended purpose of the two contingency measures listed in the 1999 maintenance plan. The 2009 maintenance plan contains new contingency measures.

The agreed order in Appendix E makes the new contingency measures contained in this proposed SIP revision legally enforceable.

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 - c. Rules and Regulations (No change).
 - d. Air Quality Surveillance (No change).
 - e. New Source Review (No change).
 - f. Source Surveillance (No change).
 - g. Compliance Schedules (No change).
 - h. Legal Authority (No change).
 - i. Resources (No change).
 - j. Public Hearings (No change).
 - 2. 1993 LEAD SIP REVISIONS FOR COLLIN COUNTY (No change).
 - a. General (No change).
 - b. Air Quality Analysis (No change).
 - c. Emissions Inventory (No change).
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 - e. Control Plans (No change).
 - f. Reasonable Further Progress (No change).
 - g. Legal Authority (No change).
 - 3. 1999 Lead SIP Revisions for The Redesignation And Maintenance Plans (No change).
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 - 4. 2009 Collin County Maintenance Plan for Lead(New).
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B	Air Quality Permit Number 3048A
C	Federal Operating Permit O-01649
D	2006 Emissions Inventory Information on Lead Point Sources Within 50 km of the Exide Battery Recycling Plant in Collin County
E	Agreed Order Docket No. 2009-0071-MIS

CHAPTER 1: GENERAL BACKGROUND

1.1 GENERAL BACKGROUND

On November 6, 1991, the United States Environmental Protection Agency (EPA) published the notice of nonattainment designation for lead in the *Federal Register* (56 FR 56694) for the portion of Collin County that essentially encompassed the plant boundaries of the Gould National Battery, Incorporated facility, later known as GNB Technologies, Inc. (GNB), and now known as Exide Technologies (Exide). The effective date of the nonattainment designation was January 6, 1992. Under the federal guidelines, the Texas Air Control Board (TACB, a predecessor agency to the Texas Commission on Environmental Quality (TCEQ)) responded by submitting a site-specific state implementation plan (SIP) revision to the EPA on June 18, 1993. Under the Federal Clean Air Act (FCAA), the Collin County nonattainment area was required to attain the National Ambient Air Quality Standard (NAAQS) by January 6, 1997.

Highlights of the 1993 SIP revision include an air quality analysis current through the fourth quarter of 1992, a 1992 emissions inventory, dispersion modeling that demonstrated NAAQS attainment for the area, Board Order Number 92-09(k), contingency measures in Board Order Number 93-12, and state new source review provisions for lead sources.

The EPA approved the SIP revision on November 29, 1994 (59 FR 60930). The approval became effective January 30, 1995.

On August 31, 1999, the Governor of Texas submitted to the EPA a request that Collin County be redesignated from a nonattainment to an attainment area and a SIP revision that included a maintenance plan demonstrating how the state would continue to keep lead emissions at acceptable levels. The EPA approved the Governor's request, redesignating the Collin County area to attainment status and approving the maintenance plan on October 13, 1999, effective December 13, 1999 (64 FR 55421).

Section 175A of the Federal Clean Air Act requires submission of an additional SIP revision to provide for maintenance of the 1978 NAAQS for lead for the second ten-year period following redesignation of the nonattainment area to attainment. This SIP revision fulfills that requirement.

1.2 PUBLIC HEARING AND PUBLIC COMMENTS

TCEQ staff were present in Frisco on April 20, 2009, at 2:00 p.m. at the City of Frisco, City Council Chambers, 6891 Main Street to hold a public hearing on the proposed second ten-year maintenance plan for Collin County and on the proposed agreed order with Exide. No member of the public wished to present comments on either the maintenance plan or the agreed order, so staff did not open the public hearing.

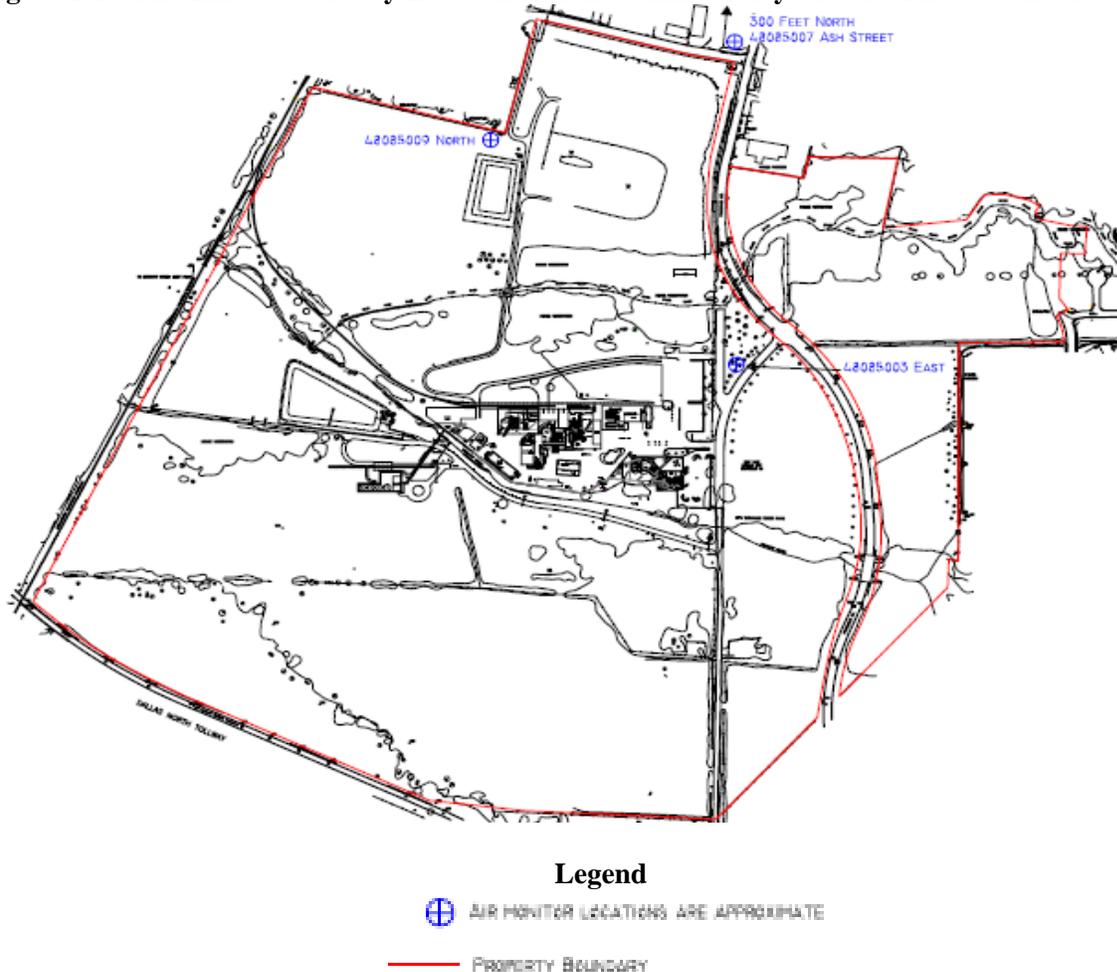
The public comment period was opened on March 16, 2009, and closed on April 24, 2009. The EPA was the only entity to submit comments during the public comment period.

CHAPTER 2: ATTAINMENT OF THE STANDARD/AIR QUALITY ANALYSIS

2.1 LEAD MONITORING SITES

From 1981 until mid-1999, lead was monitored at a residential location on Hickory Street in Collin County approximately one-half mile northeast of the Exide facility. (The United States Environmental Protection Agency's Air Quality System air monitoring site identification code for this site is 480850001.) Monitoring site 480850007 at 6931 Ash Street replaced the Hickory Street site in mid-1999. During the first ten-year maintenance period (1999 – 2009), the Texas Commission on Environmental Quality has monitored lead at three monitors in Collin County: one ambient air, population-oriented, neighborhood site at 6931 Ash Street (480850007), one site on the Exide smelter property to which the public does not have access near the north property line (480850009), and a second site on the Exide smelter property west of 5th Street (480850003). Figure 2-1: *The Exide Secondary Lead Smelter in Collin County and the Three Monitors for Lead* shows the Exide property lines and the current location of monitors 480850007, 480850003, and 480850009. Figure 3-1, *The Collin County Lead Nonattainment Area Map from Figure 1 of the Governor's August 31, 1999, Request to Redesignate the Collin County Lead Nonattainment Area to Attainment* shows the maintenance area boundaries.

Figure 2-1: The Exide Secondary Lead Smelter in Collin County and the Three Monitors for Lead



Source of map: Exide Technologies, Frisco, Texas

2.2 SUMMARY OF MEASURED LEAD CONCENTRATIONS

The 1978 National Ambient Air Quality Standard (NAAQS) for lead that this plan is to maintain is a quarterly arithmetic average of 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). For an ambient air quality monitoring site to meet this standard, no calendar quarter lead average for the previous two years may exceed $1.5 \mu\text{g}/\text{m}^3$.

The population-oriented, neighborhood ambient air monitor at site 480850001 and the successor neighborhood ambient air monitor at site 480850007 have consistently recorded quarterly average lead levels below 20 percent of the lead NAAQS (i.e., $<0.30 \mu\text{g}/\text{m}^3$) from 1998 through 2008. The monitor at site 480850009 located on the Exide secondary lead smelter property, to which the public does not have access, has recorded ambient lead concentrations lower than $1.20 \mu\text{g}/\text{m}^3$ from 1998 through 2008. The monitor at site 480850003, west of 5th Street, has recorded ambient air quarterly average lead levels lower than $0.65 \mu\text{g}/\text{m}^3$ (less than half the value of the 1978 lead NAAQS) from 1998 through 2008. Table 2-1: *Quarterly Average Lead Concentrations* lists the quarterly average lead monitoring data for Collin County from 1998 through 2008.

Table 2-1: Quarterly Average Lead Concentrations

Calendar Year	Lead Concentration in Micrograms per Cubic Meter ($\mu\text{g}/\text{m}^3$)			
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Site 480850001, 711 Hickory, a Neighborhood Site				
1998	0.03	0.07	0.12	0.02
1999	0.04	0.06	----	----
Site 480850007, 6931 Ash Street, a Neighborhood Site				
1998	----	----	----	----
1999	----	----	0.10	0.22
2000	0.06	0.13	0.13	0.05
2001	0.04	0.06	0.09	0.10
2002	0.08	0.04	0.10	0.11
2003	0.12	0.08	0.13	0.13
2004	0.07	0.12	0.08	0.12
2005	0.15	0.10	0.11	0.21
2006	0.10	0.12	0.14	0.07
2007	0.06	0.06	0.09	0.08
2008	0.15	0.10	0.10	0.14

Table 2-1: Quarterly Average Lead Concentrations (continued)

Calendar Year	Lead Concentration in Micrograms per Cubic Meter ($\mu\text{g}/\text{m}^3$)			
	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Site 480850003 on Exide Property West of 5th Street near the Plant Entrance				
1998	0.11	0.27	0.40	0.18
1999	0.25	0.24	0.37	0.63
2000	0.36	0.21	0.37	0.23
2001	0.34	0.15	0.24	0.24
2002	0.19	0.13	0.18	0.17
2003	0.29	0.17	0.30	0.26
2004	0.08	0.15	0.25	0.15
2005	0.24	0.27	0.24	0.35
2006	0.15	0.16	0.28	0.13
2007	0.29	0.17	0.21	0.17
2008	0.22	0.16	0.24	0.22
Site 480850009 on Exide Property next to the North Property Line				
1998	0.36	0.67	0.43	0.16
1999	0.26	0.35	0.45	0.82
2000	0.46	0.54	0.50	0.39
2001	0.21	0.48	0.45	0.66
2002	0.26	0.45	0.48	0.20
2003	0.42	0.48	0.55	0.66
2004	0.31	0.59	0.41	0.39
2005	0.43	0.56	0.45	0.70
2006	0.46	0.77	0.58	0.34
2007	0.63	0.44	0.54	0.46
2008	0.63	1.19	0.65	0.73

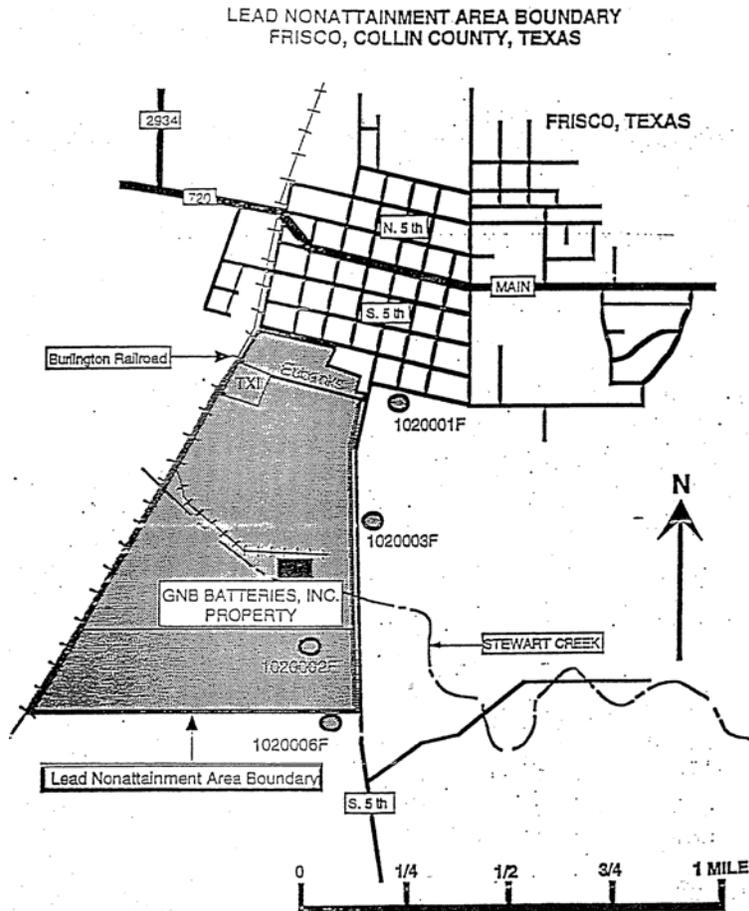
Data sources: 1999 through second quarter 2008: <http://www.epa.gov/air/data/repssst.html?st~TX~Texas>
Third and fourth quarter 2008: The TCEQ TAMIS database

CHAPTER 3: FULLY APPROVED §110(k) SIP FOR THE AREA

Before an area can be redesignated to attainment, the area must have a fully approved state implementation plan (SIP) under §110(k) of the Federal Clean Air Act (FCAA) and all applicable requirements must be satisfied. The Lead SIP for Collin County was submitted to the United States Environmental Protection Agency (EPA) for approval on June 18, 1993. On November 29, 1994, the EPA published the approval of the SIP in the *Federal Register* (59 FR 60905).

On August 31, 1999, the Governor of Texas submitted to the EPA a request that Collin County be redesignated from a nonattainment to an attainment area for lead. The request also included a SIP revision with a maintenance plan demonstrating how the state would continue to keep lead emissions at acceptable levels. The EPA approved the governor's request, redesignating the Collin County area to attainment status and approving the maintenance plan on October 13, 1999, effective December 13, 1999 (64 FR 55421).

Figure 3-1: The Collin County Lead Nonattainment Area Map from Figure 1 of the Governor's August 31, 1999, Request to Redesignate the Collin County Lead Nonattainment Area to Attainment



CHAPTER 4: PERMANENT AND ENFORCEABLE IMPROVEMENT IN AIR QUALITY

As part of the redesignation request, the state was required to show that the improvement in air quality was attributable to reductions that are permanent and enforceable. The 1993 Collin County Lead SIP stated:

“Notices of violation were issued to the facility following violation of the NAAQS in 1989 and 1990 with requirements for implementing additional controls. Special provisions were included in amendments to Permits R-1147A and R-5466D issued to the facility in 1990, and Board Order Number 92-09(k) was signed October 16, 1992, to assure maintenance of the lead NAAQS. The facility has completed the installation of additional emission controls and operating procedures specified in the special provisions and the Agreed Board Order with the exception of the baghouse for the raw material storage building scheduled for installation in 1993.”

The provisions contained in the 1992 agreed order were incorporated into GNB Technologies, Inc.’s, (GNB’s) permits. Additional permit amendments that occurred between 1993 and submission of the 1999 request for redesignation to attainment and first ten-year maintenance plan constitute permanent and enforceable emission reductions.

In 2000, Exide Technologies acquired the GNB plant in Collin County. The state will maintain the permanence of the earlier reductions through Agreed Order Docket No. 2009-0071-MIS, in which Exide agrees to abide by representations made by GNB to continue implementation of the requirements of paragraph 8 in Order 92-09(k) as incorporated into Permits 1147A and 3048A or to implement additional proposed measures or control technologies judged by the executive director to be similarly effective in controlling lead emissions from the plant through Exide’s Permits 1147A, 3048A, and O-01649, and through Texas Commission on Environmental Quality General Rule §101.20(2). This rule requires compliance with any applicable emissions standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (EPA) pursuant to the Federal Clean Air Act, §112. Specifically, Exide is required to comply with the emissions limits and standard operating procedures for process sources, process fugitive sources, and fugitive dust sources required by 40 Code of Federal Regulations Subpart X, the National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelters (lead maximum achievable control technology (MACT)). Permits 1145A, 3048A, and O-01649 are attached in Appendices A, B, and C, respectively.

The control measures that Exide must maintain include limitations on the types of batteries Exide may recycle at the plant. In addition, Exide must use hoods and negative pressure systems to capture lead emissions, operate air scrubbers and baghouses, and implement housekeeping practices including the cleaning of floors and driveways and the washing of wheels on vehicles leaving the property.

The following chapter, Chapter 5: *Maintenance Plan*, provides that if emissions or measured air concentrations of lead exceed specific limits, Exide must apply additional control measures to reduce its emissions further.

CHAPTER 5: MAINTENANCE PLAN

Under §175A. Maintenance Plans of the Federal Clean Air Act (FCAA), the state must submit a revision to the state implementation plan (SIP) to provide for the maintenance of the National Ambient Air Quality Standard (NAAQS) covering the second ten-year period following approval of the area's redesignation to attainment.

5.1 ATTAINMENT EMISSIONS INVENTORY

As part of the program to comply with the 1978 lead NAAQS, the Texas Air Control Board (TACB) compiled emissions inventory data for the Collin County lead nonattainment area. The 1992 lead emissions inventory for Collin County consisted of a review of the lead stationary source emissions from the facilities located within the nonattainment area. The only facility that produced lead emissions within the nonattainment area was GNB Technologies, Inc., (GNB), which in 1993 emitted a total of 4.27 tons per year (tpy) of lead. The 1993 Lead SIP contained an attainment demonstration using dispersion modeling simulation of quarterly lead impacts in Collin County, Texas, and was based on 4.27 tpy of lead emissions. Off-property emissions data was derived from a 50 kilometer (km) radius search in the TACB Point Source Data Base. The modeling was performed using the latest version of Industrial Source Complex (ISC2) (ISCLT2-92273) five years of meteorological data (1985-1989) to determine the maximum quarterly average lead impact. Therefore, based on the 1993 attainment demonstration, the maximum attainment area inventory necessary to attain and maintain the 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) lead NAAQS is 4.27 tpy.

Exide's 2005 lead emissions inventory total was 0.7278 tpy. Exide's 2006 lead emissions inventory total was 0.7033 tpy, and its 2007 total was 1.9093 tpy. The next largest point source of lead within 50 km of the Exide plant had 2006 lead emissions of 0.0300 tpy, which is less than 5 percent of Exide's annual emissions. The total 2006 lead emissions from all sources (other than Exide) within 50 km of the Exide plant was 0.0602 tpy, which is less than 10 percent of Exide's emissions. Appendix D includes a table showing the 2006 inventoried lead point source emissions from sources within 50 km of the Collin County Exide battery recycling plant and a map showing the locations of these sources.

The reported annual Exide lead emissions in the emissions inventory show that Exide continues to have lead emissions under the level of the attainment emissions inventory. The lead emissions inventory totals for Exide plus all other point sources within 50 km of the Exide battery recycling plant remain a fraction of the Exide attainment inventory emission of 4.27 tons per year.

5.2 MAINTENANCE DEMONSTRATION

The United States Environmental Protection Agency's (EPA) 1992 guidance states, "a State can generally demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS."

Because the Collin County lead maintenance area is site-specific, that is, the SIP is a site-specific SIP for the Exide facility, the maintenance demonstration method will be ambient monitoring combined with Exide's existing state new source review (NSR) permits and compliance with emissions limits and standard operating procedures for process sources, process fugitive sources, and fugitive dust sources from the lead maximum achievable control technology (MACT) standard. Enforceable emissions limits established in the maximum allowable emissions rate tables (MAERTs) of Exide's NSR permits will ensure that the 1978 lead NAAQS is maintained. Any changes to Exide's MAERT emissions limits must be authorized through an amendment to Permits 1147A and/or 3048A, or a new permit issued under 30

TAC Chapter 116, supported by air dispersion modeling that demonstrates that such an increase will not cause a violation of the 1978 lead NAAQS. Exide received renewals of Permits 1147A and 3048A in 2006. Exide also holds Title V operating permit O-01649. Further, Exide's compliance with emissions limits and standard operating procedures for process sources, process fugitive sources, and fugitive dust sources from the lead MACT will help ensure lead emissions remain below the 4.27 tpy attainment year inventory.

5.3 1999 CONTINGENCY PLAN

Section 175A of the FCAA requires each maintenance plan to contain contingency provisions that will promptly correct any violations of the NAAQS that occur after an area has been redesignated to attainment. In accordance with EPA guidance implementing the requirements of §175A, contingency plans are not required to be fully adopted and take effect without further action by the state but, rather, should ensure that contingency measures are expeditiously adopted when triggered. The contingency plan must also be an enforceable part of the SIP and should identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time constraint on action to be taken by the state. Additionally, the plan should identify specific indicators or triggers that will be used to determine when the contingency measures are to be implemented. The intent of the indicators and triggers is to allow the state to take early action to remedy an actual or potential violation of the lead NAAQS.

5.3.1 Contingency Measures in the 1999 Plan

Because the contingency measures contained in Agreed Order 93-12 had already been implemented before submission of the first ten-year maintenance plan, the 1999 first ten-year maintenance SIP revision included two new contingency measures. They were:

“A new wheel washing facility will be installed to reduce fugitive emissions by reducing tracking in the yard area. The emissions reductions estimated to occur from implementation of this measure are 27 pounds of lead per year.”

“A scale and automatic tuyere punching device will be installed at the blast furnace to increase the feed and flux control and reduce fugitive lead emissions around the blast furnace. The emissions reductions estimated to occur from implementation of this measure are expected to be in excess of 30 pounds of lead per year.”

In 2004, Exide installed the current version of a manual wheel wash station at the west entrance/exit of the raw materials storage building. All vehicles exiting this door must have the wheels washed at this station. All trucks offloading inside the facility must have the wheels washed in the truck wash located at the facility's waste water treatment location. Additionally, the company has added a regenerative air vacuum sweeper with wash water brushes, which the company uses to sweep the yard.

The company has added a “bucket” scale to the front-end loader used to charge the blast furnace. Furnace operators use this scale to measure and control the quantity of flux and feed charged. The company evaluated an automated tuyere “punching” device and found it not to be viable because it was unreliable and slow. In its place, Exide has installed a “spring-loaded” sliding tuyere cover plate on each tuyere to replace covers that had to be unbolted and rebolted to each tuyere for each punching operation. The manual system is more effective than the automated system for reducing the time that the tuyeres are open. The decreased time the tuyeres are open produces a concomitant reduction in fugitive emissions.

5.4 INDICATORS FOR TRIGGERING CONTINGENCY MEASURE IMPLEMENTATION

For the purposes of the second ten-year Collin County maintenance plan SIP revision, there will be two trigger levels to determine if contingency measures need to be implemented. The ambient air quarterly lead averages measured near the facility will serve as the primary indicator. A second indicator will be Exide's annual emissions inventory submission to the TCEQ. The quarterly measured averages will be taken from the TCEQ ambient air monitoring database. Estimated emissions will be determined using Exide's annual emissions inventory submittal.

5.5 TRIGGER LEVELS

Contingency measure implementation will be triggered by either of the following conditions. Each is a conservative approach to ensure any monitored violation is addressed:

5.5.1 The $1.5 \mu\text{g}/\text{m}^3$ quarterly arithmetic average 1978 lead NAAQS is exceeded at an ambient air quality monitoring site impacted by lead emissions from the Exide facility.

5.5.2 The company's annual emissions inventory for lead exceeds the 4.27 tons per year attainment inventory, unless such an increase has been authorized through: (a) an amendment to Permits 1147A and/or 3048A and/or a new permit has been issued pursuant to 30 TAC Chapter 116; and (b) air dispersion modeling demonstrates that such an increase will not cause an exceedance of the lead NAAQS.

5.6 CONTINGENCY MEASURES FOR THE 2009 MAINTENANCE PLAN

If, at any time during the period of the maintenance plan, trigger level conditions 5.5.1 or 5.5.2 occur, the following contingency measures will be evaluated and implemented as appropriate:

5.6.1 Automation of the scale and feed for the reverberatory furnace. Automation of the scale and feed to the reverberatory furnace will provide a consistent feed rate to the furnace. A consistent feed rate will eliminate slug feeding, which can cause the furnace to shift from negative to positive pressure and then back again to negative pressure. The negative pressure is necessary to maintain continuous flow of furnace emissions to the emission controls. The furnace's shifting to positive pressure can cause an upset condition that produces fugitive emissions from the furnace and the plant.

5.6.2 Installation of water misting dust suppression system beyond the system already required by permit 1147A. Use of a water system causes more particles containing lead to fall to the floor, from which they are collected during routine sweeping and vacuuming operations. Water mist dust suppression has been implemented in some areas of the plant, and it has been shown to reduce lead concentrations inside the plant based on OSHA personnel monitor sampling. The reduction in lead concentrations inside the plant reduces the concentration of lead in air that escapes the plant's negative pressure air capture and bag house systems and become fugitive emissions. Installing and operating additional misting systems within the plant would further reduce fugitive emissions from the plant as well as reducing the lead particle loading going to the negative pressure and bag house system, thereby also reducing stack emissions from that bag house.

5.6.3 An alternative measure(s) proposed by Exide. The emissions reductions from the alternative measure(s) shall be, at a minimum, equivalent to those in 5.6.1 or 5.6.2. Any alternative contingency measure(s) proposed by Exide must be approved by the executive director of the TCEQ prior to implementation.

5.6.4 Once a contingency indicator has been triggered, the executive director of the TCEQ shall notify Exide within 30 days of the discovery of the condition that the contingency measures listed must be evaluated and that at least one of the measures must be implemented. Within 60 days of such notification,

Exide will inform the TCEQ which specified or alternative contingency measure(s) will be implemented. Exide will complete the implementation of the selected contingency measure within 180 days of Exide's notification to the executive director of the TCEQ or within 180 days of the executive director's approval of an equivalent alternative measure. Exide must complete implementation of the selected contingency measure as expeditiously as practicable but not later than 24 months following the date that the EPA certifies the monitoring data that contains an exceedance of the 1978 lead NAAQS.

5.7 MONITORING NETWORK

The current monitoring network consists of three ambient air monitors, one off-site ambient air receptor monitor and two monitors on the Exide lead smelter property. The TCEQ will continue to operate these three monitors through the period of the 1999 ten-year maintenance plan, which ends December 13, 2009.

Since Exide has installed a physical barrier to prevent public access to the Exide property to the west of 5th Street/Parkwood, air monitoring site 480850003 is no longer considered an ambient air monitor. Monitor site 480850009 is also not an ambient air monitor for the same reason. Monitor site 480850007 at 6931 Ash Street is an ambient air monitor. The TCEQ will continue operating this monitor to determine whether ambient air lead concentrations over the 1978 lead NAAQS trigger contingency measure requirements in this second ten-year maintenance plan and to monitor for attainment/nonattainment of the 2008 lead NAAQS.

The November 12, 2008, federal rule establishing the 2008 lead NAAQS (73 FR 67029) requires a maximum impact ambient air lead monitor to determine attainment status of the 2008 lead NAAQS. The commission has negotiated a lead monitoring network plan for Collin County with the EPA to continue monitoring at the Ash Street monitoring site No. 480850007 and to establish and operate a new source-oriented, maximum impact lead monitoring site. The TCEQ will work with the EPA to determine a mutually acceptable location for the lead monitoring site to meet the maximum impact monitor requirement, and the TCEQ will move an existing monitor from Exide property to this new site. In addition to site 480850007, this new lead monitoring site will also provide lead air quality data that would trigger the contingency measure implementation requirements of this second ten-year maintenance plan if the quarterly lead average at the site exceeded the 1978 lead NAAQS.

If Exide fails to maintain the physical barrier to prevent public access to the Exide property to the west of 5th Street/Parkwood, the TCEQ will work with the EPA to determine whether changes in the monitoring network are necessary.

5.8 VERIFICATION OF CONTINUED ATTAINMENT

The State of Texas has the legal authority necessary to implement the control strategy for lead under the following provisions of Texas Water Code (TWC): §5.102, General Powers, §5.103, Rules, and §5.105, General Policy, and under the following provisions of Texas Clean Air Act: §382.002 Policy and Purpose, §382.011 General Powers and Duties, §382.012, State Air Control Plan, §382.014 Emission Inventory, §382.023 Orders, §382.024 Factors in Issuing Orders and Determinations, and §382.051 Permitting Authority of Commission; Rules.

CHAPTER 6: AGREED ORDER

To make the contingency measures in the second ten-year maintenance plan legally enforceable, the commission has adopted Agreed Order Docket No. 2009-0071-MIS, which is attached as Appendix E, as a part of the state implementation plan for lead.

**Response to Comments Received Regarding the
2009 Collin County Maintenance Plan for Lead and
An Agreed Order with Exide Technologies, Inc.
Proposed March 11, 2009
Adopted August 26, 2009**

Commission staff appeared in Frisco at 2:00 p.m. on April 20, 2009, to conduct a public hearing on the proposals. Since no member of the public appeared to make comments on either proposal, the commission did not open the public hearing. During the comment period, which closed on April 24, 2009, the commission received two comment letters, both from the United States Environmental Protection Agency (EPA).

RESPONSE TO COMMENTS

The EPA suggests quantification or further explanation of the expected benefits that would result from implementing each contingency measure listed in Section 5.6 of the plan. The EPA states that it would like to ensure that the listed measures, if implemented, contain emission reductions sufficient to result quickly in a positive change in air quality.

The commission has provided further explanation of the expected benefits that would result from implementing each contingency measure listed in Section 5.6 of the plan.

The first of the two listed contingency measures is “5.6.1 Automation of the scale and feed for the reverberatory furnace.” Automation of the scale and feed to the reverberatory furnace will provide a consistent feed rate to the furnace. A consistent feed rate will eliminate slug feeding, which can cause the furnace to shift from negative to positive pressure and then back again to negative pressure. The negative pressure is necessary to maintain continuous flow of furnace emissions to the emission controls. The furnace’s shifting to positive pressure can cause an upset condition that produces fugitive emissions from the furnace and the plant.

The second of two listed contingency measures is “5.6.2 Installation of water misting dust suppression system beyond the system already required by permit 1147A.” Use of a water system causes more particles containing lead to fall to the floor, from which they are collected during routine sweeping and vacuuming operations. Water mist dust suppression has been implemented in some areas of the plant, and it has been shown to reduce lead concentrations inside the plant based on OSHA personnel monitor sampling. The reduction in lead concentrations inside the plant reduces the concentration of lead in air that escapes the plant’s negative pressure air capture and bag house systems and become fugitive emissions. Installing and operating additional misting systems within the plant would further reduce fugitive emissions from the plant as well as reducing the lead particle loading going to the negative pressure and bag house system, thereby also reducing stack emissions from that bag house.

The EPA states that Sub-Section 5.5.1 should be reworded to state that an exceedance of the 1978 National Ambient Air Quality Standard (NAAQS) for lead at any air monitor impacted by lead emissions from the Exide Technologies, Inc. (Exide) facility triggers the contingency measure requirement.

The commission agrees that an exceedance of the 1978 lead NAAQS at any monitor impacted by emissions from the Exide facility should trigger the contingency measure requirement. The commission has included language in Sub-Section 5.5.1 of the plan to

make it clear that any such exceedance will trigger the contingency measure requirement in the plan.

The EPA comments that the public has access to the area surrounding one of the lead monitors on the Exide plant property, so it should be considered an ambient air quality monitor. The Air Quality System (AQS) site ID for this monitor is 48-085-0003.

The commission agrees that Exide has not historically had a fence or other physical barrier in place to restrict public access to the facility area near this monitor.

Exide has informed the commission that it recently installed a physical barrier.

The EPA comments that the Air Quality System has been revised to provide lead quarterly average data to four decimal places (x.xxxx $\mu\text{g}/\text{m}^3$). EPA recommends updating the lead quarterly average data in Table 2.1 of the maintenance plan to display more decimal places.

The commission disagrees with the EPA's recommendation. The 2008 lead standard requires individual measurements to be reported to three decimal places (73 FR 67055, November 12, 2008) and three-month averages to be rounded to two decimal places (73 FR 67057) for comparison to the lead standard. The purpose of the maintenance plan table of quarterly averages is to show that the averages at the three monitors did not exceed the 1.5 $\mu\text{g}/\text{m}^3$ standard. The commission has also reviewed the quarterly average listings in the EPA's "AirData Web site," which provides the public access to annual summaries of data in the EPA's AQS database. The AirData summaries report the quarterly lead averages to two decimal places.

The EPA states that the agreed order with Exide must be submitted to the EPA for approval as part of the SIP revision for this lead maintenance plan because the maintenance demonstration relies on the agreed order.

The commission agrees with the EPA's comment. The agreed order with Exide is being submitted to the EPA as part of the Collin County lead maintenance plan.

The EPA comments that the plan must be clear that a violation triggers the contingency measures requirement and a timeline for implementing measures is needed.

The commission agrees with the comment. The commission has clarified Sections 5.4, 5.5, and 5.6 to address potential violations of the 1978 NAAQS and the timing to implement any contingency measure.

The EPA comments that the plan must ensure that all tasks required by the contingency plan will be adopted and implemented as expeditiously as practicable, but not later than 24 months following the date that the EPA certifies the monitoring data that contains an exceedance of the 1978 lead NAAQS. The EPA interprets the proposed second ten-year maintenance plan as not requiring implementation by a certain amount of time because the time for the executive director to approve an alternate contingency measure is not specified.

The commission has added a provision to incorporate the EPA's requirement to implement the contingency as expeditiously as practicable, but not later than 24 months following the date that the EPA certifies the monitoring data that contains an exceedance of the 1978 lead NAAQS.

The EPA comments that the lead monitoring network commitment as stated in the proposed second ten-year maintenance plan is not acceptable.

The commission has negotiated with the EPA a lead monitoring network plan for Collin County to continue monitoring at the Ash Street monitoring site No. 480450007 and to establish and operate a new source-oriented, maximum impact lead monitoring site required by federal monitoring rules for the 2008 lead NAAQS. The adopted lead maintenance plan clarifies the commitment to operate monitors in accordance with the latest monitoring plan.

APPENDIX A

Air Quality Permit Number 1147A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AIR QUALITY PERMIT

A PERMIT IS HEREBY ISSUED TO

Exide Technologies, Inc.

AUTHORIZING THE CONTINUED OPERATION OF

Battery Recycling Plant

LOCATED AT Frisco, Collin County, Texas

LATITUDE 33° 08' 30" LONGITUDE 096° 49' 53"



1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code § 116.116 (30 TAC § 116.116)]
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the TCAA, including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10% of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120(a), (b) and (c)]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify to the Office of Permitting, Remediation, and Registration the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]
6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]
8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification for upsets and maintenance in accordance with § 101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC § 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition are applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. This permit may be appealed pursuant to 30 TAC § 50.139.
12. This permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
13. There may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
14. **Emissions** from this facility must not cause or contribute to a condition of "air pollution" as defined in TCAA § 382.003(3) or violate TCAA § 382.085, as codified in the Texas Health and Safety Code. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.

PERMIT 1147A

Date: June 8, 2006

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

SPECIAL CONDITIONS

Permit Number 1147A

EMISSION STANDARDS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates," and these sources are restricted to the emission limits and other conditions specified in that attached table.

FEDERAL APPLICABILITY

2. This facility shall comply with all requirements of Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources promulgated for Secondary Lead Smelters in 40 CFR 60, Subpart L and National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelters in 40 CFR Part 63, Subpart X.

Emissions from this facility shall not cause or contribute to an exceedance of the National Ambient Air Quality Standard for lead at any of the following air monitoring sites:

Monitor Nos. 480850009, 480850003, and 480850006 operated by Texas Natural Resource Conservation Commission (TCEQ). (6/06)

FUEL SPECIFICATIONS

3. Natural gas used in the smelting/refining process shall be pipeline-quality, sweet natural gas which is currently defined by industry practices as containing no more than 0.25 grain of hydrogen sulfide (H₂S) and 5 grains of total sulfur per 100 dry standard cubic feet (dscf). To the extent the industry definition changes, the Texas Commission on Environmental Quality (TCEQ) Executive Director shall modify this permit to make it consistent with such definition provided, however, that in no event shall the definition ever provide limits in excess of 1.5 grains of H₂S and 30 grains of total sulphur per 100 dscf.

Fuel used in the blast furnace processes shall be high temperature coke with a maximum (by weight) ash content of 12 percent and a maximum (by weight) sulfur content of 1.3 percent. Materials that appear in 40 CFR 266, Appendix XI, may be used in the reverberatory or blast furnace consistent with the requirements of 40 CFR 266.100(c)(3). Plastic curtains shall not be added to the reverberatory or blast furnace feed stock.

OPACITY/VISIBLE EMISSION LIMITATIONS

4. No visible emissions that result from the permitted activities shall leave the plant property boundary. If this condition is violated, further controls shall be installed and/or implemented as required to limit visible emissions.

SPECIAL CONDITIONS

Permit Number 1147A

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5. Except for those periods described in 30 TAC 101.201 and 202, the stack sources listed on the table entitled "Emission Sources - Maximum Allowable Emission Rates" shall not exceed 5 percent opacity averaged over a six-minute period when adjusted for uncombined water vapor. (6/06)
6. Opacity of fugitive emissions from material handling activities (defined for purposes of this permit as the storage, loading and unloading, transportation, lead pouring, or conveyance of any material, fuel, intermediate product, finished product, by-product or waste product) such as moving materials (either mechanically or with a front-end loader) shall be minimized using partial covers, watering, and/or good work practice operating procedures. In addition, material handling activities shall not cause any visible emissions to leave the plant property boundary.

OPERATIONAL LIMITATIONS, WORK PRACTICES, AND PLANT DESIGN

7. Fabric filter baghouses or cartridge filter dust collectors, properly installed and in good working order, shall control particulate matter (PM) process fugitives emissions from the blast and reverberatory furnaces, and particulate matter emissions from the slag treatment building and the material storage building. The foregoing particulate emissions will be exhausted at Emission Point Nos. (EPNs) 18, 22, 37, 39, and 45. Particulate emissions from EPNs 18, 22, 39, and 45 shall not exceed 0.01 grains/dscf. Particulate emissions from EPNs 21 and 37 shall not exceed 0.015 grains/dscf.
8. The Wet Scrubbers associated with EPNs 38 and 46 shall be properly installed and maintained in good working order. The PM emissions from EPNs 38 and 46 shall not exceed 0.015 grains/dscf.
9. Reverberatory furnace and blast furnace operations shall be limited to the following:
 - a. The lead scrap feed rate to the reverberatory furnace shall not exceed 20 tons per hour.
 - b. The lead scrap feed rate to the blast furnace shall not exceed 12 tons per hour.
 - c. The combined feed rate to the Reverberatory furnace and blast furnace shall not exceed a combined feed rate maximum total of 228,000 tons per year of feed comprised of recovered battery lead, acceptable lead bearing scrap as defined by the Resource Conservation and Recovery Act Part B Permit No. HW-50206 and Title 40 Code of Federal Regulations Part 266 (40 CFR Part 266) including Appendix XI, limestone, iron/steel scrap, coke and coke fines, sand, small amounts of reductant material, and furnace adjustment material.

SPECIAL CONDITIONS

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- d. The combined finished lead production from both the Reverberatory furnace and blast furnace shall not exceed 400 tons per day and 72,000 tons per year. **(6/06)**
10. The supplemental baghouse shall capture and control the blast furnace's fugitive emissions (including, but not limited to, the upper charging area) during normal operations and as long as this control system's baghouse is operational during furnace upset conditions. The system shall be installed and operated such that:
 - A. There shall be no visible emissions from the building that houses the blast furnace. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA Test Method (TM) 22 or equivalent. **(6/06)**
 - B. The hooding for each fugitive emission source shall maintain a negative airflow around the source (i.e., airflow, as indicated by anemometer or smoke indicator shall be inward toward the system's hooding such that all air around the source is pulled into the system hoods).
 - C. This system shall effectively capture not less than 80 percent of the blast furnace fugitive emissions as determined by Special Condition No. 10A. The captured blast furnace emissions shall ultimately be exhausted from EPN 37. **(6/06)**
11. The blast furnace chamber shall operate at a negative pressure and the exhaust gases shall be vented to a direct-fired (natural gas) afterburner equipped with a fully modulating 10 MMBTU/hour burner to oxidize volatile organic compounds and designed for a residence time of 1.0 second. The average minimum operating temperature of the afterburner chamber shall be 1500°F averaged over a three hour period as measured near the midpoint of the afterburner chamber. The exit gases from the afterburner shall be cooled in a series of heat exchangers to a temperature consistent with the bag manufacturer's recommendations at the intake of the blast furnace baghouse. The blast furnace baghouse shall be vented to a wet spray scrubber that is common control for both the blast furnace and the reverberatory furnace with Stack EPN 38. **(6/06)**
12. A system shall be installed for the reverberatory furnace to capture and control the furnace's fugitive emissions (including, but not limited to, the slag and metal tap areas and the charging area) during normal operations and as long as this control system's baghouse is operational during furnace upset conditions. The system shall be installed and operated such that:
 - A. There shall be no visible emissions from the building that houses the reverberatory furnace.

SPECIAL CONDITIONS

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- B. The hooding for each fugitive emission point shall maintain a negative airflow around the emissions point (i.e., airflow, as indicated by anemometer, smoke bomb, or smoke generator, shall be inward toward the system's hooding such that all air around the emissions point is pulled into the system hoods).
13. The reverberatory furnace shall operate with sufficient negative draft to remove smoke and fumes but still allow retention of as much heat as possible over the hearth and the smoke. The reverberatory furnace and blast furnace fumes shall be vented to their respective baghouses and through a wet scrubber that exhausts at EPN 38. Hoods that control fugitive emissions shall be not less than 80 percent effective in capturing reverberatory fugitive emissions, as determined by no visible emissions from the building that houses the Reverberatory furnace. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA Test Method (TM) 22 or equivalent. The hoods shall be vented to either (1) the fugitive baghouse which also controls the fugitives from the blast furnace and exhausts to Stack EPN 37 or (2) the soft lead baghouse. (6/06)
 14. The motors of the blowers and fans used in the capture and control systems specified for the blast and reverberatory furnaces (Special Condition Nos. 10 and 12 above) shall include a control system to automatically restart the motors following power interruptions of less than five seconds.
 15. The hard lead, soft lead, and specialty alloy refining kettles and portable dressing pots shall be fitted with hoods that shall maintain a negative airflow into the system hoods. There shall be no visible emissions from the building that houses the refining kettles, and these controls shall be operated at all times these units are in operation.
 16. The raw material storage building shall be equipped with doors on the east and west sides of the building which will be kept normally closed except when necessary. This building shall be kept under negative pressure at all times and vented to a dust collector. During feed shredder downtime, pallets and associated material may be broken or otherwise appropriately sized and fed to the blast furnace. (6/06)
 17. The battery breaker concrete pad shall be sloped downward toward the bins in order to minimize material runoff onto plant roads. The battery breaker operation emissions shall be controlled by a wet scrubber.
 18. All wet scrubbers listed in this permit shall be maintained and operated as recommended by the manufacturer but the maintenance and operation requirements shall not be less than as follows:

SPECIAL CONDITIONS

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- A. The scrubbing solution for removal of sulfur dioxide (SO₂) in the metallurgical scrubber shall be maintained at or above a minimum pH set-point of 5.7 to be continuously monitored and adjusted as necessary.
 - B. The spray nozzles and general condition of the scrubber shall be visually inspected a minimum of once per quarter for the metallurgical scrubber and feed drier scrubber and once per week for the battery breaker scrubber, and any malfunction shall be corrected during this maintenance check. Spray nozzles not functioning with a full spray shall be replaced and not less than 85 percent of the spray nozzles shall be functioning with a full spray at all times.
 - C. There shall be a scheduled system for sludge removal consistent with the operational requirements of the scrubber.
19. Material transfer routes between battery breaking bins, raw material storage bins, reverberatory furnace charge bins, blast furnace charge bins, charge hoppers, charge bucket, and slag fixation building plus all acid sludge and slag transfer routes shall be paved with concrete smooth enough to assure effective vacuum sweeping and shall be swept a minimum of once daily. (See attached map marked Figure 1 and dated May 12, 2006) **(6/06)**
20. This condition applies to storage and transport of lead containing furnace raw material, such as battery plate and paste material, of lead powder, flue dust, lead oxide powder, collected bag filter dust, and other similar materials. This condition does not apply to storage and transport of whole, unbroken batteries or to clean lead ingots, sheets, or tubes or to other similar non-powdery materials.
- A. Outside storage of this material is limited to the following:
 - (1) Damp battery breaking material in the battery breaking bins and blast furnace charge bins.
 - (2) Reverberatory/Blast slag in the blast furnace slag bins and/or raw material storage building, except during final cooling of reverb/blast slag pots. **(6/06)**
 - (3) Covered or enclosed transport containers or vehicles.
 - (4) Sealed barrels, sealed drums, or other sealed containers except during inspection and transport.
 - B. There shall be no liquid leaks or material spills from any vehicles, barrels, drums, or any container listed in 20A (3) and (4) above, outside the plant containment area. Any spills shall be cleaned up as soon as possible.

SPECIAL CONDITIONS

Permit Number 1147A

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- C. There shall be no emissions from any railcar loading or unloading of any materials at this facility.
 - D. The transport of this material into the plant in over-the-road vehicles shall be as follows:
 - (1) All such vehicles shall transport only sealed or covered containers; or
 - (2) The cargo compartments of said vehicles shall be covered or enclosed.
 - E. Broken battery material and scrap lead materials for the blast furnace charge shall be handled as follows:
 - (1) There shall be no visible outdoor fugitive emissions of this material above the roofline of the blast furnace storage bins and the refining building during storage, transport, or furnace charging.
 - (2) Material for the reverberatory furnace shall be stored in the raw materials storage building.
 - (3) Material stored in the battery breaker bins or blast furnace bins or transported to and from these bins shall be kept damp at all times. Material in the blast furnace bins shall be dampened to minimize fugitive emissions.
 - (4) If, due to extended non-working periods, there is insufficient material in the battery breaker bins for the blast furnace charge, then damp material may be taken from the raw material storage building. This material shall be dampened with sufficient water to prevent visible fugitive emissions during transfer and charging.
 - F. Any spill of this material shall be cleaned up immediately. There shall be no visible emissions during the cleanup process.
21. The wheels of each over-the-road vehicle leaving the material storage areas shall be washed to remove residues.
22. All in-plant roads and in-plant vehicle routes (including the material transfer routes) as shown by the attached map marked Figure 1 and dated May 12, 2006 shall be swept a minimum of once a day using wet sweepers, vacuum sweepers, or by dampening the area prior to sweeping. No dry sweeping shall be allowed. Further, these roads and routes shall be scraped and washed as necessary to permit effective sweeping and prevent buildup of lead containing material. There shall be no visible emissions leaving the plant boundary from these roads or routes. Visible emissions shall be determined by a standard of no visible emissions exceeding 30 seconds in duration in any six-minute period as determined using EPA Test Method (TM) 22 or equivalent (6/06)

SPECIAL CONDITIONS

Permit Number 1147A

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23. The floors in the areas of the blast and reverberatory furnaces shall be cleaned as necessary to prevent buildup of lead containing material. There shall be no visible emissions from the refining building during this process.
24. Collection, storage, and transport of collected material from bag filters and flues shall be accomplished using an enclosed or covered system.
25. No emission source shall be operated unless all associated emission control systems are in operation and in good working order.
26. General use roads, as described on the attached map marked Figure 1 and dated May 12, 2006, shall be paved and cleaned as necessary to control the emission of dust to the minimum level possible under existing conditions. All other roads and traffic areas, as described on the map, shall be oiled or sprinkled with water and/or chemicals, as necessary, to control the emission of dust to the minimum level possible under existing conditions. (6/06)
27. Any particulate and flue dust collected from baghouses or ductwork shall be collected and transferred in enclosed or covered conveyors or covered containers to the reverberatory or blast furnace. The method of disposal of material collected by air pollution abatement equipment which is not returned to the process shall be approved by the Executive Director of TCEQ, if necessary.
28. The holder of this permit shall demonstrate that all hooding, duct, and collection systems are effective in minimizing fugitive emissions to as low a level as practicable with respect to the sources which they are controlling.

CONTINUOUS DEMONSTRATION OF COMPLIANCE

29. The TCEQ Executive Director may require at a later date that additional property line monitors are required for lead and/or SO₂. The TCEQ Executive Director may also at any time require stack testing, analyses, and other testing by an independent laboratory at the company's expense. If testing is required, the TCEQ Fort Worth Regional Office shall be notified a minimum of 45 days in advance of any tests and a pre-test meeting shall be held with the TCEQ to establish test parameters and dates. All required test data, reports, etc., shall be forwarded within 45 days of stack test and/or other tests to the TCEQ Fort Worth Regional Office with copy maintained on-site which must be made available upon request to any agent or representative of the TCEQ or local air control program having jurisdiction.

RECORDKEEPING

30. The company shall maintain on-site the following records for a rolling 24-month period:

- A. The number of batteries received daily and summed monthly and annually.
- B. The type and daily quantity (tons) of scrap and/or lead contaminated material received for recycling of the lead. This daily tonnage shall be summed monthly and annually.
- C. The type and daily quantity (tons) of all raw materials feed to the feeder dryer, reverberatory furnace, and blast furnace. This daily tonnage shall be summed monthly and annually.
- D. The separate and designated daily melt lead production from each furnace. This daily tonnage shall be summed monthly and annually.
- E. The total quantity of finished soft and hard lead produced from the refining kettles shall be recorded and summed monthly and annually.
- F. The daily quantity molten lead recycled back into the reverberatory or blast furnaces for reprocessing shall be summed monthly and annually. If the recycled molten throughput exceeds 20,000 tons per year, the TCEQ Fort Worth Regional Office shall be notified.
- G. The hourly record of the blast furnace afterburner operating temperature.
- H. Any scheduled or unscheduled maintenance on any abatement equipment including (but not limited to) baghouses, scrubbers, pumps, piping, duct, hoods, sweeper, and water sprinkler vehicle system.

These and other records shall be made immediately available upon request of a TCEQ representative or any local air control program having jurisdiction.

Dated June 8, 2006

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 1147A

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
18	Hard Lead Ventilation (5) Baghouse Stack	PM	0.98	3.38
		PM ₁₀	0.98	3.38
		Pb	0.12	0.29
		NO _x	11.28	0.60
		SO ₂	0.04	0.17
		CO	8.26	4.26
		VOC	1.65	4.85
		Trace Compounds	0.01	0.01
21	Soft Lead Refining (5) and Feed Dryer Baghouse Stack	PM	1.58	5.99
		PM ₁₀	1.58	5.99
		SO ₂	5.33	12.49
		NO _x	11.92	9.33
		CO	26.44	64.14
		Pb	0.25	0.73
		VOC	15.39	48.23
		HCl	0.18	0.74
		H ₂ SO ₄	0.27	1.17
Trace Compounds	0.01	0.01		
22	Specialty Alloy (5) Baghouse Stack	PM	1.28	4.51
		PM ₁₀	1.28	4.51
		Pb	0.08	0.08
		NO _x	11.03	0.58
		SO ₂	0.42	1.00
		CO	8.08	5.00
		VOC	1.62	4.75
		Trace Metals	0.04	0.10
23	Refining Building Vacuum Stack	PM	0.21	0.56
		PM ₁₀	0.21	0.56
		Pb	0.03	0.11

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
37	Reverberatory/Blast (5) Furnaces Fugitives Baghouse Stack	PM	8.21	30.49
		PM ₁₀	8.21	30.49
		Pb	0.16	0.39
		NO _x	0.48	2.08
		SO ₂	21.68	68.31
		CO	8.75	28.32
		VOC	15.16	45.81
		HCl	0.21	0.92
		H ₂ SO ₄	2.82	12.34
		SiO ₂	0.02	0.03
		Trace Metals	0.01	0.04
38	Reverberatory/Blast (5) Furnaces Metallurgical Scrubber Stack	PM	4.63	19.12
		PM ₁₀	4.63	19.12
		Pb	0.29	0.89
		NO _x	14.60	59.53
		SO ₂	445.59	1199.51
		CO	298.58	1190.35
		VOC	7.61	33.32
		Cd	0.02	0.05
		SiO ₂	0.09	0.41
		HCl	0.74	3.23
		H ₂ SO ₄	4.96	21.74
Trace Metals	0.04	0.10		
45	Raw Material Storage/Shredder Baghouse Stack	PM	2.85	10.57
		PM ₁₀	2.85	10.57
		Pb	0.35	1.10
48	Battery Breaker Scrubber Stack	PM	2.45	4.68
		PM ₁₀	2.45	4.68
		Pb	0.06	0.13
		H ₂ SO ₄	0.06	0.14
48FUG	Battery Breaker Scrubber	H ₂ SO ₄	0.05	0.22

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
51	Sodium Bicarbonate Filter Vent	PM	0.17	0.75
		PM ₁₀	0.17	0.75
54	Soft Lead Kettle Heating Stack	PM	0.07	0.32
		PM ₁₀	0.07	0.32
		VOC	0.03	0.14
		NO _x	0.60	2.63
		CO	0.50	2.21
		SO ₂	<0.01	0.02
55	Hard Lead Kettle Heating Stack	PM	0.07	0.32
		PM ₁₀	0.07	0.32
		VOC	0.03	0.14
		NO _x	0.60	2.63
		CO	0.50	2.21
		SO ₂	<0.01	0.02
44	Raw Material Storage (4)	PM	1.43	5.72
		PM ₁₀	0.72	2.86
		Pb	0.03	0.11
10 and 35	Furnace Fugitives (4)	PM	1.83	8.00
		PM ₁₀	1.83	8.00
		Pb	0.27	1.20
		Cd	0.01	0.04
		Trace Metals	<0.01	<0.04
36	Refining/Casting (4)	PM	0.03	0.10
		PM ₁₀	0.03	0.10
		Pb	<0.01	<0.04
		Trace Metals	<0.01	<0.01
52	Slag Handling (4)	PM	0.07	0.31
		PM ₁₀	0.07	0.31
		Pb	0.01	0.05
		Trace Metals	<0.01	<0.01

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
41, 42, and 43	Vehicle Traffic (4)	PM	--	0.63
		PM ₁₀	--	0.31
		Pb	--	0.31
53	Material Handling (4)	PM	4.51	1.38
		PM ₁₀	0.45	0.14
		Pb	0.32	0.10
39	Slag Fixation Baghouse Stack	PM	1.71	3.12
		PM ₁₀	1.71	3.12
		Pb	0.12	0.11
		Al	0.05	0.10
49	Reagent Silo No.1 Baghouse Stack	PM	0.36	0.38
		PM ₁₀	0.36	0.38
50	Reagent Silo No. 2 Baghouse Stack	PM	0.36	0.38
		PM ₁₀	0.36	0.38

(1) Emission point identification - either specific equipment designation or emission point number from plot plan.

(2) Specific point source name. For fugitive sources use area name or fugitive source name.

(3) PM - particulate matter, suspended in the atmosphere, including PM₁₀

PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no particulate matter greater than 10 microns is emitted.

Pb - lead and lead compounds as lead

NO_x - total oxides of nitrogen

SO₂ - sulfur dioxide

CO - carbon monoxide

VOC - volatile organic compounds as defined in Title 30 Texas Administrative Code § 101.1

HCl - hydrochloric acid mist/fumes

H₂SO₄ - sulfuric acid mist/fumes

SiO₂ - silica

Cd - cadmium and cadmium compounds as cadmium

Al - aluminum

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

- (4) Fugitive emissions are an estimate only.
- (5) Trace compounds and metals are addressed in the permit file.

* Emission rates are based on and the facilities are limited by the following maximum operating schedule and maximum production rates:

24 Hrs/day 7 Days/week 52 Weeks/year or 8,760 Hrs/year

Dated June 8, 2006

APPENDIX B

Air Quality Permit Number 3048A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AIR QUALITY PERMIT

A PERMIT IS HEREBY ISSUED TO

Exide Technologies, Inc.

AUTHORIZING THE CONTINUED OPERATION OF

Oxide Facility

LOCATED AT Frisco, Collin County, Texas

LATITUDE 33° 08' 30" LONGITUDE 096° 49' 53"



1. **Facilities** covered by this permit shall be constructed and operated as specified in the application for the permit. All representations regarding construction plans and operation procedures contained in the permit application shall be conditions upon which the permit is issued. Variations from these representations shall be unlawful unless the permit holder first makes application to the Texas Commission on Environmental Quality (commission) Executive Director to amend this permit in that regard and such amendment is approved. [Title 30 Texas Administrative Code § 116.116 (30 TAC § 116.116)]
2. **Voiding of Permit.** A permit or permit amendment is automatically void if the holder fails to begin construction within 18 months of the date of issuance, discontinues construction for more than 18 months prior to completion, or fails to complete construction within a reasonable time. Upon request, the executive director may grant an 18-month extension. Before the extension is granted the permit may be subject to revision based on best available control technology, lowest achievable emission rate, and netting or offsets as applicable. One additional extension of up to 18 months may be granted if the permit holder demonstrates that emissions from the facility will comply with all rules and regulations of the commission, the intent of the TCAA, including protection of the public's health and physical property; and (b)(1) the permit holder is a party to litigation not of the permit holder's initiation regarding the issuance of the permit; or (b)(2) the permit holder has spent, or committed to spend, at least 10% of the estimated total cost of the project up to a maximum of \$5 million. A permit holder granted an extension under subsection (b)(1) of this section may receive one subsequent extension if the permit holder meets the conditions of subsection (b)(2) of this section. [30 TAC § 116.120(a), (b) and (c)]
3. **Construction Progress.** Start of construction, construction interruptions exceeding 45 days, and completion of construction shall be reported to the appropriate regional office of the commission not later than 15 working days after occurrence of the event. [30 TAC § 116.115(b)(2)(A)]
4. **Start-up Notification.** The appropriate air program regional office shall be notified prior to the commencement of operations of the facilities authorized by the permit in such a manner that a representative of the commission may be present. The permit holder shall provide a separate notification for the commencement of operations for each unit of phased construction, which may involve a series of units commencing operations at different times. Prior to operation of the facilities authorized by the permit, the permit holder shall identify to the Office of Permitting, Remediation, and Registration the source or sources of allowances to be utilized for compliance with Chapter 101, Subchapter H, Division 3 of this title (relating to Mass Emissions Cap and Trade Program). [30 TAC § 116.115(b)(2)(B)]
5. **Sampling Requirements.** If sampling is required, the permit holder shall contact the commission's Office of Compliance and Enforcement prior to sampling to obtain the proper data forms and procedures. All sampling and testing procedures must be approved by the executive director and coordinated with the regional representatives of the commission. The permit holder is also responsible for providing sampling facilities and conducting the sampling operations or contracting with an independent sampling consultant. [30 TAC § 116.115(b)(2)(C)]
6. **Equivalency of Methods.** The permit holder must demonstrate or otherwise justify the equivalency of emission control methods, sampling or other emission testing methods, and monitoring methods proposed as alternatives to methods indicated in the conditions of the permit. Alternative methods shall be applied for in writing and must be reviewed and approved by the executive director prior to their use in fulfilling any requirements of the permit. [30 TAC § 116.115(b)(2)(D)]
7. **Recordkeeping.** The permit holder shall maintain a copy of the permit along with records containing the information and data sufficient to demonstrate compliance with the permit, including production records and operating hours; keep all required records in a file at the plant site. If, however, the facility normally operates unattended, records shall be maintained at the nearest staffed location within Texas specified in the application; make the records available at the request of personnel from the commission or any air pollution control program having jurisdiction; comply with any additional recordkeeping requirements specified in special conditions attached to the permit; and retain information in the file for at least two years following the date that the information or data is obtained. [30 TAC § 116.115(b)(2)(E)]
8. **Maximum Allowable Emission Rates.** The total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources--Maximum Allowable Emission Rates." [30 TAC § 116.115(b)(2)(F)]
9. **Maintenance of Emission Control.** The permitted facilities shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations. The permit holder shall provide notification for upsets and maintenance in accordance with § 101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements). [30 TAC § 116.115(b)(2)(G)]
10. **Compliance with Rules.** Acceptance of a permit by an applicant constitutes an acknowledgment and agreement that the permit holder will comply with all rules, regulations, and orders of the commission issued in conformity with the TCAA and the conditions precedent to the granting of the permit. If more than one state or federal rule or regulation or permit condition are applicable, the most stringent limit or condition shall govern and be the standard by which compliance shall be demonstrated. Acceptance includes consent to the entrance of commission employees and agents into the permitted premises at reasonable times to investigate conditions relating to the emission or concentration of air contaminants, including compliance with the permit. [30 TAC § 116.115(b)(2)(H)]
11. This permit may be appealed pursuant to 30 TAC § 50.139.
12. This permit may not be transferred, assigned, or conveyed by the holder except as provided by rule. [30 TAC § 116.110(e)]
13. There may be additional special conditions attached to a permit upon issuance or modification of the permit. Such conditions in a permit may be more restrictive than the requirements of Title 30 of the Texas Administrative Code. [30 TAC § 116.115(c)]
14. **Emissions** from this facility must not cause or contribute to a condition of "air pollution" as defined in TCAA § 382.003(3) or violate TCAA § 382.085, as codified in the Texas Health and Safety Code. If the executive director determines that such a condition or violation occurs, the holder shall implement additional abatement measures as necessary to control or prevent the condition or violation.

PERMIT 3048A

Date: June 8, 2006

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

SPECIAL CONDITIONS

Permit Number 3048A

EMISSION STANDARDS AND FUEL SPECIFICATIONS

1. This permit covers only those sources of emissions listed in the attached table entitled "Emission Sources-Maximum Allowable Emission Rates," and those sources are limited to the emission rates and other conditions specified in the attached table. **(06/06)**
2. Emissions from this facility shall not cause or contribute to an exceedance of the National Ambient Air Quality Standard for lead at any of the following air monitoring sites:

Monitor Nos. 480850009, 480850003, and 480850006 operated by Texas Commission on Environmental Quality (TCEQ). **(06/06)**
3. Fuel for the melting pots, oxide reactors, and trough heaters shall be limited to pipeline sweet natural gas containing no more than 5 grains total sulfur and 0.25 grains hydrogen sulfide per 100 dry standard cubic feet. **(06/06)**

OPACITY/VISIBLE EMISSION LIMITATIONS

4. Except for those periods described in TCEQ 30 Texas Administrative Code §§ 101.201 and 101.211 (30 TAC §§ 101.201 and 101.211), the stack sources listed on the table entitled "Emission Sources Maximum Allowable Emission Rates" shall not exceed 5 percent opacity averaged over a six-minute period when adjusted for uncombined water vapor as determined by EPA TM 9. **(06/06)**
5. No visible emissions that result from the permitted activities shall leave the plant property boundary. If this condition is violated, further controls shall be installed and/or implemented as required to limit visible emissions. Visible emissions shall be evaluated by a standard of no visible emissions exceeding 30 seconds in duration during any six minute period as determined by EPA TM 22. **(06/06)**

OPERATIONAL LIMITATIONS, WORK PRACTICES, AND PLANT DESIGN

6. Lead oxide production is limited to a maximum hourly production of 2,300 pounds of lead oxide per reactor and a maximum annual production of 58,300 tons of lead oxide. Additionally, facility operations are limited to 8,400 hours per year. **(06/06)**
7. All lead oxide spills shall be cleaned up immediately. Cleanup of these spills shall be accomplished with no visible emissions outside the oxide plant building.

SPECIAL CONDITIONS

Permit Number 3048A

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8. An adequate number of filter replacement bags shall be kept on the site at all times. Bags weighing nine ounce/yard² or more shall be used in all baghouses.
9. Storage and transport of the collected material from all baghouses, fabric filters, and cyclones shall be accomplished using a covered system. Prior to processing in the furnace, used bag filters shall be stored inside an enclosed container.
10. Enclosed conveyors shall be used to transport lead oxide through the plant. Emissions at all drop points shall be controlled by exhaust fans pulling air to baghouses or cartridge filter dust collectors. The conveyor covers are considered abatement equipment and shall be kept in good repair. Conveyor covers with holes larger than 1/4-inch in diameter or missing sections of covers shall not be considered in good repair.
11. The holder of this permit shall keep all air pollution control equipment in good repair and operating as represented in the permit application and as required in these conditions. For this permit, the air pollution control equipment consists of the baghouses, the fabric filters, and the conveyor system. If the holder of this permit or TCEQ should determine that any air pollution control equipment is not meeting the requirements of the first sentence of this special condition, the holder of the permit shall immediately cease operations at the facilities that are controlled by such air pollution control equipment.
12. The floor in the lead oxide production building shall be paved with concrete and cleaned as necessary to prevent lead emissions leaving the building. There shall be no visible emissions from the oxide plant building during the cleanup process.

DETERMINATION OF COMPLIANCE

13. The TCEQ Executive Director may at any time require stack testing, analyses, and other testing by an independent contractor at the company's expense. If testing is required, the TCEQ Fort Worth Regional Office shall be notified a minimum of 45 days in advance of any tests and a pre-test meeting shall be held with the TCEQ to establish test parameters and dates. All required test data, reports, etc., shall be forwarded to the TCEQ Fort Worth Regional Office within seven days of the date the holder of this permit receives the final data, reports, etc. from the independent contractor. The holder of this permit shall maintain a copy of any such report on-site and make a copy available, upon request, to any agent or representative of the TCEQ or local air program that has jurisdiction.
14. Inspection and maintenance of the baghouses shall be performed on a daily, weekly, and monthly basis. Compliance with this condition may be based on the baghouse inspection records which shall be maintained by the holder of this permit and made available to the personnel of the TCEQ. These records shall be maintained for a 24-month rolling period.

SPECIAL CONDITIONS

Permit Number 3048A

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RECORDKEEPING

15. The following records shall be kept and maintained on-site for a rolling 24-month period and made available upon request to representatives of the TCEQ or any local air pollution control agency having jurisdiction: **(06/06)**

- A Lead oxide hourly and annual production;
- B Baghouse inspection and maintenance records as specified in Special Condition No.14;
and
- C. Facility hours of operation

Dated June 8, 2006

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

Permit Number 3048A

This table lists the maximum allowable emission rates and all sources of air contaminants on the applicant's property covered by this permit. The emission rates shown are those derived from information submitted as part of the application for permit and are the maximum rates allowed for these facilities. Any proposed increase in emission rates may require an application for a modification of the facilities covered by this permit.

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates *	
			lb/hr	TPY
11	Oxide Reactor No. 3 Baghouse Stack	Pb	0.050	0.21
12	Oxide Reactor No. 2 Baghouse Stack	Pb	0.03	0.13
13	Oxide Reactor No. 1 Baghouse Stack	Pb	0.05	0.21
14	Oxide Hygiene Baghouse Stack(MELTPOT1, MELTPOT2, and MELTPOT3)	PM/PM ₁₀ Pb	0.32 0.03	1.34 0.13
15	North Hammermill Baghouse Stack	Pb	0.050	0.21
16	Oxide Reactor No. 4 Baghouse Stack	Pb	0.02	0.07
17	South Hammermill Baghouse Stack	Pb	0.050	0.21
24	Oxide Reactor No. 5 Baghouse Stack	Pb	0.006	0.03
25	Oxide Reactor No. 6 Baghouse Stack	Pb	0.004	0.02
26	Oxide Central Vacuum System Baghouse Stack	Pb	0.001	<0.01

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

AIR CONTAMINANTS DATA

Emission Point No. (1)	Source Name (2)	Air Contaminant Name (3)	Emission Rates	
			lb/hr	TPY
27	West Truck Loading Fug (4)	Pb	0.001	<0.01
28	East Truck Loading Fug (4)	Pb	0.001	<0.01
46	Oxide Building fugitives (4) TROUGH1C and TROUGH2C	SO ₂	<0.01	<0.01
		NO _x	0.07	0.30
		CO	0.03	0.13
		VOC	<0.01	0.02
		PM/PM ₁₀	<0.01	0.02
56	Oxide Process Combustion Sources 1 Stack (Melt Pot 2, Reactor 2 and 4)	SO ₂	<0.01	0.01
		NO _x	0.39	1.72
		CO	0.33	1.44
		VOC	0.02	0.09
		PM/PM ₁₀	0.03	0.13
57	Oxide Process Combustion Sources 2 Stack (Melt Pot 1 and Reactor 1 and 2)	SO ₂	<0.01	0.01
		NO _x	0.39	1.72
		CO	0.33	1.44
		VOC	0.02	0.09
		PM/PM ₁₀	0.03	0.13
58	Oxide Process Combustion Sources 3 Stack (Melt Pot 3 and Reactor 5 and 6)	SO ₂	<0.01	0.01
		NO _x	0.39	1.72
		CO	0.33	1.44
		VOC	0.02	0.09
		PM/PM ₁₀	0.03	0.13

EMISSION SOURCES - MAXIMUM ALLOWABLE EMISSION RATES

- (1) Emission point identification - either specific equipment designation or emission point number from plot plan.
- (2) Specific point source name. For fugitive sources use area name or fugitive source name.
- (3) VOC - volatile organic compounds as defined in the Title 30 Texas Administrative Code § 101.1
 - NO_x - total oxides of nitrogen
 - SO₂ - sulfur dioxide
 - PM - particulate matter, suspended in the atmosphere, including PM₁₀.
 - PM₁₀ - particulate matter equal to or less than 10 microns in diameter. Where PM is not listed, it shall be assumed that no particulate matter greater than 10 microns is emitted.
 - CO - carbon monoxide
 - Pb - lead and lead compounds as lead
- (4) Fugitive emissions are an estimate only.

24 Hrs/day 7 Days/week or 8,400 Hrs/year

Dated June 8, 2006

APPENDIX C

Federal Operating Permit O-01649

FEDERAL OPERATING PERMIT

A FEDERAL OPERATING PERMIT IS HEREBY ISSUED TO

Exide Technologies

AUTHORIZING THE OPERATION OF

Frisco Battery Recycling Plant
Secondary Nonferrous Metals

LOCATED AT

Collin County, Texas

LATITUDE 33° 8' 24" LONGITUDE 96° 49' 46"

Regulated Entity Number: RN100857754

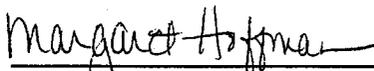
This permit is issued in accordance with and subject to the Texas Clean Air Act (TCAA), Chapter 382 of the Texas Health and Safety Code and Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122), Federal Operating Permits. Under 30 TAC Chapter 122, this permit constitutes the permit holder's authority to operate the site and emission units listed in this permit. Operation of the site and emission units listed in this permit are subject to all additional rules or amended rules and orders of the Commission pursuant to the TCAA.

This permit does not relieve the permit holder from the responsibility of obtaining New Source Review authorization for new, modified, or existing facilities in accordance with 30 TAC Chapter 116, Control of Air Pollution by Permits for New Construction or Modification.

The site and emission units authorized by this permit shall be operated in accordance with 30 TAC Chapter 122, the general terms and conditions, special terms and conditions, and attachments contained herein.

This permit shall expire five years from the date of issuance. The renewal requirements specified in 30 TAC § 122.241 must be satisfied in order to renew the authorization to operate the site and emission units.

Permit No: O-01649 Issuance Date: January 16, 2004



Executive Director

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GENERAL TERMS AND CONDITIONS

The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), 30 TAC § 122.145 (Reporting Terms and Conditions), and 30 TAC § 122.146 (Compliance Certification Terms and Conditions).

If the permit holder chooses to demonstrate that this permit is no longer required, a written request to void this permit shall be submitted to the Texas Commission on Environmental Quality (TCEQ) by the Responsible Official in accordance with 30 TAC § 122.161(e). The permit holder shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that this permit is voided.

The permit holder shall comply with 30 TAC Chapter 116 by obtaining a New Source Review authorization prior to new construction or modification of emission units located in the area covered by this permit.

All reports required by this permit shall be forwarded to the TCEQ regional office for your site. For reports submitted, please include a cover letter which identifies the following information: company name, TCEQ regulated entity number, site name, area name (if applicable), and Air Permits Division permit number.

SPECIAL TERMS AND CONDITIONS:

Emission Limitations and Standards, Monitoring and Testing, and Recordkeeping and Reporting:

1. Permit holder shall comply with the following requirements:
 - A. Emission units (including groups and processes) in the Applicable Requirements Summary attachment shall meet the limitations, standards, equipment specifications, monitoring, recordkeeping, reporting, testing, and other requirements listed in the Applicable Requirements Summary attachment to assure compliance with the permit.
 - B. The textual description in the column titled "Textual Description" in the Applicable Requirements Summary attachment is not enforceable and is not deemed as a substitute for the actual regulatory language. The Textual Description is provided for information purposes only.
 - C. A citation listed on the Applicable Requirements Summary attachment, which has a notation [G] listed before it, shall include the referenced section and subsection for all commission rules, or paragraphs for all federal and state regulations and all subordinate paragraphs, subparagraphs and clauses, subclauses, and items contained within the referenced citation as applicable requirements.

- D. Emission units subject to 40 CFR Part 63, Subpart X as identified in the attached applicable requirements summary table are subject to 30 TAC Chapter 113, Subchapter C, Division 13 which incorporates the 40 CFR Part 63 Subpart by reference.
2. The permit holder shall comply with the following sections of 30 TAC Chapter 101, (General Rules):
- A. Definitions of § 101.1, insofar as the terms defined in this section are used to define the terms used in other applicable requirements;
 - B. Circumvention under § 101.3;
 - C. Sampling under § 101.8, if such action has been requested by the TCEQ;
 - D. Sampling Ports under § 101.9, if such action has been requested by the TCEQ;
 - E. Emissions Inventory Requirements of § 101.10;
 - F. Emission Event Reporting and Recordkeeping Requirements of § 101.201;
 - G. Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements of § 101.211;
 - H. Operational Requirements of § 101.221;
 - I. Demonstrations under § 101.222; and
 - J. Actions to Reduce Excessive Emissions under § 101.223.
3. Permit holder shall comply with the following requirements of 30 TAC Chapter 111:
- A. For visible emissions from stationary vents constructed on or before January 31, 1972, the permit holder shall comply with the following requirements:
 - (i) 30 TAC § 111.111(a)(1)(A) (relating to Requirements for Specified Sources);
 - (ii) 30 TAC § 111.111(a)(1)(F)(ii), (iii), or (iv); and
 - (iii) The permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:
 - An observation of stationary vents which are required to comply with 30 TAC § 111.111(a)(1)(A) shall be conducted at least once during each 3-month period. Visible emission observations are not required for stationary

vessels (which includes both storage and process vessels), tanks, reservoirs, distillation columns, decanters, or other containers holding a VOC, and water separators which separate material containing a VOC since these types of emission units are unable to exceed the opacity limitations in 30 TAC § 111.111(a)(1)(A) due to the characteristics of a VOC.

The observations must occur at least once during each 3-month period. Visible emissions observations shall be made and recorded. However, if liquid fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are observed. Documentation of the observations shall be maintained.

Except for those emission units that are operated only at night, the visible emissions observation shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Emission units operated only at night must make visible emissions observations with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 miles, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor.

If visible emissions are not present during the observation or firing of liquid fuel, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(A). Documentation of the observations shall be maintained.

However, if visible emissions are present during the observation or firing of liquid fuel, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2).

Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.

B. For visible emissions from stationary vents constructed after January 31, 1972, the permit holder shall comply with the following requirements:

- (i) 30 TAC § 111.111(a)(1)(B) (relating to Requirements for Specified Sources);
- (ii) 30 TAC § 111.111(a)(1)(F)(ii), (iii), or (iv); and
- (iii) The permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:

An observation of stationary vents which are required to comply with 30 TAC § 111.111(a)(1)(B) shall be conducted at least once during each 3-month period. Visible emission observations are not required for stationary vessels (which includes both storage and process vessels), tanks, reservoirs, distillation columns, decanters, or other containers holding a VOC, and water separators which separate material containing a VOC since these types of emission units are unable to exceed the opacity limitations in 30 TAC § 111.111(a)(1)(B) due to the characteristics of a VOC.

The observations must occur at least once during each 3-month period. Visible emissions observations shall be made and recorded. However, if liquid fuel is fired for a period greater than or equal to 24 consecutive hours, the permit holder shall conduct an observation of the stationary vent for each such period to determine if visible emissions are observed. Documentation of the observations shall be maintained.

Except for those emission units that are operated only at night, the visible emissions observation shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Emission units operated only at night must make visible emissions observations with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each stationary vent in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 miles, away from each stationary vent during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible

at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor.

If visible emissions are not present during the observation or firing of liquid fuel, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(1) and (a)(1)(B). Documentation of the observations shall be maintained.

However, if visible emissions are present during the observation or firing of liquid fuel, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(1)(F) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2).

Some vents may be subject to multiple visible emission or monitoring requirements. All credible data must be considered when certifying compliance with this requirement even if the observation or monitoring was performed to demonstrate compliance with a different requirement.

C. For visible emissions from a building, enclosed facility, or other structure; the permit holder shall comply with the following requirements:

- (i) 30 TAC § 111.111(a)(7)(A) (relating to Requirements for Specified Sources);
- (ii) 30 TAC § 111.111(a)(7)(B)(i) or (ii); and
- (iii) The permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:

An observation of visible emissions from a building, enclosed facility, or other structure which is required to comply with 30 TAC § 111.111(a)(7)(A) shall be conducted at least once during each 3-month period. Visible emissions observations shall be made and recorded. Documentation of the observations shall be maintained.

Except for those emission units that are operated only at night, the visible emissions observation shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Emission units operated only at night must make visible emissions observations with additional

lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each structure in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 miles, away from each structure during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor.

If visible emissions are not present, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(7) and (a)(7)(A). Documentation of the observations shall be maintained.

However, if visible emissions are present during this observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(7)(B) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2).

- D. For visible emissions from all other sources not specified in 30 TAC § 111.111(a)(1), (4), or (7); the permit holder shall comply with the following requirements:
- (i) 30 TAC § 111.111(a)(8)(A) (relating to Requirements for Specified Sources);
 - (ii) 30 TAC § 111.111(a)(8)(B)(i) or (ii); and
 - (iii) The permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146:

An observation of visible emissions from sources required to comply with 30 TAC § 111.111(a)(8)(A) shall be conducted at least once during each 3-month period. Visible emission observations are not required for fugitive emission units which carry a pollutant which is colorless in the gas or vapor phase since these types of fugitive emission units are unable to exceed the opacity limitations in 30 TAC § 111.111(a)(8)(A).

Visible emissions observations shall be made and recorded. Documentation of the observations shall be maintained.

Except for those emission units that are operated only at night, the visible emissions observation shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Emission units operated only at night must make visible emissions observations with additional lighting and the temporary installation of contrasting backgrounds. Visible emissions shall be determined with each source other than sources previously specified in 30 TAC § 111.111 in clear view of the observer. The observer shall be at least 15 feet, but not more than 0.25 miles, away from each of these sources during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor.

If visible emissions are not present, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A). Documentation of the observations shall be maintained.

However, if visible emissions are present during this observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(8)(B) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2).

- E. Visible emissions during the cleaning of a firebox or the building of a new fire, soot blowing, equipment changes, ash removal, and rapping of precipitators may exceed the limits set forth in 30 TAC § 111.111 for a period aggregating not more than six minutes in any 60 consecutive minutes, nor more than six hours in any ten-day period as required in 30 TAC § 111.111(a)(1)(E). This exemption shall not apply to the emissions mass rate standard, as outlined in 30 TAC § 111.151(a).
- F. For emission units with contributions from uncombined water, the permit holder shall comply with the requirements of 30 TAC § 111.111(b).

- G. Emission limits on nonagricultural processes, except for the steam generators specified in 30 TAC § 111.153, shall comply with the following requirements:
- (i) Emissions of PM from any source may not exceed the allowable rates as required in 30 TAC § 111.151(a) (relating to Allowable Emissions Limits);
 - (ii) Sources with an effective stack height (h_e) less than the standard effective stack height (H_e), must reduce the allowable emission level by multiplying it by $[h_e/H_e]^2$ as required in 30 TAC § 111.151(b); and
 - (iii) Effective stack height shall be calculated by the equation specified in 30 TAC § 111.151(c).
- H. Outdoor burning, as stated in 30 TAC § 111.201, shall not be authorized unless the following requirements are satisfied:
- (i) Title 30 TAC § 111.205 (relating to Exception for Fire Training);
 - (ii) Title 30 TAC § 111.207 (relating to Exception for Recreation, Ceremony, Cooking, and Warmth);
 - (iii) Title 30 TAC § 111.219 (relating to General Requirements for Allowable Outdoor Burning); and
 - (iv) Title 30 TAC § 111.221 (relating to Responsibility for Consequences of Outdoor Burning).
4. The permit holder shall comply with the following requirements for units subject to any subpart of 40 CFR Part 60, unless otherwise stated in the applicable subpart:
- A. Title 40 CFR § 60.7 (relating to Notification and Recordkeeping);
 - B. Title 40 CFR § 60.8 (relating to Performance Tests);
 - C. Title 40 CFR § 60.9 (relating to Availability of Information);
 - D. Title 40 CFR § 60.11 (relating to Compliance with Standards and Maintenance Requirements);
 - E. Title 40 CFR § 60.12 (relating to Circumvention);
 - F. Title 40 CFR § 60.13 (relating to Monitoring Requirements);
 - G. Title 40 CFR § 60.14 (relating to Modification);
 - H. Title 40 CFR § 60.15 (relating to Reconstruction); and

- I. Title 40 CFR § 60.19 (relating to General Notification and Reporting Requirements).
5. The permit holder shall comply with the following requirements for units subject to any 40 CFR Part 63 for Source Categories unless otherwise stated in the applicable subpart:
 - A. Title 40 CFR § 63.4 (relating to Prohibited Activities and Circumvention);
 - B. Title 40 CFR § 63.5 (relating to Construction and Reconstruction);
 - C. Title 40 CFR § 63.6 (relating to Compliance with Standards and Maintenance Requirements);
 - D. Title 40 CFR § 63.7 (relating to Performance Testing Requirements);
 - E. Title 40 CFR § 63.8 (relating to Monitoring Requirements);
 - F. Title 40 CFR § 63.9 (relating to Notification Requirements);
 - G. Title 40 CFR § 63.10 (relating to Recordkeeping and Reporting Requirements); and
 - H. Title 40 CFR § 63.15 (relating to Availability of Information and Confidentiality).

New Source Review Authorization Requirements

6. Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule, standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment. These requirements:
 - A. Are incorporated by reference into this permit as applicable requirements;
 - B. Shall be located with this operating permit; and
 - C. Are not eligible for a permit shield.

Compliance Requirements

7. The permit holder shall certify compliance with all permit terms and conditions using, at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.

Risk Management Plan

8. For processes subject to 40 CFR Part 68 and specified in 40 CFR § 68.10, the owner or operator shall comply with the requirements of the Accidental Release Prevention Provisions in 40 CFR Part 68. The owner or operator shall submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the compliance certification submitted under this permit, a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of a risk management plan.

Protection of Stratospheric Ozone

9. Permit holders at a site subject to Title VI of the FCAA Amendments shall meet the following requirements for protection of stratospheric ozone:
 - A. Any on site servicing, maintenance, and repair on refrigeration and nonmotor vehicle air-conditioning appliances using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR Part 82, Subpart F. Permit holders shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using certified equipment. Records shall be maintained as required by 40 CFR Part 82, Subpart F;
 - B. Any on site servicing, maintenance, and repair of fleet vehicle air conditioning using ozone-depleting refrigerants shall be conducted in accordance with 40 CFR Part 82, Subpart B. Permit holders shall ensure that repairs or refrigerant removal are performed only by properly certified technicians using certified equipment. Records shall be maintained as required by 40 CFR Part 82, Subpart B;
 - C. The permit holder shall comply with 40 CFR Part 82, Subpart A for controlling the production, transformation, destruction, export or import of a controlled (ozone-depleting) substance or product as specified in 40 CFR § 82.1 - § 82.13 and the applicable Part 82 Appendices; and
 - D. The permit holder shall comply with the following 40 CFR Part 82, Subpart E requirements for labeling products using ozone-depleting substances:
 - (i) Title 40 CFR § 82.100 (relating to Purpose);
 - (ii) Title 40 CFR § 82.102 (a) (1) - (3), (b), (c) (relating to Applicability);
 - (iii) Title 40 CFR § 82.104 (relating to Definitions);
 - (iv) Title 40 CFR § 82.106 - 112 (relating to Warning Statements and Labels);
 - (v) Title 40 CFR § 82.114 (relating to labeling containers of controlled [ozone-depleting] substances);

- (vi) Title 40 CFR § 82.116 (relating to incorporation of products manufactured with controlled [ozone-depleting] substances);
 - (vii) Title 40 CFR § 82.120 (relating to Petitions);
 - (viii) Title 40 CFR § 82.122 (relating Certification, recordkeeping, and notice requirements); and
 - (ix) Title 40 CFR § 82.124 (relating to Prohibitions).
- E. The permit holder shall comply with 40 CFR Part 82, Subpart F related to the disposal requirements for appliances using Class I or Class II (ozone-depleting) substances as specified in 40 CFR § 82.150 - § 82.166 and the applicable Part 82 Appendices.
- F. The permit holder shall comply with 40 CFR Part 82, Subpart H related to Halon Emissions Reduction requirements as specified in 40 CFR § 82.250 - § 82.270 and the applicable Part 82 Appendices.

Permit Location

10. The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit on site.

Permit Shield (30 TAC § 122.148)

11. A permit shield is granted for the emission units, groups, or processes specified in the attached "Permit Shield." Compliance with the conditions of the permit shall be deemed compliance with the specified potentially applicable requirements or specified potentially applicable state-only requirements listed in the attachment "Permit Shield." Permit shield provisions shall not be modified by the executive director until notification is provided to the permit holder. No later than 90 days after notification of a change in a determination made by the executive director, the permit holder shall apply for the appropriate permit revision to reflect the new determination. Provisional terms are not eligible for this permit shield. Any term or condition, under a permit shield, shall not be protected by the permit shield if it is replaced by a provisional term or condition or the basis of the term and condition changes.

ATTACHMENTS

Applicable Requirements Summary

Permit Shield

New Source Review Authorization References

APPLICABLE REQUIREMENTS SUMMARY

Unit Summary 14

Applicable Requirements Summary 17

Note: A “none” entry may be noted for some emission sources in this permit's “Applicable Requirements Summary” under the heading of “Monitoring and Testing Requirements” and/or “Record keeping Requirements” and/or “Reporting Requirements”. Such a notation indicates that there are no requirements for the indicated emission source as identified under the respective column heading(s) for the stated portion of the regulation when the emission source is operating under the conditions of the specified SOP Index Number. However, other relevant requirements pursuant to 30 TAC Chapter 122 including Record keeping Terms and Conditions (§ 122.144), Reporting Terms and Conditions (§ 122.145), and Compliance Certification Terms and Conditions (§ 122.146) continue to apply.

Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
BLASTVENT	Emission Points/Stationary Vents/Process Vents	N/A	R5121	30 TAC Chapter 115, Vent Gas Controls	No Changing Attributes.
REVERBVENT	Emission Points/Stationary Vents/Process Vents	N/A	R5121	30 TAC Chapter 115, Vent Gas Controls	No Changing Attributes.
SUPPVENT	Emission Points/Stationary Vents/Process Vents	N/A	R5121	30 TAC Chapter 115, Vent Gas Controls	No Changing Attributes.
GRPKETTLE2	Lead Smelting Attributes	KETTLE4, KETTLE5, KETTLE6, KETTLE7, KETTLEC, KETTLED, KETTLEE	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
BLAST	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
BLASTPFS	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
DROSSBIN	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.

Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
DRYPIECE	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
FDRYHOP	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
FEEDDRYER	Miscellaneous Units	N/A	R7ICI	30 TAC Chapter 117, Commercial	No Changing Attributes.
FEEDDRYER	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
GRPBREAKER	Miscellaneous Units	BREAKER, BREAKERFUG	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
GRPFURNFUG	Miscellaneous Units	BLASTFUG, REVERBFUG	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
GRPHANDFUG	Miscellaneous Units	COVRMSB44, MATLHNFUG, RMSBFUG47, SLAGHNDFUG	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
GRPKETTLES	Miscellaneous Units	KETTLE2, KETTLE3, KETTLEA, KETTLEB, KETTLESA	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
GRPRMSB	Miscellaneous Units	RAWMATBLDG, SHREDDER	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.

Unit Summary

Unit/Group/ Process ID No.	Unit Type	Group/Inclusive Units	SOP Index No.	Regulation	Requirement Driver
GRPTRAFFIC	Miscellaneous Units	TRAFFIC41 TRAFFIC42 TRAFFIC43	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
REFCASTFUG	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
REVERB	Miscellaneous Units	N/A	R7ICI	30 TAC Chapter 117, Commercial	No Changing Attributes.
REVERB	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
REVERBPFS	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
SUPPVENT	Miscellaneous Units	N/A	63X-1	40 CFR Part 63, Subpart X	No Changing Attributes.
GRPDEGR	Solvent Degreasing Machines	DEGREASER1, DEGREASER2	N/A	30 TAC Chapter 115, Degreasing Processes	No Changing Attributes.

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BLASTVENT	EP	R5121	VOC	30 TAC Chapter 115, Vent Gas Controls	§ 115.127(a)(2)(B) [G]§ 115.122(a)(4)	A vent gas stream specified in § 115.121(a)(1) of this title with a concentration of VOC < 0.009 lbs/square inch absolute (psia) true partial pressure (612 ppm) is exempt from § 115.121(a)(1).	§ 115.126 § 115.126(4)	None	
REVERBVENT	EP	R5121	VOC	30 TAC Chapter 115, Vent Gas Controls	§ 115.127(a)(2)(B) [G]§ 115.122(a)(4)	A vent gas stream specified in § 115.121(a)(1) of this title with a concentration of VOC < 0.009 lbs/square inch absolute (psia) true partial pressure (612 ppm) is exempt from § 115.121(a)(1).	§ 115.126 § 115.126(4)	None	
SUPPVENT	EP	R5121	VOC	30 TAC Chapter 115, Vent Gas Controls	§ 115.127(a)(2)(B) [G]§ 115.122(a)(4)	A vent gas stream specified in § 115.121(a)(1) of this title with a concentration of VOC < 0.009 lbs/square inch absolute (psia) true partial pressure (612 ppm) is exempt from § 115.121(a)(1).	§ 115.126 § 115.126(4)	None	
GRPKETTLE2	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(c) § 60.122(b) § 63.544(a)(4) § 63.544(b)(2)	Air from all enclosure hoods and total enclosures shall convey to a control device. Gases discharged from these devices shall not contain lead compounds in excess of 2.0 mg/dscm (0.0087 gr/dscf).	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)	

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
BLAST	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.543(a)	No secondary lead smelter shall discharge into the atmosphere from any specified furnace any gases that contain lead compounds in excess of 2.0 mg/dscm (0.00087gr/dscf).	§ 63.543(h) § 63.543(i) § 63.547(a) § 63.548(a) § 63.548(c) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)
BLAST	EU	63X-1	THC	40 CFR Part 63, Subpart X	§ 63.543(c) § 63.543(c)(1)	Secondary lead smelter with a specified furnace shall not discharge into the atmosphere gases that contain hydrocarbons in excess 20 ppmv.	§ 63.543(f) § 63.547(b) § 63.547(c) § 63.548(j)(1)	§ 63.550(a) § 63.550(a)(2)	§ 63.549(a) § 63.550(b) § 63.550(c)(3)(i)
BLASTPFS	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(c) § 63.544(a)(1) § 63.544(a)(2) § 63.544(a)(3) § 63.544(b)(1)	Air from all enclosure hoods and total enclosures shall convey to a control device. Gases discharged from these devices shall not contain lead compounds in excess of 2.0 mg/dscm (0.0087 gr/dscf).	§ 63.544(e) § 63.544(f) § 63.547(a) § 63.547(d) § 63.548(a) § 63.548(c) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)
DROSSBIN	EU	63X-1	PM	40 CFR Part 63, Subpart X	§ 63.545(a) § 63.545(a)(5) § 63.545(c)(5) § 63.545(e)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §63.545(a)(1)-(5).	§ 63.545(a)(5)	§ 63.545(d) § 63.550(a)(4)	§ 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(6)

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
DRYPIECE	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(b) § 63.544(a)(5) § 63.544(c)	Each owner or operator of a secondary lead smelter shall control the process fugitive emission sources listed in § 63.544(a)(1)-(6) by complying with §§63.544(b) and (c). §§63.544(a)(1)-(6)	§ 63.544(e) § 63.544(f) § 63.547(a) § 63.547(e) § 63.548(a) § 63.548(b) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)
FDRYHOP	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(c) § 63.544(a)(1) § 63.544(b)	Air from all enclosure hoods and total enclosures shall convey to a control device. Gases discharged from these devices shall not contain lead compounds in excess of 2.0 mg/dscm (.00087 gr/dscf).	§ 63.544(e) § 63.544(f) § 63.547(a) § 63.547(e) § 63.548(a) § 63.548(c) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)
FEEDDRYER	EU	R7CI	NOX	30 TAC Chapter 117, Commercial	§ 117.203(a)(5)	Dryers, kilns, or ovens used for drying, baking, cooking, calcining, and vitrifying are exempted from 30 TAC117.	None	None	None
FEEDDRYER	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(d) § 63.548(h)	All dryer and agglomerating furnace emission vents shall be ventilated to a control device that shall not discharge any gases that contain lead compounds in excess of 2.0 mg/dscm (.00087 gr/dscf).	§ 63.544(c) § 63.544(f) § 63.547(a) § 63.548(a) § 63.548(c) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition I.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
GRPBREAKER	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.545(a) § 63.545(a)(2) § 63.545(c)(2)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §§63.545(a)(1)-(5).	§ 63.545(a)(2)	§ 63.545(d) § 63.550(a)(4)	§ 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(6)
GRPFURNFUG	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.545(a)(3) § 63.545(c)(3)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §§63.545(a)(1)-(5).	§ 63.545(a)(3)	§ 63.545(d) § 63.550(a)(4)	§ 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(6)
GRPHANDFUG	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.545(a) § 63.545(a)(5) § 63.545(c)(5)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §§63.545(a)(1)-(5).	§ 63.545(a)(5)	§ 63.545(d) § 63.550(a)(4)	§ 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(6)
GRPKETTLES	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(c) § 63.544(a)(4) § 63.544(b)(2)	Air from all enclosure hoods and total enclosures shall convey to a control device. Gases discharged from these devices shall not contain lead compounds in excess of 2.0 mg/dscm (.00087 gr/dscf).	§ 63.544(e) § 63.544(f) § 63.547(a) § 63.547(d) § 63.548(a) § 63.548(d) § 63.548(c) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
GRPRMSB	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.545(a) § 63.545(a)(5) § 63.545(c)(5)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §§63.545(a)(1)-(5).	§ 63.545(a)(5) § 63.547(a) § 63.547(e) § 63.548(a) § 63.548(c)(1) § 63.548(c)(2) § 63.548(c)(3) § 63.548(c)(4) § 63.548(c)(5) § 63.548(c)(6) § 63.548(c)(7) § 63.548(c)(8) § 63.548(d)	§ 63.545(d) § 63.550(a)(4) § 63.550(a)(5)	§ 63.548(b) § 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(4) § 63.550(c)(6)
GRPTRAFFIC	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.545(a) § 63.545(a)(1) § 63.545(c)(1)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §§63.545(a)(1)-(5).	§ 63.545(a)(1)	§ 63.545(d) § 63.550(a)(4)	§ 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(6)
REFCASTFUG	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.545(a)(4) § 63.545(c)(4)	Secondary lead smelters shall prepare and operate according to a standard operating procedures manual to control fugitive dust emission sources listed in: §§63.545(a)(1)-(5).	§ 63.545(a)(4)	§ 63.545(d) § 63.550(a)(4)	§ 63.545(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(6)
REVERB	EU	R7/CI	NOX	30 TAC Chapter 117, Commercial	§ 117.203(a)(2)	Any commercial, institutional, or industrial boiler or process heater with a maximum rated capacity < 40 million Btu/hour shall comply with the stated conditions.	None	None	None

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition I.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
REVERB	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.543(a)	No secondary lead smelter shall discharge into the atmosphere from any specified furnace any gases that contain lead compounds in excess of 2.0 mg/dscm (0.00087gr/dscf).	§ 63.543(h) § 63.543(i) § 63.547(a) § 63.548(a) § 63.548(c) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)
REVERB	EU	63X-1	THC	40 CFR Part 63, Subpart X	§ 63.543(c)	Secondary lead smelter with a specified furnace shall not discharge into the atmosphere gases that contain hydrocarbons in excess 20 ppmv.	§ 63.543(f) § 63.547(b) § 63.547(c)	§ 63.550(a) § 63.550(a)(2)	§ 63.549(a) § 63.550(b)
REVERBPFS	EU	63X-1	PB	40 CFR Part 63, Subpart X	§ 63.544(c) § 63.544(a)(1) § 63.544(a)(2) § 63.544(a)(3) § 63.544(b)(1)	Air from all enclosure hoods and total enclosures shall convey to a control device. Gases discharged from these devices shall not contain lead compounds in excess of 2.0 mg/dscm (0.00087 gr/dscf).	§ 63.544(e) § 63.544(f) § 63.547(a) § 63.547(c) § 63.547(d) § 63.548(e) § 63.548(f) § 63.548(a) § 63.548(d)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)
SUPPVENT	EU	63X-1	PM	40 CFR Part 63, Subpart X	§ 63.544(c) § 63.544(a)(1) § 63.544(a)(3) § 63.544(b)(1)	Air from all enclosure hoods and total enclosures shall convey to a control device. Gases discharged from these devices shall not contain lead compounds in excess of 2.0 mg/dscm (0.00087 gr/dscf).	§ 63.544(e) § 63.544(f) § 63.547(a) § 63.547(d) § 63.548(a) § 63.548(c) § 63.548(d) § 63.548(e) § 63.548(f)	§ 63.550(a) § 63.550(a)(1) § 63.550(a)(5)	§ 63.548(b) § 63.549(a) § 63.549(b) § 63.550(b) § 63.550(c)(1) § 63.550(c)(2) § 63.550(c)(4)

Applicable Requirements Summary

Unit/Group/Process		SOP Index No.	Pollutant	Emission Limitation/Standard or Equipment Specification		Textual Description (See Special Term and Condition 1.B.)	Monitoring And Testing Requirements	Recordkeeping Requirements (30 TAC § 122.144)	Reporting Requirements (30 TAC § 122.145)
ID No.	Type			Name	Citation				
SUPPVNT	EU	63X-1	THC	40 CFR Part 63, Subpart X	§ 63.543(g)	If specified furnaces discharge fugitive and process emissions separately, the blast furnace process fugitives hydrocarbon emission rate shall not exceed 20 parts per million by volume.	§ 63.547(a) § 63.547(b)	§ 63.550(a)	§ 63.550(b)
GRPDEGR	EU	N/A	VOC	30 TAC Chapter 115, Degreasing Processes	§ 115.417(1) § 115.417(2)	Any cold solvent cleaning system is exempt from the provisions of §115.412(1)(B) of this title (relating to Control Requirements) and may use an external drainage facility in place of an internal type drainage system, if the true vapor pressure of the solvent is less than or equal to 0.6 psia (4.1kPa) as measured at 100 degrees Fahrenheit (38 degrees Celsius) or if a cleaned part cannot fit into an internal drainage facility.	[G]§ 115.415(1)	None	None

PERMIT SHIELD

Permit Shield 25

Permit Shield

The Executive Director of the TCEQ has determined that the permit holder is not required to comply with the specific regulation(s) identified for each emission unit, group, or process in this table.

ID No.	Unit/Group/Process		Regulation	Basis of Determination
	Unit Type	Group/Inclusive Units		
GRP KETTLES	Lead Smelting Attributes	KETTLE2, KETTLE3, KETTLEA, KETTLEB, KETTLESA	40 CFR Part 60, Subpart L	Constructed or modified after 6/11/73.
BLAST	Lead Smelting Attributes	N/A	30 TAC Chapter 117, Commercial, Institutional, and Industrial Sources	Blast Furnace is not defined as a Commercial, Industrial, or Institutional boiler or process heater.
SLAG CRUSH	Miscellaneous Units	N/A	40 CFR 63, Subpart X	Definition of "Materials Storage and Handling Area" in 40 CFR 63.542 does not include areas used exclusively for storage of blast furnace slag, and blast slag processing is not regulated by the MACT X standard.
SMELT/CLEAN	Lead Smelting Attributes	N/A	40 CFR 63, Subpart X	The SMELT/CLEAN emission unit does not fall within the scope of the MACT X "measures that will be put in place to control fugitive dust emission sources within the secondary lead smelter", and is a control device operated voluntarily.
DIESEL TK1	Storage Tanks/Vessels	N/A	30 TAC Chapter 115, Storage of VOCs	True Vapor Pressure less than 1.0 psia.
DIESEL TK1	Storage Tanks/Vessels	N/A	40 CFR Part 60, Subpart Ka	Capacity of the vessel less than 40,000 gal.

NEW SOURCE REVIEW AUTHORIZATION REFERENCES

New Source Review Authorization References 27

New Source Review Authorization References by Emission Unit 28

New Source Review Authorization References

The New Source Review authorizations listed in the table below are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit.

PSD Permits	NA Permits
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
PSD Permit No.:	NA Permit No.:
Title 30 TAC Chapter 116 Permits, Special Permits, and Other Authorizations (Other Than Permits By Rule, PSD Permits, or NA Permits) for the Application Area.	
Authorization No.:	Authorization No.:
Authorization No.: R-1147A	Authorization No.: 3048
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Authorization No.:	Authorization No.:
Permits By Rule (30 TAC Chapter 106) for the Application Area	
Number: 106.183	Version No./Date:
Number: 106.262	Version No./Date: 12/24/1998
Number: 106.454	Version No./Date: 03/14/1997
Number: 059	Version No./Date: 05/05/1976
Number: 106	Version No./Date: 05/04/1994
Number: 106	Version No./Date: 04/05/1995
Number: 118	Version No./Date: 05/04/1994
Number: 118	Version No./Date: 04/05/1995
Number: 118	Version No./Date: 10/04/1995
Number: 118	Version No./Date: 06/07/1996
Municipal Solid Waste and Industrial Hazardous Waste Permits With an Air Addendum	
Permit No.:	Permit No.:

New Source Review Authorization References by Emissions Unit

The following is a list of 30 TAC Chapter 116 New Source Review (NSR) authorizations for emission units listed elsewhere in this operating permit. The NSR authorizations are applicable requirements under 30 TAC Chapter 122 and enforceable under this operating permit. If the unit is grandfathered from 30 TAC Chapter 116 New Source Review authorization requirements then "GF status" will be put in the New Source Review Authorization column of the following table.

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
BLAST	Blast Furnace	R-1147A
BLASTFUG	Blast Furnace Smelting Fugitives	R-1147A
BLASTPFS	Blast Furnace Process Fugitive Sources	R-1147A
BLASTVENT	Blast Furnace Vent to Afterburner	R-1147A
BREAKER	Battery Breaker	R-1147A
BREAKERFUG	Battery Breaker	R-1147A
COVRMSB44	Covered Raw Material Storage Building Fugitives	R-1147A
DEGREASER1	Cold Solvent Degreaser #1	106.454/03/14/1997
DEGREASER2	Cold Solvent Degreaser #2	106.454/03/14/1997
DIESELTK1	Diesel Tank No.1	SE-059/05/05/1976
DROSSBIN	Ventilated Dross Bins	R-1147A
DRYTPIECE	Dryer Transition Piece	R-1147A
FDRYHOP	Feed Dryer Loading Hopper	R-1147A
FEEDDRYER	Feed Dryer	R-1147A
KETTLE2	Kettle 2	R-1147A

New Source Review Authorization References by Emissions Unit

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
KETTLE3	Kettle 3	R-1147A
KETTLE4	Kettle 4	R-1147A
KETTLE5	Kettle 5	R-1147A
KETTLE6	Kettle 6	R-1147A
KETTLE7	Kettle 7	R-1147A
KETTLEA	Kettle A	R-1147A
KETTLEB	Kettle B	R-1147A
KETTLEC	Kettle C	R-1147A
KETTLED	Kettle D	R-1147A
KETTLEE	Kettle E	R-1147A
KETTLESA	Kettle SA	R-1147A
MATLHNFUG	Material Handling Fugitive	R-1147A
RAWMATBLDG	Raw Material Storage Building	R-1147A
REFCASTFUG	Refining/casting Fugitives	R-1147A
REVERBFUG	Rever Furnace Smelting Fugitives	R-1147A
REVERBPFS	Reverberatory Furnace Process Fugitive Sources	R-1147A
REVERB	Reverberatory Furnace	R-1147A
REVERBVENT	Reverberatory Furnace Vent	R-1147A

New Source Review Authorization References by Emissions Unit

Unit/Group/Process ID No.	Emission Unit Name/Description	New Source Review Authorization
RMSBFUG47	Raw Matl Storage Building Fugitive	R-1147A
SHREDDER	Feed Shredder	R-1147A
SLAGHNDFUG	Slag Handling Fugitive	R-1147A
SUPPVENT	Supplemental Ventillation System	R-1147A
TRAFFIC41	Fugitive from West Yard	R-1147A
TRAFFIC42	Traffic Fugitives from South Driveway	R-1147A
TRAFFIC43	Traffic Fugitives From East Driveway	R-1147A

Note: The grandfathered status for shown units in this table reflects the status represented by the applicant on Form OP-REQ1 (Area-wide Applicability Determinations) or Form OP-SUM (Individual Unit Summary) and has not been reviewed to determine validity of the claim of grandfathered status.

APPENDIX A

Acronym List 32

ACRONYM LIST

The following abbreviations or acronyms may be used in this permit:

30 TAC Chapter 112	Title 30 Texas Administrative Code Chapter 112
40 CFR Part 60, Appendix A	Title 40 Code of Federal Regulations Part 60, Appendix A
ACFM	actual cubic feet per minute
AMOC	alternate means of control
ARP	Acid Rain Program
ASTM	American Society of Testing and Materials
B/PA	Beaumont/Port Arthur (nonattainment area)
CAM	Compliance Assurance Monitoring
CD	control device
COMS	continuous opacity monitoring system
CVS	closed-vent system
D/FW	Dallas/Fort Worth (nonattainment area)
DR	Designated Representative
EIP	El Paso (nonattainment area)
EP	emission point
EPA	U.S. Environmental Protection Agency
EU	emission unit
FCAA Amendments	Federal Clean Air Act Amendments
FOP	federal operating permit
GF	grandfathered
gr/100 scf	grains per 100 standard cubic feet
HAP	hazardous air pollutant
H/G	Houston/Galveston (nonattainment area)
H ₂ S	hydrogen sulfide
ID No.	identification number
lb/hr	pound(s) per hour
MMBtu/hr	Million British thermal units per hour
MRRT	monitoring, recordkeeping, reporting, and testing
NA	nonattainment
N/A	not applicable
NADB	National Allowance Data Base
NO _x	nitrogen oxides
NSPS	New Source Performance Standard (40 CFR Part 60)
NSR	New Source Review
ORIS	Office of Regulatory Information Systems
Pb	lead
PBR	Permit By Rule
PM	particulate matter
ppmv	parts per million by volume
PSD	prevention of significant deterioration
RO	Responsible Official
SO ₂	sulfur dioxide
TCEQ	Texas Commission on Environmental Quality
TSP	total suspended particulate
TVP	true vapor pressure
U.S.C.	United States Code

VOC volatile organic compound

APPENDIX D

**2006 Emissions Inventory Information on Lead Point Sources
Within 50 km of the Exide Battery Recycling Plant in Collin County**

RN	ACCOUNT	COMPANY	SITE	COUNTY	TOTAL LEAD (tons/yr)
RN100218643	CP0029G	EXIDE CORPORATION	FRISCO BATTERY RECYCLING	COLLIN	0.7033
RN100219419	CP0396W	ENCORE WIRE LIMITED	ENCORE WIRE LIMITED	COLLIN	0.0300
RN102306115	DB3473C	SOUTHWEST AIRLINES CO	LOVE FIELD	DALLAS	0.0200
RN100664853	DB0155R	TAMKO ROOFING PRODUCTS, INC.	DALLAS PLANT	DALLAS	0.0032
RN100673490	DB0249H	LUMINANT GENERATION COMPANY LLC	LAKE RAY HUBBARD	DALLAS	0.0021
RN101559235	DB0252S	EXTEX LAPORTE LP	MOUNTAIN CREEK STEAM ELECTRIC STATION	DALLAS	0.0015
RN100216571	TA1200C	VALSPAR CORPORATION	GRAND PRAIRIE FACILITY	TARRANT	0.0014
RN102595816	DB1690G	DALLAS SEMICONDUCTOR	DALLAS SEMICONDUCTOR FARM	DALLAS	0.0010
RN100211861	DB1319E	BAE SYSTEMS IRVING	BAE SYSTEMS IRVING	DALLAS	0.0008
RN101559854	DB0251U	LUMINANT GENERATION COMPANY LLC	NORTH LAKE STEAM ELECTRIC STATION	DALLAS	0.0002
			Total lead emissions from non-Exide sources =		0.0602

The map on the following page shows the locations of these sources.

APPENDIX E

Agreed Order Docket No. 2009-0071-MIS

APPENDIX E

Agreed Order Docket No. 2009-0071-MIS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF	§	BEFORE THE
AN AGREED ORDER	§	TEXAS
CONCERNING	§	COMMISSION ON
EXIDE TECHNOLOGIES, INC.	§	ENVIRONMENTAL
ACCOUNT NO. CP-0029-G	§	QUALITY

**AGREED ORDER
DOCKET NO. 2009-0071-MIS**

The Texas Commission on Environmental Quality (the Commission or TCEQ), hereby orders Exide Technologies (Exide), formerly known as GNB Technologies, Inc. (GNB), and, prior to being GNB, known as Gould National Battery, Incorporated, to comply with the requirements herein regarding control of emissions of lead from the facilities referenced below, pursuant to § 382.023 of the Texas Clean Air Act (the Act), Texas Health and Safety Code, Chapter 382, and § 110 of the federal Clean Air Act, 42 U.S.C. § 7401 et. seq., for the purpose of revising the Texas State Implementation Plan (SIP) for control of lead. The Executive Director of the Commission and Exide have agreed on these control requirements, subject to the approval of the Commission. The Executive Director and Exide enter into this agreement for the purpose of implementing the SIP measures in the 2009 Collin County Maintenance Plan for Lead.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. Section 110 of the federal Clean Air Act, 42 U.S.C. 7401 et. seq., requires Texas to submit SIP revisions to the United States Environmental Protection Agency (EPA) for approval and to demonstrate that such SIP revisions provide protection of the National Ambient Air Quality Standards (NAAQS) and the Prevention of Significant Deterioration increments for lead.

2. Exide owns and operates a secondary lead smelter/lead oxide manufacturing plant, located at 7471 South Fifth Street, Frisco, Collin County, Texas (the plant).

3. The plant consists of one or more sources as defined in § 382.003(12) of the Act.

4. In 1992, GNB entered into Agreed Board Order 92-09(k) (Order 92-09(k)) with the Texas Air Control Board (TACB), predecessor to the TCEQ, and special provisions were included in amendments to Air Quality Permits R-1147A and R-5466D to resolve notices of violations regarding exceedances of the NAAQS for lead. The purpose of Order 92-09 (k) was to assure maintenance of the NAAQS for lead, and required GNB to continue implementation of or to implement certain measures to prevent recurrence of the violations alleged in Order 92-09(k).

5. GNB amended Texas Natural Resources Conservation Commission (TNRCC) Air Quality Permit Nos. 1147A and 3048A to incorporate the provisions of Order 92-09(k) as permanent and enforceable reductions. These permits were renewed in 2006 by Exide. The maximum allowable emission rate of lead in these permits ensure that lead emissions will not exceed 4.27 tons per year (tpy), unless otherwise authorized according to the requirements in paragraph 11 below. GNB and the TNRCC agreed to terminate Order 92-09(k). However, GNB agreed to continue implementation of the requirements of paragraph 8 in Order 92-09(k) as incorporated into Permit No's 1147A and 3048A, or to implement additional measures or control technologies proposed by GNB that were judged by the Executive Director to be similarly effective in controlling lead emissions from the plant. Exide agrees to continue to abide by these representations agreed to by GNB.

6. In 1993, GNB entered into Agreed Board Order 93-12 (Order 93-12) with the TACB to establish contingency measures related to the 1993 Lead State Implementation Plan revisions for Collin County, Texas.

7. GNB implemented the measures in Order 93-12 by: adding a supplemental ventilation baghouse to its metallurgical furnace operation (the reverberatory and blast furnaces); covering its blast furnace bins and installing a water spray system over the bin area; installing a baghouse at the raw materials storage building; installing a feed dryer and baghouse to reduce the possibility of reverberatory furnace explosions due to wet feed; writing and implementing detailed site operation and maintenance plans for its baghouse operations; and installing a Tri-bo Flow® System in all baghouse ducts to detect upset emissions. The parties to Order 99-0351-SIP agreed to terminate Order 93-12; however, Exide agrees to continue implementation of these measures, or to implement additional measures or control technologies proposed by Exide that are judged by the Executive Director to be similarly effective in controlling lead emissions from the plant.

8. Exide agrees to comply with the emission limits and standard operating procedures for process sources, process fugitive sources, and fugitive dust sources from the National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelters (the lead MACT).

9. Exide will maintain records for the period of the second (2009) Maintenance Plan (the period from ten to twenty years from the date of redesignation to attainment by the EPA) sufficient to demonstrate compliance with the requirements in paragraphs 5, 7, and 8 above and make those records available upon request by the TCEQ or any other air pollution control agency with jurisdiction.

10. This Agreed Order does not authorize or prohibit any modification of the plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the emission limits set in this Agreed Order, other than that which is specifically authorized in this Agreed Order.

11. The 1993 Lead SIP revision contained an attainment demonstration using dispersion modeling of quarterly lead impacts in Collin County, Texas. That modeling was based on 4.27 tpy of lead, the actual emissions of lead provided by GNB in its 1992 emissions inventory. Exide may increase actual emissions above 4.27 tpy of lead only through (a) qualification for an amendment to Permits 1147A and/or 3048A and/or a new permit issued pursuant to 30 Texas Administrative Code (TAC) Chapter 116, and (b) an air dispersion modeling demonstration that such an increase in emissions is not expected to cause a violation of the lead NAAQS. Exide may use exemptions from permitting or permits by rule at the plant to make changes at the plant or to add new equipment, provided that use of such exemptions or permits by rule will not increase actual emissions above 4.27 tpy of lead.

12. Exide agrees to continue to maintain all air pollution abatement equipment in good working order and operate it properly during normal operations.

13. Definitions for purposes of this Agreed Order:

A. The term "condition" is defined as (1) an exceedance of the quarterly arithmetic average lead NAAQS of 1.5 micrograms per cubic meter at any TCEQ ambient air quality monitoring site in the Collin County lead nonattainment area or (2) an exceedance of 4.27 tpy as reported in Exide's annual emissions inventory for lead when that exceedance has not resulted from (a) qualification for an amendment to Permits 1147A and/or 3048A and/or a new permit issued pursuant to 30 TAC Chapter 116 and (b) an air dispersion modeling demonstration that such an increase in emissions will not cause a violation of the lead NAAQS.

B. The term "contingency measure" is defined to include the following actions:

1. Automation of the scale and feed for the reverberatory furnace.
2. The installation of water misting dust suppression system beyond the system already required by permit 1147A.

3. An alternative measure proposed by Exide that results in emission reductions which, at a minimum, shall be equivalent to the emission reductions achievable by contingency measure 13.B.1 or 13.B.2 above. Any alternative contingency measure proposed by Exide must be approved by the Executive Director prior to implementation.

14. If at any time during the period of the maintenance plan for attainment of the lead NAAQS a condition occurs, the Executive Director of the TCEQ shall notify Exide within thirty (30) days of the discovery of the condition that the contingency measures must be evaluated and that, at a minimum, one of the measures must be implemented. Within sixty (60) days of such notification, Exide will inform the TCEQ as to which of the specified [in paragraph 13.B.(1) and (2) above] or alternative contingency measures will be implemented by Exide. Exide will complete the implementation of the selected contingency measure within 180 days of Exide's notification to the Executive Director or within 180 days of the Executive Director's approval of an alternative contingency measure.

15. The Commission and Exide agree that the Commission has jurisdiction to enter this Agreed Order, and Exide is subject to the Commission's jurisdiction.

16. To better safeguard the air resources of this state, Exide agrees to comply with the terms of this Agreed Order.

II. ORDER

It is therefore ordered by the Texas Commission on Environmental Quality that Exide Technologies shall, from and after the date of this Agreed Order:

1. Implement and/or continue to implement all requirements in and maintain compliance with paragraphs 5, 7, 8, and 9 above; and
2. Comply with the requirements of paragraph 14 above if a condition occurs.

The provisions of this Agreed Order shall apply to and be binding upon Exide Technologies, Inc., its successors, assigns and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. Exide Technologies, Inc. is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of its plant, located at 7471 South Fifth Street, Frisco, Collin County, Texas and, within ten days of any such transfer, provide the Texas Commission on Environmental Quality with written certification that such notice has been given.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.



Donald G. Barar, Plant Manager
Authorized representative of
Exide Technologies, Inc.

06/23/2009
Date



Stephanie Bergeron Perdue
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

6/26/2009
Date

**ORDER ADOPTING SECOND 10-YEAR MAINTENANCE PLAN FOR LEAD FOR COLLIN
COUNTY AND
REVISION TO THE STATE IMPLEMENTATION PLAN**

Docket No. 2009-0065-SIP

On August, 26, 2009, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered adoption of the Second 10-year Maintenance Plan for Lead for Collin County and revision to the SIP. The Commission adopts this Second 10-year Maintenance Plan for Lead for Collin County and corresponding revision to the state implementation plan (SIP). The Second 10-year Maintenance Plan for Lead for Collin County ensures that the 1978 Lead NAAQS will continue to be met in Collin county, and provides required contingency measures to be implemented in the event of an exceedance of the 1978 lead standard. Under Tex. Health & Safety Code Ann. §§ 382.011, 382.012, and 382.023 (Vernon 2008), the Commission has the authority to control the quality of the state's air and to issue orders consistent with the policies and purposes of the Texas Clean Air Act, Chapter 382 of the Tex. Health & Safety Code. Notice of the proposed Second 10-year Maintenance Plan for lead for Collin County was published for comment in the March 27, 2009 issue of the *Texas Register* (34 TexReg 2170).

Pursuant to 40 Code of Federal Regulations § 51.102 and after proper notice, the Commission conducted a public hearing to consider the Second 10-year Maintenance Plan for Lead for Collin County and revision to the SIP. Proper notice included prominent advertisement in the areas affected at least 30 days prior to the date of the hearing. A public hearing was held in Frisco, Texas on April 20, 2009.

The Commission circulated hearing notices of its intended action to the public, including interested persons, the Regional Administrator of the EPA, and all applicable local air pollution control agencies. The public was invited to submit data, views, and recommendations on the proposed Second 10-year Maintenance Plan for Lead for Collin County and SIP revision, either orally or in writing, at the hearing or during the comment period. Prior to the scheduled hearing, copies of the proposed Second 10-year Maintenance Plan for Lead for Collin County and SIP revision were available for public inspection at the Commission's central office and on the Commission's Web site.

Data, views, and recommendations of interested persons regarding the proposed Second 10-year Maintenance Plan for Lead for Collin County and SIP revision were submitted to the Commission during the comment period, and were considered by the Commission as reflected in the analysis of testimony incorporated by reference to this Order. The Commission finds that the analysis of testimony includes the names of all interested groups or associations offering comment on the proposed Second 10-year Maintenance Plan for Lead for Collin County and the SIP revision and their position concerning the same.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Second 10-year Maintenance Plan for Lead for Collin County and revision to the SIP incorporated by reference to this Order are hereby adopted. The adopted Second 10-year Maintenance Plan for Lead for Collin County and the revision to the SIP are incorporated by reference in this Order as if set forth at length verbatim in this Order.

IT IS FURTHER ORDERED BY THE COMMISSION that on behalf of the Commission, the Chairman should transmit a copy of this Order, together with the adopted Second 10-year Maintenance Plan for Lead for Collin County and revision to the SIP, to the Regional Administrator of EPA as a proposed revision to the Texas SIP pursuant to the Federal Clean Air Act, codified at 42 U.S. Code Ann. §§ 7401 - 7671q, as amended.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Date issued:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Buddy Garcia, Chairman