

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Proposed Revision to the State Implementation Plan

AGENDA REQUESTED: June 22, 2011

DATE OF REQUEST: June 3, 2011

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Joyce Spencer, 239-5017

CAPTION: Docket No. 2011-0521-MIS. Consideration for publication of, and hearing on, proposal of an Agreed Order with Exide Technologies in Collin County to require Exide Technologies to install and implement control strategies for lead emissions as part of the Collin County Attainment Demonstration State Implementation Plan (SIP) Revision for the 2008 Lead National Ambient Air Quality Standard (NAAQS). The proposed Agreed Order also includes contingency measures that are required by the Federal Clean Air Act to be part of an attainment demonstration SIP revision.

This proposed Agreed Order with Exide Technologies would make legally enforceable control strategies and contingency measures for the Collin County Attainment Demonstration SIP Revision for the 2008 lead NAAQS. (Holly Brightwell, Amy Browning)

Susana M. Hildebrand

Chief Engineer

David Brymer

Division Director

Joyce Spencer

Agenda Coordinator

Copy to CCC Secretary? NO X YES

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners

Date: June 3, 2011

Thru: LaDonna Castañuela, Chief Clerk
Mark R. Vickery, P.G., Executive Director

From: Susana M. Hildebrand, P.E., Chief Engineer

Docket No.: 2011-0521-MIS

Subject: Commission Approval for Proposed Agreed Order for Exide Technologies Lead Acid Battery Recycling Plant in Collin County

Background and reasons for the proposed Agreed Order:

On October 15, 2008, the United States Environmental Protection Agency (EPA) substantially strengthened the National Ambient Air Quality Standard (NAAQS) for lead. The new standard, set at 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) measured as a rolling three-month average, is 10 times more stringent than the previous standard of 1.5 $\mu\text{g}/\text{m}^3$ measured as a quarterly average. Effective December 31, 2010, the EPA designated an area surrounding Exide Technologies (Exide) located in Frisco, Collin County, as nonattainment for the 2008 lead NAAQS (75 FR 71033).

Section 110(a)(1) of the Federal Clean Air Act (FCAA) requires states to submit a state implementation plan (SIP) revision for areas that have been designated nonattainment to provide for the implementation, maintenance, and enforcement of the NAAQS. States are required to adopt and submit attainment demonstration SIP revisions within 18 months of designation. In accordance with FCAA, §172 and implementation guidance published with the November 12, 2008, final lead NAAQS (73 FR 66964), the proposed SIP revision contains a reasonably available control measures analysis, a reasonably available control technology analysis, demonstration of attainment through air dispersion modeling, a control strategy demonstration, an emissions inventory, a demonstration of reasonable further progress, and contingency measures. The proposed 2011 Collin County Attainment Demonstration SIP Revision for the 2008 Lead NAAQS Docket No. 2011-0582-SIP (2008 Lead Attainment Demonstration SIP revision) contains control measures to bring Collin County into attainment and contingency measures ready to be implemented to correct a violation of the 2008 lead NAAQS before November 1, 2012, the date that the area must begin monitoring attainment of the lead NAAQS.

This proposed Agreed Order between the Texas Commission on Environmental Quality (TCEQ) and Exide would make the control measures and contingency measures contained in the proposed SIP revision legally enforceable.

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Scope of the proposed Agreed Order:

A.) Summary of what the Agreed Order will do:

The control measures and contingency measures that have been identified for the proposed 2008 Lead Attainment Demonstration SIP revision will be enforceable through this agreed order, which is between the TCEQ and Exide, the only lead source in the nonattainment area. The Agreed Order would include legally binding requirements for Exide to relocate, enclose, and install specific control devices for some operational areas and implement other maintenance and control measures necessary for Collin County to reach attainment of the 2008 lead NAAQS by November 1, 2012. The requirements contained in the Agreed Order are listed in stipulations 15 through 37 of the agreed order. The Agreed Order would also include legally binding contingency measures that are to be implemented if the area fails to meet milestones described in the Agreed Order.

Statutory authority:

The authority to propose and adopt this Agreed Order is derived from Texas Health and Safety Code, Texas Clean Air Act (TCAA), §382.002, which provides that the policy and purpose of the TCAA is to safeguard the state's air resources from pollution; TCAA, §382.011, which authorizes the commission to control the quality of the state's air; TCAA, §382.012, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; and Texas Water Code, §5.02, General Powers, and §5.013, General Jurisdiction of the Commission.

The FCAA, 42 United States Code §§7401, *et seq.*, requires states to submit SIP revisions that specify the manner in which the NAAQS will be achieved and maintained within each air quality control region of the state. Additionally, the specific requirements for the 2008 lead NAAQS were published in the November 12, 2008, issue of the *Federal Register* (73 FR 66963).

Effect on the:

A.) Regulated community:

The affected regulated community currently consists only of Exide Technologies, the sole contributing source in the nonattainment area. The affected source would be required to install control technologies to meet the lead NAAQS, implement new work practices, and comply with additional monitoring and recordkeeping requirements. For further information, please refer to the executive summary of the 2008 Lead Attainment Demonstration SIP revision Docket No. 2011-0582-SIP being proposed June 22, 2011, which contains details of the controls set out in the Agreed Order.

B.) Public:

The general public in the lead nonattainment area would benefit from improved air quality from reduced lead emissions.

C.) Agency programs:

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This Agreed Order will increase the workload in the Office of Compliance and Enforcement staff when inspecting the affected facility to verify compliance with the Agreed Order and when coordinating the alternative monitoring method that is part of the Agreed Order. In addition, Chief Engineers Office staff workload would increase when comparing compliance with the requirements of the Agreed Order.

Stakeholder meetings:

A stakeholder meeting for the proposed SIP revision associated with this Agreed Order was held on January 19, 2011, in Frisco. Stakeholders expressed numerous concerns about air quality, public health, industry-related emissions, proposed control strategies, and property values.

Potential controversial concerns and legislative interest:

The City of Frisco, the citizens of Frisco, and the Honorable Florence Shapiro, Texas Senator District 8, have expressed considerable concern regarding Frisco's air quality. Parties have also expressed great interest in implementing additional controls to reduce emissions as expeditiously as possible.

Will this Agreed Order affect any current policies or require development of new policies?

No

What are the consequences if this Agreed Order does not go forward? Are there alternatives to this Agreed Order?

Agreed Order Docket No. 2011-0521-MIS makes legally enforceable the control measures and contingency measures contained in the 2008 Lead Attainment Demonstration SIP revision. If the Agreed Order is not signed by the TCEQ and Exide Technologies, the TCEQ must make control strategies and contingency measures legally enforceable through a rule revision.

Key points in the proposed Agreed Order schedule:

Anticipated proposal date: June 22, 2011

Public hearing date: July 28, 2011

Public comment period: June 24, 2011 through August 8, 2011

Anticipated adoption date: December 7, 2011

Agency contacts:

Holly Brightwell, 239-4905, Air Quality Division

Amy Browning, 239-0891, Environmental Law Division

cc: Chief Clerk, 2 copies
Executive Director's Office
Susana M. Hildebrand, P.E.
Anne Idsal

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**Curtis Seaton
Ashley Morgan
Office of General Counsel
Holly Brightwell
Joyce Spencer
Tony Walker**

APPENDIX A

AGREED ORDER 2011-0521-MIS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

**AGREED ORDER
DOCKET NO. 2011-0521-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 Agreed Order for the purpose of implementing the SIP measures in the Collin County 2008 Lead Standard Attainment Demonstration SIP Revision.

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 by an amendment or new permit that had demonstrated through air dispersion modeling that the increase would not cause or contribute to a violation of the NAAQS. 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 Numbers 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 agreed to continue implementation of these measures, or to implement additional measures or control technologies proposed by Exide that were judged by the Executive Director to be similarly effective in controlling lead emissions from the plant.
8. In 2009 Exide entered into Agreed Order 2009-0071-MIS with the Executive Director as part of the second (2009) ten-year Maintenance Plan for the 1978 lead NAAQS. As part of that Agreed Order, Exide agreed

to continue implementation of the measures previously implemented as detailed in paragraphs 4-7. Exide also agreed to maintain records for the period of the second (2009) Maintenance Plan and make those records available upon request by the TCEQ or any other air pollution control agency with jurisdiction.

9. 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 forth in this Agreed Order, other than that which is specifically authorized in this Agreed Order.
10. Emissions Points Numbers (EPNs), as used in this Agreed Order, are as specified in TCEQ Air Permits 1147A and 3048A as of April 28, 2011. In addition, definitions for purposes of this Agreed Order are as follows:
 - a. The term "condition" is defined as the existence of data showing an exceedance of the 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) lead NAAQS measured as a rolling three-month average at any TCEQ ambient air quality lead monitoring site in Collin County after quality assurance.
 - b. The term "contingency measures" is defined to include the following:
 - i. Full enclosure of the lead oxide operational area and install negative pressure ventilation, a new point source, and filtration media (either a baghouse or cartridge filter) (EPN 46). This will include the full enclosure of the lead oxide operational area, the installation of negative pressure ventilation sufficient to ensure that lead oxide operational area fugitives are routed to the new baghouse, the installation of a new point source, installation of a new baghouse with PTFE filter media and improved seating design bags (see Attachment A), or equivalent or superior design if approved by TCEQ, and secondary HEPA filtration. All HEPA filters shall be rated by the manufacturer to achieve a minimum of 99.97% capture efficiency for 0.3 micron particles. The enclosure performance shall be consistent with the requirements of 40 CFR §63.544(b) and 63.547(e) as of March 7, 2011.
 - ii. Install vacuum hooding over lead oxide loading operations (currently EPNs 27 and 28).

- iii. Designate that wheeled and powered plant equipment such as forklifts used inside a fully enclosed area will not be used outside of such an area without cleaning inside a permanent total enclosure.
11. Recognizing the importance of access to data for purposes of decision-making and implementation of this Agreed Order, the Executive Director of the TCEQ shall provide Exide with all quality-assured air monitoring data within forty (40) days after the sample is collected. TCEQ will seek to enable Exide to co-locate monitors at TCEQ monitoring locations. TCEQ agrees that it will install sample-saver devices on all TCEQ ambient air quality lead monitors in Collin County that do not have such devices as expeditiously as possible, but not later than November 1, 2012.
12. The Commission and Exide agree that the Commission has jurisdiction to enter this Agreed Order, and Exide is subject to the Commission's jurisdiction.
13. To better safeguard the air resources of this state, Exide agrees to comply with the terms of this Agreed Order. This Agreed Order includes emission control measures, specifically the measures in paragraphs 17, 23, 26, and 27, which are in addition to those measures considered, based on TCEQ attainment demonstration modeling, to be necessary for attainment of the Collin County 2008 Lead Standard.
14. This Agreed Order continues in effect until attainment is achieved with the 2008 lead NAAQS and TCEQ submits a redesignation request and maintenance plan to the EPA, at which time this Agreed Order shall be deemed revoked by TCEQ.

II. ORDER

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

15. Relocate the slag treatment building to a location adjacent to the furnace and refining operations to reduce fugitive emissions, and replace the existing baghouse at the Slag Fixation operation stack (EPN39) with a new baghouse fitted with polytetrafluoroethylene (PTFE) membrane media and improved seating design (see Attachment A) or equivalent or superior design if approved by TCEQ, all to be accomplished as expeditiously as practicable but no later than March 31, 2012. All baghouses must be maintained in good working order at all times.

16. Fully enclose the battery breaker and covered raw materials storage area. This will include the full enclosure of the battery breaker operations and contiguous covered raw materials storage area, the installation of negative pressure ventilation sufficient to ensure that battery breaker and covered raw materials storage area fugitives are routed to the new baghouse, the installation of a new point source, and installation of a new baghouse with PTFE filter media and improved seating design bags (see Attachment A), or equivalent or superior design if approved by TCEQ. The enclosure performance shall be consistent with the requirements of 40 CFR §63.544(b) and 63.547(e) as of March 7, 2011. This measure is to be completed and operational as expeditiously as possible but no later than March 31, 2012.
17. Complete the retrofitting of baghouses (Permit 1147A EPNs 18, 21, 22, 37, 38). Exide will replace all bags in the identified baghouses with PTFE membrane media and replace all of the baghouse tube sheets with improved seating design as expeditiously as possible, but no later than April 30, 2011 (see Attachment A), or equivalent or superior design if approved by TCEQ. All baghouses must be maintained in good working order at all times.
18. Operate under a traffic plan for trucks unloading batteries at the facility and for traffic to, from, and across the on-site landfill (see Attachments B and C). Exide will relocate the spent battery loading docks to the north side of the battery breaker operation and reconfigure the traffic route such that the spent battery delivery trucks enter and leave along the north route and never enter the center of the facility. Traffic excluded from this plan includes chemical delivery trucks, plant service vehicles, and other scrap delivery vehicles. This measure is to be completed and operational as expeditiously as possible, but not later than March 31, 2012.
19. Replace the existing seals on the blast furnace “doghouse” emissions capture and ventilation hooding system (EPN 10) as expeditiously as possible, but no later than April 30, 2011.
20. Replace the reverberatory furnace (EPN 35) hydraulic ram feeder with a rotary screw as expeditiously as possible but no later than April 30, 2011.
21. Until Paragraphs 25-26 are implemented, install a non-fouling area misting system in the blast and reverberatory furnace area (EPNs 10 and 35) as expeditiously as possible, but no later than July 31, 2011.

22. Fix and seal all holes and cracks of greater than 15 cm² in surface area and at least 1.0 cm wide along the entire length of the opening in the existing secondary lead process and lead oxide operational area enclosures and the raw material storage building as expeditiously as possible but no later than March 31, 2012. Holes and cracks are unintended openings in roofs and walls that occur due to corrosion or damage.
23. Upon receipt, any lead acid battery or palletized group of batteries that is cracked or leaking and is readily visible without removing shipping material, shall immediately be sent to the battery breaking area for processing or stored in a full enclosure kept under negative pressure with emissions routed to a control device.
24. Replace the existing roll-up doors in the raw material storage building, as expeditiously as possible but no later than November 1, 2012.
25. Fully enclose and place under negative pressure ventilation the blast and reverberatory furnace area, including the refining/casting area (EPNs 10, 35, 36, and 37) as expeditiously as possible, but no later than November 1, 2012. This will include the full enclosure of the blast and reverberatory furnace area, including the refining/casting area, the installation of negative pressure ventilation sufficient to ensure that blast and reverberatory furnace area fugitives, along with the refining/casting area fugitives are routed to the new baghouse or an existing baghouse, the installation of a new point source, and installation of a new baghouse with PTFE filter media and improved seating design bags (see Attachment A), or equivalent or superior design if approved by TCEQ. The enclosure performance shall be consistent with the requirements of 40 CFR §§63.544(b) and 63.547(e) as of March 7, 2011.
26. Install secondary HEPA filtration on all baghouses that receive lead emissions (EPN 11-18, 21-26, 37, 39), except for the reverberatory furnace baghouse and the blast furnace baghouse (EPN 38). All HEPA filters shall be rated by the manufacturer to achieve a minimum of 99.97% capture efficiency for 0.3 micron particles. Exide will evaluate the technical feasibility of installing secondary HEPA filtration on the reverberatory furnace baghouse and the blast furnace baghouse, and, if technically feasible, will also install secondary HEPA filtration on these two baghouses. If HEPA filtration is not technically feasible for these two baghouses, Exide will install high efficiency PTFE secondary filtration devices. This measure is to be completed and operational as expeditiously as possible, but not later than November 1, 2012.

27. Process or mobile equipment that is contaminated with lead shall be initially cleaned inside of a permanent total enclosure prior to being moved to the maintenance building. This measure shall be implemented by March 31, 2012.
28. For the secondary filtration on the baghouses, pressure drop monitoring must be conducted at least daily.
29. For the enclosures maintained under negative pressure, at least once each shift with each event not less than four hours apart, negative pressure monitoring must be conducted according to 40 CFR §63.544(b) and 63.547(e) as of March 7, 2011.
30. All lead point sources will be stack tested according to the provisions in Appendix T1.
31. In addition to other required record-keeping, Exide shall keep records of the following:
 - a. Results of all stack tests conducted in accordance with paragraph 30 that are not already required to be maintained by 40 CFR Subpart X as of March 7, 2011;
 - b. Records of fugitive control activities required under this Agreed Order and lead control device inspection and maintenance requirements not otherwise required by permit or 40 CFR Subpart X as of March 7, 2011, including the name of the person performing the activity, and the dates and times on which specific activities were completed.
 - c. Negative pressure monitoring in accordance with paragraph 29.
 - d. Quarterly inspections of the buildings under negative pressure to ensure that they are maintained at least to the standard described in paragraph 22.
 - e. Results of the daily pressure drop monitoring required in paragraph 28.
32. Maintain records until TCEQ revokes this Agreed Order but no longer than eight (8) years from the creation of any such records, sufficient to demonstrate compliance with the requirements in paragraphs 15 to 31, and make those records available upon request by the TCEQ or any other air pollution control agency with jurisdiction. Retention of these records does not affect in any way any other terms of this Agreed Order.
33. Apply for and obtain necessary authorizations to implement the control strategies listed in paragraphs 15 to 27 above, and to ensure that any

changes at the facilities will be incorporated into Permits 1147A and 3048A. Any necessary NSR applications for these permit changes will be submitted by Exide to the Executive Director within ninety (90) days upon signature of this Agreed Order by both parties, and the applications will be administratively complete within 120 days of signature of this Agreed Order by both parties, unless a later deadline is approved by the Executive Director.

34. Exide shall notify TCEQ's Chief Engineer's Office prior to submitting an application for a permit amendment that would allow Exide to increase site-wide actual lead emissions above currently permitted levels, in order to determine whether an amendment to this Agreed Order or issuance of a new agreed order with corresponding revisions to the SIP are needed.
35. Exide agrees to continue to maintain all air pollution abatement equipment in good working order and operate it properly during normal operations.
36. Beginning February 1, 2013, if TCEQ provides notice of a condition, within thirty (30) days of TCEQ notification Exide shall have the opportunity to submit to the TCEQ's Chief Engineer's Office for review and approval or disapproval within forty-five (45) days thereafter an affirmative demonstration that an identifiable problem involving existing operations is the root cause of the condition and a proposal for remedy and prevention of recurrence of the problem (a "demonstration and proposal for correction"). If Exide does not submit a demonstration and proposal for correction within the allotted thirty (30) days or TCEQ disapproves of such submission within the allotted forty-five (45) days, Exide shall implement the contingency measures (B.1 - B.3) as expeditiously as possible but no later than twelve (12) months after TCEQ's notification to Exide of the condition.
37. The Executive Director may grant an extension of any deadline in this Agreed Order occurring before November 1, 2012 upon a written and substantiated showing of good cause, except that no deadline shall be extended beyond November 1, 2012. All requests for extensions by Exide shall be made in writing to the Executive Director. Extensions are not effective until Exide receives approval from the Executive Director. While the determination of what constitutes good cause rests solely with the Executive Director, approval of an extension shall not unreasonably be withheld.

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 of such transfer, and that such notice has been given.

If any portion of this Agreed 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Bryan W. Shaw, Ph.D.
Chairman
Texas Commission on Environmental Quality

Date

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.

Joseph P. Dowd
Vice President and General Manager, Recycling
Exide Technologies Inc.

Date

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

Date

Appendix T1

Stack Testing

Stack Testing Appendix T1

1. All existing lead point sources shall be stack tested as soon as possible, but no later than April 1, 2012, to demonstrate compliance with the control measures and emission specifications of this agreed order.
2. All new point sources after December 31, 2011, shall be stack tested within 60 days of commencement of operation to demonstrate compliance with the control measures and emission specifications of this agreed order.
3. After April 1, 2012, all lead point sources subject to the requirements of 40 CFR 63, Subpart X (NESHAP for Secondary Lead Smelting) will be stack tested at least annually to demonstrate compliance with the control measures and emission specifications of this agreed order.
4. Prior to conducting a stack test, Exide shall submit a pre-test plan to the executive director and the TCEQ Dallas-Fort Worth Regional Office for approval at least 60 calendar days prior to conducting the stack test. The pre-test plan shall include a Stack Test Information Form (STIF), the source test criteria of the end user and all assumptions, required data, and calculated targets for testing the following: target lead control standard, preliminary lead analytical data, planned sampling parameters, and information on equipment, logistics, personnel, and other resources necessary for an efficient and coordinated test. A pre-test meeting may be required by the regional office after review of the above documentation.
5. Stack tests shall be conducted while operating at a minimum of 80% of equipment maximum capacity and in accordance with EPA Method 1-4 (40 CFR Appendix A) for determining stack flow velocity and Method 12 of appendix A-5 or Method 29 of appendix A-8 of 40 CFR part 60 must be used to determine lead emissions rate of the stack gas. A performance test shall consist of at least three runs. For each test run with Method 12 of appendix A-5 or Method 29 of appendix A-8 of 40 CFR part 60, the minimum sample time must be 60 minutes and the minimum volume must be 1 dry standard cubic meter (35 dry standard cubic feet). The average of triplicate samples, obtained according to approved test methods, shall be used to determine compliance. The operator may use alternative or equivalent source test methods as defined in U.S. EPA 40 CFR § 60.2, approved in writing by the executive director, and the U.S. EPA. Minor modifications to the test methods may be approved by the TCEQ Dallas-Fort Worth Regional Office.
6. Laboratory analysis of the stack testing samples from the source test methods cited in this Agreed Order must be performed by a laboratory that has been accredited by the Texas Laboratory Accreditation Program for the National Environmental Laboratory Accreditation Conference (N.E.L.A.C.) standards and shall provide this accreditation certification to the regional office upon request. If there is no approved laboratory, then approval of the testing procedures used by the

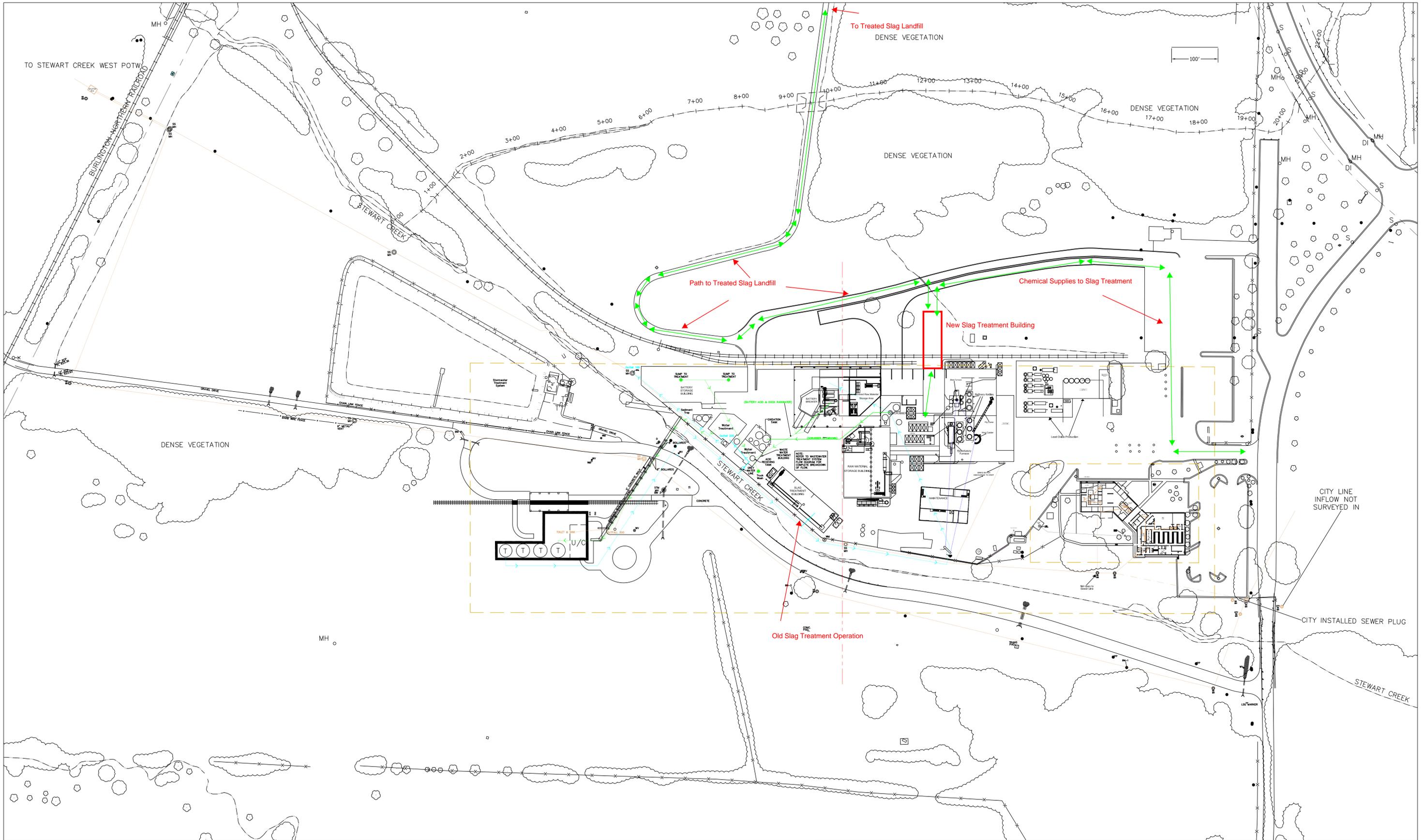
laboratory shall be granted by the executive director on a case-by-case basis based on commission protocols and procedures.

7. Final test reports must be submitted to the TCEQ Dallas-Fort Worth Regional Office within 60 days after completion of field testing for review and approval. The TCEQ Dallas-Fort Worth Regional Office shall specify the stack test report content requirements.

Attachment A
Seating Design Diagram for
Baghouses

Attachment B
Traffic Plan for Trucks Delivering
and Unloading Batteries

Proposed Path of Treated Slag as a Result of Relocation of Slag Treat Operation



Attachment C
Traffic Plan for Landfill

Land Fill Fixated Slag Traffic Pattern



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