



PERMIT NO. HW-50206
EPA ID. NO. TXD006451090
ISWR NO. 30516

Texas Natural Resource
Conservation Commission
Austin, Texas

PERMIT FOR INDUSTRIAL SOLID
WASTE MANAGEMENT SITE issued
under provisions of TEXAS HEALTH AND
SAFETY CODE ANN.
Chapter 361 (Vernon)

Name of Permittee: Exide Corporation
7471 South Fifth Street
P. O. Box 250
Frisco, Texas 75034

Site Owner: Exide Corporation
P. O. Box 250
Frisco, Texas 75034

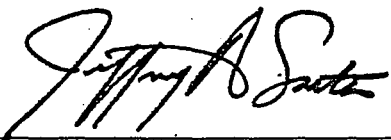
Registered Agent for Service: C.T. Corporation
350 North St. Paul Street
Dallas, Texas 75201

Classification of Site: Hazardous Waste Storage and Processing, Off-site,
Non-Commercial ✓

The permittee is authorized to manage wastes in accordance with the limitations, requirements, and other conditions set forth herein. This permit is granted subject to the rules of the Commission and other Orders of the Commission, and laws of the State of Texas. This permit does not exempt the permittee from compliance with the Texas Clean Air Act. This permit will be valid until canceled, amended, modified or revoked by the Commission, except that the authorization to store and process of wastes shall expire midnight, 10 years after the date of renewal permit approval. This permit was originally issued on May 24, 1988.

All provisions in this permit stem from State and/or Federal authority. Those provisions marked with an asterisk (*) stem from Federal authority and will implement the applicable requirements of HSWA for which the Texas Natural Resource Conservation Commission has not been authorized. Those provisions marked with a double asterisk (**) stem from federal authority only.

ISSUED: **MAR 30 2001**



For The Commission

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List of Attachments:

- A - Legal Description of Facility
- B - Facility Map
- C - List of Incorporated Application Materials
- D - List of Permitted Facility Units

PERMIT SECTION I - FACILITY DESCRIPTION

A. SIZE AND LOCATION OF SITE

A permit is issued to Exide Corporation (hereafter called the permittee), to operate a hazardous waste storage and processing facility located at 7471 South Fifth Street in Frisco, Collin County, Texas, drainage area of Segment 0823 in the Trinity River Basin (North Latitude 33°08'30", West Longitude 96°49'53"). The legal description of the facility submitted in permit No. HW-50206 application dated November 24, 1997, revised February 16, 2000 and June 16, 2000 is hereby made a part of this permit as "Attachment A". The hazardous waste management facility as delineated by the permittee's application map is hereby made a part of this permit as "Attachment B".

B. INCORPORATED APPLICATION MATERIALS

This permit is based on, and the permittee shall follow the Part A and Part B Industrial and Hazardous Waste Application elements dated November 24, 1997, July 17, 1998, July 24, 1998, March 18, 1999, March 24, 1999, November 2, 1999, February 16, 2000, May 16, 2000 and June 16, 2000, listed in "Attachment C", which are hereby approved subject to the terms of this permit and any other orders of the TNRCC. These materials are incorporated into this permit by reference as if fully set out herein. Any and all revisions to these elements shall become conditions of this permit upon the date of approval by the Commission.

PERMIT SECTION II - GENERAL FACILITY STANDARDS

A. STANDARD PERMIT CONDITIONS

The permittee has a duty to comply with the Standard Permit Conditions under 30 TAC Section 305.125. Moreover, the permittee has a duty to comply with the following permit conditions:

1. Modification of Permitted Facilities

The facility units and operational methods authorized are limited to those described herein and by the application submittals identified in Provision I.B. (Incorporated Application Materials). All facility units and operational methods are subject to the terms and conditions of this permit and TNRCC rules. Prior to constructing or operating any facility units in a manner which differs from either the related plans and specifications contained in the permit application or the limitations, terms or conditions of this permit, the permittee must comply with the TNRCC permit amendment/modification rules as provided in 30 TAC Sections 305.62 and 305.69.

2. Duty to Comply

[30 TAC Section 305.142] The permittee must comply with all the conditions of this permit, except that the permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency order issued by the Commission. Any permit noncompliance, other than noncompliance authorized by an emergency order, constitutes a violation of RCRA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[II.A.]

3. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

4. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 30 TAC Chapters 305, 335 and 350 unless this permit specifically provides otherwise; where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Application data - data used to complete the final application and any supplemental information.

5. Permit Expiration

In order to continue a permitted activity after the expiration date of the permit the permittee shall submit a new permit application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Executive Director. Authorization to continue such activity will terminate upon the effective denial of said application.

6. Certification Requirements

[30 TAC Section 305.144] For a new facility, the permittee may not commence storage, processing, or disposal of solid waste; and for a facility being modified, the permittee may not process, store or dispose of solid waste in the modified portion of the facility, except as provided in 30 TAC Section 305.69 (relating to Solid Waste Permit Modification at the Request of the Permittee) until the following has been accomplished:

- a. The permittee has submitted to the Executive Director and the local Regional Office of the TNRCC, by certified mail or hand delivery, a letter signed by the permittee, and signed and sealed by a Texas Registered Professional Engineer stating that the facility has been constructed or modified in compliance with the permit. If the certification is being provided to document proper closure of a permitted unit, or to certify installation or repair of a tank system, then the certification must be signed and sealed by an independent Texas registered Professional Engineer. Required certification shall be in the following form:

[II.A.6.a.]

"This is to certify that the following activity (Specify activity, e.g., construction, installation, closure, etc., of an item) relating to the following item (Specify the item, e.g., the particular facility, facility unit, unit component, subcomponent part, or ancillary component), authorized or required by TNRCC Permit No. HW-50206, has been completed, and that construction of said facility component has been performed in accordance with and in compliance with good engineering practices and the design and construction specifications of Permit No. HW-50206."

- b. A certification report has been submitted, with the certification described in Provision II.A.6., which is logically organized and describes in detail the tests, inspections, and measurements performed, their results, and all other bases for the conclusion that the facility unit, unit component, and/or closure have been constructed, installed and/or performed in conformance with the design and construction specifications of this permit and in compliance with this permit. The report shall describe each activity as it relates to each facility unit or component being certified including reference to all applicable permit provisions. The report shall contain the following items, at a minimum:
- (1) Scaled, as-built plan-view and cross-sectional drawings which accurately depict the facility unit and all unit components and subcomponents and which demonstrate compliance with the design and construction specifications approved and detailed in the terms of this permit;
 - (2) All necessary references to dimensions, elevations, slopes, construction materials, thickness and equipment; and
 - (3) For all drawings and specifications, the date, signature, and seal of a Professional Engineer who is registered in the State of Texas.
- c. The Executive Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or if within 15 days of submission of the letter required by paragraph (a) of this section, the permittee has not received notice from the Executive Director of the intent to inspect, prior inspection is waived and the permittee may commence processing, storage, or disposal of solid waste.

* 7. Land Disposal Restrictions

The Permittee shall comply with the land disposal restrictions as found in 40 CFR 268 and any subsequent applicable requirements promulgated through the Federal Register. Requirements include modifying/amending the permittee's waste analysis plan to include analyses to determine compliance with applicable treatment standards or prohibition levels, pursuant to 40 CFR 268.7(c) and 264.13(a).

[II.A.]

8. Permit Reopener - Not Applicable

9. Dust Suppression

Pursuant to 40 CFR 266.23(b)/30 TAC 335.214(b), the permittee shall not use waste oil, used oil, or any other material which is contaminated with dioxin, polychlorinated biphenyls (PCBs), or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment.

10. Monitoring of Commercial Hazardous Waste Management Facility Operations

Not Applicable

11. Texas Coastal Management Program - Not applicable

B. RECORDKEEPING AND REPORTING REQUIREMENTS

1. Monitoring and Records

a. All data submitted to the TNRCC shall be in accordance with the latest version of the Quality Assurance Project Plan for the Texas Natural Resource Conservation Commission for Environmental Monitoring and Measurement Activities Relating to the Resource Conservation and Recovery Act (TNRCC QAPP).

b. [30 TAC Section 305.125(11)(A)] Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity. The method used to obtain a representative sample of the material to be analyzed shall be the appropriate method from Appendix I of 40 CFR Part 261 or an equivalent method approved by the Executive Director of the TNRCC. Laboratory methods shall be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, SW-846, 1987, as revised; *Standard Methods for the Examination of Water and Wastewater, Fifteenth Edition, 1980, and 1981 supplement, or current adopted edition*; *RCRA Ground-Water Monitoring: Draft Technical Guidance, 1992*, OSWER Directive 9950.1, or an equivalent method, as specified in the Waste Analysis Plan, Section IV of the Part B Application, and as approved by the Executive Director.

c. [30 TAC Section 305.125(11)(B)] The permittee shall retain in an organized fashion and furnish to the Executive Director, upon request, records of all monitoring information, copies of all reports and records required by this permit, and the certification required by 40 CFR 264.73(b)(9), for a period of at least 3 years from the date of the sample, measurement, report, record, certification, or application.

d. [30 TAC Section 305.125(11)(C)] Records of monitoring shall include the following:

(1) The date, time, and place of sample or measurement;

[II.B.1.d.]

- (2) The identity of individual who collected the sample or measurement;
- (3) The dates analyses were performed;
- (4) The identity of individual and laboratory who performed the analyses;
- (5) The analytical techniques or methods used; and
- (6) The results of such analyses or measurements.

2. Operating Record

In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the permittee shall maintain a written operating record at the facility, in accordance with 40 CFR 264.73. These records will be made available to representatives of the TNRCC upon request.

3. Retention of Application Data

[30 TAC Section 305.47] A permittee shall keep records throughout the term of the permit of data used to complete the final application and any supplemental information. All copies of renewals, amendments, revisions and modifications must also be kept at the facility such that the most current documents are available for inspection at all times. All materials, including any related information, submitted to complete the application shall be retained, not just those materials which have been incorporated into the permit.

4. Reporting of Noncompliance

The permittee shall report to the Executive Director of the TNRCC information regarding any noncompliance which may endanger human health or the environment. [30 TAC Section 305.125(9)]

- a. Report of such information shall be provided orally within 24 hours from the time the permittee becomes aware of the noncompliance.
- b. A written submission of such information shall also be provided within five days of the time the permittee becomes aware of the noncompliance. The written submission shall contain the following:
 - (1) a description of the noncompliance and its cause;
 - (2) the potential danger to human health or safety, or the environment;
 - (3) the period of noncompliance, including exact dates and times;

[II.B.4.b.]

- (4) if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (5) steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance, and to mitigate its adverse effects.

5. Twenty-Four Hour Reporting

The following shall be included as information which must be reported orally within 24 hours pursuant to Title 30 TAC Section 305.125(9): [30 TAC Section 305.145]

- a. Information concerning release of any solid waste that may cause an endangerment to public drinking water supplies;
- b. Any information of a release or discharge of solid waste, or of a fire or explosion which could threaten the environment or human health or safety, outside the facility. The description of the occurrence and its cause shall include:
 - (1) name, address, and telephone number of the owner or operator;
 - (2) name, address, and telephone number of the facility;
 - (3) date, time, and type of incident;
 - (4) name and quantity of material(s) involved;
 - (5) the extent of injuries, if any;
 - (6) an assessment of actual or potential hazards to the environment and human health or safety outside the facility, where this is applicable; and
 - (7) estimated quantity and disposition of recovered material that resulted from the incident.

6. Notice Waiver

[30 TAC Section 305.145(b)] The Executive Director may waive the five-day written notice requirement specified in Provision II.B.4.b. (Reporting of Noncompliance) in favor of a written report submitted to the Commission within 15 days of the time the permittee becomes aware of the noncompliance or condition.

[II.B.]

7. Biennial Report

The permittee shall prepare and submit to the Executive Director a Biennial Report. One copy of the report shall be submitted to the TNRCC Industrial and Hazardous Waste Section and an additional copy shall be submitted to the appropriate TNRCC Regional Office by March 1st of each even numbered year for the preceding odd numbered year's activities. This report shall include, at a minimum, all information and records required by 40 CFR 264.75.

8. Pollution Prevention

Facilities subject to 30 TAC Chapter 335, Subchapter Q - Pollution Prevention: Source Reduction and Waste Minimization, must prepare a five year Source Reduction and Waste Minimization Plan and submit a Source Reduction and Waste Minimization Annual Report (SR/WM Annual Report) to the TNRCC Office of Pollution Prevention and Recycling. This report must be submitted annually on the dates specified in the rule.

9. Waste Minimization

The permittee shall annually certify, by January 25th for the previous calendar year, the following information, [40 CFR 264.73(b)(9)]:

- a. that the permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the permittee's facility operation to the degree determined to be economically practicable; and
- b. that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment. This waste minimization certification is to be included in the facility operating records until closure.

10. Manifest Discrepancy Report

If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a report, describing the incident, to the Executive Director, as per the requirements of 30 TAC Section 335.12(c)(2). A copy of the manifest must be included in the report.

11. Unmanifested Waste Report

A report must be submitted to the Executive Director within 15 days of receipt of unmanifested waste, as per the requirements of 30 TAC Section 335.15(3).

[II.B.]

12. Monthly Summary

[30 TAC Section 335.15(2)] The permittee shall prepare a monthly report, of all manifests received during the month, summarizing the quantity, character, transporter identity, and the method of storage, processing and disposal of each hazardous waste or Class 1 waste shipment received, itemized by manifest document number. This monthly summary report shall be submitted to the TNRCC Waste Evaluation Section on or before the 25th day of each month for waste received during the previous month.

C. INCORPORATED REGULATORY REQUIREMENTS

1. State Regulations

The following TNRCC regulations are hereby made provisions and conditions of this permit. Issuance of this permit with incorporated rules in no way exempts the permittee from compliance with any other applicable state statute and/or Commission Rule.

- a. 30 TAC Section 305.125;
- b. 30 TAC Section 305.128;
- c. 30 TAC Chapter 305, Subchapter G;
- d. 30 TAC Chapter 335, Subchapter A;
- e. 30 TAC Chapter 335, Subchapter B;
- f. 30 TAC Section 335.152;
- g. 30 TAC Sections 335.153 - 335.155;
- h. 30 TAC Sections 335.175 - 335.176;
- i. 30 TAC Sections 335.177 - 335.179;
- j. 30 TAC Chapter 335 Subchapter Q;
- k. 30 TAC Section 335.251; and
- l. 30 TAC Chapter 350

[II.B.]

2. Federal Regulations

To the extent applicable to the activities authorized by this permit, the following provisions of 40 CFR Part 264, adopted by reference by 30 TAC Section 335.152 are hereby made provisions and conditions of this permit, to the extent consistent with the Texas Solid Waste Disposal Act, Texas Health and Safety Code Ann., Chapter 361 (Vernon), and the rules of the TNRCC:

- a. Subpart B -- General Facility Standards;
- b. Subpart C -- Preparedness and Prevention;
- c. Subpart D -- Contingency Plan and Emergency Procedures;
- d. Subpart E -- Manifest System, Recordkeeping, and Reporting;
- e. Subpart G -- Closure and Post-closure;
- f. Subpart H -- Financial Requirements;
- g. Subpart I -- Use and Management of Containers;
- j. Subpart AA -- Air Emission Standards for Process Vents;
- l. Subpart BB -- Air Emission Standards for Equipment leaks;
- m. Subpart CC -- Air Emission Standards for Tanks, Surface Impoundments and Containers; and
- n. Subpart DD -- Containment Buildings

PERMIT SECTION III. - FACILITY MANAGEMENT

A. OPERATION OF FACILITY

The permittee shall construct, maintain, and operate the facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 264.31. All equipment and structures used to manage hazardous waste at the facility shall be maintained in proper operating condition.

B. PERSONNEL TRAINING

The permittee shall ensure that all facility personnel involved with hazardous waste management successfully complete a training program as required by 40 CFR 264.16. The permittee shall maintain training documents and records, as required by 40 CFR 264.16(d) and (e).

[III.]

C. SECURITY

1. The permittee shall provide a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility.
2. The permittee shall post warning signs at all points of access to the active waste management portion(s) of the facility and along the natural and/or artificial barriers in sufficient numbers to be seen from any approach to that (those) portion(s) of the facility. The signs shall be printed so that they may be clearly read from a distance of at least 25 feet, and shall state "Danger - Unauthorized Personnel Keep Out" in English.

D. GENERAL INSPECTION REQUIREMENTS

The permittee shall follow the inspection schedule contained in the permit application submittals identified in Provision I.B. (Incorporated Application Materials) and as set out in Table III.D.- Inspection Schedule. The permittee shall remedy any deterioration or malfunction discovered by an inspection, as required by 40 CFR 264.15(c). Records of inspection shall be kept, as required by 40 CFR 264.15(d). Any remedial actions taken in response to facility inspections and the date of the remediation shall be included in the inspection records.

E. CONTINGENCY PLAN

1. The permittee shall follow the Contingency Plan, developed in accordance with 40 CFR Part 264 Subpart D, and contained in the permit application submittals identified in Provision I.B. (Incorporated Application Materials). Copies of this plan shall be available to all employees involved in waste management at the facility.
2. The permittee shall immediately initiate clean-up procedures for removal of any spilled hazardous or industrial nonhazardous wastes and waste residues and shall take all steps necessary to prevent surface-water or groundwater contamination as a result of any spills.
3. Collected hazardous or industrial nonhazardous wastes, spills, leaks, clean-up residues, and contaminated rainfall runoff, including contaminated stormwater from the drainage control system(s) associated with the permitted units, shall be removed promptly after the spillage and/or rainfall event in as timely a manner as is necessary to prevent overflow of the system by the following method(s):
 - a. Removal to an on-site authorized facility unit;
 - b. Removal to an authorized industrial solid waste management facility or authorized off-site facility; or
 - c. Discharge in accordance with a wastewater discharge permit.

[III.E.]

4. The permittee shall ensure that any equipment or vehicles which have come in contact with hazardous waste in the loading/unloading, storage, processing, and/or disposal areas have been decontaminated prior to their movement into designated uncontaminated areas of the site property. At a minimum, all contaminated equipment shall be externally decontaminated and contaminated vehicles shall have their undercarriages and tires or tracks decontaminated to remove all waste residues and to prevent contamination of uncontaminated areas. All wash water generated shall be collected and disposed of in accordance with Provision III.E.3.
5. Preparedness and Prevention
 - a. At a minimum, the permittee shall equip the facility as set forth in Table III.E.3.- Emergency Equipment, as required by 40 CFR 264.32.
 - b. All sumps, pumps, fire- and spill-control equipment, decontamination equipment, and all other equipment and structures authorized or required through the Contingency Plan shall be tested and maintained, as necessary, to assure its proper operation in time of emergency, as required by 40 CFR 264.33.
 - c. The permittee shall maintain access to the communications or alarm system, as required by 40 CFR 264.34.
 - d. A trained emergency coordinator shall be available at all times in case of an emergency and will have the responsibility for coordinating all emergency response measures as required by 40 CFR 264.55 and 264.56. Emergency number(s) shall be posted by the telephones located within the facility at the employee lunch room and shall be made available through shift foremen or other supervisors.

TABLE III.D. INSPECTION SCHEDULE

<i>Facility Unit(s) and Basic Elements</i>	<i>Possible Error, Malfunction, or Deterioration</i>	<i>Frequency of Inspection</i>
Battery Receiving Storage Building	Leaking Batteries; Condition of concrete slab and walls	Weekly
Raw Material Storage Building	Evidence of Damage/Deterioration to the roof, walls, or flooring	Weekly
Safety and Emergency Equipment:		
Communications (Telephones)	Access; Operation	Quarterly
Fire Extinguishers	Location; Access; Operation; Chemical Level	Monthly
Medical Kits	Location; Access; Inventory; Instructions	Monthly
Emergency Showers and Eyewash Stations	Access; Operation; Location	Monthly
Spill Control Equipment: Booms and Absorbents	Access; Operation; Location	Monthly
Decontamination Equipment: Primary and Secondary Truck Washes	Access; Operation; Location	Quarterly

TABLE III.E.3. EMERGENCY EQUIPMENT

<i>Equipment</i>	<i>Location</i>	<i>Physical Description</i>	<i>Capabilities:</i>
Emergency Lights	Reverb, Blast, OXIDE Plant	Built-in	Illumination
Waste/Spill Control	Blast Furnace	Front-End Loader	Dike Construction/Waste Removal
	Reverbatory Furnace	Front-End Loader	Dike Construction/Waste Removal
	Yard Loader	Front-End Loader	Dike Construction/Waste Removal
	Material Storage Building	Front-End Loader	Dike Construction/Waste Removal
	Blast Furnace	Fork Lift	Waste Removal
	Reverbatory Furnace	Fork Lift	Waste Removal
	Shipping & Receiving	Fork Lift	Waste Removal
	Battery Breaker	Fork Lift	Waste Removal
	Refinery	Fork Lift w/Rotator	Waste Removal
	Materials Storage Building	Fork Lift w/Rotator	Waste Removal
	Maintenance Shop	Fork Lift	Waste Removal
	Casting Department	Electric Fork Lift	Waste Removal
	Oxide plant	Electric Fork Lift	Waste Removal
	Parking Area	Tractor Trailer	Temporary Storage
	Maintenance Shop	Floor Scrubber	Deconing Floor

TABLE III.E.3. EMERGENCY EQUIPMENT (con't)

<i>Equipment</i>	<i>Location</i>	<i>Physical Description</i>	<i>Capabilities</i>
	Maintenance Shop	Sweeper	Deconing Floor
	Maintenance Shop	Sweeper	Deconing Floor
	Maintenance Shop	Pickup	Transport of Equipment and Personnel
	Parking Area	Pickup	Transport of Equipment and Personnel
	Parking Area	Yard Tractor	Dike Construction/Waste Removal
	Maintenance Shop	Portable Lift	Waste Removal
	Trailer Shop	Portable Pallet Jack	Waste Removal
Equipment Repair	Maintenance Shop	Portable Welders	Equipment Repair
	Maintenance Shop	Portable Welders	Equipment Repair
	Maintenance Shop	Portable Welders	Equipment Repair
Absorbents	Rainwater Pond	Booms	Spill Absorbent
	Maintenance Shop	Oil absorbent	Spill Absorbent
	Water Treatment	Bulk	Neutralizer
Safety Wearing Apparel	Safety Room	Glove, Respirators, Aprons, First Aid	Responders Safety
Mobile Phone	Plant Manager	Mobile Communication	Communication

PERMIT SECTION IV - WASTES AND WASTE ANALYSIS

A. WASTE ANALYSIS PLAN

The permittee shall follow the Waste Analysis Plan, developed in accordance with 40 CFR 264.13 and the permit application identified in Provision I.B. (Incorporated Application Materials).

B. AUTHORIZED WASTES

1. The permittee is authorized to manage hazardous wastes listed in Table IV.B. - Wastes Managed in Permitted Units, subject to the limitations provided herein.

Wastes authorized for storage and processing include those generated from off-site sources.

2. Hazardous Waste Received From Off-Site Sources

When the permittee is to receive hazardous or nonhazardous waste from an off-site source (except where the permittee is also the generator), the permittee shall inform the generator in writing that the permittee has the appropriate permits and will accept the waste the generator is shipping. The permittee shall keep a copy of this written notice as part of the operating record. [40 CFR 264.12(b)]

3. The Wastes Authorized in Table IV.B. Shall Not Contain Any of the Following:

- a. Polychlorinated biphenyls (PCBs), as defined by the EPA in regulations issued pursuant to the Toxic Substances Control Act under Title 40 Code of Federal Regulations (CFR) Part 761, unless the permittee is compliant with the federal requirements for PCB storage as specified in 40 CFR Part 761;
- b. Radioactive wastes unless the permittee is authorized to store, process and dispose of these wastes in compliance with specific licensing and permitting requirements under Chapter 401 of the Texas Health and Safety Code and the rules of the Texas Natural Resource Conservation Commission or Texas Department of Health or Texas Railroad Commission, and/or any other rules of state or federal authorities;
- c. Explosive material, as defined by the Department of Transportation under 49 CFR Part 173;
- d. Dioxin-containing wastes, identified by EPA as F020, F021, F022, F023, F026, and F027 wastes in 40 CFR 261.31;
- e. Containerized gases;
- f. Municipal garbage; or
- g. Special Waste from Health-Care Related Facilities subject to 25 TAC Chapter 1 or 30 TAC Chapter 330.

[IV.B.]

4. Prior to accepting any additional wastes not authorized in Table IV.B, the permittee shall follow the permit amendment or modification requirements listed in 30 TAC Sections 305.62 and 305.69.
5. The permittee may store wastes restricted under 40 CFR Part 268 solely for the purpose of accumulating quantities necessary to facilitate proper recovery, treatment, or disposal provided that it meets the requirements of 40 CFR 268.50(a)(2) including, but not limited to the following:
 - a. Clearly marking each container to identify its contents and the date each period of accumulation begins;
 - b. Clearly marking each tank with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility.

C. SAMPLING AND ANALYTICAL METHODS

1. Table IV.C - Sampling and Analytical Methods, shall be used in conjunction with the Waste Analysis Plan referenced in Provision IV.A., in performing all waste analyses.
2. The permittee shall ensure that all waste analyses utilized for waste identification or verification have been performed in accordance with methods specified in the current editions of "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", (SW-846), ASTM or other methods accepted by the TNRCC. The permittee shall have a QA/QC program that is consistent with EPA SW 846 and the TNRCC QAPP.

TABLE IV.C. SAMPLING AND ANALYTICAL METHODS

<i>Waste No.¹</i>	<i>Sampling Location</i>	<i>Sampling Method</i>	<i>Frequency</i>	<i>Parameter</i>	<i>Test Method</i>	<i>Desired Accuracy Level</i>
Spent Lead Acid Batteries, incoming load, battery parts, and other lead bearing material	N/A	Visual observation and comparison with vendor information	with each shipment	Lead	Visual	N/A

¹from Table IV.B, first column

PERMIT SECTION V- AUTHORIZED UNITS AND OPERATIONS

A. AUTHORIZED UNITS

1. The permittee is authorized to operate the facility units listed in "Attachment D" for storage and processing subject to the limitations herein. All waste management activities not otherwise exempted from permitting under 30 Texas Administrative Code (TAC) Section 335.2 shall be confined to the authorized facility units listed in "Attachment D". References hereinafter in this permit to "TNRCC Permit Unit No. ___" shall be to the facility units listed in "Attachment D". All authorized units must be clearly identified as numbered in "Attachment D". These units must have signs indicating "TNRCC PERMIT UNIT NO. _ _".
2. The permittee shall comply with 40 CFR 264.17, relating to general requirements for ignitable, reactive, or incompatible wastes.
3. The permittee shall prevent inundation of any permitted units and prevent any discharges of any waste or runoff of waste contaminated stormwater from permitted units. Additionally, each loading or unloading area, associated with a permitted hazardous or nonhazardous waste management unit, shall be provided with a drainage control system which will collect spills and precipitation in such a manner as to satisfy the following:
 - a. Preclude the release from the system of any collected spills, leaks or precipitation;
 - b. Minimize the amount of rainfall that is collected by the system; and
 - c. Prevent run-on into the system from other portions of the facility.
4. The permittee shall operate, and maintain the facility to prevent washout of any hazardous waste by a 100-year flood, as required by 40 CFR 264.18(b)(1).

B. CONTAINER STORAGE AREAS

1. Container storage areas and their approved waste types are shown in Table V.B. - Container Storage Areas. The permittee is authorized to operate the facility container storage area for storage subject to the limitations contained herein.
2. Containers holding hazardous waste shall be managed in accordance with 40 CFR 264.171, Condition of containers; 40 CFR 264.172, Compatibility of waste with containers; and 40 CFR 264.173, Management of containers.
3. The permittee shall maintain the containment systems for the container storage areas in accordance with the drawings and details included in the Part B Application. At a minimum, the containment system must meet the requirements of 40 CFR 264.175.

[V.]

C. CONTAINMENT BUILDINGS

Containment buildings and their approved waste types are shown in Table V.C - Containment Buildings. The permittee is authorized to operate the containment buildings for storage subject to the limitations contained herein.

1. Containment Buildings used to manage hazardous wastes shall be designed and operated in accordance with 40 CFR 264.1101.

TABLE V.B CONTAINER STORAGE AREAS

No.	Container Storage Area	N.O.R. Unit #	Rated Capacity	Dimensions	Stacking height	Aisle Spacing	Containment Volume (including rainfall for unenclosed areas)	Unit will manage Ignitable ¹ , Reactive ¹ , or Incompatible ² Waste (state all that apply)
1	Battery Receiving/ Storage Building	011	3,581 yd ³	14,838 ft ²	9 ft	2.3 ft	27,208 gallons (plus a 15,000 gallon wastewater tank)	No

¹Containers managing ignitable or reactive waste shall be located at least 15 meters (50 feet) from the facility's property line.

²Incompatible waste shall be separated from other waste or materials stored nearby in other containers, piles, open tanks, or surface impoundments by means of a dike, berm, wall, or other device.

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TABLE V.C. CONTAINMENT BUILDINGS

<i>No.</i>	<i>Containment Building</i>	<i>N.O.R. Unit #</i>	<i>Storage and/or Processing</i>	<i>Waste No.s¹</i>	<i>Rated Capacity</i>	<i>Overall Dimensions</i>
1	Raw Material Storage Building	005	Storage	2,3,4,5,6,7,8,9	4,150 tons	11,369 ft ² (approximate dimensions 100' x 148' less 50' x 68')

¹from Table IV.B, first column

PERMIT SECTION VI. - GROUNDWATER MONITORING PROGRAM - (Not Applicable)

PERMIT SECTION VII.- CLOSURE AND POST-CLOSURE REQUIREMENTS

A. FACILITY CLOSURE

1. The permittee shall follow the closure plan, developed in accordance with 40 CFR Part 264 Subpart G, and contained in the permit application submittals identified in Provision I.B. (Incorporated Application Materials) except as modified in Provisions VII.C and VII.D. of this permit.

Additionally, facility closure shall also commence:

- a. Upon direction of the TNRCC for violation of the permit, TNRCC Rules, or State Statutes; or
- b. Upon suspension, cancellation, or revocation of the terms and conditions of this permit concerning the authorization to receive, store, process, or dispose of waste materials; or
- c. Upon abandonment of the site; or
- d. Upon direction of the TNRCC for failure to secure and maintain an adequate bond or other financial assurance as required by Provision VII.B.1.

2. Request for Permit Modification or Amendment

The permittee shall submit a written request for a permit modification or amendment to authorize a change in the approved Closure Plan(s), in accordance with 40 CFR 264.112 (c). The written request shall include a copy of the amended Closure Plan(s) for approval by the Executive Director.

3. Time Frames for Modification\Amendment Request Submittal

The permittee shall submit a written request for a permit modification or amendment in accordance with the time frames in 40 CFR 264.112 (c)(3).

4. Closure Notice and Certification Requirements
- a. The permittee shall notify the Executive Director, in writing, at least 45 days prior to the date on which he expects to begin partial or final closure of a facility with processing or container storage. A copy of the notice shall be submitted to the TNRCC Regional Office.
 - b. The permittee shall notify the TNRCC Regional Office at least ten (10) days prior to any closure sampling activity required by the permit in order to afford regional personnel the opportunity to observe these events and collect samples.

[VII.A.]

5. Unless the Executive Director approves an extension to the closure period, as per the requirements of 40 CFR 264.113(b), the permittee must complete partial and final closure activities within 180 days after receiving the final volume of hazardous wastes at the hazardous waste management unit or facility.
6. As per the requirements of 40 CFR 264.115, within 60 days of completion of closure of each permitted hazardous waste surface impoundment, or landfill unit, and within 60 days of the completion of final closure, the permittee shall submit to the Executive Director, by registered mail, with a copy to the TNRCC Regional Office, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved Closure Plan and this permit. The certification, which shall be signed by the permittee and by an independent registered professional engineer, must be in the form described in Provision II.A.6. A closure certification report shall be submitted with the required certifications which includes a summary of the activities conducted during closure and the results of all analyses performed. The certification report shall contain the information required by Provision II.A.6, and 30 TAC Section 350.32 (for Texas Risk Reduction Program (TRRP), Remedy Standard A), 30 TAC Section 350.33 (for TRRP, Remedy Standard B) and 30 TAC Section 350.95 (Response Action Completion Report). Documentation supporting the independent registered professional engineer's certification shall be furnished to the Executive Director upon request until the Executive Director releases the permittee from the financial assurance requirements for closure under 40 CFR 264.143(i).
7. For each disposal unit closed after permit issuance, the permittee shall submit documentation to demonstrate compliance with 40 CFR 264.116 (relating to survey plat) and 264.119 (relating to post-closure notices). Documentation to demonstrate compliance with survey plat requirements must be submitted to the TNRCC at the time of submission of the certification of closure. Documentation to show compliance with post-closure notices must be submitted to the TNRCC no later than 60 days after certification of closure.
8. Final closure is considered complete when all hazardous waste management units at the facility have been closed in accordance with all applicable closure requirements so that hazardous waste management activities under 40 CFR Part 264 and 265 are no longer conducted at the facility unless subject to the provisions in 40 CFR 262.34.
9. All units, sumps, pumps, piping and any other equipment or ancillary components which

have come in contact with hazardous wastes shall either be decontaminated by removing all waste, waste residues, and sludges or be disposed of in a manner authorized at this facility or disposed of at an authorized off-site facility.

10. All contaminated equipment/structures, liners, dikes, and soils (i.e., debris) intended for decontamination shall be decontaminated in a manner which meets or exceeds the debris treatment standards contained in 40 CFR 268.45 or removed and managed at an authorized industrial solid waste management facility.
11. All hard-surfaced areas within the hazardous waste management unit areas shall be decontaminated and the wash water generated treated and/or disposed of in a manner authorized at this facility or disposed of at an authorized off-site facility.

[VII.A.]

12. Verification of decontamination shall be performed by analyzing wash water, and as necessary, soil samples for the hazardous constituents which have been in contact with the particular item being decontaminated. In addition, the permittee shall perform visual inspections of the equipment/structures for visible evidence of contamination.
13. Unless it can be demonstrated that soil contamination is unlikely to have occurred, soils shall be sampled and analyzed. Sufficiently detailed analyses of samples representative of soils remaining in non-hard-surfaced areas of the storage and processing facility area shall be performed to verify removal or decontamination of all waste and waste residues.
14. Soil and/or wash-water samples shall be analyzed in accordance with the methods specified in the current editions of "Test Methods for the Evaluation of Solid Waste" (SW-846) or other methods which are officially recommended by the EPA.
15. Decontamination shall be deemed complete when no visible evidence of contamination is observed and when the results from verification sampling and analyses indicate wash water concentrations and/or soil concentrations are below the applicable critical Protective Concentration Level (PCL) for Remedy Standard A. If the underlying soils are decontaminated or removed to the PCL for Remedy Standard A, Commercial/Industrial Land Use, the permittee shall comply with the institutional controls requirements of 30 TAC Section 350.111, as applicable.

B. FINANCIAL ASSURANCE FOR CLOSURE

1. The permittee shall provide financial assurance for closure of all existing permitted units covered by this permit in accordance with the form outlined in 40 CFR Part 264, Subpart H in an amount not less than \$224,393 (1999 dollars) as shown on Table VII.E.1.- Permitted Unit Closure Cost Summary. Financial assurance shall be secured and maintained in compliance with 30 TAC Section 335.152 and 40 CFR Part 264, Subpart H. Financial assurance is subject to the following:
 - a. Adjustments to Financial Assurance Amount:

- (1) The amount of financial assurance for closure of existing units, as listed in Table VII.E.1, may be reduced upon certification of closure of an existing permitted unit, in accordance with Provision VII.A.4, (Closure Notice and Certification Requirements), and upon written approval of the Executive Director.

b. Inflation Factor Correction

[VII.B.1.b.]

Financial assurance for closure, including any adjustments after permit issuance, shall be corrected for inflation according to the methods described by 40 CFR Part 264, Subpart H. Within 30 days after the close of the firm's fiscal year, for firms using the financial test or corporate guarantee, or within 60 days prior to the

anniversary date of the establishment of other financial assurance instruments, the facility's closure cost estimate shall be adjusted for inflation and submitted to the Executive Director. The adjustment shall be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent Implicit Price Deflator.

2. The permittee shall submit to the Executive Director, upon request, such information as may be required to determine the adequacy of the financial assurance.

C. STORAGE UNIT CLOSURE REQUIREMENTS

The permittee shall close the storage unit identified as TNRCC Permit Unit No. 01 (Battery Receiving/Storage Building) in accordance with the approved Closure Plans, 40 CFR Part 264, Subpart G, 40 CFR 264.178 (container storage) and the Texas Risk Reduction Program of 30 TAC Chapter 350, Subchapter B .

D. CONTAINMENT BUILDINGS CLOSURE REQUIREMENTS

The permittee shall close the containment building identified as TNRCC Permit Unit No. 02 (Raw Material Storage Building) in accordance with the approved Closure Plan, 40 CFR Part 264, Subpart G, 40 CFR 264.1102, the Texas Risk Reduction Program (TRRP) standards of 30 TAC Chapter 350, Subchapter B, and, if applicable, the following requirements:

1. The permittee shall perform sampling and analysis of representative soils in the vicinity of the containment building to verify removal of all waste and waste residues according to the following:
 - a. Sample locations shall be established for the area formerly covered by the containment building by using a grid system. Samples shall be collected at each point of intersection.
 - b. Parameters for soil sample analyses shall be determined as follows:
 - (1) Waste constituents which would be indicators of the presence of characteristic and listed wastes shall be selected based on but not limited

to, such factors as concentration of the constituents in waste handled in the unit, mobility of the constituents or ability of the constituents to mobilize hazardous constituents, persistence of the constituents in the environment, toxicity of the constituents or the availability of analytical techniques to detect the constituents.

- (2) The indicators above shall include representative constituents identified in 40 CFR Part 261, Appendix VIII which would reasonably be expected to be present in the waste.

[VII.D.1.

- c. The permittee shall verify removal and/or decontamination of waste and waste residues from soils in the vicinity of the containment building pursuant to the following:
 - (1) For hazardous constituents from Appendix VIII which are not naturally occurring in soils, the results of soil sample analyses shall be compared to the critical Protective Concentration Levels (PCL). For hazardous constituents from Appendix VIII which are naturally occurring in soils, the results of soil sample analyses shall be compared to the background concentrations or PCLs established for the facility.
 - (2) If any hazardous constituents which are naturally occurring in soils are present in statistically significant concentrations over background or the PCL for Remedy Standard A, removal and/or decontamination activities shall continue or the containment building shall be closed in accordance with the requirements of Provision VII.D.2. If any hazardous constituents which are not naturally occurring in soils are present in statistically significant concentrations over the PCL, removal and/or decontamination activities shall continue or the containment building shall be closed in accordance with the requirements of Provision VII.D.2.
 - (3) In addition to the criteria described in Provisions VII.D.1.c.(1) and (2) above, if any sample exhibits the characteristic of ignitability, corrosivity, reactivity, or toxicity, as defined under 40 CFR Part 261, Subpart C, removal and/or decontamination activities shall continue or the containment building shall be closed in accordance with the requirements of Provision VII.D.2.
 - (4) When the analysis of a soil sample indicates that additional soil must be removed, soil shall be removed from the entire area represented by the sample and to the depth at which the sample was taken. This soil removal shall continue until sample results show concentrations below the cleanup levels.

- (5) Soil and/or wash-water samples shall be analyzed in accordance with the methods specified in the current editions of "Test Methods for the Evaluation of Solid Waste" (SW-846) or other methods which are officially recommended by the EPA.
- (6) Decontamination shall be deemed complete when no visible evidence of contamination is observed and when the results from verification sampling and analyses indicate wash water concentrations and/or soil concentrations are below the critical PCLs for Remedy Standard A. If the underlying soils are decontaminated or removed to the critical PCLs for Remedy Standard A, Commercial/Industrial Land Use, the permittee shall comply with the institutional controls requirements of 30 TAC Section 350.111.

[VII.D.]

2. If closure of any permitted containment building to Remedy Standard A cannot be attained, then contingent closure of the unit as a landfill shall be performed in accordance with the requirements of 40 CFR §264.310, Remedy Standard B (30 TAC Chapter 350, Subchapter B), and the following minimum requirements:
 - a. Within 120 days of the determination that closure to Remedy Standard A cannot be attained, the permittee shall submit to the TNRCC a response action plan (RAP) and an affected property assessment report (APAR) in accordance with procedures described in the approved closure plans for Container Storage Area (Battery Receiving/Storage Area) and Containment Building (Raw Material Storage Building) referenced by Provision VII.A.1., and the requirements of 30 TAC Sections 350.94 and 350.91 for review and approval by the Executive Director.
 - b. The permittee shall install a final cover system which meets the requirements of 30 TAC Section 335.169(a)(2) and the specifications of the approved Closure Plan.

TABLE VII.E.1. PERMITTED UNIT CLOSURE COST SUMMARY

Existing Unit Closure Cost Estimate	
Unit	Cost (Dollars)
Battery Receiving/Storage Building (Container Storage Area/ Unit No. 011)	57,673
Raw Material Storage Building (Containment Building/ Unit No. 005)	166,720
TOTAL EXISTING UNIT CLOSURE COST ESTIMATE	224,393 (1999)¹

¹As units are added or deleted from these tables through future permit amendments or modifications, the remaining itemized unit costs should be updated for inflation when re-calculating the revised total cost in current dollars.

PERMIT SECTION VIII. - LIABILITY REQUIREMENTS

A. SUDDEN AND NONSUDDEN ACCIDENTAL OCCURRENCES

1. The permittee shall demonstrate continuous compliance with the requirements of 40 CFR 264.147(a) to maintain liability coverage for sudden and accidental occurrences of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

B. INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

The permittee shall comply with 40 CFR 264.148, regarding bankruptcy, whenever necessary.

PERMIT SECTION IX. - CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

A. NOTIFICATION OF RELEASE FROM SOLID WASTE MANAGEMENT UNITS
(Texas Health and Safety Code, Section 361.303)

If a solid waste management unit (SWMU) or area of contamination not previously addressed in the RCRA Facility Assessment (RFA) submitted in October 1986, or any release of hazardous waste or hazardous constituents that may have occurred from any SWMU, is discovered subsequent to issuance of this permit, the permittee shall notify the Executive Director in writing within fifteen (15) days of the discovery. Within forty-five (45) days of such discovery, the permittee shall submit an RFA for that unit or release which shall be based on U.S. EPA RCRA Facility Assessment Guidance, October 1986, NTIS PB 87-107769. If the RFA indicates a release or suspected release warrants further investigation, the permittee shall comply with the requirements of Section IX of this permit.

B. CORRECTIVE ACTION OBLIGATIONS

The permittee shall conduct corrective action as necessary to protect human health and the environment for all releases of hazardous waste and hazardous constituents from any solid waste management unit (SWMU). The permittee shall fulfill this obligation by conducting a Corrective Action Program which consists of the RCRA Facility Investigation (RFI), Baseline Risk Assessment (BLRA) / Corrective Measures Study (CMS), Corrective Measures Implementation (CMI), and Stabilization/ Interim Corrective Measures. The permittee shall conduct a RCRA Facility Investigation (RFI) to determine whether hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX have been released into the environment. If it is determined that hazardous waste or hazardous constituents have been or are being released into the environment, then the permittee may be required to conduct a BLRA/CMS and CMI to protect human health and the environment.

Upon Executive Director's review of the Corrective Action Program obligations, the permittee may be required to perform any or all of the following:

1. conduct investigation(s);
2. provide additional information;

[IX.B.]

3. conduct additional investigation(s);
4. investigate an additional unit(s);
5. proceed to the next task in the Corrective Action Program and/or;
6. submit an application for a new compliance plan or modification to an existing compliance plan to implement corrective measures.

Any additional requirements must be completed within the time frame(s) specified by the Executive Director.

C. UNITS REQUIRING INVESTIGATION

The permittee shall conduct an RFI for the following SWMU(s) and/or area(s) of contamination in accordance with Provision IX.E.:

1. Raw Material Storage Area (02)
2. Slag Landfill (04)
3. North Disposal Area (05)
4. South Disposal Area (06)
5. Stewart Creek (09)

D. VARIANCE FROM INVESTIGATION

The permittee may elect to certify that no hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264, Appendix IX are or were present/managed in a unit listed in Provision IX.C. in lieu of performing the investigation required in Provisions IX.B. and E., provided that confirming data is submitted for the current and past waste(s) managed in the respective unit. The permittee shall submit such information and certification(s) on a unit-by-unit basis in the time frame required in Provision IX.E. for review and approval by the Executive Director of the TNRCC. If the permittee cannot demonstrate and certify that hazardous waste or hazardous constituents are not or were not present in a particular unit, the investigation required in Provisions IX.B. and E. shall be performed for the unit.

E. RCRA FACILITY INVESTIGATION (RFI)

Within sixty (60) days from the date of issuance of this permit the permittee shall submit a revised schedule for completion of the RFI(s) for the SWMU(s) or area(s) of contamination listed in Provision IX.C. to the Executive Director for approval. Also, within sixty (60) days of approval of an RFA Report which recommends further investigation of a SWMU(s) or area(s) of contamination in accordance with Provision IX.A., the permittee shall submit a schedule for completion of the RFI(s) to the Executive Director for approval. The permittee shall initiate the investigations in accordance with the approved schedule and shall address all of the items for RFI Workplans and RFI Reports contained in U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994. If the permittee elects to use an alternate investigation approach, Executive Director approval of the workplan will be required prior to initiation of investigation(s). The results of the RFI must be submitted to the Executive Director for approval in the form of an RFI Report within the time frame established in the approved schedule. The RFI Report must document results of the investigation(s). The report shall be considered

[IX.E.]

complete when the full nature and extent of the contamination, Quality Assurance/Quality Control procedures and Data Quality Objectives are documented to the satisfaction of the Executive Director. The permittee shall propose or conduct stabilization/interim corrective measures, as necessary, to protect human health and the environment.

F. BASELINE RISK ASSESSMENT (BLRA)/CORRECTIVE MEASURES STUDY (CMS)

Upon approval of the RFI Report, if it is determined that there has been a release into the environment of hazardous waste or hazardous constituents listed in 40 CFR Part 261, Appendix VIII and/or 40 CFR Part 264 Appendix IX, which appears to be a risk to human health and the environment, then within the time frame(s) specified by the Executive Director following approval of the RFI Report, the permittee shall submit a BLRA/CMS Report. This report shall evaluate the risk, identify and evaluate corrective measure alternatives and recommend appropriate corrective measure(s) to protect human health and the environment. The BLRA/CMS Report shall address all of the applicable items in 30 TAC Chapter 335 Subchapter S or 30 TAC Chapter 350 and the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994.

G. CORRECTIVE MEASURES IMPLEMENTATION (CMI)

The permittee shall submit a CMI Workplan within the time frame required by the Executive Director, not to exceed one-hundred-eighty (180) days from the date of approval of the BLRA/CMS Report. The CMI Workplan shall address all of the items for CMI Workplans contained in the U.S. EPA publication EPA/520-R-94-004, OSWER Directive 9902.3-2A, RCRA Corrective Action Plan (Final), May 1994. If the CMI Workplan does not propose a permanent remedy, then a CMI Workplan shall be submitted as part of a new compliance plan application or as a modification/amendment application to an existing compliance plan. The workplan shall contain detailed final engineering design and monitoring plans and schedules necessary to implement the selected remedy. Implementation of the corrective measures shall be addressed through a new and/or a modified/amended compliance plan. Upon installation of a corrective action system based upon the approved CMI Workplan, the permittee shall submit a CMI Report which includes as-built drawings of the corrective action system. To report the progress of the corrective measures, the permittee shall submit periodic CMI Progress Reports to the TNRCC in accordance with the schedule specified in the compliance plan.

PERMIT SECTION X. - AIR EMISSION STANDARDS

A. PROCESS VENTS AND EQUIPMENT LEAKS

1. Emissions from this facility must not cause or contribute to a condition of "air pollution" as defined in Section 382.003 of the Texas Health and Safety Code Ann. or violate Section 382.085 of the Texas Health and Safety Code Ann. If the Executive Director of the TNRCC determines that such a condition or violation occurs, the permittee shall implement additional abatement measures as necessary to control or prevent the condition or violation.

[X.A.]

2. Requirements for Subparts AA and BB

- a. The permittee must comply with the requirements of 30 TAC Section 335.152(a)(17)/40 CFR Part 264 Subpart AA and 30 TAC Section 335.152(a)(18)/40 CFR Part 264, Subpart BB, as applicable.
- b. The permittee shall include in the Biennial Report , required in Provision II.B.7., a statement that hazardous waste management units or associated ancillary equipment at this facility are not subject to any of the requirements in Provision X.A.2.a., if these requirements are not applicable to any hazardous waste management units or ancillary equipment at this facility. If at any time any hazardous waste management units or associated ancillary equipment become subject to the requirements in Provision X.A.2.a., the permittee must immediately comply with these requirements.

** 3. Requirements of Subpart CC

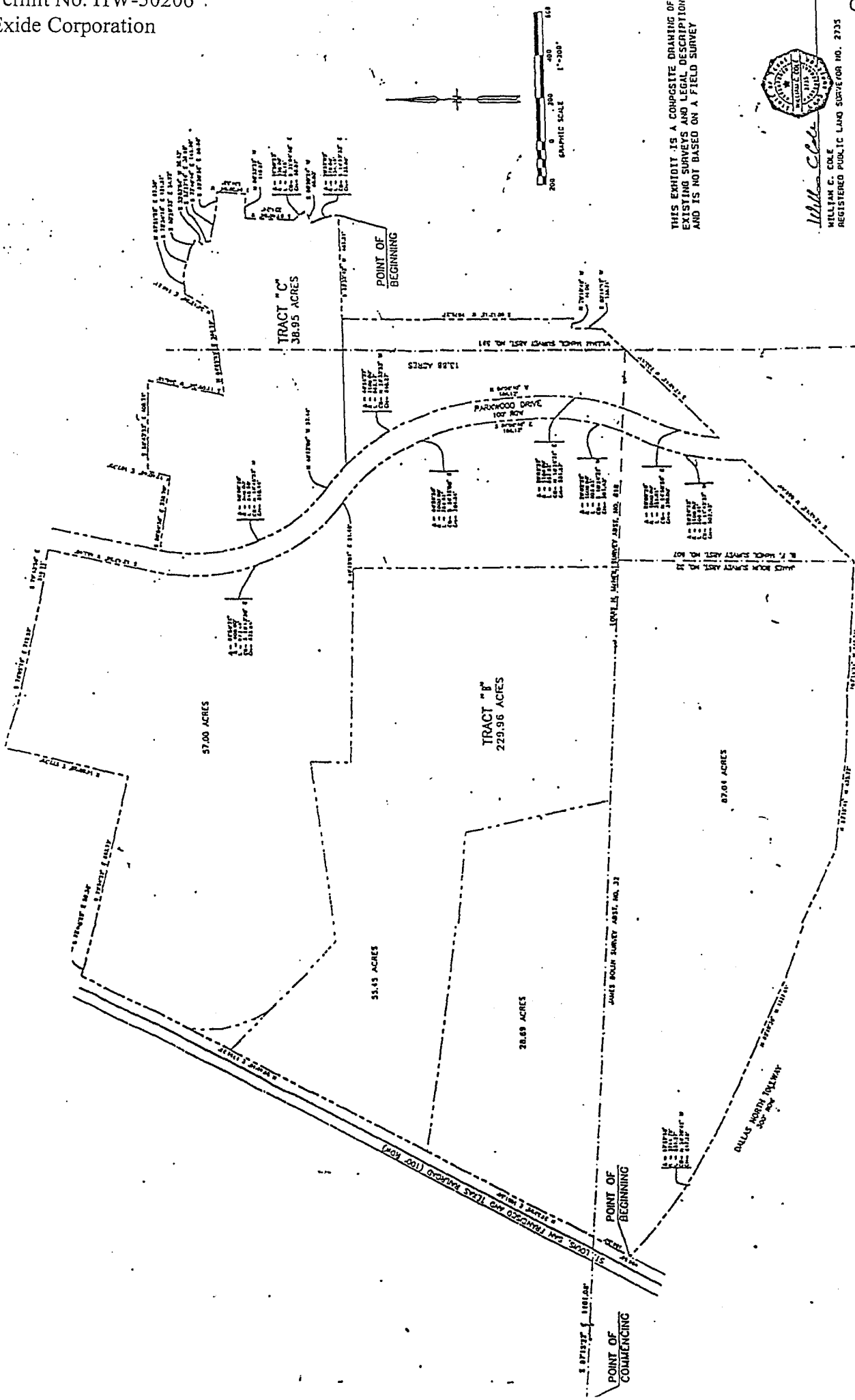
- a. The permittee must comply with the requirements of 40 CFR Part 264, Subpart CC, as applicable.

EXHIBIT A

201-73

Commencing at the intersection of the center line of the main track of the Burlington Northern Railroad Co. (formerly the St. Louis-San Francisco Railway Company) as the same is now located and constructed with the South line of said L.H. McNeil Survey; thence North Twenty-Six Degrees Forty-Six Minutes Fifty Seconds ($26^{\circ}46'50''$) East measured along said center line of track a distance of Eight Hundred Ninety-Four and Two Hundredths (894.02) feet; thence South Sixty-Three Degrees Thirteen Minutes Ten Seconds ($63^{\circ}13'10''$) East, at right angles to said center line of main track, a distance of Fifty (50.0) feet to a point in a fence on the right of way line of Burlington Northern Railroad Co. (formerly referred to as St. Louis-San Francisco Railway Company) for a point of beginning; thence North Twenty-Six Degrees Forty-Six Minutes Fifty Seconds ($26^{\circ}46'50''$) East with the East right of way line of said track, One Thousand Thirty-Nine and Forty-Seven Hundredths (1039.47) feet to a rail and fence corner; thence South Forty-Four Degrees Fifty-Two Minutes Ten Seconds ($44^{\circ}52'10''$) East with a fence along the South line of property formerly owned by Jackie Neal Newman and Ollie Dean Newman a distance of Seven Hundred One and Eight Tenths (701.8) feet to an iron pin in concrete for a corner; thence North Eighty-Two Degrees Five Minutes Six Seconds ($82^{\circ}05'05''$) East continuing along said South line a distance of Eight Hundred Five and Seventy-Six Hundredths (805.76) feet to a cross tie for a corner; thence South One Degree Forty Minutes Fifty-Six Seconds ($01^{\circ}40'56''$) West, along the West line of property formerly owned by Jackie Neal Newman and Ollie Dean Newman a distance of One Hundred Ninety-Three (193.00) feet to an iron pin in concrete for a corner; thence South Eighty-Eight Degrees Nineteen Minutes Four Seconds ($88^{\circ}19'04''$) East, along said South property line of the former Newman property a distance of Eight Hundred Ninety-Eight and Fifty-Four Hundredths (898.54) feet to an iron pin in concrete for a corner on the West side of a County Road (Sixty (60) feet wide) an extension of Fifth Street in the City of Frisco, Texas; thence South with the West line of said County Road, a distance of One Thousand Two Hundred Seventy-Three and Thirteen Hundredths (1273.13) feet to a point for a corner; thence North Eighty-Four Degrees Fifty Minutes Fifty Seconds ($84^{\circ}50'50''$) West, along the North line of property formerly owned by Charles Carter, a distance of One Thousand Seventy-Nine and Eighty-Two Hundredths (1079.82) feet to a fence post for a corner; thence North Eleven Degrees Twenty-Nine Minutes Twenty-Three Seconds ($11^{\circ}29'23''$) West, along the East line of property formerly owned by Joe Tarborough, a distance of Six Hundred Eighty and Sixteen Hundredths (680.16) feet to a fence post for a corner; thence North Eighty-Two Degrees Thirty-Six Minutes Five Seconds ($82^{\circ}36'05''$) West, a distance of One Thousand Four Hundred Fifty-Five and Twenty-Three Hundredths (1455.23) feet to the point of beginning; containing Fifty-Five and Forty-Eight Hundredths (55.48) acres more or less.

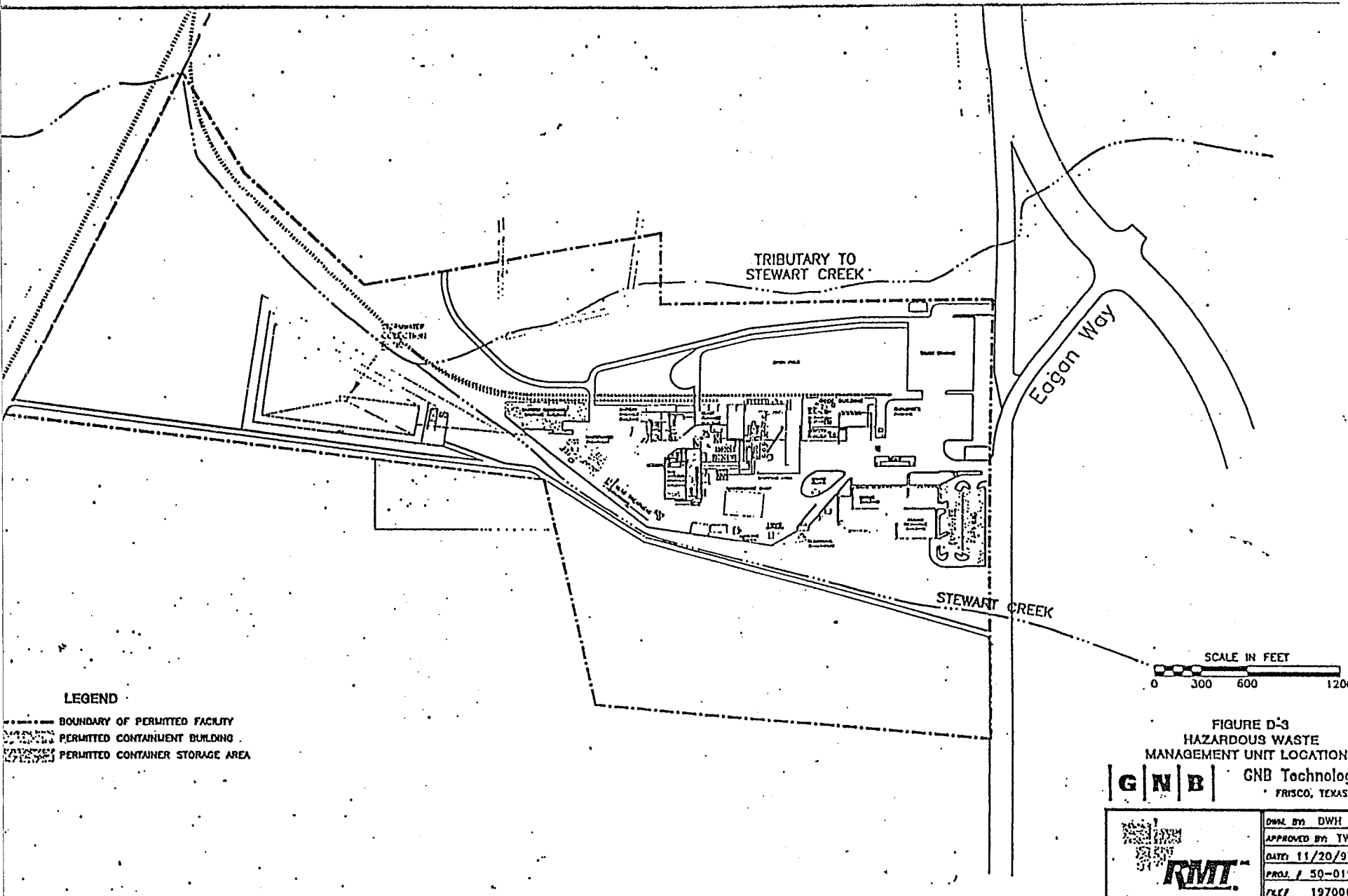
FILED FOR RECORD 12th DAY OF November A.D. 19 84 2:56 P.M.
 DULY RECORDED 10th DAY OF November A.D. 19 84
 BY: Carol D. Starnes HELEN STARNES, County Clerk
 DEPUTY Carol D. Starnes Carol D. Starnes
 Orlita County, Texas



THIS EXHIBIT IS A COMPOSITE DRAWING OF
EXISTING SURVEYS AND LEGAL DESCRIPTIONS
AND IS NOT BASED ON A FIELD SURVEY



William C. Cole
WILLIAM C. COLE
REGISTERED PUBLIC LAND SURVEYOR NO. 2735



LEGEND

- BOUNDARY OF PERMITTED FACILITY
- ▨ PERMITTED CONTAINMENT BUILDING
- ▩ PERMITTED CONTAINER STORAGE AREA

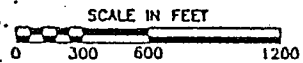


FIGURE D-3
HAZARDOUS WASTE
MANAGEMENT UNIT LOCATIONS

G N B	GNB Technologies FRISCO, TEXAS	
DRAWN BY: DWH		
APPROVED BY: YW		
DATE: 11/20/97		
PROJ. # 50-01970.05		
FILE# 19700604		

LIST OF INCORPORATED APPLICATION MATERIALS

The following is a list of Part A and Part B Industrial and Hazardous Waste Application elements which are incorporated into all Industrial and Hazardous Waste permits by reference as per Provision I.B.

TNRCC PART A Application Form

I. General Information

- I.B. - Authorized Agents
- I.C. - Identify entity who will conduct facility operation.
- I.D. - Facility Ownership

III. Wastes and Waste Management

- III.C.1. - Location of Waste Management Units - Topographic Map extending one mile beyond facility.

TNRCC PART B Application Form

I. General Information

- I.A. - Applicant
- I.C. - Facility Location - Address
- I.F. - Wastewater and Stormwater Disposition

II. Facility Siting Criteria

- II.F.3.a & b. - Flooding - Design information showing flood controls.

III. Facility Management

- III.B. - Personnel Training Plan
- III.C. - Security
- III.D. - Inspection Schedule
- III.E. - Contingency Plan
 - III.E.1. - Arrangements with Local Authorities
 - III.E.2. - Emergency Coordinators List
 - III.E.3. - Emergency Equipment list

IV. Wastes and Waste Analysis

- IV.B. - Table IV.B. - Waste managed in permitted units
- IV.C. - Table IV.C. - Sampling and Analytical Methods
- IV.D. - Waste Analysis Plan

V. - Engineering Reports

- V.A. - General Information
- V.A. - Construction schedules
- V.A. - Detailed Plans & Specifications to show facility was constructed and operated in compliance with all pertinent permitting requirements.
- V.B. - Container Storage area engineering reports includes Table V.B. Container Storage Area Summary
 - V.B.1. - Containment System
- V.C. - Containment Building engineering reports includes Table V.C. Containment Building Summary

VII. - Closure and Post-Closure Care Plans

VII.A. - Closure - Table VII.A.

VII.B. - Unit Closure Cost Estimate

VII.E. - Table VII.E. Closure Cost Summary

VIII. Financial Assurance

VIII.A.3. - Liability Requirements

VIII.B.1. - Applicant Financial Disclosure Statements

IX. - Releases from Solid Waste Units & Corrective Action

IX.B.App. I - Facility and SWMU Location Maps

