



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

October 26, 2015

CERTIFIED MAIL – 7009 0960 0000 8848 7253  
RETURN RECEIPT REQUESTED

Mr. Steve Carter  
Plant Manager  
Exide Technologies, LLC  
25102 Exide Drive  
Forest City, MO 64451

RE: Class 2 Permit Modification Request  
Increased Storage Capacity and Other Miscellaneous Improvements  
Exide Technologies, LLC, Forest City, Missouri  
EPA ID# MOD030712822

Dear Mr. Carter:

The Missouri Department of Natural Resources (Department) hereby approves Exide Technologies, LLC (Exide) Class 2 Permit Modification request, dated October 2, 2015, with conditions and a conditional schedule of compliance. The modification request, which is an update of the original request, dated May 26, 2015, was for the following changes:

1. Increase the capacity of the Stabilization/Staging & Storage Building to accommodate an additional 824 cubic yards of hazardous slag material. This request includes removing language from Special Permit Condition II.B.4. of Exide's Missouri Hazardous Waste Management Facility Part I Permit, dated September 23, 2009, which reads:

*“Storage of material in the Stabilization/Staging & Storage containment building shall not exceed 355 cubic yards of material. The Permittee shall not store any materials that contain free liquids in this area. The Permittee shall not store any wastes in the Slag Product Work Area of this containment building, as identified in Figure 2. Only the Stabilization Unit located in the Stabilization/Staging & Storage containment building shall be used for treatment of hazardous waste. Air pollution control scrubber sludge, smelter slag, wastewater sludge generated at the on-site*



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*treatment plant and soils excavated onsite for remediation purposes may be treated in the Stabilization Unit. Treatment in the Stabilization Unit shall not exceed a rate of 10 short tons per hour.”*

Through the requested change, Exide explained this containment building was divided in half for hazardous and non-hazardous waste storage. Exide also acknowledged this was a historic permit condition based on former operating practices that Exide no longer uses. After careful consideration by the Department, recognizing that the two areas identified in the permit are contained within the same containment building, this change in operations was not a major concern, relative to protection of human health and the environment. Special Permit Condition II.B.4. of Exide’s Part I Permit shall now read:

*“Storage of material in the Stabilization/Staging & Storage containment building shall not exceed 1179 cubic yards of material. The Permittee shall not store any materials that contain free liquids in this area. Only the Stabilization Unit located in the Stabilization/Staging & Storage containment building shall be used for treatment of hazardous waste. Air pollution control scrubber sludge, smelter slag, wastewater sludge generated at the on-site treatment plant and soils excavated onsite for remediation purposes may be treated in the Stabilization Unit. Treatment in the Stabilization Unit shall not exceed a rate of 10 short tons per hour.”*

The Department would like to point out a requirement contained in the Introduction of Exide’s Missouri Hazardous Waste Management Facility Part I Permit, page 7, first paragraph, last sentence that reads: *“The Permittee shall inform the Department of any deviation from, or changes in, the information in the application, which would affect the Permittee’s ability to comply with the applicable regulations or permit conditions.”*

2. Adjust the December 23, 2014, approved closure cost estimate to account for a computational error regarding the square footage of the Stabilization/Staging & Storage Building. The requested change is from 34,232 square feet to 32,932 square feet of wall area designated for decontamination rinsing.
3. Add an approximately 2-foot by 2-foot opening in the south wall of the Charge Floor Area in order to accommodate the installation of a material transfer system for an automatic flux batching system, which will be located outside the building. This new system will allow for non-hazardous flux materials to be batched from bins located outside the building and transferred by screw auger through the exterior wall of the Charge Floor Area and placed on the floor.
4. Add a 3-foot by 7-foot man-sized door in the north wall of the Dock Entry Building (DEB) in order to facilitate ingress and egress of facility personnel.

Our decision to approve the modification request is based on a thorough technical review of the permit modification request and applicable federal and state laws and regulations. We are approving the Class 2 Permit Modification request with the following conditions and schedule of compliance items:

1. Before using the Slag Product Work Area for storage of additional hazardous waste slag, Exide shall increase their financial assurance mechanism by \$94,011.81 to include the increased closure costs associated with this Class 2 Permit Modification.
2. In Section 1.0, Introduction, third paragraph, and Section 4.0, Inspections, second paragraph, the modification request mentions a possible change in the treatment capacity in the Stabilization Unit. However, it is not clear whether a modification was actually being requested, since no other specific information was included in the request. Therefore, the Department is not approving a change to the Stabilization Unit's capacity, which shall remain at 10 short tons per hour.
3. During construction on the DEB's north exterior wall and the Charge Floor Area's south exterior wall, Exide shall maintain controls in place over the openings to control fugitive emissions and minimize any tracking of material out of the regulated units.
4. Exide shall e-mail the Department Project Manager at least one working day before beginning construction on the DEB's north exterior wall and beginning construction on the Charge Floor Area's south exterior wall. In the event that the regulated unit may temporarily not be in full compliance with the governing regulatory requirements, this e-mail will serve as the facility's notification of anticipated non-compliance, required in Code of State Regulations 10 CSR 25-7.270(1), which incorporates Code of Federal Regulations 40 CFR 270.30(1)(2).
5. Within 30 calendar days of completing the changes at the regulated units, Exide shall:
  - a. Submit to the Department documentation signed by the Permittee and a registered professional engineer that the units once again meet the requirements of the regulations and are ready for their intended use, as required by 10 CSR 25-7.270(1), which incorporates 40 CFR 270.30(1)(2)(i). Such documentation shall include the actual date(s) the units' returned to compliance and returned to use.
  - b. Submit to the Department updated drawings that identify exact dimensions and locations of the requested openings.

Exide conducted the public participation activities for the Class 2 Permit Modification request, as required by 10 CSR 25-7.270(1), which incorporates 40 CFR 270.42(b). The 60-day public comment period began June 4, 2015, and ended August 3, 2015. Exide held a public meeting

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about the modification request on June 23, 2015. The Department did not receive any comments on the modification request during the public comment period.

The Department conducted the public participation activities for the final Class 2 Permit Modification, as required in 10 CSR 25-7.270(1), which incorporates 40 CFR 270.42(f)(1). The Department mailed a notification letter to everyone on the facility mailing list and the appropriate units of state and local government. We also posted the final Class 2 Permit Modification on the Department's website at [www.dnr.mo.gov/env/hwp/permits/notices.htm](http://www.dnr.mo.gov/env/hwp/permits/notices.htm). Supporting documents are not available on the Department's website due to their size. The notification letter is included with this letter.

The approved Class 2 Permit Modification is effective immediately. Please be aware that any parties adversely affected or aggrieved by the Department's decision to approve the Class 2 Permit Modification may be entitled to pursue an appeal before the Administrative Hearing Commission, according to 10 CSR 25-8.124(2). The petition must be filed with the Administrative Hearing Commission by November 25, 2015, according to the procedures outlined in 10 CSR 25-2.020 and Missouri Revised Statutes, Sections 260.395.11 and 621.250, RSMo. If the petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed. If it is sent by any other method, it will be deemed filed on the date it is received by the Administrative Hearing Commission. Appeals must be sent to the Administrative Hearing Commission, Truman State Office Building, Room 640, 301 West High Street, P.O. Box 1557, Jefferson City, MO 65102, or by fax to (573) 751-5018. The Department also asks that a copy of the petition be provided to Mr. David J. Lamb, Director, Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, or by fax to (573) 751-7869.

If you have questions regarding this letter or the enclosed documents, please contact Nathan Kraus, P.E., of my staff at the Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176, by telephone at (573) 751-3553 or 1-800-361-4827, or by e-mail at [nathan.kraus@dnr.mo.gov](mailto:nathan.kraus@dnr.mo.gov). Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb  
Director

DJL:nkm

Enclosures

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- c: Senator Roy Blunt, U.S. Senate
- Senator Claire McCaskill, U.S. Senate
- Congressman Sam Graves, Jr., U.S. House of Representatives
- Senator Dan Hegeman, Missouri Senate
- Representative Allen Andrews, Missouri House of Representatives
- Mayor Greg Book, City of Forest City
- Presiding Commissioner Mark Sitherwood, Holt County
- Mike Dandurand, P.E., Project Manager, U.S. EPA Region 7
- Adam Nanney, P.E., Geological Engineer, Barr Engineering Company
- Rob Morrison, P.E., Water Resources Engineer, Barr Engineering Company
- Kansas City Regional Office, Missouri Department of Natural Resources