



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

March 22, 2016

CERTIFIED MAIL – 7014 1200 0000 4389 2966
RETURN RECEIPT REQUESTED

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

RE: Class 2 Permit Modification Approval
Facility Upgrades to the Stabilization Unit
Exide Technologies, Incorporated, Forest City, Missouri
EPA ID# MOD030712822

Dear Mr. Carter:

The Missouri Department of Natural Resources (Department) hereby approves Exide Technologies, Incorporated's (Exide) Class 2 Permit Modification request, dated October 16, 2015, with conditions and a conditional schedule of compliance. The modification request was to increase the treatment capacity of the stabilization unit (Subpart X Unit) from 10.0 to 12.5 short tons per hour. In order to use the stabilization unit more efficiently, Exide will also need to make physical changes to the Stabilization/Staging and Storage Building (Containment Building).

The Department agrees with Exide that this is a Class 2 Permit Modification, according to Code of State Regulations 10 CSR 25-7.270(1), which incorporates Code of Federal Regulations 40 CFR 270.42. 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 October 22, 2015, and ended December 21, 2015. Exide held a public meeting about the modification request on November 11, 2015. The Department did not receive any comments on the modification request during the public comment period.

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. Within 30 days from the date of this letter, Exide shall submit to the Department for review and approval, an updated Part A permit application and a facility-wide closure cost estimate to include the changes associated with this permit modification and the Class 2 Permit Modification approved on October 26, 2015.
2. Prior to utilizing the Stabilization Unit's additional treatment capacity and corresponding changes to the Stabilization/Staging and Storage Building, Exide shall update their financial assurance mechanism to incorporate the increased closure cost estimate associated with this Class 2 Permit Modification.
3. At least one working day before beginning construction on the Stabilization/Staging and Storage Building roof, Exide shall notify the Department's Project Manager by e-mail, in the event the regulated unit is temporarily not in full compliance with the governing regulatory requirements. This e-mail will serve as the facility's notification of anticipated non-compliance per 10 CSR 25-7.270(1), which incorporates 40 CFR 270.30(1)(2).
4. During construction on the Stabilization/Staging and Storage Building's roof, Exide shall maintain controls in place over the openings to control fugitive emissions and controls to minimize any tracking of material out of the regulated units.
5. Within 30 days of completing the alterations at the regulated units, Exide shall:
 - a. Submit to the Department documentation signed by the Permittee and a registered professional engineer per 10 CSR 25-7.270(1), incorporating 40 CFR 270.30(1)(2)(i), that the unit once again meets the requirements of all applicable regulations and is ready for its intended use. Such documentation shall include the actual date(s) of the unit's return to compliance and return to use.
 - b. Submit updated drawings that identify exact dimensions and locations of all changes associated with this modification.

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. Supporting documents are not available on the Department's website due to their file size. The notification letter is included with this letter.

Mr. Steve Carter
Page 3

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 April 21, 2016, 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.

This permit may include requirements with which you may not be familiar. If you would like the Department to meet with you to discuss how to satisfy the permit requirements, an appointment can be arranged. These visits are called Compliance Assistance Visits and focus on explaining the requirements to the permit holder. If you would like a Compliance Assistance Visit, or have other 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. Thank you.

Sincerely,

HAZARDOUS WASTE PROGRAM

[Original signed by David J. Lamb]

David J. Lamb
Director

DJL:nkm

Enclosures

Mr. Steve Carter
Page 4

- 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