RCRA HAZARDOUS WASTE PERMIT RENEWAL APPLICATION FOR THE BATON ROUGE SMELTER

VOLUME I
PARTS A AND B

Prepared For:

EXIDE TECHNOLOGIES
Baton Rouge, Louisiana

Prepared By:

ADVANCED GEOSERVICES CORP.
Chadds Ford, Pennsylvania

Project No. 2003-1058-01
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AI-1396

DRAFT

DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE INVOICE

Certified Mail #

CFIS ID 1396
Invoice No
Invoice Date
Due Date

ISSUED TO:

LAD008184137
Exide Technologies
PO Box 74040
Baton Rouge, LA 708070000

FOR OFFICE USE ONLY	
DATE OF CHECK	CHECK #
AMOUNT RECEIVED	

PERMIT APPLICATION AND REVIEW FEE - LAC 33:V.5111, 5139, AND 5145

DESCRIPTION					AMOUNT
APPLICATION FEE SCHEDULE (LAC 33:V.5111.B)					
Site Analysis - per acre site size	70.43	@	$300.00	EACH	$21,129.00
Process and Plan Analysis					$1,200.00
Facility Analysis - per facility	5	@	$600.00	EACH	$3,000.00
Management/financial analysis					$1,200.00
APPLICATION FEE					$26,529.00
Administrative Cost Fee (Application Fee X 0.30) - LAC 33:V.5111.D					$7,958.00
Siting Fee (Application Fee X 0.05) - LAC 33:V.5111.E					$0.00
GROUNDWATER PROTECTION PERMIT REVIEW FEE (LAC 33:V.5139)					
Permit Review Fee (LAC 33 V.5139.A)					
Hazardous Waste Facilities (1 Time)	0	@	$6,000.00	EACH	$0.00
Permit Modifications					
Class 1 and 2	0	@	$240.00	EACH	$0.00
Class 3	0	@	$900.00	EACH	$0.00
Solid Waste Facilities (1 Time)	0	@	$6,000.00	EACH	$0.00
Permit Modifications					
Major	0	@	$600.00	EACH	$0.00
Minor	0	@	$240.00	EACH	$0.00
Oversight of Abandonment Procedures (LAC 33:V.5139.B)					
Casing Pulled	0	@	$120.00	EACH	$0.00
Casing Reamed Out	0	@	$240.00	EACH	$0.00
Casing Left in Place	0	@	$600.00	EACH	$0.00
Groundwater Monitoring System Installition Permit (LAC 33:V.5139.C)					
Well	0	@	$600.00	EACH	$0.00
ANNUAL LAND TREATMENT UNSATURATED ZONE MONITORING (LAC 33:V.5145)					
Permit Review Fee (LAC 33:V.5145.C)					
Initial Permit	0	@	$6,000.00	EACH	$0.00
Permit Modifications					
Class 1	0	@	$240.00	EACH	$0.00
Class 2 and 3	0	@	$900.00	EACH	$0.00
TOTAL AMOUNT DUE					$34,487.00

MAKE CHECK PAYABLE TO:

"LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY"

MAIL TO: DEQ FINANCIAL SERVICES
P.O. BOX 82231
BATON ROUGE, LA 70884-2231

FEDERAL TAX ID NO - 72-0999270

IT QUESTIONS

REVISED EXPANDED "IT DECISION" QUESTIONS

Environmental permit application modifications (both new and existing facilities) are required to provide relevant information in response to questions commonly referred to as "IT Questions", which address the potential for facilities to adversely impact the human and natural environment in the vicinity of the proposed or existing facility. These responses must be considered by the Louisiana Department of Environmental Quality, LDEQ, during the decision-making process on environmental permits pursuant to the Louisiana Supreme Court decision in the case of Save Our Selves, Inc. vs. Louisiana Environmental Control Commission. While this ruling was designed to address impacts associated with new facilities, existing facilities must consider the impact of continued operations versus the impacts of constructing a new facility at a different location. Exide Technologies, (Exide) Baton Rouge Smelter has been operating in East Baton Rouge Parish since 1969. During this time the facility has demonstrated an excellent record of environmental compliance and continues to provide economic benefits to the parish from a facility where the primary environmental impacts involved the facility footprint established over 30 years ago. The following responses clearly demonstrate that potential adverse environmental impacts resulting from continued operation of the facility have been appropriately addressed and pale in comparison to the alternative of constructing a new facility in East Baton Rouge Parish to provide this service.

I. Have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible?

The Exide Baton Rouge Smelter is an existing recycling facility, where spent lead-acid batteries and lesser quantities of other lead-bearing materials are processed to recover their lead content. This facility has been in operation since 1969.

The facility includes a hazardous waste Containment Building that is currently regulated under interim status provisions of the LDEQ Regulation, and is in substantial compliance with all applicable regulations. A permit modification including upgrades to portions of the Containment Building that will provide for further protection of the environment was submitted to LDEQ on October 17, 2001. Exide is responding to comments on that permit modification submittal received from the LDEQ on March 18, 2003. LDEQ has not yet approved the permit modification. This submittal requests a renewal of the hazardous waste permit and includes the Containment Building as a RCRA permitted unit.

The potential and real adverse environmental effects of the hazardous waste Containment Building have been avoided to the maximum extent, by the design of the facility and by its operation and maintenance programs.

In an effort to control adverse environmental impact and to comply with environmental, health and safety regulations, Exide has developed several compliance programs at the Baton Rouge facility including:

- A detailed personnel training program, outlined in the Training Manual lists all required training for health, safety and environmental training required, Hazardous Communications, Work Practice Controls, Personal Protective Equipment, Chemical Handling, and Emergency Response and Spill Prevention.

- A spill prevention program, detailed in the Spill Prevention Control and Countermeasure Plan (SPCC) that outlines activities to be followed to reduce the potential for spills or release of hazardous materials.

- A waste screening program specified in the Waste Analysis Plan, that outlines the requirements for receiving material at the Baton Rouge smelter. This program helps to insure that the facility receives only material listed in our operating permit.

- An emergency response program specified in our RCRA Contingency Plan and Emergency Response Plan (CP). This program specifies emergency procedures that will be followed in the event of a fire, accident, environmental release or natural disaster.

Through the implementation of these programs, the Baton Rouge smelter has seen a 95% reduction in recordable accident rates, there have been no reportable spills within the last 4-years and the TRI-reported releases have decreased by 84%.

What are the potential environmental impacts of the permittee's proposed facility?

The Exide Baton Rouge facility is a secondary lead smelter and refinery, which recycles spent lead-acid batteries and inorganic lead-bearing wastes into metallic lead, in the form of lead pig and block ingots, which are sold as products.

1. **What wastes will be handled?**

   Exide receives materials classified as hazardous, non-hazardous, and exempt materials that are recycled on site. Approximately 85% of the material recycled at the Baton Rouge smelter is spent lead-acid batteries, including automotive batteries, military batteries and large industrial batteries. Additional material recycled at the facility includes lead-bearing scrap generated in the battery manufacturing process, purchased lead-bearing drosses, lead scrap, firing range sands, material from lead paint remediation projects and other lead-bearing material that meets the Exide screening criteria as outlined

in the Waste Analysis Plan. The Waste Analysis Plan outlines the requirements for receiving material at the Baton Rouge smelter.

Exide does not accept any material that contains organic constituents, PCBs, organic lead, or metallic aluminum. Additionally, material is not accepted that contains any free liquids.

As a part of the recycling process, the facility generates waste. Generated wastes include baghouse dust, refractory brick, spent personal protective equipment, blast furnace slag, used oil, nickel-cadmium batteries, and spent solvent from parts washing operations.

a. Classes of chemicals

Exide handles characteristic hazardous waste (D008, D002, D004, D006, D007, D010, and D011), listed hazardous waste (K069), and industrial solid waste (exempt lead-bearing material for recycling). The classes of chemicals are solid inorganic metals, including lead-bearing wastes.

b. Quantities (hazardous and non hazardous)

Exide handles approximately 330,000 tons of hazardous and non-hazardous waste annually.

The facility receives approximately 25,000 tons of hazardous waste lead-bearing material in drums, including 1,000 tons with other metals in addition to lead. The facility generates approximately 20,000 tons per year of hazardous blast furnace slag. The facility also generates approximately 1,000 tons per year of hazardous emission control dust that are recycled on site.

Approximately 250,000 tons of spent lead-acid batteries are received by the facility. Approximately 30,000 tons of non-hazardous recyclable lead-bearing material in drums is received per year.

c. Physical and chemical characteristics

Lead-acid batteries are constructed of a plastic case, conductive plates (metallic lead grids coated with lead oxide paste), separators, a sulfuric acid/water electrolyte solution, and metallic lead posts or terminals. Industrial and military batteries are constructed in the same manner, except that the casing is made of different material and the size of the batteries is greater.

The battery plant scrap, received from either other Exide facilities or from other customers, is typically in the form of metallic lead that has been stamped into grids, lead oxide paste and battery plates. The grids are solid metal and are recycled. The lead oxide paste is a solid material, typically with a moisture content of less than 5%, with the potential to contain free liquid. It is reddish brown in color and has a very high density. The lead oxide is placed in feed piles and smelted in the reverberatory furnace. The battery plates received are grids that have been pasted with lead oxide. They are solid, with a very high density and low moisture content. The plates are typically recycled in the blast furnace.

The Baton Rouge smelter also receives lead dross and baghouse dust from both Exide facilities and other customers. Lead dross is a solid material generated by the melting of metallic lead. The dross is composed primarily of lead with trace metals such as arsenic and antimony. The baghouse dust is a dry powdery solid that contains primarily lead with other trace metals. Both the dust and the dross are stored in feed piles and recycled in the furnaces.

Exide periodically receives shipment of metallic lead scrap for recycling. This material is usually in the form of wheel weights, lead pipe or other scrap lead metal. This material is recycled.

Other recyclable materials received by the Baton Rouge smelter include lead-bearing ceramics, spent blasting sand with lead paint chips, spent pasting boards and lead scrap from firing range remediation.

As part of the lead recycling, a blast furnace slag is generated. The blast furnace slag exits the furnace in a molten state and is cast into iron pots. The slag solidifies and is cooled to room temperature. It is then dumped from the pots, broken up and separated for either further recycling or stabilization and disposal.

The blast furnace slag is characteristically hazardous because it leaches lead, when subjected to TCLP testing, at concentrations greater than the regulatory threshold limit of 5 mg/L. The slag is rock-like in physical appearance and engineering properties. The chemical composition of the blast furnace slag is 30-35% iron oxide (FeO), 25-30% silicon dioxide (SiO_2), 15-35% calcium oxide (CaO), and less than 0.5% lead (Pb). The specific gravity of the stabilized blast

furnace slag as deposited in the on-site landfill is approximately 1.3 tons/cubic yard. The slag melting point is 2100 to 2400°F. The slag is neither ignitable, corrosive, nor reactive.

Additional wastes generated by the Baton Rouge smelter include used oil, refractory bricks, and spent nickel-cadmium batteries.

d. Hazardous waste classification (listed, characteristic, etc.)

Exide handles characteristic hazardous waste (D008, D002, D004, D006, D007, D010, and D011), listed hazardous waste (K069), and industrial solid waste (exempt lead-bearing material for recycling).

2. How will they be handled?

Generally, material is received by Exide at the receiving area where it is inspected and sampled if required. Material is stored in designated areas based upon the material type

Lead-acid batteries arriving in tractor-trailers are weighed in, and sent to the Battery Breaker Unit. Typically, the batteries are unloaded and immediately processed by the breaker unit. The batteries are loaded onto the unit where they are broken down into component parts. The sulfuric acid is neutralized and crystallized to form a sodium sulfate salt that is sold as a product. The plastic from the battery casings is washed and shipped off-site to make new batteries. The lead paste is recycled on-site to produce metallic lead for making new batteries.

If the batteries are not immediately recycled, they are stored in two permitted storage areas.

The majority of other recyclable materials such as battery plates, lead oxide, metallic lead, drosses, baghouse dust, metallic lead waste and scrap are received in either in steel drums or Gaylord boxes. The material is weighed in at the Exide scale and sent to the loading dock to be unloaded. Drums are taken to the feed pile area where they are dumped and the contents inspected. The empty drums are washed, crushed and sent off-site to be recycled. The lead-bearing material is processed in the blast furnace or the reverberatory (reverb) furnace. Slag generated by the reverb furnace is then refined to further recover lead.

The blast furnace slag, generated as part of the lead recycling process is broken up and separated for either further recycling or stabilization and disposal. Visual and chemical analyses are used to separate the slag into fractions. One portion, the recyclable fraction, is returned to the furnace and re-smelted to further recover lead. The other portion, the disposal fraction, does not have enough lead content for further recycling. It is stored in a separate area, stabilized and disposed on-site.

The disposal portion of the blast furnace slag is treated with Portland cement and sodium silicate in the slag stabilization unit. A sample of the stabilized slag is collected and sent to a contract laboratory for Toxicity Characteristic Leaching Potential (TCLP) toxicity analysis in accordance with EPA approved procedures. This stabilized slag is disposed of in Exide's permitted on-site solid waste landfill. The recycled lead is shipped off-site as ingots, blocks, or billets.

Used oil is stored in an onsite tank. International Petroleum Corporation periodically collects this material and recycles it for reuse. Refractory brick generated from repairs to furnaces onsite is either recycled onsite or shipped off-site for proper disposal. Nickel-cadmium batteries cannot be recycled by Exide. They are sent to a permitted nickel-cadmium recycling facility.

Any accidental spills will be immediately remediated according to the SPCC, and the wash water will be directed to the wastewater treatment plant prior to discharge.

Figure 1 provides a flow diagram showing the reclamation process utilized by Exide.

a. Treatment

Exide recycles the lead from spent batteries and other lead-bearing materials for reuse. The recycled lead is shipped off-site as ingots, blocks, or billets.

The only waste that is treated is blast furnace slag. Treatment involves crushing the slag into small diameter particles and chemical stabilizing it using Portland cement and sodium silicate.

As previously discussed, a sample of the stabilized slag is collected and sent to a contract laboratory for TCLP toxicity analysis in accordance with EPA approved procedures. The

slag is disposed in Exide's permitted on-site solid waste landfill.

b. Storage

Exide stores hazardous waste on-site in one interim status Containment Building and three permitted container storage areas. All materials are stored in their designated areas in accordance with applicable state and federal regulations.

The Truck/Trailer Storage Area is used to hold spent batteries in trailer. It has a permitted capacity 85,000 batteries.

The Whole Battery Storage Area is used to hold batteries on pallets. It has a permitted capacity of 81,000 batteries.

The K069/D008 Storage Area is used to hold drums of listed or characteristic hazardous waste. It has a permitted capacity of 544 drums.

The Containment Building (currently in interim status) is used to hold lead-bearing raw materials prior to recycling. The building has an engineered capacity of 3,333 tons of blast furnace slag that is stored prior to on-site stabilization and disposal. Additionally, the building has the capability to hold 12,080 tons of lead material for recycling, including battery plates, lead oxide paste, reverberatory furnace slag, lead dross, and purchased scrap.

These areas are maintained to meet all applicable environmental regulatory requirements. The purpose of this hazardous waste permit application is to renew the existing hazardous waste permit.

c. Disposal

Exide does not dispose of any hazardous waste on-site. All hazardous waste is disposed of off-site at an approved disposal facility. Incoming hazardous materials that do not meet the incoming material strict screening process are returned to the material generator or disposed of off-site at an approved facility.

Exide occasionally generates hazardous wastes D006/D008 (refractory bricks) from maintenance and/or replacement of firebricks in the furnace inner lining. Refractory bricks that are generated are either recycled in the blast furnace or sent off-

site to be disposed of in a permitted commercial hazardous waste landfill. The bricks are not stored prior to shipment off-site, but are taken out of the furnace and loaded directly onto a truck roll off container for off-site commercial disposal. If the bricks are to be recycled on-site, they are containerized for storage prior to recycle.

Exide also generates used motor oil that is recycled by International Petroleum Corp. Exide intermittently receives spent nickel-cadmium (D006) batteries intermingled with lead-acid batteries. The spent nickel-cadmium batteries are accumulated and stored in drums prior to shipment off-site to a permitted recycling facility.

Exide does generate stabilized blast furnace slag, a non-hazardous solid waste, which is disposed of on-site in a permitted solid waste landfill. The stabilized slag is sampled in accordance with the Waste Analysis Plan to ensure the waste meets federal and state non-hazardous waste regulations.

3. Sources of waste

a. On-site generation (type and percentage of total handled)

Exide generates approximately 21,450 tons of waste per year. Blast furnace slag, generated as a part of the recycling process, makes up approximately 96% of the waste generated on-site. The refractory bricks from furnace maintenance make up approximately 1% of the waste generated on-site. Exide intermittently receives spent nickel-cadmium (D006) batteries intermingled with lead-acid batteries. The nickel-cadmium batteries make up approximately 2% of the waste generated by Exide. The used oil makes up approximately 1% of the waste generated by Exide.

b. Off-site generation (type and percentage of total handled)

Lead bearing materials for recycling are the only off-site generated hazardous wastes received by Exide. Typically the Baton Rouge smelter will receive 25,000 batteries per day, (250,000 tons per year) for recycling. Exide typically receives approximately 56,000 tons per year of other lead-bearing material for recycling.

4. Where will the wastes be shipped if not handled at this site?

Exide does not dispose of hazardous waste on-site. Any hazardous waste generated is shipped for disposal at a permitted hazardous waste management facility. Exide contracts with

International Petroleum to remove used oil. Due to the intermittent accumulation of the refractory bricks (D006/008) and spent nickel-cadmium batteries (D006), Exide will contract with a permitted hazardous waste disposal facility on an as needed basis to dispose of these materials.

5. **What wastes will remain on-site permanently?**

No hazardous wastes will remain on-site permanently. The disposal portion of the blast furnace slag will be stabilized in the slag stabilization unit using Portland cement and sodium silicate. The stabilized blast furnace slag does not exhibit the characteristics of a hazardous waste. The stabilized blast furnace slag and construction debris that are generated by the facility will be disposed of in an on-site permitted solid waste landfill.

A. **By which of the following potential pathways could releases of hazardous materials from the proposed facility endanger local residents or other living organisms?**

1. **Air**

The potential exists that lead-containing dust could be released through the air. Exide minimizes this potential by maintaining compliance with state air permit Number 0840-00004-00. The Containment Building is equipped with a ventilation system that keeps a constant inward airflow (negative pressure) on all of the emission sources, which minimizes the potential for any fugitive emissions. Additionally, Exide maintains a dust suppression program for the lead-bearing material that is stored in the Containment Building. These controls prevent the exposure of the lead bearing materials within the Containment Building to the elements, and ensure their containment.

2. **Water**

The potential exists that hazardous materials could be released through surface water discharge. Exide minimizes this potential by maintaining compliance with state water permit LA00004464. All on-site storm, wastewater and contact cooling water is routed through the plant's wastewater treatment system prior to discharge through a permitted outfall. Water samples are collected weekly to insure that the requirements of Exide's LPDES permit are met.

3. **Soil**

The potential exists for soils in the immediate vicinity of Exide to be impacted by hazardous materials. Exide minimizes this potential

through the implementation of environmental controls including a lined, self-contained building for the storage of hazardous material, and a composite lined landfill for the storage of solid waste. Furthermore, Exide maintains a groundwater monitoring system designed to monitor and detect subsurface impact. This system provides early detection of releases thereby further protecting any local residents or other living organisms.

4. Food

No food production or handling occurs in the vicinity of the Exide facility. Therefore, food is not a recognized pathway for the release of hazardous materials.

B. What is the likelihood or risk potential of such releases?

The risk potential for releases to air, water, or soil exist. However, each of the potentials are minimized by the use of control technology. The facility has a personnel training program,, a Waste Analysis Plan, a Spill Prevention, Control & Countermeasures Plan, a Closure Plan, etc., all developed to minimize the impact of spills and releases on the environment by the facility.

C. What are the real adverse environmental impacts of the permittee's proposed facility?

1. Short term effects

a. Land area taken out of system

The land area at this facility was taken out of the natural system when the facility was built approximately 30 years ago. Therefore, impacts to land have already been realized. The proposed modifications to the existing Containment Building and this permit renewal do not involve an expansion of the existing footprint of the facility and consequently, will not impact further land area.

2. Long term effects

Environmental controls are in place at the facility to try to minimize the potential impact of the facility to the surrounding environment. Exide previously sought a modification to upgrade the floor of an existing storage area (Area 2 of the Containment Building) to further reduce potential environmental impact. This submittal requests renewal of the Hazardous Waste Permit.

II. Does a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed facility demonstrate that the latter outweighs the former?

The social and economic benefits of the Exide facility, by any reasonable measure, far outweigh any environmental costs. In fact, the recovery of lead from spent batteries for reuse, compared to the alternative of disposing of spent batteries in waste piles or landfills, is very beneficial to the environment. Related potential impacts to the environment such as spills, are minimized by the design, maintenance and operation of the facility.

The Exide facility is located in a sparsely populated industrialized area, remote from commercial or residential centers. The facility employs approximately 120 people, mostly from the greater Baton Rouge and Baker areas. Additionally, Exide contributes significantly to the financial well being of local suppliers and vendors.

In contrast, the environmental costs, are generally very small. As mentioned before, the recycling of lead batteries is beneficial to the environment. With respect to spills or releases that could adversely affect the environment, the Exide facility is designed so that K069, D008 and other Group I hazardous wastes are received and stored in permitted container storage areas. These materials are packaged in sealed containers placed on pallets. The materials are neither ignitable, reactive, or incompatible and do not contain free liquids. Exide adheres to applicable regulations. Exide also employs a strict screening process to ensure that the incoming hazardous materials are segregated and stored in the appropriate locations.

The lids are kept on containers at all times, except when adding to or removing contents from the containers. Leaking or structurally unsound containers are corrected immediately.

Battery plates/oxide/lugs are received and stored in the Containment Building. The area is under a roof, on an impervious base, and does not contain free liquids. Run on and run off is prevented by building design construction.

Group II recyclable materials are received in containers and stored on pallets on an impervious concrete base, under a roof. Run on and run off is prevented by building design and construction. These materials are neither ignitable, reactive, or incompatible and do not contain free liquids. The covers are kept on containers at all times except when adding to or removing contents from the containers. Leaking or structurally unsound containers are repaired or replaced immediately.

On an infrequent basis, furnace refractory bricks are replaced. The old bricks are either recycled in the blast furnace or sent off-site to be disposed of in a commercial hazardous waste landfill. The bricks are not stored prior to shipment off-site, but are taken out of the furnace and loaded directly onto a truck roll off

container for off-site commercial disposal. If the bricks are to be recycled on site, they are containerized for storage prior to recycle. This storage is exempt under LAC 33:4105.B.15.

On a small portion of lead battery shipments, nickel-cadmium batteries may be integrated within the load. These batteries cannot be recycled by the Baton Rouge smelter, but are accumulated and stored in drums in van trailers on the Truck Trailer Container Storage Area prior to shipment off-site. The containers are shipped off-site in a truckload quantity to a recycling facility to be reclaimed.

A. How was it determined that this facility was needed?

The Baton Rouge smelter is the only lead recycling facility in the Gulf South. At the time of the facility construction, 1969, there was a high demand for a facility that could recycle lead-acid batteries. When the facility was purchased by Exide, it was integrated into Exide's overall battery manufacturing and recycling plan.

1. Local or regional survey

This facility is a recycling facility already in existence. The facility began operation approximately 30 years ago and serves the entire southeast United States. This location was originally selected to service the industrial areas of Baton Rouge and the surrounding Gulf South.

2. On-site or off-site needs

The current location was chosen based on the proximity to industry that required recycling of lead-bearing materials. Onsite needs included water wells, natural gas lines and space for development. Offsite needs included close proximity to clients and to suppliers.

3. Regional solid waste management benefit

There is a great need and benefit for a facility to recycle batteries. The alternative to recycling used batteries is to dispose of them in a landfill, which is a much less desirable method of handling batteries.

4. Generic survey of solid waste needs (compatibility with master plan)

Exide does generate stabilized blast furnace slag, a non-hazardous solid waste, which is disposed of in a permitted solid waste landfill. The stabilized slag is sampled in accordance with the waste analysis plan to ensure the waste meets federal and state non-hazardous waste regulations. A small quantity of office (municipal) solid waste is generated through daily business operations. This municipal solid waste is disposed off-site at a permitted facility.

B. What will be the positive economic effects on the local community?

1. How many permanent jobs will be created?

The facility currently has approximately 120 full time employees.

2. What is the expected annual payroll?

The facility's current annual payroll is approximately $4,512,000.

3. What is the expected economic multiplier from item B2?

The expected economic multiplier is 2.5.

4. What is the expected tax base and who will receive benefits?

Since the Exide facility is existing there will be no change in tax base. The current primary tax base is in East Baton Rouge and surrounding parishes.

C. What will be the potential negative economic effects on the local community?

1. What are the possible effects on property values?

Exide is an existing facility, the requested renewal of the permit will not change the current market value of the surrounding properties.

2. Will public costs rise for:

a. Police protection

b. Fire protection

c. Medical facilities

d. Schools

e. Roads (also see below)

As an existing facility, the costs associated with the above items already exist. Permit renewal would not increase the costs associated with the items over the present value. Additionally, Exide pays federal, state, and local taxes which help in the maintenance of upkeep of the referenced public sectors.

3. Does the prospective site have the potential for precluding economic development of the area by business or industries

because of risk associated with establishing such operations adjacent to the proposed facility?

The existing Exide facility is located in a highly industrialized area. Therefore, the facility does not have the potential for precluding economic development.

D. Was transportation a factor in choosing the proposed site?

The site is located adjacent to U.S. Highway 61, which at the time of site construction, 1969, was the main industrial artery in the Baton Rouge area.

1. What mode(s) of transportation will be used for the site?

a. Truck

The lead-bearing materials are usually brought in on truck trailers. The materials are relocated from the truck trailer parking area by forklift to the container storage area for processing. They are palletized in their original containers and are properly labeled.

Wastes transported for off-site disposal are stored in DOT approved containers. The wastes are compatible with the containers, and properly labeled and manifested in accordance with LAC and DOT regulations.

The commercial transporters used by Exide are responsible for transportation of hazardous waste (D006/D008) to the hazardous waste disposal facility. Exide is responsible for distribution and transportation of lead-bearing material to internal facilities. All trucks are properly manifested and labeled prior to release from Exide.

Exide schedules the receipt of lead-bearing materials and spent lead-acid batteries to minimize and prevent the storage time needed prior to recycling.

The routes have existed for many years and are the responsibility of the transporters. Effects on area traffic and road conditions are negligible.

b. Rail

Exide uses rail transportation to bring in process material and to ship products. Rail transportation makes up only 5% of the traffic at the Baton Rouge Smelter.

c. **Barge**

Barges are not used for transportation at the facility.

d. **Other**

No other forms of transportation are used at the site.

2. **What geographical area will it serve?**

The Exide Baton Rouge Smelter receives spent lead-acid batteries and lead bearing materials from the entire Southeastern United States.

3. **By how much will local road traffic volume increase?**

The Exide facility is existing and the current road network is sufficient. Exide has no plans for upgrades at this time; therefore, no increase in traffic volume over the current level is expected.

a. **Can local roads handle the traffic volume expected?**

As stated previously, due to the current existence and operation of the facility, the roads associated with the facility can handle the traffic volume.

b. **Can local roads handle the weight of trucks?**

As stated previously, due to the current existence and operation of the facility, the roads associated with the facility can handle the weight of trucks associated with the facility.

4. **What are the long-term expectations of the proposed site?**

The long-term expectations of the site are to remain in operation until the closure of the facility.

The procedures for partial closure of the container storage areas and final closure of the facility is given in the Closure Plan. Exide is not seeking a permit for a hazardous waste land disposal facility.

Exide is not seeking a permit for land disposal that requires post-closure care monitoring. The closed hazardous waste piles at the site are governed under an existing Post-Closure Permit.

1. **Longevity of the facility**

The facility has been in the current location since 1969. The final closure date of the facility has not been determined. For permitting purposes, the approximate timeframe that the facility is expected to continue operation is until the year 2021.

2. **Who owns the facility?**

   Exide Technologies is the facility owner.

3. **Are the owners financially backed by others?**

   Financial responsibility belongs solely to Exide Technologies.

4. **When is closure anticipated?**

   The container storage areas are expected to continue to exist in conjunction with the facility until about the year 2021 or at the end of the life expectancy of the facility, whichever is later.

5. **Who is responsible for the site after closure?**

   Exide Technologies will retain responsibility for the site after closure.

6. **What assurances will there be that the site will be closed in accordance with the plan?**

   Exide maintains a surety bond for financial assurance obligations, to ensure the facility will be properly closed.

7. **What financial assurances will be established to demonstrate the ability to handle problems after closure?**

   Exide maintains a surety bond for financial assurance obligations, to ensure the facility will be properly managed after closure.

8. **Who certifies that the site is properly closed?**

   Exide, with the assistance of a certified professional engineer, will certify that the site has been closed in accordance with LAC 33:V.Chapter 37.

9. **How are people protected from unwittingly buying land after closure?**

   Exide will file a document with the Baton Rouge Clerk of Court's office that will notify any potential purchaser of the property that the land has been used to manage hazardous waste and its use is restricted under LAC 33:V.Chapter 35.

   a. **Is the closed facility recorded in the deed?**

      The Containment Building will be clean closed. However, Exide will record any facilities closed in place into the mortgage and conveyance records.

b. **What future uses are possible?**

Due to the area surrounding the facility, future uses of the property have a high probability of being industrial related.

III. **Are there alternative projects which would offer more protection to the environment than the proposed facility without unduly curtailing nonenvironmental benefits?**

There are no known alternatives to the Exide recycling facility, which would offer more protection to the environment.

Also, this is the only facility providing this service in the state of Louisiana, and in the Gulf South.

A. **Why was this technology chosen (e.g., incineration over landfilling?)**

Recovery of lead from spent lead batteries and other lead-bearing material for reuse, compared to the alternative of disposing of spent batteries in a waste pile or landfill, is very beneficial to the environment and fulfill the general waste minimization program through reuse/recycling of hazardous waste materials.

1. **Are other technologies available?**

There are no known alternatives to the Exide recycling process, which would offer more protection to the environment.

2. **Describe the engineering design and operating techniques used to compensate for any site deficiencies.**

There are no deficiencies at Exide's site that require any specific engineering design and operating techniques.

B. **Is the proposed technology an improvement over that presently available?**

Exide is involved in recycling rather than disposing of lead and lead-bearing materials. This technology is more environmental friendly than disposing and/or landfilling spent batteries and other lead-bearing materials. The proposed modification to the Containment Building will incorporate state-of-the-art technology involving waste handling, liner systems, liquids management and ventilation. The permit renewal application does not propose any additional modifications.

C. **Describe the reliability of technology chosen.**

Exide processes spent lead and lead-bearing materials into lead ingots so that the lead can be reused instead of being disposed. Exide has been in operation for over 30 years utilizing lead recycling processes. The

process track record shows that the process is a proven and reliable process.

1. **Past experiences.**

   In 2000, the Baton Rouge Smelter recycled 59,700 tons of lead.

2. **Environmental Impacts**

   While the potential exists for environmental impacts in the vicinity of the facility, the overall benefits from the recycling process used by Exide greatly benefit the environment by eliminating many batteries from disposal in landfills.

D. Describe the sequence of technology used from arrival of wastes to the end process at the facility (flow chart).

1. Analysis of waste – material is analyzed for chemical and physical content prior to being accepted at the Baton Rouge smelter.

2. Unloading – material is received in tractor-trailers and unloaded with fork-lifts.

3. Storage – the material may be stored in permitted storage areas prior to recycling.

4. Treatment - Batteries are processed through the Battery Breaker unit. The sulfuric acid is neutralized and crystallized to form a sodium sulfate salt that is sold as a product. The plastic from the battery casings is washed and shipped off-site to make new batteries. The lead paste is recycled on-site in the reverberatory furnace. Other lead-bearing materials are smelted in the blast furnace. The metallic lead is refined in kettles to meet client specifications and then cast into blocks or bars. Residual material, blast furnace slag crushed to a small diameter, treated with Portland cement and sodium silicate and disposed in an onsite landfill.

5. Monitoring – Groundwater monitoring wells are located at the perimeter of the facility. These wells are sampled following the specifications of Exide's Groundwater Sampling and Analysis Plan. This plan includes the well network, sampling procedures, documentation, decontamination, cross-contamination control, analytical parameters, field and laboratory QA/QC, well maintenance and reporting.

6. Closure – The Closure Plan for the Exide facility specifies clean-closure. The plan includes closure procedures for each hazardous

waste unit, post-closure procedures for the closed hazardous waste piles and cost estimates for closure and post-closure.

7. Post-closure – Any required post-closure work, such as groundwater monitoring or cap inspections will be completed.

A process flow diagram is included as Figure 1 of this document.

E. Will this facility replace an outmoded/worse polluting one?

The Baton Rouge smelter is an existing facility, and will not replace any outmoded facility. The modification to the Containment Building will also provide for an upgrade that will be more protective of the environment. The permit renewal application does not propose any additional modifications.

F. What consumer products are generating the waste to be disposed? Are there alternative products that would entail less hazardous waste generation?

The lead recovered from the lead-bearing materials is the primary consumer product generated. However, the lead product is not sold to the general public, but rather to manufacturing companies that turn them into consumer products. For example, in 1997, Exide Technologies (nation wide) recycled over 20 million batteries and sold over 25 million new batteries manufactured from recycled materials. In 2000, the Baton Rouge Smelter recycled 59,700 tons of lead.

IV. Are there alternative sites which would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits?

The Baton Rouge smelter is the only lead recycling facility in the Gulf South region. Exide is an existing facility and the cost of relocating the facility would be prohibitive. Alternative sites, would not offer more protection to the environment, and would adversely impact non-environmental benefits. The existing site is located in a relatively remote industrial area, apparently ideally situated for this type operation. The local geology and topography has also proven to be suitable for the facility. A good transportation infrastructure (river, highway, and railroad) system is already in place that allow for Exide to effectively serve the region.

A. Why was this site chosen?

This location of the site was initially chosen because it was in the vicinity of the major industrial area of Baton Rouge and within easy access to road and railway transportation to the entire Southeastern United States.

1. **Specific advantages of the site;**

   As stated previously, the site is existing and is located in a relatively remote industrial area, apparently ideally situated for this type operation. The local geology and topography has also proven to be suitable for the facility. A good transportation infrastructure (river, highway, and railroad) system is already in place that allow for Exide to effectively serve the region.

2. **Were other sites considered and rejected?**

   Evaluation of the site may have been considered in the 1960's during the initial planning and construction of the facility. Since the site is an existing facility in operation, no other specific sites were evaluated.

3. **Is the location of the site irrevocable; i.e., would denial of permit based on site preclude the project?**

   Yes, if the facility was forced to move from its location, the cost associated with rebuilding the facility and infrastructure would prohibit the construction of the facility at another site.

B. **Is the chosen site in or near environmentally sensitive areas?**

No. The site is not in a wetland, estuary, shoreline, flood-prone area, aquifer recharge zone, endangered species critical habitat, hurricane storm surge area, prime agricultural area, historical or culturally significant area, and is not in close proximity to residences or schools. The Exide facility is located at the end of East Baton Rouge Parish Road Brooklawn Drive which provides access from Highway 61 to industrial facilities, primarily Reynolds Metals, Union Tank Car, and the Old Petro Processors. The Irene and Alsen Communities and the State Industrial School for Boys are outside the two-mile radius of the facility.

C. **What is the zoning and existing land use of the prospective site and nearby area?**

The zoning of the site is industrial. The nearest communities (Irene and Alsen) are over two miles away from the facility.

1. **Is the site located near existing heavy industrial, chemical process or refinery operations?**

   The site is located in a highly industrialized area.

2. **Is there a precedent for chemical contamination near the site or is the soil and water pristine?**

The Petro-Processors site is a Superfund site that is located within 100-feet of the Baton Rouge smelter. Reynolds Metals Corporation, also located with 100-feet of the Baton Rouge smelter is an industrial facility that process petroleum coke.

3. **Is the area particularly noted for its esthetic beauty?**

The area is developed industrially and is not noted for its esthetic beauty.

D. **Is the site flood prone?**

Based on the most recent Flood Insurance Rate Map (Revised May 17, 1993), Exide is an existing facility located in Zone X, an area of minimal flooding. The developed site is above the 100-year flood plain. The elevation of the active portion of the site is between 85- and 75-feet above mean sea level (MSL). Site records indicate that there have been no flooding incidents in the active portion of the facility.

1. **Is the site in a flood plain?**

a. **How current are the maps used to make flood plain determinations?**

The active portion of the facility in not located within the 100-year flood plain. Figure 9 of this permit renewal application presents a Flood Plain Map, developed from Federal Emergency Management Agency maps.

b. **What is the elevation of the site?**

The facility is located on a parcel of land about approximately 75- to 80-feet above MSL, except for the western and northern undeveloped edges of the property. The western and northern sides of the facility slope to an elevation of approximately 35 feet MSL.

c. **Is diking required or desired to provide flood protection?**

Diking is not required to provide flood protection. Exide is located in Zone X, indicating that the facility is located outside of the 100-year flood area.

2. **Is the site hurricane vulnerable?**

Although the facility is located in an area subject to hurricanes, they are infrequent and have resulted in minimal damage. Exide facilities have been designed and constructed to withstand normal forces associated with storms and hurricanes.

a. **Is the site in an area subject to storm surge?**

No, the site is not subjected to storm surge.

b. **What are the design storm specifications?**

The facility was constructed in the late 1960s and early 1970s and much of the specific design information and engineering criteria are not available. The facility's stormwater system is reported to have been designed to manage a 24-hour 25-year storm event. However, the facility, in its current form, has withstood several hurricane and tropical storm events with little or no damage including Tropical Storm Isidore and Hurricane Lili in 2002.

c. **Should damage from wave action be considered?**

No, the facility is not located in an area likely to receive damage from wave action.

d. **For what levels of wind speed is the facility designed?**

The facility was constructed in the late 1960s and early 1970s and much of the specific design information and engineering criteria are not available. However, the facility, in its current form, has withstood several hurricane and tropical storm events with little or no damage including Tropical Storm Isidore and Hurricane Lili in 2002.

E. **Is groundwater protected?**

1. **Are aquifers or recharge area underlying the site used for drinking water?**

The uppermost water-bearing zone at the site is not used for drinking water. The uppermost water aquifer that is used for drinking water at the site is the '400-foot sand' that is laterally continuous in the vicinity of the facility, according to published groundwater data. Exide does not use the "400-foot sand" for drinking water. Exide has two deep wells that are used for potable water and non-contact cooling water for operations at the Baton Rouge smelter. The primary well (No. 3 well) is 2,447 feet deep and screened from 1,870-feet to 2,434-feet. The backup well (No. 1 well) is 1278 feet deep and screened from 1,228-feet to 1,278-feet. Both of these wells are tested periodically for water quality by Exide. Additionally, the Louisiana Department of Health and Hospitals tests the two drinking water wells for water quality parameters every three years. Previous sampling events indicate

that constituents of concern have not been detected in either of the wells.

According to Map No. 13 of the Aquifer Recharge Atlas ("Aquifer Recharge Potential of the Baton Rouge Quadrangle," 1988), prepared for the LDEQ Ground Water Protection Division, the Exide site and areas within 1,000 feet of the site are located in an area mapped with either a low to moderate recharge potential for the Southeast Louisiana Aquifer System, or no recharge potential for the Alluvial Aquifer System.

2. **What is the relationship of the site to the water table?**

Groundwater from the site's uppermost water bearing zone discharges to Baton Rouge Bayou.

3. **What wells exist in the area?**

Exide has seven groundwater monitoring wells (upgradient well MW-1R, and downgradient wells MW-4R, MW-12R, MW-13R, MW-16, MW-17 MW-18) that are placed to monitor the two closed hazardous waste piles located in the north and west sections of the facility. Exide has three wells that monitor the closed solid waste landfill to the north of the property (MW-1A, MW-14A and MW-15A). There are also three wells set to monitor the New Landfill, an active solid waste landfill on the western portion of the Exide site. The wells are MW-19 that is upgradient, MW-20 and MW-21 that are downgradient of the landfill. All of these wells are screened in the first water-bearing unit encountered at the site.

Exide also has two deep wells at the Baton Rouge smelter for supplying potable water and non-contact cooling water for operations. The primary well (No. 3 well) is 2,447 feet deep and screened from 1,870-feet to 2,434-feet. The backup well (No. 1 well) is 1278 feet deep and screened from 1,228-feet to 1,278-feet.

4. **What is the flow rate and direction of the groundwater flow?**

Hydro-geologic testing of the upper permeable zone indicates an average hydraulic conductivity of 1.257 feet per day and an average transmissivity of 17.52 square feet per day. Groundwater flow at the site is primarily to the northwest with a typical groundwater velocity of 20 feet per year. This flow rate and direction of groundwater flow have been consistent for approximately 15 years.

5. **What is the groundwater quality in the underlying aquifers?**

The uppermost water-bearing zone at the site is not used for drinking water. The zone is monitored by Exide on a semiannual

basis. Groundwater reports are submitted to LDEQ on a semiannual basis. To this date, there has been no impact to groundwater believed to be from the Baton Rouge smelter.

6. **Is there a hydraulic connection between the aquifers?**

   Based on published information, the aquifers in the upper 100-feet at the site are hydraulically connected. Between the upper water table zone and the first usable aquifer (400-foot sand) there is a clay confining layer.

Does prospective site pose potential health risks as defined by proximity to:

1. **Prime agricultural area (crop or pasture land)**

   The facility is not located in or adjacent to crop or pasture land. The nearest pasture land is located 1.5-mile from the facility.

2. **Residential area**

   The facility is not located in a residential area. The nearest resident is located 2 miles from the facility.

3. **Schools or day care centers**

   The nearest school in the vicinity of the site is located in Baker Louisiana, at least 5-miles from the site.

4. **Hospitals or prisons**

   The nearest prison is the Jetson Correctional Center, located approximately 2.5-miles from the facility. The nearest hospital to the site is Lane Memorial Hospital in Zacary, LA, which is located approximately 10-miles from the site.

5. **Public buildings or entertainment facilities**

   The nearest public building is the Alsen Community Center, located approximately 4-miles from the Exide site.

6. **Food storage area**

   The facility is not located near any food storage areas.

7. **Existing community health problems that may be aggravated by operation of additional hazardous waste disposal capacity**

   The facility is currently in operation. The permit renewal will not change facility operations and, therefore, will not create additional impacts to the community. The proposed modification to the

Containment Building will be an upgrade and will be more protective of the environment.

F. Is air quality protected?

1. Is the site within an ozone or non-attainment area?

Yes, the site is within an ozone non-attainment area.

2. What contaminants are likely to be generated at the site?

Lead particulate matter is likely to be generated at the site.

3. What protection is afforded from each contaminant generated by the site?

Exide will comply with applicable state and federal air emission regulations. Additionally, all identified sources of airborne lead are vented to baghouses to capture airborne particles. Water suppression is used in the Containment Building to reduce dust and potential airborne particles from the recycled materials.

4. What is the potential for unregulated emissions?

The potential for unregulated emissions is very low. All identified sources of airborne lead particulate are vented to baghouses. Water suppression is used to reduce dust and potential airborne particles from the recycled materials.

5. What plans are implemented to provide for odor control?

The lead-bearing material being recycled does not generate any bad odor.

6. Who will be affected by emissions?

There are no schools or residential communities within the 2-mile radius to be affected by emission.

a. What is the direction of the prevailing winds?

The prevailing wind is from the east/southeast.

b. Describe the expected frequency of "bad air" conditions.

The secondary lead smelting process does not generate any noticeable odor or "bad air" conditions.

7. **Describe the control of vapors at various stage of process.**

All of the possible air emission points are vented to control devices.

G. **Have physical site characteristics been studied; what has been done in terms of a geotechnical investigation?**

Approximately 35 soil borings have been installed to identify stratigraphy and geotechnical characteristics. The Baton Rouge smelter has thirteen groundwater monitoring wells set in the uppermost water bearing zone.

1. **Site Geology**

Based on soil borings completed throughout the site, the Baton Rouge smelter is underlain by natural soils of low permeability with some interbedded units of clayey sands, sandy clays, and sands. The top of the uppermost aquifer (first competent permeable zone) is encountered at elevations of approximately 28 to 32 feet msl, and the base of is encountered at elevations of approximately 20 to 25 feet msl. The thickness of this zone ranges from approximately 3 to 25 feet.

2. **Hydrogeology**

The uppermost aquifer at the site consists of interbedded fine-grained sand, sandy clay, clayey sand, and silty sand. Hydrogeologic testing of the upper permeable zone indicates an average hydraulic conductivity of 1.257 feet per day and an average transmissivity of 17.52 square feet per day. Groundwater flow at the site is primarily to the northwest with a typical groundwater velocity of 20 feet per year.

3. **Topography**

The majority of the site is relatively flat except for the northern and western edges of the proper, which are undeveloped. Surface elevations at the site range from 75 to 80 feet MSL. The western and northern sides slope to an elevation of 35 feet MSL.

4. **Soil properties**

The soils underlying the site are comprised mainly of stiff to very stiff tan and gray clays, silty clays and firm tan clayey silts. Moisture content of the soils in the upper 10-feet at the facility range from 19% to 30%. Deeper soils from 10 to 30-feet below ground surface show slightly higher moisture contents. During the geotechnical investigation of the New Landfill site, seven soil borings were drilled and soil samples collected for screening using

an Organic Vapor Analyzer (OVA). The results of the OVA screening were reported as 0 part per million.

5. **Aquifer location**

The site is underlain by natural soils of low permeability with some interbedded units of clayey sands, sandy clays, and sands. The top of the uppermost aquifer (first competent permeable zone) is encountered at elevations of approximately 28 to 32 feet MSL, and the base of is encountered at elevations of approximately 20 to 25 feet MSL. The thickness of this zone ranges from approximately 3 to 25 feet. This zone was encountered in all soil borings completed at the facility, indicating that it is laterally continuous. Hydraulic testing indicates that the uppermost water bearing zone at the site has an average hydraulic conductivity of 1.257 feet per day and an average transmissivity of 17.52 square feet per day. Groundwater flow at the site is primarily to the northwest with a typical groundwater velocity of 20 feet per year. This flow rate and direction of groundwater flow have been consistent for approximately 15 years.

The uppermost aquifer is underlain by a lower confining unit consisting of a hard gray to tan clay approximately 15 to 40 feet thick. The permeability of this unit was measured with a falling head permeability test yielding a result of 9.1×10^{-8} centimeters per second (cm/sec). This zone was encountered in all soil borings completed at the facility, indicating that it is laterally continuous.

A second permeable zone was encountered in two deep soil borings. This zone consists of fine- to coarse-grained sand and silty sand. The top of this unit was encountered at an elevation of approximately -28 feet MSL, and the base of this unit was encountered at elevations of approximately -35 to -54 feet MSL. The thickness of this zone ranges from approximately 5 to 20 feet.

6. **Subsidence problems**

No subsidence problem has been found.

7. **Climatic conditions**

Climatic conditions for the site average annual rainfall in the region is approximately 63 inches. According to the State Office of Climatology, the prevailing wind direction is from the east and south east, with occasional north and south winds. Occasional heavy winds, associated with tropical storms and hurricanes can occur in the vicinity of the Baton Rouge smelter.

V. Are there mitigating measures which would offer more protection to the environment than the facility as proposed without unduly curtailing nonenvironmental benefits?

No. The facility is designed, maintained, and operated in a manner to protect the environment. All reasonable measures to protect the environment are taken. The Exide facility is regulated by the LDEQ and in compliance with the regulations applicable to this type of facility.

Exide is an existing facility and has been in operation since 1969, it is in compliance with the regulations as a recycler.

The container storage areas are existing facilities for storage of spent lead-acid batteries and lead-bearing materials for lead recovery.

A. Is this facility part of a master plan to provide waste management? Whose plan?

No, this facility is not part of a formalized master plan for waste management. However, the effects of the facility are beneficial to any waste management plan by virtue of the fact that the Exide process recycles lead from spent batteries, rather than disposing of the batteries into a landfill.

1. How does it fit into the plan?

Not applicable.

2. What geographical area is served by the plan?

Not applicable.

B. Does this facility fit into an integrated waste management system? (reduction, recovery, recycling, sales tax, exchange, storage, treatment, disposal).

1. On-site

Yes. The facility is an integrated system for waste management. Each waste element is strategically stored in a location that maximizes facility efficiency, minimizes handling, maximizes worker and environmental safety and provides the largest potential environmental and financial gain for Exide and the community.

2. Regional

Yes. This facility represents a key component to an integrated waste management system by recycling/recovering the lead from spent batteries, minimizing/reducing the volumes of waste to be

disposed of in a landfill and providing a tax base for the local economy.

C. Can waste be disposed in another fashion (way)?

The Exide facility is a secondary lead smelter that recycles lead-acid batteries and other lead-bearing material. There are no other technologies that offer better protection to the environment. The alternative to recycling would be disposal of the waste, which would not be beneficial to the environment.

1. Technology limitations

Not applicable.

2. Cost factors

Not Applicable.

3. Other reasons

Not applicable.

D. What quality assurance control will be utilized to protect the environment?

Exide does not dispose of hazardous waste onsite. Exide also schedules the receipt of recyclable lead-bearing materials (D008) spent lead and batteries, and emission baghouse dust (K069) to minimize storage time, prior to recycling for lead recovery. Exide maintains and follows a SPCC Plan and employee training to minimize or reduce the likelihood of spills occurring on the site. The SPCC plan outlines activities to be followed to reduce the potential for spills or release of hazardous materials. In addition, Exide will comply with all applicable state and federal waste handling regulations.

Plans for lab work

The Baton Rouge smelter has a multi-function analytical laboratory. This laboratory is used to insure that product lead is cast to meet client specifications. Additionally, the on-site laboratory performs characterization testing on incoming materials and slags generated by the furnaces. The laboratory is also used to analyze sodium sulfate salt produced by neutralization of spent battery acid prior to the salt being shipped to clients. The on-site laboratory is operated following the specifications set forth in Exide's Comprehensive Quality Assurance Manual.

Exide uses outside contract laboratory services for all permit analytical testing. This testing includes:

- Semi-annual groundwater samples from monitor wells located at the closed hazardous waste cells and the solid waste landfill,
- Weekly samples of treated process water from Outfall 001,
- Quarterly samples of stabilized blast furnace slag, analyzed for TCLP metals, and
- Stormwater runoff samples from Outfalls 002 and 003.

The Baton Rouge smelter uses approved laboratories for this outside analytical work. A copy of an approved QA/QC protocol is included in Appendix D of Exide's Waste Analysis Plan. The plan outlines the requirements for receiving material at the Baton Rouge smelter.

1. **How are out-of-spec wastes handled**

   Exide has a strict screening process that lead bearing material generators must comply with prior to the material being accepted by the Baton Rouge smelter. This screening process includes the analysis and review of new waste streams prior to receipt, to verify chemical and physical characteristics, and the completion of waste profiles. Exide does not accept any material that contains organic constituents, PCBs, organic lead, or metallic aluminum. Additionally, material is not accepted that contains any free liquids. If the incoming material is not received in accordance with the chemical and physical characteristics purchase contract, the material generator is contacted and the discrepancy is reconciled or the material is returned.

2. **What happens to rejected wastes**

   As stated previously, if the incoming material is not received in accordance with the chemical and physical characteristics purchase contract, the material generator is contacted and the discrepancy is reconciled or the material is returned. Additionally, materials that cannot be recycled at this facility (*i.e.*, spent nickel-cadmium batteries) will be stored in an appropriate manner for disposal at an approved off-site facility.

3. **Treatment stabilization**

   In the lead recycling process, slag is produced from the blast furnaces. Based on the lead content, the blast furnace slag is

sorted into a recycle fraction and a disposal fraction. The recycle fraction is charged in the blast furnace to further recover the lead. The disposal fraction is fed into the slag stabilization unit were it is treated with Portland cement and sodium silicate prior to disposal in Exide's permitted on-site solid waste landfill.

The stabilized slag is disposed of in Exide's permitted on-site, solid waste landfill. A representative sample of the stabilized slag is collected at least once per quarter and sent to a contract laboratory for a TCLP toxicity analysis in accordance with EPA approved procedures.

4. Segregation of non-compatible wastes

On-site generated wastes and lead-bearing materials obtained from generators will be inspected, screened, and handled in accordance with EPA and state regulations and Exide's Waste Analysis Plan. The plan outlines the requirements for receiving material at the Baton Rouge smelter. The screening process is employed to ensure that incoming waste is characterized and that incompatible materials are separated.

5. Handling of containerized wastes

Containerized waste is stored in permitted areas at the facility. The material will be sampled upon receipt as specified in Exide's Waste Analysis Plan. The waste will be recycled in either the blast furnace or the reverbatory furnace. Spill response for the container storage areas are addressed in the SPCC plan. The SPCC plan outlines activities to be followed to reduce the potential for spills or release of hazardous materials.

E. Innovative techniques used to control release of waste or waste constituents into the environment.

Exide is an existing secondary lead smelter and is seeking a permit renewal for hazardous waste operations.

Surface impoundment

Exide does not operate a surface impoundment.

1. Land application treatment

Exide does not use land application treatment.

2. **Landfill (burial)**

Exide operates a permitted Type I solid waste landfill. The landfill is permitted to receive stabilized blast furnace slag and construction debris.

3. **Incinerator**

Exide does not use incinerators to treat or store hazardous waste.

4. **Container storage**

Exide currently has permitted multiple container storage areas that are designed to protect the environment, and minimize the potential for a hazardous waste release.

5. **Tanks**

Exide does not use tanks to treat or store hazardous waste.

ATTACHMENT 1

Hazardous Waste Materials Received

Type Material	Code	Estimated Annual Quantity Handled
Spent Lead-Acid Batteries	D002, D008	250,000 tons
Lead residues, sludges, plant scraps & other Group I lead bearing hazardous waste	D008	24,000 tons
Lead residues, sludges, slags, and other Group I lead bearing hazardous waste with impurity-level other metal content	D008 (D004, D006, D007, D010, D011)	1,000 tons
Emission control dust from Secondary Lead Smelters	K069	1,000 tons
Group II Recyclable lead bearing non-hazardous materials	D008	30,000 tons
Refractory Brick (exempt from permit)	D006, D008	200 tons
Spent nickel-cadmium batteries	D006	250 tons
Battery Components	D008	100,000 tons
Blast Furnace Slag	D008	20,000 tons

PART A

MAIL THE COMPLETED FORM TO: The Appropriate EPA Regional or State Office.	United States Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION FORM**	
1. Reason for Submittal (See instructions on page 25) CHECK CORRECT BOX(ES)	**Reason for Submittal:** ☐ To provide initial notification (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities). ☐ To provide subsequent notification (to update site identification information). ☐ As a component of a First RCRA Hazardous Waste Part A Permit Application. ☒ As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # Permit Renewal). ☐ As a component of the Hazardous Waste Report.	
2. Site EPA ID Number (See instructions on page 26)	**EPA ID Number:** LAD 008 184 137	
3. Site Name (See instructions on page 26)	**Name:** Exide Technologies	
4. Site Location Information (See instructions on page 26)	**Street Address:** 2400 Brooklawn Drive	
	City, Town, or Village: Baton Rouge	**State:** LA
	County Name: USA	**Zip Code:** 70807-2400
5. Site Land Type (See instructions on page 26)	**Site Land Type:** ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other	
6. North American Industry Classification System (NAICS) Code(s) for the Site (See instructions on page 26)	A. 331492 Secondary Smelting of Nonferrous Metals (except copper and aluminum)	B.
	C.	D.
7. Site Mailing Address (See instructions on page 27)	**Street or P. O. Box:** PO Box 74040	
	City, Town, or Village: Baton Rouge	
	State: LA	
	Country: USA	**Zip Code:** 70874-4040
8. Site Contact Person (See instructions on pages 27)	**First Name:** Joseph **MI:**	**Last Name:** Acker, Jr.
	Phone Number: 225-775-3040	**Phone Number Extension:** 127
9. Legal Owner and Operator of the Site (See instructions on pages 27 and 28)	A. Name of Site's Legal Owner: Exide Technologies	Date Became Owner (mm/dd/yyyy): 1995
	Owner Type: ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other	
	B. Name of Site's Operator: Exide Technologies	Date Became Operator (mm/dd/yyyy): 1995
	Operator Type: ☒ Private ☐ County ☐ District ☐ Federal ☐ Indian ☐ Municipal ☐ State ☐ Other	

EPA ID No. L A D 0 0 8 1 8 4 1 3 7

10. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. See instructions on pages 28 to 32)

A. Hazardous Waste Activities

1. **Generator of Hazardous Waste** (choose only one of the following three categories)

☒ a. LQG: Greater than 1,000 kg/mo (2,200 lbs./mo.) of non-acute hazardous waste; or

☐ b. SQG: 100 to 1,000 kg/mo (220 - 2,200 lbs./mo.) of non-acute hazardous waste; or

☐ c. CESQG: Less than 100 kg/mo (220 lbs./mo.) of non-acute hazardous waste

In addition, indicate other generator activities (check all that apply)

☐ d. United States Importer of Hazardous Waste

☐ e. Mixed Waste (hazardous and radioactive) Generator

For Items 2 through 6, check all that apply:

☐ 2. **Transporter of Hazardous Waste**

☒ 3. **Treater, Storer, or Disposer of Hazardous Waste (at your site)** Note: A hazardous waste permit is required for this activity.

☒ 4. **Recycler of Hazardous Waste (at your site)** Note: A hazardous waste permit may be required for this activity.

5. **Exempt Boiler and/or Industrial Furnace**

☐ a. Small Quantity On-site Burner Exemption

☐ b. Smelting, Melting, and Refining Furnace Exemption

☐ 6. **Underground Injection Control**

B. Universal Waste Activities

1. **Large Quantity Handler of Universal Waste (accumulate 5,000 kg or more) [refer to your State regulations to determine what is regulated]. Indicate types of universal waste generated and/or accumulated at your site. (check all boxes that apply):**

	Generated	Accumulated
a. Batteries	☐	☒
b. Pesticides	☐	☐
c. Thermostats	☐	☐
d. Lamps	☐	☐
e. Other (specify) _____	☐	☐
f. Other (specify) _____	☐	☐
g. Other (specify) _____	☐	☐

☒ 2. **Destination Facility for Universal Waste**
Note: A hazardous waste permit may be required for this activity.

C. Used Oil Activities N/A

1. **Used Oil Transporter - Indicate Type(s) of Activity(ies)**

☐ a. Transporter

☐ b. Transfer Facility

2. **Used Oil Processor and/or Re-refiner - Indicate Type(s) of Activity(ies)**

☐ a. Processor

☐ b. Re-refiner

☐ 3. **Off-Specification Used Oil Burner**

4. **Used Oil Fuel Marketer - Indicate Type(s) of Activity(ies)**

☐ a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner

☐ b. Marketer Who First Claims the Used Oil Meets the Specifications

11. Description of Hazardous Wastes (See instructions on page 33)

A. Waste Codes for Federally Regulated Hazardous Wastes. Please list the waste codes of the Federal hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page if more spaces are needed.

D002	K069					
D004						
D006						
D007						
D008						
D010						
D011						

EPA ID No. L A D 0 0 8 1 8 4 1 3 7

B. Waste Codes for State-Regulated (i.e., non-Federal) Hazardous Wastes. Please list the waste codes of the State-regulated hazardous wastes handled at your site. List them in the order they are presented in the regulations. Use an additional page if more spaces are needed for waste codes.

D002	K069					
D004						
D006						
D007						
D008						
D010						
D011						

12. Comments (See Instructions on page 33)

13. Certification. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (See Instructions on page 33)

Signature of owner, operator, or an authorized representative	Name and Official Title (type or print)	Date Signed (mm/dd/yyyy)
Joseph Acker Jr.	Joseph Acker, Jr., Director of North American Metals and Plant Manager of Baton Rouge	5/02/03

OMB #: 2050-0034 Expires 10/31/02

United States Environmental Protection Agency

HAZARDOUS WASTE PERMIT INFORMATION FORM

1. Facility Permit Contact (See Instructions on page 35)	First Name: Joseph	MI:	Last Name: Acker, Jr.
	Phone Number: 225-775-3040		Phone Number Extension: 127
2. Facility Permit Contact Mailing Address (See Instructions on page 35)	Street or P.O. Box: PO Box 74040		
	City, Town, or Village: Baton Rouge		
	State: LA		
	Country: USA		Zip Code: 70874
3. Legal Owner Mailing Address and Telephone Number (See Instructions on page 36)	Street or P.O. Box: 210 Carnegie Center		
	City, Town, or Village: Princeton		
	State: NJ		
	Country: USA	Zip Code: 08540	Phone Number 610-921-4015
4. Operator Mailing Address and Telephone Number (See Instructions on page 36)	Street or P.O. Box: PO Box 74040		
	City, Town, or Village: Baton Rouge		
	State: LA		
	Country: USA	Zip Code: 70874	Phone Number 225-775-3040
5. Facility Existence Date (See Instructions on page 36)	Facility Existence Date (mm/dd/yyyy): 01/01/1960		

6. Other Environmental Permits (See Instructions on page 36)

A. Permit Type (Enter code)	B. Permit Number	C. Description
N	LA0004464	NPDES (effective 4/01/01)
R	LAD008184137	RCRA Hazardous Waste (effective 11/01/93)
P	0840000400	Air Permit (effective 7/12/95)
E	LAD008184137	LDEQ Post-Closure Permit (Haz.Waste Piles #1,#2 ~~(effective 5/21/01)~~)
E	GD033205 4P0326	LDEQ Solid Waste Permit (effective 07/02/1998)
E	GD033205 4P0160	LDEQ Solid Waste Permit (closed 1999)

7. Nature of Business (Provide a brief description; see Instructions on page 37)

Secondary lead smelter and refiner which recycles spent lead acid batteries and other lead bearing materials into metallic lead ingots for use in batteries, ammunitions, weights chemicals and other commercial products.

8. Process Codes and Design Capacities (See instructions on page 37)

A. PROCESS CODE - *Enter the code from the list of process codes below that best describes each process to be used at the facility. Thirteen lines are provided for entering codes. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., D99, S99, T04 and X99), describe the process (including its design capacity) in the space provided in Item 9.*

B. PROCESS DESIGN CAPACITY- *For each code entered in column A, enter the capacity of the process.*

1. AMOUNT - *Enter the amount. In a case where design capacity is not applicable (such as in a closure/post-closure or enforcement action) enter the total amount of waste for that process.*
2. UNIT OF MEASURE - *For each amount entered in column B(1), enter the code in column B(2) from the list of unit of measure codes below that describes the unit of measure used. Select only from the units of measure in this list.*

C. PROCESS TOTAL NUMBER OF UNITS - *Enter the total number of units for each corresponding process code.*

PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
	Disposal:	
D79	Underground Injection Well Disposal	Gallons; Liters; Gallons Per Day; or Liters Per Day
D80	Landfill	Acre-feet; Hectare-meter; Acres; Cubic Meters; Hectares; Cubic Yards
D81	Land Treatment	Acres or Hectares
D82	Ocean Disposal	Gallons Per Day or Liters Per Day
D83	Surface Impoundment Disposal	Gallons; Liters; Cubic Meters; or Cubic Yards
D99	Other Disposal	Any Unit of Measure Listed Below
	Storage:	
S01	Container	Gallons; Liters; Cubic Meters; or Cubic Yards
S02	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards
S03	Waste Pile	Cubic Yards or Cubic Meters
S04	Surface Impoundment Storage	Gallons; Liters; Cubic Meters; or Cubic Yards
S05	Drip Pad	Gallons; Liters; Acres; Cubic Meters; Hectares; or Cubic Yards
S06	Containment Building Storage	Cubic Yards or Cubic Meters
S99	Other Storage	Any Unit of Measure Listed Below
	Treatment:	
T01	Tank Treatment	Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour
T02	Surface Impoundment Treatment	Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour
T03	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour
T04	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Day; Liters Per Hour; or Million Btu Per Hour
T80	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; Btu Per Hour; or Million Btu Per Hour
T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Liters Per Hour; Kilograms Per Hour; or Million Btu Per Hour
T82	Lime Kiln	
T83	Aggregate Kiln	
T84	Phosphate Kiln	
T85	Coke Oven	
T86	Blast Furnace	
T87	Smelting, Melting, or Refining Furnace	
T88	Titanium Dioxide Chloride Oxidation Reactor	
T89	Methane Reforming Furnace	
T90	Pulping Liquor Recovery Furnace	
T91	Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid	
T92	Halogen Acid Furnaces Other Industrial Furnaces Listed In 40 CFR §260.10	
T93		
T94	Containment Building - Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour
	Miscellaneous (Subpart X):	
X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below
X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day
X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; or Million Btu Per Hour
X04	Geologic Repository	Cubic Yards; Cubic Meters; Acre-feet; Hectare-meter; Gallons; or Liters
X99	Other Subpart X	Any Unit of Measure Listed Below

UNIT OF MEASURE	UNIT OF MEASURE CODE
Gallons	G
Gallons Per Hour	E
Gallons Per Day	U
Liters	L
Liters Per Hour	H
Liters Per Day	V

UNIT OF MEASURE	UNIT OF MEASURE CODE
Short Tons Per Hour	D
Metric Tons Per Hour	W
Short Tons Per Day	N
Metric Tons Per Day	S
Pounds Per Hour	J
Kilograms Per Hour	R
Million Btu Per Hour	X

UNIT OF MEASURE	UNIT OF MEASURE CODE
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu Per Hour	I

8. Process Codes and Design Capacities (*Continued*)

EXAMPLE FOR COMPLETING Item 8 (shown in line number X-1 below): A facility has a storage tank, which can hold 533.788 gallons.

Line Number		A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY (1) Amount (Specify)	(2) Unit of Measure (Enter code)	C. Process Total Number of Units	For Official Use Only
X	1	S	0	2	5 3 3 .7 8 8	G	0 0 1	
	1	S	0	1	29,920.00	G	001	
	2	S	0	1	85,000.00	G	001	
	3	S	0	1	81,000.00	G	001	
	4	S	0	6	7,614.819	Y	001	
	5							
	6							
	7							
	8							
	9							
1	0							
1	1							
1	2							
1	3							

NOTE: If you need to list more than 13 process codes, attach an additional sheet(s) with the information in the same format as above. Number the lines sequentially, taking into account any lines that will be used for "other" processes (i.e., D99, S99, T04 and X99) in Item 9.

9. Other Processes (See *instructions on page 37 and follow instructions from Item 8 for D99, S99, T04 and X99 process codes*)

Line Number (Enter lis in sequence with Item 8)		A. Process Code (From list above)			B. PROCESS DESIGN CAPACITY (1) Amount (Specify)	(2) Unit of Measure (Enter code)	C. Process Total Number of Units	D. Description of Process
X	1	T	0	4				In-situ Vitrification
	1	T	0	4	25,000 .00	D		slag stabilization using pozzolonic material and amorpous compound.
	2							
	3							
	4							

10. Description of Hazardous Wastes (See instructions on page 37)

A. EPA HAZARDOUS WASTE NUMBER - *Enter the four-digit number from 40 CFR, Part 261 Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261 Subpart D, enter the four-digit number(s) from 40 CFR Part 261, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.*

B. ESTIMATED ANNUAL QUANTITY - *For each listed waste entered in column A, estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A, estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.*

C. UNIT OF MEASURE - *For each quantity entered in column B, enter the unit of measure code. Units of measure which must be used and the appropriate codes are:*

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure, taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES

1. PROCESS CODES:

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Items 8A and 9A on page 3 to indicate the waste will be stored, treated, and/or disposed at the facility.

For non-listed hazardous waste: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Items 8A and 9A on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:

1. *Enter the first two as described above.*
2. *Enter "000" in the extreme right box of Item 10.D(1).*
3. *Use additional sheet, enter line number from previous sheet, and enter additional code(s) in Item 10.E.*

2. PROCESS DESCRIPTION: *If a code is not listed for a process that will be used, describe the process in Item 10.D(2) or in Item 10.E(2).*

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER - Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. *Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.*
2. *In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.*
3. *Repeat step 2 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.*

EXAMPLE FOR COMPLETING Item 10 (shown in line numbers X-1, X-2, X-3, and X-4 below) - A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operations. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number		A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	D. PROCESSES									
								(1) PROCESS CODES (Enter code)									(2) PROCESS DESCRIPTION (If a code is not entered in D(1))
X	1	K	0	5	4	900	P	T	0	3	D	8	0				
X	2	D	0	0	2	400	P	T	0	3	D	8	0				
X	3	D	0	0	1	100	P	T	0	3	D	8	0				
X	4	D	0	0	2												Included With Above

10. Description of Hazardous Wastes (*Continued; use additional sheets as necessary*)

Line Number	A. EPA Hazardous Waste No. (Enter code)	B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	D. PROCESSES (1) PROCESS CODES (Enter code)									(2) PROCESS DESCRIPTION (If a code is not entered in D(1))
1	K 0 6 9	1,000	T	S	0	1							drum storage area
2	D 0 0 8	24,000	T	S	0	1							prior to recycling
3	D 0 0 8	1,000	T	S	0	1							includes spent
4	D 0 0 4	included	in Line 3	S	0	1							refractory bricks
5	D 0 0 6	included	in Line 3	S	0	1							
6	D 0 0 7	included	in Line 3	S	0	1							
7	D 0 1 0	included	in Line 3	S	0	1							
8	D 0 1 1	included	in Line 3	S	0	1							
9													
10	D 0 0 8	250,000	T	S	0	1							batteries in
11	D 0 0 6	250	T	S	0	1							storage prior to
12	D 0 0 2	included	in Line 10	S	0	1							recycling
13													
14	D 0 0 8	100,000	T	S	0	6							Containment Building
15	D 0 0 7	included	in line 14	S	0	6							storage prior to
16	D 0 0 6	included	in Line 14	S	0	6							recycling.
17	D 0 0 4	included	in Line 14	S	0	6							
18	K 0 6 9	included	in Line 14	S	0	6							
19													
20	D 0 0 8	20,000	T	T	0	4							Treatment unit for
21													stabilization of sla
22													
23													
24													
25													
26													
27													
28													
29													
30													
31													
32													
33													

11. Map (See instructions on page 38)

Attach to this application a topographic map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in this map area. See instructions for precise requirements. See Figures 2, 3, and 4

12. Facility Drawing (See instructions on page 39)

All existing facilities must include a scale drawing of the facility (see instructions for more detail). See Figure 4

13. Photographs (See instructions on page 39)

All existing facilities must include photographs (aerial or ground-level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail). See Appendix 17

14. Comments (See instructions on page 39)

Additional information required by LAC 33:V.515

6. Facility Location: Latitude 30° 35' 008" Longitude 91° 14" 040"
   See Appendix 18 for legal description.

13. The facility is not located on Indian Lands

14. The construction documents associated with containment building modifications were approved by LDEQ. However, approval of the application has not yet been received.

22. Exide Technologies is conducting closure activities at a facility in Heflin, Louisana. Exide also conducts Hazardous Waste activities in Pennsylvania, Indiana, Florida, Tennessee, and Missouri.

23. The zoning at the facility is M-2, Heavy Industrial.

History: Part I and Part A

Revised 05/05/03

Date of Revision	Revision	Explanation	Revised Pages Page Number
3/27/86	LDEQ interpretation that batteries are containers add container/truck trailer storage area.	Chapter 41 (12/85) Schuylkill notified 3/85 inapplicability of this section to storage of batteries.	A2, B1, B2, B4, B6, C1, C3
4/29/88	Add container storage area for batteries on pallets.	Chapter 41, 12/85 See letter dated 05/04/88.	C1, C3, B6, B2, B4, B1, A2
2/15/89	Notification of Generation of Refractory Brick.	See letter dated 2/15/89.	A2, B1, B2, B4, B6
2/12/90	Petroleum Naptha Waste Generation Notice.	See letter dated 2/12/90.	A2, B1, B2, B4, B6
11/02/90	Submitted Part II Application for Battery Plates/Oxide in Piles.	Exempted by LDEQ from 12/85 rules. LDEQ issued Notice of Intent to Deny Exemption/Variance 09/23/91 and denied Variance 01/24/92. Schuylkill has appealed. EPA has proposed rules to allow storage of these materials in containment buildings. No determination has been made as to requirement for permitting of these buildings. See attached 11/02/90 letter.	
8/14/91	Notified acceptance of a portion of lead bearing D008 Group II recyclable by producer will be classified D004, D006, D007, D010, and D011 in addition to D008.	See letter dated 8/14/91.	A2, B1, B2, B4, B6

Date of Revision	Revision	Explanation	Revised Pages Page Number
8/28/91	Add stabilization fixaton process for blast furnance slag rather than "permit by rule" as a totally enclosed treatment facility.	Chapter 22 Land Ban Restriction D008 inorganic solid debris. Fed. Regs. Prom. 5/90. On 12/11/90 notified LDEQ this process was a totally enclosed treatment facility. LDEQ forwarded letter to EPA. Process in existence prior to May 1990. See attached letters 12/04/90 and 8/28/91.	A2, B1, B2, B3, B6, C1, C3
3/24/92	Nickel Cadmium Batteries Generation and Accumulation Notice	See attached letter dated 3/24/92.	Notes Section B Item 4
4/02/92	Complete revision to comply with LDEQ Technical Review of Part II H.W. Permit Application.		All Pages
1/30/97	Change from Part I to EPA - Hazardous Waste permit Application - Part A.	See Attachment Number 1 - Change of Ownership Letter dated October 29, 1996.	All Pages
5/23/97	Revised Part A	To correct Process Design Capacities. See DEQ letter of 04/08/97.	All Pages
2/03/99	Revised Part A	To correct Process Design Capacities.	3
7/31/01	Revised Part A	Name Change	A1, A2
5/05/03	Submitted Revised Part A and B	Permit Renewal Application. Permit to expire 11/01/03.	All Pages

PART B

CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS

Exide acknowledges and understands the general provisions and definitions established in this chapter. No response in necessary.

CHAPTER 3

GENERAL CONDITIONS FOR TREATMENT, STORAGE, AND DISPOSAL FACILITY PERMITS

Pursuant to LAC 33:V.4101, Exide stores recyclable materials before they are recycled and therefore are regulated under the provisions of Chapter 3 of the Hazardous Waste Regulations. Exide understands and acknowledges the provisions of this chapter and is in compliance with the applicable requirements of this chapter. This Part II Permit Application is submitted as required and in conformance with the provisions of Chapter 3.

Exide is currently operating under an existing Hazardous Waste Permit. This permit is set to expire on November 1, 2003. This submission is an application for renewal of the Hazardous Waste Permit. Exide previously submitted a permit modification on October 17, 2001 for upgrades to the Containment Building and inclusion of the Containment Building in the permit. Exide is responding to LDEQ comments received on March 18, 2003. LDEQ approval has not yet been received for the modification.

CHAPTER 5

PERMIT APPLICATION CONTENTS

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 5. Permit Application Contents
Subchapter A. General Requirements for Permit Applications

§501. Permit Application

A. **Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit a permit application to the administrative authority as described in this Section and LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by RCRA permits by rule (LAC 33:V.305.D) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.**

Response

Exide currently is operating under the provisions of Hazardous Waste Operating Permit LAD008184137. This permit was issued by the Louisiana Department of Environmental Quality (LDEQ) on November 1, 1993, and expires on November 1, 2003. Exide is herein submitting this Permit Application to renew the Hazardous Waste Operating Permit. Exide also operates a Containment Building under interim status. Exide submitted a Class 3 permit modification to LDEQ on October 17, 2001. The modification included upgrades to the containment building and a request to operate the building under the hazardous waste permit as required by LDEQ in Appendix 1. The modification has not yet been approved. Exide is currently responding to comments provided by the LDEQ on the October 17, 2001 submission. This renewal application has assumed that the containment building will continue to operate under interim status until approval by LDEQ.

B. **When a facility or activity is not owned and operated by one person, it is the operator's duty to obtain a permit. The owner must also sign the permit application.**

Response
Exide is a corporation. Mr. Joseph Acker, Director of North America Metals, Plant Manager of Baton Rouge, and a duly authorized officer of Exide, has signed this application.

C. Existing Hazardous Waste Management Facilities and Interim Status Qualifications

1. Owners and operators of existing hazardous waste management facilities or of hazardous waste management facilities in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit must submit Part I of their permit application no later than:

a. six months after the date of publication of regulations which first require them to comply with LAC 33:V.Chapters 11, 15, 25, 30, 41 or 43; or

b. thirty days after the date they first become subject to the standards set forth in LAC 33:V.Chapters 11, 15, 25, 30, 41, or 43, whichever first occurs.

Response
Exide is submitting an updated Part I application as part of this permit renewal application.

2. The owner and operator of an existing hazardous waste management facility may be required to submit Part II of their permit application. The administrative authority may require submission of Part II. Any owner or operator shall be allowed at least 120 days from the date of request to submit Part II of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit Part II of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility must submit a Part II permit application in accordance with the dates specified in LAC 33:V.4305. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit must submit a Part II application in accordance with the dates specified in LAC 33:V.4305.

Response
Exide is submitting this pemit renewal Part II application at least 120 days prior to the expiration of the current permit.

§503. Completeness

The administrative authority shall not issue a permit before receiving a complete application for a permit except for permits by rule (LAC 33:V.305.D) or emergency permits (LAC 33:V.701). An application for a permit is complete when the administrative authority receives an application form and any supplemental information which are completed to his or her satisfaction. The administrative authority may deny a permit for the active life of a hazardous waste management facility or TSD unit before receiving a complete application for the permit. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in this Section.

A. Any Part II permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

1. reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

2. the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under LAC 33:V.503.A.1; and

3. the potential magnitude and nature of the human exposure resulting from such releases.

Response
Exide acknowledges the above. However, Exide does not operate any facilities that store, treat, or dispose of hazardous waste in a surface impoundment or a landfill.

B. By August 8, 1985, owners and operators of a landfill or a surface impoundment who have already submitted a Part II application must submit the exposure information required in LAC 33:V.503.A.

Response
Exide acknowledges the above citation; however, Exide does not operate a hazardous waste surface impoundment or landfill.

§505. Recordkeeping

Applicants shall keep records of all data used to complete permit applications and of any supplemental information submitted under this Chapter, as required in LAC 33:V.309.J.

Response
Exide acknowledges the above requirement and will comply by maintaining records and monitoring data required by this application for the active life (including operating, closure and post-closure periods) of the facility.

Subchapter B. Signatories to Permit Applications and Reports, Changes of Authorizations, and Certifications

§507. Applications

All permit applications shall be signed as follows:

A. for a corporation: by a responsible corporate officer; for the purpose of this Section, a responsible corporate officer means:

1. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

2. the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

C. for a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

Response
Exide is a corporation. The permit application has been signed by Joe Acker, the Director of North American Metals, and the plant manager of the Baton Rouge smelter.

§509. Reports

All reports required by permits, and other information requested by the administrative authority shall be signed by a person described in LAC 33:V.507, or by a duly authorized representative of that person. A person is a duly authorized representative only if: the authorization is made in writing by a person described in LAC 33:V.507; and the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position). The written authorization is submitted to the administrative authority.

Response
All reports required by permits and other information requested by the Administrative Authority shall be signed by a duly authorized representative of the company as described in LAC 33:V.509.

§511. Changes in Authorization

If an authorization under LAC 33:V.509 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of LAC 33:V.509 must be submitted to the administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

Response
Exide acknowledges the above and will comply if an authorization becomes inaccurate.

§513. Certification

A.

1. Any person signing a document under LAC 33:V.507 or 509 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision

according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Response
Exide is a corporation that owns and operates the Baton Rouge Smelter. Joe Acker, the Director of North American Metals and the Baton Rouge smelter Plant Manager, has signed this document certifying the above statement. This signed certification statement is included as Appendix 2.

2. **For remedial action plans (RAPs) under LAC 33:V.Chapter 5.Subchapter G, if the operator certifies according to Subsection A.1 of this Section, then the owner may choose to make the following certification instead of the certification in Subsection A.1 of this Section:**

"Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Response
Should Exide submit a remedial action plan, the above statement will be duly noted and signed by an authorized representative.

B. **Certification of an owner who is not the operator:**

"I certify that I understand that this application is submitted for the purpose of obtaining a permit to operate a hazardous waste management facility on the property as described. As owner of the property/facility, I understand fully that the facility operator and I are jointly and severally responsible for compliance with both LAC 33:V.Subpart 1 and any permit issued pursuant to those regulations." For owners of land disposal facilities, add: "I further

understand that I am responsible for providing the notice in the deed to the property required by LAC 33:V.3525."

Response
The owner of this facility is also the operator; therefore this certification statement does not apply. The certification statement required by LAC 33:V.513.A.1 is included as Appendix 2.

Subchapter C. Permit Applications: Parts I and II

§515. Part I Information Requirements

All applicants for TSD permits shall provide the following information to the administrative authority using the application form provided. Other formatting requirements may be specified by the administrative authority.

1. **date of application;**

   Response
   The application date is provided on the document cover.

2. **EPA identification number;**

   Response
   The EPA identification number is provided on the Part 1 form.

3. **a brief description of the nature of the business;**

   Response
   Exide is a secondary lead smelter and refiner which recycles spent lead acid batteries and other lead bearing materials into metallic lead ingots for use in batteries, ammunitions, weights, chemicals and other commercial products. This information is provided on the Part 1 form.

4. **the activities conducted by the applicant which require it to obtain a TSD permit;**

   Response
   Exide operates hazardous waste storage and treatment units.

5. **name, mailing address, and location of the facility for which the application is submitted;**

   Response
   Exide's name, mailing address and location of the facility are provided on the Part 1 form.

6. **the latitude and longitude of the facility and a legal description of the site;**

Response
The latitude and longitude of the facility are provided on the Part 1 form. A legal description of the site is provided in Appendix 18.

7. **up to four SIC codes which best reflect the principal products or services provided by the facility;**

Response
The SIC code is provided on the Part 1 form.

8. **an indication of whether the facility is new or existing and whether it is a first or revised application;**

Response
The Baton Rouge smelter is an existing facility. This permit renewal has been indicated on the Part 1 form.

9. **the operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;**

Response
This information is provided on the Part 1 form.

10. **owner's name, address, and phone number if different from operator's;**

Response
This information is provided on the Part 1 form.

11. **contact: name of individual to be contacted concerning hazardous waste management;**

Response
This information is provided on the Part 1 form.

12. **telephone number of contact;**

Response
This information is provided on the Part 1 form.

13. **whether the facility is located on Indian lands;**

Response
The facility is not located on Indian lands. This information is indicated on the Part 1 form.

14. **a listing of all permits or construction approvals received or applied for under any of the following programs:**

    a. **hazardous waste management program;**

    b. **Underground Injection Control (UIC) program;**

    c. **National Pollution Discharge Elimination System (NPDES) program;**

    d. **Prevention of Significant Deterioration (PSD) program under the Federal Clean Air Act;**

    e. **nonattainment program under the Clean Air Act;**

    f. **National Emission Standards for Hazardous Air Pollutants (NESHAP) preconstruction approval under the Clean Air Act;**

    g. **ocean dumping permits under the Marine Protection Research and Sanctuaries Act;**

    h. **dredge or fill permits under Section 404 of the federal Clean Water Act (CWA); or**

    i. **other relevant environmental permits;**

    Response
    This information is provided on the Part 1 form. Exide also submitted a Class 3 permit modification on October 17, 2001. The modification included upgrades to the Containment Building and a request to include the Containment Building in the Hazardous Waste Permit as required by LDEQ in Appendix 1. Approval of the modification has not yet been received. Exide is currently responding to comments provided by the LDEQ on the October 17, 2001 submission.

15. **a topographic map (or other map if a topographic map is unavailable) extending two miles beyond the property boundaries of the facility indicating the following; each hazardous waste treatment, storage, and disposal facility; each well where fluids from the facility are injected underground; and those wells, springs, other**

surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant;

Response
As indicated on Part 1 form, the requested information is provided on Figures 2, 3, and 4.

16. **for existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas;**

Response
As indicated on the Part 1 form, the requested information is provided on Figure 4.

17. **for existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas;**

Response
As indicated on the Part 1 form, photographs are provided in Appendix 17.

18. **a description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items;**

Response
The design capacity of the storage and treatment units is provided on the Part 1 form.

19. **a specification of the hazardous wastes listed or designated to be treated, stored, or disposed of at the facility; an estimate of the quantity of such wastes to be treated, stored, or disposed of annually; and a general description of the processes to be used for such wastes;**

Response
The type and annual quantity of waste to be treated and stored is provided on the Part 1 form.

20. **status: ownership status of existing site or land for proposed site (federal, state, private, public, other);**

Response
This information is indicated on the Part 1 form.

21. **operation status;**

Response
This information is indicated on the Part 1 form. The Baton Rouge Smelter is an active facility.

22. **list other company hazardous waste operations in Louisiana (permitted or non-permitted and current or abandoned);**

Response
This information is provided on the Part 1 form.

23. **list other states in which hazardous waste operations are or have been conducted, as required by LAC 33:I.1701;**

Response
This information is provided on the Part 1 form.

24. **zoning of site, if applicable;**

Response
As indicated on the Part 1 form, the site is zoned M-2, Heavy Industrial.

25. **for hazardous debris: a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility;**

Response
Exide does not manage hazardous debris; therefore this citation does not apply.

26. **other information required in LAC 33:I.1701; and**

Response
Exide acknowledges this requirement and will comply.

27. **comments.**

Response
Exide acknowledges this requirement and will comply.

Subchapter D. Part II General Permit Information Requirements

§516. Information Requirements for Solid Waste Management Units

A. The following information is required for each solid waste management unit at a facility seeking a permit:

1. the location of the unit on the topographic map required under LAC 33:V.517.B;

Response
The location of the three container storage areas, the treatment unit and the Containment Building are shown on Figure 5.

2. designation of type of unit;

Response
There are three container storage areas at the Baton Rouge smelter. The Truck/Trailer Storage Area is used to hold spent lead-acid and nickel-cadmium batteries in tractor trailers. The Whole Battery Storage Area is used to hold spent lead-acid batteries on pallets prior to recycling. The K069/D008 Storage Area is used to hold drums of lead-bearing waste material prior to recycling. The Containment Building houses the primary recycling operation. The Containment Building is configured with three areas all under one roof as shown on Figure 6. The Raw Material Storage Area (Area 1) is used to store dry materials prior to recycling. The Paste Storage Area (Area 2) is used for the initial staging of neutralized lead paste from the battery breaking/desulfurization process prior to moving the paste to Area 1. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%. The Production Area (Area 3) houses the blast furnace, reverberatory furnace and the refining kettles. This area is not regulated since it is a recycling/production facility. The Slag Stabilization Unit is a hazardous waste treatment unit that treats blast furnace slag by mixing it with Portland cement and sodium silicate.

3. general dimensions and structural description (supply any available drawings);

Response
Figure 5 (Topographic Map) shows the locations of each unit. Figures 6 (Containment Building Map), 11 (K069/D008 Storage Area), 12 (Truck/Trailer Storage Area), and 13 (Whole Battery Storage Area) present the available detailed design information

about each unit. Appendix 25 provides the proposed upgrades to the Containment Building Floor Design. Appendix 11 provides additional design information for the Containment Building. Photographs of the units are included in Appendix 17.

4. **when the unit was operated; and**

Response
Exide has operated the Containment Building since 1991. The Slag Stabilization Unit was completed and commenced operations in 1993. The K069/D008 Area became operational when the facility started, in 1969. The Truck/Trailer Area was built in 1986. The Whole Battery Storage Area was completed in 1999.

5. **specification of all waste codes for all hazardous wastes that have been managed at the unit.**

Response
Exide stores lead-bearing materials with waste codes D008, D007, D006, D004, D010, D011 and K069 in the K069/D008 Storage Area. The Truck/Trailer Storage Area holds spent lead-acid batteries with waste codes of D002, D006 and D008. The Whole Battery Storage Area hold spent lead-acid batteries with waste codes of D002 and D008. The Slag Stabilization Unit contains materials that have a waste code of D008. The Containment Building has materials with waste codes of D008, D007, D006, D004, D010, D011 and K069.

6. **details of all ancillary equipment including tanks storing hazardous waste in less than 90-day service and pipes carrying hazardous waste to the injection well(s) must meet the requirements of LAC 33:V.Chapter 19. A certification by an independent Louisiana Registered Professional Engineer must be provided attesting to the adequacy of pipes, valves, and pumps to handle hazardous waste under pressure and to the adequacy of secondary containment provided to meet the requirements of LAC 33:V.Subpart 1.**

Response
Exide does not use tanks to store hazardous waste, or have pipelines carrying hazardous waste. Therefore this section is not applicable.

B. **The owner or operator of any facility containing one or more solid waste management units must submit all available information**

pertaining to any known release of hazardous wastes or hazardous constituents from such unit or units.

Response
Exide was issued a Post-Closure Permit for two closed hazardous waste piles in April 2001. The permit describes four solid waste management units (SWMUs), that were originally identified during a RCRA Facility Assessment conducted in 1987. These SWMUs are identified in Appendix 3 and discussed and shown on Figure 5 and include SWMU #34 (Slag Storage Area), SWMU #40 (Truck Washdown Area), SWMU #49 (Wastewater Drainage System), and SWMU #60 (Railcar Area). As required by the Post-Closure Permit, Exide submitted a Preliminary Report on November 13, 2001 to describe current facility conditions. A Phase I RCRA Facility Investigation Work Plan was also submitted on November 16, 2001. The Phase I RCRA Facility Investigation Work Plan was developed using existing information to propose collection of additional information necessary to determine the presence, magnitude, extent and mobility of hazardous waste constituents on and beneath the site that may have originated from the pre-RCRA and RCRA-permitted SWMUs. As comments or approval have not yet been received from LDEQ, RFI activities have not yet begun.

However, the permitted container storage areas, the permitted treatment unit and interim status Containment Building are not included in the proposed investigations as SWMUs and, accordingly, this section does not apply to this current application.

C. **The owner/operator must conduct and provide the results of sampling and analysis of groundwater, land surface and/or subsurface strata, surface water, and/or air, which may include the installation of wells, if the administrative authority ascertains it is necessary to complete a RCRA Facility Assessment that will determine whether a more complete investigation is necessary. If the owner/operator has an EPA approved RCRA Facility Investigation, the results of this investigation may be provided to the administrative authority.**

Response
Exide, as a result of the 1997 RCRA Facility Assessment (RFA) and the Post-Closure Permit, has submitted a RCRA Facility Investigation (RFI) Work Plan for investigation of four identified solid waste management units (SWMUs). These SWMUs are identified and discussed and shown in Appendix 3 and include SWMU #34 (Slag Storage Area), SWMU #40 (Truck Washdown Area), SWMU #49 (Wastewater Drainage System), and SWMU #60 (Railcar Area). As comments or approval have not yet been received from LDEQ, RFI activities have not yet begun. Results

from these investigations will be provided to LDEQ as required. However, the permitted container storage areas, the permitted treatment unit and the interim-status Containment Building are not identified as SWMUs and, accordingly, this section does not apply to this current application.

§517. Part II Information Requirements (the Formal Permit Application)

The formal permit application information requirements presented in this Section reflect the standards promulgated in LAC 33:V.Subpart 1. These information requirements are necessary in order to determine compliance with all standards. Responses and exhibits shall be numbered sequentially according to the technical standards. The permit application must describe how the facility will comply with each of the sections of LAC 33:V.Chapters 15–37 and 41. Information required in the formal permit application shall be submitted to the administrative authority and signed in accordance with requirements in LAC 33:V.509. The description must include appropriate design information (calculations, drawings, specifications, data, etc.) and administrative details (plans, flow charts, decision trees, manpower projections, operating instructions, etc.) to permit the administrative authority to determine the adequacy of the hazardous waste permit application. Certain technical data, such as design drawings, specifications, and engineering studies, shall be certified by a Louisiana registered professional engineer. If a section does not apply, the permit application must state it does not apply and why it does not apply. This information is to be submitted using the same numbering system and in the same order used in these regulations:

A. a general description of the facility including hours of operation/day and day/week;

Response

The Exide Baton Rouge smelter is a secondary lead smelter and refinery that recycles lead-bearing materials including spent lead-acid batteries to make metallic lead used in production of new batteries. The facility is located in East Baton Rouge Parish, at latitude 30 degrees, 35 minutes, 8 seconds, longitude 91 degrees, 14 minutes, 40 seconds. Figure 2 shows the Site Location Map and Figure 5 shows the Topographic Map. The plant is in operation 24 hours per day, seven days per week. Normal office hours are Monday through Friday 8:00 a.m. through 4:30 p.m. The facility has 24-four hour security.

Exide processes lead bearing raw materials, including spent lead acid batteries, emissions control dust, sludges and by products into metallic lead for resale and reuse. Some of the raw materials used in the process and stored on site are classified as hazardous wastes by regulation.

Exide was issued a Hazardous Waste Permit (LAD008184137) to operate three container storage areas (the Truck/trailer Storage area, the K069/D008 Storage area and the Whole Battery Storage area). Exide operates a Containment Building, which is currently under interim status. A hazardous waste treatment unit, the Slag Stabilization unit, is also permitted under LAD008184137.

Most of the raw materials used by the Baton Rouge smelter to produce lead are purchased off-site. The lead-bearing raw materials are delivered to the facility in trucks or trailers and are unloaded at the loading dock. If the material is classified a hazardous, it will be received under manifest, as specified in the Louisiana Department of Environmental Quality, Hazardous Waste Division Environmental Regulatory Code. Other nonhazardous and exempt materials are received under bill of lading. Some of these lead-bearing materials are received in drums. These drums will either be emptied directly into a feedstock pile in the containment building or held temporarily in the K069/D008 storage area.

Lead acid batteries are either fed directly into the battery breaker or are stored temporarily onsite in one of two permitted storage area, the Truck/Trailer storage area or the Whole Battery storage area. Lead acid batteries are processed in the battery breaker unit, by cutting the batteries, and hydraulically separating the individual components. The plastic is thoroughly washed to remove residual acid and lead. It is then loaded into trailers and shipped offsite for recycling. The battery acid, a weak sulfuric acid solution, is neutralized with sodium hydroxide and crystallized to form sodium sulfate salt. The salt is sold as a product. The lead material from the batteries is processed to convert lead sulfate to lead oxide. The lead oxide paste is then stored in the Paste Storage Area of the Containment Building, prior to recycling. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%.

The facility operates one blast furnace and one reverberatory furnace that are used to smelt the lead-bearing raw materials. The molten lead is cast either into ingots using two casting machines or blocks using molds. Additionally, the facility operates a billet casting machine to produce lead billets. The finished lead is tested to determine if it meets client specifications and is then loaded into trucks and transported off-site for reuse.

As a part of the lead recycling, a blast furnace slag is generated. This slag contains mostly iron, silica and calcium oxides, with typically less than 1% lead. However, the slag is classified as a hazardous waste due

to the lead content, since it typically cannot pass the TCLP analysis for lead. The slag is allowed to cool, crushed to small diameter, and treated using a mixture of cement and sodium silicate, as specified in the facility's Hazardous Waste Permit. The stabilized slag is rock-like in appearance and engineering properties. After treatment, the slag is placed in a permitted onsite Solid Waste landfill.

Operations are summarized on the Process Flow Diagram, Figure 1.

Since the original permit application was submitted in 1993, the facility has had several changes to the operations including:

- Installation of the current Battery Breaker Unit in 1995, which replaced the former MA breaker system.
- Upgrades to the groundwater monitoring system. New wells were installed in 1995 and initially sampled in 1998.
- Completed construction of the New Landfill, an onsite Type I solid waste landfill which began receiving stabilized blast furnace slag on July 3, 1998.
- Installation of the No. 7 Baghouse in November 1998.
- Completion of the Whole Battery Storage Area in 1999.
- Closure of the Old Landfill, an onsite Type I solid waste landfill closed in 1999.
- Discontinued use of the No. 2 Blast Furnace in December 1999.
- Taken refining kettles No. 2 and No. 11 out of service in January 2000.
- Taken the billet casting machine out of service in January 2000.

B. a topographic map or maps showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet); contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. The map or maps shall clearly show the following:

1. **map and scale date;**

Response
A topographic map of the facility is included as Figure 5, Topographic Map. The scale of the map is 1 inch equals 50 feet. The map shows the facility and the adjacent areas. Figure 7, Surrounding Topography Map, provides contours for the facility and an area 1,000 feet outside the facility, including water bodies. The scale of the map is 1 inch equals 200 feet.

2. **orientation of the map (north arrow);**

Response
A north arrow is included on Figures 5 and 7.

3. **100-year floodplain area;**

Response
Exide has included a map showing the 100-year flood plain area in Figure 9. The Baton Rouge Smelter is located outside the limits of the 100-year flood plain.

4. **Surface waters including intermittent streams and surface flow through the site and a map of the potentiometric surface for aquifers within 100 feet of lowest elevation of disposal cells, or other facilities containing hazardous waste, from 1,000 feet upstream to 1,000 feet downstream, where practicable. Included should be a general area map and cross sections indicating the extent of freshwater sands, and the degree of isolation from waste sources by confining layers of clay;**

Response
Exide has included a map showing surface water, including Baton Rouge Bayou and the Profit Island Chute, in Figures 2 (Site Location Map), 3 (Radius Map with Water Well Locations), and 7 (Surrounding Topography). Although Exide does not maintain hazardous waste disposal cells, potentiometric maps using information collected from on-site monitoring wells have been provided as Figures 14 and 15. Potentiometric maps for the "600-foot", "1,200-foot", and "1,500-foot" sands are provided in Appendix 20.

5. **surrounding land uses (residential, commercial, agricultural, recreational, public) such as schools, hospitals, libraries, etc.;**

Response

The map in Figure 5 shows the surrounding land uses. The Petro-Processors site, a Superfund site, is located within 100-feet of the Baton Rouge smelter. Great Lakes Carbon (formerly Reynolds Metals Corporation), also located within 100-feet of the Baton Rouge smelter, is an industrial facility that process petroleum coke. Surrounding land uses are also shown on Figures 2 (Site Location Map) and 7 (Surrounding Topography).

There are no schools, hospitals, libraries or public building with 2 miles of the site. The nearest pasture land is located 1.5-mile from the facility. The nearest resident is located 2 miles from the facility.

6. **legal boundaries of the TSD facility site;**

Response

Figures 5, (Topographic Map) and 7 (Surrounding Topography) present the legal boundaries for the facility.

7. **access control (fences, gates);**

Response

The facility is fenced on three sides with a main gate and two alternate gates. Prior to entering the facility's main gate, vehicles must check in with the security guard. Any delivery or shipment of waste will be weighed in at the scale prior to entering the site. One of the two alternate gates is used solely for rail car access. Any rail cars that enter the site are first checked in by security. The rail cars are then allowed to enter the facility and are directed to the rail car scale to be weighed in. The third gate is a side access gate that is used primarily for delivery of maintenance supplies and materials. This gate is kept locked except when in use. The security guard has remote access to this gate so that it can be opened and closed from the guard house. Exide presents the access controls on Figure 5, Topographic Map and Figure 4, Site Operational Areas.

8. **injection and withdrawal wells both on site and off site;**

Response

Exide has two deep wells that are used for potable water and non-contact cooling water for operations at the Baton Rouge smelter. The primary well (No. 3 well, LADOTD No. 967) is 2,447 feet deep and screened from 1,870-feet to 2,434-feet. The backup well (No.

1 well, LADOTD No. 748) is 1278 feet deep and screened from 1,228-feet to 1,278-feet. The locations of water wells are included on Figure 3, Radius Map with Water Well locations. Exide does not have any injection wells.

9. **the proposed location of groundwater monitoring wells as required under LAC 33:V.3315.A and B;**

Response

The locations of the groundwater monitoring wells in place for other regulated units at Exide are shown on Figure 5. Exide has seven groundwater monitoring wells (upgradient well MW-1R, and downgradient wells MW-4R, MW-12R, MW-13R, MW-16, MW-17 MW-18) that were placed to monitor the two closed hazardous waste piles located in the north and western section of the facility. Exide has three wells that monitor the closed solid waste landfill to the north of the property (MW-1A, MW-14A and MW-15A). There are also three well sets to monitor the New Landfill, an active solid waste landfill on the western portion of the Exide site. The wells are upgradient well MW-19, and downgradient wells MW-20 and MW-21. All of these wells are screened in the first water-bearing unit encountered at the site. Exide does not have any plans to install additional wells. Groundwater monitoring is not required for the hazardous waste storage and treatment units.

10. **the proposed "point of compliance" as defined under LAC 33:V.3311;**

Response

As groundwater monitoring is not required for the hazardous waste storage and treatment units, a point of compliance for the hazardous waste storage and treatment units does not apply.

11. **buildings, treatment, storage, or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, utilities, security facilities, etc.);**

Response

The general layout of the facility including buildings, treatment and storage operations, the wastewater drainage and collection system, roadways, unloading areas, fencing and the guard house is shown on Figure 5. Figure 6 presents a detailed map showing the layout of the Containment Building.

12. **barriers for drainage or flood control;**

Response
Barriers within the facility are provided to divert rainwater away from process and storage units and into a permitted water treatment unit. The active portion of the facility is not located within a flood zone and no flood control measures are required. The Topographic Map, Figure 5, shows the site drainage.

13. **location of operational units within the TSD facility site, where hazardous waste is (or will be) treated, stored, or disposed of (including equipment cleanup areas). (For large TSD facilities, the administrative authority may allow the use of other scales on a case-by-case basis); and**

Response
Exide has three hazardous waste storage areas, a treatment unit and a containment building. The Truck/Trailer Storage Area is used to hold spent batteries in trailers. It has a permitted capacity of 85,000 batteries. The Whole Battery Storage Area is used to hold batteries on pallets. It has a permitted capacity of 81,000 batteries. The K069/D008 Storage Area is used to hold drums of listed or characteristic hazardous waste. It has a permitted capacity of 544 drums.

The Containment Building (currently in interim status) is used to hold lead-bearing raw materials prior to recycling. The building has an engineered capacity of 3,333 tons of blast furnace slag that is stored prior to on-site stabilization and disposal. Additionally, the building has the capability to hold 12,080 tons of lead material for recycling, including battery plates, lead oxide paste, reverberatory furnace slag, lead dross, and purchased scrap.

The general layout of the facility is shown on Figure 4, Operational Areas. Figure 6 presents a detailed map showing the layout of the Containment Building including operational units and the permitted storage and treatment areas.

14. **natural features affecting off-site drainage patterns, transportation, utilities, and location of effluent discharges.**

Response
All of the natural features that affect off-site drainage patterns are included in Figures 2 (Site Location Map), 5 (Topographic Map) and 7 (Surrounding Topography). Discharge locations are also shown on Figure 5.

C. **site layout and facility design when phased construction is planned; the plans must indicate each phase and an accompanying schedule of construction;**

Response
The only construction planned is for the upgrade to the Containment Building as previously presented in the October 17, 2001 permit modification submission. The proposed Containment Building Floor Design is included in this renewal application Appendix 25.

D. **chemical and physical analyses of the hazardous wastes and the hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information that must be known to treat, store, or dispose of the wastes properly;**

Response
The chemical and physical analyses of the hazardous wastes being handled at this facility are included in the Waste Analysis Plan included as Appendix 4. Prior to approval of hazardous materials for shipment to Exide, analyses for total antimony, arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium, silver, tin, zinc, fluoride, chloride, sulfide, aluminum, and magnesium and TCLP arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver are submitted by the generator for review by Exide. Prior to approval of coproduct materials for shipment to Exide, analyses for total antimony, arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium, silver, tin, zinc, fluoride, chloride, sulfide, aluminum, and magnesium are submitted by the generator for review by Exide. Upon arrival at the facility, wastes are visually inspected during unloading and are analyzed for total lead to confirm the profile and determine the proper recycling method. Samples of untreated slag are analyzed for lead, calcium, iron, antimony and salt content to determine if the slag should be recycled or disposed. Treated slag is sampled once per quarter for TCLP toxicity analysis.

E. **a copy of the waste analysis plan required by LAC 33:V.1519.B;**

Response
The Waste Analysis Plan is included as Appendix 4.

F. **a description of the security procedures (including entry control, hours manned, lighting, monitoring, and other procedures to prevent unauthorized entry) and equipment required by LAC 33:V.1507 or a justification demonstrating the reasons for requesting a waiver of this requirement;**

Response
The Exide facility is fenced on three sides with a natural barrier, Baton Rouge Bayou on the fourth side. The facility's main gate has a guard house with 24-hour security. Guards periodically patrol the site. Two other facility gates (a railroad entrance and a side parking lot entrance) are kept locked and are used only temporarily. When opened the gates are attended by Exide personnel. All facility gates are lighted and monitoring is provided by remote video cameras. Other entry controls include signs at the facility entrance and at each hazardous waste unit.

G. **a copy of the general inspection schedule required by LAC 33:V.1509.B. Include, where applicable, as part of the inspection schedule, specific requirements in LAC 33:V.1709, 1719, 1721, 1731, 1755-1759, 1763, 1907.I, 1911, 2109, 2309, 2507, 2703.A-G, 2907, 3119.B and C, and 3205;**

Response
The general inspection schedule for the Baton Rouge smelter is included in the inspection plan included as Appendix 5. Inspections are conducted daily, weekly, monthly, and quarterly. The inspections are documented on the inspection forms and are placed in the facility's files.

H. **a justification of any request for a waiver(s) of the preparedness and prevention requirements of LAC 33:V.1511;**

Response
Exide is not requesting a waiver of the preparedness and prevention requirements of LAC 33:V.1511.

I. **a copy of the contingency plan required by LAC 33:V.1513 [Note: Include, where applicable, as part of the contingency plan, specific requirements in LAC 33:V.2909];**

Response
A copy of the most current RCRA Contingency Plan and Emergency Response Plan is included as Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

J. **a description of procedures, structures, or equipment used at the facility to:**

1. **prevent hazards in unloading operations (for example, ramps, special forklifts);**

Response
The lead-bearing materials are received in containers (i.e., drums or batteries on pallets) and off loaded directly into the process units or stored in one of three container storage areas. Forklifts are used to handle the pallets of lead-bearing materials. The dock is equipped with guard rails to prevent a forklift from sliding off of the dock. The operator and other facility personnel are trained in the use of forklifts and associated safety procedures. Front-end loaders are used to transport the lead bearing raw material, prior to recycling.

2. **prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);**

Response
The permitted container storage areas are bermed to prevent runoff and runon and slope to collection points for transfer to the wastewater drainage and collection system. Exide does not accept any waste that has free liquids, so that all of the materials handled by the Baton Rouge smelter are dry. Two of the container storage areas (the Whole Battery Storage Area and the K069/D008 Storage Area) are located under roofs to prevent rainwater from accumulating with the waste. The wastes are stored on pallets to elevate them above any spills. The third storage area (the Truck/Trailer Storage Area) has spent batteries that are stored in closed trailers. The trailers prevent rainfall from mixing with the batteries and elevate the waste away from stormwater. Berms and grading are shown on Figures 11 (K069/D008 Storage Area), 12 (Truck/Trailer Storage Area), and 13 (Whole Battery Storage Area).

The Slag Stabilization unit is located under a roof, and is sloped to floor sumps that transmit wash-down water and any accumulated liquids to the plant's wastewater treatment unit. Figure 6 shows the grading of the Slag Stabilization unit.

The Containment Building is totally enclosed with walls and a roof. Any water generated from wash-down activities drains to floor sumps and is pumped to the wastewater treatment unit. Dust suppression is used on feed piles of material as needed in Area 1 of the Containment Building (see Figure 6, Containment Building Map). The suppression is designed to keep the feed piles moist to control dust but not wet so that free liquids will be generated. Application of water for dust control is also presented in Appendix 12, Dust Suppression Operational Procedure. Area 2 of the

Containment Building (Figure 6) is used for the initial staging of desulfurized lead paste from the Battery Breaker unit prior to recycling. The paste stored in this area is visibly moist and may contain free liquids. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%. The liquids generated in this area are drained to a sump and pumped to the Battery Breaker unit where the water is treated and reused in the process.

3. **monitoring leachate control;**

Response

The K069/D008 container storage area does not have waste that contains free liquids; therefore, leachate control does not apply. The Slag Stabilization unit also does not process waste that contains free liquids and leachate control does not apply.

The two container storage areas that contain spent lead-acid batteries have impervious floors (concrete overlain by asphalt) as shown in Figures 12 (Truck/Trailer Storage Area) and 13 (Whole Battery Storage Area) and are inspected daily to insure that none of the batteries are broken or leaking. Any liquid within the areas drains to a collection point for transfer to the wastewater treatment system.

The Containment Building stores dry material in Area 1. Any ponded liquid generated during application of water for dust control is pumped to the wastewater treatment system. Area 2 of the building is used for storage of desulfurized battery paste, which is moist and may contain free liquids. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%. Any leachate from Area 2 is drained to a sump and pumped to the Battery Breaker Unit where it is processed.

4. **prevent contamination of water supplies;**

Response

Exide maintains all waste storage and treatment facilities to prevent the generation of runoff from these areas into the environment. Waste materials are stored only in permitted container storage areas and Interim Status Containment Building. Any water generated from washdown of the operational parts of the facility is transmitted to the facilities Waste Water Treatment Unit via concrete drainage trenches and pipes, where it is treated prior to discharge. Water treatment includes an initial filtration,

chemical treatment and flocculation and a final filtration to remove any excess particles.

5. **monitor water and air pollution affecting area outside site;**

Response
Exide discharges all water from Outfall 001 under the provisions of Water Discharge permit LA0004464. Exide maintains a Stormwater Pollution Prevention Plan (Appendix 24) that details efforts at the Baton Rouge smelter to reduce and control water pollution. Weekly samples of treated process water from Outfall 001 are analyzed for lead, arsenic, antimony, zinc, total suspended solids, oil and grease and TOC. Stormwater runoff samples are also collected from Outfalls 002 and 003. The locations of the three outfalls are shown on Figure 5. All air emissions are regulated by Exide's Air Permit 0840-00004-00. All emission points are vented to control devices to filter particulate and lead emissions. The control devices, fabric filter baghouse, are tested regularly to insure compliance. A schematic of the air handling system is provided as Figure 10.

6. **mitigate effects of equipment failure, power outages, inclement weather, or other abnormal conditions;**

Response
The facility is manned 24-hours per day 7 day per week. If there is a power outage or equipment failure, personnel will be available to respond and control the situation. The Battery Breaker Unit is equipped with a backup power generator so that if the power is lost the unit will have enough power to process the batteries that are already in the system. If the power is lost to the furnace area, the operations will be stopped immediately since the air system will be shut down. The furnace feed systems will be shutdown in the event of a power outage and the material in the furnaces currently will be either be allowed to flow out via gravity or left in the furnace to be pumped out once the power is restored.

7. **prevent undue exposure of personnel to hazardous waste (for example, protective clothing);**

Response
As a part of Exide's corporate employee exposure prevention program, all personnel that enter the facility must wear respiratory protection to reduce exposure to lead. The facility issues all employees personal work clothing, hard hats, safety glasses and steel-toed work boots. Work clothing and respirators are washed

at Exide's onsite laundry facility at the end of each shift. Special protective equipment is provided to employees depending on the job or task, such as powered air supply respirators, tyvek suits, heat resistant and chemical resistant gloves and splash guard face shields. All protective equipment is removed during decontamination prior to exiting hazardous waste areas.

8. **prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with LAC 33:V.1517; and**

Response

Exide only receives wastes that are non-reactive and compatible with the lead recycling process. The facility has a strict screening process that begins before the waste is received at the facility. Generators must complete a detailed waste profile that is reviewed by the Baton Rouge environmental group and production manager prior to acceptance. The waste profile is provided in the Waste Analysis Plan in Appendix 4. After the waste arrives, it is weighed in at the front gate scale and unloaded. During the unloading, waste is visually inspected to insure that it matches the profile. Waste may also be tested in Exide's onsite laboratory for total lead to confirm the profile and determine the proper recycling method.

9. **prevent nonpermitted releases to the atmosphere.**

Response

The materials handled by the facility do not produce organic vapors. The main source of possible releases to the atmosphere is in the form of dust and smoke produced during the recycling process. All emission points are vented to control devices that control releases to the atmosphere. The Containment Building operates under negative pressure to control dust emissions and utilizes water spray to suppress dust in Area 1. A road sweeper is used to clean the facility's pavement.

Exide operates the facility in accordance with all appropriate air permitting requirements.

K. **traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; describe access road surfacing and load bearing capacity; show traffic control signals);**

Response
The Exide facility is located at the end of Brooklawn Drive, off LA Hwy 61. Brooklawn Drive is a Parish maintained road which provides access to several industrial facilities including Union Tank Cars, Great Lakes Carbon and NPC. Both sides of Brooklawn drive are sparsely developed and essentially all traffic on Brooklawn Drive is related to these industries.

Exide will have on a typical day up to 30 trucks (tractor trailers) onsite to unload spent lead acid batteries and pickup recycled lead blocks or bars. Approximately 120 autos will use Brooklawn for access to the industrial facilities. On-site traffic patterns are provided in Figure 17.

Road surfaces in and around the facility are constructed of 6 to 8-inch concrete with a load bearing capacity of 3,000 pounds per square inch.

L. **an outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with LAC 33:V.1515. A list of general qualifications of key operating positions and a brief description of how training will be designed to meet actual job tasks in accordance with these requirements;**

Response
Exide has a comprehensive training program at the Baton Rouge smelter. The Training Manual is included as Appendix 13. The program addresses OSHA regulations, LDEQ regulations and Corporate Health, Safety and Environmental policies. The manual lists the training topics and provides an outline of the training given for each topic. Training topics include medical surveillance, lockout/tagout, confined space entry, hearing conservation, respiratory protection, powered industrial truck safety, hazard communication, HAZWOPER, the facility contingency plan, environmental regulations, spill response, work practice training, and DOT hazardous material training. All new employees will undergo initial employee orientation training. All new employees will go through at least 6-months of on-the-job training with experienced personnel after to beginning work. All training is documented with records maintained in the facilty operating record. Annual refresher training is also conducted and documented. The manual also presents job descriptions with employee qualifications.

M. **a copy of the closure plan and, where applicable, the post-closure plan required by LAC 33:V.3511, 3523, and 1915. Include, where applicable, as part of the plans, specific requirements in LAC 33:V.1915, 2117, 2315, 2521, 2719, 2911, 3121, 3203 and 3207;**

Response
Exide has developed a Closure and Post-Closure Plan that details the procedures that will be followed for closing all of the permitted hazardous waste units at the Baton Rouge smelter. Appendix 8 is Exide's Closure and Post-Closure Plan. The plan describes the closure procedures that will be used for the Slag Stabilization area, Containment Building, K069/D008 Storage Area, Truck/Trailer Storage Area and Whole Battery Storage Area including removing any existing waste, decontamination, sampling and analysis and documentation. The plan also includes cost estimates for the closure procedures. The cost estimates take into account the additional cost for closure of the Containment Building resulting from the upgrades in the floor construction at Area 2. Post-closure care activities are not required for the hazardous waste units as they will be clean closed. The plan also includes post-closure care procedures and cost estimates for the two closed hazardous waste piles. The post-closure care procedures include cap integrity inspections, maintenance of the cap, and groundwater monitoring.

N. **for hazardous waste disposal units that have been closed, documentation that notices required in LAC 33:V.3517 have been filed;**

Response
The required notice for two closed hazardous waste cells located at the Baton Rouge smelter was filed on July 8, 1988. Any additional closures will be accompanied by the notices required in LAC 33:V.3517.

O. **the most recent closure cost estimate for the facility prepared in accordance with LAC 33:V.3705 and a copy of the documentation required to demonstrate financial assurance under LAC 33:V.3707. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part II;**

Response
Appendix 8, Closure and Post-Closure Plan, includes Exide's most recent closure and post-closure cost estimates. Documentation regarding Exide's surety bond is provided in Appendix 9.

P. **where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with LAC 33:V.3709 plus a copy of the documentation required to demonstrate financial assurance under LAC 33:V.3711. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part II;**

Response
Appendix 8, Closure and Post-Closure Plan, includes Exide's most recent closure and post-closure cost estimates. Documentation regarding Exide's surety bond is provided in Appendix 9.

Q. where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of LAC 33:V.Chapter 37. For a new facility, documentation showing the amount of insurance meeting the specification of LAC 33:V.Chapter 37 that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal;

Response
A copy of Exide's insurance documentation is included in Appendix 9 with Exide's surety bond. The documentation has been revised to reflect the current cost estimates.

R. where appropriate, proof of coverage by a state financial mechanism in compliance with LAC 33:V.Chapter 37;

Response
Appendix 9 provides a copy of Exide's Surety Bond for financial assurance requirements.

S. a wind rose (i.e., prevailing wind speed and direction) and the source of the information;

Response
Figure 18 presents a wind rose for the area surrounding the Baton Rouge smelter.

T. facility location information:

1. Seismic Standard. In order to determine the applicability of the seismic standard, LAC 33:V.1503.A.3, the owner or operator of the facility must identify the political jurisdiction (e.g., parish, township, or election district) in which the facility is proposed to be located.

a. The owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data (including federal hazardous waste regulations) or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be

acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

i. no faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within 3,000 feet of a facility are present, based on data from:

(a) published geologic studies, including cites from federal regulations which demonstrate that the requirements of this Section do not apply,

(b) aerial reconnaissance of the area within a five-mile radius from the facility,

(c) an analysis of aerial photographs covering a 3,000-foot radius of the facility, and

(d) if needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or

ii. no faults may pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility, data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of any faults found, and

shall be certified by an independent Louisiana registered professional engineer or geologist.

Response

The Baton Rouge smelter is located in East Baton Rouge Parish, Louisiana approximately 2 miles west of Highway 61. As referenced by 40 CFR 270.14(b)(11), East Baton Rouge Parish is not listed in Appendix VI, Part 264, therefore the seismic standard is not applicable.

Published literature (Geohydrology of the Shallow Aquifer of Baton Rouge, by Charles G. Smith, Jr. 1969, L.S.U.) shows that the facility is located in a fault free zone. The facility is located in excess of 3,000 feet from the nearest fault. In addition, published data ("Fault and Salt Map of South Louisiana", 1982, by R.E. Wallace) indicates that faults that have had displacement in the Holocene time are not located within 200 feet of the Baton Rouge smelter. A map showing the locations of recorded faults is included as Figure 8.

2. 100-year floodplain

a. Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain.

Response

Based on the most recent Flood Insurance Rate Map (Figure 9, May 17, 1993), Exide is an existing facility located in Zone X, an area of minimal flooding. The developed site is above the 100-year flood plain. The elevation of the active portion of the site is between 85- and 75-feet above mean sea level (MSL). Site records indicate that there have been no flooding incidents in the active portion of the facility, including during major storm events such as Tropical Storm Isidore and Hurricane Lili in 2002.

b. Owners and operators of facilities located in the 100-year floodplain must provide the following information:

i. the 100-year flood level and any other special flooding factors (e.g., wave action) which must

be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;

ii. engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

iii. structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

iv. if applicable, and in lieu of the above two provisions, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:

v. timing of such movement relative to flood levels, including estimated time to move the waste, showing that such movement can be completed before floodwaters reach the facility;

vi. a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with LAC 33:V.Subpart 1;

vii. the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and

viii. the potential for accidental discharges of the waste during movement.

<u>Response</u>
This section is not applicable since Exide is not located within the 100-year flood plain.

c. existing facilities *not* in compliance with LAC 33:V.1503.B.3 shall provide a plan showing how the

facility will be brought into compliance and a schedule for compliance.

Response
This section is not applicable since Exide is not located within the 100-year flood plain.

3. **site geology, including:**

   a. **certification by a geologist or independent Louisiana registered professional engineer specializing in geotechnical engineering that the ground and subsurface conditions at the site are acceptable for the planned purposes of the facility;**

   Response
   Exide is an existing facility. Prior to the initial Part B permit application the facility contracted a certified geotechnical engineer to perform a subsurface characterization and certify the facility as specified in LAC 33:V.517.T.3.a. A copy of the geology report and associated boring logs is included in Appendix 10.

   Review of the boring logs indicates that approximately the upper 30 feet consists of a bedded stiff brown to light gray silty clay and reddish-brown clay (CH-CL). Between 25 and 35 feet bgs are tan silty sand layers with interfingered trace clay layers. The geotechnical engineer indicated that these layers of silty clay, clayey silt, sandy silt and silty sand did not appear to be continuous across the site. The borings were generally completed at a depth of 50 feet bgs with little moisture observed (18 to 33%). In one boring, EB-5, water was observed to enter the borehole at 10 feet bgs. Some trace organic pockets and ferrous and calcareous nodules were observed in various layers and boring across the site.

   b. **identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);**

   Response
   Based on soil borings completed throughout the site, the Baton Rouge smelter is underlain by natural soils of low

permeability with some interbedded units of clayey sands, sandy clays, and sands. The top of the uppermost aquifer (first competent permeable zone) is encountered at elevations of approximately 28 to 32 feet msl, and the base of the aquifer is encountered at elevations of approximately 20 to 25 feet msl. The thickness of this zone ranges from approximately 3 to 25 feet. The uppermost aquifer zone consists of interbedded fine-grained sand, sandy-clay, clayey-sand and silty sand.

Depth to groundwater ranges from approximately 2.5 ft at the western end of the site to 29 feet at the eastern end of the site. Groundwater within the uppermost water table aquifer flow toward and is hydraulically connected with the Baton Rouge Bayou and the Mississippi River. The groundwater level fluctuates in response to the bayou's and river's stages. Water table elevation contours slope from 57 ft MSL at the eastern end of the site to 37 ft MSL at the Baton Rouge Bayou. Localized perched water tables have also been observed in some areas of the site during well drilling activities.

Hydraulic testing indicates that the uppermost water bearing zone at the site has an average hydraulic conductivity of 1.257 feet per day and an average transmissivity of 17.52 square feet per day. Groundwater flow at the site is primarily to the northwest with a typical groundwater velocity of 20 feet per year. This flow rate and direction of groundwater flow have been consistent for approximately 15 years.

c. **soil types, textures, and conditions to depth of thirty feet below lowest elevation of planned disposal cells for impoundments, landfill and land treatment facility based on test holes at 200-foot intervals (or greater or less intervals if acceptable to the administrative authority);**

Response

The soils underlying the site are comprised mainly of stiff to very stiff tan and gray clays, silty clays and firm tan clayey silts. Moisture content of the soils in the upper 10-feet at the facility range from 19% to 30%. Deeper soils from 10 to 30-feet below ground surface show slightly higher moisture contents.

d. **logs of test holes and wells, including soil samples for each pertinent strata analyzed for soil type, texture, permeability, and other pertinent characteristics;**

Response
Soil boring logs and a site geology report from the facility are included in Appendix 10.

e. **general area map and cross sections indicating the extent of freshwater sands, and the degree of isolation of these aquifers to a depth of 1,000 feet from waste sources by confining layers of clay;**

Response
Appendix 10 presents the soil boring logs and geologic cross-sections from the facility.

f. **on a topographic map, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under LAC 33:V.3311, the proposed location of groundwater monitoring wells as required under LAC 33:V.3315.A and B; and**

Response
The topographic map in Figure 5 shows the waste management area of the facility, the property boundaries and the location of the groundwater monitoring wells. A point of compliance is not required as Exide is not required to have a groundwater monitoring system for the hazardous waste management units. A groundwater detection monitoring system is maintained for the two closed hazardous waste piles.

g. **detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of LAC 33:V.3315.A-H.**

Response
Although Exide is not required to have a groundwater monitoring system in place for the container storage areas, the containment building, or the slag treatment unit, the details of the existing detection monitoring program required for the closed hazardous waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan included as Appendix 7. The Groundwater Sampling and Analysis Plan includes the well network, groundwater sampling procedures, documentation, decontamination, cross-contamination control, analytical parameters, field and laboratory QA/QC procedures, well maintenance and reporting.

4. **site hydrology, including:**

a. **travel times in feet/day for normal drainage of each natural surface drainage system within 1,000 feet of the property;**

Response
Baton Rouge Bayou flows past the Exide facility to the north and west. The bayou flows into Devil's Swamp and then into the Mississippi River. Baton Rouge Bayou has been estimated to receive drainage from 83 square miles. Data from Baton Rouge Bayou suggests that the flow is approximately 10 cubic feet per second (CFS) in low flow to 150 CFS during times of high flow. This is approximately 200 to 6,000 feet per day.

b. **climate factors:**

i. **the 24-hour/25-year storm rainfall;**

Response
The U.S. Department of Commerce's Rainfall Frequency Atlas (Technical Paper 40) as reported in 1997 indicates that the 24-hour/25-year rainfall is approximately 12 inches in the vicinity of the facility.

ii. **maximum, minimum, and average temperature/month for past 10 years;**

Response
According to the Southern Regional Climate Center, from a period of 1971 to 2000, the monthly average temperature was a maximum of 77.3 degrees F and a minimum of 56.8 degrees F with a monthly average temperature of 67.0 degrees F. August is the month with the highest average (90.9 degrees F) and January is the month with the lowest average (40.2 degrees F).

iii. **impact of previous hurricanes on area;**

Response

Although the facility is located in an area subject to hurricanes, they are infrequent and have resulted in minimal damage. Exide facilities have been designed and constructed to withstand storms and

hurricanes. The facility, in its current form, has withstood several hurricane and tropical storm events with little or no damage including Tropical Storm Isidore and Hurricane Lili in 2002. A hurricane isoline map is provided in Appendix 19.

iv. comparison of rainfall and evapotranspiration rates; and

Response
The Baton Rouge Smelter is located in a region that is characterized by a humid, subtropical climate with relatively high rainfall. According the Southern Regional Climate Center, the average annual rainfall for the period of 1971 to 2000 is approximately 63.08 inches with more than 4-inches of rainfall every month except October. Heavy, short duration rainfall occurs during hurricanes and tropical depressions. According to Evaporation Maps for the United States (Technical Paper No. 37) by the US Weather Bureau dated 1959, the mean evapotranspiration rate for the area is 44.7 inches annually.

v. prevailing wind direction (provide wind rose);

Response
The prevailing wind (42.7%) comes from the south, southeast and east. A wind rose is included as Figure 18.

c. a description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:

i. delineates the extent of the plume on the topographic map such as required under LAC 33:V.521.B.4; and

ii. identifies the concentration of each Table 4, LAC 33:V.Chapter 33, constituent throughout the plume or identifies the maximum concentrations of each such constituent in the plume;

Response
No plume of contamination is known to have entered the groundwater from the Exide facility.

d. **if the presence of hazardous constituents have not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of LAC 33:V.3317. This submission must address the following items specified under LAC 33:V.3317:**

i. **a proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;**

ii. **a proposed groundwater monitoring system;**

iii. **background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and**

iv. **a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.**

Response

Although Exide is not required to have a groundwater monitoring system in place for the Containment Building or storage units, the details of the existing detection monitoring program required for the two closed hazardous waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan included as Appendix 7. The Plan includes the monitoring well network, sampling procedures, documentation, decontamination, cross-contamination control, analytical parameters, field and laboratory QA/QC, well maintenance and reporting.

e. **if the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of LAC 33:V.3319. The owner or operator must also submit an**

engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

i. a description of the wastes previously handled at the facility;

ii. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;

iii. a list of hazardous constituents for which compliance monitoring will be undertaken in accordance with LAC 33:V.3315 and 3317;

iv. proposed concentration limits for each hazardous

v. constituent, based on the criteria set forth in LAC 33:V.3309.A, including a justification for establishing any alternate concentration limits;

vi. detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of LAC 33:V.3315; and

vii. a description of proposed sampling, analysis, and

viii. statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

Response

Exide has not detected hazardous constituents in the groundwater above historical ranges. Exide submitted a Phase I RFI Work Plan on November 16, 2001 to investigate the extent of soil contamination associated with the four SWMUs at the Baton Rouge smelter. As comments or approval have not yet been received from LDEQ, RFI activities have not yet begun.

f. **if hazardous constituents have been measured in the groundwater which exceed the concentration limits established under LAC 33:V.3309, Table 1, or if groundwater monitoring conducted at the time of permit application under LAC 33:V.3301-3309 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of LAC 33:V.3321. To demonstrate compliance with LAC 33:V.3321, the owner or operator must address, at a minimum, the following items:**

i. **a characterization of the contaminated groundwater, including concentrations of hazardous constituents;**

ii. **the concentration limit for each hazardous constituent found in the groundwater as set forth in LAC 33:v.3309;**

iii. **detailed plans and an engineering report describing the corrective action to be taken; and**

iv. **a description of how the groundwater monitoring program will demonstrate the adequacy of the corrective action.**

Response
Exide has not detected hazardous constituents in the groundwater above historic ranges.

5. **Environmental factors, including:**

a. **list all known historical sites, recreational areas, archaeological sites, wildlife areas, swamps and marshes, habitats for endangered species, and other sensitive ecological areas within 1000 feet of the site; and**

Response
There are no known historical sites, recreational areas, archaeological sites, designated wildlife-management areas, swamps and marshes, habitats for endangered species, or other sensitive ecological areas within 1,000 feet of the site.

Wetlands have been identified within 1,000 feet of the site, however, they are isolated from the active portion of the facility. Documentation from the 1993 RCRA Part II Permit Application and the 1997 Solid Waste Permit Application for New Landfill is included in Appendix 21.

b. **indicate measures planned to protect such areas listed from detrimental impact from the operation of the proposed facility.**

Response
There are no known historical sites, recreational areas, archaeological sites, designated wildlife-management areas, swamps and marshes, habitats for endangered species, or other sensitive ecological areas within 1,000 feet of the site. Wetlands have been identified within 1,000 feet of the site; however, they are isolated from the active portion of the facility. Isolation is the method used to protect these areas for detrimental impact from operations.

6. **Geographical Factors. For an area within two miles of the proposed site, provide the following:**

a. **map or aerial photograph showing all buildings identified as residential, commercial, industrial, or public (schools, hospitals, libraries, etc.);**

Response
Exide has included a site location map (Figure 2) showing all of the onsite features and the surrounding land use for 2-miles of the site.

b. **population;**

Response
There are less than 100 people living within a 2-mile radius of the site and approximately 23,456 people living within a 3 mile radius of the site.

c. **principal livelihood of residents for facilities located in rural areas;**

Response
The principal livelihood of residents in the area is working at the industrial facilities in the vicinity of North Baton Rouge.

d. **land use; and**

Response
Surrounding land use is shown in Figure 2. The area to the east of the facility is industrial, the land use to the north and west is primarily undeveloped wooded or swamp lands. Immediately south of the facility is the NPC superfund site. In 1997, the surrounding land use within a 3 mile radius was determined using USGS 7.5 minute quadrangle maps as follows: residential, 15%; health care facilities and schools, 1%; agricultural, 15%; industrial and manufacturing, 12%; other commercial, 8%; recreational, 2% and undeveloped, 47%.

e. **road network, with average daily traffic count and route of trucks which will transport waste to the facility.**

Response
The Exide facility is located at the end of Brooklawn Drive, off LA Hwy 61. Brooklawn Drive is a Parish maintained road which provides access to several industrial facilities including Union Tank Cars, Great Lakes Carbon and NPC. Both sides of Brooklawn Drive are sparely developed and essentially all traffic on Brooklawn Drive is related to these industries.

Exide will have on a typical day up to 30 trucks (tractor trailers) onsite to unload spent lead acid batteries and pickup recycled lead blocks or bars. Approximately 120 autos will use Brooklawn Drive for access to the industrial facilities.

7. **Operations plan, including:**

a. **classification and estimated quantities of wastes to be handled;**

Response
Please see the table below for the classification and estimated quantities of wastes handled at the facility.

Hazardous Waste Materials Received

Type Material	Code	Estimated Annual Quantity Handled
Spent Lead Acid Batteries	D002, D008	250,000 tons
Lead residues, sludges, plant scraps & other Group I lead bearing hazardous waste	D008	24,000 tons
Lead residues, sludges, slags, and other Group I lead bearing hazardous waste with impurity-level other metal content	D008 (D004, D006, D007, D010, D011)	1,000 tons
Emission control dust from Secondary Lead Smelters	K069	1,000 tons
Group II Recyclable lead bearing materials	D008	30,000 tons
Refractory Brick	D006, D008	200 tons
Spent nickel-cadmium batteries	D006	250 tons
Battery Components	D008	100,000 tons
Blast Furnace Slag	D008	20,000 tons

b. methods and processes utilized:

i. facility capacity for each disposal method;

Response
Exide is not a hazardous waste disposal facility; therefore, this section is not applicable.

ii. detailed description of each process or method:

Response
The Baton Rouge smelter recycles spent lead-acid batteries and other lead bearing materials. The recycling process begins with the receipt of materials. Batteries and other lead-bearing materials are received in tractor-trailers. The trailers are weighted in at the guard house scale, inspected and logged in before they enter the gate. The materials are then directed to the Battery Breaker Unit to be unloaded. Batteries are received on pallets secured with shrink wrap. The pallets are unloaded using forklifts. The batteries are loaded into a stainless-steel vibrating screen and then dumped into an inclined belt. Batteries are processed in the Battery Breaker Unit by crushing them in a hammer mill and hydraulically separating the component parts. The sulfuric acid is neutralized and crystallized to form a

sodium sulfate salt that is sold a product. The plastic from the battery casings is washed and shipped off-site to make new batteries. The lead paste is recycled on-site to produce metallic lead for making new batteries. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%.

If the batteries are not immediately recycled, they are stored in two permitted storage areas. The Whole Battery Storage Area is located directly north of the Battery Breaker Area. When the breaker unit is down for repairs or maintenance, the batteries are unloaded onto this storage unit. Batteries are stored on pallets at the Whole Battery Storage Area.

The Truck/Trailer Storage Area is a parking area located between the guard house and the Battery Breaker Area. The Truck/Trailer Storage Area is designed to hold batteries and other lead-bearing materials in tractor trailers. This unit allows Exide the flexibility of leaving a trailer in to the permitted storage area and processing the batteries at a later date.

The majority of other recyclable materials such as battery plates, lead oxide, metallic lead, drosses, baghouse dust, metallic lead waste and scrap are received in either in steel drums or Gaylord boxes. The material is weighed in at the Exide scale and sent to the loading dock to be unloaded. Drums are taken to the feed pile area where they are dumped and the contents inspected. The empty drums are washed, crushed and sent off-site to be recycled. The lead-bearing material is processed in the blast furnace or the reverberatory furnace. Slag generated by the reverb furnace is then refined to further recover lead.

iii. storage and disposal procedures:

(a) plans for receipt, checking, processing, segregation of incompatible wastes, and odor control; and

Response

The Baton Rouge smelter recycles spent lead-acid batteries and other lead bearing materials. The recycling process begins with the receipt of materials. Batteries and other lead-bearing materials are received in tractor-trailers. The trailers are weighted in at the guard house scale, inspected and logged in before they enter the gate. The materials are then directed to the Battery Breaker Unit to be unloaded. Batteries are received on pallets secured with shrink wrap. The pallets are unloaded using forklifts. The batteries are loaded into a stainless-steel vibrating screen and then dumped into an inclined belt. Batteries are processed in the Battery Breaker Unit by crushing them in a hammer mill and hydraulically separating the component parts. The sulfuric acid is neutralized and crystallized to form a sodium sulfate salt that is sold a product. The plastic from the battery casings is washed and shipped off-site to make new batteries. The lead paste is recycled on-site to produce metallic lead for making new batteries. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%.

If the batteries are not immediately recycled, they are stored in two permitted storage areas. The Whole Battery Storage Area is located directly north of the Battery Breaker Area. When the breaker unit is down for repairs or maintenance, the batteries are unloaded onto this storage unit. Batteries are stored on pallets at the Whole Battery Storage Area.

The Truck/Trailer Storage Area is a parking area located between the guard house and the Battery Breaker Area. The Truck/Trailer Storage Area is designed to hold batteries and other lead-bearing materials in tractor trailers. This unit allows Exide the flexibility of storing a trailer in the permitted storage area and process the batteries at a later date.

The majority of other recyclable materials such as battery plates, lead oxide, metallic lead, drosses, baghouse dust, metallic lead waste and scrap are received in either in steel drums or Gaylord boxes. The material is weighed in at the Exide scale and sent to the loading dock to be unloaded. Drums are taken to the feed pile area where they are dumped and the contents inspected. The empty drums are washed, crushed and sent off-site to be recycled. The lead-bearing material is processed in the blast furnace or the reverberatory furnace. Slag generated by the reverb furnace is then refined to further recover lead.

The Containment Building (Figure 6) is comprised of three main areas. Area 1 is the Raw Material Storage Area. This area is utilized for the storage and mixing of dry hazardous wastes, scrap metals, drosses, slag, pastes, and battery components. Area 2 is the Paste Storage Area which is used for the initial staging of desulfurized lead pastes from the battery breaking/desulfurization process prior to moving the paste to the Raw Material Storage Areas for mixing and staging. The paste stored in this area is visibly moist and may contain free liquids. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%. Areas 1 and 2 store hazardous waste prior to processing through the furnaces in the Production Area of the plant (Area 3).

Most of the spent lead acid storage batteries received are fed directly into battery breaker units. During peak operational periods, the batteries may be stored in either the Truck/Trailer storage areas or the Whole Battery Storage Area.

As discussed in Chapter 21, the Truck/Trailer container area has an impervious base which is sloped to a collection sump and is bermed to contain the liquid from 10 percent of the

stored batteries plus a 25 year-24 hour rain event. Collected water from the sump is pumped to the wastewater treatment plant for treatment.

The Whole Battery Container Storage Area has an impervious base which is sloped to a collection sump. The area is bermed to collect 10 percent of the liquid in the batteries and is under roof to preclude run on or run off. Any liquid collected in the sump is pumped to the battery breaker unit for neutralization prior to pumping to the wastewater treatment plant. Spent batteries are neither ignitable, reactive, or incompatible.

During normal operations, battery plates/oxides/lugs are drained at the battery breaking operation and transported to the Paste Storage Area (Area 2) of the Containment Building. Area 2 is used for the initial staging of neutralized lead paste (paste) from the battery breaking/desulfurization process prior to moving the paste to the Raw Material Storage Areas (Area 1) for mixing and staging prior to processing through the furnaces in the Production Area (Area 3) of the plant. The paste stored in this area may contain free liquids. Lead oxide paste is a red-brown, high density solid material with a moisture content less than 5%. The materials stored in the Containment Building are not ignitable, reactive, or incompatible.

Proposed upgrades for Area 2 presented in the October 17, 2001 permit modification include a sloped primary barrier consisting of 6 inches of concrete, an HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Beneath the primary barrier is a secondary barrier and leak detection system which consists of a granular drainage layer with perforated PVC collection

lines that is constructed to interrupt any liquids that may penetrate the primary liner systems. Beneath the granular drainage layer is a 1.5-inch layer of asphalt and a 6-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included as Appendix 25.

Area 1 is utilized for the storage of lead materials containing no free liquids such as battery components, indigenous wastes, and slag. These materials are not ignitable, reactive, or incompatible. This area is constructed of an impermeable concrete primary barrier. The floors and walls of Area 1 are the primary barrier system. The primary barrier system is constructed of man-made materials designed to withstand the movement of and contact with personnel, waste, and handling equipment during the operating life of the unit and are appropriate for the physical and chemical characteristics of the lead bearing materials to be managed. Sketches of the floor constructions in the storage area (Area 1) are included with the professional engineer's certification documents in Appendix 11. These sketches depict the area's barrier system.

Battery plates/oxide/lugs received from off-site are also stored in the dry Containment Building storage area. These materials are not ignitable, reactive, or incompatible. These lead bearing materials do not contain free liquids but do contain some moisture which inherently prevents/controls fugitive emissions. However Exide does use wetting to control dust on the roadway/traffic areas in compliance with OSHA lead standard and the secondary lead smelter NESHAP standard.

Exide will conduct weekly inspections of the Containment Building and the storage units as detailed in the Inspection Plan and Schedule in Appendix 5 to insure that the units are

being operated properly and that no leaks/releases have occurred to the air, ground, or water. The Inspection Plan includes daily, weekly, monthly and quarterly inspections and the associated documentation procedures.

K069 and D008 wastes are received and stored in the K069/D008 container storage area. These materials are packaged in sealed containers and placed on pallets. The materials are neither ignitable, reactive, or incompatible and do not contain free liquids. Finally, Exide has a Dust Suppression procedure, the details of which are included in Appendix 12. Fresh water sprays are used as needed to control dust in Area 1 of the Containment Building. Incompatible wastes are not received at the Containment Building and odor control is not necessary as lead bearing wastes typically do not generate odors.

(b) life of each facility based on projected use;

Response

Exide is an ongoing entity. Storage of recyclable material will continue as long as the facility is operational. Operation of the facility and associated waste management units is expected to continue for a minimum of thirty years. For permitting purposes, the approximate timeframe that the facility is expected to continue operation is until the year 2021; however this date may be extended.

(c) describe recordkeeping procedures, types of records to be kept, and use of the records by management to control the operation; and

Response

Exide maintains all required environmental records in the facilities' Environmental Office. Records include manifests of both incoming

and outgoing hazardous waste, Annual Hazardous Waste Reports, Waste Acceptance information, training records, copies of all permits, permit modifications and correspondence from the regulatory agencies, inspection records, NOD and Compliance Orders, groundwater monitoring data and reports, closure cost estimates, financial assurance documents, certificates of insurance, operating records, current WH-1 form and change of ownership records.

(d) monitoring and recording of incoming wastes;

Response
Exide has a strict screening process that lead bearing material generators must comply with prior to the material being accepted by the Baton Rouge smelter. This screening process includes the analysis and review of new waste streams prior to receipt, to verify chemical and physical characteristics, and the completion of waste profiles. The waste screening process is discussed in detail in the Waste Analysis Plan in Appendix 4. Exide documents the weight of each shipment of spent lead-acid batteries and other lead-bearing materials received. Loads are visually inspected and analyzed for total lead at arrival to confirm the material matches the manifest.

U. Special Requirements. Administrative authority may require additional provisions for special procedures or processes, for specific information for a supplementary environmental analysis, or for such information as may be necessary to enable the administrative authority to carry out his duties under other state laws;

Response
Exide acknowledged the above and will provide to the Administrative Authority any additional information requested for a supplementary environmental analysis or for any other purpose that may be necessary to enable the Administrative Authority to carry out his duties under other state laws.

V. **for land disposal facilities, if an approval has been granted under LAC 33:V.2239, a petition has been approved under LAC 33:V.2241or 2271, or a determination made under LAC 33:V.2273, a copy of the notice of approval or a determination is required; and**

Response
Exide does not have active land disposal facilities for hazardous waste; therefore, this citation does not apply.

W. **a summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under LAC 33:V.708.A.3.**

Response
The Pre-application Meeting Minutes will be presented if a pre-application meeting is conducted.

Subchapter E. Specific Information Requirements

§519. Contents of Part II: General Requirements

Part II of the permit application consists of the general information requirements of this Section, and the specific information requirements in LAC 33:V:519-549 applicable to the facility. The Part II information requirements presented in LAC 33:V.519-549 reflect the standards promulgated in LAC 33:V.Chapters 15-37. These information requirements are necessary in order for the administrative authority to determine compliance with LAC 33:V.Chapters 15-37. If owners and operators of Hazardous Waste Management facilities can demonstrate that the information prescribed in Part II cannot be provided to the extent required, the administrative authority may make allowance for submission of such information on a case-by-case basis. Information required in Part II shall be submitted to the administrative authority and signed in accordance with requirements in Subchapter B of this Chapter. Certain technical data, such as design drawings and specifications and engineering studies, shall be certified by a Louisiana registered professional engineer. For post-closure permits, only the information specified in LAC 33:V.528 is required in Part II of the permit application.

Response
Included in this document are the general information requirements and the applicable specific information requirements.

§520. Specific Part II Information Requirements for Groundwater Protection

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in LAC 33:V.3301.B and C:

In accordance with LAC 33:V.3301.C, Exide's storage and treatment units are not subject to regulation for releases into the uppermost aquifer under Chapter 33. Please see the response to LAC 33:V.3301.C. The current groundwater monitoring system does not monitor for potential contamination from the Containment Building due to the extensive primary and secondary containment system that will be upgraded as a result of the permit modification submitted on October 17, 2001. However, this section has been addressed in as much detail as possible to give information regarding the existing groundwater monitoring system associated with the two closed hazardous waste piles.

A. a summary of the groundwater monitoring data obtained during the interim status period under LAC 33:V.4367, 4369, 4371, 4373, and 4375, where applicable;

Response

As groundwater monitoring is not required for the storage and treatment units, groundwater monitoring data is not included in this permit renewal application. The most recent groundwater data associated with the detection monitoring program for the two closed hazardous waste piles can be found in the annual report for 2002 submitted to LDEQ by March 1, 2003.

B. identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

Response

The uppermost aquifer zone consists of interbedded fine-grained sand, sandy-clay, clayey-sand and silty sand. The top of the uppermost aquifer (first competent permeable zone) is encountered at elevations of approximately 28 to 32 feet msl, and the base of the aquifer is encountered at elevations of approximately 20 to 25 feet msl. The thickness of this zone ranges from approximately 3 to 25 feet.The uppermost aquifer is underlain by a hard gray to tan clay confining layer that is between 15 and 43 feet in thickness. Soil Boring Logs and the Site Geology Report are provided in Appendix 10.

Depth to groundwater ranges from approximately 2.5 ft at the western end of the site to 29 feet at the eastern end of the site. Groundwater within the uppermost water table aquifer flow toward and is hydraulically connected with the Baton Rouge Bayou and the Mississippi River. The groundwater level fluctuates in response to the bayou's and river's stages. Water table elevation contours slope from 57 ft MSL at the eastern end of the site to 37 ft MSL at the Baton Rouge Bayou. Localized perched water tables have also been observed in some areas of the site during well drilling activities.

Hydraulic testing indicates that the uppermost water bearing zone at the site has an average hydraulic conductivity of 1.257 feet per day and an average transmissivity of 17.52 square feet per day. Groundwater flow at the site is primarily to the northwest with a typical groundwater velocity of 20 feet per year. This flow rate and direction of groundwater flow have been consistent for approximately 15 years.

C. on the topographic map required under LAC 33:V.517.B, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under LAC 33:V.3311, the proposed location of groundwater monitoring wells as required under LAC 33:V.3315, and, to the extent possible, the information required in LAC 33:V.520.B;

Response
Figure 5 presents the above information except for the proposed point of compliance, which is not required for the storage and treatment areas and the Containment Building.

D. a description of any known plume of contamination that has entered the groundwater from a regulated unit at the time that the application was submitted that:

1. delineates the extent of the plume on the topographic map required under LAC 33:V.517.B; and

Response
Exide has not detected any plumes from any regulated units.

2. identifies the concentration of each constituent listed in LAC 33:V.3325 throughout the plume or identifies the maximum concentrations of each LAC 33:V.3325 constituent in the plume;

Response
Exide has not detected any plumes from any regulated units.

E. detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of LAC 33:V.3315;

Response
Exide maintains a Groundwater Detection Monitoring Program for the two closed hazardous waste piles discussed in the Groundwater Sampling and Analysis Plan, Appendix 7. Sampling of the 7 wells monitoring the two closed hazardous waste piles is conducted on a semiannual basis. The samples are analyzed for metals (dissolved lead, dissolved cadmium, total iron, total manganese and total sodium), pH, specific conductance, chloride and sulfate.

F. if the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program that meets the requirements of LAC 33:V.3317. This submission must address the following items specified under LAC 33:V.3317:

1. a proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

Response
A detection monitoring program is in-place for the two closed hazardous waste piles. The sampling parameters were selected as a part of the Post-Closure Permit issued on April 20, 2001 for the two closed hazardous waste piles at the Exide facility. The parameters are metals (dissolved lead, dissolved cadmium, total iron, total manganese and total sodium), pH, specific conductance, chloride and sulfate.

2. a proposed groundwater monitoring system;

Response
The groundwater detection monitoring system is comprised of three downgradient wells for each closed pile (MW-4R, MW-12R and MW-16 for waste pile #1 and MW-13R, MW-17 and MW-18 for waste pile #2) and one upgradient well (MW-1R). This system was specified in the Post-Closure permit for the closed piles. Well locations are shown on Figure 5.

3. background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

Response
In accordance with the Post-Closure Permit for the closed waste piles and the Groundwater Sampling and Analysis Plan (Appendix 7), the background values for the monitoring parameters will be developed after a minimum of four sampling events have been conducted. The development of background standards will be submitted to the LDEQ for approval.

4. **a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;**

Response
The proposed sampling and analysis methods are presented in the Groundwater Sampling and Analysis Plan, Appendix 7. Statistical comparison procedures will be selected and submitted to LDEQ for approval after sufficient background monitoring data has been selected.

G. **if the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of the permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319. Except as provided in LAC 33:V.3317.H, the owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321, unless the owner or operator obtains written authorization in advance from the administrative authority to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:**

1. **a description of the hazardous waste code specified in LAC 33:V.Chapter 49 for the wastes previously handled at the facility;**

Response
Exide has not determined the presence of hazardous constituents in the groundwater above historic levels; therefore, this section does not apply.

2. **a characterization of the contaminated groundwater, including concentrations of hazardous constituents;**

Response
Exide has not determined the presence of hazardous constituents in the groundwater above historic levels; therefore, this section does not apply.

3. **a list of hazardous constituents for which compliance monitoring will be undertaken in accordance with LAC 33:V.3315 and 3319;**

Response
Exide has not determined the presence of hazardous constituents in the groundwater above historic levels; therefore, this section does not apply.

4. **proposed concentration limits for each hazardous constituent, based on the criteria set forth in LAC 33:V.3309.A, including a justification for establishing any alternate concentration limits;**

Response
Exide has not determined the presence of hazardous constituents in the groundwater above historic levels; therefore, this section does not apply.

5. **detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of LAC 33:V.3315; and**

Response
Exide has not determined the presence of hazardous constituents in the groundwater above historic levels; therefore, this section does not apply.

6. **a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;**

Response
Exide has not determined the presence of hazardous constituents in the groundwater above historic levels; therefore, this section does not apply.

H. **if hazardous constituents have been measured in the groundwater that exceed the concentration limits established under LAC 33:V.3309. Table 1, or if groundwater monitoring conducted at the time of permit application under LAC 33:V.4367, 4369, 4371, 4373,**

and 4375 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program that meets the requirements of LAC 33:V.3321. However, an owner or operator is not required to submit information to establish a corrective action program if he or she demonstrates to the administrative authority that alternate concentration limits will protect human health and the environment after considering the criteria listed in LAC 33:V.3309.B. An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319 and LAC 33:V.520.F. To demonstrate compliance with LAC 33:V.3321, the owner or operator must address, at a minimum, the items listed in LAC 33:V.520.H.1-4 below (the permit may contain a schedule for submittal of the information required in LAC 33:V.520.H.3 and 4 provided the owner or operator obtains written authorization from the administrative authority prior to submittal of the complete permit application):

1. **a characterization of the contaminated groundwater, including concentrations of hazardous constituents;**

2. **the concentration limit for each hazardous constituent found in the groundwater as set forth in LAC 33:V.3309;**

3. **detailed plans and an engineering report describing the corrective action to be taken; and**

4. **a description of how the groundwater monitoring program will demonstrate the adequacy of the corrective action.**

5. **the permit may contain a schedule for submittal of the information required in LAC 33:V.520.H.3 and 4 provided the owner or operator obtains written authorization from the administrative authority prior to submittal of the complete permit application.**

Response

Exide has not identified hazardous constituents with its Groundwater Detection Monitoring Program above historic levels; therefore, this section does not apply.

§521. Specific Part II Information Requirements for Containers

Except as otherwise provided in LAC 33:V.2101 owners or operators of facilities that store containers of hazardous waste must provide the following additional information:

A. a description of the containment system to demonstrate compliance with LAC 33:V.2111; show at least the following:

1. basic design parameters, dimensions, and materials of construction;

Response

K069/D008 Storage Area

The K069/D008 storage area has a maximum storage capacity of 544 55-gallon drums (29,920 gallons) calculated as follows:

Area = 25 ft by 70 ft

17 pallets per row x 2 pallets high x 4 drums per pallet = 136 drums per row

4 rows (3 aisles with no more than 1 row between aisles) x 136 drums per row = 544 drums maximum storage capacity.

544 drums x 55 gallons per drum = 29,920 gallons

The K069/D008 storage area has an asphalt and concrete floor and a 3 inch high asphalt berm for containment. The base of the K069/D008 storage area is, from top to bottom, 4 inches of asphalt, 4 inches of concrete, 1.5 inches of asphalt and 6 inches of concrete. Details of the K069/D008 storage area are provided in Figure 11. The drums within the K069/D008 storage area do not contain free liquids or materials containing free liquids. The area is also under a roof to prevent precipitation for entering the area; therefore, the requirement for minimum containment volume does not apply to the K069/D008 storage area.

Truck/Trailer Storage Area

The Truck/Trailer Storage Area has a maximum storage capacity of 85,000 batteries (85,000 gallons) calculated as follows. The maximum height of pallets and batteries is 8 feet.

Area = 120 ft by 120 ft
36 trailers x 2,361 batteries per trailer = 85,000 batteries
85,000 batteries x 1 gallon per battery = 85,000 gallons

The Truck/Trailer Storage area has an asphalt and concrete floor with a 2.5 foot high asphalt berm for containment. The base of the Truck/Trailer Storage area is, from top to bottom, 3 inches asphalt

and 6 inches concrete, with the exception of the dolly pad (12 inches concrete) and a concrete area (6 inches concrete) as shown on Figure 12.

As the Truck/Trailer Storage Area stores batteries which contain free liquids, the containment system (i.e., floor and asphalt perimeter berm) was designed to have sufficient capacity to contain a 12 inch (25-year, 24-hour) rainfall event and 10% of the total battery acid stored. Calculations are provided as follows:

Available Containment Volume = 120 ft x 120 ft x 2.5 ft
= 36,000 cf
= 269,280 gal

Stormwater to be stored = 120 ft x 120 ft x 1 ft = 14,400 cf = 107,712 gal

10% of total battery acid to be stored = 85,000 gal x 0.1
= 8,500 gal

Total liquid (stormwater and 10% of acid) to be stored
= 107,712 gal + 8,500 gal = 116,212 gal

As the containment volume of 269,280 gallons is greater than the total liquid volume to be stored (116,212 gallons), the containment at the Truck/Trailer Storage Area is acceptable.

Whole Battery Storage Area

The Whole Battery Storage Area has a maximum storage capacity of 81,000 batteries (81,000 gallons) calculated as follows. The maximum height of pallets and batteries is 8 feet.

Area = 75 ft by 100 ft

18 pallets per row x 3 pallets high x 75 batteries per pallet = 4,050 batteries per row

20 rows (10 ten aisles with no more than 2 rows between aisles) x 4,050 batteries per row = 81,000 batteries

81,000 batteries x 1 gallon per battery = 81,000 gallons.

The Whole Battery Storage Area has an asphalt and concrete floor with a 5-inch high perimeter asphalt berm for containment. The

base of the Whole Battery Storage Area is, from top to bottom, 6 inches asphalt and 10 inches of 3,500 psi mesh reinforced concrete as shown on Figure 13.

The Whole Battery Storage Area stores batteries which contain free liquids. The Whole Battery Storage area has a maximum storage capacity of 81,000 batteries (i.e., 81,000 gallons). The containment system (i.e, floor and asphalt perimeter berm) was designed to contain 10% of acid plus 2 inches freeboard. This area is not required to manage a 12 inch rainfall event as the area has a roof and is constructed to prevent run-on. Calculations are provided as follows:

Available containment volume = 75 ft x 100 ft x (5/12) ft
= 3125 cf
= 23,375 gal

Stormwater stored = 0 gal
10% of total battery acid to be stored = 81,000 gal x 0.1 = 8,100 gal
Total liquid to be stored = 8,100 gal

As the containment volume of 23,375 gallons is greater than the total liquid volume to be stored (8,100 gallons), the containment at the Whole Battery Storage Area is acceptable.

Concrete and asphalt are sufficiently impervious to contain leaks, spills and accumulated precipitation until the material can be detected and removed.

2. **how the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;**

Response
Exide has designed the drainage system so that any accumulated rain water, process water or wash-down water generated during the operations will be transmitted to the facilities' Waste Water Treatment Unit, where it will be treated as specified in our Water Discharge permit and discharged through Outfall 001. The Containment Building has floor drains that collect wash-down and process water and transmit the water to the Wastewater Treatment Unit. The Slag Stabilization Unit has a water collection drain that transmits stormwater and wash-down to the Wastewater Treatment Unit. The Whole Battery Storage Area is sloped to drain

wash-down water into a sump that is pumped to the Wastewater Treatment Unit. The Truck/Trailer Area has a sump that transmits wash-down water and stormwater to the Wastewater Treatment Unit. The K069/D008 Area has a sump that transmits wash-down water and stormwater to the Wastewater Treatment Unit.

As shown on Figure 11, the base of the K069/D008 storage area is sloped to a collection point for ease of removal. The drums are also stored on pallets to prevent contact of the drums with spills. As pallets are 4 inches high, the drums will be maintained above the top of the spill as the berm height is 3 inches. Liquid spills are not anticipated as liquids or materials which contain free liquids are not stored in the K069/D008 storage area and the area is under a roof to prevent precipitation.

As shown on Figure 12, the base of the Truck/Trailer storage area is sloped to collection point for ease of removal. The drums are stored on pallets in truck trailers to provide additional containment and to elevate the drums above accumulated precipitation. As shown on Figure 13, the base of the Whole Battery Storage Area is sloped to a sump for removal and are pumped to the battery breaker unit for neutralization prior to pumping to the wastewater treatment plant. Spent batteries are stored on pallets to elevate the batteries above accumulated liquids.

As shown on Figure 13, the base of the Whole Battery Storage Area is sloped to a collection point for ease of removal. The batteries are stored on pallets a height of 4 inches above the floor. The sloped floor and procedures for removal of liquids within the sump ensure that liquids will not build up to the berm height of 5 inches and contact the batteries.

3. **capacity of the containment system relative to the number and volume of containers to be stored;**

Response
The design criteria and calculations regarding the capacity of the containment systems are provided in the response to LAC 33.V:521.A.1.

4. **provisions for preventing or managing run-on;**

Response
Run-on into the containment system of the K069/D008 storage area, the Truck/Trailer storage area and Whole Battery Storage

Area is prevented by the asphalt perimeter berm and the slope of the floor systems.

5. **how accumulated liquids can be analyzed and removed to prevent overflow;**

Response
Exide does not accept waste that contains free liquids. Any wash-down water, process water and stormwater that is generated by the facility is transmitted to the Wastewater Treatment Unit. The water is treated and discharged through process water Outfall 001. Water samples are collected from the outfall and analyzed as specified in Exide's Water Discharge permit. The sample results are sent to LDEQ in the Monthly Discharge Monitoring Reports.

B. **for storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with LAC 33:V.2111.C including:**

1. **test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and**

Response
Exide does not store material with free liquids in the K069/D008 Area. This is confirmed by inspection of the materials at delivery. The wastes stored in drums at the K069/D008 storage area do not contain free liquids or material containing free liquids and the area has a roof to prevent precipitation; therefore a containment system is not required.

2. **a description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;**

Response

The storage area is sloped to drain to a collection point as shown on Figure 11. The drums at the K069/D008 storage area are stored on pallets to be elevated above accumulated liquid.

C. **sketches, drawings, or data demonstrating compliance with LAC 33:V.2113 (location of buffer zone and containers holding ignitable or reactive wastes) and LAC 33:V.2115.C (location of incompatible wastes), where applicable;**

Response
This section is not applicable since the waste stored and generated by the Baton Rouge smelter is not ignitable or reactive.

D. where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with LAC 33:V.2107.A-C, and 1517.B-D; and

Response
Exide does not receive or generate incompatible wastes.

E. information on air emission control equipment as required in LAC 33:V.526.

Response
All air emissions are regulated by Exide's Air Permit 0840-00004-00. All emission points are vented to control devices to filter particulate and lead emissions. The control devices, fabric filter baghouse, are tested regularly to insure compliance. A schematic of the air handling system is provided in Figure 10. Plant roadways are swept and washed once per shift. Feed piles (lead-bearing material stored in piles prior to being recycled in the furnaces) are treated with water for dust suppression, as needed in accordance with the Dust Suppression Operational Procedure in Appendix 12. Care is taken in the dust suppression to avoid generating free liquids.

§523. Specific Part II Information Requirements for Tanks

Except as otherwise provided in LAC 33:V.1901, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:

A. a written assessment that is reviewed and certified by an independent, qualified registered professional engineer as to the structural integrity and suitability for handling hazardous waste for each tank system, as required under LAC 33:V.1903 and 1905;

B. dimensions and capacity of each tank;

C. descriptions of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

D. a diagram of piping, instrumentation, and process flow for each tank system;

E. a description of materials and equipment used to provide external corrosion protection, as required under LAC 33:V.1905.A.3.b;

F. for new tank systems, a detailed description of how the tank system(s) will be installed in compliance with LAC 33:V.1905.B, C, D, and E;

G. detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of LAC 33:V.1907.A, B, C, D and F;

H. for tank systems for which a variance from the requirements of LAC 33:V.1907 is sought (as provided by LAC 33:V.1907.G):

1. detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or

2. a detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment;

I. descriptions of controls and practices to prevent spills and overflows, as required under LAC 33:V.1909.B;

J. for tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of LAC 33:V.1917 and 1919; and

K. information on air emission control equipment as required in LAC 33:V.526.

<u>Response</u>
Exide does not use tanks to store or treat hazardous waste; therefore this section is not applicable.

§525. Specific Part II Information Requirements for Surface Impoundments

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that treat, store, or dispose of hazardous waste in surface impoundments must provide the following additional information:

A. a list of the hazardous wastes placed or to be placed in each surface impoundment;

B. detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated and maintained to meet the requirements of LAC 33:V.1504, 2903, 2904, and 2906. This submission must address the following items:

1. the liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by LAC 33:V.2903.B, submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

2. the double liner and leak (leachate) detection, collection and removal system, if the surface impoundment must meet the requirements of LAC 33:V.2903.J. If an exemption from the requirements for double liners and leak detection, collection and removal system or alternative design is sought as provided by LAC 33:V.2903.C, K, or L, submit appropriate information;

3. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

4. the construction quality assurance (CQA) plan, if required under LAC 33:V.1504;

5. proposed action leakage rate, with rationale, if required under LAC 33:V.2904 and response action plan, if required under LAC 33:V.2906;

6. prevention of overtopping; and

7. structural integrity of dikes;

C. a description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of LAC 33:V.2907.B, C, and E. This

information must be included in the inspection plan submitted under LAC 33:V.517.G;

D. a description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of LAC 33:V.2907.B and C;

E. a certification by a qualified engineer which attests to the structure integrity of each dike, as required under LAC 33:V.2907.D. For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

F. a description of the procedure to be used for removing a surface impoundment from service, as required under LAC 33:V.2909.B and C;

G. a description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under LAC 33:V.2911.A. For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2911.B and C will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan;

H. if ignitable or reactive wastes are to be placed in a surface impoundment an explanation of how LAC 33:V.2913 will be complied with;

I. if incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how LAC 33:V.2915 will be complied with;

J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2917. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. **the mobilizing properties of other materials codisposed with these wastes; and**

4. **the effectiveness of additional treatment, design, or monitoring techniques; and**

K. **information on air emission control equipment as required in LAC 33:V.526.**

Response
Exide does not use surface impoundments to store or treat hazardous waste; therefore, this section is not applicable.

§526. Specific Part II Information Requirements for Air Emission Controls for Tanks, Surface Impoundments, and Containers

A. **Except as otherwise provided in LAC 33:V.1501, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of LAC 33:V.Chapter 17. Subchapter C shall provide the following additional information:**

1. **documentation for each floating roof cover installed on a tank subject to LAC 33:V.1755.D.1 or 2 that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in LAC 33:V.1755.E.1 or F.1;**

Response
Exide does not operate tanks for storage or treatment of hazardous waste; therefore, this section does not apply.

2. **identification of each container area subject to the requirements of LAC 33:V.Chapter 17. Subchapter C and certification by the owner or operator that the requirements of this Chapter are met;**

Response
Exide operates the K069/D008 Storage Area, the Truck/Trailer Storage Area and the Whole Battery Storage Area in accordance with LAC 33:V.Chapter 17 Subchapter C. The containers (i.e., 55-gallon drums and batteries) in these areas are managed in accordance with Level 1 criteria. The certification by owner has been provided in Appendix 2.

3. **documentation for each enclosure used to control air pollutant emissions from tanks or containers in accordance with the requirements of LAC 33:V.1755.D.5 or 1759.E.1.b that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in *Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure* under 40 CFR 52.741, appendix B;**

   Response
   Exide does not use tanks or containers regulated by LAC 33:V.1755.D.5 or 1759.E.1.b; therefore, this section does not apply.

4. **documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of LAC 33:V.1757.C that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in LAC 33:V.1757.C.1;**

   Response
   Exide does not operate a floating membrane cover; therefore, this section does not apply.

5. **documentation for each closed-vent system and control device installed in accordance with the requirements of LAC 33:V.1761 that includes design and performance information as specified in LAC 33:V.530.C and D;**

   Response
   Exide does not operate a closed-vent system and control device in accordance with LAC 33:V.1761; therefore this section does not apply.

6. **an emission monitoring plan for both Method 21 in 40 CFR part 60, appendix A and control device monitoring methods. This plan shall include the following information: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliance; and**

Response
Exide does not operate a closed-vent system and control device; therefore this section does not apply.

7. **when an owner or operator of a facility subject to LAC 33:V.Chapter 43. Subchapter V cannot comply with LAC 33:V.Chapter 17. Subchapter C by the date of permit issuance, the schedule of implementation required under LAC 33:V.1751.**

Response
Exide acknowledges this requirement and will comply. Exide operates the Containment Building under interim status as approval of the permit modification submitted October 17, 2001 has not yet been received.

§527. Specific Part II Information Requirements for Waste Piles

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that treat or store hazardous waste in waste piles must provide the following additional information:

A. a list of hazardous wastes placed or to be placed in each waste pile;

B. if an exemption is sought to LAC 33:V.2303 and LAC 33:V.Chapter 33 as provided by LAC 33:V.2301.C, an explanation of how the standards of LAC 33:V.2301.C will be complied with;

C. detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of LAC 33:V.2303. This submission must address the following items as specified in LAC 33:V.2303:

1. the liner system (except for an existing portion of a pile), if the waste pile must meet the requirements of LAC 33:V.2303.A. If an exemption from the requirement for a liner is sought, as provided by LAC 33:V.2303.B, the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the groundwater or surface water at any future time;

a. the double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of LAC 33:V.2303.C. If an

exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by LAC 33:V.2303.D, E, or F, submit appropriate information;

b. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

c. the construction quality assurance (CQA) plan if required under LAC 33:V.1504;

d. proposed action leakage rate, with rationale, if required under LAC 33:V.2304 and response action plan, if required under LAC 33:V.2306;

2. control of run-on;

3. control of run-off;

4. management of collection and holding units associated with run-on and run-off control systems; and

5. control of wind dispersal of particulate matter, where applicable.

D. if an exemption from LAC 33:V.Chapter 33 is sought as provided by LAC 33:V.2303 or 2307 submit detailed plans and an engineering report describing how the requirements of LAC 33:V.2303.B or 2307 will be complied with;

E. a description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenance for control of run-on and run-off, will be inspected in order to meet the requirements of LAC 33:V.2309.A, B, and C. This information must be included in the inspection plan submitted under LAC 33:V.517.G;

F. if treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

G. if ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of LAC 33:V.2311 will be complied with;

H. if incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how LAC 33:V.2313 will be complied with;

I. a description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under LAC 33:V.2315.A. For any waste not to be removed from the waste pile upon closure, this owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2521.A and B will be complied with;

J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how a waste pile that is not enclosed (as defined in LAC 33:V.2301.C) is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2317. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

<u>Response</u>
Exide does not use waste piles to store or treat hazardous waste; therefore, this section is not applicable.

§528. Part II Information Requirements for Post-Closure Permits

For post-closure permits, the owner or operator is required to submit only the information specified in LAC 33:V.516; 517.A, B, F, G, H, M, N, P, R, and T; and 520, unless the administrative authority determines that additional information from LAC 33:V.516, 517, 520, 523, 525, 527, 531, and 533 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in LAC 33:V.305.H.

Response
Exide acknowledges the above and will submit the specified information unless the administrative authority determines that further information is necessary. Exide anticipates clean-closure of the storage and treatment units; therefore a Post-Closure permit may not be necessary.

§529. Specific Part II Information Requirements for Incinerators

Except as LAC 33:V.Chapter 31 provides otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Subsection A, B, or C of this Section.

A. When seeking an exemption under LAC 33:V.3105.B or C of this Part (ignitable, corrosive, or reactive wastes only):

1. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49 of this Part, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or

2. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49 of this Part, solely because it is reactive (Hazard Code R) for characteristics other than those listed in LAC 33:V.4903.C.4 and C.5 of this Part, and will not be burned when other hazardous wastes are present in the combustion zone; or

3. documentation that the waste is a hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under LAC 33:V.4903 of this Part; or

4. documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in LAC 33:V.4903.C.1, 2, 3, 6, 7 or 8 of this Part, and that it will not be burned when other hazardous wastes are present in the combustion zone; or

B. Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with LAC 33:V.3115; or

C. In lieu of a trial burn, the applicant may submit the following information:

1. an analysis of each waste or mixture of wastes to be burned including:

   a. heat value of the waste in the form and composition in which it will be burned;

   b. viscosity (if applicable), or description of physical form of the waste;

   c. an identification of any hazardous organic constituents listed in Table 1, LAC 33:V.Chapter 31, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Table 1, LAC 33:V.Chapter 31, which would reasonably not be expected to be found in the waste; the constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or their equivalent.

   d. an approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110;

   e. a quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in LAC 33:V.3111.

2. A detailed engineering description of the incinerators, including:

   a. manufacturer's name and model number of incinerator;

   b. type of incinerator;

   c. linear dimension of incinerator unit including cross sectional area of combustion chamber;

d. description of auxiliary fuel system (type/feed);

e. capacity of prime mover;

f. description of automatic waste feed cutoff system(s);

g. stack gas monitoring and pollution control monitoring system;

h. nozzle and burner design;

i. construction materials;

j. location and description of temperature, pressure, and flow indicating devices and control devices;

3. a description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed; The data should include those items listed in Subsection C.1 of this Section. This analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided;

4. the design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

5. a description of the results submitted from any previously conducted trial burn(s) including:

   a. sampling and analysis techniques used to calculate performance standards in LAC 33:V.3111;

   b. methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

6. the expected incinerator operation information to demonstrate compliance with LAC 33:V.3111 and 3117 of this Part including:

a. expected carbon monoxide (CO) level in the stack exhaust gas;

b. waste feed rate;

c. combustion zone temperature;

d. indication of combustion gas velocity;

e. expected stack gas volume, flow rate, and temperature;

f. computed residence time for waste in the combustion zone;

g. expected hydrochloric acid removal efficiency;

h. expected fugitive emissions and their control procedures;

i. proposed waste feed cut-off limits based on the identified significant operating parameters;

7. such supplemental information as the administrative authority finds necessary to achieve the purposes of this Subsection;

8. waste analysis data, including that submitted in Subsection C.1 of this Section, sufficient to allow the administrative authority to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.

D. The administrative authority shall approve a permit application without a trial burn if he finds that:

1. the wastes are sufficiently similar; and

2. the incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under LAC 33:V.3117 of this Part) operating conditions that will ensure that the performance standards in LAC 33:V.3111 of this Part will be met by the incinerator.

E. Commercial Hazardous Waste Incinerators. The administrative authority shall issue no new permit or substantial permit modification, as defined in LAC 33:I.1503, that authorizes the

construction or operation of any commercial hazardous waste incineration facility, of any type, until the permit applicant complies with:

1. **all applicable hazardous waste regulations in LAC 33:V, particularly as they pertain to:**

   a. **design as required in LAC 33:V.Chapters 5 and 31;**

   b. **siting as required in LAC 33:V.Chapters 5, 7, and 15;**

   c. **construction as required in LAC 33:V.Chapters 7 and 31;**

   d. **operation as required in LAC 33:V.Chapters 3, 5, 7, and 31,**

   e. **emission limitations as required in LAC 33:V.Chapters 5 and 31; and**

   f. **disposal methods as required in LAC 33:V.Chapters 22, 31, and 35;**

2. **all applicable air quality regulations in LAC 33:III; and**

3. **all applicable water quality regulations in LAC 33:IX.**

   Response
   Exide does not use incinerators to treat hazardous waste; therefore, this section is not applicable.

§530. Specific Part II Information Requirements for Process Vents

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have process vents to which LAC 33:V.Chapter 17, Subchapter A applies must provide the following additional information:

A. **Facilities that cannot install a closed-vent system and control device to comply with the provisions of LAC 33:V.Chapter 17, Subchapter A, on the effective date that the facility becomes subject to the provisions of LAC 33:V.Chapter 17, Subchapter A, and Chapter 43, Subchapter Q, must provide an implementation schedule as specified in LAC 33:V.1709.A.2.**

B. **Documentation of compliance with the process vent standards in LAC 33:V.1707 must be provided, including:**

1. information and data identifying all affected process vents, annual throughput, and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);

2. information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur;

3. information and data used to determine whether or not a process vent is subject to the requirements of LAC 33:V.1707.

C. Owners or operators who apply for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of LAC 33:V.1707, and choose to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device must provide a performance test plan as specified in LAC 33:V.1713.B.3.

D. Documentation of compliance with LAC 33:V.1709 must be provided, including:

1. a list of all information references and sources used in preparing the documentation;

2. records including the dates of each compliance test required by LAC 33:V.1709.K;

3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. The design analysis shall address the

vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.a;

4. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur;

5. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of LAC 33:V.1707.A for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

Response

Exide does not use process vents to control emissions from hazardous waste; therefore, this section is not applicable.

§531. Specific Part II Information Requirements for Land Treatment Facilities

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that use land treatment to dispose of hazardous waste must provide the following additional information:

A. A description of plans to conduct a treatment demonstration as required under LAC 33:V.2707. The description must include the following information:

1. the wastes for which the demonstration will be made and the potential hazardous constituents in the waste;

2. the data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

3. any specific laboratory or field test that will be conducted, including:

a. the type of test (e.g., column leaching, degradation);

b. materials and methods, including analytical procedures;

c. expected time for completion;

d. characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.

B. A description of a land treatment program, as required under LAC 33:V.2705. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

1. the wastes to be land treated;

2. design measures and operating practices necessary to maximize treatment in accordance with LAC 33:V.2703.A including:

   a. waste application method and rate;

   b. measures to control soil pH;

   c. enhancement of microbial or chemical reactions;

   d. control of moisture content;

3. provisions for unsaturated zone monitoring, including:

   a. sampling equipment, procedures, and frequency;

   b. procedures for selecting sampling locations;

   c. analytical procedures;

   d. chain of custody control;

   e. procedures for establishing background values;

   f. statistical methods for interpreting results;

   g. the justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in LAC 33:V.2711.A;

4. a list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to LAC 33:V.1519;

5. the proposed dimensions of the treatment zone;

C. A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of LAC 33:V.2303. This submission must address the following items:

1. control of run-on;

2. collection and control of run-off;

3. minimization of run-off of hazardous constituents from the treatment zone;

4. management of collection and holding facilities associated with run-on and run-off control systems;

5. periodic inspection of this unit. This information should be included in the inspection plan.

6. control of wind dispersal of particulate matter, if applicable;

D. No food-chain crops are to be grown in or on the treatment zone of the land treatment unit.

E. A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under LAC 33:V.2709.A.8 and C.2. This information should be included in the closure plan and, where applicable, the post-closure plan.

F. If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of LAC 33:V.2715 will be complied with.

G. If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how LAC 33:V.2717 will be complied with.

H. A waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained

to meet the requirements of LAC 33:V.2723. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

Response
Exide does not use land treatment facilities to treat or store hazardous waste, therefore this section is not applicable.

§532. Special Part II Information Requirements for Drip Pads

A. Except as otherwise provided by LAC 33:V.Chapter 15, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

1. a list of hazardous wastes placed or to be placed on each drip pad;

2. if an exemption is sought to LAC 33:V.Chapter 33, as provided by LAC 33:V.3301, detailed plans and an engineering report describing how the requirements of LAC 33:V.3301 will be met;

3. detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of LAC 33:V.2805, including the as-built drawings and specifications. This submission must address the following items as specified in LAC 33:V.2803:

a. the design characteristics of the drip pad;

b. the liner system;

c. the leakage detection system, including how the system is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

d. practices designed to maintain drip pads;

e. the associated collection system;

f. control of run-on to the drip pad;

g. control of run-off from the drip pad;

h. the interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

i. procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;

j. operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;

k. procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased; including recordkeeping practices;

l. provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

m. **if treatment is carried out on the drip pad, details of the process equipment used and the nature and quality of the residuals;**

n. **a description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of LAC 33:V.2805. This information should be included in the inspection plan submitted under LAC 33:V.517.G;**

o. **a certification signed by an independent qualified, registered professional engineer stating that the drip pad design meets the requirements of LAC 33:V.2805.A-F;**

p. **a description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under LAC 33:V.2809.A. For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2521.A and B will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under LAC 33:V.517.M.**

Response
Exide does not use drip pads to treat or store hazardous waste; therefore, this section is not applicable.

§533. Specific Part II Information Requirements for Landfills

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that dispose of hazardous waste in landfills must provide the following additional information:

A. **a list of the hazardous wastes placed in each landfill or landfill cell;**

B. **detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated and maintained to comply with the requirements of LAC 33:V.1504, 2503, 2504, and 2507. This submission must address the following items:**

1. **the liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of LAC 33:V.2503.A. If an exemption from the requirement for a liner is sought as**

provided by LAC 33:V.2503.L, submit detailed plans and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;

2. the double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of LAC 33:V.2503.K. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by LAC 33:V.2503.L or M, submit appropriate information;

3. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;

4. the construction quality assurance (CQA) plan if required under LAC 33:V.1504;

5. proposed action leakage rate, with rationale, if required under LAC 33:V.2504, and response action plan, if required under LAC 33:V.2508;

6. control of run-on;

7. control of run-off;

8. management of collection and holding facilities associated with run-on and run-off control systems; and

9. control of wind dispersal of particulate matter, where applicable;

C. there are no exemptions from the groundwater protection requirements of LAC 33:V.Chapter 33;

D. a description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of LAC 33:V.2507.B, C, and D. This information should be included in the inspection plan submitted under LAC 33:V.517.G;

E. detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with LAC 33:V.2521.A, and a description of how each landfill will be maintained and monitored after closure in accordance with LAC 33:V.2521.B. This information should be included in the closure and post-closure plans;

F. if ignitable or reactive wastes will be landfilled, an explanation of how the standards of LAC 33:V.2511 will be complied with;

G. if incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how LAC 33:V.2513 will be complied with;

H. bulk or non-containerized liquid waste or wastes containing free liquids to be landfilled must comply with LAC 33:V.2515;

I. if containers of hazardous waste are to be landfilled, an explanation of how the requirements of LAC 33:V.2517 or LAC 33:V.2519, as applicable, will be complied with.

J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2523. This submission must address the following items:

1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

2. the attenuative properties of underlying and surrounding soils or other materials;

3. the mobilizing properties of other materials codisposed with these wastes; and

4. the effectiveness of additional treatment, design, or monitoring techniques.

<u>Response</u>
Exide does not use landfills to treat or store hazardous waste; therefore, this section is not applicable.

§534. Specific Part II Information Requirements for Miscellaneous Units

Except as otherwise provided in LAC 33:V.3201, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units must provide the following additional information:

A. a detailed description of the unit being used or proposed for use, including the following:

1. physical characteristics, materials of construction, and dimensions of the unit;

2. detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of LAC 33:V.3203 and 3205; and

3. for disposal units, a detailed description of the plans to comply with the post-closure requirements of LAC 33:V.3207;

B. detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of LAC 33:V.3203. If the applicant can demonstrate that he does not violate the environmental performance standards of LAC 33:V.3203 and the administrative authority agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice;

C. information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures;

D. for any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data;

E. any additional information determined by the administrative authority to be necessary for evaluation of compliance of the unit with the environmental performance standards of LAC 33:V:3203.

<u>Response</u>
Exide does not operate any miscellaneous units to treat or store hazardous waste, therefore, this section is not applicable.

§535. Specific Part II Information Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste for Energy or Material Recovery and not for Destruction

A. Trial Burns

1. General. Except as provided below, owners or operators that are subject to the standards to control organic emissions provided by LAC 33:V.3009, standards to control particulate matter provided by LAC 33:V.3011, standards to control metals emissions provided by LAC 33:V.3013, or standards to control hydrogen chloride or chlorine gas emissions provided by LAC 33:V.3015 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with LAC 33:V.537.

   a. A trial burn to demonstrate conformance with a particular emission standard may be waived under provisions of LAC 33:V.3009-3015 and LAC 33:V.535.A.2-5.

   b. The owner or operator may submit data in lieu of a trial burn, as prescribed in LAC 33:V.535.A.6.

2. Waiver of Trial Burn for DRE

   a. Boilers Operated Under Special Operating Requirements. When seeking to be permitted under LAC 33:V.3009.A.4 and 3021 that automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by LAC 33:V.3021.

   b. Boilers and Industrial Furnaces Burning Low Risk Waste. When seeking to be permitted under the provisions for low risk waste provided by LAC 33:V.3009.A.5 and 3019.A that waive the DRE trial burn, the owner or operator must submit:

      i. documentation that the device is operated in conformance with the requirements of LAC 33:V.3019.A.1;

ii. results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in LAC 33:V.4901.G.Table 6, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;

iii. documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in LAC 33:V.535.A.2.b.ii using procedures provided by LAC 33:V.3019.A.2.b;

iv. results of emissions dispersion modeling for emissions identified in LAC 33:V.535.A.2.b.iii using modeling procedures prescribed by LAC 33:V.3013.H. The administrative authority will review the emission modeling conducted by the applicant to determine conformance with these procedures. The administrative authority will either approve the modeling or determine that alternate or supplementary modeling is appropriate; and

v. documentation that the maximum annual average ground level concentration of each constituent identified in Subsection A.2.b.ii of this Section quantified in conformance with Subsection A.2.b.iv of this Section does not exceed the allowable ambient level established in 40 CFR 266, appendices IV or V, as adopted and amended at LAC 33:V.Chapter 30, Appendices D and E. The acceptable ambient concentration for emitted constituents for which a specific Reference Air Concentration has not been established in 40 CFR 266, Appendix IV, as adopted and amended at LAC 33:V.Chapter 30, Appendix D or Risk-Specific Dose has not been established in 40 CFR 266, Appendix V, as adopted at LAC 33:V.Chapter 30, Appendix E, is 0.1 micrograms per cubic meter, as noted in the

footnote to 40 CFR 266, Appendix IV, as adopted and amended at LAC 33:V.Chapter 30, Appendix D.

3. Waiver of Trial Burn for Metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by LAC 33:V.3013.B and E that control metals emissions without requiring a trial burn, the owner or operator must submit:

   a. documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feedstocks;

   b. documentation of the concentration of each metal controlled by LAC 33:V.3013.B or E in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of each metal;

   c. documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by LAC 33:V.3013.B or E will not be exceeded during the averaging period provided by that subsection;

   d. documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by LAC 33:V.3013.B.3-5;

   e. documentation of compliance with the provisions of LAC 33:V.3013.B.6, if applicable, for facilities with multiple stacks;

   f. documentation that the facility does not fail the criteria provided by LAC 33:V.3013.B.7 for eligibility to comply with the screening limits; and

   g. proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feedstocks.

4. Waiver of Trial Burn for Particulate Matter. When seeking to be permitted under the low risk waste provisions of LAC 33:V.3019.B which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with LAC 33:V.535.A.2.b and A.3.

5. Waiver of Trial Burn for HCl and Cl_2. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by LAC 33:V.3015.B.1 and E that control emissions of hydrogen chloride (HCl) and chlorine gas (Cl_2) without requiring a trial burn, the owner or operator must submit:

   a. documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feedstocks;

   b. documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of total chloride and chlorine;

   c. documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by LAC 33:V.3015.B.1 or E will not be exceeded during the averaging period provided by that subsection;

   d. documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by LAC 33:V.3015.B.3;

   e. documentation of compliance with the provisions of LAC 33:V.3015.B.4, if applicable, for facilities with multiple stacks;

   f. documentation that the facility does not fail the criteria provided by LAC 33:V.3015.B.3 for eligibility to comply with the screening limits; and

   g. proposed sampling and analysis plan for total chloride and chlorine for the hazardous waste, other fuels, and industrial furnace feedstocks.

6. Data in lieu of Trial Burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with LAC 33:V.537 and 3009-3015 by providing the information required by LAC 33:V.537 from previous compliance testing of the device in conformance with LAC 33:V.3007, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a

similar device is used to support a trial burn waiver, the design and operating information required by LAC 33:V.535 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The administrative authority shall approve a permit application without a trial burn if he finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under LAC 33:V.3005) operating conditions that will ensure conformance with LAC 33:V.3005.C. In addition, the following information shall be submitted:

a. for a waiver from any trial burn:

i. a description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;

ii. the design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and

iii. such supplemental information as the administrative authority finds necessary to achieve the purposes of this Paragraph.

b. for a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in LAC 33:V.3009.A. This analysis should specify the constituents in LAC 33:V.4901.G.Table 6, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.

B. Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials. Owners or operators of industrial furnaces requesting an alternative HC limit under LAC 33:V.3009.F shall submit the following information at a minimum:

1. documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;

2. documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;

3. test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;

4. trial burn plan to:

   a. demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and

   b. identify the types and concentrations of organic compounds listed in LAC 33:V.4901.G.Table 6, that are emitted when burning hazardous waste in conformance with procedures prescribed by the administrative authority;

5. implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and

6. such other information as the administrative authority finds necessary to achieve the purposes of this Subsection.

C. Alternative Metals Implementation Approach. When seeking to be permitted under an alternative metals implementation approach under LAC 33:V.3013.F, the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of LAC 33:V.3013.C or D and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the administrative authority finds necessary to achieve the purposes of this Subsection.

D. **Automatic Waste Feed Cutoff System. Owners or operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.**

E. **Direct Transfer. Owners or operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in LAC 33:V.3023) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by LAC 33:V.3023.**

F. **Residues. Owners or operators that claim that their residues are excluded from regulation under the provisions of LAC 33:V.3025 must submit information adequate to demonstrate conformance with those provisions.**

Response
Exide is exempt from EPA Boiler Industrial Furnace Regulations since its furnaces are used to process materials solely for metal recovery rather than incineration of hazardous waste.

§536. Specific Part II Information Requirements for Equipment

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have equipment to which LAC 33:V.Chapter 17, Subchapter B applies must provide the following additional information.

A. **For each piece of equipment to which LAC 33:V.Chapter 17, Subchapter B, applies, the following information must be provided:**

1. **equipment identification number and hazardous waste management unit identification;**

2. **approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);**

3. **type of equipment (e.g., a pump or pipeline valve);**

4. **percent by weight total organics in the hazardous waste stream at the equipment;**

5. **hazardous waste state at the equipment (e.g., gas/vapor or liquid); and**

6. **method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").**

B. Facilities that cannot install a closed-vent system and control device to comply with the provisions of LAC 33:V.Chapter 17, Subchapter B, on the effective date that the facility becomes subject to the provisions of LAC 33:V.Chapter 17, Subchapter B, or Chapter 43, Subchapter R, must provide an implementation schedule as specified in LAC 33:V.1709.A.2.

C. Owners or operators who apply for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and choose to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device must provide a performance test plan as specified in LAC 33:V.1713.B.3.

D. Documentation that demonstrates compliance with the equipment standards in LAC 33:V.1719-1733 must be provided. This documentation shall contain the records required under LAC 33:V.1743. The administrative authority may request further documentation before deciding if compliance has been demonstrated.

E. Documentation to demonstrate compliance with LAC 33:V.1735 shall be provided and include the following information:

1. a list of all information references and sources used in preparing the documentation;

2. records, including the dates, of each compliance test required by LAC 33:V.1709.J;

3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.c;

4. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur;

5. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

Response
Exide does not have equipment to which LAC 33:V.Chapter 17 Subchapter B applies; therefore, this section is not applicable.

Subchapter F. Special Forms of Permits

§537. Permits for Boiler and Industrial Furnaces Burning Hazardous Waste for Recycling Purposes Only (boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators)

A. General. New boilers and industrial furnaces (those not operating under interim status) that will be permitted based on a trial burn under LAC 33:V.3005.D.3 are subject to Subsection B of this Section. Boilers and industrial furnaces operating under the interim status standards of LAC 33:V.3007 are subject to Subsection C of this Section.

B. New Boilers and Industrial Furnaces Permitted with a Trial Burn. A permit for a new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:

1. Pre-trial Burn Period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the administrative authority shall establish pre-trial burn permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The administrative authority may extend this operational period once for up to 720 additional hours at the applicant's request when good cause is shown. The permit may be modified to reflect the extension according to LAC 33:V.323 (minor modifications of permits).

a. Applicants must submit a statement with Part II of the permit application that suggests the conditions necessary to operate in compliance with the standards of LAC 33:V.3009-3015 during this period. This statement should include, at a minimum, restrictions on

the applicable operating parameters identified in LAC 33:V.3005.E.

b. The administrative authority will review this statement and any other relevant information submitted with Part II of the permit application and specify requirements for this period sufficient to meet the performance standards of LAC 33:V.3009-3015 based on engineering judgment.

2. Trial Burn Period. For the duration of the trial burn, the administrative authority must establish conditions in the trial burn permit for the purposes of determining feasibility of compliance with the performance standards of LAC 33:V.3009-3015 and of determining adequate operating conditions under LAC 33:V.3005.E.

a. Applicants must propose a trial burn plan, prepared under Subparagraph b of this Paragraph, to be submitted with Part II of the permit application.

b. The trial burn plan must include the following information:

i. An analysis of each feedstream, including hazardous waste, other fuels, and industrial furnace feedstocks as fired, containing the following information is required:

(a) heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and composition of the hazardous waste must be specified;

(b) viscosity or a description of the physical form of the feedstream.

ii. An analysis of each hazardous waste stream as fired is required, including:

(a) an identification of any hazardous organic constituents listed in LAC 33:V.Chapter 31. Table 1, that are present in the feed stream, except that the applicant need not analyze

for constituents listed in Table 1 that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The waste analysis must be conducted in accordance with analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or an equivalent method;

(b) an approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or an equivalent method;

(c) if applicable, the blending procedures used before firing the hazardous waste must be described, and a detailed analysis of the hazardous waste before blending provided, along with an analysis of the material with which the hazardous waste is blended and the blending ratios.

iii. A detailed engineering description of the boiler or industrial furnace is required, including:

(a) manufacturer's name and model number of the boiler or industrial furnace;

(b) type of boiler or industrial furnace;

(c) maximum design capacity in appropriate units;

(d) description of the feed system for the hazardous waste, and, as appropriate, other fuels and industrial furnace feedstocks;

(e) capacity of the hazardous waste feed system;

(f) description of automatic hazardous waste feed cutoff system(s);

(g) description of any emission control system(s); and

(h) description of stack gas monitoring and any pollution-control monitoring systems.

iv. A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis must be provided.

v. A detailed test schedule for each hazardous waste for which the trial burn in planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the administrative authority's decision under LAC 33:V.537.B.2.e must be included.

vi. A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that will vary and that may affect the ability of the boiler or industrial furnace to meet the performance standards in LAC 33:V.3009-3015 must be provided.

vii. Any emission control equipment that will be used must be described along with the planned operating conditions.

viii. Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction must be described.

ix. The administrative authority may request additional information that he reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this Paragraph and the criteria in LAC 33:V.537.B.2.e.

c. The administrative authority, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information to achieve the purposes of this Paragraph.

d. The administrative authority will use the hazardous waste analysis data in the trial burn plan to specify as trial Principal Organic Hazardous Constituents (POHCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. The administrative authority will specify these trial POHCs on the basis of his estimate of the difficulty of destroying:

i. the constituents identified in the hazardous waste feed;

ii. their concentrations or mass in the hazardous waste feed; and

iii. for hazardous wastes listed in LAC 33:V.4901, the hazardous waste organic constituent(s) identified in LAC 33:V.4901.G, Table 6.

e. The administrative authority shall approve a trial burn plan if he finds that:

i. the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards in LAC 33:V.3009-3015;

ii. the trial burn itself will not present an imminent hazard to human health and the environment;

iii. the trial burn will help him determine operating requirements to be specified under LAC 33:V.3005.E; and

iv. the information sought in LAC 33:V.537.B.2.e.i-iii cannot reasonably be obtained through other means.

f. The administrative authority may extend and modify the pre-trial burn permit as necessary to accommodate the approved trial burn plan. The permit modification shall proceed as a minor modification according to LAC 33:V.323.

g. The administrative authority must send a notice to all persons on the facility mailing list, as set forth in LAC 33:V.717.A.5, and to the appropriate units of state and local government, as set forth in LAC 33:V.717.A.2, announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the administrative authority has issued such notice.

i. This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the permitting agency.

ii. This notice must contain:

(a) the name and telephone number of the applicant's contact person;

(b) the name and telephone number of the permitting agency's contact office;

(c) the location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

(d) an expected time period for commencement and completion of the trial burn.

h. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations and analyses:

i. a quantitative analysis of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feedstreams (hazardous waste, other fuels, and industrial furnace feedstocks) to the boiler or industrial furnace is required;

ii. a quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs is required;

iii. if dioxin and furan testing is required under LAC 33:V.3009.E, a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard are required;

iv. a quantitative analysis of the stack gas for the concentration and mass emission of particulate matter, metal(s) or hydrogen chloride (HCl) and chlorine gas (Cl_2) and a computation showing conformance with the metals or HCl emission performance standard in LAC 33:V.3011 and 3015 are required;

v. a quantitative analysis of the scrubber water (if any), ash residues, and other residues is required for the purpose of estimating the fate of the trial POHCs, the fate of any metal, and the fate of chlorine/chloride subject to emissions testing under LAC 33:V.537.B.2.g.iii.(b);

vi. destruction and removal efficiency (DRE) must be computed in accordance with the DRE formula specified in LAC 33:V.3009.A;

vii. sources of fugitive emissions and their means of control must be identified;

viii. carbon monoxide, total hydrocarbons, and oxygen in the stack gas must be continuously measured. The administrative authority may approve an alternative scheme for monitoring total hydrocarbons;

ix. a quantitative analysis of the exhaust gas for the concentration and mass emission of particulate matter, and a computation showing conformance with the particulate matter standard in LAC 33:V.3011 is required; and

x. any other information will be required that the administrative authority specifies as necessary to ensure that the trial burn will reveal whether the facility complies with the performance standards required by LAC 33:V.3009-3015.

i. The applicant must submit to the administrative authority a certification that the trial burn has been conducted in accordance with the approved trial burn plan and must submit the results of all the analyses and determinations required in Subsection B.2.h of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.

j. All data collected during any trial burn must be submitted to the administrative authority after completion of the trial burn.

k. All submissions required by this Paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under LAC 33:V.507 and 509.

l. Based on the results of the trial burn, the administrative authority shall specify the operating requirements in the final permit according to LAC 33:V.3005.E. The permit modification shall proceed as a minor modification according to LAC 33:V.323.

3. Post-trial Burn Period. For a minimum period immediately after the trial burn sufficient for the applicant to analyze samples, compute data, and submit the trial burn results, and for the administrative authority to review the trial burn results and modify the facility permit to reflect those results, the administrative authority will specify the operating requirements most likely to ensure compliance with the performance standards of LAC 33:V.3009-3015 based on engineering judgment. The administrative authority shall extend and modify the trial burn permit to develop the post-

trial burn permit. The permit modification shall proceed as a minor modification according to LAC 33:V.323.

a. Applicants must submit a statement with Part II of this permit application that identifies the conditions necessary for operation in compliance with the performance standards of LAC 33:V.3009-3015 during this period. This statement should include, at a minimum, restrictions on the operating parameters identified in LAC 33:V.3005.E.

b. The administrative authority will review this statement and any other relevant information submitted with Part I of the permit application and specify requirements for this period sufficient to meet the performance standards of LAC 33:V.3009-3015 based on engineering judgment.

4. Final Permit. For the final period of operation, the administrative authority will develop operating requirements in conformance with LAC 33:V.3005.E that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of LAC 33:V.3009-3015. Based on the trial burn results, the administrative authority will modify the permit as necessary to ensure compliance with the performance standards of LAC 33:V.3009-3015. The permit modification shall proceed according to LAC 33:V.321.

C. Interim Status Boilers and Industrial Furnaces

1. For the purpose of determining feasibility of compliance with the performance standards of LAC 33:V.3009-3015 of this Chapter and of determining adequate operating conditions under LAC 33:V.3007, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of LAC 33:V.3007 must either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of this Section or submit other information as specified in LAC 33:V.535.A.6. The administrative authority must announce his or her intention to approve of the trial burn plan in accordance with the timing and distribution requirements of Subsection B.2.g of this Section. The contents of the notice must include:

a. the name and telephone number of a contact person at the facility;

b. **the name and telephone number of a contact office at the permitting agency;**

c. **the location where the trial burn plan and any supporting documents can be reviewed and copied; and**

d. **a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted.**

2. **Applicants who submit a trial burn plan and receive approval before submission of part II of the permit application must complete the trial burn and submit the results specified in LAC 33:V.537.B.2.h with part II of the permit application. If completion of this process conflicts with the date set for submission of part II, the applicant must contact the administrative authority to establish a later date for submission of part II or the trial burn results. If the applicant submits a trial burn plan with part II of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the administrative authority.**

Response
Exide does not operate boilers or industrial furnaces that burn hazardous waste; therefore, this section does not apply.

§540. Remedial Action Plans (RAPs)

Remedial action plans (RAPs) are special forms of permits that are regulated under LAC 33:V.Chapter 5.Subchapter G.

Subchapter G. Remedial Action Plans (RAPs) - General Information

Response
The requirements of these sections do not apply to Exide's Baton Rouge Smelter as a Remedial Action Plan is not required for the facility. Exide submitted a Phase I RCRA Facility Investigation Work Plan to LDEQ on November 16, 2001. As comments or approval have not yet been received from LDEQ, RFI activities have not yet begun. The Work Plan was developed to utilize existing information and propose the collection of additional information necessary to determine the presence, magnitude, extent and mobility of hazardous waste constituents on and beneath the site that may have originated

from the pre-RCRA and RCRA permitted hazardous waste or solid waste management units (SWMUs). A summary of the SWMUs is provided in Appendix 3. SWMU locations are provided on Figure 5.

§545. Why is this Subchapter Written in a Special Format?

This Subchapter is written in a special format to make it easier to understand the regulatory requirements. Like other department regulations, this establishes enforceable legal requirements. For this Subchapter, I and you refer to the owner/operator.

§550. What is a RAP?

A. A RAP is a special form of a RCRA permit that you, as an owner or operator, may obtain, instead of a permit issued under LAC 33:V.303 - 329 and 501 - 537, to authorize you to treat, store, or dispose of hazardous remediation waste (as defined in LAC 33:V.109) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under LAC 33:V.699.

B. The requirements in LAC 33:V.303 - 329 and 501 - 537 do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subchapter. The definitions in LAC 33:V.109 apply to RAPs.

C. Notwithstanding any other provision of LAC 33:V.Subpart 1, any document that meets the requirements in this Section constitutes a RCRA permit under RCRA section 3005(c).

D. A RAP may be:

1. a stand-alone document that includes only the information and conditions required by this Subchapter; or

2. part (or parts) of another document that includes information and/or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subchapter.

E. If you are treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by federal or state cleanup authorities, your RAP does not affect your obligations under those authorities in any way.

F. If you receive a RAP at a facility operating under interim status, the RAP does not terminate your interim status.

§555. When Do I Need a RAP?

A. Whenever you treat, store, or dispose of hazardous remediation wastes in a manner that requires a RCRA permit under LAC 33:V.Chapter 3, you must either obtain:

1. a RCRA permit according to LAC 33:V.303 - 329 and 501 - 537; or

2. a RAP according to this Subchapter.

B. Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subchapter.

C. You may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. You must have these RAPs approved as a modification to your existing permit according to the requirements of LAC 33:V.321 - 323 instead of the requirements in this Subchapter. When you submit an application for such a modification, however, the information requirements in LAC 33:V.321.C.1.a.i, 2.a.iv, and 3.a.iv do not apply; instead, you must submit the information required under LAC 33:V.580. When your permit is modified the RAP becomes part of the RCRA permit. Therefore, when your permit (including the RAP portion) is modified, revoked and reissued, terminated, or when it expires, it will be modified according to the applicable requirements in LAC 33:V.321 - 323, revoked and reissued according to the applicable requirements in LAC 33:V.323, terminated according to the applicable requirements in LAC 33:V.323, and expire according to the applicable requirements in LAC 33:V.315.

§560. Does My RAP Grant Me Any Rights or Relieve Me of Any Obligations?

The provisions of LAC 33:V.307 apply to RAPs. (Note: The provisions of LAC 33:V.307.A provide you assurance that, as long as you comply with your RAP, the department will consider you in compliance with Subtitle C of RCRA and will not take enforcement actions against you. However, you should be aware of four exceptions to this provision that are listed in LAC 33:V.307.)

§565. How Do I Apply for a RAP?

To apply for a RAP, you must complete an application, sign it, and submit it to the administrative authority according to the requirements in this Subchapter.

§570. Who Must Obtain a RAP?

When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner must also sign the RAP application.

§575. Who Must Sign the Application and Any Required Reports for a RAP?

Both the owner and the operator must sign the RAP application and any required reports according to LAC 33:V.507, 509, and 511. In the application, both the owner and the operator must also make the certification required in LAC 33:V.513.A. However, the owner may choose the alternative certification under LAC 33:V.513.B if the operator certifies under LAC 33:V.513.A.

§580. What Must I Include in My Application for a RAP?

A. You must include the following information in your application for a RAP:

1. the name, address, and EPA identification number of the remediation waste management site;

2. the name, address, and telephone number of the owner and operator;

3. the latitude and longitude of the site;

4. the United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;

5. a scaled drawing of the remediation waste management site showing:

a. the remediation waste management site boundaries;

b. any significant physical structures; and

c. the boundary of all areas on-site where remediation waste is to be treated, stored, or disposed;

6. a specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on:

   a. constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated and/or otherwise managed;

   b. an estimate of the quantity of these wastes; and

   c. a description of the processes you will use to treat, store, or dispose of this waste including technologies, handling systems, design, and operating parameters you will use to treat hazardous remediation wastes before disposing of them according to the LDR standards of LAC 33:V.Chapter 22, as applicable;

7. enough information to demonstrate that operations that follow the provisions in your RAP application will ensure compliance with applicable requirements of LAC 33:V.Chapters 15 - 37, 41, and 43;

8. such information as may be necessary to enable the administrative authority to carry out his duties under other state laws as is required for traditional RCRA permits under LAC 33:V.517.U; and

9. any other information the administrative authority decides is necessary for demonstrating compliance with this Subsection or for determining any additional RAP conditions that are necessary to protect human health and the environment.

§585. What If I Want to Keep This Information Confidential?

Provisions for confidential information may be found in LAC 33:I.Chapter 5.

§590. To Whom Must I Submit My RAP Application?

You must submit your application for a RAP to the administrative authority for approval.

§595. If I Submit My RAP Application as Part of Another Document, What Must I do?

If you submit your application for a RAP as a part of another document, you must clearly identify the components of that document that constitute your RAP application.

§600. What Is the Process for Approving or Denying My Application for a RAP?

A. If the administrative authority tentatively finds that your RAP application includes all of the information required by LAC 33:V.580 and that your proposed remediation waste management activities meet the regulatory standards, the administrative authority may make a tentative decision to approve your RAP application. The administrative authority will then prepare a draft RAP and provide an opportunity for public comment before making a final decision on your RAP application, according to this Subchapter.

B. If the administrative authority tentatively finds that your RAP application does not include all of the information required by LAC 33:V.580 or that your proposed remediation waste management activities do not meet the regulatory standards, the administrative authority may request additional information from you or ask you to correct deficiencies in your application. If you fail or refuse to provide any additional information the administrative authority requests, or to correct any deficiencies in your RAP application, the administrative authority may make a tentative decision to deny your RAP application. After making this tentative decision, the administrative authority will prepare a notice of intent to deny your RAP application (notice of intent to deny) and provide an opportunity for public comment before making a final decision on your RAP application, according to the requirements in this Subchapter. The administrative authority may deny the RAP application either in its entirety or in part.

§605. What Must the Administrative Authority Include in a Draft RAP?

A. If the administrative authority prepares a draft RAP, it must include:

1. the information required under LAC 33:V.580.A.1 – 9;

2. the following terms and conditions:

a. terms and conditions necessary to ensure that the operating requirements specified in your RAP comply with applicable requirements of LAC 33:V.Chapters 15 -

37, 41, and 43 (including any recordkeeping and reporting requirements). In satisfying this provision, the administrative authority may incorporate, expressly or by reference, applicable requirements of LAC 33:V.Chapters 15 - 37, 41, and 43 into the RAP or establish site-specific conditions as required or allowed by LAC 33:V.Chapters 15 - 37, 41, and 43;

b. terms and conditions in LAC 33.V.309;

c. terms and conditions for modifying, revoking and reissuing, and terminating your RAP, as provided in LAC 33:V.640; and

d. any additional terms or conditions that the administrative authority determines are necessary to protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

3. if the draft RAP is part of another document, as described in LAC 33:V.550, the administrative authority must clearly identify the components of that document that constitute the draft RAP.

§610. What Else Must the Administrative Authority Prepare in Addition to the Draft RAP or Notice of Intent to Deny?

A. Once the administrative authority has prepared the draft RAP or notice of intent to deny, he must then:

1. prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;

2. compile an administrative record, including:

a. the RAP application and any supporting data furnished by the applicant;

b. the draft RAP or notice of intent to deny;

c. the statement of basis and all documents cited therein (material readily available at the department or published material that is generally available need not

be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and

d. any other documents that support the decision to approve or deny the RAP; and

3. make information contained in the administrative record available for review by the public upon request.

§615. What Are the Procedures for Public Comment on the Draft RAP or Notice of Intent to Deny?

A. The administrative authority must:

1. send notice to you of his intention to approve or deny your RAP application, and send you a copy of the statement of basis;

2. publish a notice of his intention to approve or deny your RAP application in a major local newspaper of general circulation;

3. broadcast his intention to approve or deny your RAP application over a local radio station; and

4. send a notice of his intention to approve or deny your RAP application to each unit of local government having jurisdiction over the area in which your site is located and to each state agency having any authority under state law with respect to any construction or operations at the site.

B. The notice required by Subsection A of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.

C. The notice required by Subsection A of this Section must include:

1. the name and address of the office processing the RAP application;

2. the name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;

3. a brief description of the activity the RAP will regulate;

4. the name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;

5. a brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;

6. if a hearing is scheduled, the date, time, location, and purpose of the hearing;

7. if a hearing is not scheduled, a statement of procedures to request a hearing;

8. the location of the administrative record, and times when it will be open for public inspection; and

9. any additional information the administrative authority considers necessary or proper.

D. If, within the comment period, the administrative authority receives written notice of opposition to his intention to approve or deny your RAP application and a request for a hearing, the administrative authority must hold an informal public hearing to discuss issues relating to the approval or denial of your RAP application. The administrative authority may also determine on his own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the administrative authority must schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in Subsection A of this Section. This notice must, at a minimum, include the information required by Subsection C of this Section and:

1. reference to the date of any previous public notices relating to the RAP application;

2. the date, time, and location of the hearing; and

3. a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

§620. How Will the Administrative Authority Make a Final Decision on my RAP Application?

A. The administrative authority must consider and respond to any significant comments raised during the public comment period, or during any hearing on the draft RAP or notice of intent to deny, and revise your draft RAP based on those comments, as appropriate.

B. If the administrative authority determines that your RAP includes the information and terms and conditions required in LAC 33:V.605, then he may issue a final decision approving your RAP and, in writing, notify you and all commenters on your draft RAP that your RAP application has been approved.

C. If the administrative authority determines that your RAP does not include the information required in LAC 33:V.605, then he will issue a final decision denying your RAP and, in writing, notify you and all commenters on your draft RAP that your RAP application has been denied.

D. If the administrative authority's final decision is that the tentative decision to deny the RAP application was incorrect, he will withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subchapter.

E. When the administrative authority issues his final RAP decision, he must refer to the procedures for appealing the decision under R.S. 30:2024.

F. Before issuing the final RAP decision, the administrative authority must compile an administrative record. Material readily available at the department or published materials which are generally available and which are included in the administrative record need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see LAC 33:V.610.B) and:

1. all comments received during the public comment period;

2. tapes or transcripts of any hearings;

3. any written materials submitted at these hearings;

4. the responses to comments;

5. any new material placed in the record since the draft RAP was issued;

6. any other documents supporting the RAP; and

7. a copy of the final RAP.

G. The administrative authority must make information contained in the administrative record available for review by the public upon request.

§640. After My RAP is Issued, How May it be Modified, Revoked and Reissued, or Terminated?

In your RAP, the administrative authority must specify, either directly or by reference, procedures for future modifications, revocations and reissuance, or terminations of your RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change your management of your remediation waste, or that otherwise merits public review and comment. If your RAP has been incorporated into a traditional RCRA permit, as allowed under LAC 33:V.555.C, then the RAP will be modified according to the applicable requirements in LAC 33:V.321 - 323.B.2, revoked and reissued according to the applicable requirements in LAC 33:V.321 and 323.B.3, or terminated according to the applicable requirements of LAC 33:V.323.B.3.

§645. For What Reasons May the Administrative Authority Choose to Modify My Final RAP?

A. The administrative authority may modify your final RAP on his own initiative only if one or more of the following reasons listed in this Section exist(s). If one or more of these reasons do not exist, then the administrative authority will not modify your final RAP, except at your request. Reasons for modification are:

1. you made material and substantial alterations or additions to the activity that justify applying different conditions;

2. the administrative authority finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;

3. the standards or regulations on which the RAP was based have changed because of new or amended statutes,

standards, or regulations, or by judicial decision after the RAP was issued;

4. if your RAP includes any schedules of compliance, the administrative authority may find reasons to modify your compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which you as the owner/operator have little or no control and for which there is no reasonably available remedy;

5. you are not in compliance with conditions of your RAP;

6. you failed in the application or during the RAP issuance process to disclose fully all relevant facts, or you misrepresented any relevant facts at the time;

7. the administrative authority has determined that the activity authorized by your RAP endangers human health or the environment and can only be remedied by modifying; or

8. you have notified the administrative authority (as required in the RAP under LAC 33:V.321.B) of a proposed transfer of a RAP.

B. Notwithstanding any other provision in this Section, when the administrative authority reviews a RAP for a land disposal facility under LAC 33:V.665, he may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in LAC 33:V.Subpart 1.

C. The administrative authority will not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

§650. For What Reasons May the Administrative Authority Choose to Revoke and Reissue My Final RAP?

A. The administrative authority may revoke and reissue your final RAP on his own initiative only if one or more reasons for revocation and reissuance exist(s). If one or more reasons do not exist, then the administrative authority will not modify or revoke and reissue your final RAP, except at your request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in LAC 33:V.645.A.5 - 8 if the administrative

authority determines that revocation and reissuance of your RAP is appropriate.

B. The administrative authority will not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

§655. For What Reasons May the Administrative Authority Choose to Terminate My Final RAP, or Deny My Renewal Application?

The administrative authority may terminate your final RAP on his own initiative, or deny your renewal application, for the same reasons as those listed for RAP modifications in LAC 33:V.645.A.5 - 7 if the administrative authority determines that termination of your RAP or denial of your RAP renewal application is appropriate.

§665. When Will My RAP Expire?

RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the administrative authority in fixed increments of no more than ten years. In addition, the administrative authority must review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance, and you or the administrative authority must follow the requirements for modifying your RAP as necessary to assure that you continue to comply with currently applicable requirements in RCRA sections 3004 and 3005.

§670. How May I Renew My RAP if It is Expiring?

If you wish to renew your expiring RAP, you must follow the process for application for and issuance of RAPs in this Subchapter.

§675. What Happens if I Have Applied Correctly for a RAP Renewal But Have Not Received Approval By the Time My Old RAP Expires?

If you have submitted a timely and complete application for a RAP renewal, but the administrative authority, through no fault of yours, has not issued a new RAP with an effective date on or before the expiration date of your previous RAP, your previous RAP conditions continue in force until the effective date of your new RAP or RAP denial.

§680. What Records Must I Maintain Concerning My RAP?

A. You are required to keep records of:

1. all data used to complete RAP applications and any supplemental information that you submit for a period of at least three years from the date the application is signed; and

2. any operating and/or other records the administrative authority requires you to maintain as a condition of your RAP.

§685. How Are Time Periods In the Requirements in This Subchapter and My RAP Computed?

A. Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if your RAP specifies that you must close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of your 180 days, and you would have to complete closure by November 28.)

B. Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if you are transferring ownership or operational control of your site, and wish to transfer your RAP, the new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if you plan to change ownership on January 1, the new owner/operator must submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

C. If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if you wish to request an administrative hearing on the administrative authority's decision to modify your RAP, then you must file your request with the secretary within 30 days after notice of the decision is served upon you. If the thirtieth day falls on Sunday, then you may submit your appeal by the Monday after. If the thirtieth day falls on July 4, then you may submit your appeal by July 5.)

§690. How May I Transfer My RAP to a New Owner or Operator?

A. If you wish to transfer your RAP to a new owner or operator, you must follow the requirements specified in your RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute significant modifications for purposes of LAC 33:V.640. The new owner/operator must submit a revised RAP application no

later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between you and the new permittees.

B. When a transfer of ownership or operational control occurs, you as the old owner or operator must comply with the applicable requirements in LAC 33:V.Chapter 37 (financial requirements), until the new owner or operator has demonstrated that he is complying with the requirements in that chapter. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 37 within six months of the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner/operator demonstrates compliance with LAC 33:V.Chapter 37 to the administrative authority, the administrative authority will notify you that you no longer need to comply with LAC 33:V.Chapter 37, as of the date of demonstration.

§695. What Must the State or EPA Region Report About Noncompliance with RAPs?

The department or EPA region must report noncompliance with RAPs according to the provisions of 40 CFR 270.5.

§699. May I Perform Remediation Waste Management Activities Under a RAP at a Location Removed from the Area Where the Remediation Wastes Originated?

A. You may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if you believe such a location would be more protective than the contaminated area or areas in close proximity.

B. If the administrative authority determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the administrative authority may approve a RAP for this alternative location.

C. You must request the RAP, and the administrative authority will approve or deny the RAP, according to the procedures and requirements in this Subchapter.

D. A RAP for an alternative location must also meet the following requirements, which the administrative authority must include in the RAP for such locations:

1. the RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

2. the RAP is subject to the expanded public participation requirements in LAC 33:V.708;

3. the RAP is subject to the public notice requirements in LAC 33:V.717; and

4. the site permitted in the RAP may not be located within 61 meters or 200 feet of a fault which has had displacement in the Holocene time (you must demonstrate compliance with this standard through the requirements in LAC 33:V.517.T). (See definitions of terms in LAC 33:V.109);

E. These alternative locations are remediation waste management sites and retain the following benefits of remediation waste management sites:

1. exclusion from facility-wide corrective action under LAC 33:V.3322; and

2. application of LAC 33:V.1501.H in lieu of LAC 33:V.Chapter 15.

CHAPTER 7

ADMINISTRATIVE PROCEDURES FOR TREATMENT, STORAGE, AND DISPOSAL FACILITY PERMITS

Exide acknowledges and will abide by the requirements provided in this chapter regarding the administrative procedures for treatment storage and disposal facilities. However, no response is necessary.

CHAPTER 9

MANIFESTS SYSTEM FOR TSD FACILITIES

Exide acknowledges and will abide by the requirements provided in this chapter.

CHAPTER 11

GENERATORS

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality – Hazardous Waste

Chapter 11. Generators
Subchapter A. General

§1101. Applicability

A. **A generator who treats, stores, or disposes of hazardous waste on-site is not required to comply with the requirements of this Chapter except for the following with respect to that waste: LAC 33:V.1101.C, 1103, 1105, 1109.E, 1111.A.3 and 4, 1111.D, 1115, 1117, 1119 and 1121.**

Response

Exide acknowledges the above citation.

B. **Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the countries listed in LAC 33:V.1113.I.1.a for recovery must comply with Subchapter B of this Chapter.**

Response

Exide understands and acknowledges the above citation.

C. **Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with the standards applicable to generators established in this Chapter.**

Response

Exide acknowledges the above citations; however does not import hazardous waste from a foreign country.

D. **A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Chapter or other standards in the LAC 33:V.Chapters 3, 5, 7, 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43 for those wastes, provided he triple rinses each emptied pesticide container in accordance with the provisions of LAC 33:V.109.Empty Container.3**

and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

Response

Exide acknowledges the above citations ;however Exide is not a farmer disposing of pesticides from his own use and this citation is not applicable.

E. **A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of this Chapter and penalties prescribed in the Act for noncompliance.**

Response

Exide acknowledges the above citations.

F. **An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Chapter. The provisions of LAC 33:V.1109.E are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of LAC 33:V.1109.E only apply to owners or operators who are shipping hazardous waste which they generated at that facility. A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in LAC 33:V.Subpart 1.**

Response

Exide acknowledges the above citations.

G. **A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of these chapters and shall register with the department in accordance with the applicable provisions of LAC 33:V.303.**

Response

Exide acknowledges the above citation.

H. **Persons responding to an explosives or munitions emergency in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307 and 305.C.12 or 13 are not required to comply with the standards of this Chapter.**

Response

Exide acknowledges the above; however, Exide does not respond to explosive or munitions emergencies and this citation is not applicable.

§1103. Hazardous Waste Determination

A person who generates a solid waste, as defined in LAC 33:V.109, must determine if that waste is a hazard.

A. First, the generator must determine if the waste is exempted from regulation under LAC 33:V.105.D.

B. For the purposes of compliance with LAC 33:V.Chapter 22, or if the waste is not listed as a hazardous waste in LAC 33:V.4901, the generator must determine whether the waste is identified in LAC 33:V.4903 by either:

1. Testing the waste according to the methods set forth in the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or according to an equivalent method approved by the administrative authority; or

2. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

C. If the waste is determined to be hazardous, the generator must refer to other parts of LAC 33:V.Subpart 1 for possible exclusions or prohibitions pertaining to management of his or her specific wastes.

Response

Exide acknowledges the above citation. As indicated in the Part A Application the following hazardous waste codes are treated and stored at the Baton Rouge smelter: K069, D002, D004, D006, D007, D008, D010, and D011. The hazardous wastes managed at the facility include spent lead-acid batteries; lead residues, sludges, plant scraps and other lead bearing materials; lead bearing materials with impurity-levels of other metals; refractory brick; spent nickel-cadmum batteries; battery components and blast furnace slag.

§1105. EPA Identification Numbers

A generator must not treat, store, dispose of, transport or offer for transportation hazardous waste without having received an active EPA identification number.

A. A generator who has not received an active EPA identification number must obtain one by applying to the administrative authority using the form provided within 14 days after first generating any hazardous waste.

Response

Exide has an EPA identification number, LAD008184137.

B. A generator must notify the administrative authority within seven days if any of the information submitted in the application for the identification number changes. Because EPA identification numbers are site-specific, if a facility moves to another location, the owner/operator must obtain a new EPA identification number for the facility.

Response

Exide acknowledges and understands this citation.

C. A generator must not offer his or her hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an active EPA identification number and the required permits (or interim status) necessary to receive and manage the generator's waste.

Response

Exide acknowledges and understands this citation.

§1107. The Manifest System

A. General Requirements

1. **A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site, with the exclusions of generators exempt pursuant to provisions of LAC 33:V.105.D.**

Response

Exide acknowledges and understands this citation. Exide will prepare a manifest before transporting any hazardous waste generated by the Baton Rouge smelter offsite.

2. **A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.**

Response

Exide acknowledges and understands this citation. All manifest forms include a designation of the facility permitted to handle the waste described on the manifest.

3. **If the transporter is unable to deliver the hazardous waste to the designated facility, the generator must either designate another facility or instruct the transporter to return the waste.**

Response

Exide acknowledges and understands this citation. All manifest forms include instructions to return the waste to the BatonRouge smelter if unable to deliver to the designated facility.

4. **Reserved**

5. **In naming a hazardous waste, a generator shall use the proper shipping name prescribed by the Louisiana Department of Public Safety and Corrections or its successor agency and provide specific identification pursuant to LAC 33:V.Chapter 49.**

Response

Exide acknowledges and understands this citation. Exide will name any hazardous waste using the proper shipping name prescribed

by Louisiana Department of Public Safety and Corrections or its successor agency and provide specific identification pursuant to LAC 33:V.Chapter 49.

6. **If the hazardous waste is to be transported out-of-state, the generator will be responsible for receiving the completed, signed manifest from the out-of-state hazardous waste facility.**

Response

Exide acknowledges and understands this citation. Exide will insure that we receive the completed, signed manifest from any out-of-state facility.

7. **Generators must get written confirmation of acceptability of the hazardous waste from the operator of the hazardous waste facility before shipping the hazardous waste. The confirmation must be maintained as part of the facility manifest records (See LAC 33:V.1111).**

Response

Exide acknowledges and understands this citation. Exide will get written confirmation of acceptability of the hazardous waste from the operator of the hazardous waste facility before shipping the hazardous waste. The confirmation will be maintained in the Environmental Files with the manifest records.

8. **Except as otherwise provided in LAC 33:V.919 and 1309.F, generators are required to report to the department any irregularities between the wastes actually received and the waste described on the manifest, or any other irregularities, within 15 days.**

Response

Exide acknowledges and understands this citation. Exide will report any irregularities between the wastes actually received and the waste described on the manifest within 15 days.

9. **The manifest form and the continuation sheet used must be obtained from the department.**

Response

Exide acknowledges and understands this citation. Exide will use the proper manifest forms obtained from LDEQ.

10. **If additional space is needed on the manifest form, another manifest form or a continuation sheet may be used.**

Response

Exide acknowledges and understands this citation and will comply.

11. **The requirements of this Chapter and LAC 33:V.33.1109.C do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding LAC 33:V.1301.A, the generator or transporter must comply with the requirements for transporters set forth in LAC 33:V.1315 and 1317 in the event of a discharge of hazardous waste on a public or private right-of-way.**

Response

Exide acknowledges and understands this citation.

B. **Required Information**

1. **The manifest must contain all of the following information prior to leaving the generator site:**

   a. **a state manifest document which shall be obtained from this department if the destination point is in Louisiana;**

   b. **the generator's name, mailing address, telephone number, and active EPA identification number;**

   c. **the name, active EPA identification number and telephone number of each transporter;**

d. **the name, address, telephone number and active EPA identification number of the designated facility;**

e. **the description of the waste(s) (e.g., proper shipping name, EPA hazardous waste number, etc.) required by Hazardous Materials regulations of the Louisiana Department of Public Safety and Corrections in LAC 33:V.Subpart 2.Chapter 101, and the department's designated handling codes for waste listed; and**

f. **the total quantity of each hazardous waste by units of weight in tons, cubic yards, pounds, or gallons (liquids only), and the type and number of containers (metal drums, barrels, kegs, fiberboard or plastic drums, cargo tanks, tank trucks, dump trucks, metal boxes, cartons, cases, burlap bags, paper bags, plastic bags, wooden drums, tanks portable, tank cars, cylinders, wooden boxes, and fiber or plastic boxes) as loaded into or onto the transport vehicle. If the weight is unknown, the volume and estimated weight should be provided.**

Response

Exide acknowledges and understands this citation. Mainfests completed will include all of the required information referenced above.

2. **The certification that appears on the manifest must be read, signed, and dated by the generator as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me that minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."**

Response

Exide will comply with this citation.

C. **Number of Copies. The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and remaining copies to be returned to the generator and other appropriate parties.**

Response

Exide will comply with this citation.

D. **Use of the Manifest**

1. **The generator must:**

   a. **sign and date the manifest certification by hand when the initial transporter accepts the shipment;**

   b. **obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and**

   c. **retain one copy, in accordance with LAC 33:V.1111.A.**

Response

Exide will complete any manifests including signing and dating the manifest certification by hand when the initial transporter accepts the shipment. Additionally, Exide will obtain the hand written signature of the initial transporter and retain one copy of the manifest.

2. **The generator must give the transporter the remaining copies of the manifest.**

Response

Exide will insure that the remaining copies of the manifest forms are given to the transporter with the shipment of the waste.

3. **For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.**

Response

This citation is not applicable since Exide does not ship hazardous waste by water.

4. **For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must complete the transporter section of the manifest less signature, retain one copy of the completed manifest, and send at least three copies of the manifest dated and signed in accordance with this Section to:**

   a. **the next non-rail transporter, if any; or**

   b. **the designated facility if transported solely by rail; or**

   c. **the last rail transporter to handle the waste in the United States if exported by rail. [Note: See LAC 33:V.1307.E and 1307.F for special provisions for rail or water (bulk shipment) transporters.]**

Response

This citation is not applicable since Exide does not ship hazardous waste by rail.

5. **Reserved**

6. **For shipments of hazardous waste to a designated facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state**

transporter signs and forwards the manifest to the designated facility.

Response

Exide acknowledges and understands this citation.

§1108. Manifest System Emergency Response Information

A. Generators must provide a Chem-Card or similar emergency card, or a statement concerning the hazardous nature of the material and general guidelines for an emergency situation involving this hazardous waste to accompany the manifest on shipments and loads.

Response

A statement concerning the hazardous nature of the waste and guidelines for an emergency situation is included with the manifest.

B. The generator will supply the railroad company with the necessary emergency response information and the manifest document number, which are to be included on the waybill.

Response

This section is not applicable as Exide does not ship hazardous waste by rail.

§1109. Pre-Transport Requirements

A. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Public Safety regulations and packaging under LAC 33:V.Subpart 2.Chapter 101.

1. Hazardous waste, liquid, or solid not otherwise specified must meet the requirement of Subchapter C of 49 CFR, and/or the Louisiana Hazardous Material Regulations Subchapter C.

Special attention must be directed towards LAC 33:V.Subpart 2.Chapter 101.

Response

Exide acknowledges and understands this citation. Any hazardous waste will be packaged in accordance with all applicable regulations.

2. **Dump type transport vehicles in addition to LAC 33:V.1109.A.1 must have a continuous plastic lining with a minimum thickness of 6 mil, be bindered or bolted in order to prevent accidental leakage or escape of the material (Trip binders are not acceptable), must be completely covered by a tarpaulin that is secured to insure no leakage during normal transportation, and the material transported must be solidified with a medium to such consistency that insures the material will not shift, creep, crawl or splash during emergency braking from 20 mph, or accomplish these requirements by other means acceptable to the administrative authority.**

Response

Exide acknowledges and understands this citation. Exide will be sure that any dump type transport vehicles used will have the proper lining and cover as specified above. The waste will be loaded and blocked to protect against shifting, creeping or movement during transport.

3. **Portable tank or "sludge" containers in addition to LAC 33:V.1109.A.1 must have fill, discharge, and similar openings of the container bindered or bolted to prevent discharge during transport, be secured to the transport vehicle to insure that the container will not shift laterally or longitudinally during transportation, or accomplish these requirements by other means acceptable to the administrative authority.**

Response

Exide acknowledges and understands this citation and will comply if we use this type of container.

B. **Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable transportation regulations on**

hazardous materials of the Louisiana Department of Public Safety and Corrections or its successor agency under LAC 33:V.Subpart 2.Chapter 101.

Response

Exide will comply with all of the required labeling requirements. All hazardous waste leaving the Baton rouge smelter will be properly labeled.

C. **Marking. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the Department of Public Safety regulations (see Department of Public Safety regulation LAC 33:V.Subpart 2.Chapter 101.**

Hazardous waste: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____

Manifest Document Number _____

Response

Exide will comply with all of the required marking requirements.

D. **Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 101.**

Response

Exide will provide the required placards to the transporter.

E. **Accumulation Time**

1. **Except as provided in LAC 33:V.1109.E.7, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:**

a. The waste is placed:

i. In containers and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters H, Q, R, and V; and/or

ii. In tanks and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters I, Q, R, and V, except LAC 33:V.4442 and 4445; and/or

iii. On drip pads and the generator complies with LAC 33:V.Chapter 43.Subchapter S and maintains the following records at the facility:

(a). A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

(b). Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

iv. In Containment Buildings and the generator complies with LAC 33:V.Chapter 43.Subchapter T by having placed his Louisiana professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, Louisiana PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

(a). A written description of procedures to ensure that each waste volume remains in

the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90-day limit, and documentation that the procedures are complied with; or

(b). Documentation that the unit is emptied at least once every 90 days;

b. Such a generator is exempt from all requirements in LAC 33:V.Chapter 43. Subchapters F and G, except for LAC 33:V.4379 and 4385;

c. The date upon which each period of accumulation begins is clearly marked on each container and visible for inspection on each container;

d. while being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and

e. the generator complies with the requirements for owners or operators in LAC 33:V.2245.D, 4319 and in Chapter 43.Subchapters B and C.

Response

Exide acknowledges and understands this citation and will comply. Exide does not store hazardous waste intended for off-site disposal for greater than 90 days. Wastes associated with on-site recycling activities may be stored for greater than 90 days as the storage areas and Containment Building are included in this permit; however, to maintain facility production and operations, it is not likely that any materials intended for recycling will be stored for longer than 90 days.

2. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the permitting requirements as specified in LAC 33:V.Subpart 1

unless he has been granted an extension to the 90-day period. Such an extension may be granted by the administrative authority if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, or uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the administrative authority on a case-by-case basis.

Response

Exide acknowledges and understands this citation and will comply.

3. **Generators who accumulate hazardous waste for less than 90 days are subject to the requirements of LAC 33:V.1115, 1117, 1119, and 2245 of these regulations.**

Response

Exide acknowledges and understands this citation and will comply.

4. **A generator may accumulate as much as 55 gallons of hazardous waste listed in LAC 33:V.4901.B, C, D, F, or LAC 33:V.4903, or one quart of acutely hazardous waste listed in LAC 33:V.4901.E in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with LAC 33:V.1109.E.1 of this Section provided he complies with LAC 33:V.2103, 2105, 2107.A and marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.**

Response

Exide acknowledges and understands this citation and will comply.

5. **A generator who accumulates either hazardous waste or acutely hazardous waste listed in LAC 33:V.4901.E in excess of the amounts listed in Subsection E.4.a of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with Subsection E.1 of this Section or other applicable provisions of this Chapter.**

Response

Exide acknowledges and understands this citation and will comply.

6. **During the three-day period, the generator must continue to comply with LAC 33:V.1109.E.4 of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amounts began accumulating.**

Response

Exide acknowledges and understands this citation and will comply.

7. **A generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:**

   a. **the generator complies with the requirements of LAC 33:V.Chapter 43.Subchapter H except for LAC 33:V.4427 and 4430;**

   b. **the generator complies with the requirements of LAC 33:V.4301.E;**

   c. **the generator complies with the requirements of LAC 33:V.1109.E.1; the requirements of LAC 33:V.Chapter 43.Subchapter B; and the requirements of LAC 33:V.2245.E;**

   d. **the generator complies with the following requirements:**

      i. **at all times there must be at least one employee either on the premises or on call (i.e. available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in LAC 33:V.1109.E.7.d.iv. This employee is the emergency coordinator;**

ii. the generator must post the following information next to the telephone:

(a). The name and telephone number of the emergency coordinator;

(b). location of fire extinguishers and spill control material, and, if present, fire alarm; and

(c). the telephone number of the fire department, unless the facility has a direct alarm;

iii. the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

iv. the emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(a). in the event of a fire, call the fire department or attempt to extinguish the fire with a fire extinguisher;

(b). in the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;

(c). in the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the administrative

authority. The report must include the following information:

(i). the name, address, and U.S. EPA Identification Number of the generator;

(ii). date, time, and type of incident (e.g., spill or fire);

(iii). quantity and type of hazardous waste involved in the incident;

(iv). extent of injuries, if any; and

(v). estimated quantity and disposition of recovered materials, if any.

Response

Exide acknowledges and understands this citation and will comply. Exide's emergency procedures are provided in the RCRA Contingency Plan and Emergency Response Plan, Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

§1111. Recordkeeping and Reporting

A. Recordkeeping

1. **A generator must keep a copy of each manifest signed in accordance with LAC 33:V.1107.D.1 for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.**

Response

Exide will maintain copies of each signed manifest for at least three years.

2. **A generator, must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report.**

Response

Exide will keep a copy of each Annual Report and Exception Report for at least three years.

3. **A generator must keep records of any test results, waste analyses, or other determinations made in accordance with LAC 33:V.1103 for at least three years from the date that the waste was last sent to an on-site or off-site treatment, storage, or disposal facility.**

Response

Exide will maintain all test results and waste analyses for at least three years.

4. **The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.**

Response

Exide acknowledges and understands this citation.

B. **Annual Report**

1. **A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of an annual report to the administrative authority by March 1 of each year. The annual report must be submitted on the form provided by the administrative authority and it must cover generator activities during the previous calendar year. The reports must also include the following information:**

a. **the EPA identification number, name, and address of the generator;**

b. **the calendar year covered by the report;**

c. **the EPA identification number, name, and address of each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;**

d. **the name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;**

e. **a description of the waste, the EPA hazardous waste number (see LAC 33:V.4901 or 4903), U.S. Department of Transportation hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped;**

f. **the certification signed by the generator or his authorized representative;**

g. **a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;**

h. **a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available.**

Response

Exide acknowledges and understands this citation. Annual reports for off-site shipments of hazardous waste are prepared and

submitted to LDEQ by March 1 of each year. The annual report includes all of the information required by the above citations.

2. **Generators who also dispose, treat, or store hazardous waste on-site shall also submit annual reports to the department, reporting total quantity, by type, of waste handled, and how that waste was disposed, treated, or stored. Generators must maintain on site a copy of each report submitted to the department for a period of at least three years from the date of the report. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth in LAC 33:V.1113.G.**

Response

Exide submitts the required annual reports each year for hazardous waste treated and stored on-site. However, Exide does not dispose of any hazardous waste on-site.

C. **Exception Reporting**

1. **A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 15 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.**

Response

Exide acknowledges and understands this citation and will comply.

2. **A generator must submit an Exception Report to the administrative authority if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:**

   a. **a legible copy of the manifest for which the generator does not have confirmation of delivery; and**

b. **a cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.**

Response

Exide will submit any Exception Reports necessary, as required by the above citation.

D. **Additional Reporting. The administrative authority, as it deems necessary under the Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in LAC 33:V Chapter 49.**

Response

Exide acknowledges and understands this citation.

E. **Quarterly Reports. Generators who dispose of hazardous waste on-site shall submit a quarterly report (form approved by the administrative authority) no later than 15 days after the beginning of the quarter to the department reporting total quantities (calculated on a daily basis), by type of waste handled, and how that waste was disposed of during the previous calendar quarter, and shall retain on-site a copy of the report for at least three years from the date of disposal.**

Response

This section is not applicable since Exide does not dispose of hazardous waste on-site.

§1113. Exports of Hazardous Waste

A. **Applicability. Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, must comply with the requirements of this Chapter and with the special requirements of LAC 33:V.1113. LAC 33:V.1113 establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste must comply with the special requirements of LAC 33:V.1113, and a transporter who transports hazardous waste for export must comply with applicable requirements of LAC 33:V.Chapter 13.**

B. Reserved

C. General Requirements. Exports of hazardous wastes are prohibited except in compliance with the applicable requirements of LAC 33:V.1113 and LAC 33:V.Chapter 13. Exports of hazardous waste are prohibited unless:

1. notification in accordance with LAC 33:V.1113.D has been provided;

2. the appropriate authority in the receiving country has consented to accept the hazardous waste;

3. a copy of the EPA Acknowledgment of Consent for the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]);

4. the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgement of Consent.

<u>Response</u>

Exide does not export hazardous waste, this section is not applicable.

D. Notification of Intent to Export

1. A primary exporter of hazardous waste must notify the United States Environmental Protection Agency of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

a. name, mailing address, telephone number, and EPA ID number of the primary exporter;

b. by consignee, for each hazardous waste type:

i. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), U.S. Department of Transportation proper shipping name, hazard class, and ID number for each hazardous waste as identified in 49 CFR Part 171-177;

ii. the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;

iii. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);

iv. all points of entry to and departure from each foreign country through which the hazardous waste will pass;

v. a description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle [air, highway, rail, water, etc.], type[s] of container [drums, boxes, tanks, etc.]);

vi. a description of the manner in which the hazardous waste will be treated, stored, or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);

vii. the name and site address of the consignee and any alternate consignee; and

viii. **the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.**

Response

Exide does not export hazardous waste, this section is not applicable.

2. **Notification shall be sent to the Louisiana Department of Environmental Quality with "Attention: Notification to Export" prominently displayed on the front of the envelope. [Note: This does not relieve the regulated community from the requirement of submitting notification to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), EPA, as required by 40 CFR 262.53(b).]**

Response

Exide does not export hazardous waste, this section is not applicable.

3. **Except for changes to the telephone number required by Subsection D.1.a of this Section, changes to the information required by Subsection D.1.b.v of this Section, and decreases in the quantity indicated pursuant to Subsection D.1.b.iii of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide the United States Environmental Protection Agency with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to Subsection D.1.b.viii of this Section and in the ports of entry to and departure from transit countries pursuant to Subsection D.1.b.iv of this Section) has been obtained and the primary exporter received an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.**

Response

Exide does not export hazardous waste, this section is not applicable.

4. **Upon request by the United States Environmental Protection Agency, a primary exporter shall furnish to the United States Environmental Protection Agency any additional information which a receiving country requests in order to respond to a notification.**

Response

Exide does not export hazardous waste, this section is not applicable.

5. **The administrative authority will provide a complete notification to the receiving country and any transit countries. A notification is complete when the administrative authority receives a notification which the administrative authority determines satisfies the requirements of LAC 33:V.1113.D.1. Where a claim of confidentiality is asserted with respect to any notification information required by LAC 33:V.1113.D.1, the administrative authority may find the notification not complete until any such claim is resolved in accordance with LAC 33:I.Chapter 5.**

Response

Exide does not export hazardous waste, this section is not applicable.

6. **Where the receiving country consents to the receipt of the hazardous waste, the administrative authority will forward an EPA Acknowledgement of Consent to the primary exporter for purposes of LAC 33:V.1113.E.8. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the administrative authority will notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.**

Response

Exide does not export hazardous waste, this section is not applicable.

E. Special Manifest Requirements. A primary exporter must comply with manifest requirements of LAC 33:V.1107, except for the following:

1. in lieu of the name, site address, and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee;

2. in lieu of the name, site address, and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee;

3. in Special Handling Instructions and Additional Information, the primary exporter must identify the point of departure from the United States;

4. the following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA Acknowledgment of Consent;"

5. in lieu of the requirements of LAC 33:V.1107.A.6, the primary exporter must obtain the manifest form from the department;

6. the primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies between the manifest and the shipment (as defined in LAC 33:V.907.A). A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.

7. in lieu of the requirements of LAC 33:V.1107.A.3, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:

   a. renotify the United States Environmental Protection Agency of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with LAC 33:V.1113.D.3 and obtain an EPA Acknowledgment of Consent prior to delivery; or

b. instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

c. instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.

8. The primary exporter must attach a copy of the EPA Acknowledgement of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper;

9. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with LAC 33:V.1307.G.4.

Response

This section is not applicable to Exide since it does not export hazardous waste.

F. Exception Reports. In lieu of the requirements of LAC 33:V.1111.C, a primary exporter must file an Exception Report with the United States Environmental Protection Agency, if:

1. He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter;

2. Within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received; or

3. **The waste is returned to the United States.**

Response

Exide does not export hazardous waste, this section is not applicable.

G. **Annual Reports**

1. **Primary exporters of hazardous waste shall file with the United States Environmental Protection Agency no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:**

   a. **The EPA identification number, name, and mailing and site address of the exporter;**

   b. **The calendar year covered by the report;**

   c. **The name and site address of each consignee;**

   d. **By consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.4901 or 4903), U.S. Department of Transportation hazard class, the name and US EPA ID number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;**

   e. **Except for hazardous waste produced by exporters of less than 100 kg in a calendar month, unless provided pursuant to LAC 33:V.1111.B:**

      i. **A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and**

ii. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.

f. A certification signed by the primary exporter which states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality. [Note: This does not relieve the regulated community from the requirement of submitting annual reports to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), EPA.]

Response

Exide does not export hazardous waste, this section is not applicable.

H. Recordkeeping

1. For all exports a primary exporter must:

a. Keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

b. Keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

c. Keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and

d. Keep a copy of each annual report for a period of at least three years from the due date of the report.

2. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the United States Environmental Protection Agency.

Response

Exide does not export hazardous waste, this section is not applicable.

I. International Agreements

1. Any person who exports or imports hazardous waste subject to manifest requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in LAC 33:V.1113.I.1.a, for purposes of recovery is subject to Subchapter B of this Section. The requirements of this Section and LAC 33:V.1123 do not apply.

a. For the purposes of these regulations the designated OECD countries consist of Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the United States.

b. For the purposes of these regulations, Canada and Mexico are considered OECD member countries only for the purpose of transit.

2. **Any person who exports hazardous waste to or imports hazardous waste from a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this Section and LAC 33:V.1123.**

Response

This section is not applicable since Exide does not import or export hazardous waste to a foreign country.

§1115. Preparedness and Prevention

All generators shall comply with the requirements of LAC 33:V.1511.

Response

Exide will comply with LAC 33:V.1511.

§1117. Contingency Plan

Each generator shall prepare a contingency plan. The contingency plan must include the information as specified in LAC 33:V.1513.A, B, C, D.2, and F. The contingency plan shall include a section describing emergency response procedure as specified in LAC 33:V.1513.F.

Response

The RCRA Contingency Plan and Emergency Response Plan is included as Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

§1119. Personnel Training

All generators shall institute a personnel training program as specified in LAC 33:V.1515. The training program should cover all portions of the facility that handle hazardous wastes.

Response

The Training Manual is included as Appendix 13. The types of training include medical surveliance, lockout/tagout, confined space entry, hearing conservation,

respiratory protection, powered industrial truck safety, hazard communication, HAZWOPER, the emergency/contingency plan, environmental regulations, spill response, work practice training, DOT Hazardous materials training, sexual harassment, blood borne pathogens, heat stress, fire extinguisher use, incipient fire control, fall protection, slip trip and fall hazard avoidance, proper lifting techniques and back protection. The Training Manual also includes the schedule and recordkeeping.

§1121. Spills

Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner.

Response

A SPCC Plan is included as Appendix 14. The SPCC plan includes the facility's preventative measures to prevent spills and its capacibility and procedures for taking corrective actions and/or countermeasures when a spill occurs. Materials trapped in sumps that is a hazardous waste will be cleaned up in a timely manner. The material will be containerized and transferred to the furnace for reclaim or stored for off-site disposal at a permitted facility.

§1123. Imports of Foreign Hazardous Waste

A. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with this Chapter and the special requirements of LAC 33:V.1123.

B. When importing hazardous waste from a foreign country into the state of Louisiana, a person must meet all the requirements of LAC 33:V.1107 for the manifest except that:

1. the name and address of the foreign generator and the importer's name, address, and EPA identification number must replace the generator's name, address, and EPA identification number;

2. the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter to replace the generator's signature on the certification statement;

3. in the comment section (section J) of the manifest form, the importer must indicate the name of any transit countries with the corresponding ports and dates of entry and departure through which each waste type passed and the nature of its handling while there, the point of entry and the date on which the waste entered the United States and the date on which the Importation of Hazardous Waste Notification Form (HW-2) was mailed to the administrative authority; and

4. a copy of the Importation of Hazardous Waste Notification Form must accompany the manifest form.

C. A person who imports hazardous waste from a foreign country into the state of Louisiana must obtain a manifest form from the administrative authority. The hazardous waste shipment must be accompanied by the manifest from its point of arrival in the United States to its final disposition in the state of Louisiana.

D. Any person who imports hazardous waste from a foreign country into the state of Louisiana must prepare an Importation of Hazardous Waste Notification Form (HW-2) notifying the administrative authority of an intended import at least 30 days but not prior to one year before such waste is scheduled to enter the state of Louisiana. This notification form must be obtained from the administrative authority. The notification form must be signed by the importer and include the following information:

1. name, mailing address, telephone number, and EPA identification number of the importer;

2. for each hazardous waste type:

   a. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), the United States Department of Transportation shipping name, the hazard class, and the ID number for each hazardous waste imported;

   b. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest form (8700-22); and

c. a description of the manner in which each hazardous waste type will be treated, stored, or disposed of in the state of Louisiana, e.g., incineration, land disposal, recycling;

3. a description of the means by which the shipment of the hazardous waste will be transported, e.g., mode of transportation (air, highway, rail, water, etc.) and types of containers (drums, boxes, tanks, etc.); and

4. the name of the U.S. port of entry with the corresponding date of entry and the nature of the handling of the waste from its point of entry into the U.S. until its final destination.

E. notification shall be sent to the administrative authority with "Attention: Notification to Import Foreign Hazardous Waste" prominently displayed on the front of the envelope. Such notices shall be sent by certified mail.

F. except for changes to the telephone number required by LAC 33:V.1123.D.1, decreases in the quantity indicated pursuant to LAC 33:V.1123.D.2.c, and changes to the information required by LAC 33:V.1123.D.2.e, when conditions specified on the original notification change (including changes in the estimate of the quantity of hazardous waste specified in the original notification), the importer must provide the administrative authority with written notice of the change. Notice of such change must be submitted to the administrative authority prior to import into the state of Louisiana of the waste that is the subject of the change.

Response

This section is not applicable to Exide since it does not import hazardous waste.

§1125. Unmanifested Foreign Hazardous Waste

A. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must immediately notify the administrative authority by telephone.

B. **Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous must, within seven business days:**

1. **File in writing an unmanifested waste report with the administrative authority which shall include;**

   a. **The facility name and location;**

   b. **The port of entry of the hazardous waste;**

   c. **The date of entry of the hazardous waste;**

   d. **Clarification of existence or nonexistence of an Importation of Hazardous Waste Notification Form (HW-2);**

   e. **The name of the transporter from port of entry to the destination facility;**

   f. **The vehicle numbers of the transporters; and**

   g. **The date of transportation; and**

2. **Prepare a manifest and file a copy of the completed manifest for the unmanifested waste with the administrative authority. (The transporter's signature may be omitted from the manifest; however, the comment section (section J) of the manifest must explain why the signature was omitted and must detail the unmanifested waste circumstance.)**

Response

This section is not applicable to Exide since it does not import hazardous waste.

Subchapter B. Transfrontier Shipments of Hazardous Waste

§1127. Transfrontier Shipments of Hazardous Waste for Recovery Within the OECD

A. Applicability

1. **The requirements of this Subchapter apply to imports and exports of wastes that are considered hazardous under United States national procedures and are destined for recovery operations in the countries listed in LAC 33:V.1113.I.1.a. A waste is considered hazardous under United States national procedures if it meets the definition of hazardous waste in LAC 33:V.109 and is subject to either the manifesting requirements in LAC 33:V.1107 or to the universal waste management standards of LAC 33:V.Chapter 38.**

2. **Any person (notifier, consignee, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any notifier duties, if applicable, under this Subchapter.**

   Response

   This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

B. General Conditions

1. **Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list and by United States national procedures as defined in Subsection A.1 of this Section. The green, amber, and red lists are incorporated by reference in LAC 33:V.110.A.16.**

a. Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided in the following:

i. Green-list wastes that are considered hazardous under United States national procedures are subject to amber-list controls;

ii. Green-list wastes that are sufficiently contaminated or mixture is considered hazardous under United States national procedures are subject to amber-list controls;

iii. Green-list wastes that are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures must be handled in accordance with the red-list controls.

b. Wastes on the amber list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the amber-list controls of this Subchapter.

i. If amber-list wastes are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures, the wastes must be handled in accordance with the red-list controls.

ii. Reserved

c. Wastes on the red list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the red-list controls of this Subchapter.

Note: Some wastes on the amber or red lists are not listed or otherwise identified as hazardous under RCRA (e.g., polychlorinated biphenyls) and, therefore, are not subject to the amber-list or red-list controls of this Subchapter. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) may restrict certain waste imports or exports. Such restrictions continue to apply without regard to this Subchapter.

d. Wastes not yet assigned to a list are eligible for transfrontier movements, as follows:

i. If such wastes are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section, these wastes are subject to the red-list controls; or

ii. If such wastes are not considered hazardous under United States national procedures as defined in Subsection A.1 of this Section, such wastes may move as though they appeared on the green list.

2. General Conditions Applicable to Transfrontier Movements of Hazardous Waste

a. The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country.

b. The transfrontier movement must be in compliance with applicable international transport agreements.

Note: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADNR (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

c. Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.

3. Provisions Relating to Re-export for Recovery to a Third Country

a. Re-export of wastes subject to the amber-list control system from the United States, as the importing country, to a third country listed in LAC 33:V.1113.I.1.a may occur only after a notifier in the United States provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in Subsection C of this Section for all concerned countries, and the original exporting country. The competent authorities of the original exporting country as well as the competent authorities of all other concerned countries have 30 days to object to the proposed movement.

i. The 30-day period begins once the competent authorities of both the initial exporting country and new importing country issue Acknowledgements of Receipt of the notification.

ii. The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

b. Re-export of wastes subject to the red-list control system from the original importing country to a third country listed in LAC 33:V.1113.I.1.a may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier in the original importing country in accordance with Subsection C of this Section. The transfrontier movement may not proceed

until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

c. In the case of re-export of amber-list or red-list wastes to a country other than those in LAC 33:V.1113.I.1.a, notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in Subsection B.3.a-b of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

Response

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

C. Notification and Consent

1. Applicability. Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subchapter. Hazardous wastes subject to amber-list controls are subject to the requirements of Subsection C.2 of this Section; hazardous wastes subject to red-list controls are subject to the requirements of Subsection C.3 of this Section; and wastes not identified on any list are subject to the requirements of Subsection C.4 of this Section.

2. Amber-List Wastes. The export from the United States of hazardous wastes as described in Subsection A.1 of this Section that appear on the amber list is prohibited unless the notification and consent requirements of this Subsection are met.

a. Transactions Requiring Specific Consent

i. Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Subsection C.5 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

ii. Tacit Consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to Subsection C.2.a.i of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents are required for exports after that date.

iii. Written Consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification

and renewal of each expired consent is required for exports after that date.

b. Shipments to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. The notifier must provide EPA the information identified in Subsection C.5 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved and may apply to a single specific shipment or to multiple shipments as described in Subsection C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope.

ii. Shipments may commence after the notification required in Subsection C.2.a.i of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.

3. Red-List Wastes. The export from the United States of hazardous wastes as described in Subsection A.1 of this Section that appear on the red list is prohibited unless notice is given in accordance with Subsection C.2.a.i of this Section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

4. Unlisted Wastes. Wastes not assigned to the green, amber, or red list that are considered hazardous under United States

national procedures as defined in Subsection A.1 of this Section are subject to the notification and consent requirements established for red-list wastes in accordance with Subsection C.3 of this Section. Unlisted wastes that are not considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are not subject to amber or red controls when exported or imported.

5. Notification Information. Notifications submitted under this Section must include:

   a. Serial number or other accepted identifier of the notification form;

   b. Notifier name and EPA identification number (if applicable), address, and telephone and telefax numbers;

   c. Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;

   d. Consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;

   e. Intended transporters and/or their agents;

   f. Country of export and relevant competent authority and point of departure;

   g. Countries of transit and relevant competent authorities and points of entry and departure;

   h. Country of import and relevant competent authority and point of entry;

i. **Statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;**

j. **Date foreseen for commencement of transfrontier movement;**

k. **Designation of waste type(s) from the appropriate list (amber or red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and**

l. **Certification/declaration signed by the notifier that states:**

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement."

Name: _____

Signature: _____

Date: _____

Note: **The United States does not currently require financial assurance; however, United States exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.**

Response

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

D. Tracking Document

1. **All United States parties subject to the contract provisions of Subsection E of this Section must ensure that a tracking document meeting the conditions of Subsection D.2 of this**

Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in Subsection D.1.a-b of this Section.

a. For shipments of hazardous waste within the United States solely by water (bulk shipments only) the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures in LAC 33:V.1107.D.3).

b. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in LAC 33:V.1107.D.4) to the next nonrail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

2. The tracking document must include all information required under Subsection C of this Section for notification and the following:

a. Date shipment commenced;

b. Name (if not notifier), address, and telephone and telefax numbers of primary exporter;

c. Company name and EPA ID number of all transporters;

d. Identification (license, registered name, or registration number) of means of transport, including types of packaging;

e. Any special precautions to be taken by transporters;

f. Certification/declaration signed by notifier that no objection to the shipment has been lodged as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:

3. All necessary consents have been received; or

4. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; or

5. The shipment is directed at a recovery facility preauthorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries."

Name: _____

Signature: _____

Date: _____

and

a. appropriate signatures for each custody transfer (e.g., transporter, consignee, and owner or operator of the recovery facility).

6. Notifiers also must comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and consignees must comply with the import requirements of LAC 33:V. 1123.

7. Each United States person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (e.g.,

transporter, consignee, and owner or operator of the recovery facility).

8. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

Response

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

E. Contracts

1. Transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.

2. Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of:

a. the generator of each type of waste;

b. each person who will have physical custody of the wastes;

c. each person who will have legal control of the wastes; and

d. the recovery facility.

3. Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:

a. the person having actual possession or physical control over the wastes will immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and

b. the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging their return to the original country of export.

4. contracts must specify that the consignee will provide the notification required in Subsection B.3 of this Section prior to re-export of controlled wastes to a third country.

5. contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any concerned country, in accordance with applicable national or international law requirements.

Note: Financial guarantees so required are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD countries do. It is the responsibility of the notifier to ascertain and comply with such requirements; in

into the necessary contracts absent specific references or certifications to financial guarantees.

6. **contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subchapter.**

7. **upon request by EPA, United States notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.**

   Note: **Although the United States does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows members to impose such requirements. When other OECD countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD countries may deny consent for the proposed movement.**

   Response

   This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

F. **Provisions Relating to Recognized Traders**

1. **A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.**

2. **A recognized trader acting as a notifier or consignee for transfrontier shipments of waste must comply with all the requirements of this Subchapter associated with being a notifier or consignee.**

Response

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

G. **Reporting and Record Keeping**

1. **Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., notifiers, recognized traders) who meet the definition of primary exporter in LAC 33:V.109 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report provided the information required by this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section.) Such reports shall include the following:**

   a. **The EPA identification number, name, and mailing and site address of the notifier filing the report;**

   b. **The calendar year covered by the report;**

   c. **The name and site address of each final recovery facility;**

   d. **By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.Chapter 49),**

designation of waste type(s) from OECD waste lists and applicable waste code from the OECD lists, the DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subchapter, and the number of shipments pursuant to each notification;

e. In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000 kg in a calendar month and except for hazardous waste for which information was already provided pursuant to LAC 33:V.1111.B:

i. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

ii. A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

f. A certification signed by the person acting as primary exporter that states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

2. Exception Reports. Any person who meets the definition of primary exporter in LAC 33:V.109 must file an exception report, in lieu of the requirements of LAC 33:V.1111.C, with the administrative authority if any of the following occurs:

a. He has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

b. Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or

c. The waste is returned to the United States.

3. Recordkeeping

a. Persons who meet the definition of primary exporter in LAC 33:V.109 shall keep the following records:

i. A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

ii. A copy of each annual report for a period of at least three years from the due date of the report; and

iii. A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

b. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

Response

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

H. Preapproval for United States Recovery Facilities—Reserved.

I. OECD Waste Lists

1. General. For the purposes of this Subchapter, a waste is considered hazardous under United States national procedures, and hence subject to this Subchapter, if the waste:

a. Meets the definition of hazardous waste in LAC 33:V.109; and

b. Is subject to either the manifesting requirements of this Chapter or to the universal waste management standards of LAC 33:V.Chapter 38.

2. If a waste is hazardous under Subsection I.1.a of this Section and it appears on the amber or red list, it is subject to amber-list or red-list requirements respectively.

3. If a waste is hazardous under Subsection I.1.a of this Section and it does not appear on either the amber or red list, it is subject to red-list requirements.

4. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.

Response

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

CHAPTER 13

TRANSPORTERS

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials

Chapter 13. Transporters

§1301. Applicability

A. **LAC 33:V.Chapter 13 establishes standards which apply to persons transporting hazardous waste within the state of Louisiana if the transportation requires a manifest under LAC 33:V.Chapter 9.**

Response
Exide acknowledges this citation. Exide uses a permitted transporter to transport hazardous wastes under a manifest.

B. **The regulations set forth in LAC 33:V.Chapters 11 and 13 establish the responsibilities of generators and transporters in the handling, transportation and management of hazardous waste. In these regulations, Louisiana has expressly adopted certain regulations of the Department of Public Safety (DPS). These regulations concern, among other things, labeling, marking, placarding, using proper containers and reporting discharges. The department has adopted these regulations in order to satisfy its statutory obligation to promulgate regulations which are necessary to protect human health and the environment in the transportation of hazardous waste. The department adoption of these DPS regulations ensures consistency with the requirements of DPS and thus avoids the establishment of duplicative or conflicting requirements with respect to these matters.**

Response
Exide acknowledges that LAC 33:V.Chapters 11 and 13 apply to generators in the handling, transportation and management of hazardous waste and will comply. Exide will also comply with the regulations of the Department of Public Safety that have been adopted by the Department.

C. **Transporters of hazardous waste are cautioned that DPS's regulations are fully applicable to their activities and enforceable by DPS. The department and DPS worked together to develop standards for transporters of hazardous waste in order to avoid conflicting requirements. Regardless of DPS's action, the department retains its authority to enforce these regulations.**

Response
Exide acknowledges this citation and will comply.

D. **This Chapter does not apply to:**

1. **on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities; and**

2. **any person who offers for transportation or who transports household refuse or household septic tank pumping from the site where it was generated, if those materials are not transported with any other hazardous waste.**

Response
Exide acknowledges that this chapter does not apply to on-site transportaion of hazardous waste by generators or owners or operators of permitted hazardous waste management facilities. Exide does not transport household refuse or septic tank pumping, so this exemption does not apply.

E. **A transporter of hazardous waste must also comply with LAC 33:V.Chapter 11 if he transports hazardous waste into Louisiana from abroad or mixes hazardous wastes of different United States Department of Transportation shipping descriptions by placing them into a single container.**

Response
Exide acknowledges this citation; however, Exide does not transport hazardous waste into Louisiana from abroad or mix hazardous wastes of different USDOT shipping descriptions by placing them into a single container.

F. **A transporter of hazardous waste subject to the manifesting requirements of LAC 33:V.Chapter 11 or subject to the waste management standards of LAC 33:V.Chapter 38 that is being imported from or exported to any of the countries listed in LAC 33:V.1113.I.1.a for purposes of recovery is subject to this Chapter and to all other relevant requirements of LAC 33:V.Chapter 11.Subchapter B including, but not limited to, LAC 33:V.1127.D for tracking documents.**

Response
Exide acknowledges this citation; however, Exide does not import or export hazardous wastes for recovery.

G. **The regulations in this Chapter do not apply to transportation during an explosives or munitions emergency response conducted in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307 and 305.C.12 or 13.**

Response
Exide acknowledges this citation; however, Exide does not transport explosives or munitions.

H. **LAC 33:V.5305 identifies how the requirements of this Chapter apply to military munitions classified as solid waste under LAC 33:V.5303.**

Response
Exide acknowledges this citation; however, Exide does not transport military munitions.

§1303. EPA Identification Number

A. **A transporter must not transport hazardous wastes without having received an EPA identification number.**

Response
Exide acknowledges this citation and will comply by using a transporter with an EPA identification number.

§1305. Transfer Facility Requirements

A. **A transporter who stores manifested shipments of hazardous waste at a transfer facility for more than 10 days is considered a storage facility and is required to obtain a permit in compliance with the conditions of these regulations.**

Response
Exide is not a transfer facility and the requirements of this Subchapter do not apply.

B. **If hazardous wastes from different generators or separate wastes from the same generator become mixed after being accepted by the transporter, the transporter shall also comply with applicable federal or state generator standards unless the transporter shows that the information on the manifests still identifies the hazardous waste.**

C. **A transporter storing manifested shipments of hazardous waste in containers meeting the requirements applicable to the LDPS regulations on packaging under LAC 33:V.Subpart 2.Chapter 101 at a transfer facility for a period of 10 days or less is not subject to**

regulation under LAC 33:V.Chapters 1-7, 15-29, 31-38, and 43 with respect to the storage of those wastes, except as required to obtain approval by the administrative authority.

§1307. The Manifest System

A. A transporter may not accept hazardous waste from a generator or another transporter unless it is accompanied by a manifest, signed by the generator in accordance with the provisions of LAC 33:V.1107. The transportation of any hazardous wastes without a manifest shall be deemed a violation of these regulations and the Act. In the case of exports other than those subject to LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept such waste from a primary exporter or other person:

1. if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and

2. unless, in addition to a manifest signed in accordance with LAC 33:V.1107, such waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]). For exports of hazardous waste subject to the requirements of LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept hazardous waste without a tracking document that includes all information required by LAC 33:V.1127.D.

<u>Response</u>
Exide acknowledges the requirements of this citation and all shipments of hazardous waste will be accompanied by a manifest signed by Exide in accordance with LAC 33:V.1107.

B. Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator or other transporter. The transporter must return a signed copy to the generator or other transporter before leaving the generator's property or other transporter's facility.

<u>Response</u>
Exide acknowledges the requirements of this citation and will comply by ensuring that the transporter signs and dates the manifest and returns a signed copy to Exide prior to leaving the facility.

C. The transporter must ensure that the manifest accompanies the hazardous waste, except as provided for bulk water or rail transport

in LAC 33:V.1307.E and F. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

Response
Exide acknowledges the requirements of this citation; however Exide is not a transporter. Exide does not export hazardous waste; therefore, the EPA Acknowledgement of Consent does not apply.

D. A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

1. obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest;

2. retain one copy of the manifest in accordance with LAC 33:V.1311; and

3. give the remaining copies of the manifest to the accepting transporter or designated facility.

Response
Exide acknowledges the requirements of this citation; however Exide is not a transporter.

E. The requirements of LAC 33:V.1307.C, D and F do not apply to water (bulk shipment) transporters if:

1. the hazardous waste is delivered by water (bulk shipment) to the designated facility;

2. a shipping paper containing all the information required on the manifest (excluding the EPA identification number, generator certification and signature) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste;

3. the delivering transporter obtains the date of delivery and handwritten signature of the owner and operator of the designated facility on either the manifest or the shipping paper;

4. the person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and

signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

5. **a copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with LAC 33:V.1311.B.**

   Response
   Exide acknowledges this citation; however this citation does not apply as Exide does not transport waste by water.

F. **For shipments involving rail transportation, the requirements of LAC 33:V.1307.C, D and E do not apply and the following requirements do apply.**

Response

Exide acknowledges this citation; however this citation does not apply as Exide does not transport waste by rail.

1. **When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:**

   a. **sign and date the manifest acknowledging acceptance of the hazardous waste;**

   b. **return a signed copy of the manifest to the non-rail transporter;**

   c. **forward at least three copies of the manifest to:**

      i. **the next non-rail transporter, if any;**

      ii. **the designated facility, if the shipment is delivered to that facility by rail; or**

      iii. **the last rail transporter designated to handle the waste in the United States;**

   d. **retain one copy of the manifest and rail shipping paper in accordance with LAC 33:V.1311;**

2. **Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures)**

and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste at all times.
[Note: Intermediate rail transporters are not required to sign either the manifest or shipping paper.]

3. **When delivering hazardous waste to the designated facility, a rail transporter must:**

   a. **obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and**

   b. **retain a copy of the manifest or signed shipping paper in accordance with LAC 33:V.1311.**

4. **When delivering hazardous waste to a non-rail transporter, a rail transporter must:**

   a. **obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and**

   b. **retain a copy of the manifest in accordance with LAC 33:V.1311; and**

5. **Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest or the shipping paper and provide a copy to the rail transporter.**

G. **Transporters who transport hazardous waste out of the United States must:**

Response
Exide does not transport hazardous waste out of the United States; therefore this citation does not apply.

1. **indicate on the manifest the date the hazardous waste left the United States;**

2. **sign the manifest and retain one copy in accordance with LAC 33:V.1311.D; and**

3. **return a signed copy of the manifest to the generator; and**

4. **give a copy of the manifest to a United States Customs official at the point of departure from the United States.**

H. **A transporter transporting hazardous waste from a generator who generates greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month need not comply with the requirements of this Section or those of LAC 33:V.1311 provided that:**

Response
Exide acknowledges this citation; however Exide is not a waste transporter and this citation does not apply. This citation also does not apply as Exide generates greater than 1,000 kg of hazardous waste per month.

1. **the waste is being transported in accordance with a reclamation agreement as provided for in LAC 33:V.1107.A.4;**

2. **the transporter records, on a log or shipping paper, the following information for each shipment:**

   a. **the name, address, and EPA identification number of the generator of the waste;**

   b. **the quantity of waste accepted;**

   c. **all DOT-required shipping information; and**

   d. **the date the waste is accepted;**

3. **the transporter carries this record when transporting waste to the reclamation facility; and**

4. **the transporter retains these records for a period of at least three years after termination or expiration of the agreement.**

§1309. Compliance with the Manifest

A. **The transporter must deliver the entire quantity of hazardous waste which he has accepted from a generator or a transporter to:**

1. **the designated facility listed on the manifest;**

2. **the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery, and such action is approved by the administrative authority;**

3. **the next designated transporter; or**

4. **the place outside the United States designated by the generator.**
[NOTE: No person may deliver a hazardous waste to a place other than the permitted facility shown on the manifest.]

Response
Exide acknowledges this citation; however Exide is not a transporter. Exide will monitor its transporters to ensure that hazardous wastes are delivered to the designated facility or an alternate designate facility.

B. **If the hazardous waste cannot be delivered in accordance with LAC 33:V.1309.A, the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.**

Response
Exide acknowledges the requirements of this citation. If the hazardous waste cannot be delivered in accordance with LAC 33:V.1309.A, Exide will provide further direction to the transporter regarding hazardous waste delivery.

C. **A transporter shall not transport a shipment of hazardous waste in containers unless each hazardous waste container is marked and labeled as required in LAC 33:V.1109.B and C. If the label is lost or detached, the transporter shall replace it based on the information taken from the manifest for the shipment.**

Response
Exide acknowledges the requirements of this citation. Exide will mark and label each hazardous waste container as required in LAC 33:V.1109.B and C. Exide will assist the transporter as needed if labels need to be replaced.

D. **A transporter shall not transport a container that is leaking or appears to be damaged, except to the nearest place where the transport vehicle can be safely positioned without unnecessarily endangering other transport vehicles or the environment. The transporter will then make the repairs necessary to remedy the unsafe condition.**

Response
Exide acknowledges the requirements of this citation; however, Exide is not a transporter. As the generator, Exide will assist the transporter as needed to correct leaking or damaged containers.

E. **A transporter shall not accept hazardous wastes consisting of a material or mixtures of materials prohibited under DPS regulations.**

Response
Exide acknowledges the requirements of this citation; however, Exide is not a transporter. Exide does not generate materials or mixtures of materials prohibited under DPS regulations.

§1311. Recordkeeping

A. **A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.**

Response
Exide acknowledges this citation; however this citation does not apply as Exide is not a transporter.

B. **For shipments delivered to the designated facility by water (bulk shipment), each water (bulk shipment) transporter must retain a copy of the shipping paper containing all the information required in LAC 33:V.1307.E.2 for a period of three years from the date the hazardous waste was accepted by the initial transporter.**

Response
This citation does not apply as Exide does not ship waste by water.

C. **For shipments of hazardous waste by rail:**

1. **the initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in LAC 33:V.1307.F.2 for a period of three years from the date the hazardous waste was accepted by the initial transporter; and**

2. **the final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter.**
[NOTE: Intermediate rail transporters are not required to keep records pursuant to these regulations.]

Response
This citation does not apply as Exide does not ship waste by rail.

D. **A transporter who transports hazardous waste out of the United States must keep a copy of the manifest, indicating that the hazardous waste left the United States, for a period of three years from the date the hazardous waste was accepted by the initial transporter.**

Response
This citation does not apply as Exide does not ship hazardous waste outside the United States.

E. **The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.**

Response
Exide acknowledges this citation and will comply.

§1313. Financial Responsibility

A. **Each transporter of hazardous wastes shall acquire continuous coverage for all of its transport vehicles regulated by these rules and regulations at a minimum coverage of $300,000 per vehicle public liability and $200,000 per vehicle damage.**

Response
This citation does not apply as Exide does not transport hazardous waste. Exide will only utilize transporters that meet the requirements of this citation.

B. **The financial responsibility required by this Section may be established by any one or a combination of the following:**

1. **evidence of liability insurance;**

2. **self-insurance with a level not more than 20 percent of equity; or**

3. **other evidence of financial responsibility acceptable to the secretary of public safety.**

Response
This citation does not apply as Exide does not transport hazardous waste. Exide will only utilize transporters that meet the requirements of this citation.

§1315. Spills

A. **Contingency Plan. Each transporter shall prepare a spills contingency plan. The spill contingency plan must include the information specified in LAC 33:V.1513.B (except 1513.B.1), C, E and F. The contingency plan shall include a section describing emergency response procedures as specified in LAC 33:V.1513.F.**

Response

The transporter used by Exide will have a spill contingency plan. In addition, Exide's RCRA Contingency and Emergency Response Plan (Appendix 6) addresses emergency procedures for the facility. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment. Procedures for transportation emergencies and over-the-road spill response are addressed in Exide's Transporter Contingency Plan (Appendix 26).

B. **Personnel Training. All transporters shall institute a personnel training program as specified in LAC 33:V.1515. This program shall apply to all personnel who would reasonably be expected to handle hazardous waste containers or tanks or deal with spills (e.g., drivers and dispatchers).**

Response

The transporter used by Exide will have a personnel training program as specified in LAC 33:V.1515. Exide also implements a training program for facility personnel which includes the contingency plan, spill response, and DOT hazardous materials. The Training Manual is provided in Appendix 13.

C. **In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities and dike the discharge area).**

Response

Exide acknowledges this citation and will use a transporter that will comply. Exide will assist the transporter as needed during a discharge while transporting.

D. **If a discharge of hazardous waste occurs during transportation and an official acting within the scope of his official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize**

the removal of the waste by transporters who do not have EPA identification numbers.

Response
Exide acknowledges this citation; however, Exide only uses transporters with EPA identification numbers.

E. **An air, rail, highway, or water transporter who has discharged hazardous waste must:**

Response
The requirements of this citation do not apply as Exide is not a transporter. Exide will use a transporter than will comply with the requirements of this citation.

1. **give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802 or 202-426-2675); and**

2. **report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.**

F. **A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substance.**

Response
This citation does not apply as Exide is not a transporter.

§1317. Discharge Cleanup

A. **A transporter must clean up any hazardous waste discharge that occurs during transportation and take such action as may be required by the administrative authority so that the hazardous waste discharge no longer presents a hazard to human health or the environment. The transporter becomes the generator of the waste for the purpose of cleanup, unless such responsibility is transferred to the owner of the material, or other responsible parties.**

Response
This citation does not apply as Exide is not a transporter. Exide will assist the transporter as needed if a hazardous waste discharge occurs.

§1319. Use and Reuse of Containers

A. **A container may be used for the shipment of hazardous waste only to the extent permitted under the regulations of the Department of Public Safety. A permitted container may be reused only as provided in LAC 33:V.1319.B.**

Response
Exide acknowledges this citation and will comply.

B. **A package marked "NRC" or "STC" according to the specification requirements in the regulations of the Department of Public Safety may be reused only one time for the shipment of hazardous wastes, under the following conditions:**

1. **the material is packaged, marked, and labeled in accordance with the regulations of the Department of Public Safety;**

2. **transportation is by highway only;**

3. **the package is transported only after being sealed for at least 24 hours, is inspected for leakage immediately before being transported; or**

4. **the package is loaded by the shipper and unloaded by the consignee, unless the motor carrier is a private or contract carrier.**

Response
Exide acknowledges this citation and will comply.

C. **Any container, including tank trucks, used to transport waste shall be cleaned before leaving the disposal site. Such cleaning should be by a method or methods necessary to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent shipment and/or render any future load hazardous. All material resulting from such cleaning shall be considered a hazardous waste unless otherwise approved by the administrative authority.**

Response
Exide acknowledges this citation; however Exide is not a transporter or disposal site.

§1321. Hazardous Waste that is also a Hazardous Material

A. If a hazardous waste, as defined in these rules and regulations, also meets the definition of hazardous material, the regulations of the Department of Public Safety also apply.

Response
Exide acknowledges this citation and will comply.

§1323. Vehicle Markings and Placards

A. Markings. No person may transport a hazardous waste unless the transport vehicle is marked to display:

1. the name or trademark of the carrier operating the vehicle;

2. the city or place in which the carrier has its principal office or in which the vehicle is customarily based; and

3. the name of the person operating the vehicle. The name of a person other than the operating carrier may appear on the vehicle as long as the words "operated by" immediately precedes the information required by LAC 33:V.1323.A.1 and A.2. (Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this Paragraph.)

Response
This citation does not apply as Exide is not a transporter. However Exide will ensure that each vehicle is marked as required by this citation prior to leaving the facility.

B. The marking required by LAC 33:V.1323.A must:

1. appear on both sides of the vehicle;

2. be in letters that contrast sharply in color with the background;

3. be readily legible during daylight hours from a distance of at least 50 feet while the vehicle is stationary; and

4. be maintained in a manner that retains the legibility required by LAC 33:V.1323.B. (The marking may be a removable device.)

Response
This citation does not apply as Exide is not a transporter. However Exide will ensure that each vehicle is marked as required by this citation prior to leaving the facility.

C. **Placarding. A transporter may not move a transport vehicle containing a hazardous waste which is also a hazardous material unless the vehicle is placarded with placards in accordance with the regulations of the Department of Public Safety or such other regulations as may be prescribed by the secretary of public safety for placarding vehicles carrying a hazardous material.**

Response
This citation does not apply as Exide is not a transporter. However Exide will ensure that each vehicle is placarded as required by this citation prior to leaving the facility.

CHAPTER 15

TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. The regulations in this Chapter apply to owners and operators of all hazardous waste facilities, except as provided in LAC 33:V.1501.C. LAC 33:V.1503.B.3 applies only to facilities subject to regulations under LAC 33:V. Chapters 19, 21, 23, 25, 27, 29, 31, or 32.

Response

Exide stores lead-bearing materials for recycling within three permitted hazardous waste storage areas (the Truck/Trailer Storage Area, the K069/D008 Storage Area and the Whole Battery Storage Area). Exide also operates a Containment Building currently on interim status and a permitted hazardous waste treatment unit (the Slag Stabilization Unit). Additional details regarding the storage areas, including calculations, are provided in Chapter 21. A permit modification was previously submitted to include the Containment Building as required by Appendix 1. Approval of the modification has not yet been received as Exide is responding to comments received from LDEQ on March 18, 2003. Exide is therefore subject to the regulations in Chapter 15 of the LHWR (Louisiana Hazardous Waste Regulations).

The Containment Building (currently in interim status) is used to hold lead-bearing raw materials prior to recycling. The building has an engineered capacity of 3,333 tons of blast furnace slag that is stored prior to on-site stabilization and disposal. Additionally, the building has the capability to hold 12,080 tons of lead material for recycling, including battery plates, lead oxide paste, reverberatory furnace slag, lead dross, and purchased scrap. Additional information, including calculations, regarding the Containment Building is provided in Chapter 18.

The Slag Stabilization Unit is a hazardous waste treatment unit that treats blast furnace slag by mixing it with Portland cement and sodium silicate. The Slag Stabilization unit is located under a roof, and is bermed with drainage control in the form of floor sumps that transmit wash-down water and any accumulated liquids to the plant's wastewater treatment unit. Materials containing free-liquid are not processed in the Slag Stabilization Unit. Figure 16 shows the berms and grading of the Slag Stabilization unit.

The Slag Stabilization Unit has a maximum capacity of 144.4 tons. Calculations from the Closure Cost Estimate (Appendix 8) are as follows:

20 ft x 15 ft x 10 ft = 3,000 cf = 111.1 cy
111.1 cy x 1.3 tons/cy = 144.4 ton

As shown on Figure 16, the floor system is, from top to bottom, 8 inches of concrete, 4 inches of asphalt and 6 inches of concrete. Calculations for floor strength assuming the maximum load on the floor are as follows:

Floor area: 20 ft x 15 ft = 300 sf x 144 = 43,200 si
Maximum Waste Weight = 144.4 tons = 288,800 lbs
Weight of front end loader = 24,000 lbs
Maximum weight on floor = 288,800 lbs + 24,000 lbs = 312,800 lbs
Maximum load on floor = 312,800 lbs/ 43,200 si = 7.24 psi

In order to support operations, the concrete strength at the Slag Stabilization Unit would need to be a minimum of 7.24 psi. As concrete has a typical strength of 3,000 to 4,000 psi, the concrete floor is capable of supporting the anticipated loads when proper with reinforced and constructed on an adequately prepared subgrade.

Design calculations for the Slag Stabilization Unit walls and information regarding the size and quantity of reinforcing steel could not be located as part of the Part B Permit renewal process. Qualitatively it is obvious that the reinforced concrete walls for the structure provide adequate strength based on the observation that the walls have been functioning since their construction over 10 years ago. The ultimate limit state of the Slag Stabilization Unit walls would be failure by flexure (moment) and shear. No movement or cracking has been observed that would suggest either failure mechanism is occurring.

To substantiate the qualitative observation that the strength of the walls is adequate, a simplified quantitative evaluation for shear stress was performed. For evaluation purposes, the exterior walls are considered as unit lengths with a fixed end at the ground surface and unsupported at the top of the wall, relying on the inherent strength of the walls to resist shear from the applied loads. As shown in the attached calculations, shear forces imposed by the lateral loads from the materials contained in the building are easily handled (F.S.= 2.4) by the resistance developed in the reinforced wall. Calculations are provided in Appendix 22.

For moment, the building relies on a combination of the inherent strength of the reinforced wall and frame action provided by the building columns. Approximately half of the stress is accommodated by the wall strength with the remainder of the stress being transferred to the building frame. Unlike

shear, a simplified quantitative evaluation for flexure could not be completed utilizing the information available, although as stated earlier, no visual observations were made that indicate that the building has not been adequate for the services loads experienced during the last 10 years of operation.

B. **Except as specifically authorized by the terms and conditions of a permit issued under these rules and regulations, the construction and operation of a facility to treat, store, or dispose of hazardous wastes in violation of the standards established by this Section shall be a violation of the Act enforceable pursuant to LAC 33:V.107 of these regulations and R.S. 30:1073.**

<u>Response</u>
Exide acknowledges and understands this citation.

C. **The requirements of this Chapter do not apply to:**

1. **the owner or operator of a facility permitted, licensed, or registered to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V. Subpart 1;**

2. **the owner or operator of a facility which treats or stores material which would otherwise be a hazardous waste which is being beneficially used or reused, legitimately recycled, or reclaimed as defined in LAC 33:V.Chapter 41 (except to the extent they are referred to in LAC 33:V.Chapter 40 or Sections 4139, 4143, or 4145;**

3. **reserved;**

4. **a farmer disposing of waste pesticides from his own use as provided in LAC 33:V.1101.D;**

5. **the owner or operator of a totally enclosed treatment facility (see LAC 33:V.109);**

6. **the owner or operator of an elementary neutralization unit or wastewater treatment unit (see LAC 33:V.109) provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in LAC 33:V.Chapter 22.Table 2, Treatment Standards for Hazardous Wastes) or reactive (D003) waste to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in LAC 33:V.1517.B;**

7. a. except as provided in Subsection C.7.b of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

i. a discharge of a hazardous waste;

ii. an imminent and substantial threat of a discharge of hazardous waste;

iii. a discharge of a material that, when discharged, becomes a hazardous waste; or

iv. an immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in LAC 33:V.109;

b. an owner or operator of a facility otherwise regulated by this Chapter must comply with all applicable requirements of LAC 33:V.1511 and 1513;

c. any person who is covered by Subsection C.7.a of this Section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Chapter and 40 CFR 122-124 for those activities; and

d. in the case of an explosives or munitions emergency response, if a federal, state, tribal, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible

persons responding, the type and description of material addressed, and its disposition;

8. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements applicable to the regulations of the Department of Public Safety on packaging, at a transfer facility for a period of 10 days or less, if so approved by the administrative authority;

9. the addition of absorbent material to waste in a container (see LAC 33:V.109), or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container and LAC 33:V.1517.B, 2103, and 2105 are complied with;

10. a generator accumulating waste on-site in compliance with LAC 33:V.1109.E;

11. universal waste handlers and universal waste transporters (as defined in LAC 33:V.3813) handling the wastes listed below. These handlers are subject to regulation under LAC 33:V.Chapter 38, when handling the below listed universal wastes:

    a. batteries as described in LAC 33:V.3803;

    b. pesticides as described in LAC 33:V.3805;

    c. thermostats as described in LAC 33:V.3807;

    d. lamps as described in LAC 33:V.3809; and

    e. antifreeze as described in LAC 33:V.3811; or

    Response
    Exide acknowledges these provisions for applicability. However, in accordance with LAC 33:V:4145.B, owners or operators of facilities that store lead acid batteries prior to reclamation are subject to the provisions of this chapter.

12. LAC 33:V.5309 identifies when the requirements of this Chapter apply to the storage of military munitions classified as solid waste under LAC 33:V.5303. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Subpart 1.

Response
Exide acknowledges and understands this provision; however, Exide does not store military munitions.

D. **The requirements of this Chapter apply to owners or operators of all facilities which treat, store, or dispose of hazardous wastes referred to in LAC 33:V.Chapter 22.**

Response
Exide acknowledges and understands this provision.

E. **The requirements of this Chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act only to the extent they are included in a RCRA permit by rule granted to such a person under LAC 33:V.305.D.**

Response
Exide acknowledges and understands this provision; however, Exide does not conduct ocean disposal.

F. **The requirements of this Chapter apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued under an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act only to the extent they are required by 40 CFR 144.14.**

Response
Exide acknowledges and understands this provision; however, Exide does not conduct underground injection.

G. **The requirements of this Chapter apply to the owner or operator of a POTW which treats, stores, or disposes of hazardous waste only to the extent they are included in a RCRA permit by rule granted to such a person under LAC 33:V.305.D.**

Response
Exide acknowledges and understands this provision; however, Exide does not own or operate a POTW.

H. **The requirements of LAC 33:V.1105, 1503, 1504, 1507, 1509, 1511, 1513, 1515, 1517, 1519, and 3322 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility**

that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, LAC 33:V.1509, 1511, 1513, and 3322 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of LAC 33:V.1509, 1511, and 1513, owners or operators of remediation waste management sites must:

1. obtain an EPA identification number by applying to the administrative authority using the department's Form HW - 1;

2. obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information which must be known to treat, store, or dispose of the waste according to LAC 33:V.Chapters 9 - 11, 15 - 29, and 31-37, and must be kept accurate and up to date;

3. prevent people who are unaware of the danger from entering, and minimize the possibility for unauthorized people or livestock to enter onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate to the administrative authority that:

    a. physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and

    b. disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Section;

4. inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough

to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately;

5. provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of LAC 33:V.Chapters 9 - 11, 15- 29, and 31-37, and on how to respond effectively to emergencies;

6. take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

7. for remediation waste management sites subject to regulation under LAC 33:V.Chapters 19, 21, 23, 25, 27, 29, 31, and 32, the owner/operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner/operator can meet the demonstration of LAC 33:V.1503.B;

8. not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;

9. develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with LAC 33:V.2303.C and D, 2503.L and M, and 2903.J and K at the remediation waste management site, according to the requirements of LAC 33:V.1504;

10. develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or

surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment occurs;

11. designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12. develop, maintain, and implement a plan to meet the requirements in Subsection H.2 - 6 and 9 – 10 of this Section; and

13. maintain records documenting compliance with Subsection H.1 –12 of this Section.

Response
Exide acknowledges and understands these provisions; however, Exide is not a remediation waste management site and therefore this section does not apply.

§1503. Site Requirements

A. Geology

1. Topographic Relief. The site should not have any abrupt topographic changes or means should be provided to guard against slides, slumping, or erosion.

Response
Exide is located in the northwestern portion of East Baton Rouge Parish. The site topography is relatively flat with a slope toward the Baton Rouge Bayou on the northwest side of the property. The active portion of the site does not slope toward the bayou. The elevation of the active portion of the site is between 85- and 75-feet

above mean sea level (MSL). The western and northern sections of the property slope down to an elevation of 35 ft MSL. A topographic map of the facility is provided in Figure 5.

2. **Soils. The area should be covered with natural stable soils of low permeability or a means should be provided, acceptable to administrative authority, which provide a barrier to penetration of surface spills or accumulations of hazardous wastes into a subsurface strata which would have a potential effect on a fresh-water aquifer.**

Response

The Baton Rouge smelter is underlain by natural soils of low permeability with some interbedded units of clayey sands, sandy clays, and sands. During recent soil borings associated with the active solid waste landfill west of the facility, the top of the uppermost aquifer (first competent permeable zone) was encountered at elevations of approximately 28 to 32 feet MSL. The base of the uppermost aquifer was encountered at elevations of approximately 20 to 25 feet MSL. The upper aquifer is assumed to be laterally continuous throughout the facility. Additional information regarding site geology is provided in Appendix 10. The three permitted container storage areas and the permitted treatment unit are all underlain with impervious concrete and asphalt layers with proper containment to prevent any spills from penetrating the subsurface strata. The Containment Building has an existing floor of concrete and asphalt to prevent the penetration of hazardous waste materials into the subsurface strata. An upgrade to a portion of the Containment Building floor is proposed that will include the installation of a HDPE liner and acid brick to the current floor system. This upgrade will be more protective to the environment. The floors of all hazardous waste units are inspected at least weekly and the records are kept onsite. If any problems with the floors are encountered, they will be corrected immediately.

The protective measures and Containment Building design are discussed in detail in Chapter 5 and Chapter 18.

3. **Seismic Conditions. Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.**

Response

According to published data ("Fault and Salt Map of South Louisiana", 1982, by R.E. Wallace), faults that have had

displacement in the Holocene time are not located within 200 feet of the Baton Rouge smelter. A map showing the locations of recorded faults is included as Figure 8.

B. Hydrology

1. **General Requirement. Sites utilized shall be isolated by means of natural or created boundaries from adjoining land and from subsurface and surface waters.**

Response

The Containment Building, Whole Battery Storage Area, Slag Stabilization Area and K069/D008 Drum Storage Area are completely enclosed in order to isolate them from the adjoining land and subsurface/surface waters. Runoff from these buildings is prevented by inward-sloping floors and curbing systems. In addition, areas that have free liquids utilize a secondary containment system and/or roofing so that any liquids collected will be contained and subsequently discharged to the wastewater treatment (WWT) system. The containment building and all other areas managed in accordance with the LHWRs are located on concrete and/or asphalt floors to prevent subsurface penetration of liquid.

To manage stormwater and prevent runoff, the facility is graded for drainage to the Wastewater Drainage and Collection System shown on Figure 5 (Topographic Map). Collected water is sent to the facility WWT system. The Truck/Trailer Storage Area also has a perimeter berm to prevent runoff and is graded to drain to the Wastewater Drainage and Collection System.

2. **Drainage. The site must have the capability to control and/or contain run-off from the maximum rainfall in 24 hours from a 25-year storm (when maximum rain fall records are not available, the design standard shall be 12 inches below 31 degrees North latitude and nine inches above 31 degrees North latitude) and must have the capability to divert run-on from adjoining land (outside limits of hazardous waste site or if part of an industrial complex, outside limits of company property) from such a storm from the site (surface and subsurface).**

Response

In order to prevent runoff, the facility is graded to drain inward with an asphalt swale at the perimeter. Grading and the swale directs stormwater to the Wastewater Drainage and Collection System

which was designed to manage a twenty-four hour, twenty-five year storm event. As the site is elevated in comparison to adjoining lands, run-on does not occur due to the topography. The potential for minor run-on from adjacent roads at the east and south perimeters is controlled with the swales. Any run-on that may occur is directed to the Wastewater Drainage and Collection System.

Exide's stormwater management system, and run-on and run-off controls have successfully managed Tropical Storm Isidore and Hurricane Lili. Subsurface run-on and run-off control features are not present at the facility.

3. **Floodplains**

a. **A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the owner or operator can demonstrate to the administrative authority that:**

i. **procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters; or**

Response

Based on the most recent Flood Insurance Rate Map (Figure 9, May 17, 1993), Exide is an existing facility located in Zone X, an area of minimal flooding. The developed site is above the 100-year flood plain. The elevation of the active portion of the site is between 85- and 75-feet above mean sea level (MSL). Site records indicate that there have been no flooding incidents in the active portion of the facility, including during major storm events such as Tropical Storm Isidore and Hurricane Lili in 2002.

ii. **for existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:**

(a) **the volume and physical and chemical characteristics of the waste in the facility;**

(b) **the concentrations of hazardous constituents that would potentially affect surface waters as a result of washout;**

(c) **the impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and**

(d) **the impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout.**

Response

Exide does not have any existing surface impoundments, waste piles, land treatment units, active hazardous waste landfills, or miscellaneous units. The two closed hazardous waste piles are permitted under a separate permit and do not have the potential to release contaminants to surrounding water ways.

4. **Hurricane-Prone-Areas**

Sites located in an area which is historically subject to hurricanes shall be protected from the entry of water by natural or created barriers certified by a professional engineer.

Response

Although the Exide facility is located in an area subject to hurricanes, they are infrequent and have resulted in minimal damage. Exide facilities have been designed and constructed to withstand storms and hurricanes. The land between the site location and the Louisiana Gulf Coast provides a natural barrier from the full impact of a hurricane. This distance provides adequate warning to shut down the site and prepare for the storm. In the event of a hurricane threat to the surrounding area, Exide has a RCRA Contingency Plan and Emergency Response Plan that details hurricane response and preparedness. This plan is included as Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment. A hurricane isoline map is presented in Appendix 19.

5. **Conformity with Existing Restrictions and Permits**

Sites located in floodways or wetlands under control of the U.S. Army Corps of Engineers and/or the Coastal Zone Management Office must apply for applicable permits. However, to avoid unnecessarily long licensing periods, the department may accept and process the application with its final approval dependent upon a similar approval. Final department action on such a state permit will be taken after final action on wetlands and coastal zone permits.

Response
The site is not under the control of the U.S. Army Corps of Engineers or the Coastal Zone Management Office nor are any coastal zone or wetlands permits required for operation of the treatment and storage units.

6. **Areas of Critical Environmental Concern. Sites located in, or adjacent to, swamps, marshes, floodplains, estuaries, designated wildlife hatchery areas, habitats of endangered species, and similar critical environmental areas shall be isolated from such areas by effective barriers which eliminate possible adverse impacts on such areas due to the operation of the facility.**

Response
Exide is not located in or adjacent to marshes, floodplains, estuaries, designated wildlife hatchery areas, habitats of endangered species, or other environmentally sensitive areas. Documentation from the 1993 Hazardous Waste Permit Application and the 1997 Solid Waste Landfill Permit Application are provided in Appendix 21. Devil's Swamp, the area between Baton Rouge Bayou and the Mississippi River is southwest of the facility but is separated from the treatment and storage areas by containment berms and concrete and asphalt perimeter stormwater collection ditches.

7. **Salt Dome Formations, Salt Bed Formations, Underground Mines, and Caves. The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave is prohibited.**

Response
Exide acknowledges and understands this provision; however, Exide does not place hazardous waste in any salt formation, underground mine or cave.

C. **Facilities**

1. **Transportation. Access to sites by surface and water transportation modes shall be by roads and waterways with the capacity to accept the demands created by the facility and designed to avoid, to the extent practical, congestion, sharp turns, obstructions, or other hazards which are conducive to accidents.**

   Response
   The Exide facility is located in East Baton Rouge Parish Road at the west end of Brooklawn Drive which provides access from Highway 61. The roadway has been used since the facility was constructed in 1969 with little or no problems with congestion or obstructions. A diagram of on-site traffic patterns is provided as Figure 17.

2. **Services. Sites shall have convenient access to required services, including: utilities, medical care, police, fire protection, and similar services, or provide these services internally in a manner acceptable to the administrative authority.**

   Response
   Exide acknowledges and understands this provision. Exide has provided for access to utilities, medical care, police, fire protection and other required services. Utilities are provided to maintain daily operations. Emergency response services including medical care, police and fire protection are detailed in Appendix 6, RCRA Contingency Plan and Emergency Response Plan. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

3. **Buffer Zone**

   a. **General Requirement. Sites shall be shielded from adjoining noncompatible land uses by space, natural separation, or other means acceptable to the administrative authority.**

   b. **Minimum Requirements. In no event shall the buffer be less than that stated for the following sites:**

i. **Sites zoned industrially—Sufficient space for security and drainage control facilities; or**

ii. **All other locations—200 feet between any facility (treatment pond, incinerator, tank, etc.) and property line unless a proper buffer is installed which is acceptable to the administrative authority (see LAC 33:V.2113 for container requirements).**

Response
Exide is zoned industrial and provides sufficient space for security and drainage control between the treatment and storage areas and the adjacent property. The site is fenced to control access and has 24-hour security.

§1504. Construction Quality Assurance Program

A. CQA Program

1. **A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with LAC 33:V.2903.J and K, 2303.C and D, and 2503.L and M. The program must ensure that the constructed units meet or exceed all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.**

   Response
   Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units in this permit renewal.

2. **The CQA program must address the following physical components, where applicable:**

   a. **foundations;**

   b. **dikes;**

   c. **low-permeability soil liners;**

   d. **geomembranes (flexible membrane liners);**

e. leachate collection and removal systems and leak detection systems; and

f. final cover systems.

Response
Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units in this permit renewal.

B. Written CQA Plan. The owner or operator of units subject to the CQA program under LAC 33:V.1504.A must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include:

1. identification of applicable units and a description of how they will be constructed;

2. identification of key personnel in the development and implementation of the CQA plan and CQA officer qualifications;

3. a description of inspection and sampling activities for all unit components identified in LAC 33:V.1504.A.2, including observations and tests that will be used before, during, and after construction to ensure that the construction materials and the installed unit components meet the design specifications. The description must cover:

   a. sampling size and locations;

   b. frequency of testing;

   c. data evaluation procedures;

   d. acceptance and rejection criteria for construction materials;

   e. plans for implementing corrective measures; and

   f. data or other information to be recorded and retained in the operating record under LAC 33:V.1529.

Response
Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units in this permit renewal.

C. **Contents of Program**

1. **The CQA program must include observations, inspections, tests, and measurements sufficient to ensure:**

   a. **structural stability and integrity of all components of the unit identified in LAC 33:V.1504.A.2;**

   b. **proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications; and**

   c. **conformity of all materials used with design and other material specifications under LAC 33:V.2303, 2503, and 2903.**

2. **The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of LAC 33:V.2303.C.1.b, 2503.L.1.b, and 2903.J.1.b in the field. Compliance with the hydraulic conductivity requirements must be verified by using *in situ* testing on the constructed test fill. The administrative authority may accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of LAC 33:V.2303.C.1.b, 2503.L.1.b, and 2903.J.1.b in the field.**

   Response
   Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units in this permit renewal.

D. **Certification. Waste shall not be received in a unit subject to LAC 33:V.1504 until the owner or operator has submitted to the administrative authority by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out, that the unit meets the**

requirements of LAC 33:V.2903.J or K, 2303.C or D, or 2503.L or M, and the procedure in LAC 33:V.309.L.3.b has been completed. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

Response
Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units in this permit renewal.

§1505. Discharges from the Site

A. General Requirements. All point-source discharges must be controlled and reported as follows:

1. water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under an NPDES permit and reported as required by that permit. The NPDES Permit must be applied for prior to the issuance of a hazardous waste permit; or

Response
Discharges from the Baton Rouge smelter are regulated by NPDES/LPDES permit LA0004464, dated April 1, 2001. Discharges from the Baton Rouge smelter are maintained within the effluent limitations specified in the NPDES permit. Monthly DMR reports are submitted as required by the Clean Water Act and the NPDES permit.

2. air emissions, if any, must be in conformity with air limitations of the Clean Air Act administered by the Air Quality Division of the department, operating under an Air Quality Permit as required, and reported as required by that permit. The air permit must be applied for prior to the issuance of a hazardous waste permit.

Response
Exide operates under state operating permit 0840-00004-00, dated July 12, 1995 for all of its emissions. Exide emissions are in conformity with air limitations of the Clean Air Act and the operating permit. A Title V Air Permit Application was submitted to LDEQ in 1996 and updated in July 2002. A schematic of the air handling system at the Containment Building is provided as Figure 10.

B. **Surface. Offsite shipments of any hazardous waste material, containers, packaging, or similar material must be reported on a manifest and must be delivered to a permitted facility.**

Response
All offsite shipments of hazardous waste material, containers, packaging, or similar material will be reported on a manifest and delivered to a permitted facility.

C. **Spills**

1. **Any spill of hazardous waste which could possibly endanger health or adversely affect the environment off-site shall be reported to the department immediately as provided in the "Notification Regulations and Procedures for Unauthorized Discharges and Spills." (See LAC 33:I.Chapter 39).**

Response
Exide acknowledges and understands this citation. Any spills shall be reported in accordance with LAC 33:I.Chapter 39, "Notification Regulations and Procedures for Unauthorized Discharges and Spills." Exide maintains a Spill Prevention, Control and Counter Measures Plan (Appendix 14) that outlines procedures that will be followed in the event of a spill. Depending on the nature of the spill or emergency, the Environmental Manager will notify the appropriate state and local agencies including EPA, LDEQ, US Coast Guard, National Response Center, the fire department, State Police, Sheriff's office and/or HAZMATT/TESS. In the event of a spill of any material on which maintenance of an MSDS is required and the spill exceeds the reportable quantity, or if the spill causes emergency conditions (irrespective of quantity), the Environmental Manager will notify the Department of Public Safety hotline within one hour after learning of the discharge.

2. **If a spill occurs on the site of a generator or TSD facility, and if that spill could endanger the public health or affect the environment off-site, the department and the Department of Public Safety have the authority to enter the site and investigate the spill. It is the responsibility of the operator to report spills of this nature to the department and the Department of Public Safety as soon as possible, as provided in LAC 33:V.1505.C.1.**

Response
Exide acknowledges and understands this citation. In the event of a spill that could potentially endanger public health or affect the

surrounding environment, Exide understands that the LDEQ and the Department of Public Safety have the authority to enter the site and investigate the spill. In the event of a spill of this magnitude, the operator will report it to the LDEQ and to the Department of Public Safety as soon as possible as specified in Exide's the SPCC plan (Appendix 14), in accordance with LAC 33:V.I505.C.1.

3. **Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner.**

Response
Exide acknowledges and understands this citation. Any spilled material or material trapped in sumps that is a hazardous waste will be disposed of as a hazardous waste in a timely manner. If the material can be reclaimed, the spilled material or material trapped in sumps will be containerized for storage and recycled in the furnaces. If the material cannot be reclaimed, the spilled material or material trapped in sumps will be containerized and disposed off-site at a facility permitted to dispose of the hazardous waste.

§1507. Security

A. **General Requirements. The security system shall insure that site ingress and egress by the public is controlled and that employees are protected from hazards to health resulting from contact with extremely hazardous operations.**

Response
Exide acknowledges and understands this citation and will comply. The security system at the site is designed to control ingress and egress. The security system includes perimeter fencing, and controlled site access at entry points monitored by guards. Visitors must sign in upon arrival at the site. Access to the operating area of the facility is strictly controlled.

B. **Perimeter Control. The natural or created barrier to site ingress or egress around the entire perimeter of the hazardous waste area shall be continuously patrolled or monitored. Equipment will be installed, as necessary, to keep birds and wildlife off the site.**

Response
The facility is fenced on three of its four sides and has a natural barrier to prevent entry. Gates and security guards are also used to control each entry point.

A gate is positioned at each of Exide's entry points equipped with secure locking devices. A gatehouse containing electronically controlled devices for gate operations is positioned at the main entrance. The guards periodically patrol the site and document their patrol in a log book.

These barriers insure that site ingress/egress by the public and/or wildlife is controlled and that public safety from operations at the site are protected.

Physical or other barriers are not needed to further protect employees from health hazards associated with the operations at this facility.

C. **Entry. Each entry through the perimeter barrier shall be manned at all hours. The entry should be opened by security personnel or by an electronic system (card, code, handprint, etc. or television monitor) acceptable to the administrative authority.**

Response
The main gate is patrolled 24 hours a day for 365 days per year by security guard(s). The other two gates are kept locked and temporarily opened when needed. When open, these gates are attended by security guard(s).

D. **Alternate Means of Meeting Security Requirements. Any operator may petition the administrative authority for acceptance of equivalent alternative means of meeting the requirements of LAC 33:V.1507 in whole or in part. This shall be done through submission of proof that necessary procedures for the protection of health and property are provided by other means and that representatives of local fire and police departments, if any, are adequately informed of such means.**

Response
Exide does not need to petition for an alternate means of meeting security requirements.

E. **Perimeter Barrier. A constructed barrier shall enclose the entire hazardous waste site and shall have the capability to deny unauthorized or unknowing ingress or egress and to prevent entry by domestic livestock.**

Response
A perimeter fence is constructed around three sides of the facility. The fourth side is bound by Baton Rouge Bayou which prevents entry from that side. These barriers will prevent entry by domestic livestock and denies unauthorized ingress or egress by the public.

F. **Perimeter Clear Zone. A clear, lighted path shall be constructed and maintained inside the perimeter barrier to permit patrol by vehicle or foot.**

Response
Exide acknowledges and understands this citation.

G. **Required entry facilities include the following:**

1. **gate at each entry point equipped with secure locking device;**

   Response
   All entrances are equipped with a locking device.

2. **gate house for guard, or electromechanical equipment permitting controlled access; and**

   Response
   The main gate is equipped with a guard house where guards are on duty on a continual basis.

3. **floodlighting at each entry to insure a well-lighted, safe, and secure area at night.**

   Response
   The gates at each entry have floodlights to provide for a well-lighted, safe and secure area at night.

H. **Emergency Response Facilities**

a. **Communications. An alarm system with controls accessible to each area of potential spill, explosion, or fire; telephone contact to each facility location; two-way radios for key personnel; and**

   Response
   The facility has an alarm system with controls accessible to each area of potential spill explosion or fire. Telephone contact numbers are posted in all area control rooms. Two-way radios are issued to all key personnel for emergency communication. A copy of the RCRA Contingency Plan and Emergency Response Plan is included in Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

Fire Control. Portable fire extinguishers, decontamination facilities, fire control equipment at incinerators, mixing and treatment vats; and other fire-hazard facilities and fire hydrants (with capacity as required by state fire code) located not more than 200 feet from each fire-hazard facility.

Response
Portable fire extinguishers are located in all areas of the facility, no less than 200 feet from each potential fire hazard. The RCRA Contingency Plan and Emergency Response Plan, included in Appendix 6 outlines the fire extinguisher program and has a map showing the location of all fire extinguishers.

I. Safety Control Devices

1. **Moving Equipment Barriers. Steel or concrete posts or barriers capable of stopping trucks or other equipment used on the site (at maximum expected speed) shall be installed to protect all hazardous waste above-ground pipelines, valves, or other containers located adjacent to roadways.**

   Response
   Exide acknowledges and understands this citation, all hazardous waste above-ground pipelines, valves, or other containers that are located adjacent to roadways have posts or barriers capable of stopping trucks or other equipment.

2. **Personnel Barriers. Barriers shall be installed at all locations where employees or visitors normally come in contact with ponds, lagoons, incinerators, treatment facilities, and other high-hazard locations.**

   Response
   Exide does not have any ponds, lagoons, or incinerators at the Baton Rouge smelter. The active process area has barriers in-place to prevent employees from contacting hazards. Visitors are not permitted in the process area without an escort.

J. Exterior Lighting

1. **All personnel barriers shall be lighted; all vehicle barriers shall have reflectors.**

   Response
   Exide acknowledges and understands this citation. All personnel barriers are lighted and all vehicle barriers at the facility have reflectors.

2. **Entry gates shall be lighted (see LAC 33:V.1507.G.3).**

Response
Exide acknowledges and understands this citation. The entry gate to the facility is lighted and manned continuously.

3. **Perimeter barriers shall be lighted (see LAC 33:V.1507.B).**

Response
Exide acknowledges and understands this citation. All perimeter barriers are lighted. A facility employee performs regular inspections of the lighting and performs any necessary corrective action.

K. **Signs. A sign with the legend "Danger - Unauthorized Personnel Keep Out" must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion but in no case shall the spacing be greater than 200-foot intervals. The legend must be written in English and in any other language predominant in the area surrounding the facility, and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.**

Response
Signs are posted at 200 foot intervals or less around the three container storage areas, the waste stabilization unit and the containment building. The signs read: "DANGER – HAZARDOUS WASTE AREA – UNAUTHORIZED PERSONNEL KEEP OUT." Signs are also posted at each entrance to the active portion of the facility. The signs read: "DANGER – UNAUTHORIZED PERSONNEL KEEP OUT."

§1509. General Inspection Requirements

A. **The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to:**

1. **a release of hazardous waste; or**

2. **a threat to human health.**

The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

Response
Exide will inspect the facility on a regular basis. The Inspection Plan is included as Appendix 5 and includes the schedule for facility inspections that are designed to detect any malfunction, deterioration, operator errors or discharges that may lead to a release of hazardous waste or a threat to human health or the environment. Problems are identified visually by the inspector and are documented on the inspection forms provided in Appendix 5. If any problems or malfunctions are noted during the inspection, Exide will immediately correct the problem and remedy the situation. Exide will note the repairs and corrective action on the inspection forms. The type of repair or correction depends on the problem or malfunction. Spills and discharges will be managed in accordance with the Spill Prevention, Control and Countermeasures Plan provided in Appendix 14. Container deterioration would be corrected by transferring materials to the furnace for recycling or transferring the materials an intact container for additional storage. Operator errors will be corrected immediately by discussing the situation with the operator and identifying the appropriate methods to conduct the work.

B. **Schedule. LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The administrative authority will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment.**

1. **The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.**

   Response
   Exide acknowledges and understands this provision. A written inspection schedule has been developed and is followed on a daily basis. Please refer to the Inspection Plan in Appendix 5 for the Inspection Schedule. The Inspection Plan includes the schedule for facility inspections that are designed to detect any malfunction, deterioration, operator errors or discharges that may lead to a release of hazardous waste or a threat to human health or the environment.

2. **He must keep this schedule at the facility.**

Response
Exide acknowledges and understands this provision. The inspection schedule is kept at the facility as a part of the Inspection Plan. A copy of the Inspection Plan is included in Appendix 5.

3. **The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).**

Response
Exide acknowledges and understands this provision. The schedule in the Inspection Plan (Appendix 5) identifies types of problems that will be looked for during the inspection.

4. **The frequency of inspection may vary for the items on the schedule. However, inspections should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1753-1765, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable.**

[Comment: LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.]

Response
Exide acknowledges and understands this provision. Please refer to the Inspection Plan (Appendix 5) for the Inspection Schedule. Depending on the item to be inspected, inspections are conducted on a daily, weekly, monthly or quarterly basis.

C. **The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals; a schedule must be set up to ensure that the problem does not lead to an environmental or**

human health hazard. When a hazard is imminent or has already occurred, remedial action must be taken immediately.

Response
Exide will remedy any deterioration or malfunction of equipment or structures revealed in the inspection. If a hazard is imminent or has already occurred immediate remedial action will be taken. Otherwise, schedules to remedy the problem will be put into place to ensure that it does not become an environmental or human health hazard.

D. The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Response
Exide will record inspections in an inspection log and will retain these records for at least three years from the date of the inspection. The records will include the date and time of inspection, the inspector's name, any observations made and any repairs or remedial actions taken.

§1511. Preparedness and Prevention

A. Applicability. The regulations in this Section apply to owners and operators of all hazardous waste facilities.

Response
Exide understands and acknowledges that these regulations are applicable to this site.

B. Design and Operation of a Facility. Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Response
Exide understands and acknowledges this provision. The three container storage areas, the treatment unit and the Containment Building at Exide have all been designed, maintained and operated to maximize safety of personnel, minimize threats to public health and the environment and to preserve the value of the facilities and promote efficiency and effectiveness of their operation. Exide utilizes the best engineering

designs and practices available, conforms to regulatory requirements and pays strict attention to employees' health and safety.

Fires and explosions are initially minimized by not accepting flammable or explosive materials and by not storing incompatible wastes in the same storage area. Materials not acceptable to the facility are returned to the generator. Fires and explosions are also minimized by maintaining a clean facility including daily floor sweeping and decontamination of equipment at the building exits. Releases of materials are minimized by the walls and floors of the Truck/Trailer Storage Area, the Whole Battery Storage Area and the Containment Building. Release of emissions are controlled in the Containment Building through an air handling system such that the building operates under negative pressure. In the event that a fire, explosion or release occurs, the measures indicated in the RCRA Contingency and Emergency Response Plan (Appendix 6) and the Spill Prevention, Control and Countermeasures Plan (Appendix 14) will be followed. Response procedures include contacting the On-Site Coordinator; assessing the situation; notifying the appropriate local and state agencies; taking measures to prevent recurrence including stopping operations, collecting and containing released substances and isolating tanks; and submitting required reports. The RCRA Contingency and Emergency Response Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

Changes have not occurred to the facility's overall recycling procedures; however, the plans associated with operation of the facility have been modified since the original permit submission to maintain regulatory compliance and safe operations. These plans include the Waste Analysis Plan (Appendix 4), the Inspection Plan and Schedule (Appendix 5), the RCRA Contingency and Emergency Response Plan (Appendix 6), the Dust Suppression Operational Procedure (Appendix 12), the Training Manual (Appendix 13), and the Spill Prevention, Control and Countermeasures Plan (Appendix 14). Historic modifications to these plans are not summarized here as only the most current versions of each of these plans is used at the facility. These plans are included as Appendices to this permit renewal.

C. **Required Equipment. All facilities must be equipped with the following, unless it can be demonstrated to the administrative authority that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:**

1. **an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;**

   Response
   Exide understands and acknowledges this provision. Exide has an established internal communications system that includes a facility alarm system, two-way radio communications and a telephone pager system that will all be utilized to provide emergency instructions to facility personnel.

2. **a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;**

   Response
   Exide understands and acknowledges this provision. All supervisors and many of the operators at the facility carry two-way radios to maintain immediate communications. In the event of an emergency, Exide will utilize the two-way radios to call for assistance.

3. **portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and**

   Response
   Exide understands and acknowledges this provision. Portable fire extinguishers are located near all possible combustion sources. Exide has Class-D fire extinguishers located in areas where molten metal is handled and also in the Chemical Warehouse where refining chemicals are stored. All of the control room and electrical panels have CO_2 extinguishers. The RCRA Contingency Plan and Emergency Response Plan, included in Appendix 6, outlines the fire extinguisher program and has a map showing the location of all fire extinguishers.

4. **water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.**

   Response
   Exide understands and acknowledges this provision. Adequate volume and pressure to supply water hoses is provided. Exide

maintains two on site water wells, a primary and backup. The water is pumped to a water tower with a capacity of 10,000 gallons.

D. **Testing and Maintenance of Equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.**

Response

Exide's emergency response system is tested on a regular basis. All of the fire extinguishers at the facility are inspected at least quarterly, by a certified inspector. Spill control equipment, emergency communications equipment and alarm systems are inspected monthly, as specified in the Inspection Plan (Appendix 5). A checklist of the inspections is kept on file in the Environmental Office. All equipment is maintained in good working condition following the manufacture's specifications. If repairs are needed they are performed immediately.

E. **Access to Communications or Alarm System**

1. **Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless it can be demonstrated to the administrative authority that such a device is not required.**

   Response

   Exide understands and acknowledges this provision. Any Exide personnel involved in handling hazardous waste will have access to emergency communications, typically in the form of two-way radios.

2. **Anytime there is at least one employee on the premises while the facility is operating, he must have immediate access to a device such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless it can be demonstrated to the administrative authority that such a device is not required.**

   Response

   Exide understands and acknowledges this provision. Any Exide personnel on the premises will have access to emergency

communications, either in the form of two-way radios or telephone access.

F. **Required Aisle Space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the administrative authority that aisle space is not needed for any of these purposes.**

Response
Exide understands and acknowledges this provision. Exide will maintain sufficient aisle space in every area of the plant to allow for unobstructed movement of personnel and equipment in case of emergency.

G. **Arrangements with Local Authorities**

1. **The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:**

   a. **arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;**

   Response
   Exide understands and acknowledges this provision. Exide has delivered copies of the RCRA Contingency Plan and Emergency Response Plan to the State Police, the Baker Fire Department and the Alsen Fire Department. The plan documents the layout of the facility, the facility hazards, evacuation routes and location of emergency equipment. The telephone contact numbers for each of these agencies is listed in the plan and posted in control rooms at the Exide facility.

   b. **where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;**

Response
Exide understands and acknowledges this provision. Exide has arranged that the Alsen Fire Department be designated as the primary emergency authority and that the Baker Fire Department shall provide support. The telephone contact numbers for each of these agencies is listed in the plan and posted in control rooms at the Exide facility.

c. **agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and**

Response
Exide understands and acknowledges this provision. Exide has provided a copy of the RCRA Contingency Plan and Emergency Response Plan to the Louisiana State Police – Right-to-Know Unit. Additionally, Exide has an arrangement with the Louisiana State Police – Hazmat Response Unit. Exide also has contracted CHEMTREC, as a first responder for any over the road spills or emergencies that may occur. The telephone contact numbers for each of these agencies is listed in the plan and posted in control rooms at the Exide facility.

d. **arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.**

Exide understands and acknowledges this provision. Exide has provided a copy of the RCRA Contingency Plan and Emergency Response Plan to Lane Memorial Hospital in Zachery, LA. Additionally, Exide has contracted Hill Medical Associates to provide medical assistance in non-critical situations.

2. **Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.**

Response
Exide understands and acknowledges this provision. If a state or local authority should decline to enter into an arrangement or decline to continue an agreement, Exide will document the refusal in the operating records.

§1513. Contingency Plan and Emergency Procedures

A. Purpose and Implementation of Contingency Plan

1. **Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.**

   Response
   Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6. The plan was developed to help the facility minimize hazards to human health and the environment from fires, explosions, or unplanned sudden and non-sudden releases of hazardous materials to the environment. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

2. **A contingency plan to be implemented in the event of an emergency shall be filed with the administrative authority and, after approval, with the local fire and police departments (if any operate in the area), hospitals and emergency response teams operating in the area which are subject to call by the operator or the department.**

   Response
   The RCRA Contingency Plan and Emergency Response Plan, is included as Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment. The plan is currently on file with local fire, police departments, hospitals and emergency response teams.

3. **The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.**

   Response
   The provisions of the contingency plan will be carried out immediately whenever there is a fire, explosion, or release of

hazardous waste or hazardous waste constituents which could threaten human health or the environment.

4. **The plan shall be revised each time the facility operations are changed due to expansion, change in type or quantity of waste handled, or other changes which affect the degree or type of possible emergency situation.**

   Response
   Exide understands and acknowledges this provision. The plan shall be revised each time the facility operations are changed due to expansion, change in type or quantity of waste handled, or other changes that may affect the degree or type of possible emergency situation.

B. **Content of Contingency Plan**

1. **The contingency plan must describe the actions facility personnel must take to comply with LAC 33:V.1513.B and F in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.**

   Response
   Exide understands and acknowledges this provision. Exide's RCRA Contingency Plan and Emergency Response Plan describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the environment. The plan is included in Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

2. **If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with these requirements.**

   Response
   Exide maintains a SPCC Plan (Appendix 14). The SPCC Plan includes facility background, a certification and the facility's preventative measures, and capability and procedures for taking

corrective actions and/or countermeasures when a spill event occurs. Exide has also prepared a separate RCRA Contingency Plan and Emergency Response Plan which meets the requirements specified in these regulations.

3. **The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services.**

Response
Please refer to the RCRA Contingency Plan and Emergency Response Plan (Appendix 6). The describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

4. **The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. When more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the administrative authority at the time of certification, rather than at the time of permit application.**

Response
Please refer to the RCRA Contingency Plan and Emergency Response Plan (Appendix 6). The plan lists the name, addresses, and phone numbers (office and home) of the emergency coordinator and outlines the responsibilities for alternate emergency coordinators in the event that the primary emergency coordinator is not present.

5. **The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.**

Response
The RCRA Contingency Plan and Emergency Response Plan contains a list of all emergency equipment maintained at the facility, including fire extinguishers, sprinkler systems, spill control equipment, communications and alarm systems, and decontamination equipment. This list is kept up to date by Exide's EHS staff. The plan includes the location and a physical description of each item on the list and a brief outline of its capabilities.

6. **The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.**

Response
Please refer to the RCRA Contingency Plan and Emergency Response Plan (Appendix 6) for the evacuation plan. The evacuation plan includes the routes for evacuation, assembly points and alarm signals to be used for beginning an evacuation.

C. **Copies of Contingency Plan**

1. **The contingency plan must be submitted to the administrative authority with the permit application and, after modification or approval, will become a condition of any permit issued.**

Response
Exide understands and acknowledges this provision. The contingency plan is included as a part of this application. See Appendix 6. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

2. **A copy of the contingency plan and all revisions to the plan must be maintained at the facility and additional copies must be submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.**

Response
Exide will maintain a copy of the contingency plan and all revisions of the plan at the facility. Additional copies have been submitted to the local police departments, fire departments, hospitals, and state

and local emergency response teams so that they may be called upon to provide emergency services.

D. **Amendment of Contingency Plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:**

1. **the facility permit is revised;**

2. **the plan fails in an emergency;**

3. **applicable regulations are revised;**

4. **the facility changes its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;**

5. **the list of emergency coordinators changes; or**

6. **the list of emergency equipment changes.**

Response
Exide acknowledges that if any of the above provisions occur, the contingency plan will be reviewed and immediately amended, if necessary.

E. **Emergency Coordinator. At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures (see LAC 33:V.1513.F). This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.**

Response
Exide acknowledges the above requirement to have at least one employee either on the facility premises or on call. The emergency coordinator on call will be familiar with all aspects of the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. The coordinator will have the resources needed to carry out the contingency plan. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel,

emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

F. **Emergency Procedures**

1. **Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:**

   a. **activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and**

   b. **notify appropriate state or local agencies with designated response roles if their help is needed.**

   Response
   In an imminent or actual emergency situation, the coordinator will activate internal facility alarms or communications systems, where applicable. In addition the emergency coordinator will notify all facility personnel when needed and notify the appropriate state or local agencies with designated response roles if their help is needed. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

2. **Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifest, and, if necessary, by chemical analysis.**

   Response
   In the event of a release, fire or explosion, the emergency coordinator and his staff will immediately identify the character, exact source, amount, and areal extent of any released materials which may be done by observation or review of facility records, manifest or chemical analysis. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

3. **Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).**

Response
The emergency coordinator and his staff will assess possible hazards to human health or the environment as a result of the release, fire or explosion. This assessment will take into account the above provisions. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

4. **If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:**

   a. **if his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and**

   b. **he must immediately notify the state official designated as the on-scene coordinator for that geographical area and provide:**

      i. **name and telephone number of reporter;**
      ii. **name and address of facility;**
      iii. **time and type of incident (e.g., release, fire);**
      iv. **name and quantity of material(s) involved, to the extent known;**
      v. **the extent of injuries, if any; and**
      vi. **the possible hazards to human health or the environment, outside the facility.**

Response
In the event that a release, fire or explosion has occurred that could threaten human health or the environment outside

the facility, Exide will complete a report detailing the findings, as specified in this citation. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

5. **During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.**

   Response
   During an emergency, the emergency coordinator and his staff will take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures include stopping processes or operations, collecting and containing released waste, and removing or isolating containers, when applicable. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

6. **If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.**

   Response
   In the event that the facility stops operation due to a fire, explosion, or release, the emergency coordinator and his staff will monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

7. **Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the owner or operator can demonstrate that the recovered material is not a hazardous waste, the owner or**

operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements.

Response
Immediately after an emergency, the emergency coordinator and his staff will provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility. Exide understands that unless the owner or operator can demonstrate that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements.

8. **The emergency coordinator must ensure that in the affected area(s) of the facility:**

   a. **no waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and**

   b. **all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.**

Response
Exide understands and will abide by the above provisions. Please refer to Appendix 6 for further details. The Plan includes assignment of duties to personnel, emergency response procedures, types of emergency situations, procedures for plan or unit shutdowns, the alarm system and types and locations of emergency equipment.

9. **The owner or operator must notify the administrative authority and appropriate state and local authorities that the facility is in compliance with LAC 33:V.1513.F.8 before operations are resumed in the affected area(s) of the facility.**

Response
Exide understands and will abide by the above provisions. Exide will notify the administrative authority and appropriate state and local authorities that the facility is in compliance with LAC 33:V.1513.F.8 before operations are resumed in the affected area(s) of the facility.

10. **The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after**

the incident, he must submit a written report on the incident to the administrative authority which includes:

a. name, address, and telephone number of the owner or operator;

b. name, address, and telephone number of the facility;

c. date, time, and type of incident (e.g., fire, explosion);

d. name and quantity of material(s) involved;

e. the extent of injuries, if any;

f. an assessment of actual or potential hazards to human health or the environment, where this is applicable; and

g. estimated quantity and disposition of recovered material that resulted from the incident.

Response
Exide will note the time, date, and details of any incident requiring implementation of the contingency plan in the operating record. Within 15 days after the incident, a written report on the incident will be submitted including the above provisions.

§1515. Personnel Training

A. Instruction Program

1. Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Section. The owner or operator must ensure that this program includes all the elements described in the document required in LAC 33:V.1515.D.3.

Response
Exide understands and will abide by the above provisions. All facility personnel have completed training, both on-the-job and classroom instruction, to teach them to perform their duties so that the facility is in compliance with the applicable regulations. Training topics include medical surveillance, lockout/tagout, confined space entry, hearing conservation, respiratory protection, powered industrial truck safety, hazard communication, HAZWOPER,

emergency and contingency, environmental regulations, spill response, work practice, DOT hazardous materials, sexual harassment, blood borne pathogens, heat stress, fire extinguisher use, incipient fire control, fall protection, slip trip and fall hazard avoidance, proper lifting techniques and back protection. A copy of the current employee Training Manual is enclosed as Appendix 13. Training records are maintained on-site.

2. **This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.**

Response
The training program at the Baton Rouge smelter is directed by the Environmental Manager and the Health and Safety Manager, who have extensive training in hazardous waste management procedures. The training program, outlined in Appendix 13, instructs facility personnel in proper hazardous waste management procedures (including contingency plan implementation, spill control and environmental regulations) relevant to the positions in which they are employed.

3. **At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:**

   a. **procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;**

Response
Exide understands and will abide by the above provisions. The training program provides training to employees on emergency response including procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment. See Appendix 13 for a copy of the Training Manual.

   b. **key parameters for automatic waste feed cut-off systems;**

Response
Exide understands and will abide by the above provisions. The training program provides training to employees on key parameters for automatic waste feed cut-off systems.

c. **communications or alarm systems;**

Response
Exide understands and will abide by the above provisions. The training program provides employees training in emergency communication and alarm systems. See Appendix 13 for a copy of the Training Manual.

d. **response to fires or explosions;**

Response
Exide understands and will abide by the above provisions. The training program provides training to employees on response to fires or explosions. See Appendix 13 for a copy of the Training Manual.

e. **response to groundwater contamination incidents; and**

Response
Exide understands and will abide by the above provisions. The training program provides training to employees on groundwater contamination incidents. See Appendix 13 for a copy of the Training Manual.

f. **shutdown of operations.**

Response
Exide understands and will abide by the above provisions. The training provided to employees outlines emergency shut down procedures for operations. See Appendix 13 for a copy of the Training Manual.

4. **The facility operator shall conduct training sessions to be held at regular intervals for personnel in routine plant operation and also to inform and train the plant contingency team, representatives of local fire and police departments, and emergency response teams of plant layout, location of possible hazards, emergency equipment location and operation, the evacuation plan and route, power and waste stream cut-offs, communications equipment and phone**

numbers of all required contacts, and other critical information and procedures.

Response
Exide conducts training sessions at regular intervals for personnel in routine plant operation and also to inform and train the plant contingency team, representatives of local fire and police departments. The training sessions also inform personnel and emergency response teams of plant layout, location of possible hazards, emergency equipment location and operation, the evacuation plan and route, power and waste stream cut-offs, communications equipment and phone numbers of all required contacts, and other critical information and procedures.

B. **Facility personnel must successfully complete the program required in LAC 33:V.1515.A within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements in LAC 33:V.1515.A.**

Response
Facility personnel will complete the program required in LAC 33:V.1515.A within six months of the date of their employment. Employees hired after the effective date of these regulations will not work in unsupervised positions until they have completed the training requirements in LAC 33:V.1515.A.

C. **Facility personnel must take part in an annual review of the initial training required in LAC 33:V.1515.A.**

Response
Personnel will take part in an annual review of the initial training. See Appendix 13, Training Manual, for further details.

D. **The owner or operator must maintain the following documents and records at the facility:**

1. **the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;**

2. **a written job description for each position listed in LAC 33:V.1515.D.1. This description may be consistent in its degree of specificity with descriptions for other similar**

positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of employees assigned to each position;

3. **a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in LAC 33:V.1515.D.1; and**

4. **records documenting that the training or job experience required under LAC 33:V.1515.A, B, and C have been given to, and completed by, facility personnel.**

Response

Exide maintains the documents and records listed below at the facility:

1. the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

2. a written job description for each position listed in LAC 33:V.1515.D.1. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of employees assigned to each position;

3. a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in LAC 33:V.1515.D.1; and

4. records documenting that the training or job experience required under LAC 33:V.1515.A, B, and C have been given to, and completed by, facility personnel.

E. **Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.**

Response
Training records on current personnel are kept until closure of the facility. Training records for former employees will be kept for at least three years from the date the employee last worked at the facility.

§1517. General Requirements for Ignitable, Reactive, or Incompatible Wastes.

A. The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must restrict smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

Response
Exide understands and acknowledges this provision. The waste that Exide handles is typically not reactive or flammable, however, Exide will take precautions to prevent accidental ignition or reaction of ignitable, or reactive wastes. The waste will be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting or welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. Exide has "No Smoking" signs at the entry ways to the facility and maintains an No Smoking policy within the plant. If ignitable or reactive waste is handled, Exide will restrict open flames to a specially designated location.

B. The owner or operator of a facility that treats, stores, or disposes of ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, must take precautions to prevent reactions which:

1. generate extreme heat or pressure, fire or explosions, or violent reactions;

Response
Exide understands and acknowledges this provision. Exide has a Waste Acceptance program in place that prevents the receipt of ignitable, reactive, or incompatible wastes that would generate toxic fumes, dusts, or gasses in sufficient quantity to threaten human health and the environment.

2. **produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;**

   Response
   Exide understands and acknowledges this provision. Exide has a Waste Acceptance program in place that prevents the receipt of materials that would produce uncontrolled toxic mists, fumes, dusts, or gases.

3. **produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;**

   Response
   Exide understands and acknowledges this provision. Exide has a Waste Acceptance program in place that prevents the receipt of materials that would produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions.

4. **damage the structural integrity of the device or facility; and**

   Response
   Exide understands and acknowledges this provision and will comply.

5. **through other like means threaten human health or the environment.**

   Response
   Exide's understands and acknowledges this provision and will comply.

C. **In landfills and burial sites, incompatible wastes shall be adequately separated to avoid mixing of the wastes during operation or after closure.**

   Response
   Incompatible materials are not disposed in the on-site solid waste landfill.

D. **Treatment and storage facilities containing ignitable, reactive, or incompatible wastes shall be sufficiently separated or protected to prevent mixing, ignition, or reaction as a result of a spill, tank failure, or other cause. Protection shall include use of container materials compatible with the wastes contained therein.**

Response
Exide understands and acknowledges this provision. The waste materials handled by Exide are not ignitable, reactive or incompatible. However, the facility is setup to separate different types wastes, and uses container materials that are compatible with wastes contained therein. Exide also does not accept any material that contains organic constituents, PCBs, organic lead, metallic aluminum, or free liquids.

The Waste Analysis Plan includes sampling of each shipment for analysis at the on-site laboratory. The Recyclable Material Analysis Record ER-185 is completed for each incoming material and, if applicable, an Acceptance Approval Certificate is submitted to the generator. If unacceptable wastes are received at the facility, the generator is contacted to resolve the discrepancy or the material is returned to the generator.

E. **Any container, including tank trucks, used to transport waste shall be cleaned before leaving the disposal site. Such cleaning should be by a method or methods necessary to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent shipment and/or of itself render any future load hazardous. All material resulting from such cleaning shall be considered a hazardous waste unless otherwise approved by the administrative authority.**

Response
Exide understands and acknowledges this provision. All containers used to transport waste will be cleaned out before leave the facility. Wash water generated from the washing of containers (tractor trailers or flat-bed trucks) is directed to the facility's waste water treatment unit.

F. **When required to comply with LAC 33:V.1517.A and B, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.**

Response
Exide understands and acknowledges this provision. Results of waste analyses are documented on Form ER-185 and waste acceptance is documented on the Acceptance Approval Certificate.

§1519. General Waste Analysis

A. Hazardous Waste Chemical and Physical Analysis

1. **Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous wastes if applicable under LAC 33:V.3513.D, he or she must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with all requirements of LAC 33:V.Chapters 15 and 22.**

   Response
   Exide understands and acknowledges this provision. Prior to receiving a new waste stream for recycling Exide will obtain a detailed chemical and physical analysis of a representative sample of the waste as detailed in the Waste Acceptance Program which is submitted in Appendix C of the Waste Analysis Plan included in this application as Appendix 4. The Recyclable Material Analysis Record ER-185 is completed for each incoming material and, if applicable, an Acceptance Approval Certificate is submitted to the generator. If unacceptable wastes are received at the facility, the generator is contacted to resolve the discrepancy or the material is returned to the generator.

2. **The analysis may include data developed under LAC 33:V.Chapter 49 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.**

   [Comment: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with Subsection A.1 of this Section. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required by Subsection A.1 of this Section, except as otherwise specified in LAC 33:V.2247.A and A.1. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.]

Response
Exide understands and acknowledges this provision. The Waste Analysis Plan (Appendix 4) details the analysis required by Exide for acceptance.

3. **The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:**

   a. **when the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste or nonhazardous waste if applicable under LAC 33:V.3513.D, has changed; and**

   b. **for off-site facilities, when the results of the inspection required in LAC 33:V.1519.A.4 indicate that the hazardous waste received at the facility does not match the waste designated in the accompanying manifest or shipping paper.**

   Response
   Exide understands and acknowledges this provision and will comply. Analysis will be repeated if the process or operation generating the waste has changed or if the materials delivered to the facility do not match the waste designated on the accompanying manifest or shipping paper. In addition, Exide's Acceptance Approval Certificates must be renewed annually.

4. **The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.**

   Response
   Exide understands and acknowledges this provision. Each shipment of waste received by the Baton Rouge smelter is inspected and weighted to verify the accompanying manifest or shipping papers. Exide conducts periodic analysis of waste received for recycling to determine if they match the waste profile submitted by the generator.

B. **The owner or operator must develop and follow a written waste analysis plan that describes the procedures that he or she will carry out to comply with LAC 33:V.1519.A. He or she**

must keep this plan at the facility. At a minimum, the plan must specify:

1. **the parameters for which each hazardous waste, or non-hazardous waste if applicable under LAC 33:V.3513.D, will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with LAC 33:V.1519.A);**

   Response
   Exide understands and acknowledges this provision. The testing parameters for each waste are listed in the Waste Analysis Plan in Appendix 4. Hazardous waste and coproducts are analyzed for total antimony, arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium, silver, tin, zinc, fluoride, chloride, sulfide, aluminum and magnesium. Hazardous wastes will also be analyzed for TCLP arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver. Additional testing may also be conducted at the discretion of the Environmental Manager.

2. **the test methods as specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference at LAC 33:V.110, or an equivalent method approved by the administrative authority, which will be used to test for these parameters; and**

   Response
   Exide understands and acknowledges this provision. All testing methods are listed in the Waste Analysis Plan (Appendix 4). The test methods follow SW-846 protocol and are performed by a certified laboratory.

3. **the sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using a method approved by the administrative authority;**

   [Comment: See LAC 33:V.105.I for related discussion.]

   Response
   Exide understands and acknowledges this provision. The sampling method is included in the Waste Analysis Plan in Appendix 4 of this document. A composite sample will be

taken by observing the various objects present in the shipment and sampling representative quantities of the shipment.

4. **the plan must further specify the frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date;**

   Response
   Exide understands and acknowledges this provision. Exide reviews analysis at least annually as described in the Waste Analysis Plan in Appendix 4 of this document.

5. **the Quality Assurance and Quality Control (QA/QC) procedures used to ensure the waste sampling and analysis are satisfactory.**

   Response
   Exide understands and acknowledges this provision. The plan outlines QA/QC procedures for sampling and analysis. On-site laboratory QA procedures are described in Exide's Comprehensive Quality Assurance Manual and the Standard Operating Procedures provided in the Waste Analysis Plan in Appendix 4.

6. **the plan must further specify for off-site facilities the waste analyses that hazardous waste generators have agreed to supply; and**

   Response
   Exide understands and acknowledges this provision. Generators are required to provide a completed Exide Recyclable Material Analysis Record ER-185; a complete description of the process which generates the material including the product(s) produced and other by-products and waste streams generated by the process and a process flow diagram; information on the quantity of the material produced and available methods of packaging and transportation; a completed Letter of Certification for exemption for burning of lead-containing materials in industrial furnaces; and a complete letter of exemption for organic air emission standards.

7. **where applicable, the methods which will be used to meet the additional waste analysis requirements for**

specific waste management methods as specified in LAC 33:V.1517, 1711.D, 1741.D, 1753, 2515, 3107, and 2245;

Response
Exide understands and acknowledges this provision.

8. **for surface impoundments exempted from land disposal prohibitions under LAC 33:V.2237, the procedures and schedules for:**

   a. **the sampling of impoundment contents,**

   b. **the analysis of test data, and**

   c. **the annual removal of residues which are not delisted under LAC 33:V.105.M or which exhibit a characteristic of hazardous waste and either:**

      i. **do not meet applicable treatment standards of LAC 33:V.Chapter 22.Subchapters A and B, or**

      ii. **where no treatment standards have been established**

         (a) **such residues are prohibited from land disposal under LAC 33:V.2213, or**

         (b). **such residues are prohibited from land disposal under LAC 33:V.2215; and**

         Response
         Exide does not operate a surface impoundment. Therefore, this requirement is not applicable.

9. **for owners and operators seeking an exemption to the air emission standards of LAC 33:V.Chapter 17. Subchapter C in accordance with LAC 33:V.1751:**

   a. **if direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption; or**

b. **if knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.**

Response
Exide is not seeking an exemption under LAC 33:V.Chapter 17. Subchapter C; therefore, this provision does not apply.

C. **For off-site facilities, the required waste analysis plan must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:**

1. **the procedures which will be used to determine the identity of each movement of waste managed at the facility; and**

2. **the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; (LAC 33:V.517.C requires that the waste analysis plan be submitted with Part II of the permit application.)**

3. **the procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.**

Response
Exide understands and acknowledges these provisions. Please reference the Waste Analysis Plan in Appendix 4. Each receipt of lead-bearing raw materials is weighed and visually inspected to verify the purchase contract and shipping papers. The visual inspection will include labels, color, texture, and homogeneity. If any foreign materials (such as trash or aluminum cans) are in the shipment, they will be removed prior to recycling. Incoming material is sampled by qualified laboratory personnel. A 2 to 3 pound composite sample is collected that is representative of the total shipment. The sample is analyzed in the on-site laboratory for total lead. Visual inspection and total lead analysis is typically all that is required to match the incoming material to the approved profile for the material and to determine the proper recycling method.

Procedures used to determine whether a hazardous waste generator or treated has added a biodegradable sorbent to the waste is not applicable as Exide does not operate a landfill for disposal of hazardous waste.

D. Certification. All waste analysis plans must be certified by a Louisiana licensed professional engineer (PE).

<u>Response</u>
The Waste Analysis Plan (Appendix 4) has been reviewed and certified by a Louisiana licensed professional engineer.

§1521. Chemical, Physical, and Biological Treatment Facilities (Wastes Only)

In addition to the requirements listed below, a permit application shall address the technical requirements in LAC 33:V.Chapters 15, 19, 21, 29, 33, 35, and 37.

A. Below-surface basins are governed by LAC 33:V.2903.A.

B. Above-ground and mixing and other facilities in basins shall be certified by the designing engineer or manufacturer.

C. Treatment techniques shall include proper chemical analysis or data collecting such as is necessary to determine compatibility with existing treatment facilities, prevention of the release of toxic gases, and provisions for bacterial control and for safety of operating personnel.

D. Pilot or bench-scale tests or reliable operating data must be obtained for any new or altered hazardous waste prior to introduction into an existing or new treatment sequence.

E. Storage and handling procedures insuring protection of human health and the environment must be observed for all treatment chemicals or reagents.

F. Proper design and operation of all equipment must be maintained to insure minimum spillage, foaming, or misting.

G. Reserve emergency storage must be maintained for critical process areas to insure against operational mishaps and inadvertent volumetric surges.

H. **Flow safeguards and cut-offs must be included in the flow system to avoid improper operation, overflow, or treatment defects.**

I. **Residual sludges or by-products shall be analyzed before disposition within the treatment sequence.**

J. **An air monitoring system is required under LAC 33:V.3305.E.**

Response
Exide does not utilize chemical, physical, or biological treatment facilities, therefore these regulations do not apply.

§1523. Surveillance and Monitoring

A. **Primary responsibility for the proper handling of hazardous wastes is assumed by the industry operating under these rules and regulations and cooperating with the department in meeting the purposes of the Act. As part of this responsibility, the owner or operator of any treatment, storage, or disposal facility shall develop a schedule of routine facility inspections and shall keep a log or record of all inspections carried out thereunder. The owner or operator shall likewise develop and adhere to a waste analysis plan to be approved by the department.**

Response
Exide will comply with this citation. The Baton Rouge smelter has an Inspection Plan (Appendix 5) in place that contains a schedule of routine facility inspections. The Inspection Plan includes the types of inspections, the inspection schedule, the types of problems and inspection log documentation. The inspections are documented on a log kept in the Environmental Office. Exide also maintains and follows a Waste Analysis Plan (Appendix 4). The Waste Analysis Plan includes in-house waste sampling and analysis procedures, contract laboratory analysis, certification, standard operating procedures for slag analysis and analysis of incoming materials, waste acceptance approval certifications and contract laboratory QA/QC packages.

B. **Department surveillance and monitoring includes the following:**

1. **analysis of manifests and manifest reports to determine that all wastes generated are disposed of in permitted sites and that the proper disposal method has been used;**
2. **periodic inspections required by the permit maintenance program to insure that facilities treating, storing, and disposing of hazardous wastes are operated in conformity with the terms of the permit and these rules and regulations;**

3. **spot inspections and sampling by the traveling laboratory and the analytical and inspection team;**

4. **a systematic program to conduct or to require investigations and recording of the groundwater, leachate, and air monitoring systems;**

5. **response to citizen complaints and suggestions concerning operation of the system; and**

6. **such other procedures as may be deemed necessary by the administrative authority.**

Response
Exide understands and acknowledges the surveillance and monitoring activities specified in these citations.

C. **Violations discovered through such surveillance and monitoring shall be the subject of enforcement actions pursuant to LAC 33:V.107 of these regulations.**

Response
Exide understands and acknowledges the enforcement action for violations discovered through the LDEQ's surveillance and monitoring activities.

§1525. Emergency Response

A. **Purpose. To provide for control and clean-up of accidental spills and other emergency situations involving hazardous wastes resulting from a violation of a requirement of these regulations or the Act.**

Response
Exide acknowledges the purpose of this chapter and will comply.

B. **Program. The department, working with the Department of Public Safety, will establish the following program:**

1. **emergency response equipment and teams located in strategic locations;**
2. **emergency response plan involving a communication system, cooperation with local police and fire departments, training program based, as a minimum, on the "emergency information card," and an operations plan for each class of emergency situation; and**

3. **the Emergency Response Program will respond to all in-transit accidents and spills, and respond to on-site emergencies when called by the operator or in accordance with provisions of LAC 33:V.1513.F.**

Response
Exide acknowledges and understands the purpose for emergency response provisions in LAC 33:V.1525.B.

§1527. Receiving and Monitoring Incoming Waste

A. **Each site which treats, stores, or disposes of hazardous wastes generated off site shall be equipped to accomplish the following:**

1. **provide control of all incoming waste to prevent entry of unrecorded and unanalyzed hazardous waste; and**

Response
Exide acknowledges and understands this provision. Exide has controls in place including the Waste Acceptance Program, continuous facility security and monitoring of incoming material, and a waste inspection program of materials upon arrival at the facility to prevent the entry of unrecorded and unanalyzed hazardous waste.

2. **measure quantity and type by taking and analyzing a representative sample of waste received to verify the information on the manifest, and to determine proper method for handling and disposal.**

Response
Exide acknowledges and understands this provision. Each delivery is weighed and a representative sample is collected to verify the information in the manifest and to determine the proper method for recycling. Additional detail is provided in the Waste Analysis Plan (Appendix 4).

B. **Each facility within the site which receives hazardous wastes shall be equipped with necessary devices to record quantities, by classification or other identification, of hazardous wastes deposited into the facility system.**

Response
Exide acknowledges and understands this provision.

C. **Each site shall be equipped with a central control and recordkeeping system which tabulates information from LAC 33:V.1527.A.2 and B.**

Response
Exide acknowledges and understands this provision. Central controls and a recordkeeping system are maintained by the Baton Rouge smelter. The system tracks receipt of waste and tabulates quantities and type.

D. **Onsite Transfer Systems**

1. **All docking, mooring, loading, and unloading facilities for a hazardous waste treatment, storage, or disposal facility are considered part of the facility operation.**

2. **Hose couplings for truck, barge, or pipeline discharge shall be located within a natural or created containment, with an elevation above surface elevation sufficient to contain a 10-minute discharge. Groundwater protection shall be provided.**

3. **Hose couplings on a barge shall be in a containment area on the barge to prevent leakage from entering the waterway.**

4. **Hoses from a barge to the facility shall be supported by a land-based boom so that the low point of the hose is within the barge or site containment area.**

5. **Barge moorings shall be in a slack water area outside the navigation channel.**

Response
Exide does not receive material from barges, and does not use hoses to unload waste; therefore, this section is not applicable.

E. **Receiving Waste from an Offsite Source. The owner or operator of a facility that receives hazardous waste from an off site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.**

Response
Exide acknowledges and understands this provision and will comply.

F. **Unmanifested Waste Reports. Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be**

rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers. He shall notify the administrative authority by phone immediately and in writing within seven days of the refusal to accept the waste and provide the administrative authority with the required information.

Response
Exide does not accept waste for disposal. However, if a recyclable material is not properly manifested it will be rejected. Exide will provide the required notification.

§1529. Operating Record and Reporting Requirements

A. The owner or operator must keep a written operating record at his facility.

Response
Exide acknowledges and understands this provision and will keep written operating records at the Baton Rouge smelter.

B. Records of each hazardous waste received, treated, stored, or disposed of at the facility must be recorded in the following manner, as they become available, and maintained in the operating record until closure of the facility.

1. A description by its common name and the EPA hazardous waste number(s) (LAC 33:V.Chapter 49) which apply to the waste and the quantity of the waste received. The waste description also must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in LAC 33:V.Chapter 49, the description also must include the process that produced it.

Response
Exide maintains records of each hazardous waste received for recycling. The records include a description of the waste by common name, EPA number and physical form. Exide only accepts solid waste and prohibits the receipt of hazardous waste that contain free liquids.

2. Each hazardous waste listed in LAC 33:V.109, and each hazardous waste characteristic defined in LAC 33:V.105.B has a four-digit EPA hazardous waste number assigned to it. This number must be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous

waste characteristic applies to the waste, the waste description must include all applicable EPA hazardous waste numbers.

Response
Exide uses all applicable EPA Hazardous Waste Numbers for record keeping purposes.

3. **Record the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1.**

Table 1. Units For Reporting	
Units of Measure	**Code[1]**
Gallons	G
Gallons per hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I
[1] Single digit symbols are used here for data processing purposes.	

Response
Exide records the weight of received materials in the units specified above.

4. The method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal.

Table 2. Handling Codes for Treatment, Storage, and Disposal Methods
Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.
Storage
S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)
Treatment
Thermal Treatment
T06 Liquid injection incinerator
T07 Rotary kiln incinerator
T08 Fluidized bed incinerator
T09 Multiple hearth incinerator
T10 Infrared furnace incinerator
T11 Molten salt destructor
T12 Pyrolysis
T13 Wet air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)
Chemical Treatment
T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination

T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)
Physical Treatment
Separation of Components:
T35 Centrifugation
T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening
T46 Ultrafiltration
T47 Other (specify)
Removal of Specific Components:
T48 Absorption-molecular sieve
T49 Activated carbon
T50 Blending
T51 Catalysis
T52 Crystallization
T53 Dialysis
T54 Distillation
T55 Electrodialysis
T56 Electrolysis
T57 Evaporation
T58 High gradient magnetic separation
T59 Leaching

T60 Liquid ion exchange
T61 Liquid-liquid extraction
T62 Reverse osmosis
T63 Solvent recovery
T64 Stripping
T65 Sand filter
T66 Other (specify)
Biological Treatment
T67 Activated sludge
T68 Aerobic lagoon
T69 Aerobic tank
T70 Anaerobic tank
T71 Composting
T72 Septic tank
T73 Spray irrigation
T74 Thickening filter
T75 Tricking filter
T76 Waste stabilization pond
T77 Other (specify)
T78 [Reserved]
T79 [Reserved]
Boilers and Industrial Furnaces
T80 Boiler
T81 Cement Kiln
T82 Lime Kiln
T83 Aggregate Kiln
T84 Phosphate Kiln
T85 Coke Oven
T86 Blast Furnace
T87 Smelting, Melting, or Refining Furnace
T88 Titanium Dioxide Chloride Process Oxidation Reactor
T89 Methane Reforming Furnace
T90 Pulping Liquor Recovery Furnace

T91 Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid
T92 Halogen Acid Furnaces
T93 Other Industrial Furnaces Listed in LAC 33:V.109 (specify)
Other Treatment
T94 Containment Building (Treatment)
Disposal
D79 Underground Injection
D80 Landfill
D81 Land Treatment
D82 Ocean Disposal
D83 Surface Impoundment (to be closed as a landfill)
D99 Other Disposal (specify)
Miscellaneous (Chapter 32)
X01 Open Burning/Open Detonation
X02 Mechanical Processing
X03 Thermal Unit
X04 Geologic Repository
X99 Other Chapter 32 (specify)

Response
Exide will record the handling codes for treatment and storage of waste.

5. **The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest.**

Response
The location and quantity of each hazardous waste at the Baton Rouge smelter is recorded.

6. **Records and results of waste analyses and waste determinations performed as specified in these regulations and in LAC 33:V.1517, 1519, 1711, 1741, 1753, 2237.A, 2245, 2515, and 3107.**

Response
The records and results of waste analysis and waste determination are kept at the Baton Rouge smelter.

7. **Summary reports and details of all incidents that require implementing the contingency plan.**

Response
Exide maintains reports and details of all incidents that required the implementation of the contingency plan.

8. **Records and results of inspections required by LAC 33:V.1509.D.**

Response
Exide maintains all inspection reports on file at the Baton Rouge smelter.

9. **Monitoring, testing, or analytical data, and corrective action where required by LAC 33:V.1504, 1711.C–F, 1713, 1741.D-I, 1743,1751-1767, 1903, 1907, 1911, 2304, 2306, 2309, 2504, 2507, 2508, 2509, 2709, 2711, 2719, 2904, 2906, 2907, 3119, 3203, 3205, and Chapter 33, as well as corrective action cites.**

Response
Exide maintains in the environmental files all monitoring, testing, or analytical data, and corrective action data required by LAC 33:V.1504, 1711.C–F, 1713, 1741.D-I, 1743,1751-1767, 1903, 1907, 1911, 2304, 2306, 2309, 2504, 2507, 2508, 2509, 2709, 2711, 2719, 2904, 2906, 2907, 3119, 3203, 3205, and Chapter 33, as well as corrective action cites. Changes to the environmental files have occurred since the original permit application as data has been added to the facility records.

10. **For off-site facilities, notices to generators that the TSD facility has the appropriate permits for and will accept the waste the generator is shipping.**

Response
Exide notifies generators and maintains documentation that we have the appropriate permits for accepting waste.

11. **All closure cost estimates and, for disposal facilities, all post-closure cost estimates.**

Response
Exide maintains all required closure cost and post-closure cost estimates. The closure cost and post-closure cost estimates were last revised in 2000 and have been adjusted for inflation to reflect 2003 costs. Appendix 8 contains a copy of the Closure Plan for the Baton Rouge smelter. The Closure Plan includes general closure procedures; specific closure procedures for the slag stabilization area, the containment building, the K069/D008 storage area, the Truck/Trailer storage area and the whole battery storage area; post-closure care procedures; and a closure and post-closure cost estimate.

12. **Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal prohibition granted in accordance with LAC 33:V.2239, a petition approved in accordance with LAC 33:V.2241 or 2271, a determination made under LAC 33:V.2273, or a certification under LAC 33:V.2235 and the applicable notice required by a generator under LAC 33:V.2245.**

Response
Exide does not dispose of hazardous waste by land disposal; therefore, this section is not applicable.

13. **For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.**

Response
Exide disposes of the following wastes at off-site recycling or treatment and disposal facilities: used oil, refractory brick and nickel-cadmium batteries. Exide has submitted the required notice, certification and demonstration as required under LAC 33:V.2235, 2245, and 2247. The notice, certification, and/or demonstration will be resubmitted if changes in the waste occur. A copy of these records is maintained on-site.

14. **For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.**

Response
Each generator sending materials to Exide for recycling is required to submit an initial notice, certification and demonstration as required by LAC 33:V.2235, 2245, or 2247. A revised notice, certification and demonstration are required if changes in the waste stream occur. A copy of these records is maintained on-site.

15. **For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under LAC 33:V.2235, 2245, or 2247, whichever is applicable.**

Response
This section is not applicable. Exide does not operate off-site land disposal facilities.

16. **For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under LAC 33:V.2245 or LAC 33:V.2247, except for the manifest number, and the certification and demonstration, if applicable, required under LAC 33:V.2235, whichever is applicable.**

Response
Exide does not dispose of hazardous waste in an onsite landfill. Exide operates an approved solid waste landfill that accepts only stabilized blast furnace slag and construction debris. Exide maintains all required records for the landfill.

17. **For an off-site storage facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247; and**

Response
Exide is not an off-site storage facility; therefore, this section does not apply.

18. **For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.**

Response
Exide maintains all of the required on-site storage records.

19. **A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and 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.**

Response
Exide currently performs an annual certification that demonstrates a program is in place to reduce the volume and toxicity of the hazardous waste that is generated at the facility. This certification states that the method of treatment, storage and disposal serves to minimize the present and future threat to human health and the environment. A copy of this latest certification is included as Appendix 15, Waste Minimization Plan. The Waste Minimization Plan includes a waste minimization assessment, types of waste minimization practices, waste minimization goals and conclusions.

20. **Any records required under LAC 33:V.1501.H.13.**

Response
Exide acknowledges and understands this provision; however, Exide is not a remediation waste management site and therefore this section does not apply.

C. **Availability, Retention, and Disposition of Records**

1. **All records, including plans, required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representatives who are duly designated by the administrative authority.**

Response
Exide acknowledges and understands this provision.

2. **The retention period for all records required under this Section is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the administrative authority.**

Response
Exide acknowledges and understands this provision proposes no change to the response submitted in the original application.

3. A copy of records of waste disposal locations and quantities must be submitted to the administrative authority and local land authority upon closure of the facility.

Response
Exide acknowledges and understands this provision.

D. Annual Report. The owner or operator must prepare and submit a single copy of an annual report to the administrative authority by March 1 of each year. The report form must be used for this report. The annual report must cover facility activities during the previous calendar year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under LAC 33:V.Chapter 9 or monitoring reporting under LAC 33:V.3317. It must include the following information:

1. the EPA identification number, name, and address of the facility;

2. the calendar year covered by the report;

3. for off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

4. a description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;

5. the method of treatment, storage, or disposal for each hazardous waste;

6. the most recent closure cost estimate under LAC 33:V.3705, and, for disposal facilities, the most recent post-closure cost estimate under LAC 33:V.3709;

7. the certification signed by the owner or operator of the facility or his authorized representative; and

8. monitoring data where required;

9. **for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;**

10. **for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.**

Response
Exide acknowledges, understands and will comply with the above requirements.

E. **Additional Reports. In addition to submitting the annual reports and unmanifested waste reports described in LAC 33:V.1529.D and 909, the owner or operator must also report to the administrative authority:**

1. **releases, fires, and explosions as specified in LAC 33:V.1513.F.10;**

2. **facility closures as specified in LAC 33:V.Chapter 35; and**

3. **as otherwise required by LAC 33:V.Chapters 17, 23, 25, 27, 29, and 33.**

Response
Exide understands, acknowledges and will comply with the above requirement.

§1531. Required Notices

A. **The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the administrative authority in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.**

Response
Exide acknowledges this provision; however, Exide does not receive hazardous waste from foreign sources.

B. **The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.**

Response
Exide acknowledges this provision; however, Exide does not receive hazardous waste from transfrontier shipments.

C. **The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.**

Response
Exide acknowledges and will adhere to this provision.

D. **Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of LAC 33:V.Subpart 1.**

Response
The facility was formerly operated by Schuylkill Metals Corporation and is now owned and operated by Exide Technologies. Exide was made aware of the requirements of LAC 33:V.Subpart 1 at the change of ownership. Exide acknowledges these requirements and will adhere to this provision if future transfer of ownership or operation occurs during the facility's operating life or post-closure care period.

E. **An owner's or operator's failure to notify the new owner or operator of the requirements in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.**

Response
Exide has complied with all applicable requirements since the change of ownership. Exide acknowledges this citation and will continue to adhere to all applicable requirements.

§1533. Relationship to Interim Status Standards

A facility owner or operator who has fully complied with the requirements for interim status, as defined in section 3005(e) of RCRA and regulations under LAC 33:V.4301, must comply with the regulations specified in LAC 33:V.Chapter 43 in lieu of the regulations in this Chapter, until final administrative disposition of his permit application is made, except as provided under LAC 33:V.Chapter 26.

[Comment: As stated in section 3005(a) of RCRA, after the effective date of regulations under that section, i.e., LAC 33:V.Chapters 3, 5, and 7, the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made.]

Response
Exide acknowledges and will adhere to this provision. The operation of the Containment Building complies with interim status in accordance with LAC 33:V.Chapter 43. A permit modification application was submitted to LDEQ on October 17, 2001 to renovate portions of the Containment Building floor and include the Containment Building in the Hazardous Waste Permit. Comments on the application were received from LDEQ on March 18, 2003. The Containment Building will continue to operated under interim status until approval of the October 2001 modification application has been received.

§1535. Imminent Hazard Action

Notwithstanding any other provisions of these regulations, enforcement actions may be brought in accordance with R.S. 30:2050.8.

Response
Exide acknowledges and will adhere to this provision.

CHAPTER 17

AIR EMISSION STANDARDS

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality – Hazardous Waste

Chapter 17. Air Emission Standards

§1701. Applicability

The regulations in this Chapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501 and 1705).

<u>Response</u>
Exide treats and stores hazardous wastes; therefore, the requirements of this chapter are applicable.

§1703. Definitions

As used in this Chapter, all terms not defined herein shall have the meanings given them in LAC 33:V.109.

Air Stripping Operation—a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers, and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

Average Volatile Organic Concentration or Average VO Concentration—the mass-weighted average volatile organic concentration of a hazardous waste as determined in accordance with the requirements of LAC 33:V.4727.

Bottoms Receiver—a container or tank used to receive and collect the heavier bottoms fractions of the distillation feedstream that remain in the liquid phase.

Closed-Vent System—a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

Closure Device—a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

Condenser—a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

Connector—flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

Continuous Recorder—a data-recording device recording instantaneous data values at least every 15 minutes, or more frequently if reasonably available technology exists which will achieve increased recording frequency.

Continuous Seal—a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

Control Device—an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

Control Device Shutdown—the cessation of operation of a control device for any purpose.

Cover—a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

Distillate Receiver—a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

Distillation Operation—an operation, either batch or continuous, separating one or more feedstream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feedstream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Enclosure—a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

Equipment—each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange, or other connector and any control devices or systems required by this Chapter.

External Floating Roof—a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

First Attempt at Repair—to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

Fixed Roof—a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

Flame Zone—the portion of the combustion chamber in a boiler occupied by the flame envelope.

Floating Membrane Cover—a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

Floating Roof—a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

Flow Indicator—a device that indicates whether gas flow is present in a vent stream.

Fractionation Operation—a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

Hard-Piping—pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

Hazardous Waste Management Unit Shutdown—a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours or a scheduled, routine work practice such as cessation of operation on a holiday or weekend is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

Hot Well—a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

In Gas/Vapor Service—a piece of equipment that contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

In Heavy Liquid Service—a piece of equipment that is not in gas/vapor service or in light liquid service.

In Light Liquid Service—a piece of equipment that contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the

total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

In Light Material Service—the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight.

In Situ Sampling Systems—nonextractive samplers or in-line samplers.

In Vacuum Service—equipment operating at an internal pressure that is at least 5 kPa below ambient pressure.

Internal Floating Roof—a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

Liquid-Mounted Seal—a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof continuously around the circumference of the tank.

Malfunction—any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Maximum Organic Vapor Pressure—the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (e.g., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Chapter, maximum organic vapor pressure is determined using the procedures specified in LAC 33:V.4727.

Metallic Shoe Seal—a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

No Detectable Organic Emissions—no escape of organics to the atmosphere as determined using the procedure specified in LAC 33:V.4727.

Open-Ended Valve or Line—any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping.

Point of Waste Origination—as follows:

a. when the facility owner or operator is the generator of the hazardous waste, the point of waste origination means the point where a solid waste produced by a system, process, or

waste management unit is determined to be a hazardous waste as defined in LAC 33:V.109; or

[Note: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Clean Air Act in 40 CFR parts 60, 61, and 63].

b. when the facility owner and operator are not the generator of the hazardous waste, point of waste origination means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

Point of Waste Treatment—the point where a hazardous waste to be treated in accordance with LAC 33:V.4725 exits the treatment process. Any waste determination shall be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

Pressure Release—the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

Process Heater—a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

Process Vent—any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

Repaired—equipment is adjusted, or otherwise altered, to eliminate a leak.

Safety Device—a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Chapter, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

Sampling Connection System—an assembly of equipment within a process or waste management unit used during periods of representative operation to take samples of the process or waste fluid. Equipment used

to take non-routine grab samples is not considered a sampling connection system.

Sensor—a device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

Separator Tank—a device used for separation of two immiscible liquids.

Single-Seal System—a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

Solvent Extraction Operation—an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

Start-Up—the setting in operation of a hazardous waste management unit or control device for any purpose.

Steam Stripping Operation—a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly into the charge.

Surge Control Tank—a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

Thin-Film Evaporation Operation—a distillation operation that employs a heating surface consisting of a large-diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

Vapor Incinerator—any enclosed combustion device that is used for destroying organic compound vapors and does not extract energy in the form of steam or process heat.

Vapor-Mounted Seal—a continuous seal that is mounted such that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

Vented—discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

Volatile Organic Concentration or VO Concentration—the fraction by weight of the volatile organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the waste in accordance with the requirements of LAC 33:V.4727. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3) at 25°C must be included. Appendix.

Table 1 of this Chapter presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

Waste Determination—performing all applicable procedures in accordance with the requirements of LAC 33:V.4727 to determine whether a hazardous waste meets standards specified in this Chapter. Examples of a waste determination include performing the procedures in accordance with the requirements of LAC 33:V.4727 to determine the average VO concentration of a hazardous waste at the point of waste origination; the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

Waste Stabilization Process—any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication Number SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992 (incorporated by reference—refer to LAC 33:V.110). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.

Subchapter A. Process Vents

§1705. Applicability

The regulations in this Subchapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501).

A. Except for LAC 33:V.1711.D and E, this Subchapter applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 parts per million by weight (ppmw), if these operations are conducted in one of the following:

1. a unit that is subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43;

2. **a unit (including a hazardous waste recycling unit) that is not exempt from the permitting requirements under LAC 33:V.1109.E (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43; or**

3. **a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.**

Response

Exide does not utilize process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes. Furthermore, Exide does not store, process, or dispose of any material with organic concentrations above 10 ppm. Therefore, this Subchapter does not apply.

B. **For the owner or operator of a facility subject to the requirements of this Subchapter and who received a final permit under RCRA Section 3005 and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Subchapter must be incorporated when the permit is reissued under LAC 33:V.705 or reviewed under LAC 33:V.315. Until such date when the owner and operator receive a final permit incorporating the requirements of this Subchapter, the owner or operator are subject to the requirements of LAC 33:V.Chapter 43.**

[Note: The requirements of this Subchapter apply to process vents on hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D and 1501.C are not affected by these requirements.]

C. **The requirements of this Subchapter do not apply to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, Elkton, Virginia, provided that facility is operated in compliance with the requirements contained in a Clean Air Act permit issued in accordance with 40 CFR 52.2454. The requirements of this Subchapter shall apply to the facility upon termination of the Clean Air Act permit issued pursuant to 40 CFR 52.2454.**

D. **The requirements of this Subchapter do not apply to the process vents at a facility where the facility owner or operator certifies that all**

of the process vents that would otherwise be subject to this Subchapter are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. The documentation of compliance under regulations at 40 CFR part 60, part 61, or part 63 shall be kept with, or made readily available with, the facility operating record.

<u>Response</u>

Exide acknowledges these provisions; however, this subchapter is not applicable. Exide does not utilize process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes. Furthermore, Exide does not store, process, or dispose of any material with organic concentrations above 10 ppm.

§1707. Standards: Process Vents

A. The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw shall either:

1. reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or

2. reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.

B. If the owner or operator installs a closed-vent system and control device to comply with the provisions of LAC 33:V.1707.A, the closed-vent system and control device must meet the requirements of LAC 33:V.1709.

C. Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices may be based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations

achieved by add-on control devices, the performance tests must conform with the requirements of LAC 33:V.1711.C.

D. When an owner or operator and the administrative authority do not agree on determinations of vent emissions and/or emission reductions or total organic compound concentrations achieved by add-on control devices based on engineering calculations, the procedures in LAC 33:V.1711.C shall be used to resolve the disagreement.

§1709. Standards: Closed-Vent Systems and Control Devices

A. Compliance

1. Owners or operators of closed-vent systems and control devices used to comply with provisions of LAC 33:V.Chapter 17 shall comply with the provisions of this Section.

a. The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subchapter on the effective date that the facility becomes subject to the provisions of this Subchapter must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subchapter for installation and start-up.

b. Any unit that begins operation after December 21, 1990, and is subject to the provisions of this Subchapter when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on start-up of the affected unit); the 30-month implementation schedule does not apply.

c. The owner or operator of any facility in existence on the effective date of an EPA regulatory amendment that renders the facility subject to this Subchapter shall

comply with all requirements of this Subchapter as soon as practicable, but no later than 30 months after the regulation's effective date. When control equipment required by this Subchapter cannot be installed and begin operation by the effective date of the regulation, the facility owner or operator shall prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment; initiation of on-site installation of the control equipment; completion of the control equipment installation; and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subchapter. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

d. Owners and operators of facilities and units that become newly subject to the requirements of this Subchapter after December 8, 1997, due to an action other than those described in Subsection A.2.c of this Section must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subchapter; the 30-month implementation schedule does not apply).

B. Control Devices. A control device involving vapor recovery (e.g., a condenser or adsorber) shall be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of LAC 33:V.1707.A.1 for all affected process vents can be attained at an efficiency less than 95 weight percent.

C. Combustion Device. An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) shall be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760°C. If a boiler or process heater is used as the

control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.

D. Flare

1. Visible Emissions. A flare shall be designed for and operated with no visible emissions as determined by the methods specified in LAC 33:V.1709.E.1, except for periods not to exceed a total of five minutes during any two consecutive hours.

2. Flame. A flare shall be operated with a flame present at all times, as determined by the methods specified in LAC 33:V.1709.F.2.c.

3. Combustible Heating Value. A flare shall be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in LAC 33:V.1709.E.2.

4. Steam-Assisted or Nonassisted

   a. A steam-assisted or nonassisted flare shall be designed for and operated with an exit velocity, as determined by the methods specified in LAC 33:V.1709.E.3, of less than 18.3 m/s (60 ft/s), except as provided in LAC 33:V.1709.D.4.b and c.

   b. A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in LAC 33:V.1709.E.3, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

c. A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in LAC 33:V.1709.E.3, of less than the velocity, V_{max}, as determined by the method specified in LAC 33:V.1709.E.4, and less than 122 m/s (400 ft/s), is allowed.

5. Air-Assisted. An air-assisted flare shall be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the method specified in LAC 33:V.1709.E.5.

6. Compliance. A flare used to comply with this Section shall be steam-assisted, air-assisted, or nonassisted.

E. Visible Emissions

1. Reference Method 22 in LAC 33:III.6079 shall be used to determine the compliance of a flare with the visible emission provisions of this Subchapter. The observation period is two hours and shall be used according to Method 22.

2. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K\left[\sum_{i=1}^{n} C_i H_i\right]$$

where:

H_T = net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mol is 20°C;

K = constant, 1.74 X 10^{-1} (1/ppm) (g mol/scm) (MJ/kcal), where standard temperature for (g mol/scm) is 20°C;

C_i = concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in LAC 33:III.6071 and measured for hydrogen and carbon monoxide by ASTM D 1946-82; and

H_i = net heat of combustion of sample component i, kcal/9 mol at 25°C and 760 mm Hg. The heats of combustion may be

determined using ASTM D 2382-83 if published values are not available or cannot be calculated.

3. The actual exit velocity of a flare shall be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by the methods in LAC 33:III.Chapter 60 as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4. The maximum allowed velocity in m/s, V_{max}, for a flare complying with LAC 33:V.1709.D.4.c shall be determined by the following equation:

$$LOG_{10}(V_{max}) = \frac{(H_T + 28.8)}{31.7}$$

where:

28.8 = constant;

31.7 = constant;

H_T = the net heating value as determined in LAC 33:V.1709.E.2.

5. The maximum allowed velocity in m/s, V_{max}, for an air-assisted flare shall be determined by the following equation:

$$V_{max} = 8.706 + 0.7084(H_T)$$

where:

8.706 = constant;

0.7084 = constant;

H_T = the net heating value as determined in LAC 33:V.1709.E.2.

F. Inspection and Monitoring. The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements.

1. Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor shall be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

2. Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

   a. For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device shall have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor shall be installed at a location in the combustion chamber downstream of the combustion zone.

   b. For a catalytic vapor incinerator, a temperature-monitoring device equipped with a continuous recorder. The device shall be capable of monitoring temperature at two locations and have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. One temperature sensor shall be installed in the vent stream at the nearest feasible point to the catalyst bed inlet, and a second temperature sensor shall be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

   c. For a flare, a heat-sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

   d. For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature-monitoring device equipped with a continuous recorder. The device shall have an accuracy of ±1 percent of the temperature being monitored in °C or ± 0.5°C, whichever is greater. The temperature sensor shall be installed at a

location in the furnace downstream of the combustion zone.

e. For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameter or parameters that indicate that good combustion operating practices are being used.

f. For a condenser, either:

   i. a monitoring device equipped with a continuous recorder to measure the concentration level of the total organic compounds in the exhaust vent stream from the condenser, or

   ii. a temperature-monitoring device equipped with a continuous recorder. The device shall be capable of monitoring temperature with an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor shall be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

g. For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

   i. a monitoring device equipped with a continuous recorder to measure the concentration level of the total organic compounds in the exhaust vent stream from the carbon bed, or

   ii. a monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3. Inspect the readings from each monitoring device required by LAC 33:V.1709.F.1 and 2 at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure that the control device operates in compliance with the requirements of this Section.

G. Carbon Adsorption System, Regenerative. An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly on-site in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined interval that is no longer than the carbon service life established as a requirement of LAC 33:V.1713.B.4.c.vi.

H. Carbon Adsorption System, Nonregenerative. An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly on-site in the control device shall replace the existing carbon in the control device with fresh carbon regularly by using one of the following procedures:

1. Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency shall be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of LAC 33:V.1713.B.4.c.vii, whichever is longer.

2. Replace the existing carbon with fresh carbon at a regular, predetermined interval that is less than the design carbon replacement interval established as a requirement of LAC 33:V.1713.B.4.c.vii.

I. Alternative Process or Operational Parameters. An alternative operational or process parameter may be monitored if it can be demonstrated that another parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

J. Alternative Control Device: Documentation. An owner or operator of an affected facility seeking to comply with the provisions of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

K. A closed-vent system shall meet either of the following design requirements:

1. a closed-vent system shall be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedure in LAC 33:V.1711.B and by visual inspections; or

2. a closed-vent system shall be designed to operate at a pressure below atmospheric pressure. The system shall be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

L. The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

1. each closed-vent system that is used to comply with Subsection K.1 of this Section shall be inspected and monitored in accordance with the following requirements:

a. an initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in LAC 33:V.1711.B to

demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background;

b. after initial leak detection monitoring required in Subsection L.1.a of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

i. closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) shall be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in LAC 33:V.1711.B to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted);

ii. closed-vent system components or connections other than those specified in Subsection L.1.b.i of this Section shall be monitored annually and at other times as requested by the administrative authority, except as provided for in Subsection O of this Section, using the procedures specified in LAC 33:V.1711.B to demonstrate that the components or connections operate with no detectable emissions;

c. in the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of Subsection L.3 of this Section;

d. the owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in LAC 33:V.1713;

2. each closed-vent system that is used to comply with Subsection K.2 of this Section shall be inspected and monitored in accordance with the following requirements:

   a. the closed-vent system shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections;

   b. the owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year;

   c. in the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection L.3 of this Section; and

   d. the owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in LAC 33:V.1713;

3. the owner or operator shall repair all detected defects as follows:

   a. detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, shall be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in Subsection L.3.c of this Section;

   b. a first attempt at repair shall be made no later than five calendar days after the emission is detected;

   c. delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the

owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be completed by the end of the next process unit shutdown; and

d. the owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in LAC 33:V.1713.

M. Closed-vent systems and control devices used to comply with provisions of this Chapter shall be operated at all times when emissions may be vented to them.

N. The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the average volatile organic concentration of the carbon:

1. regenerated or reactivated in a thermal treatment unit that meets one of the following:

a. the owner or operator of the unit has been issued a final permit under LAC 33:V.Chapter 5 which implements the requirements of LAC 33:V.Chapter 32;

b. the unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subchapters A and C of this Chapter or of LAC 33:V.Chapter 43; or

c. the unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR part 61 or part 63;

2. incinerated in a hazardous waste incinerator for which the owner or operator either:

a. has been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 31; or

b. has designed and operates the incinerator in accordance with the interim status requirements of LAC 33:V.Chapter 43.Subchapter N;

3. burned in a boiler or industrial furnace for which the owner or operator either:

a. has been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 30; or

b. has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of LAC 33:V.Chapter 30.

O. Any components of a closed-vent system that are designated, as described in LAC 33:V.1713.C.9, as unsafe to monitor are exempt from the requirements of Subsection L.1.b.ii of this Section if:

1. the owner or operator of the closed-vent system determines that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with Subsection L.1.b.ii of this Section; and

2. the owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in Subsection L.1.b.ii of this Section as frequently as practicable during safe-to-monitor times.

§1711. Test Methods and Procedures

A. Each owner or operator subject to the provisions of this Subchapter shall comply with the test methods and procedures requirements provided in this Section.

B. When a closed-vent system is tested for compliance with no detectable emissions, as required in LAC 33:V.1709.L, the test shall comply with the following requirements.

1. Monitoring shall comply with Reference Method 21 in LAC 33:III.6077.

2. The detection instrument shall meet the performance criteria of Reference Method 21.

3. The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4. Calibration gases shall be:

   a. zero air (less than 10 ppm of hydrocarbon in air);

   b. a mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5. The background level shall be determined as set forth in Reference Method 21.

6. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible, as described in Reference Method 21.

7. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

C. Performance tests to determine compliance with LAC 33:V.1707.A and with the total organic compound concentration limit of LAC 33:V.1709.C shall comply with the following:

1. Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices shall be conducted and data reduced in accordance with the following reference methods and calculation procedures:

   a. Method 2 in LAC 33:III.6003 for velocity and volumetric flow rate.

   b. Method 18 in LAC 33:III.6071 for organic content.

   c. Each performance test shall consist of three separate runs; each run shall be conducted for at least one hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs shall apply. The average shall be computed on a time-weighted basis.

   d. Total organic mass flow rates shall be determined by the following equation:

$$E_h = Q_{2sd}\left[\sum_{i=1}^{n} C_i MW_i\right][0.0416][10^{-6}]$$

where:

E_h = total organic mass flow rate, kg/h;

Q_{2sd} = volumetric flow rate of gases entering or exiting control device, as determined by Method 2, dscm/h;

n = number of organic compounds in the vent gas;

C_i = organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18;

MW_i = molecular weight of organic compound i in the vent gas, kg/kg-mol;

0.0416 = conversion factor for molar volume, kg-mol/m^3 (@ 293 K and 760 mm Hg); and

10^{-6} = conversion from ppm, ppm^{-1}.

e. The annual total organic emission rate shall be determined by the following equation:

$$E_A = (E_h)(H)$$

where:

E_A = total organic mass emission rate, kg/y;

E_h = total organic mass flow rate for the process vent, kg/h; and

H = total annual hours of operations for the affected unit, h.

f. Total organic emissions from all affected process vents at the facility shall be determined by summing the hourly total organic mass emission rates (E_h as determined in LAC 33:V.1711.C.1.d) and by summing the annual total organic mass emission rates (E_A, as determined in LAC 33:V.1711.C.1.e) for all affected process vents at the facility.

2. The owner or operator shall record such process information as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test.

3. The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

a. sampling ports adequate for the test methods specified in LAC 33:V.1711.C.1;

b. safe sampling platform(s);

c. safe access to sampling platform(s); and

d. utilities for sampling and testing equipment.

4. For the purpose of making compliance determinations, the time-weighted average of the results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the administrative authority's approval, be determined using the average of the results of the two other runs.

D. To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subchapter, the owner or operator must make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods.

1. Direct measurement of the organic concentration of the waste using the following procedures:

a. The owner or operator must take a minimum of four grab samples of waste for each waste stream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

b. For waste generated on-site, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated off-site, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in

a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

c. Each sample shall be analyzed, and the total organic concentration of the sample shall be computed using Method 9060 or 8260 of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference at LAC 33:V.110.

d. The arithmetic mean of the results of the analyses of the four samples shall apply for each waste stream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each waste stream managed in the unit.

2. Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that shall be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a waste stream having a total organic content less than 10 ppmw, or prior speciation analysis results on the same waste stream where it can also be documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

E. The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw shall be made as follows:

1. by the effective date that the facility becomes subject to the provisions of this Subchapter or by the date when the waste is first managed in a waste management unit, whichever is later; and

2. for continuously generated waste, annually; or

3. whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

F. When an owner or operator and the administrative authority do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8260 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference at LAC 33:V.110 may be used to resolve the dispute.

§1713. Recordkeeping Requirements

A. Compliance

1. Each owner or operator subject to the provisions of this Subchapter shall comply with the recordkeeping requirements of this Section.

2. An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subchapter may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

B. Implementation Schedule and Documentation. Owners and operators must record the following information in the facility operating record:

1. For facilities that comply with the provisions of LAC 33:V.1709.A.2, an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subchapter.

2. Up-to-date documentation of compliance with the process vent standards in LAC 33:V.1707, including:

   a. Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).

   b. Information and data supporting determinations of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (i.e., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.

3. Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:

   a. a description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This shall include the estimated or design flow rate and organic content of each vent stream and define the acceptable

operating ranges of key process and control device parameters during the test program;

b. a detailed engineering description of the closed-vent system and control device including:

i. manufacturer's name and model number of control device;

ii. type of control device;

iii. dimensions of the control device;

iv. capacity; and

v. construction materials;

c. a detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

4. Documentation of compliance with LAC 33:V.1709 shall include the following information:

a. a list of all information references and sources used in preparing the documentation;

b. records, including the dates, of each compliance test required by LAC 33:V.1709.K;

c. if engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC

33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with LAC 33:V.1713.B.4.c.i-vii may be used to comply with this requirement. The design analysis shall address the vent stream characteristics and control device operation parameters as specified below;

i. for a thermal vapor incinerator, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time;

ii. for a catalytic vapor incinerator, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average temperatures across the catalyst bed inlet and outlet;

iii. for a boiler or process heater, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average flame zone temperatures, combustion zone residence time, and description of method and location where the vent stream is introduced into the combustion zone;

iv. for a flare, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also consider the requirements specified in LAC 33:V.1709.D;

v. for a condenser, the design analysis shall consider the vent stream composition,

constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and design average temperatures of the coolant fluid at the condenser inlet and outlet;

vi. for a carbon adsorption system such as a fixed-bed absorber that regenerates the carbon bed directly on-site in the control device, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon;

vii. for a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly on-site in the control device, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for the carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule;

d. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit

is or would be operating at the highest load or capacity level reasonably expected to occur.

e. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of LAC 33:V.1707.A is achieved at an efficiency less than 95 weight percent, or the total organic emission limits of LAC 33:V.1707.A for all affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement;

f. if performance tests are used to demonstrate compliance, all test results.

C. Design: Documentation, Monitoring, Operating, and Inspection. Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 shall be recorded and kept up-to-date in the facility operating record. The information shall include:

1. a description and the date of each modification made to the closed-vent system or control device design;

2. identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with LAC 33:V.1709.F.1 and 2;

3. monitoring, operating, and inspection information required by LAC 33:V.1709.F-K;

4. date, time, and duration of each period that occurs while the control device is operating when any monitored parameter

exceeds the value established in the control device design analysis as specified below:

a. for a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, each period when the combustion temperature is below 760°C;

b. for a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, each period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of LAC 33:V.1713.B.4.c.i;

c. for a catalytic vapor incinerator, each period when:

   i. temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of LAC 33:V.1713.B.4.c.ii, or

   ii. temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of LAC 33:V.1713.B.4.c.ii;

d. for a boiler or process heater, each period when:

   i. flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of LAC 33:V.1713.B.4.c.iii, or

   ii. position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of LAC 33:V.1713.B.4.c.iii;

e. for a flare, each period when the pilot flame is not ignited;

f. for a condenser that complies with LAC 33:V.1709.F.2.f.i, each period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of LAC 33:V.1713.B.4.c.v;

g. for a condenser that complies with LAC 33:V.1709.F.2.f.ii, each period when:

   i. temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of LAC 33:V.1713.B.4.c.v; or

   ii. temperature of the coolant fluid exiting the condenser is more than 6°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of LAC 33:V.1713.B.4.c.v;

h. for a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly on-site in the control device and complies with LAC 33:V.1709.F.2.g.i, each period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the carbon bed are more than 20 percent greater than the design exhaust vent stream organic compound concentration level established as a requirement of LAC 33:V.1713.B.4.c.v;

i. for a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly on-site in the control device and complies with LAC 33:V.1709.F.2.g.ii, each period when the vent

stream continues to flow through the control device beyond the predetermined carbon bed regeneration time established as a requirement of LAC 33:V.1713.B.4.c.vi;

5. explanation for each period recorded under LAC 33:V.1713.C.4 of the cause for the control device operating parameter exceeding the design value and the measures implemented to correct the control device operation;

6. for a carbon adsorption system operated subject to requirements specified in LAC 33:V.1709.G or H.2, the date when existing carbon in the control device is replaced with fresh carbon;

7. for a carbon adsorption system operated subject to requirements specified in LAC 33:V.1709.H.1, a log that records:

   a. date and time when the control device is monitored for carbon breakthrough and the monitoring device reading; and

   b. date when existing carbon in the control device is replaced with fresh carbon;

8. date of each control device start-up and shutdown;

9. an owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to LAC 33:V.1709.O shall record in a log that is kept in the facility operating record, the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of LAC 33:V.1709.O, an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component;

10. when each leak is detected as specified in LAC 33:V.1709.L, the following information shall be recorded:

a. the instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number;

b. the date the leak was detected and the date of first attempt to repair the leak;

c. the date of successful repair of the leak; and

d. maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A after it is successfully repaired or determined to be nonrepairable;

e. "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i. The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii. If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

D. Record Retention. Records of the monitoring, operating, and inspection information required by Subsection C.3-10 of this Section must be kept on site for three years following the date of each occurrence, measurement, maintenance, corrective action, or record.

E. Alternative Control Devices. For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the administrative authority will specify the appropriate recordkeeping requirements.

F. Log. Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in LAC 33:V.1707 including supporting documentation as required by LAC 33:V.1711.D.2 when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used, shall be recorded in a log that is kept in the facility operating record.

§1715. Reporting Requirements

A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the administrative authority by dates specified by the administrative authority. The report shall include the following information:

1. the Environmental Protection Agency identification number, name, and address of the facility; and

2. for each month during the semiannual reporting period, dates when the control device exceeded or operated outside of the design specifications as defined in LAC 33:V.1713.C.4 and as indicated by the control device monitoring required by LAC 33:V.1709.F and such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions as defined in LAC 33:V.1709.D and as determined by Method 22 monitoring, the duration and cause of each exceedance or visible emissions, and any corrective measures taken.

B. If, during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications as defined in LAC 33:V.1713.C.4 for more than 24 hours or a flare does not operate with visible emissions as defined in LAC 33:V.1709.D, a report to the administrative authority is not required.

Subchapter B. Equipment Leaks

§1717. Applicability

A. The regulations in this Subchapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501).

B. Except as provided in LAC 33:V.1743.K, this Subchapter applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

1. a unit that is subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43; or

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

Response

Equipment, per LAC 33:V.1703, is defined as each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange, or other connector and any control devices or systems required by this Chapter. Exide does not utilize such equipment containing or contacting hazardous wastes with organic concentrations of at least 10 percent by weight. Therefore, this subchapter does not apply.

C. For the owner or operator of a facility subject to the requirements of this Subchapter and who has received a final permit under RCRA section 3005 and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Subchapter must be incorporated when the permit is reissued under LAC 33:V.705 or reviewed under LAC 33:V.315. Until such date when the owner or operator receives a final permit incorporating the requirements of this Subchapter, the owner or operator is subject to the requirements of LAC 33:V.Chapter 43.Subchapter Q.

D. Each piece of equipment to which this Subchapter applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

E. Equipment that is in vacuum service is excluded from the requirements of LAC 33:V.1719-1735 if it is identified as required in LAC 33:V.1743.G.5.

F. Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of LAC 33:V.1719 - 1735 if it is identified, as required in LAC 33:V.1743.

[Note: The requirements of this Subchapter apply to equipment associated with hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D and 1501.C are not affected by these requirements.]

§1719. Standards: Pumps in Light Liquid Service

A. Monitoring

1. Each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in LAC 33:V.1741.B, except as provided in Subsections D, E, and F of this Section.

2. Each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

B. Leak Detection

1. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

2. If there are indications of liquids dripping from the pump seal, a leak is detected.

C. Repair

1. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.

2. A first attempt at repair (e.g., tightening the packing gland) shall be made no later than five calendar days after each leak is detected.

D. Dual Mechanical Seal Exemption. Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of LAC 33:V.1719.A provided the following requirements are met.

1. Operation and Equipment. Each dual mechanical seal system must be:

   a. operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

   b. equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of LAC 33:V.1735; or

   c. equipped with a system that purges the barrier fluid into a hazardous waste stream with no detectable emissions to the atmosphere.

2. Barrier Fluid System. The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

3. Barrier Fluid System Sensor. Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

4. Pump Inspection. Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.

5. Seal System and Sensor Function

a. Each sensor as described in LAC 33:V.1719.D.3 must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.

b. The owner or operator must determine, on the basis of design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

6. Leak Detection and Repair

a. If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both on the basis of the criterion determined in LAC 33:V.1719.D.5.b, a leak is detected.

b. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.

c. A first attempt at repair (e.g., relapping the seal) shall be made no later than five calendar days after each leak is detected.

E. No Detectable Emission Exemption. Any pump that is designated, as described in LAC 33:V.1743.G.2, for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of LAC 33:V.1719.A, C, and D if the pump meets the following requirements:

1. The pump must have no externally actuated shaft penetrating the pump housing.

2. The pump must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in LAC 33:V.1741.C.

3. The pump must be tested for compliance with LAC 33:V.1719.E.2 initially upon designation, annually, and at other times as requested by the administrative authority.

F. Closed Vent System Exemption. If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of LAC 33:V.1735, it is exempt from the requirements of LAC 33:V.1719.A-E.

§1721. Standards: Compressors

A. Equipment. Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in LAC 33:V.1721.H and I.

B. Seal System. Each compressor seal system as required in LAC 33:V.1721.A shall be:

1. operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure, or

2. equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of LAC 33:V.1735, or

3. equipped with a system that purges the barrier fluid into a hazardous waste stream with no detectable emissions to atmosphere.

C. Barrier Fluid System. The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.

D. Barrier Fluid System Sensor. Each barrier fluid system as described in LAC 33:V.1721.A-C shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

E. Seal System and Sensor Function

1. Each sensor as required in LAC 33:V.1721.D shall be checked daily or shall be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2. The owner or operator shall determine, on the basis of design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

F. Leak Detection. If the sensor indicates failure of the seal system, the barrier fluid system, or both on the basis of the criterion determined under LAC 33:V.1721.E.2, a leak is detected.

G. Leak Repair

1. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.

2. A first attempt at repair (e.g., tightening the packing gland) shall be made no later than five calendar days after each leak is detected.

H. Closed-Vent System Exemption. A compressor is exempt from the requirements of LAC 33:V.1721.A and B if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of LAC 33:V.1735, except as provided in LAC 33:V.1721.I.

I. No Detectable Emission Exemption. Any compressor that is designated, as described in LAC 33:V.1743.G.2, for no detectable emissions as indicated by an instrument reading of less than 500 ppm above background is exempt from the requirements of LAC 33:V.1721.A-H if the compressor:

1. is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in LAC 33:V.1741.C; and

2. is tested for compliance with LAC 33:V. 1721.I.1 initially upon designation, annually, and at other times as required by the administrative authority.

§1723. Standards: Pressure Relief Devices in Gas/Vapor Service

A. Operation. Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in LAC 33:V.1741.C.

B. Monitoring

1. After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than five calendar days after each pressure release, except as provided in LAC 33:V.1733.

2. No later than five calendar days after the pressure release, the pressure relief device shall be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in LAC 33:V.1741.C.

C. Exemption. Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in LAC 33:V.1735 is exempt from the requirements of LAC 33:V.1723.A and B.

§1725. Standards: Sampling Connection Systems

A. Each sampling connection system shall be equipped with a closed purge, closed loop, or closed-vent system. This system shall collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

B. Each closed-purge, closed loop, or closed-vent system, as required in Subsection A of this Section, shall meet one of the following requirements:

1. return the purged process fluid directly to the process line;

2. collect and recycle the purged process fluid; or

3. be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of LAC 33:V.1755-1759 or a control device that complies with the requirements of LAC 33:V.1735.

C. In situ sampling systems and sampling systems without purges are exempt from the requirements of Subsections A and B of this Section.

§1727. Standards: Open-Ended Valves or Lines

A. Equipment

1. Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.

2. The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.

B. Operation. Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the hazardous waste stream end is closed before the second valve is closed.

C. Compliance. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with LAC 33:V.1727.A at all other times.

§1729. Standards: Valves in Gas/Vapor Service or in Light Liquid Service

A. Monitoring, General. Each valve in gas/vapor or light liquid service shall be monitored monthly to detect leaks by the methods specified in LAC 33:V.1741.B and shall comply with LAC 33:V.1729.B-E, except as provided in LAC 33:V.1729.F, G, and H, and LAC 33:V.1737 and 1739.

B. Leak Detection. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

C. Monitoring Intervals

1. Any valve for which a leak is not detected for two successive months may be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.

2. If a leak is detected, the valve shall be monitored monthly until a leak is not detected for two successive months.

D. Repair, General

1. When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in LAC 33:V.1733.

2. A first attempt at repair shall be made no later than five calendar days after each leak is detected.

E. Repair Methods. First attempts at repair include, but are not limited to, the following best practices where practicable:

1. tightening of bonnet bolts;

2. replacement of bonnet bolts;

3. tightening of packing gland nuts; and

4. injection of lubricant into lubricated packing.

F. No Detectable Emission Exemption. Any valve that is designated, as described in LAC 33:V.1743.G.2, for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of LAC 33:V.1729.A if the valve:

1. has no external actuating mechanism in contact with the hazardous waste stream;

2. is operated with emissions less than 500 ppm above background as determined by the method specified in LAC 33:V.1741.C; and

3. is tested for compliance with LAC 33:V.1729.F.2 initially upon designation, annually, and at other times as requested by the administrative authority.

G. Unsafe-to-Monitor Exemption. Any valve that is designated, as described in LAC 33:V.1743.H.1, as an unsafe-to-monitor valve is exempt from the requirements of LAC 33:V.1729.A if:

1. the owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be

exposed to an immediate danger as a consequence of complying with LAC 33:V.1729.A; and

2. the owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

H. Difficult-to-Monitor Exemption. Any valve that is designated, as described in LAC 33:V.1743.H.2, as a difficult-to-monitor valve is exempt from the requirements of LAC 33:V.1729.A if:

1. the owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;

2. the hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and

3. the owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

§1731. Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors

A. Monitoring. Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors shall be monitored within five days by the method specified in LAC 33:V.1741.B if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

B. Leak Detection. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

C. Repair

1. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.

2. The first attempt at repair shall be made no later than five calendar days after each leak is detected.

D. Repair Methods. First attempts at repair include, but are not limited to, the best practices described under LAC 33:V.1729.E.

E. Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of Subsection A of this Section and from the recordkeeping requirements of LAC 33:V.1743.

§1733. Standards: Delay of Repair

A. Delay of repair of equipment for which leaks have been detected will be allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment shall occur before the end of the next hazardous waste management unit shutdown.

B. Delay of repair of equipment for which leaks have been detected will be allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.

C. Delay of repair for valves will be allowed if:

1. the owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair;

2. repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with LAC 33:V.1735.

D. Delay of repair for pumps will be allowed if:

1. repair requires the use of a dual mechanical seal system that includes a barrier fluid system;

2. repair is completed as soon as practicable, but not later than six months after the leak was detected.

E. Delay of repair beyond a hazardous waste management unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown will not be allowed unless the next hazardous waste management unit shutdown occurs sooner than six months after the first hazardous waste management unit shutdown.

§1735. Standards: Closed-Vent Systems and Control Devices

A. Owners or operators of closed-vent systems and control devices subject to this Subchapter shall comply with the provisions of LAC 33:V.1709.

1. The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subchapter on the effective date that the facility becomes subject to the provisions of this Subchapter must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subchapter for installation and start-up.

2. Any unit that begins operation after December 21, 1990, and is subject to the provisions of this Subchapter when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on start-up of the

affected unit); the 30-month implementation schedule does not apply.

3. The owner or operator of any facility in existence on the effective date of an EPA regulatory amendment that renders the facility subject to this Subchapter shall comply with all requirements of this Subchapter as soon as practicable, but no later than 30 months after the regulation's effective date. When control equipment required by this Subchapter can not be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: specific calendar dates for award or contracts or issuance of purchase orders for the control equipment; initiation of on-site installation of the control equipment; completion of the control equipment installation; and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subchapter. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

4. Owners and operators of facilities and units that become newly subject to the requirements of this Subchapter after December 8, 1997, due to an action other than those described in Subsection B.3 of this Section must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subchapter; the 30-month implementation schedule does not apply).

§1737. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

A. An owner or operator subject to the requirements of LAC 33:V.1729 may elect to have all valves within a hazardous waste management unit comply with an alternative standard that allows no greater than 2 percent of the valves to leak.

B. The following requirements shall be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of the valves to leak.

1. An owner or operator must notify the administrative authority that the owner or operator has elected to comply with the requirements of this Section.

2. A performance test as specified in LAC 33:V.1737.C shall be conducted initially upon designation, annually, and at other times requested by the administrative authority.

3. If a valve leak is detected, it shall be repaired in accordance with LAC 33:V.1729.D and E.

C. Performance tests shall be conducted in the following manner:

1. All valves subject to the requirements of LAC 33:V.1729 within the hazardous waste management unit shall be monitored within one week by the methods specified in LAC 33:V.1741.B.

2. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

3. The leak percentage shall be determined by dividing the number of valves subject to the requirements in LAC 33:V.1729 for which leaks are detected by the total number of valves subject to the requirements in LAC 33:V.1729 within the hazardous waste management unit.

D. If an owner or operator decides to comply with this Section no longer, the owner or operator must notify the administrative authority in writing that the work practice standard described in LAC 33:V.1729.A-E will be followed.

§1739. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

A. Alternative Work Practices

1. An owner or operator subject to the requirements of LAC 33:V.1729 may elect for all valves within a hazardous waste

management unit to comply with one of the alternative work practices specified in LAC 33:V.1739.B.2 and 3.

2. An owner or operator must notify the administrative authority before implementing one of the alternative work practices.

B. Leak Detection Skip Period

1. An owner or operator shall comply with the requirements for valves, as described in LAC 33:V.1729, except as described in LAC 33:V.1739.B.2 and 3.

2. After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., monitor for leaks once every six months) for the valves subject to the requirements in LAC 33:V.1729.

3. After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., monitor for leaks once every year) for the valves subject to the requirements in LAC 33:V.1729.

4. If the percentage of valves leaking is greater than two percent, the owner or operator shall monitor monthly in compliance with the requirements in LAC 33:V.1729, but may again elect to use this Section after meeting the requirements of LAC 33:V.1729.C.1.

§1741. Test Methods and Procedures

A. Each owner or operator subject to the provisions of this Subchapter shall comply with the test methods and procedures requirements provided in this Section.

B. Leak detection monitoring, as required in LAC 33:V.1719-1739, shall comply with the following requirements:

1. Monitoring shall comply with Reference Method 21 in LAC 33:III.6077.

2. The detection instrument shall meet the performance criteria of Reference Method 21.

3. The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4. Calibration gases shall be:

   a. zero air (less than 10 ppm of hydrocarbon in air); and

   b. a mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

5. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

C. When equipment is tested for compliance with no detectable emissions, as required in LAC 33:V.1719.E, 1721.I, 1723, and 1729.F, the test shall comply with the following requirements:

1. The requirements of LAC 33:V.1741.B.1-4 shall apply.

2. The background level shall be determined as set forth in Reference Method 21.

3. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

4. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

D. In accordance with the waste analysis plan required by LAC 33:V.1519.B, an owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

1. methods described in ASTM Methods D 2267-88, E 169-87, E 168-88, E 260-85, as incorporated by reference at LAC 33:V.110;

2. method 9060 or 8260 of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference at LAC 33:V.110; or

3. application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced. A waste determination by knowledge must be documented. Examples of documentation that shall be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same waste stream where it can also be documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

E. If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determinations can be revised only after following the procedures in LAC 33:V.1741.D.1 or 2.

F. When an owner or operator and the administrative authority do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in LAC 33:V.1741.D.1 or 2 can be used to resolve the dispute.

G. Samples used in determining the percentage organic content shall be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

H. To determine whether pumps or valves are in light liquid service, the vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D-2879-86, as incorporated by reference at LAC 33:V.110.

I. Performance tests to determine whether a control device achieves 95 weight percent organic emission reduction shall comply with the procedures of LAC 33:V.1711.C.1-4.

§1743. Recordkeeping Requirements

A. Compliance with Recordkeeping

1. Each owner or operator subject to the provisions of this Subchapter shall comply with the recordkeeping requirements of this Section.

2. An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subchapter may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

B. Facility Operating Record. Owners and operators must record the following information in the facility operating record.

1. For each piece of equipment to which LAC 33:V.Chapter 17, Subchapter B, applies:

a. equipment identification number and hazardous waste management unit identification;

b. approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);

c. type of equipment (e.g., a pump or pipeline valve);

d. percent-by-weight total organics in the hazardous waste stream at the equipment;

e. hazardous waste state at the equipment (e.g., gas/vapor or liquid); and

f. method of compliance with the standard (i.e., "monthly leak detection and repair" or "equipped with dual mechanical seals").

2. For facilities that comply with the provisions of LAC 33:V.1709.A.2, an implementation schedule as specified in LAC 33:V.1709.A.2.

3. Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in LAC 33:V.1713.B.3.

4. Documentation of compliance with LAC 33:V.1735, including the detailed design documentation or performance test results specified in LAC 33:V.1713.B.4.

C. Leak Detection. When each leak is detected as specified in LAC 33:V.1719, 1721, 1729, and 1731, the following requirements apply.

1. A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with LAC 33:V.1731.A, and the date the leak was detected, shall be attached to the leaking equipment.

2. The identification on equipment, except on a valve, may be removed after it has been repaired.

3. The identification on a valve may be removed after it has been monitored for two successive months as specified in LAC 33:V.1729.C, and no leak has been detected during those two months.

D. Inspection Log. When each leak is detected as specified in LAC 33:V.1719, 1721, 1729, and 1731, the following information shall be recorded in an inspection log and shall be kept in the facility operating record:

1. the instrument and operator identification numbers and the equipment identification number;

2. the date evidence of a potential leak was found in accordance with LAC 33:V.1731.A;

3. the date the leak was detected and the dates of each attempt to repair the leak;

4. repair methods applied in each attempt to repair the leak;

5. "above 10,000" if the maximum instrument reading measured by the methods specified in LAC 33:V.1741.B after each repair attempt is equal to or greater than 10,000 ppm;

6. "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak;

7. documentation supporting the delay of repair of a valve in compliance with LAC 33:V.1733.C;

8. the signature of the owner or operator (or the designee authorized by the owner or operator in writing in the operating record) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown;

9. the expected date of successful repair of the leak if a leak is not repaired within 15 calendar days; and

10. the date of successful repair of the leak.

E. Design Documentation and Monitoring, Operating, and Inspection Information. Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of LAC 33:V.1735 shall be recorded and kept up-to-date in the facility operating record as specified in LAC 33:V.1713.C. Design documentation is specified in LAC 33:V.1713.C.1 and 2, and monitoring, operating, and inspection information in LAC 33:V.1713.C.3-8.

F. Control Device Exemptions. For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the administrative authority will specify the appropriate recordkeeping requirements.

G. Equipment Information Log. The following information pertaining to all equipment subject to the requirements in LAC 33:V.1719-1735 shall be recorded in a log that is kept in the facility operating record.

1. Identification Numbers: General. A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subchapter shall be kept in the log.

2. Identification Numbers: No Detectable Emission Equipment

a. A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of LAC 33:V.1719.E, 1721.I, and 1729.F, shall be kept in the log.

b. The designation of this equipment as subject to the requirements of LAC 33:V.1719.E, 1721.I, or 1729.F shall be signed by the owner or operator.

3. Identification Numbers: Pressure Relief Devices. A list of equipment identification numbers for pressure relief devices required to comply with LAC 33:V.1723.A shall be kept in the log.

4. Compliance Test. The following compliance test information shall be included:

   a. the dates of each compliance test required in LAC 33:V.1719.E, 1721.I, 1723, and 1729.F;

   b. the background level measured during each compliance test; and

   c. the maximum instrument reading measured at the equipment during each compliance test.

5. Identification Numbers: Equipment in Vacuum Service. A list of identification numbers for equipment in vacuum service shall be kept in the log.

6. Identification. Either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.

H. Identification Numbers: Valves. The following information pertaining to all valves subject to the requirements of LAC 33:V.1729.G and H shall be recorded in a log that is kept in the facility operating record:

1. a list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve; and

2. a list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

I. Valve Information Log. The following information shall be recorded in the facility operating record for valves complying with LAC 33:V.1739:

1. a schedule of monitoring; and

2. the percentage of valves found leaking during each monitoring period.

J. Pump Seal System Information Log. The following information shall be recorded in a log that is kept in the facility operating record:

1. criteria required in LAC 33:V.1719.D.5.b and 1721.E.2 and an explanation of the design criteria; and

2. any changes to these criteria and the reasons for the changes.

K. Exemption Log. The following information shall be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in the applicability Section of this Subchapter and other specific Subchapters.

1. An analysis determining the design capacity of the hazardous waste management unit shall be recorded in the log.

2. A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in LAC 33:V.1719-1735 and an analysis determining whether these hazardous wastes are heavy liquids shall be recorded in the log.

3. An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in LAC 33:V.1719-1735 shall be recorded in the log. The record shall include supporting documentation as required in LAC 33:V.1741.D.3 when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that

produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in LAC 33:V.1719-1735, then a new determination is required.

L. Record Retention Period for Equipment Leak Information. Records of the equipment leak information required by LAC 33:V.1743.D and the operating information required by LAC 33:V.1743.E must be kept for three years.

M. The owner or operator of a facility with equipment that is subject to this Subchapter and to regulations at 40 CFR part 60, part 61, or part 63 may elect to determine compliance with this Subchapter by documentation either in accordance with this Section or by documentation of compliance with the regulations at 40 CFR part 60, part 61, or part 63 in accordance with the relevant provisions of the regulations at 40 CFR part 60, part 61, or part 63 . The documentation of compliance under the regulation at 40 CFR part 60, part 61, or part 63 shall be kept with or made readily available with the facility operating record.

§1745. Reporting Requirements

A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the administrative authority by dates specified by the administrative authority. The report shall include the following information.

1. The Environmental Protection Agency identification number, name, and address of the facility shall be included.

2. For each month during the semiannual reporting period, the following shall be included:

a. the equipment identification number of each valve for which a leak was not repaired as required in LAC 33:V.1729.D;

b. the equipment identification number of each pump for which a leak was not repaired as required in LAC 33:V.1719.C and D.6; and

c. the equipment identification number of each compressor for which a leak was not repaired as required in LAC 33:V.1721.G.

3. Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period shall be included.

4. For each month during the semiannual reporting period, dates when the control device installed as required by LAC 33:V.1719, 1721, 1723, or 1725 exceeded or operated outside of the design specifications as defined in LAC 33:V.1743.E and as indicated by the control device monitoring required by LAC 33:V.1735 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken shall be included.

B. If, during the semiannual reporting period, leaks from valves, pumps, and compressors are repaired as required in LAC 33:V.1729.D, LAC 33:V.1719.C and D.6, and LAC 33:V.1721.G, respectively, and the control device does not exceed or operate outside of the design specifications as defined LAC 33:V.1743.E for more than 24 hours, a report to the administrative authority is not required.

Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers

§1747. Applicability

A. The requirements of this Subchapter apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either Chapter 19, 21, or 29, except as LAC 33:V.1501 and Subsection B of this Section provide otherwise.

Response

Exide does not have tanks or surface impoundments which contain hazardous wastes; therefore, these portions of this subchapter do not apply. Exide does store containers (55-gallon drums and batteries) subject to Chapter 21 and those portions of this subchapter do apply.

B. The requirements of this Subchapter do not apply to the following waste management units at the facility:

1. a waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

2. a container that has a design capacity less than or equal to 0.1 m^3;

3. a tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;

4. a surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;

5. a waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h), CERCLA authorities, or similar state authorities;

6. a waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act;

7. **a hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this Paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of LAC 33:V.1755.I, except as provided in LAC 33:V.1751.C.5; and**

8. **a tank that has a process vent as defined in LAC 33:V.1703.**

Response

Exide does not have any tanks, containers, or surface impoundments that meet these criteria; therefore, these portions of this subchapter do apply for the drums and batteries stored at the Baton Rouge smelter.

C. **For the owner and operator of a facility subject to this Chapter and who received a final permit under RCRA section 3005 and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Chapter must be incorporated into the permit when the permit is reissued in accordance with the requirements of LAC 33:V.705 or reviewed in accordance with the requirements of LAC 33:V.315. Until such date when the permit is reissued in accordance with the requirements of LAC 33:V.705 or reviewed in accordance with the requirements of LAC 33:V.315, the owner and operator are subject to the requirements of LAC 33:V.Chapter 43.Subchapter V.**

Response

Exide acknowledges this citiation and will comply. The requirements of this Chapter have been incorporated into this permit renewal application.

D. **The requirements of this Subchapter, except for the recordkeeping requirements specified in LAC 33:V.1765.I, are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:**

1. **the owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent —O—O— structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical;**

2. **the owner or operator prepares documentation, in accordance with the requirements of LAC 33:V.1765.I, explaining why an undue safety hazard would be created if air emission controls specified in LAC 33:V.1755-1761 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section; and**

3. **the owner or operator notifies the administrative authority, in writing, that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section are managed at the facility in tanks or containers meeting the conditions of Subsection D.2 of this Section. The notification shall state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.**

Response

Exide does not manufacture organic peroxides and the requirements of these citations do not apply.

§1749. Definitions

As used in this Chapter, all terms shall have the meaning given to them in LAC 33:V.1703 and 109.

Response

Exide acknowledges this citation.

§1751. Standards: General

A. This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subchapter.

Response

Exide stores hazardous wastes in containers (55-gallon drums) which are subject to the requirements of this subchapter. Exide does not manage hazardous wastes in tanks or surface impoundments and those requirements of this subchapter do not apply.

B. The owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with standards specified in LAC 33:V.1755-1761, as applicable to the hazardous waste management unit, except as provided for in Subsection C of this Section.

Response

Exide acknowledges this citation and will comply.

C. A tank, surface impoundment, or container is exempt from standards specified in LAC 33:V.1755-1761, as applicable, provided that the waste management unit is one of the following:

1. a tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in LAC 33:V.1753.A. The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit;

2. a tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

   a. a process that removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_t) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

   b. a process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in LAC 33:V.1753.B;

   c. a process that removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

   d. a biological process that destroys or degrades the organics contained in the hazardous waste, such that either of the following conditions is met:

i. the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in LAC 33:V.1753.B; or

ii. the total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

e. a process that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i. from the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units that use air emission controls in accordance with the standards specified in LAC 33:V.1755-1761, as applicable to the waste management unit;

ii. from the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems to be a closed system; and

iii. the average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in LAC 33:V.1753.A. The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in LAC 33:V.1753.B;

f. a process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in LAC 33:V.1753.A and B, respectively;

g. a hazardous waste incinerator for which the owner or operator has either:

i. been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 31; or

ii. designed and operates the incinerator in accordance with the interim status requirements of LAC 33:V.Chapter 43.Subchapter N;

h. a boiler or industrial furnace for which the owner or operator has either:

i. been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 30; or

ii. designed and operates the boiler or industrial furnace in accordance with the interim status requirements of LAC 33:V.Chapter 30;

i. for the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of Subsection C.2.a-f of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i. if Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR 60, appendix A, or a value of 25 ppmw, whichever is less; or

ii. if any other analytical method is used, one-half the limit of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m^3] at 25°C;

3. a tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Subsection C.2.d of this Section;

4. a tank, surface impoundment, or container for which all hazardous waste placed in the unit either:

a. meets the numerical concentration limits for organic hazardous constituents applicable to the hazardous waste, as specified in LAC 33:V.Chapter 22.Table 2 "Treatment Standards for Hazardous Waste"; or

b. **the organic hazardous constituents in the waste have been treated by the treatment technology established by the EPA for the waste in LAC 33:V.2227.A or have been removed or destroyed by an equivalent method of treatment approved by the department in accordance with LAC 33:V.2227.B;**

5. **a tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:**

   a. **the tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61, subpart FF—National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year;**

   b. **the enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and**

   c. **the enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure annually.**

<u>Response</u>

Exide does not have any waste management units which meet the above criteria with the exception of LAC 33:V.1751.C.1. However, Exide is not claiming the exemption provided in LAC 33:V.1751.C.1; therefore, this

section does not apply. Exide will comply with the provisions of this section and LAC 33:V.1755-1761 including when containers that meet the specifications of this exemption.

D. The administrative authority may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of this Section as follows:

1. the waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of LAC 33:V.1753.A. The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of LAC 33:V.1753.B;

Response

Exide acknowledges and understands this requirement.

2. in performing a waste determination in accordance with Subsection D.1 of this Section, the sample preparation and analysis shall be conducted as follows:

a. in accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in Subsection D.2.b of this Section; and

b. if the administrative authority determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the administrative authority may choose an appropriate method;

Response

Exide acknowledges and understands this requirement.

3. in a case when the owner or operator is requested to perform the waste determination, the administrative authority may elect

to have an authorized representative observe the collection of the hazardous waste samples used for the analysis;

Response
Exide acknowledges and understands this requirement.

4. **in a case when the results of the waste determination performed or requested by the administrative authority do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of Subsection D.1 of this Section shall be used to establish compliance with the requirements of this Subchapter;**

Response
Exide acknowledges and understands this requirement.

5. **in a case when the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the administrative authority may elect to establish compliance with this Subchapter by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:**

   a. **the average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of LAC 33:V.1753.A;**

      Response
      Exide acknowledges and understands this requirement.

   b. **results of the waste determination performed or requested by the administrative authority showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subchapter, except in a case as provided for in Subsection D.5.c of this Section; and**

Response
Exide acknowledges and understands this requirement.

c. **for the case when the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw, but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of LAC 33:V.1753.A and 1765 shall be considered by the administrative authority together with the results of the waste determination performed or requested by the administrative authority in establishing compliance with this Subchapter.**

Response
Exide acknowledges and understands this requirement.

§1753. Waste Determination Procedures

A. **Waste Determination Procedure to Determine Average Volatile Organic (VO) Concentration of a Hazardous Waste at the Point of Waste Origination**

1. **An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.1 from using air emission controls in accordance with standards specified in LAC 33:V.4727, as applicable to the waste management unit.**

a. **An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.1 from using**

air emission controls, and thereafter, an initial determination of the average VO concentration of the waste stream shall be made for each averaging period that a hazardous waste is managed in the unit.

b. Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in LAC 33:V.1751.

Response
Exide is not claiming the exemption provided in LAC 33:V.1751.C.1; therefore, this section does not apply and waste determination is not required. Exide will comply with the provisions of this section and LAC 33:V.1755-1761 if containers are handled that meet the specifications of the exemption provided in LAC 33:V.1751.C.1.

2. For a waste determination that is required by Subsection A.1 of this Section, the average VO concentration of a hazardous waste at the point of waste origination shall be determined in accordance with the procedures specified in LAC 33:V.4727.A.2 - 4.

Response
Exide is not claiming the exemption provided in LAC 33:V.1751.C.1; therefore, this section does not apply and waste determination is not required.

B. Waste Determination Procedures for Treated Hazardous Waste

1. An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in waste management units exempted under the provisions of LAC 33:V.1751.C.2.a-f from using air emission controls in accordance with standards specified in LAC 33:V.1755-1761, as applicable to the waste management unit.

a. An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the treated waste stream is

placed in the exempt waste management unit, and thereafter, the information used for the waste determination shall be updated at least once every 12 months following the date of the initial waste determination.

b. Perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level such that the applicable treatment conditions specified in LAC 33:V.1751.C.2 are not achieved.

Response

Exide is not claiming the exemption provided in LAC 33:V.1751.C.2.a-f; therefore, this section does not apply.

2. The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in LAC 33:V.4727, as applicable to the treated hazardous waste.

C. Procedure to Determine the Maximum Organic Vapor Pressure of a Hazardous Waste in a Tank

1. An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in LAC 33:V.1755.C.

2. The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in LAC 33:V.4727.

Response

Exide does not store hazardous waste in tanks; therefore, this section is not applicable.

D. The procedure for determining no detectable organic emissions for the purpose of complying with this Subchapter shall be conducted in accordance with the procedures specified in LAC 33:V.4727.

Response
Exide understands and will comply with this provision.

§1755. Standards: Tanks

A. The provisions of this Section apply to the control of air pollutant emissions from tanks for which LAC 33:V.1751.B references the use of this Section for such air emission control.

Response
Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this Section does not apply.

B. The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1. for a tank that manages hazardous waste that meets all of the conditions specified in Subsection B.1.a-c of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in Subsection C of this Section or the Tank Level 2 controls specified in Subsection D of this Section:

a. the hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

i. for a tank design capacity equal to or greater than 151 m^3, the maximum organic vapor pressure limit for the tank is 5.2 kPa;

ii. for a tank design capacity equal to or greater than 75 m^3, but less than 151 m^3, the maximum organic vapor pressure limit for the tank is 27.6 kPa;

iii. for a tank design capacity less than 75 m^3, the maximum organic vapor pressure limit for the tank is 76.6 kPa;

b. the hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with Subsection B.1.a of this Section; and

c. the hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in LAC 33:V.4721; and

2. for a tank that manages hazardous waste that does not meet all of the conditions specified in Subsection B.1.a-c of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of Subsection D of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in Subsection B.1.a of this Section.

C. Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in Subsection C.1-4 of this Section:

1. the owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure shall be determined using the procedures specified in LAC 33:V.1753.C. Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in Subsection B.1.a of this Section, as applicable to the tank;

2. the tank shall be equipped with a fixed roof designed to meet the following specifications:

a. the fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch);

b. the fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall;

c. each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be either:

i. equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii. connected by a closed-vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and shall be operating whenever hazardous waste is managed in the tank, except as follows:

(a). during periods when it is necessary to provide access to the tank for performing the activities of Subsection C.2.c.ii.(b) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the

cover, as applicable, and resume operation of the control device; or

(b). during periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank;

d. the fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed;

3. whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:

a. opening of closure devices or removal of the fixed roof is allowed at the following times:

i. to provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank;

ii. to remove accumulated sludge or other residues from the bottom of the tank;

b. opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations;

c. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;

4. the owner or operator shall inspect the air emission control equipment in accordance with the following requirements:

a. the fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

b. the owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section.

Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in Subsection L of this Section;

c. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

d. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B.

D. Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

1. a fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in Subsection E of this Section;

2. a tank equipped with an external floating roof in accordance with the requirements specified in Subsection F of this Section;

3. a tank vented through a closed-vent system to a control device in accordance with the requirements specified in Subsection G of this Section;

4. a pressure tank designed and operated in accordance with the requirements specified in Subsection H of this Section; or

5. a tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in Subsection I of this Section.

E. The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in Subsection E.1-3 of this Section.

1. the tank shall be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

   a. the internal floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports;

   b. the internal floating roof shall be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

      i. a single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in LAC 33:V.4721; or

      ii. two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal;

   c. the internal floating roof shall meet the following specifications:

      i. each opening in a noncontact internal floating roof, except for automatic bleeder vents (vacuum breaker vents) and the rim space vents, is to provide a projection below the liquid surface;

      ii. each opening in the internal floating roof shall be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains;

      iii. each penetration of the internal floating roof for the purpose of sampling shall have a slit fabric cover that covers at least 90 percent of the opening;

iv. each automatic bleeder vent and rim space vent shall be gasketed;

v. each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover; and

vi. each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover;

2. the owner or operator shall operate the tank in accordance with the following requirements:

a. when the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be completed as soon as practical;

b. automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports; and

c. prior to filling the tank, each cover, access hatch, gauge float well, or lid on any opening in the internal floating roof shall be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting;

3. the owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

a. the floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal

floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous waste surface from the atmosphere; or the slotted membrane has more than 10 percent open area;

b. the owner or operator shall inspect the internal floating roof components as follows, except as provided in Subsection E.3.c of this Section:

i. visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill; and

ii. visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years;

c. as an alternative to performing the inspections specified in Subsection E.3.b of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 5 years;

d. prior to each inspection required by Subsection E.3.b or c of this Section, the owner or operator shall notify the administrative authority in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:

i. prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in Subsection E.3.d.ii of this Section;

ii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the administrative authority as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank;

e. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

f. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B.

4. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any tank complying with the requirements of Subsection E of this Section.

F. The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in Subsection F.1-3 of this Section.

1. the owner or operator shall design the external floating roof in accordance with the following requirements:

a. the external floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports;

b. the floating roof shall be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal;

i. the primary seal shall be a liquid-mounted seal or a metallic shoe seal, as defined in LAC 33:V.4721. The total area of the gaps between the tank wall and the primary seal shall not exceed 212 square centimeters (cm^2) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal shall be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface; and

ii. the secondary seal shall be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal shall not exceed 21.2 square centimeters (cm^2) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 1.3 centimeters (cm); and

c. the external floating roof shall meet the following specifications:

i. except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening

in a noncontact external floating roof shall provide a projection below the liquid surface;

ii. except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid;

iii. each access hatch and each gauge float well shall be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position;

iv. each automatic bleeder vent and each rim space vent shall be equipped with a gasket;

v. each roof drain that empties into the liquid managed in the tank shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening;

vi. each unslotted and slotted guide pole well shall be equipped with a gasketed sliding cover or a flexible fabric sleeve seal;

vii. each unslotted guide pole shall be equipped with a gasketed cap on the end of the pole;

viii. each slotted guide pole shall be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere; and

ix. each gauge hatch and each sample well shall be equipped with a gasketed cover;

2. the owner or operator shall operate the tank in accordance with the following requirements:

a. when the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be completed as soon as practical;

b. except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be secured and maintained in a closed position at all times except when the closure device must be open for access;

c. covers on each access hatch and each gauge float well shall be bolted or fastened when secured in the closed position;

d. automatic bleeder vents shall be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports;

e. rim space vents shall be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting;

f. the cap on the end of each unslotted guide pole shall be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank;

g. the cover on each gauge hatch or sample well shall be secured in the closed position at all times except when the hatch or well must be opened for access; and

h. both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections;

3. the owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:

a. the owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

i. the owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years;

ii. the owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year;

iii. if a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank shall be considered an initial operation for the purposes of Subsection F.3.a.i and ii of this Section;

iv. the owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the following procedure:

(a). the seal gap measurements shall be performed at one or more floating roof levels when the roof is floating off the roof supports;

(b). seal gaps, if any, shall be measured around the entire perimeter of the floating roof in each place where a 0.32-centimeter (cm) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location;

(c). for a seal gap measured under Subsection F.3 of this Section, the gap surface area shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance;

(d). the total gap area shall be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type as specified in Subsection F.1.b of this Section.

v. in the event that the seal gap measurements do not conform to the specifications in Subsection F.1.b of this Section, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

vi. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;

b. the owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

i. the floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure

devices; and broken or missing hatches, access covers, caps, or other closure devices;

ii. the owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in Subsection L of this Section;

iii. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

iv. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;

c. prior to each inspection required by Subsection F.3.a or F.3.b of this Section, the owner or operator shall notify the administrative authority in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:

i. prior to each inspection to measure external floating roof seal gaps as required under Subsection F.3.a of this Section, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before the date the measurements are scheduled to be performed;

ii. prior to each visual inspection of an external floating roof in a tank that has been emptied and

degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in Subsection F.3.c.iii of this Section; and

iii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the administrative authority as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation stating why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank.

4. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any tank complying with the requirements of Subsection F of this Section.

G. The owner or operator who controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in Subsection G.1-3 of this Section:

1. the tank shall be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

a. the fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the tank;

b. each opening in the fixed roof not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed

roof is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions;

c. the fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed; and

d. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761;

2. whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

a. venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i. to provide access to the tank for performing routine inspection, maintenance, or other

activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank; and

ii. to remove accumulated sludge or other residues from the bottom of a tank;

b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;

3. the owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

a. the fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

b. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1761;

c. the owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the

special conditions provided for in Subsection L of this Section;

d. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

e. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;

H. The owner or operator who controls air pollutant emissions by using a pressure tank shall meet the following requirements:

1. the tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity;

2. all tank openings shall be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in LAC 33:V.1753.D; and

3. whenever a hazardous waste is in the tank, the tank shall be operated as a closed system that does not vent to the atmosphere except under either of the following conditions as specified in Subsection H.3.a and b of this Section:

a. at those times when opening of a safety device, as defined in LAC 33:V.1703, is required to avoid an unsafe condition; or

b. at those times when purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of LAC 33:V.1761.

I. The owner or operator who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed

combustion control device shall meet the requirements specified in Subsection I.1-4 of this Section:

1. the tank shall be located inside an enclosure. The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure initially when the enclosure is first installed and, thereafter, annually;

2. the enclosure shall be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in LAC 33:V.1761;

3. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of Subsection I.1 and 2 of this Section; and

4. the owner or operator shall inspect and monitor the closed-vent system and control device as specified in LAC 33:V.1761.

J. The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1. transfer of hazardous waste, except as provided in Subsection J.2 of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to LAC 33:V.1757 shall be conducted using continuous hard-piping or

another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems; and

2. the requirements of Subsection J.1 of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

   a. the hazardous waste meets the average VO concentration conditions specified in LAC 33:V.1751.C.1 at the point of waste origination;

   b. the hazardous waste has been treated by an organic destruction or removal process to meet the requirements in LAC 33:V.1751.C.2; or

   c. the hazardous waste meets the requirements of LAC 33:V.1751.C.4.

K. The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of Subsection C.4, E.3, F.3, or G.3 of this Section as follows:

1. the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible, but no later than 45 calendar days after detection, except as provided in Subsection K.2 of this Section; and

2. repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the

defect shall be completed before the process or unit resumes operation.

L. Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subchapter, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1. in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

a. prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and

b. develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable section of this Subchapter, as frequently as practicable during those times when a worker can safely access the cover; and

2. in the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

§1757. Standards: Surface Impoundments

A. The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which LAC 33:V.1751.B references the use of this Section for such air emission control.

Response
Exide has no surface impoundments; therefore, this section does not apply.

B. The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:

1. a floating membrane cover in accordance with the provisions specified in Subsection C of this Section; or

2. a cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in Subsection D of this Section.

C. The owner or operator who controls air pollutant emissions from a surface impoundment using a floating membrane cover shall meet the requirements specified in Subsection C.1-3 of this Section.

1. the surface impoundment shall be equipped with a floating membrane cover designed to meet the following specifications:

a. the floating membrane cover shall be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid;

b. the cover shall be fabricated from a synthetic membrane material that is either:

i. high density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm); or

ii. a material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in Subsection C.1.b.i of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material;

c. the cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings;

d. except as provided for in Subsection C.1.e of this Section, each opening in the floating membrane cover shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device;

e. the floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal; and

f. the closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed;

2. whenever a hazardous waste is in the surface impoundment, the floating membrane cover shall float on the liquid and each closure device shall be secured in the closed position except as follows:

a. opening of closure devices or removal of the cover is allowed at the following times:

i. to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable; and

ii. to remove accumulated sludge or other residues from the bottom of the surface impoundment; and

b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition; and

3. the owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

a. the floating membrane cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices; and

b. the owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection G of this Section;

c. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection F of this Section; and

d. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.C.

D. The owner or operator who controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in Subsection D.1-3 of this Section.

1. the surface impoundment shall be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

a. the cover and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment;

b. each opening in the cover not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions using the procedure specified in LAC 33:V.1753.D;

c. the cover and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life.

Factors to be considered when selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed; and

d. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761;

2. whenever a hazardous waste is in the surface impoundment, the cover shall be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

a. venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i. to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment; and

ii. to remove accumulated sludge or other residues from the bottom of the surface impoundment;

b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;

3. the owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

   a. the surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

   b. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1761;

   c. the owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection G of this Section;

   d. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection F of this Section; and

   e. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.C.

E. The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

1. transfer of hazardous waste, except as provided in Subsection E.2 of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to LAC 33:V.1755 shall be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR part 63, subpart RR□National Emission Standards for Individual Drain Systems; and

2. the requirements of Subsection E.1 of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:

   a. the hazardous waste meets the average VO concentration conditions specified in LAC 33:V.1751.C.1 at the point of waste origination;

   b. the hazardous waste has been treated by an organic destruction or removal process to meet the requirements in LAC 33:V.1751.C.2;

   c. the hazardous waste meets the requirements of LAC 33:V.1751.C.4.

F. The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of Subsection C.3 or D.3 of this Section:

1. the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible, but no later than 45 calendar days, after detection except as provided in Subsection F.2 of this Section;

2. repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available

at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

G. Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subchapter, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

1. prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and

2. develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable section of this Subchapter as frequently as practicable during those times when a worker can safely access the cover.

§1759. Standards: Containers

A. The provisions of this Section apply to the control of air pollutant emissions from containers for which LAC 33:V.1751.B references the use of this Section for such air emission control.

Response
Exide stores hazardous waste in DOT-approved 55-gallon drums in the K069/D008 container storage area and spent lead-acid batteries at the Whole Battery Storage Area and Truck/Trailer Storage Area. Exide also operates an air handling and treatment system as part of operations at the Containment Building. A schematic drawing of the air handling system is provided as Figure 10.

B. General Requirements

1. The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with

the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in Subsection B.2 of this Section apply to the container:

a. for a container having a design capacity greater than 0.1 m^3 and less than or equal to 0.46 m^3, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Subsection C of this Section;

Response
Exide stores hazardous wastes in containers with design capacities greater than 0.1 m^3 and less than or equal to 0.46 m^3. Air pollutant emissions from these containers will be controlled per Level 1 standards.

b. for a container having a design capacity greater than 0.46 m^3 that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Subsection C of this Section; and

c. for a container having a design capacity greater than 0.46 m^3 that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in Subsection D of this Section.

2. When a container having a design capacity greater than 0.1 m^3 is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in Subsection E of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

Response

As Exide does not use containers of any size for treatment of hazardous waste, therefore Level 3 standards do not apply.

C. Container Level 1 Standards

1. A container using Container Level 1 controls is one of the following:

   a. a container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation, as specified in Subsection F of this Section;

   b. a container equipped with a cover and closure devices that form a continuous barrier over the container openings such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap);

   c. an open-top container in which an organic-vapor-suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor-suppressing foam.

   Response

   Hazardous waste is stored in DOT-approved 55 gallon drums with lids.

2. A container used to meet the requirements of Subsection C.1.b or c of this Section shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to

be considered in selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

Response

Exide does not use containers to meet the requirements of subsection C.1.b or c of this section.

3. Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

a. opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i. in the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation; and

ii. in the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be added to the container within 15 minutes, the person performing the loading operation leaving the immediate vicinity of the container, or the shutdown of the process generating the material

being added to the container, whichever condition occurs first;

Response

Containers (i.e., 55 gallon drums) holding hazardous wastes are kept closed during storage except when adding or removing waste. Container storage areas are inspected for open containers and noted on an inspection form. An example inspection form has been included with the Inspection Plan and Schedule in Appendix 5.

b. opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i. for the purpose of meeting the requirements of this Section an empty container, as defined in LAC 33:V.109, may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container);

ii. in the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in LAC 33:V.109, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

Response

Containers holding hazardous wastes are kept closed during storage except when adding or removing waste.. Container storage areas are inspected for open containers and noted on an inspection form. An example inspection form has been included with the Inspection Plan and Schedule in Appendix 5.

c. **opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;**

Response

Exide acknowledges and understands this requirement.

d. **opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations; and**

Response

Exide acknowledges and understands this requirement.

e. **opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition.**

Response

Exide acknowledges and understands this requirement.

4. **The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:**

   a. **in the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in LAC 33:V.109), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the LAC 33:V.Chapter 17.Subchapter C container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Section). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (EPA Forms 8700-22 and 8700-22A, DEQ Form HW-3), as required under LAC 33:V.905. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection C.4.c of this Section;**

   b. **in the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and, thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection C.4.c of this Section;**

c. **when a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible, but no later than five calendar days, after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.**

Response

Exide will comply with these requirements. Weekly inspections of the container storage areas, K069 container storage area, and the 90-day nickel-cadmium batteries in drums, , are performed. The inspection form (provided in the Inspection Plan, Appendix 5) includes the inspection of specific items at each hazardous waste unit. Any defect noted during the inspection will be repaired as soon as possible, but no later than five calendar days after detection.

5. **The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with a capacity of 0.46 m^3 or greater, which do not meet applicable DOT regulations as specified in Subsection F of this Section, are not managing hazardous waste in light material service.**

Response

Exide does not typically handle containers with a capacity of 0.46 m^3 or greater. Exide will comply with this requirement if such a container is handled.

D. **Container Level 2 Standards**

1. **A container using Container Level 2 controls is one of the following:**

a. **a container that meets the applicable DOT regulations on packaging hazardous materials for transportation, as specified in Subsection F of this Section;**

b. **a container that operates with no detectable organic emissions as defined in LAC 33:V.4721 and determined**

in accordance with the procedure specified in Subsection G of this Section;

c. a container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR part 60, appendix A, Method 27 in accordance with the procedure specified in Subsection H of this Section.

Response

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

2. Transfer of hazardous waste in or out of a container using Container Level 2 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this Paragraph include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container, a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations, or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

Response

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

3. Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container and secure and maintain each closure device in the closed position except as follows:

a. opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i. in the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation;

ii. in the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be added to the container within 15 minutes, the person performing the loading operation leaving the immediate vicinity of the container, or the shutdown of the process generating the material being added to the container, whichever condition occurs first;

b. opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i. for the purpose of meeting the requirements of this Section an empty container, as defined in LAC 33:V.109, may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container);

ii. in the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in LAC 33:V.109, the owner or operator shall promptly secure the

closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

c. opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;

d. opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations;

e. **opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition.**

Response

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

4. **The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:**

a. **in the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in LAC 33:V.109), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the LAC 33:V.Chapter 17.Subchapter C container standards of this Section). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (EPA Forms 8700-22 and 8700-22A, DEQ Form HW-3), as required under LAC 33:V.905. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection D.4.c of this Section;**

b. **in the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and, thereafter, at least once every 12 months, to**

check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection D.4.c of this Section;

c. when a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible, but no later than five calendar days, after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.

Response

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

E. Container Level 3 Standards

1. A container using Container Level 3 controls is one of the following:

a. a container that is vented directly through a closed-vent system to a control device in accordance with the requirements of Subsection E.2.b of this Section;

b. a container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of Subsection E.2.a and b of this Section.

Response

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

2. **The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:**

   a. **the container enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure initially when the enclosure is first installed and, thereafter, annually; and**

   b. **the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761.**

      Response

      Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

3. **Safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of Subsection E.1 of this Section.**

   Response

   Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

4. **Owners and operators using Container Level 3 controls in accordance with the provisions of this Subchapter shall**

inspect and monitor the closed-vent systems and control devices as specified in LAC 33:V.1761.

Response

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

5. **Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subchapter shall prepare and maintain the records specified in LAC 33:V.1765.D.**

Response

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

6. **Transfer of hazardous waste in or out of a container using container level 3 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the department considers to meet the requirements of this Paragraph include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.**

Response

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

F. **For the purpose of compliance with Subsection C.1.a or D.1.a of this Section, containers shall be used that meet the applicable DOT regulations on packaging hazardous materials for transportation as follows:**

1. **the container meets the applicable requirements specified in 49 CFR part 178—Specifications for Packaging or 49 CFR part 179—Specifications for Tank Cars;**

   Response

   Exide acknowledges and understands this requirement. Only DOT-approved 55-gallon drums are used for waste storage.

2. **hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR part 107, subpart B—Exemptions; 49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR part 173—Shippers—General Requirements for Shipments and Packages; and 49 CFR part 180—Continuing Qualification and Maintenance of Packagings;**

   Response

   Exide acknowledges and understands this requirement.

3. **for the purpose of complying with this Subchapter, no exceptions to the 49 CFR part 178 or part 179 regulations are allowed except as provided for in Subsection F.4 of this Section; and**

   Response

   Exide acknowledges and understands this requirement.

4. **for a lab pack that is managed in accordance with the requirements of 49 CFR part 178 for the purpose of complying with this Subchapter, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).**

   Response

   Exide acknowledges and understands this requirement.

G. **To determine compliance with the detectable organic emissions requirement of Subsection D.1.b of this Section, the procedure specified in LAC 33:V.1753.D shall be used.**

1. **Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, shall be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the interface of the cover rim and the container wall, the periphery of any opening on the container or container cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure-relief valve.**

   Response

   Subsection D.1.b pertaining to Level 2 control is not applicable; therefore, this section is not applicable.

2. **The test shall be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices shall be secured in the closed position.**

   Response

   Subsection D.1.b pertaining to Level 2 control is not applicable; therefore, this section is not applicable.

H. **The owner or operator shall use the procedure for determining a container to be vapor-tight using Method 27 of 40 CFR part 60, appendix A for the purpose of complying with Subsection D.1.c of this Section.**

1. **The test shall be performed in accordance with Method 27 of 40 CFR part 60, appendix A.**

   Response

   Subsection D.1.c pertaining to Level 2 control is not applicable; therefore, this section is not applicable.

2. **A pressure measurement device shall be used that has a precision of ± 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.**

   Response

   Subsection D.1.c pertaining to Level 2 control is not applicable; therefore, this section is not applicable.

3. **If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals within five minutes after it is pressurized to a minimum of 4,500 Pascals, then the container is determined to be vapor-tight.**

Response

Subsection D.1.c pertaining to Level 2 control is not applicable; therefore, this section is not applicable.

§1761. Standards: Closed-Vent Systems and Control Devices

A. **This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subchapter.**

Response

Exide does not operate a closed-vent system or control device to control air emissions in accordance with the standards of this subchapter.

B. **The closed-vent system shall meet the following requirements:**

1. **shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in Subsection C of this Section;**

2. **shall be designed and operated in accordance with the requirements specified in LAC 33:V.1709.K;**

3. **in the case when the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a flow indicator as specified in Subsection B.3.a of this Section or a seal or locking device as specified in Subsection B.3.b of this Section. For the purpose of complying with this Paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other**

fittings used for safety purposes are not considered to be bypass devices:

a. if a flow indicator is used to comply with this Subsection, the indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this paragraph, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line;

b. if a seal or locking device is used to comply with this Subsection, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position;

4. shall be inspected and monitored by the owner or operator in accordance with the procedure specified in LAC 33:V.1709.L.

<u>Response</u>

Exide does not operate a closed-vent system or control device to control air emissions in accordance with the standards of this subchapter.

C. The control device shall meet the following requirements:

1. shall be one of the following devices:

a. a control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

b. an enclosed combustion device designed and operated in accordance with the requirements of LAC 33:V.1709.C; or

c. a flare designed and operated in accordance with the requirements of LAC 33:V.1709.D;

2. the owner or operator who elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in Subsection C.2.a-f of this Section:

a. periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of Subsection C.1.a, b, or c of this Section, as applicable, shall not exceed 240 hours per year;

b. the specifications and requirements in Subsection C.1.a, b, or c of this Section for control devices do not apply during periods of planned routine maintenance;

c. the specifications and requirements in Subsection C.1.a, b, or c of this Section for control devices do not apply during a control device system malfunction;

d. the owner or operator shall demonstrate compliance with the requirements of Subsection C.2.a of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of Subsection C.1.a, b, or c of this Section, as applicable, shall not exceed 240 hours per year) by recording the information specified in LAC 33:V.1765.E.1.e;

e. the owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants; and

f. the owner or operator shall operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally) except in cases when it is necessary to vent the gases, vapors, and/or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions;

3. the owner or operator using a carbon adsorption system to comply with Subsection C.1 of this Section shall operate and maintain the control device in accordance with the following requirements:

   a. following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of LAC 33:V.1709.G or H; and

   b. all carbon that is a hazardous waste and that is removed from the control device shall be managed in accordance with the requirements of LAC 33:V.1709.N, regardless of the average volatile organic concentration of the carbon;

4. an owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with Subsection C.1 of this Section shall operate and maintain the control device in accordance with the requirements of LAC 33:V.1709.J;

5. the owner or operator shall demonstrate that a control device achieves the performance requirements of Subsection C.1 of this Section as follows:

   a. an owner or operator shall demonstrate, using either a performance test as specified in Subsection C.5.c of this Section or a design analysis as specified in Subsection

C.5.d of this Section, the performance of each control device except for the following:

i. a flare;

ii. a boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii. a boiler or process heater into which the vent stream is introduced with the primary fuel;

iv. a boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under LAC 33:V.Chapter 5 and has designed and operates the unit in accordance with the requirements of LAC 33:V.Chapter 30; or

v. a boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of LAC 33:V.Chapter 30;

b. an owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in LAC 33:V.1709.E;

c. for a performance test conducted to meet the requirements of Subsection C.5.a of this Section, the owner or operator shall use the test methods and procedures specified in LAC 33:V.1711.C.1-4;

d. for a design analysis conducted to meet the requirements of Subsection C.5.a of this Section, the design analysis shall meet the requirements specified in LAC 33:V.1713.B.4.c; and

e. the owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of Subsection C.1 of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal;

6. if the owner or operator and the administrative authority do not agree on a demonstration of control device performance using a design analysis, then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of Subsection C.5.c of this Section. The administrative authority may choose to have an authorized representative observe the performance test; and

7. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1709.F.2 and L. The readings from each monitoring device required by LAC 33:V.1709.F.2 shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures shall be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

Response

Exide does not operate a closed-vent system or control device to control air emissions in accordance with the standards of this subchapter.

§1763. Inspection and Monitoring Requirements

A. The owner or operator shall inspect and monitor air emission control equipment used to comply with this Chapter in accordance with the applicable requirements specified in LAC 33:V.1755-1761.

Response

Inspections of the container storage areas are performed as described in the Inspection Plan in Appendix 5. An example of the inspection form is also included in the Inspection Plan. The inspection form includes the specific items inspected at each hazardous waste unit.

B. The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by Subsection A of this Section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under LAC 33:V.1509.

Response

Exide has developed and implemented a written plan and schedule to perform inspections, which has been incorporated into the inspection plan required under LAC 33:V.1509. The Inspection Plan and Schedule is provided in Appendix 5.

§1765. Recordkeeping Requirements

A. Each owner or operator of a facility subject to requirements in this Subchapter shall record and maintain the information specified in Subsections B - J of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by Subsections I and J of this Section, records required by this Section shall be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service. Information required by Subsections I and J of this Section shall be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in LAC 33:V.1755 -1761 in accordance with the conditions specified in LAC 33:V.1747.B.7 or D, respectively.

Response

Exide acknowledges, understands, and will comply with this requirement. All inspections are recorded and the records are maintained at the site by the personnel safety director.

B. The owner or operator of a tank using air emission controls in accordance with the requirements of LAC 33:V.1755 shall prepare and maintain records for the tank that include the following information:

1. for each tank using air emission controls in accordance with the requirements of LAC 33:V.1755, the owner or operator shall record:

   a. a tank identification number (or other unique identification description as selected by the owner or operator); and

   b. a record for each inspection required by LAC 33:V.1755 that includes the following information:

      i. date inspection was conducted; and

      ii. for each defect detected during the inspection the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of LAC 33:V.1755, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected; and

2. in addition to the information required by Subsection B.1 of this Section, the owner or operator shall record the following information, as applicable to the tank:

   a. the owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in LAC 33:V.1755.C shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of LAC 33:V.1755.C. The records shall include the date and time the samples were collected, the analysis method used, and the analysis results;

      Response

      Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

b. **the owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.E shall prepare and maintain documentation describing the floating roof design;**

Response

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

c. **owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.F shall prepare and maintain the following records:**

i. **documentation describing the floating roof design and the dimensions of the tank; and**

ii. **records for each seal gap inspection required by LAC 33:V.1755.F.3 describing the results of the seal gap measurements. The records shall include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in LAC 33:V.1755.F.1, the records shall include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary; and**

Response

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

d. **each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.I shall prepare and maintain the following records:**

i. **records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in Procedure T—Criteria for and**

Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B; and

ii. records required for the closed-vent system and control device in accordance with the requirements of Subsection E of this Section.

Response

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

C. The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of LAC 33:V.1757 shall prepare and maintain records for the surface impoundment that include the following information:

1. a surface impoundment identification number (or other unique identification description as selected by the owner or operator);

2. documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in LAC 33:V.1757.C;

3. a record for each inspection required by LAC 33:V.1757 that includes the following information:

a. date inspection was conducted; and

b. for each defect detected during the inspection, include the following, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of LAC 33:V.1757.F, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected; and

4. **for a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in Subsection E of this Section.**

Response

Exide has no surface impoundments; therefore, this section does not apply.

D. **The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of LAC 33:V.1759 shall prepare and maintain records that include the following information:**

1. **records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B; and**

2. **records required for the closed-vent system and control device in accordance with the requirements of Subsection E of this Section.**

Response

Exide has no containers using Container Level 3 air emission controls; therefore this section does not apply.

E. **The owner or operator using a closed-vent system and control device in accordance with the requirements of LAC 33:V.1761 shall prepare and maintain records that include documentation for the closed-vent system and control device that includes:**

1. **certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in Subsection E.2 of this Section or by performance tests as specified in Subsection E.3 of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur;**

2. if a design analysis is used, then design documentation as specified in LAC 33:V.1713.B.4. The documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with LAC 33:V.1713.B.4.c and certification by the owner or operator that the control equipment meets the applicable specifications;

3. if performance tests are used, then a performance test plan as specified in LAC 33:V.1713.B.3 and all test results;

4. information as required by LAC 33:V.1713.C.1 and 2, as applicable;

5. an owner or operator shall record, on a semiannual basis, the information specified in Subsection E.5.a and b of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable:

   a. a description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods; and

   b. a description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description shall include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable, due to planned routine maintenance;

6. an owner or operator shall record the information specified in Subsection E.6.a-c of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable:

a. the occurrence and duration of each malfunction of the control device system;

b. the duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning; and

c. actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation; and

7. records of the management of carbon removed from a carbon adsorption system conducted in accordance with LAC 33:V.1761.C.3.b.

Response

Exide does not operate a closed-vent system or control devices; therefore, this section does not apply.

F. The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of LAC 33:V.1751.C shall prepare and maintain the following records, as applicable:

1. for tanks, surface impoundments, and containers exempted under the hazardous waste organic concentration conditions specified in LAC 33:V.1751.C.1 or 2.a-f, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of LAC 33:V.1753;

2. for tanks, surface impoundments, or containers exempted under the provisions of LAC 33:V.1751.C.2.g or h, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

Response

Exide does not operate any tanks, surface impoundments, or containers exempted from standards in this chapter; therefore, this section is not currently applicable. If Exide introduces such equipment, these records will be maintained.

G. **An owner or operator designating a cover as "unsafe to inspect and monitor" in accordance with LAC 33:V.1755.L or 1757.G shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor"; the explanation for each cover stating why the cover is unsafe to inspect and monitor; and the plan and schedule for inspecting and monitoring each cover.**

Response

LAC 33:V.1755.L regarding tanks and LAC 33:V.1757.G regarding surface impoundments are not applicable; therefore, this section is not applicable.

H. **The owner or operator of a facility that is subject to this Subchapter and to the control device standards in 40 CFR part 60, subpart VV or 40 CFR part 61, subpart V may elect to demonstrate compliance with the applicable sections of this Subchapter by documentation either in accordance with this Subchapter or the provisions of 40 CFR part 60, subpart VV or 40 CFR part 61, subpart V, to the extent that the documentation required by 40 CFR part 60 or 61 duplicates the documentation required by this Section.**

Response

Exide acknowledges and understands this requirement.

I. **For each tank or container not using air emission controls specified in LAC 33:V.1755 - 1761 in accordance with the conditions specified in LAC 33:V.1747.D, the owner or operator shall record and maintain the following information:**

1. **a list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in LAC 33:V.1747.D.1;**

2. **a description of how the hazardous waste containing the organic peroxide compounds identified in Subsection I.1 of this Section are managed at the facility in tanks and containers. This description shall include:**

a. for the tanks used at the facility to manage this hazardous waste, sufficient information shall be provided to describe, for each tank, a facility identification number for the tank; the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks; and

b. for containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to describe a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste handled in the containers;

3. an explanation of why managing the hazardous waste containing the organic peroxide compounds identified in Subsection I.1 of this Section in the tanks and containers as described in Subsection I.2 of this Section would create an undue safety hazard if the air emission controls, as required under LAC 33:V.1755 - 1761, are installed and operated on these waste management units. This explanation shall include the following information:

a. for tanks used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks, and why installation of safety devices on the required air emission controls, as allowed under this Subchapter, will not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides; and

b. for containers used at the facility to manage these hazardous wastes, sufficient information shall be

provided to explain how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the containers, and why installation of safety devices on the required air emission controls, as allowed under this Subchapter, will not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

Response

As Exide does not manufacture organic peroxides, Exide is not claiming the exemption in LAC 33:V.1747.D; therefore, this section is not applicable.

J. For each hazardous waste management unit not using air emission controls specified in LAC 33:V.1755 - 1761 in accordance with the requirements of LAC 33:V.1747.B.7, the owner and operator shall record and maintain the following information:

1. certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63; and

2. identification of the specific requirements codified under 40 CFR part 60, part 61, or part 63 with which the waste management unit is in compliance.

Response

Exide is not claiming the exemption in LAC 33:V.1747.B.7; therefore, this Section is not applicable.

§1767. Reporting Requirements

A. Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of LAC 33:V.1751.C shall report to the administrative authority each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in LAC 33:V.1751.C.1 or 2, as applicable.

Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in LAC 33:V.1751.C.2.a-f. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

Response

Exide is not claiming the exemption provided in LAC 33:V.1751.C; therefore, this section is not applicable. Exide will comply with this requirement if exempt containers are handled.

B. **Each owner or operator using air emission controls on a tank in accordance with the requirements LAC 33:V.1755.C shall report to the administrative authority each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in LAC 33:V.1755.B. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.**

Response

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section is not applicable.

C. **Each owner or operator using a control device in accordance with the requirements of LAC 33:V.1761 shall submit a semiannual written report to the administrative authority, except as provided for in Subsection D of this Section. The report shall describe each occurrence during the previous six-month period when either:**

1. **a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in LAC 33:V.1713.C.4; or**

2. **a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in LAC 33:V.1709.D. The written report shall include the EPA identification number, facility name and address, an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.**

Response

Exide does not operate a control device in accordance with the requirements of LAC 33:V.1761; therefore, this section is not applicable.

D. **A report to the administrative authority in accordance with the requirements of Subsection C of this Section is not required for a six-month period during which all control devices subject to this Chapter are operated by the owner or operator such that:**

1. **during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in LAC 33:V.1713.C.4; and**

2. **no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in LAC 33:V.1709.D.**

Response

Exide is not subject to the requirements in subsection C of this section.

Appendix
Table 1
Compounds With Henry's Law Constant Less Than 0.1 Y/X
[At 25°C]

Compound Name	CAS Number
Acetaldol	107-89-1
Acetamide	60-35-5
2-Acetylaminoflourene	53-96-3
3-Acetyl-5-hydroxypiperidine	
3-Acetylpiperidine	618-42-8
1-Acetyl-2-thiourea	591-08-2
Acrylamide	79-06-1
Acrylic acid	79-10-7
Adenine	73-24-5
Adipic acid	124-04-9
Adiponitrile	111-69-3
Alachlor	15972-60-8
Aldicarb	116-06-3
Ametryn	834-12-8
4-Aminobiphenyl	92-67-1
4-Aminopyridine	504-24-5
Aniline	62-53-3
o-Anisidine	90-04-0
Anthraquinone	84-65-1
Atrazine	1912-24-9
Benzenearsonic acid	98-05-5
Benzenesulfonic acid	98-11-3
Benzidine	92-87-5
Benzo (a) anthracene	56-55-3
Benzo (k) flouranthene	207-08-9
Benzoic acid	65-85-0
Benzo (g,h,i) perylene	191-24-2
Benzo (a) pyrene	50-32-8
Benzyl alcohol	100-51-6
Gamma-BHC	58-89-9
Bis (2-ethylhexyl) phthalate	117-81-7
Bromochloromethyl acetate	
Bromoxynil	1689-84-5
Butyric acid	107-92-6

Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol (o-dihydroxybenzene)	120-80-9
Cellulose	9004-34-6
Cell wall	
Chlorohydrin (3 Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloracetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0
Chlorobenzylate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
3-Chloro-2,5-diketopyrrolidine	
Chloro-1,2-ethane diol	
4-Chlorophenol	106-48-9
Chlorophenol polymers (2-chlorophenol and 4-chlorophenol)	95-57-8 and 106-48-9
1-(o-Chlorophenyl) thiourea	5344-82-1
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-9
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cresol (mixed isomers)	1319-77-3
4-Cumylphenol	27576-86
Cyanide	57-12-5
4-Cyanomethyl benzoate	
Diazinon	333-41-5
Dibenzo (a, h) anthracene	53-70-3
Dibutylphthalate	84-74-2
2,5-Dichloroaniline (N,N'-Dichlotoaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichlorophenol	333-41-5
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos (DDVP)	62737
Diethanolamine	111-42-2
N,N-Diethylaniline	91-66-7
Diethylene glycol	111-46-6

Diethylene glycol dimethyl ether (dimethyl Carbitol)	111-96-6
Diethylene glycol monobutyl ether (butyl Carbitol)	112-34-5
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N'-Diethylhydrazine	1615-80-1
Diethyl (4-methylumbelliferyl) thiophosphate	299-45-6
Diethyl phosphorothioate	126-75-0
N,N'-Diethyl propionamide	15299-99-77
Dimethoate	60-51-5
2,3-Dimethoxystrychnidin-10-one	357-57-3
4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-93-7
Dimethylcarbamoyl chloride	79-44-7
Dimethyldisulfide	624-92-0
Dimethylformanide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-71-0
Dimethylsulfoxide	67-68-5
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
Mono-Ethanolamine	141-43-5
Ethyl carbamate (urethane)	5-17-96
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethel ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate (Cellosolve acetate)	111-15-9
Ethylene glycol monomethyl ether (methyl Cellosolve)	109-86-4

Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6
Ethelene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	9-64-57
4-Ethylmorpholine	100-74-3
3-Ethylphenol	620-17-7
Flouroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	75-12-7
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycidol	556-52-5
Glycinamide	598-41-4
Glyphosate	1071-83-6
Guthion	86-50-0
Hexamethylene-1,6-diisocyanate (1,6-Disocyanatohexane)	822-06-0
Hexamethyl phosphoramide	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propionitrile (hydracrylonitrile)	109-78-4
Indeno (1, 2, 3-cd) pyrene	193-39-5
Lead acetate	301-04-2
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5
Malathion	121-75-5
Maleic acid	110-16-7
Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77-5
p-Methoxyphenol	150-76-5
Methyl acrylate	96-33-3
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4
4,4-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8

4,4'-Methylenedianiline	101-77-9
Methylene diphenylamine (MDA)	
5-Methylfurfural	620-02-0
Methylhydrazine	60-34-4
Methyliminoacetic acid	
Methyl methane sulfonate	66-27-3
1-Methyl-2-methoxyaziridine	
Methylparathion	298-00-0
Methyl sulfuric acid (sulfuric acid, dimethyl ester)	77-78-1
4-Methylthiophenol	106-45-6
Monomethylformanide (N-methylformamide)	123-39-7
Nabam	142-59-6
alpha-Naphthol	90-15-3
beta-Naphthol	135-19-3
alpha-Naphthylamine	134-32-7
beta-Naphthylamine	91-59-8
Neopentyl glycol (dimethylolpropane)	126-30-7
Niacinamide	98-92-0
o-Nitroaniline	88-74-4
Nitroglycerin	55-63-0
2-Nitrophenol	88-75-5
4-Nitrophenol	100-02-7
N-Nitrosodimethylamine	62-75-9
Nitrasoguanidine	674-81-7
N-Nitroso-n-methylurea	684-93-5
N-Nitrosomorpholine (4-Nitrosomorpholine)	59-89-2
Oxalic acid	144-62-7
Parathion	56-38-2
Pentaerythritol	115-77-5
Phenacetin	62-44-2
Phenol	108-95-2
Phenylacetic acid	103-82-2
m-Phenylene diamine	108-45-2
o-Phenlyene diamine	95-54-5
p-Phenylene diamine	106-50-3
Phenyl mercuric acetate	62-38-4
Phorate	298-02-2
Phthalic anhydride	85-44-9
alpha-Piciline (2-methyl pyridine)	109-06-8
1,3-Propane sultone	1120-71-4

Beta-Propiolactone	57-57-8
Proporur (Baygon)	
Porpylene glycol	57-55-6
Pyrene	129-00-0
Pyridinium bromide	39416-48-3
Quinoline	91-22-5
Quinone (p-benzoquinone)	106-51-4
Resorcinol	108-46-3
Simazine	122-34-9
Sodium acetate	127-09-3
Sodium formate	141-53-7
Strychnine	57-24-9
Succinic acid	110-15-6
Succinimide	123-56-8
Sulfanilic acid	121-47-1
Terephthalic acid	100-21-0
Tetraethyldithiopyrophosphate	3689-24-5
Tetraethylenepentamine	112-57-2
Thiofanox	39196-18-4
Thiosemicarbazide	79-19-6
2,4-Toluenediamine	95-80-7
2,6-Toluenediamine	823-40-5
3,4-Toluenediamine	496-72-0
2,4-Toluene diisocyanate	584-84-9
p-Toluic acid	99-94-5
m-Toluidine	108-44-1
1,1,2-Trichloro-1,2,2-Trifluoroethane	76-13-1
Triethanolamine	102-71-6
Triethylene glycol dimethyl ether	
Tripropylene glycol	24800-44-0
Warfarin	81-81-2
3,4-Xylenol (3,4-dimethylphenol)	95-65-8

CHAPTER 18

CONTAINMENT BUILDINGS

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality – Hazardous Waste

Chapter 18. Containment Buildings

§1801. Applicability

A. **The requirements of this Section apply to owners or operators who store or treat hazardous waste in units designed and operated under LAC 33:V.1802. These provisions became effective on February 18, 1993, although an owner or operator may have notified EPA or the administrative authority of his intent to be bound by this Section or its federal equivalent at an earlier time. The owner or operator is not subject to the definition of land disposal in LAC 33:V.2203 or R.S. 30:2193 provided that the unit:**

1. **is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls;**

<u>Response</u>

The Containment Building is a self-supporting structure, completely enclosed with a floor, a roof, and walls designed to reduce the potential for lead particles to escape the building. The ventilation system for point sources within the Containment Building provides a constant inward air flow at these openings, thereby minimizing the potential for fugitive emissions from the building openings.

<u>Maximum Storage</u>

The Containment Building has a maximum capacity of 3,333 tons of blast furnace slag and 12,080 tons of lead material for recycling, including battery plates, lead oxide paste, reverberatory furnace slag, lead dross and purchased scrap. Pastes stored in Area 1 do not contain free liquids and do not have the potential to contain free liquids. The following calculations were obtained from the Closure Cost Estimate in Appendix 8. The

production/operation area (Area 3) is not used for hazardous waste storage.

Maximum slag quantity

(Area 1) Slag Area 1: 100 ft x 25 ft x 10 ft = 25,000 cf
25,000 cf / 27 = 925.93 cy
925.93 cy x 1.3 tons/cy
= 1,204 tons (assume 1,333 tons)

(Area 1) Slag Area 2: 77 ft x 45 ft x 12 ft = 41,580 cf
41,580 cf / 27 = 1,540 cy
1,540 cy x 1.3 tons/cy = 2,000 tons

Total slag = 1,333 + 2,000 = 3,333 tons

Other Material Quantities

(Area 2) Paste Storage Area 3: 95 ft x 80 ft x 12 ft = 91,200 cf
91,200 cf / 27 = 3,377.8 cy
3,377.8 cy x 1.8 tons/cy = 6,080 tons

(Area 1) Dry Paste Area 4: 50 ft x 50 ft x 12 ft = 30,000 cf
30,000 cf /27 = 1,111.11 cy
1,111.11 cy x 1.7 tons/cy
= 1,888 tons (round to 2,000 tons)

(Area 1) Dry Paste Area 5: 100 ft x 25 ft x 12 ft = 30,000 cf
30,000 cf /27 = 1,111.11 cy
1,111.11 cy x 1.7 tons/cy
= 1,888 tons (round to 2,000 tons)

(Area 1) Dry Paste Area 6: 100 ft x 25 ft x 12 ft = 30,000 cf
30,000 cf /27 = 1,111.11 cy
1,111.11 cy x 1.7 tons/cy
= 1,888 tons (round to 2,000 tons)

Total Other Materials = 12,080 tons

Area 1

The Raw Material Storage Area (Area 1) was constructed in 1991. Area 1 is used for storage of battery plates, dry lead oxide paste, reverberatory furnace slag, lead dross and purchased scrap. In 1992 Woodward-Clyde Consultants (WCC) submitted a professional engineer's certification document demonstrating that the design and construction of the building base in the Raw Material Storage Area/Dross Bin was in "substantial conformance with the plans developed for this project". The Containment

Building Certification Document and available structural information are included as Appendix 11. LDEQ has not yet approved the certification. Additionally, this building has adequately handled operations similar to its current operation for over ten years.

The floors, walls, and roof of Area 1 are the primary barrier system. The primary barrier system is constructed of man-made materials designed to withstand the movement of and contact with personnel, waste, and handling equipment during the operating life of the unit and are appropriate for the physical and chemical characteristics of the lead bearing materials to be managed. Sketches of the floor construction in the storage area (Area 1) are included with the professional engineer's certification documents in Appendix 11. The floor system includes, from top to bottom, 6 inches concrete, Amoco 4516 geotextile, 40 mil HDPE geomembrane, and 1 inch sand over existing concrete. The geomembrane is attached to the concrete with a stainless steel batton bar, bolts, double neoprene gasket and caulking. The strength of the concrete is not known as the original design documents are not available. The reinforced concrete walls of Area 1 are 12 feet high and 1 foot thick. The quantity and size of reinforcing steel and the concrete strength are not known as the original design data for the building is not available.

The greatest load on the floor system in Area 1 would occur when Slag Storage Area 2 is at maximum capacity. For conservatism, a higher unit weight has been assigned to the slag for this calculation. The floor integrity calculations are as follows:

77 ft x 45 ft = 3,465 sf x 144 = 498,960 si
Maximum capacity = 77 ft x 45 ft x 12 ft = 41,580 cf
41,580 cf x 205 lb/cf = 8,523,900 lbs at maximum capacity
Weight of front-end loader = 24,000 lbs
Weight of 55 personnel = 55 x 200 lbs = 11,000 lbs
8,523,900 lbs + 24,000 lbs + 11,000 lbs = 8,558,900 lbs
Maximum load = 8,558,900 lbs / 498,960 si = 17.15 psi

In order to support operations, the concrete strength at Area 1 of the Containment Building would need to be a minimum of 17.15 psi. As concrete has a typical strength of 3,000 to 4,000 psi, the concrete floor is capable of supporting the anticipated loads when properly reinforced and constructed on an adequately prepared subgrade.

Design calculations for the Containment Building walls and information regarding the size and quantity of reinforcing steel could not be located as part of the Part B Permit renewal process. Qualitatively it is obvious that the reinforced concrete walls for the structure provide adequate strength based on the observation that the walls have been functioning since their construction over 10 years ago. The ultimate limit state of the Containment Building walls would be failure by flexure (moment) and shear. No excessive movement or cracking has been observed that would suggest either failure mechanism is occurring.

To substantiate the qualitative observation that the strength of the walls is adequate, a simplified quantitative evaluation for shear stress was performed. For evaluation purposes, the exterior walls are considered as unit lengths with a fixed end at the ground surface and unsupported at the top of the wall, relying on the inherent strength of the walls to resist shear from the applied loads. As shown in the attached calculations, shear forces imposed by the lateral loads from the materials contained in the building are easily handled (F.S.= 1.7) by the resistance developed in the reinforced wall. Calculations are provided in Appendix 22.

For the moment, the building relies on a combination of the inherent strength of the reinforced wall and frame action provided by the building columns. Approximately half of the stress is accommodated by the wall strength with the remainder of the stress being transferred to the building frame. Unlike shear, a simplified quantitative evaluation for flexure could not be completed utilizing the information available, although as stated earlier, no visual observations were made that indicate that the building has not been adequate for the services loads experienced during the last 10 years of operation.

Area 2

The Paste Storage Area (Area 2) is used for the initial staging of neutralized lead paste from the battery breaking/desulfurization process prior to moving the paste to Area 1. As previously stated, the paste stored in Area 2 is a high-density, solid reddish-brown material with a moisture content of less than 5 percent that has the potential to contain free liquids. The existing conditions of Area 2 are presented in the Containment Building Certification Document in Appendix 11 as the Battery Plate Storage Area. Due to the potential to contain free liquids, Exide submitted plans on October 17, 2001 to upgrade Area 2 to meet the requirements of

this chapter. While approval of the permit modification has not yet been received, LDEQ has approved construction of the upgrades as shown in Appendix 23. The upgrades are scheduled to begin in July 2003. Details of the proposed upgrades are provided in Appendix 25.

The floors, walls and roof of Area 2 act as the primary barrier. The reinforced walls of Area 2 are 12 feet high and one foot thick. The type and quantity of reinforcement and the strength of the concrete are not known as original design information is not available.

The plans for the upgrade include renovating the floor system to ensure that it is designed and constructed of materials of sufficient strength and thickness to support itself, the waste contents, any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous waste to which it is exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The professional engineer's certification for Area 2 will be submitted once upgrades are complete. Existing asphalt will be removed and the concrete surface prepared for installation of new barrier and drainage layers. Once constructed, the upgraded floor system for Area 2 will be, from top to bottom, acid brick, minimum of 6 inches 4,000 psi reinforced concrete, 12 ounce geotextile, 80 mil HDPE geomembrane, and geonet drainage layer, overlying the existing system of 4 inches concrete, limestone gravel, 2 inch Schedule 40 PVC piping with 3/8 inch perforations, 1.5 inches asphalt and 4 inches concrete. The concrete will be reinforced with #5 rebar at 12 inches on center in each direction. All joints will be covered with corrosive resistant tape. Concrete will be mixed and placed in accordance with ACI standards. The geomembrane will be attached to the existing concrete wall with a stainless steel batton bar, bolts, and neoprene gaskets. Drawings showing the proposed upgrades are provided in Appendix 25. Information on the upgrades was submitted to LDEQ with the October 17, 2001 submittal.

Wall strength calculations for Area 2 are the same as wall strength calculations for Area 1. Please refer to calculations presented in the response to LAC 33:V.1801.1 regarding Area 1 for an evaluation of Containment Building wall strength.

2. **has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel, wastes, and handling equipment within the unit;**

Response

Based on the calculations provided in the response to LAC 33.V:1801.1, the primary barrier system (floors, walls and roof) of Area 1 (6 inches concrete, Amoco 4516 geotextile, and 40 mil HDPE geomembrane) and Area 2 (acid brick, minimum of 6 inches 4,000 psi reinforced concrete, 12 ounce geotextile, and 80 mil HDPE geomembrane) of Exide's Containment Building are capable of withstanding the movement of personnel, waste, and handling equipment within the unit during the operating life of the unit and are appropriate for the physical and chemical characteristics of the lead bearing materials to be managed on the primary barrier.

3. **when used to manage liquids:**

   a. **has a primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;**

   Response

   The Containment Building has an efficient primary barrier designed and constructed to prevent the migration of any hazardous constituents into the barrier. Area 1 manages wastes without free liquids; but will utilize small amounts of water for the purpose of dust suppression. However, this activity should not generate any free standing liquids and this citation does not apply to this area. The floor system of Area 1 is constructed of concrete and geomembrane and is sloped to collection points to facilitate removal of wastes from the primary barrier to prevent migration of hazardous constituents into the barrier. The drainage pattern for the Area 1 floor is shown on sketches in Appendix 11.

   Area 2 will be used to manage free liquids. The proposed upgrades for this area include a sloped primary barrier consisting of acid brick, a minimum of 6 inches of concrete, and a HDPE liner. The sloped floor and the materials of construction will facilitate collection and removal of wastes from the floor and prevent migration of hazardous constituents. Floor slopes are shown on the design drawings provided in Appendix 25.

b. **has a liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and**

Response
Area 1 is not required to have a liquid collection system as liquids are not managed in the area.

The Area 2 floor system will be upgraded to acid brick, concrete, and HDPE geomembrane as shown in Appendix 25. Drainage from the primary barrier system in Area 2 is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Sloped floors facilitate the collection of liquids for removal. The liquids collected at the sumps are pumped from the sump and transferred to the facility wastewater treatment plant.

c. **has a secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance from the secondary containment system requirements under LAC 33:V.1802.B.4;**

Response
As Area 1 does not manage free liquids, a leak detection and liquid collection system is not required.

Beneath the primary barrier in Area 2 is a secondary containment system designed with a leak detection and liquid collection system capable of detecting, collecting, and removing hazardous constituents at the earliest practicable time. The leak detection and liquid collection system consists of a geonet drainage layer beneath the geomembrane. The secondary containment system underlying the drainage layer is the prepared surface of the existing 4 inch thick concrete. Remaining components of the former floor system including limestone gravel, perforated PVC pipes, asphalt and concrete will not be utilized as leak detection or barrier layers, but will be allowed to remain in-place. Drawings of this design are included in Appendix 25.

4. **has controls as needed to permit fugitive dust emissions to meet the no visible emission standard in LAC 33:V.1802.C.1.d; and**

Response

Exide has measures in place to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (according to 40 CFR Part 60 Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) will be operated and maintained with sound air pollution control practices. Exide maintains a state of no visible emissions at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the Containment Building. Exide's Containment Building is operated with a ventilation system to permitted point sources as shown on Figure 10. This ventilation system provides inward air flow (negative pressure) on the building. In addition, liquids are occasionally used on the lead bearing materials within the building for dust suppression purposes. These controls are used to ensure that no visible emissions are emitted from the Containment Building.

5. **has been designed and is operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.**

Response

Access areas to the Containment Building are limited. As shown on Figure 6, vehicle wash stations are positioned at the main entrances to the Containment Building to ensure the containment of wastes within the building. All vehicles exiting the building are required to use the vehicle washes to remove any accumulated waste prior to departure from the building. All water from the vehicle wash area is routed to the on-site wastewater treatment system.

The potential for personnel tracking of materials from the Containment Building to the outer lying areas is minimized through the use of personnel wash areas located in select access areas of the building. In addition, all contaminated clothing is removed and contained for proper handling. Spent PPE is recycled in the furnace or disposed off-site at a permitted facility.

§1802. Design and Operating Standards

A. All Containment Buildings must comply with the following design standards:

1. the Containment Building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements, (e.g., precipitation, wind, run-on) and to ensure containment of managed wastes;

Response

Exide's Containment Building is completely enclosed with floors, walls (primary barrier system) and a roof with minimal pathways necessary to accommodate operations. These pathways provide limited access for personnel and for the loading/unloading of material. These areas will remain closed when not in use. The ventilation system for the Containment Building keeps a constant inward air flow (negative pressure) on these openings, which minimizes the potential for any fugitive emissions. These controls prevent the exposure to the elements and controls the containment of the lead bearing materials.

2. the floor and containment walls of the unit, including the secondary containment system if required under LAC 33:V.1802.B, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The administrative authority will consider standards established by professional organizations generally recognized by the industry, such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM), in judging the structural integrity requirements of LAC 33:V.1802.A. If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:

a. **they provide an effective barrier against fugitive dust emissions under LAC 33:V.1802.C.1.d; and**

b. **the unit is designed and operated in a fashion that ensures that wastes will not actually come in contact with these openings;**

Response

As previously discussed, the walls and floors at Areas 1 and 2 have sufficient strength and thickness to support themselves, wastes, equipment and personnel and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. Calculations for the structural integrity of Area 1 and 2 walls and floors are provided in the response to LAC 33:V.1801.1.

The wall surfaces are concrete, which is compatible with the wastes contained in Areas 1 and 2 including blast furnace slag, battery plates, lead oxide paste, reverberatory furnace slag, lead dross and purchased scrap. The surface of the floor system in Area 1 is concrete, which is compatible with the battery plates, lead oxide paste, reverberatory furnace slag, lead dross and purchased scrap. Materials with free liquids are not stored in Area 1, therefore, compatibility of the concrete with battery acid is not a concern. The surface of the floor system in Area 2 is acid brick, which is compatible with any free liquid that may be produced by the lead oxide paste.

Although specific design data from the initial design of the building is not available, the foundation and structure of the Containment Building were designed and constructed to meet the applicable building standards to ensure the integrity of the building and the safety of the facility personnel. Prior to installing the foundation, the bearing capacity of the underlying soil was tested to ensure that it could adequately support the building and the design loads required by the facility's operation. The test results are not available. The soil borings and geology report provided in Appendix 10 indicates that the materials underlying the facility are silty clay, clayey silt, sandy silt and silty sand.

The concrete foundation was properly reinforced according to the design standards of the American Concrete Institute (ACI); however the type and quantity of reinforcement is not available. In addition, to meet the utilization needs of the building, the exterior walls were constructed of reinforced concrete in accordance with the ACI standards; however the type and quantity of reinforcement is not available. The design wind loads for the area, according to the building code standards of the time, were also utilized in the design and construction of the exterior walls; however, the specific design load is not known.

3. **Incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail;**

Response

Exide only manages lead bearing materials within the Containment Building. No incompatible wastes or treatment reagents will be placed in the unit or its secondary containment system that will cause the unit or secondary containment system to leak, corrode, or otherwise fail.

4. **a Containment Building must have a primary barrier designed to withstand the movement of 55 personnel, waste, and handling equipment in the unit during the operating life of the unit and be appropriate for the physical and chemical characteristics of the waste to be managed.**

Response

Exide's Containment Building is completely enclosed with floors, walls, and a roof. As previously discussed, the walls and floors at Areas 1 and 2 have sufficient strength and thickness to support themselves, wastes, equipment and 55 personnel and the movement of heavy equipment within the unit and contact of such equipment with containment walls. Calculations for the structural integrity of Area 1 and 2 walls and floors are provided in the response to LAC 33:V.1801.1 and Appendix 22.

The wall surfaces are concrete, which is compatible with the wastes contained in Areas 1 and 2 including blast furnace slag, battery plates, lead oxide paste, reverberatory furnace slag, lead dross, and purchased scrap. The surface of the floor system in Area 1 is concrete, which is compatible with the battery plates, lead oxide paste, reverberatory furnace slag, lead dross, and

purchased scrap. Materials with free liquids are not stored in Area 1, therefore, compatibility of the concrete with battery acid is not a concern. The surface of the floor system in Area 2 is acid brick, which is compatible with any free liquid that may be produced by the lead oxide paste.

The proposed leak detection system in Area 2, as described in the response to LAC 33:V.1801.1

B. For a Containment Building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include:

1. a primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface);

Response

Exide does not actively manage liquids within Area 1 of the Containment Building. As necessary, Exide may apply small amounts of water to the lead bearing materials within Area 1 of the Containment Building for the purpose of dust suppression. This activity should not generate any free standing liquids within the building and this citation does not apply to this area. The floor system of Area 1 is constructed of concrete and geomembrane and is sloped to collection points to facilitate removal of wastes from the primary barrier to prevent migration of hazardous constituents into the barrier. The drainage pattern for the Area 1 floor is shown on sketches in Appendix 11.

As previously discussed, Area 2 will be used to manage some free liquids. The proposed upgrades of this area include a sloped primary barrier consisting of acid brick, a minimum of 6 inches of concrete, and a HDPE liner to prevent migration of hazardous constituents into the primary barrier. Drainage from this primary barrier system is directed to sumps that take any accumulated liquids to the wastewater treatment system. The proposed upgrades are shown in Appendix 25.

2. a liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the Containment Building:

a. **the primary barrier must be sloped to drain liquids to the associated collection system; and**

b. **liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time;**

Response

Area 1 is not required to have a liquid collection system as liquids are not managed in the area.

The Area 2 floor system will be upgraded to acid brick, concrete and HDPE geomembrane as shown in Appendix 25. Drainage from the primary barrier system of Area 2 is directed to sumps to minimize accumulation of free liquids on the primary barrier. Sloped floors facilitate the collection of liquids for removal. The liquids collected at the sumps are pumped from the sump and transferred to the wastewater treatment system.

3. **a secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time;**

a. **the requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum:**

i. **constructed with a bottom slope of 1 percent or more; and**

ii. **constructed of a granular drainage material with hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m^2/sec or more;**

b. **if treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building;**

c. **the secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the Containment Building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the Containment Building (Containment Buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A Containment Building can serve as an external liner system for a tank, provided it meets the requirements of LAC 33:V.1907.D.1. In addition, the Containment Building must meet the requirements of LAC 33:V.1907.B and C.1 and 2 to be considered an acceptable secondary containment system for a tank.);**

Response

As Area 1 does not manage free liquids, a leak detection and liquid collection system is not required. Floor drainage and contours of the Containment Building prevent any liquids from Area 2 from entering this area or other areas within the Containment Building.

Beneath the primary barrier in Area 2 is the secondary containment system designed with a leak detection and liquid collection system capable of detecting, collecting and removing hazardous constituents at the earliest practicable time. The leak detection and liquid collection system consists of a geonet drainage layer beneath the geomembrane. The geonet will have a minimum transmissivity of 3×10^{-5} m^2/sec. The secondary containment system underlying the drainage layer is the prepared surface of the existing 4 inch thick concrete. Remaining components of the former floor system including limestone gravel, perforated PVC pipes, asphalt and concrete will not be utilized as leak detection or barrier layers, but will be allowed to remain in-place. Drawings of this design are included in Appendix 25.

4. **for existing units other than 90-day generator units, the administrative authority or EPA may delay the secondary containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Section. In making this demonstration, the owner or operator must:**

a. **have provided written notice to the administrative authority of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing containment systems and specific plans for retrofitting the unit with secondary containment;**

b. **respond to any comments from the administrative authority on these plans within 30 days; and**

c. **fulfill the terms of the revised plans, if such plans are approved by the administrative authority.**

Response
Exide acknowledges the above citations; However, Exide is not requesting any delay for the secondary containment requirements.

C. **Owners or operators of all Containment Buildings must:**

1. **use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum:**

a. **maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;**

Response
Exide will maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause the lead bearing materials within the Containment Building to be released from the primary barrier. The Inspection Plan and Schedule, Appendix 5 includes operational procedures for inspection of the feed pile containment areas.

b. **maintain the level of the stored/treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;**

Response
Exide will maintain the level of stored/treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded. The

height of the Containment Building walls in Areas 1 and 2 is 12 feet.

c. **take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and**

Response

Exide has measures in place to prevent the tracking of lead bearing materials out of the Containment Building by personnel or by equipment used in handling the waste. Exide operates two vehicle wash stations (Figure 6) at the main entrances to the Containment Building to ensure the containment of wastes and to prevent tracking of wastes. All vehicles exiting the building are required to use the vehicle washes to remove any accumulated waste prior to departure from the building. All rinsate generated from the vehicle washes is collected and conveyed to the facility's wastewater treatment plant for treatment prior to discharge.

The potential for personnel tracking of materials from the Containment Building to the outer lying areas is minimized through the use of personnel wash areas located in select access areas of the building. In addition, contaminated clothing is removed and is contained for proper handling of these materials. Spent PPE is recycled in the furnace or disposed off-site at a permitted facility.

d. **take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see LAC 33:III.3544 for guidance). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit;**

Response
Exide has measures in place to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (according to 40 CFR Part 60 Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) will be operated and maintained with sound air pollution control practices. Exide maintains a state of no visible emissions at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the Containment Building. Exide's Containment Building is operated with a ventilation system to permitted point sources as shown on Figure 10. This ventilation system provides inward air flow (negative pressure) on the building. In addition, liquids are occasionally used on the lead bearing materials within the building for dust suppression purposes. These controls are used to ensure that no visible emissions are emitted from the Containment Building.

2. **obtain certification by a qualified registered professional engineer that the Containment Building design meets the requirements of LAC 33:V.1802.A-C. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit;**

Response
Appendix 11 contains certification by a qualified professional engineer that the Containment Building design for Area 1 meets the requirements of LAC 33:V.1802 A-C. Certification for Area 2, which will manage any free liquids, will be provided by the Design Engineer and forwarded by Exide once construction of upgrades are complete. Copies of these certification documents will be maintained on file with the facility's Part B Permit at Exide, Baton Rouge Smelter. The certification has not yet been approved by LDEQ.

3. **promptly repair any condition which the owner or operator detects throughout the active life of the Containment Building that could lead to or has caused a release of**

hazardous waste in accordance with the following procedures:

a. upon detection of a condition that has lead to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier) the owner or operator must:

i. enter a record of the discovery in the facility operating record;

ii. immediately remove the portion of the Containment Building affected by the condition from service;

iii. determine what steps must be taken to repair the Containment Building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and

iv. within seven days after the discovery of the condition, notify the administrative authority of the condition and, within 14 working days, provide a written notice to the administrative authority with a description of the steps taken to repair the Containment Building and the schedule for accomplishing the work;

<u>Response</u>

Upon detection of a condition that has lead to a substantial release of hazardous waste, Exide will:

1. Enter a record of the discovery into the facility's operating record;
2. Immediately remove the portion of the Containment Building affected by the condition from service;
3. Determine what steps must be taken to repair the Containment Building, remove any leakage from the secondary collection system; and
4. Establish a schedule for accomplishing the cleanup and repairs and within seven days after the discovery of the condition, notify the administrative authority of the condition and, within 14 working days, provide a written

notice to the administrative authority with a description of the steps taken to repair the Containment Building and the schedule for accomplishing the work.

b. **the administrative authority will review the information submitted, make a determination regarding whether the Containment Building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing;**

Response
Exide acknowledges the administrative authority will review and make a determination regarding the information submitted and will notify the owner or operator of the determination as detailed in the above citation.

c. **upon completing all repairs and cleanup, the owner or operator must notify the administrative authority in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv; and**

Response
Upon completing all repairs and cleanup, Exide will notify the administrative authority in writing and provide verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.3.a.iv.

4. **inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the Containment Building and the area immediately surrounding the Containment Building to detect signs of releases of hazardous waste.**

Response
Exide inspects and records in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the

Containment Building and the area immediately surrounding the Containment Building to detect signs of releases of hazardous waste. A copy of the inspection record is included in Appendix 5.

D. **For Containment Buildings that contain areas both with and without secondary containment, the owner or operator must:**

1. **design and operate each area in accordance with the requirements enumerated in LAC 33:V.1802.A-C;**

   Response
   Exide's Containment Building contains areas both with and without secondary containment. Therefore, Exide has redesigned and will operate each area in accordance with the requirements enumerated in LAC 33:V.1802.A and C. Area 1 (without secondary containment) will be used for dry material storage only. Area 2 (with secondary containment following upgrades) will be used for storage of materials which may contain free liquids.

2. **take measures to prevent the release of liquids or wet materials into areas without secondary containment; and**

   Response
   Exide will operate the storage areas in accordance with the requirements of LAC 33:V.1802.A and C. The potential for a release of liquids or wet materials into areas without secondary containment are minimized through the building contours that separate Area 2 from the other areas coupled with the use of good material management practices. Area 2 is sloped to drain to a liquid collection sump such that liquids do not flow into adjacent areas. Only lead oxide pastes with the potential to contain free liquids are stored in Area 2. Materials which do not contain free liquids such as dry paste and battery components are only stored in Area 1.

3. **keep in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.**

   Response
   Exide will maintain, in the facility's operating log, a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

E. **Notwithstanding any other provision of this Chapter, the administrative authority may waive requirements for secondary**

containment for a permitted Containment Building where the owner or operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements and where containment of managed wastes and liquids can be ensured without a secondary containment system.

Response

Exide requests that the administrative authority waive requirements for secondary containment for the potential occurrence that liquids could be generated from dust suppression activities in the Raw Materials Storage Area (Area 1).

Periodically dust suppression liquids are used to suppress dust to a level that meets occupational health and safety requirements. The materials stored in Area 1 include battery components, dry lead-oxide paste and slag. Typically, the stored waste will adsorb the liquids to a point that the waste will still pass the paint filter test. This occurs as the waste is initially dry and capable of absorbing additional moisture. Saturation of wastes is not practiced as operations and safety requires that any material feed to the furnaces is as dry as possible. Should liquids become present, Exide will take measures to collect and remove the liquid using a collection sump within the area or absorbent materials. The procedures for handling accumulated liquids are also described in the Dust Suppression Operational Procedure in Appendix 12.

Since the Paste Storage Area (Area 2) will be managed to handle free liquids, it has been designed to have an upgraded floor system with secondary containment and therefore, will have means to remove free liquids as necessary.

§1803. Closure and Post-closure Care

A. At closure of a Containment Building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste unless LAC 33:V.109.*Hazardous Waste* applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for Containment Buildings must meet all of the requirements specified in LAC 33:V.Chapters 35 and 37.

B. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in Subsection A of this section, the owner or operator

finds that not all contaminated subsoils can be practicably removed or decontaminated, he must either:

1. **close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (LAC 33:V.2521). In addition, for the purposes of closure, post-closure, and financial responsibility, such a Containment Building is then considered to be a landfill and the owner or operator must meet all of the requirements for landfills specified in LAC 33:V.Chapters 35 and 37; or**

2. **perform a risk assessment to demonstrate that closure with the remaining contaminant levels in protective of human health and the environment in accordance with LAC 33:I. Chapter 13. Any such risk assessment is subject to approval by the administrative authority and must demonstrate that post-closure care is not necessary to adequately protect human health and the environment.**

Response

Exide acknowledges these citations and will comply. Closure for the Containment Building is addressed in Appendix 8, Closure and Post Closure Plan. The Closure and Post Closure Plan includes general closure procedures; specific closure procedures for the slag stabilization area, the Containment Building, the K069/D008 storage area, the Truck Trailer Storage area, and the Whole Battery storage area; a closure cost estimate and post-closure care procedures.

Slag remaining in the Containment Building at closure will be loaded into lined end dump trailers for transport to an off-site permitted hazardous waste disposal site. Battery components and other lead-bearing materials remaining in the Containment Building at closure will be loaded into vehicles for transport to another lead smelter for recycling. A sweeper truck will be used to clean any residual material. The walls and floor of the Containment Building will be decontaminated with steam cleaners. Equipment used for loading and sweeping will also be decontaminated. Wash water will be collected in trailers and transported for off-site disposal. Samples of the wash water will be collected to determine if the decontamination process is complete. Confirmation samples will be collected by drilling through the concrete and collecting soil samples for analysis. A certification report stating that the Containment Building was

closed in accordance with the approved closure plan will be prepared by an independent registered professional engineer.

CHAPTER 19

TANKS

Exide acknowledges and understands the information provided in this chapter. However, this chapter in not applicable since tanks are not used at this facility to store or treat hazardous waste.

CHAPTER 20

INTEGRATION WITH MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY STANDARDS

Exide acknowledges and understands the information provided in this chapter. However, this chapter is not applicable as the facility does not maintain an incinerator, cement kiln, or lightweight aggregate kiln.

CHAPTER 21

CONTAINERS

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Chapter 21. Containers

§2101. Applicability

The regulations in this Chapter apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as specified in LAC 33:V.1501, or if the container is empty (see LAC 33:V.109).

Response

Exide understands that the requirements of this chapter apply as Exide stores hazardous waste in containers (55-gallon drums). Exide uses 55-gallon drums for storage of lead-bearing materials (D008) and baghouse dust (K069) at the K069/D008 storage area. Spent nickel-cadmium batteries are also stored in drums in a trailer at the Truck/Trailer Storage Area prior to shipment off-site. Exide also stores spent lead acid batteries on pallets at the Truck/Trailer Storage Area and the Whole Battery Storage Area. As they contain acid, the batteries are considered containers until broken in the battery breaker.

The K069/D008 storage area has a maximum storage capacity of 544 55-gallon drums (29,920 gallons) calculated in the Closure Cost Estimate (Appendix 8) as follows:

Area = 25 ft by 70 ft

17 pallets per row x 2 pallets high x 4 drums per pallet = 136 drums per row

4 rows (3 aisles with no more than 1 row between aisles) x 136 drums per row = 544 drums maximum storage capacity.

544 drums x 55 gallons per drum = 29,920 gallons

The Truck/Trailer Storage Area has a maximum storage capacity of 85,000 batteries (85,000 gallons) calculated as follows. The maximum height of pallets and batteries is 8 feet.

Area = 120 ft by 120 ft

36 trailers x 2,361 batteries per trailer = 85,000 batteries

85,000 batteries x 1 gallon per battery = 85,000 gallons

The Whole Battery Storage Area has a maximum storage capacity of 81,000 batteries (81,000 gallons) calculated in the Closure Cost Estimate (Appendix 8) as follows. The maximum height of pallets and batteries is 8 feet.

Area = 75 ft by 100 ft

18 pallets per row x 3 pallets high x 75 batteries per pallet

= 4,050 batteries per row

20 rows (10 ten aisles with no more than 2 rows between aisles) x 4,050 batteries per row = 81,000 batteries

81,000 batteries x 1 gallon per battery = 81,000 gallons.

A. Containers not exempted from these regulations shall be considered hazardous and shall be disposed of or treated by an acceptable waste disposal or treatment method.

Response

Exide understands this citation and will comply.

B. If a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.

Response

Exide understands this citation and will comply.

C. Empty containers sent to a reclaimer are considered product, and thus are not subject to these rules and regulations. Residue from the reclaimer's operations must be disposed of in a permitted facility.

Response

Exide understands this citation and will comply. After dumping the material contents from the drum, Exide washes and crushes each drum prior to sending the crushed drums off-site for recycling. Solid materials from the cleaning process are collected and placed in the feed piles with similar materials. Wash water is collected and processed in the facility's Waste Water Treatment Plant. Broken batteries are reclaimed as part of the recycling process and truck trailers are re-used for transport and storage of spent batteries.

D. The storage of hazardous waste prohibited from land disposal must also be in accordance with the requirements of LAC 33:V.2205.

Response

Exide understands this citation and will comply.

§2103. Condition of Containers

A. If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Chapter.

Response

Exide understands this citation and will comply. If a container (55-gallon drum or battery) holding hazardous waste is not in good condition or if it begins to leak, the waste will be transferred to the feed piles for reclaim or the waste will be transferred to a 55-gallon drum that is in good condition. Exide conducts weekly inspections of all storage areas for integrity and leaks in accordance with the Inspection Plan in Appendix 5.

§2105. Compatibility of Waste with Containers

A. The owner or operator must use a container made of or lined with materials which will not react with, or be incompatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

Response

Exide understands this citation and will comply. Exide only uses containers made or lined with materials which will not react with, or be incompatible with, the hazardous waste to be stored.

§2107. Management of Containers

A. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Response

Exide understands the requirements of this citation and will comply. Drums holding hazardous waste are stored with lids on, except when it is necessary to add or remove waste. Trailers storing spent batteries are maintained with doors closed, except when it is necessary to add or remove waste. Weekly inspections of the container storage areas are performed. The inspections are noted on an inspection form. An example inspection form has been included with the Inspection Plan in Appendix 5.

B. A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

Response

Exide understands this requirement and will comply.

§2109. Inspections

A. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system. Remedial action as described in LAC 33:V.1513 shall be taken.

Response

Exide conducts weekly inspections of the container storage areas. Inspection items include leaking containers, deteriorated or open containers and the containment system. The inspections are noted on an

inspection form. An example inspection form has been included with the Inspection Plan in Appendix 5.

B. All containers must be stacked in such a fashion that each container identification label can be read from the access aisle.

Response

Exide understands this citation and will comply by stacking containers in such a fashion that identification labels can be read from the access aisle. A minimum aisle space of 24 inches is maintained between pallets at the K069/D008 Storage Area and Whole Battery Storage Area. The K069/D008 storage area has four single rows of double stacked pallets and three aisles. The Whole Battery Storage Area has 20 double rows of double stacked pallets and 10 aisles.

Aisle space is not required between the trailers at the Truck/Trailer Storage Area as the trailers act as containment for the batteries. However, for operational purposes, trailers at the Truck/Trailer storage area have adequate space between the trailers to allow for movement of the trailers.

C. All inspection records must be maintained according to the recordkeeping requirements of LAC 33:V.1529.

Response

Exide understands this citation and will maintain inspection records for at least three years from the date of inspection. Since the original permit application, Exide has revised its inspection procedures to maintain compliance with regulations and safe work practices. The specifics of the changes are not available; however, the current Inspection Plan is provided in Appendix 5.

§2111. Containment

A. Container storage areas must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B except as otherwise provided by LAC 33:V.2111.C.

Response

Exide understands the requirements of this citation and will comply. The K069/D008 storage area has an asphalt and concrete floor and a 3 inch high asphalt berm for containment. Details of the K069/D008 storage area are provided in Figure 11.

The Truck/Trailer Storage area has an asphalt and concrete floor with a 2.5 foot high asphalt berm for containment. Details of the Truck/Trailer Storage Area are provided in Figure 12.

The Whole Battery Storage Area has an asphalt and concrete floor with a 5 inch high perimeter asphalt berm for containment. Details of the Battery Storage Area are provided on Figure 13.

B. A containment system must be designed and operated as follows:

1. A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;

Response

The base of the K069/D008 storage area is, from top to bottom, 4 inches of asphalt, 4 inches of concrete, 1.5 inches of asphalt and 6 inches of concrete as shown on Figure 11.

The base of the Truck/Trailer Storage area is, from top to bottom, 3 inches asphalt and 6 inches concrete, with the exception of the dolly pad (12 inches concrete) and a concrete area (6 inches concrete) as shown on Figure 12.

The base of the Whole Battery Storage Area is, from top to bottom, six (6) inches asphalt and 10 inches of 3,500 psi mesh reinforced concrete as shown on Figure 13.

Concrete and asphalt are sufficiently impervious to contain leaks, spills and accumulated precipitation until the material can be detected and removed. Removed solid materials are transferred to the furnace for reclaim or an intact 55-gallon drum. Any liquid collected in Whole Battery Storage Area sump is pumped to the battery breaker unit for neutralization prior to pumping to the wastewater treatment plant. Removed liquids from the K069/D008 and Truck/Trailer Storage Areas are transferred directly to the facility wastewater treatment system for processing.

Removed liquids at the Truck/Trailer Storage Area could be due to precipitation as free liquids or acid from stored batteries. Liquids at the Whole Battery Storage Area would be due to acid from stored batteries as the area is covered with a roof and precipitation does not enter. Liquids are not expected at the K069/D008 storage area as the area has a roof to prevent precipitation and no wastes with free liquids are stored in the K069/D008 storage area.

2. **the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;**

Response

As shown on Figure 11, the base of the K069/D008 storage area is sloped to a collection point for ease of removal. The drums are also stored on pallets to prevent contact of the drums with spills. As pallets are 4 inches high, the drums will be maintained above the top of the spill as the berm height is 3 inches. Liquid spills are not anticipated as liquids or materials which contain free liquids are not stored in the K069/D008 storage area and the area is under a roof to prevent precipitation.

As shown on Figure 12, the base of the Truck/Trailer storage area is sloped to a collection point for ease of removal. The drums are stored on pallets in truck trailers to provide additional containment and to elevate the drums above accumulated precipitation.

As shown on Figure 13, the base of the Whole Battery Storage Area is sloped to a sump for removal and is pumped to the battery breaker unit for neutralization prior to pumping to the wastewater treatment plant. Spent batteries are stored on pallets to elevate the batteries above accumulated liquids.

3. **The containment system must have sufficient capacity to contain 10 percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;**

Response

The drums within the K069/D008 storage area do not contain free liquids or materials containing free liquids; therefore, this requirement does not apply to that area.

The Truck/Trailer Storage Area stores batteries which contain free liquids. The Truck Trailer Storage Area has a maximum storage capacity of 85,000 batteries (i.e., 85,000 gallons). The containment system (i.e., floor and asphalt perimeter berm) was designed to have sufficient capacity to contain a 12 inch (25-year, 24-hour) rainfall event and 10% of the total battery acid stored. Calculations are provided as follows:

Available Containment Volume	= 120 ft x 120 ft x 2.5 ft
	= 36,000 cf
	= 269,280 gal
Stormwater to be stored = 120 ft x 120 ft x 1 ft	= 14,400 cf
	= 107,712 gal
10% of total battery acid to be stored	= 85,000 gal x 0.1
	= 8,500 gal

Total liquid (stormwater and 10% of acid) to be stored

= 107,712 gal + 8,500 gal = 116,212 gal

As the containment volume of 269,280 gallons is greater than the total liquid volume to be stored (116,212 gallons), the containment at the Truck/Trailer Storage Area is acceptable.

The Whole Battery Storage Area stores batteries which contain free liquids. The Whole Battery Storage area has a maximum storage capacity of 81,000 batteries (i.e., 81,000 gallons). The containment system (i.e, floor and asphalt perimeter berm) was designed to contain 10% of acid plus 2 inches freeboard. This area is not required to manage a 12 inch rainfall event as the area has a roof and is constructed to prevent run-on. Calculations are provided as follows:

Available containment volume (5/12) ft	= 75 ft x 100 ft x
	= 3125 cf
	= 23375 gal.
Stormwater to be stored	= 0 gal
10% of total battery acid to be stored	= 81,000 gal x 0.1
	= 8,100 gal
Total liquid to be stored	= 8,100 gal

As the containment volume of 23,375 gallons is greater than the total liquid volume to be stored (8,100 gallons), the containment at the Whole Battery Storage Area is acceptable.

4. **Run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;**

Response

Run-on into the containment system of the K069/D008 storage area, the Truck/Trailer storage area and Whole Battery Storage Area is prevented by the asphalt perimeter berm and the slope of the floor systems.

5. **Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and**

Response

Exide acknowledges this requirement and will remove spilled or leaked waste and accumulated precipitation from the collection area in as timely a manner as is necessary to prevent overflow of the collection system.

6. **If the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements.**

Response

Exide acknowledges this requirement and, if the collected material is a hazardous waste, will manage the material as a hazardous waste. Solid materials will be reclaimed in the furnace. Liquids will be processed in the facility wastewater treatment plant.

C. **Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by LAC 33:V.2111.B, except as provided by LAC 33:V.2111.D or provided that:**

1. **the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or**

Response

The wastes stored in drums at the K069/D008 storage area do not contain free liquids or material containing free liquids and the area has a roof to prevent precipitation; therefore a containment system is not required. The storage area is slope to drain to a collection point.

2. **The containers are elevated or are otherwise protected from contact with accumulated liquid.**

Response

The drums at the K069/D008 storage area and batteries at the Whole Battery Storage Area are stored on pallets to be elevated above accumulated liquid. Drums and batteries at the Truck/Trailer Storage Area are stored on pallets in trailers to be elevated above accumulated liquid.

D. **Storage areas that store containers holding the wastes listed below must have a containment system defined by LAC 33:V.2111.B even**

when these wastes do not contain free liquids: F020, F021, F022, F023, F026, and F027.

Response

Exide understands the requirements of this citation; however, it does not apply as Exide does not treat or store F020, F021, F022, F023, F026 or F027 wastes.

§2113. Special Requirements for Ignitable or Reactive Wastes

A. Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line. (See LAC 33:V.1517 for additional requirements or LAC 33:V.4321 for additional requirements for interim status facilities.)

Response

Exide understands the requirements of this citation; however, it does not apply as Exide does not manage ignitable or reactive wastes. Exide has a Waste Acceptance program in place that prevents the receipt of ignitable or reactive wastes.

§2115. Special Requirements for Incompatible Wastes

A. Incompatible wastes, or incompatible wastes and materials, must not be placed in the same container unless LAC 33:V.1517 or LAC 33:V.4321 for interim status facilities is complied with.

Response

Exide understands and acknowledges this provision. Exide has a Waste Acceptance program in place that prevents the receipt of incompatible wastes. If received, incompatible wastes would be stored in separate containers.

B. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.

Response

Exide understands and acknowledges this provision and will comply.

C. **A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.**

Response

Exide understands and acknowledges this provision. Exide has a Waste Acceptance program in place that prevents the receipt of incompatible wastes. If received, incompatible wastes would be separated by means of a dike, berm, wall or other device.

D. **The owner or operator must place the results of each waste analysis and trial test and any documented information regarding compatibility testing in the operating record of the facility.**

Response

Exide acknowledges this provision and will maintain all information regarding compatibility testing in the operating record of the facility. Also, Exide has a Waste Acceptance program in place that prevents the receipt of incompatible wastes.

§2117. Closure

A. **At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with LAC 33:V.109.*Hazardous Waste*.6 that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 9-43.**

Response

Exide has developed a Closure/Post-Closure Plan (Appendix 8) for the facility. The K069/D008 storage area will be closed by removing drummed wastes for transport to another lead smelter for recycling. The area will be decontaminated with steam cleaners. Wash water will be collected in trailers and transported off-site for disposal. Samples of the wash water will be analyzed for lead to determine if the decontamination process is complete. Confirmation samples will be collected by drilling through the concrete and collecting soil samples for lead analysis. A certification report stating that the storage area was closed in accordance with the approved closure plan will be prepared and certified by an independent registered professional engineer.

The Truck/Trailer Storage Area will be closed by restacking and orders the batteries for transport to another lead smelter for recycling. The area will be decontaminated with steam cleaners. Wash water will be collected in trailers and transported off-site for disposal. Samples of the wash water will be analyzed for lead to determine if the decontamination process is complete. Confirmation samples will be collected by drilling through the concrete and collecting soil samples for lead analysis. A certification report stating that the storage area was closed in accordance with the approved closure plan will be prepared and certified by an independent registered professional engineer.

The Whole Battery Storage Area will be closed by transporting the batteries to another lead smelter for recycling. The area will be decontaminated with steam cleaners. Wash water will be collected in trailers and transported off-site for disposal. Samples of the wash water will be analyzed for lead to determine if the decontamination process is complete. Confirmation samples will be collected by drilling through the concrete and collecting soil samples for lead analysis. A certification report stating that the storage area was closed in accordance with the approved closure plan will be prepared and certified by an independent registered professional engineer.

Exide understands that unless it can be demonstrated that the solid waste removed from the containment system is not a hazardous waste, the waste must be managed as a hazardous waste.

§2119. Air Emission Standards

A. The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of LAC 33:V.Chapter 17.

Response

Exide acknowledges and understands this citation and will comply with the requirements of LAC 33:V.Chapter 17.

CHAPTER 22

PROHIBITIONS ON LAND DISPOSAL

Exide acknowledges and understands the information provided in this chapter. Exide does not dispose of hazardous waste on land, therefore this chapter is not applicable.

CHAPTER 23

WASTE PILES

Exide does not have any active waste piles. Exide is regulated by a post-closure permit for closed waste piles at the Baton Rouge Smelter. Therefore, this chapter is not applicable.

CHAPTER 24

HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Exide does not treat, store, or dispose of hazardous waste munitions and explosives at the Baton Rouge smelter, therefore this chapter is not applicable.

CHAPTER 25

LANDFILLS

This Chapter is not applicable since Exide does not use landfills to treat or store hazardous waste at the Baton Rouge smelter.

CHAPTER 26

CORRECTIVE ACTION MANAGEMENT UNITS AND TEMPORARY UNITS

Exide acknowledges and understands the information provided in this chapter. Exide does not currently have any Corrective Action Management Units at the Baton Rouge smelter. The chapter is not applicable.

CHAPTER 27

LAND TREATMENT

Exide does not use land treatment to treat or store hazardous waste at the Baton Rouge smelter, therefore this chapter is not applicable.

CHAPTER 28

DRIP PADS

This chapter is not applicable since Exide does not utilize drip pads at the Baton Rouge smelter.

CHAPTER 29

SURFACE IMPOUNDMENTS

This chapter is not applicable since Exide does not utilize surface impoundments at the Baton Rouge smelter.