



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

AUG 29 2019

Bruno L. Pigott
Commissioner

VIA CERTIFIED MAIL: 7002 0510 0002 5821 3176

Steve Carter, Plant Manager
Exide Technologies
2601 W. Mount Pleasant Blvd.
Muncie, IN 47307

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Exide Technologies
Plant ID No. 035-00028
Muncie, Delaware County
Case No. 2017-24694-A

Dear Mr. Carter:

This is to advise you that the Indiana Department of Environmental Management took the following action.

The Findings of Fact and Order in the above referenced case, which were signed on behalf of the Respondent, were considered. The Findings of Fact and Order have been approved by the Department and the Agreed Order has been executed.

A copy of the approved Order is enclosed. Please note that the civil penalty has been received and will be deposited in the Environmental Management Special Fund. Thank you for your cooperation.

Sincerely,

Phil Perry, Chief
Compliance and Enforcement Branch
Office of Air Quality

Enclosures:

cc Cindy Wiltrout, Environmental Manager, Exide Technologies
Ed Osborn, VP Environment, Health and Safety, Exide Technologies
Fred Ganster, Director, EHS, Exide Technologies
Mark Messersmith, US EPA Region 5
Matthew Chaifetz, Compliance and Enforcement Branch, OAQ
Wyman Clark, Compliance and Enforcement Branch, OAQ
<http://www.IN.gov/idem>

4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation (“NOV”) via Certified Mail to

Victor M. Koelsch, President Exide Technologies, Inc. 13000 Deerfield Parkway Building 200 Milton, GA 30004	CT Corporation System, Registered Agent 150 West Market Street Suite 800 Indianapolis, IN 46204
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5. During an investigation conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Part 70 Permit 035-35766-00028, issued July 28, 2015, condition D.1.1(a), only a mixture of 70% to 100% by weight slag and 0% to 30% by weight lead bearing materials may be charged in the Blast furnace (cupola) (Unit 5).

Respondent charged less than 70% by weight of slag in the blast furnace in 2nd and 3rd quarters of 2016 and 3rd and 4th quarters 2017, in violation of Part 70 permit condition D.1.1(a).

- b. Pursuant to 40 CFR 63.544(c)(1), the total enclosure must be ventilated continuously to ensure negative pressure values of at least 0.007 inches of water.

Respondent failed to continuously maintain negative pressure values of the at least 0.007 inches of water on January 12, 2016, June 6, 2017, December 16, 2017, December 30, 2017, January 8, 2018, and January 12, 2018, totaling 16 hours and 45 minutes, in violation of 40 CFR 63.544(c)(1).

- c. Pursuant to 40 CFR 63.548(k), you must install, operate, and maintain a digital differential pressure monitoring system to continuously monitor each total enclosure.

Pursuant to 40 CFR 63.548(k)(4), you must equip each digital differential pressure monitor system with a continuous recorder. To demonstrate compliance with the standard for differential pressure, you must maintain the pressure in total enclosures such that the average pressure in any 15-minute period does not fall below the level specified in §63.544(c)(1).

Respondent failed to continuously operate and/or maintain records of the differential pressure monitoring system of the total enclosure on numerous occasions in 2016, 2017 and the first quarter 2018, in violation of 40 CFR 63.548(k) and 40 CFR 63.548(k)(1).

- d. Pursuant to 40 CFR 63.548(j)(4), to demonstrate continuous compliance with the standards for total hydrocarbons and dioxins and furans, you

must maintain an afterburner or exhaust temperature such that the average temperature in any 3-hour period does not fall more than 28 °Celsius (50 °Fahrenheit) below the average established in paragraph (j)(3) of this section.

Respondent failed to maintain afterburner or exhaust temperature such that it did not fall more than 28 °Celsius (50 °Fahrenheit) below the average established on numerous occasions in 2016, 2017 and the first quarter 2018, in violation of 40 CFR 63.548(j)(4).

- e. Pursuant to 40 CFR 63.548(j)(1), to demonstrate continuous compliance with the standards for total hydrocarbons and dioxins and furans, you must install, calibrate, maintain, and continuously operate a device to monitor and record the temperature of the afterburner or furnace exhaust streams consistent with the requirements for continuous monitoring systems in §63.8

Respondent failed to maintain afterburner temperature records for 97 hours and 30 minutes in December 2017, in violation of 40 CFR 63.548(j)(1).

- f. Pursuant to 40 CFR 63.543(g), following the initial performance or compliance test to demonstrate compliance with the lead emissions limits specified in paragraph (a) or (b) of this section, you must conduct performance tests according to the schedule in paragraph (g)(1) or (2) of this section.

Pursuant to 40 CFR 63.543(g)(1), you must conduct an annual performance test for lead compounds from each process vent (no later than 12 calendar months following the previous compliance test), unless you install and operate a CEMS meeting the requirements of §63.8.

Pursuant to 40 CFR 63.543(g)(2) if an annual compliance test demonstrates that a process vent emitted lead compounds at 0.10 milligram of lead per dry standard cubic meter or less during the time of the annual compliance test, you may submit a written request to the Administrator applying for an extension of up to 24 calendar months from the previous compliance test to conduct the next compliance test for lead compounds.

Respondent failed to conduct a test of the Process Baghouse within 24 months, by June 3, 2017, in violation of 40 CFR 63.543(g)(2).

- g. Pursuant to 40 CFR 63.543(h), Following the initial performance or compliance test to demonstrate compliance with the total hydrocarbons (THC) emissions limits in paragraphs (c) and (f) of this section, you must conduct an annual performance test for total hydrocarbons emissions from each process vent that has established limits for total hydrocarbons (no

later than 12 calendar months following the previous compliance test).

Respondent failed to conduct a test of the Ventilation Baghouse within 12 months, by March 1, 2017, in violation of 40 CFR 63.543(h).

6. Respondent conducted THC testing of the Ventilation Baghouse on April 5, 2017.
7. Respondent conducted lead testing of the Process Baghouse on June 28, 2017.
8. Part 70 Renewal 035-37825-00028, issued on January 9, 2018, and removed the condition relating to percent slag to percent lead bearing material referenced in 5(a).
9. On January 18, 2018, Respondent installed a manufacturer's supplied wind mitigation device on the battery breaker dock building pressure differential monitor.
10. Orders of the Commissioner are subject to administrative review by the Office of Environmental Adjudication under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with Part 70 Permit 035-37825-00028 unless superseded by a renewal or modification.
3. All submittals required by this Agreed Order, unless Respondent is notified otherwise in writing by IDEM, shall be sent to:

Matthew Chaifetz, Compliance and Enforcement Manager
Compliance and Enforcement Branch – Mail Code 61-53
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
4. Respondent is assessed and agrees to pay a civil penalty of Sixty-Nine Thousand Two Hundred Fifty Dollars (\$69,250.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the 30th day being the "Due Date".
5. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Rm 1340
100 N. Senate Ave.
Indianapolis, IN 46204

6. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
7. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 5, above.
8. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
9. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
10. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
11. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
12. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or

regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the NOV.

13. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the EPA or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
14. This Agreed Order shall remain in until IDEM issues a Resolution of Case letter to Respondent.

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TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: David P. McIver
David P. McIver, Chief
Enforcement Section
Office of Air Quality

Date: 7-29-19

RESPONDENT:
Exide Technologies

By: Steve Carter

Printed: Steve Carter

Title: Plant Manager

Date: 8-12-19

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL
MANAGEMENT 23rd DAY OF August, 20 19
THIS

For the Commissioner:

By: Matthew Stuckey
Matthew Stuckey, Deputy Assistant
Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

