IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA and the STATE OF INDIANA, Plaintiffs, v. EXIDE TECHNOLOGIES (d/b/a EXIDE TECHNOLOGIES, INC.), Defendant.	)	Civil Action No. 15-cv-433

COMPLAINT

The United States of America, by the authority of the Attorney General of the United States acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), and the State of Indiana ("Indiana"), by the authority of the Indiana Attorney General, acting at the request of the Indiana Department of Environmental Management ("IDEM"), hereby file this Complaint and allege as follows:

NATURE OF ACTION

1. This is a civil action brought against Exide Technologies (referred to herein as "Exide" or the "Defendant") pursuant to the Clean Air Act, 42 U.S.C. § 7401 et seq. and the laws of Indiana. This action seeks civil penalties and injunctive relief for violation of certain requirements under the Clean Air Act and its implementing regulations, as well as corresponding requirements of Indiana law, at a secondary lead smelting facility that Exide owns and operates at 2601 West Mount Pleasant Boulevard, Muncie, Indiana (the "Facility"). Indiana's authority to

seek injunctive relief and civil fines with respect to the Facility derives not only from the Clean Air Act, but also Indiana Code ("Ind. Code") §§ 13-13-5-1 and 13-13-5-2.

2. As alleged with greater specificity below, Exide has violated the certain statutory and regulatory requirements applicable to the Facility arising under: (i) the hazardous air pollutant provisions of Clean Air Act Section 112, 42 U.S.C. § 7412, and its implementing regulations, including the National Emission Standards for Hazardous Air Pollutants ("NESHAP") General Provisions, codified at 40 C.F.R. Part 63, Subpart A, and the NESHAP for Secondary Lead Smelting, codified at 40 C.F.R. Part 63, Subpart X; (ii) corresponding Indiana statutes and regulations implementing the Clean Air Act, including Indiana's regulations governing hazardous air pollutant emissions from Secondary Lead Smelters, codified at 326 Indiana Administrative Code ("IAC") 20-13.1; and (iii) the permit provisions of Clean Air Act Title V, its implementing regulations, and Indiana's corresponding Title V operating permit program, including requirements under Exide's Title V operating permit for the Facility.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action and over the parties pursuant to 28 U.S.C. §§ 1331, 1345, and 1355 and Clean Air Act Sections 113(b) and 304(a)(1), 42 U.S.C. §§ 7413(b) and 7604(a)(1). The court has supplemental jurisdiction over the claims under Indiana law pursuant to 28 U.S.C. § 1367.

4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1395(a) and Clean Air Act Section 113(b), 42 U.S.C. § 7413(b). The Defendant is found in and transacts business in the Southern District of Indiana and certain acts or omissions which form the basis for claims asserted in this Complaint occurred within this District.

NOTICE

5. On September 16, 2013, EPA issued a Notice of Violation and Finding of

Violation identifying alleged Clean Air Act violations at the Facility. EPA's September 16, 2013, violation notice was sent to Exide and to the State of Indiana, and a copy is attached hereto as Exhibit 1 to this Complaint.

6. On April 17, 2014, EPA issued a Finding of Violation identifying alleged Clean Air Act violations at the Facility. EPA's April 17, 2014, violation notice was sent to Exide and to the State of Indiana, and a copy is attached hereto as Exhibit 2 to this Complaint.

7. As a Co-Plaintiff in this action, the State of Indiana has received notice of the commencement of this action in accordance with the requirements of Clean Air Act Section 113(b), 42 U.S.C. § 7413(b).

THE DEFENDANT

8. Defendant Exide Technologies is a company that is incorporated in Delaware. Exide does business in Indiana and currently owns and operates the Facility in Muncie, Indiana, that is the subject of this action.

9. The Defendant is a "person" as defined in Clean Air Act Section 302(e), 42 U.S.C. § 7602(e).

GENERAL ALLEGATIONS

10. The Clean Air Act establishes a regulatory scheme designed to protect and enhance the quality of the Nation's air so as to promote the public health and welfare and the productive capacity of its population. *See* 42 U.S.C. § 7401(b)(1).

National Emission Standards for Hazardous Air Pollutants

11. Clean Air Act Section 112(c), 42 U.S.C. § 7412(c), requires EPA to promulgate a list of all categories and subcategories of new and existing "major sources" of hazardous air pollutants and establish emissions standards for the categories and subcategories. These emission standards are known as National Emission Standards for Hazardous Air Pollutants or

"NESHAP." EPA codified these standards at 40 C.F.R. Parts 61 and 63.

12. "Hazardous air pollutant" is defined as "any air pollutant listed in or pursuant to" Clean Air Act Section 112(b), and includes, among other pollutants, lead compounds, various hydrocarbons, and dioxin and furan congeners. 42 U.S.C. § 7412(a)(6), (b)(1). *See also* 326 IAC 1-2-33.5.

13. Clean Air Act Section 112(i)(3), 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.

The Secondary Lead NESHAP, the NESHAP General Provisions, and the Corresponding Indiana Regulations

14. Pursuant to Clean Air Act Section 112, EPA has promulgated the National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting (the "Secondary Lead NESHAP"), which has been amended periodically and codified at 40 C.F.R. Part 63, Subpart X. *See* 60 Fed. Reg. 32587 (June 23, 1995); 62 Fed. Reg. 32216 (June 17, 1997); 64 Fed. Reg. 4572 (January 29, 1999); 64 Fed. Reg. 69643 (December 14, 1999); 70 Fed. Reg. 75320 (December 19, 2005); 77 Fed. Reg. 555 (January 5, 2012); 79 Fed. Reg. 367 (January 3, 2014).

15. This Complaint alleges violations of the version of the Secondary Lead NESHAP that was promulgated on January 5, 2012, and amended on January 3, 2014, as well as corresponding requirements imposed by Indiana regulations codified at 326 IAC 20-13.1. Those requirements of the Secondary Lead NESHAP and 326 IAC 20-13.1 are referred to herein collectively as the "2012 NESHAP Requirements." Under 326 IAC 20-13.1-3(c), Exide was required to achieve early compliance with certain 2012 NESHAP Requirements by October 1, 2013. Under 40 C.F.R. § 63.546, Exide was required to comply with all applicable 2012

NESHAP Requirements by January 4, 2014. Exide's Title V permit incorporated the 2012 NESHAP Requirements in a set of modifications that took effect on February 4, 2014, and September 9, 2014. Finally, as specified by a direct final rule published at 79 Fed. Reg. 367 (Jan. 3, 2014), Exide was required to comply with certain amended 2012 NESHAP Requirements by March 4, 2014.

Applicability and General Provisions

16. Under 40 C.F.R. § 63.541(a) and 326 IAC 20-13.1-1(a), the 2012 NESHAP Requirements apply to the following affected sources at a secondary lead smelter: blast, reverberatory, rotary, and electric furnaces; refining kettles and agglomerating furnaces; dryers; process fugitive emissions sources; buildings containing lead bearing materials; and fugitive dust sources.

17. The NESHAP General Provisions – codified at 40 C.F.R. Part 63, Subpart A and incorporated into Indiana laws at 326 IAC 20-13.1-1(d) – impose performance testing requirements, monitoring requirements, recordkeeping and reporting requirements, and other requirements applicable to owners and operators of affected sources, including owners and operators of facilities covered by the Secondary Lead NESHAP.

Total Enclosure and Lead Emission Control Requirements

18. Under 40 C.F.R. § 63.544 and 326 IAC 20-13.1-6, the owner and operator of a secondary lead smelter must operate specified process fugitive emissions sources and fugitive dust sources in a total enclosure that meets certain requirements and is maintained at negative pressure at all times and vented to a control device designed to capture lead particulate. Among other things, the owner and operator must: (i) ventilate the total enclosure continuously to ensure negative pressure values of at least 0.013 millimeters of mercury (0.007 inches of water); and (ii) maintain an inward flow of air through all natural draft openings.

19. Under 40 C.F.R. § 63.548(k) and 326 IAC 20-13.1-7, the owner and operator of a secondary lead smelter must install, operate, and maintain a digital differential pressure monitoring system to continuously monitor each total enclosure in accordance with specified requirements. Among other things, the owner and operator must install and maintain a minimum of one building digital differential pressure monitoring system at each of at least three specified wall locations in each total enclosure that has a total ground surface area of 10,000 square feet or more.

Total Hydrocarbon and Dioxin and Furan Emission Control Requirements

20. 40 C.F.R. § 63.543(c) and 326 IAC 20-13.1-5(d) require the owner and operator of a secondary lead smelting facility to meet specified emission limits for total hydrocarbons ("THC") and dioxins and furans ("D/F") from furnace sources.

21. The Secondary Lead NESHAP recognizes that the generation and destruction of THC and D/F in furnaces and furnace exhaust streams is temperature-dependent. Thus, 40 C.F.R. § 63.548(j)(l) and 326 IAC 20-13.1-10(e)(1) require the owner and operator of a secondary lead smelting facility to 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 the NESHAP General Provisions.

22. 40 C.F.R. § 63.548(j)(2) and 326 IAC 20-13.1-10(e)(2) require the owner and operator of a secondary lead smelting facility to conduct a performance evaluation for the temperature monitoring device in accordance with the NESHAP General Provisions prior to, or in conjunction with, the initial performance test to determine compliance with the THC and D/F emission limits.

23. 40 C.F.R. § 63.548(j)(3) and 326 IAC 20-13.1-10(e)(3) require the owner and operator of a secondary lead smelting facility to monitor and record the temperature of the

afterburner or the furnace exhaust streams every 15 minutes during the initial performance test for THC and D/F and determine an arithmetic average for the recorded temperature measurements.

24. 40 C.F.R. § 63.548(j)(4) and 326 IAC 20-13.1-10(e)(4) require the owner and operator of a secondary lead smelting facility to demonstrate continuous compliance with the standards for THC and D/F by maintaining a three-hour average minimum exhaust temperature that does not fall more than 28 degrees Celsius (50 degrees Fahrenheit) below the average temperature established in the initial performance test for THC and D/F.

25. 40 C.F.R. § 63.543(c) and 326 IAC 20-13.1-5(d) impose different THC and D/F emission limits for exhaust from collocated blast and reverberatory furnaces: (i) when the reverberatory furnace is operating; and (ii) when the reverberatory furnace is not operating. The applicable regulations also impose corresponding recordkeeping requirements, including a requirement to maintain records of any period of startup and shutdown of a furnace and records of all required measurements needed to demonstrate compliance with a relevant standard. *See* 40 C.F.R. § § 63.550(a), 63.550(c)(13) and Table 1; 40 C.F.R. § 63.10(b)(vii); 326 IAC 20-13.1-14.

26. 40 C.F.R. § 63.543(l) and 326 IAC 20-13.1-5(i) require the owner and operator of a secondary lead smelting facility to develop and follow standard operating procedures designed to minimize emissions of THC for each startup or shutdown scenario anticipated.

Title V Permit Requirements

27. Clean Air Act Title V, 42 U.S.C. §§ 7661-7661F, established an operating permit program for major sources of air pollution. Clean Air Act Section 502(d)(1), 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. Pursuant to Appendix A of 40 C.F.R. Part 70, on December 4, 2001, EPA granted Indiana final approval of its Clean Air Act Title V Permit

Program effective November 30, 2001. 66 Fed. Reg. 62969.

28. Indiana's Title V operating permit program regulations are codified at 326 IAC 2-7, and are federally enforceable pursuant to Clean Air Act Section 113(a)(3), 42 U.S.C. § 7413(a)(3).

29. 40 C.F.R. § 70.2 defines "major source" as, among other things, any stationary source that directly emits, or has the potential to emit: (i) 10 tons per year or more of any hazardous air pollutant listed pursuant to Clean Air Act Section 112(b); (ii) 25 tons or more of any combination of hazardous air pollutants; and/or (iii) 100 tons per year or more of any other air pollutant subject to regulation under the Clean Air Act. Exide's Facility is a major source.

30. The federal regulations and the Indiana regulations implementing the Title V permit program require an applicant to submit a complete application that is sufficient to evaluate the subject source and to determine all applicable requirements. Among other things, the permit application must describe all emissions of regulated air pollutants emitted from any emissions unit, identify and describe all points of emissions, and identify and describe all air pollution control equipment and compliance monitoring devices or activities. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement. The application must be certified by a responsible official as true, accurate, and complete. *See* 40 C.F.R. §§ 70.5(a), 70.5(c), and 70.5(d), and 326 IAC 2-7-4.

31. 326 IAC 2-7-3 provides that a source may not operate after the time it is required to submit a timely and complete Title V permit application except in compliance with a Title V permit.

32. 40 C.F.R. § 70.6(b)(1) provides that Title V permits are federally enforceable and that all terms and conditions in a Title V permit are enforceable by the EPA.

Exide's Title V Permit

33. IDEM issued Exide a Part 70 Operating Permit Renewal, No. 035-31230-00028, for the Facility on August 1, 2012. Section E.2 of the permit incorporated and required compliance with pertinent provisions of the NESHAP General Provisions and the Secondary Lead NESHAP.

34. IDEM issued Exide a modified Part 70 Operating Permit, No. 035-33188-00028, for the Facility on February 4, 2014. Section E.2 of the permit incorporated and required compliance with pertinent provisions of the NESHAP General Provisions and the Secondary Lead NESHAP. In addition, Section F.1 of the permit incorporated and required compliance with pertinent provisions of 326 IAC 20-13.1 governing hazardous air pollutant emissions from Secondary Lead Smelters.

35. IDEM issued Exide a modified Part 70 Operating Permit, No. 035-34525-00028, for the Facility on September 9, 2014. Section E.2 of the permit incorporated and required compliance with pertinent provisions of the NESHAP General Provisions and the Secondary Lead NESHAP. In addition, Section F.1 of the permit incorporated and required compliance with pertinent provisions of 326 IAC 20-13.1 governing hazardous air pollutant emissions from Secondary Lead Smelters.

36. The above-referenced versions of Exide's Title V permit are referred to in this Complaint collectively as the "Title V Permit," with the recognition that particular versions of the permit were in force and effect at different times relevant to certain Claims set forth in this Complaint.

Clean Air Act Enforcement Provisions Relevant to the United States

37. Clean Air Act Section 113(a)(3), 42 U.S.C. § 7413(a)(3), authorizes federal enforcement of any requirement or prohibition of any rule or permit promulgated or issued under

pertinent provisions of the statute, including requirements and prohibitions under NESHAP regulations, Title V permitting regulations, and Title V permits. Clean Air Act Section 113(b), 42 U.S.C. § 7413(b), authorizes the United States to pursue enforcement of such requirements through civil actions in district court for injunctive relief and civil penalties.

38. As provided by Clean Air Act Section 113(b), 42 U.S.C. § 7413(b), the Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701, and EPA regulations codified at 40 C.F.R. Part 19, any person who violates pertinent requirements of the Clean Air Act shall be liable for a civil penalty of up to $37,500 per day per for each such violation occurring after January 19, 2009.

Enforcement Provisions Relevant to Indiana

39. Clean Air Act Section 304(a)(1), 42 U.S.C. § 7604(a)(1), authorizes Indiana to commence a civil action against any person who is alleged to have violated an emission standard or limitation under the Clean Air Act.

40. Pursuant to Ind. Code §§ 13-13-5-1 and 13-13-5-2, Indiana may seek injunctive relief and civil penalties for the violations alleged herein. Pursuant to Ind. Code §§ 13-30-4-1, Indiana may recover a civil penalty not to exceed $25,000 per day of any violation of air pollution control laws in a civil action commenced in any court with jurisdiction.

FIRST CLAIM FOR RELIEF

(Failure to Operate Bin Room Baghouse No. 2 as Required by the Title V Permit)

41. Paragraphs 1-40 are realleged and incorporated by reference as if fully set forth herein.

42. A 2012 ventilation study commissioned by Exide concluded that the Facility's Main Building required additional ventilation to ensure compliance with the Secondary Lead

NESHAP.

43. In May 2013, Exide submitted a Title V Permit modification application to IDEM that outlined Exide's plan to increase the ventilation of the Facility's Main Building in order to ensure that it would be maintained under sufficient negative pressure at all times as mandated by the Secondary Lead NESHAP, including by installing a second bin room baghouse known as Bin Room Baghouse No. 2. Exide's permit modification application indicated that Exide planned to complete the installation of Bin Room Baghouse No. 2 by July 1, 2013.

44. IDEM's Technical Support Document for the proposed permit modification sought by Exide confirmed that Bin Room Baghouse No. 2 would be exempt from any requirement to obtain prior approval to construct it, but that approval to operate it would be granted by the proposed permit modification.

45. IDEM issued the Title V Permit modification sought by Exide and it took effect immediately upon its issuance on February 4, 2014 (the "February 2014 Title V Permit").

46. Exide had not completed the installation of Bin Room Baghouse No. 2 when the February 2014 Title V Permit took effect.

47. Conditions D.3.1 and D.3.2 of the February 2014 Title V Permit imposed specific limits on the emission of particulate matter and lead from ventilation systems and control devices servicing certain process fugitive emissions sources and fugitive dusts sources in the Facility's Main Building. In addition, in order to ensure compliance with those emission limit Conditions, Condition D.3.4 of the February 2014 Title V Permit required Exide to operate both Bin Room Baghouse No. 1 and Bin Room Baghouse No. 2 whenever slag crushing was in operation.

48. Although the February 2014 Title V Permit and its requirement to operate two bin room baghouses took effect on February 4, 2014, and although slag crushing was in operation at times after that, the Plaintiffs are informed and believe that Exide did not install and begin

operating Bin Room Baghouse No. 2 until at least June 2014.

49. By failing to operate Bin Room Baghouse No. 2 whenever slag crushing was in operation after February 4, 2014, Exide violated Condition D.3.4 of its February 2014 Title V Permit.

50. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

SECOND CLAIM FOR RELIEF

(Failure to Maintain Negative Pressure inside the Main Building Total Enclosure)

51. Paragraphs 1-50 are realleged and incorporated by reference as if fully set forth herein.

52. The Main Building at the Facility contains smelting furnaces, a dryer, material handling areas, and other process fugitive emissions sources and fugitive dusts sources that must be operated in a total enclosure that is maintained at negative pressure at all times and vented to a control device designed to capture lead particulate under the 2012 NESHAP Requirements.

53. On various occasions – including on multiple occasions before Exide increased ventilation by installing Bin Room Baghouse No. 2 – Exide failed to maintain the Main Building total enclosure at negative pressure and failed to ventilate the total enclosure continuously to ensure negative pressure values of at least 0.013 millimeters of mercury (0.007 inches of water), as mandated by the 2012 NESHAP Requirements.

54. By failing to maintain the Main Building total enclosure at negative pressure and failing to ventilate the total enclosure continuously to ensure negative pressure values of at least 0.013 millimeters of mercury (0.007 inches of water), Exide violated 40 C.F.R. § 63.544, 326 IAC 20-13.1-6, and its Title V Permit.

55. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

THIRD CLAIM FOR RELIEF

(Failure to Operate and Maintain an Adequate Differential Pressure Monitoring System)

56. Paragraphs 1-55 are realleged and incorporated by reference as if fully set forth herein.

57. Because Exide must maintain the Facility's Main Building total enclosure at negative pressure, Exide also must operate and maintain a digital differential pressure monitoring system to continuously monitor the total enclosure in accordance with the 2012 NESHAP Requirements. The Facility's Main Building total enclosure has a ground surface area of more than 10,000 square feet, so Exide must operate and maintain a minimum of one building digital differential pressure monitoring system at each of at least three specified wall locations.

58. In Quarterly Deviation and Compliance Monitoring Reports submitted to IDEM under its Title V Permit, Exide self-reported its inability to accurately measure the Main Building total enclosure's differential pressure on multiple occasions after the 2012 NESHAP Requirements applied to the Facility. Exide's deviation reports attributed the failure to dirt and water accumulation in the differential pressure monitoring system sensors that needed to be remedied by intensified cleaning and preventative maintenance.

59. By failing to operate and maintain an adequate differential pressure monitoring system for the Main Building total enclosure, Exide violated 40 C.F.R. § 63.548(k), 326 IAC 20-13.1-7, and its Title V Permit.

60. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per

violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

FOURTH CLAIM FOR RELIEF

(Failure to Maintain Minimum Furnace Exhaust Temperature)

61. Paragraphs 1-60 are realleged and incorporated by reference as if fully set forth herein.

62. The United States is informed and believes that, in June 2014, Exide conducted a performance evaluation for its temperature monitoring device and an initial performance test to establish three-hour average minimum furnace exhaust temperatures that Exide would need to maintain to demonstrate continuous compliance with the emission standards for THC and D/F.

63. After its average furnace exhaust temperature limits were established under the 2012 NESHAP Requirements – including 40 C.F.R. § 63.548(j)(3) and 326 IAC 20-13.1-10(e)(3) – Exide failed to comply with those limits on multiple occasions, including on occasions that were self-reported by Exide in Quarterly Deviation and Compliance Monitoring Reports submitted to IDEM under its Title V Permit.

64. By failing to comply with its average furnace exhaust temperature limits, Exide violated the compliance demonstration and exhaust temperature maintenance requirements of 40 C.F.R. § 63.548(j) and (j)(4), 326 IAC 20-13.1-10(e), and its Title V Permit.

65. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

FIFTH CLAIM FOR RELIEF

(Failure to Maintain Records Demonstrating Compliance with the THC and D/F Limits Applicable to the Furnaces)

66. Paragraphs 1-65 are realleged and incorporated by reference as if fully set forth

herein.

67. After the 2012 NESHAP Requirements took effect and applied to the Facility, Exide could not demonstrate continuous compliance with the THC and D/F emissions standards for the Facility's collocated blast and reverberatory furnaces, because Exide's recordkeeping systems did not always indicate when the reverberatory furnace was operating and when it was not operating.

68. By failing to maintain reliable records of periods of startup and shutdown of a furnace, and corresponding records regarding compliance with the THC and D/F emissions limits while one furnace or both furnaces were operating, Exide violated the compliance demonstration and recordkeeping requirements of 40 C.F.R. § § 63.550(a) and 63.550(c)(13), 40 C.F.R. § 63.10(b)(vii), 326 IAC 20-13.1-14, and its Title V Permit.

69. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

SIXTH CLAIM FOR RELIEF

(Failure to Develop and Follow Standard Operating Procedures for Startup and Shutdown Scenarios)

70. Paragraphs 1-69 are realleged and incorporated by reference as if fully set forth herein.

71. After the 2012 NESHAP Requirements took effect and applied to the Facility, Exide could not demonstrate compliance with THC emission minimization requirements during furnace startups and shutdowns, because Exide had not developed and was not following standard operating procedures designed to minimize emission of THC during each startup and shutdown scenario anticipated.

72. By failing to develop and follow standard operating procedures designed to minimize emission of THC during each startup and shutdown scenario anticipated, Exide violated the requirements established by 40 C.F.R. § 63.543(l), 326 IAC 20-13.1-5(i), and its Title V Permit.

73. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

SEVENTH CLAIM FOR RELIEF

(Failure to Include Rolled Lead Strip Line in Title V Permit)

74. Paragraphs 1-73 are realleged and incorporated by reference as if fully set forth herein.

75. Exide operates a Rolled Lead Strip Line ("RLS Line") in a building at the Facility that is located to the west of the Main Building. The RLS Line is a source of air pollutant emissions, including lead and particulate matter emissions, and stack emissions from the RLS Line are currently controlled by the RLS Baghouse.

76. The Plaintiffs are informed and believe that Exide has not provided IDEM information and calculations regarding the RLS Line's potential to emit relevant air pollutants, such as lead and particulate matter, with and without air pollution control equipment.

77. The Plaintiff are informed and believe that Exide has failed to identify the RLS Line as a source of lead and particulate matter emissions in its Title V Permit applications, as required by the applicable Title V permit regulations. As a result of that omission by Exide, the Title V Permit establishes no requirements for the RLS Line or the RLS Baghouse.

78. By failing to include the RLS Line and the RLS Baghouse as an emission unit and associated pollution control equipment in its Title V Permit applications, Exide violated the Title

V permitting requirements at 40 C.F.R. §§ 70.5(a), 70.5(c), and 70.5(d), and 326 IAC 2-7-4 and 2-7-5.

79. Exide's violations of the Clean Air Act and Indiana law, as set forth in this Claim, make Exide subject to injunctive relief and civil penalties of up to: (i) $37,500 per day per violation under the Clean Air Act and (ii) $25,000 per day per violation under Indiana law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, the United States of America and the State of Indiana, respectfully request that this Court:

A. Order the Defendant to immediately comply with the statutory and regulatory requirements cited in this Complaint;

B. Order the Defendant to take appropriate measures to mitigate the effects of its violations;

C. Assess civil penalties against the Defendant for up to the amounts provided in the applicable statutes; and

D. Grant the United States and the State of Indiana such other relief as this Court deems just and proper.

Signature Page for Complaint in
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FOR THE UNITED STATES OF AMERICA

Date: 03-11-2015

THOMAS A. MARIANI, JR.
Deputy Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

Date: 3/16/2015

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Region 5

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FOR THE STATE OF INDIANA ON BEHALF OF
THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

Respectfully submitted

GREGORY F. ZOELLER
Indiana Attorney General
Attorney No. 1958-98

Date: 3/11/2015

By: _____
Timothy J. Junk
Deputy Attorney General
Attorney No. 5587-02

Indiana Office of the Attorney General
IGCS, 5th Floor
302 West Washington Street
Indianapolis, IN 46204
Telephone: (317) 232-6247

CERTIFICATE OF SERVICE

Pursuant to Paragraphs 87 and 99 of the Consent Decree that has been lodged with this Complaint, I hereby certify that copies of the foregoing Complaint were served on this date by first-class mail, postage prepaid, upon the following individuals:

Michael Henry
Facility Manager – Environment Health & Safety
Exide Technologies
2601 West Mount Pleasant Blvd.
P.O. Box 2098
Muncie, IN 47302

Fred Ganster
Manager, Corporate Environment Health & Safety
3000 Montrose Avenue
Reading, PA 19605

Legal Department
Exide Technologies
13000 Deerfield Parkway, Building 200
Milton, GA 30004

Robert L. Collings, Esquire
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite
Philadelphia, PA 19103

Dated: March 16, 2015 s/ *Randall M. Stone*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 16 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mark Sutton
Environmental Manager
Exide Technologies
2601 West Mt. Pleasant Boulevard
Muncie, Indiana 47302

Mr. Frederick Ganster
Exide Technologies
Director Environment, Health, & Safety
2900 Montrose Ave
Reading, Pennsylvania 19605

Re: Notice of Violation and Finding of Violation under 42 U.S.C. § 7413(a)(1) and (a)(3)

Dear Messrs. Sutton and Ganster:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Exide Technologies (Exide) for violations of the Clean Air Act (CAA) identified at the facility located at 2601 West Mt. Pleasant Boulevard, Muncie Indiana (Facility). The NOV/FOV is issued in accordance with Sections 113(a)(1) and 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(1) and (a)(3).

As outlined in the NOV/FOV, the EPA finds that Exide has violated the CAA, the Indiana State Implementation Plan (SIP), Title V Operating permits, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Lead Smelting, at the Facility. Section 113 of the CAA, 42 U.S.C. § 7413, gives us several enforcement options to resolve these violations. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments: You may have an attorney represent you at this conference.

The EPA contact in this matter is Eleanor Kane. You may call her at (312) 353-4840 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Phil Perry, Chief
Air Compliance and Enforcement Branch
Indiana Department of Environmental Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF: **Exide Technologies** **Muncie, Indiana**	Proceeding Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401-7671q **EPA-5-13-IN-13**

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice of Violation and Finding of Violation (NOV/FOV) to Exide Technologies (Exide or you) to notify you that we have found violations of the Clean Air Act, 42 U.S.C. §§ 7401-7671q (CAA), and the Indiana State Implementation Plan (SIP) at the facility located at 2601 West Mt. Pleasant Boulevard, Muncie, Indiana (Facility). The relevant statutory and regulatory background, factual background, alleged violations, and environmental impact of these violations are set forth in detail below.

This NOV/FOV is issued in accordance with Section 113(a)(1) and (a)(3) of the CAA, 42 U.S.C. § 7413(a)(1) and (a)(3), which authorize the Administrator to take certain enforcement actions after notifying a "person," as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), that it is in violation of the CAA. The authority to issue this NOV/FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

Recordkeeping, Inspections, Monitoring, and Entry

1. Section 114 of the CAA, 42 U.S.C. § 7414(a), authorizes the Administrator of EPA to require the submission of information for purposes of determining whether any person is in violation of any such standard or any requirement of such a plan as included in a State Implementation Plan (42 U.S.C. § 7410) or associated with Hazardous Air Pollutants (42 U.S.C. § 7412).

National Emission Standards for Hazardous Air Pollutants

2. Section 112 of the CAA, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of new and existing "major sources" of hazardous air pollutants (HAPs), and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA codified these standards at 40 C.F.R. Parts 61 and 63.

3. 40 C.F.R. Part 63, Subpart A, contains the general provisions for the NESHAP.

4. "Stationary source" is defined as "any building, structure, facility, or installation, which emits or may emit any air pollutant." 42 U.S.C. § 7411(a)(3).

5. "Hazardous air pollutant" is defined as "any air pollutant listed in or pursuant to" Section 112(b) of the CAA, and includes, among other pollutants, lead compounds. 42 U.S.C. § 7412(a)(6).

6. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.

7. 40 C.F.R. § 63.10(b) provides the General Recordkeeping Requirements for NESHAP regulations. These recordkeeping requirements include maintaining relevant records and information required to demonstrate compliance with a relevant standard.

The NESHAP for Secondary Lead Smelting

8. Pursuant to Section 112 of the CAA, the EPA promulgated the NESHAP for Secondary Lead Smelting at 40 C.F.R. Part 63, Subpart X, on June 23, 1995 ("the NESHAP"). 60 Fed. Reg. 32587. Amended at 62 Fed. Reg. 32216, June 17, 1997; 64 Fed. Reg. 4572, January 29, 1999; 64 Fed. Reg. 69643, December 14, 1999; 70 Fed. Reg. 75320, December 19, 2005; and 77 Fed. Reg. 555, January 5, 2012. It should be noted that the Facility's compliance date for the amendments promulgated in 2012 is January 6, 2014, and that citations included in this NOV/FOV refer to the rule as amended on December 19, 2005.

9. The NESHAP applies to the following affected sources at all secondary lead smelters: blast, reverberatory, rotary, and electric smelting furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive sources; and fugitive dust sources. 40 C.F.R. § 63.541(a).

10. 40 C.F.R. § 63.546(a) provides that the compliance date for an existing affected source is December 23, 1997.

11. 40 C.F.R. § 63.543(c) provides that no owner or operator of a secondary lead smelter with a collocated blast furnace and reverberatory furnace shall discharge or cause to be discharged into the atmosphere from any [...] existing blast furnace or reverberatory furnace any gases that contain total hydrocarbons in excess of 20 parts per million by volume, expressed as propane corrected to 4 percent carbon dioxide, except as allowed under 40 C.F.R. § 63.543(c)(1).

12. 40 C.F.R. § 63.543(c)(1) provides that no owner or operator of a secondary lead smelter with a collocated blast furnace and reverberatory furnace shall discharge or cause to be discharged into the atmosphere from any existing blast furnace any gases that contain total hydrocarbons in excess of 360 parts per million by volume, expressed as propane

corrected to 4 percent carbon dioxide, during periods when the reverberatory furnace is not operating.

13. 40 C.F.R. § 63.544(b) provides that process fugitive emission sources shall [...] be located in a total enclosure subject to general ventilation that maintains the building at a lower than ambient pressure to ensure in-draft through any doorway opening.

14. 40 C.F.R. § 63.544(c) requires that ventilation air from all enclosures hoods and total enclosures shall be conveyed to a control device. Gases discharged to the atmosphere from these control devices shall not contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (mg/dscm).

15. 40 C.F.R. § 63.545(a) provides that each owner or operator of a secondary lead smelter shall prepare and at all times operate according to a standard operating procedures manual that describes in detail the measures that will be put in place to control fugitive dust emission sources within plant roadways, battery breaking area, furnace area, refining and casting area, and materials storage and handling area.

16. 40 C.F.R. § 63.545(e) states that no owner or operator of a secondary lead smelter shall discharge or cause to be discharged into the atmosphere from any building or enclosure ventilation system any gases that contain lead compounds in excess of 2.0 mg/dscm.

17. 40 C.F.R. § 63.547(e)(2)(iv) states that owners and operators shall demonstrate that the inside of the building is maintained at a negative pressure as compared to the outside of the building of no less than 0.02 millimeters of mercury (mm Hg) when all doors are in the position they are in during normal operation.

18. 40 C.F.R. § 63.548(a) provides that owners and operators of secondary lead smelters shall prepare, and at all times operate according to, a standard operating procedures manual that describes in detail procedures for inspection, maintenance, and bag leak detection and corrective action plans for all baghouses (fabric filters) that are used to control process, process fugitive, or fugitive dust emissions from any source subject to the lead emission standards in §§ 63.543, 63.544, and 63.545, including those used to control emissions from building ventilation.

19. 40 C.F.R. § 63.548(j)(2)(i) provides that the owner or operator of a blast furnace or collocated blast furnace and reverberatory furnace subject to the THC standards in § 63.543 (c), must install, operate, and maintain a THC continuous monitoring system [...], to demonstrate continuous compliance with the THC emission standards.

20. 40 C.F.R. § 63.548(j)(2)(iii) provides that allowing the 3-hour average THC concentration to exceed the applicable THC emission limit under § 63.543 shall constitute a violation of the applicable emission standard for THC under § 63.543(c).

21. 40 C.F.R. § 63.550(a)(3) provides that the owner or operator of a secondary lead smelter must record and maintain records of the output from the THC continuous monitoring system for a period of 5 years. These records shall include an identification of the

periods when the 3-hour average THC concentration exceeded the applicable standard, and an explanation of the corrective actions taken.

22. 40 C.F.R. § 63.550(a)(5) provides that each owner or operator of a secondary lead smelter must record and maintain any recordkeeping required as part of the practices described in the standard operating procedures manual for baghouses required under § 63.548(a) for a period of 5 years.

23. 40 C.F.R. § 63.550(c)(3)(ii) provides that the reports required to comply with the recordkeeping and reporting requirements at § 63.550 shall include a record of the THC concentration, in 3-hour block averages, for those periods when the THC concentration being monitored pursuant to § 63.548(j)(2) exceeds the relevant limits established in § 63.543 (c).

24. 40 C.F.R. § 63.541(b) states that 40 C.F.R. § 63.10 applies to the NESHAP.

Title V Requirements

25. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1) requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. Pursuant to Appendix A of 40 C.F.R. Part 70, on December 4, 2001, EPA granted Indiana final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001. 66 Fed. Reg. 62969.

26. 40 C.F.R § 70.2 defines "major source" as, among other things, any stationary source that directly emits, or has the potential to emit, 100 tons per year or more of any air pollutant subject to regulation.

27. Indiana's Title V operating permit program regulations are codified at 326 IAC 2-7, and are federally enforceable pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

28. 40 C.F.R. § 70.6(b)(1) provides that Title V permits are federally enforceable and that all terms and conditions in a Title V permit are enforceable by the EPA.

29. 40 C.F.R. § 70.5(a) provides that "for each part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this section."

30. 40 C.F.R. § 70.5(c) provides the information that is to be provided in a permit application for that application to be considered complete. The required information includes all emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this paragraph (c) of this section.

31. 40 C.F.R. § 70.5(d) requires that the permit application contain certification by a responsible official of truth, accuracy, and completeness.

Exide's Title V Permits

32. The Indiana Department of Environmental Management (IDEM) issued a modified Part 70 Operating Permit, No.: 035-26410-00028 (September 2008 Title V Permit) to the Facility on September 12, 2008. This permit incorporates by reference the NESHAP for Secondary Lead Smelting in Section E.

33. IDEM issued an amended Part 70 Operating Permit, No.: 035-28360-00028 (August 2009 Title V Permit) to the Facility on August 25, 2009. This permit incorporates by reference the NESHAP for Secondary Lead Smelting in Section E.

34. IDEM issued an amended Part 70 Operating Permit, No.: 035-29201-00028 (May 2010 Title V Permit) to the Facility on August 5, 2010. This permit incorporates by reference the NESHAP for Secondary Lead Smelting in Section E.

35. IDEM issued a Part 70 Operating Permit Renewal, No.: 035-31230-00028 (August 2012 Title V Permit) to the Facility on August 1, 2012. This permit incorporates by reference the NESHAP for Secondary Lead Smelting in Section E.

36. The significant emission units in the September 2008 Title V Permit, August 2009 Title V Permit, May 2010 Title V Permit, August 2012 Title V Permit (collectively "Title V Permits") and the associated emission capture equipment relevant to this NOV/FOV are:

Emission Unit	Description	Commenced Construction	Emission Control Equipment
1	Lead-Battery Crusher/Breaker	1989	Venturi Scrubber
3	Rotary Dryer	1989	Rotary Dryer Baghouse
4	Lead Reverberatory Furnace	1989	Process Baghouse, followed by North and South Sodium Carbonate Packed Tower Scrubbers
5	Blast (Cupola) Furnace	1973	Process Baghouse, followed by North and South Sodium Carbonate Packed Tower Scrubbers
6K1 – 6K12	Pot Furnaces	1973-1989	Refinery Baghouse
7	Lead Pig Casting Machines	1989	Refinery Baghouse
9	Material Handling, including Slag Crusher and Strip Casting Machine	1997	Bin Room Baghouse, according to Title V Permits

Emission Unit	Description	Commenced Construction	Emission Control Equipment
N/A	Charge Point Hoods on Reverberatory and Blast Furnace	N/A	Ventilation Baghouse

37. Condition D.1.2 of Title V Permits states that lead emission from the rotary dryer, controlled by the rotary dryer baghouse, shall be limited to 0.5 mg/dscm; lead emissions from the reverberatory furnace and blast furnace charging hood emission, controlled by the ventilation baghouse, shall be limited to 0.5 mg/dscm; and lead emissions from the reverberatory furnace and blast furnace, controlled by the process baghouse followed by the North and South sodium carbonate packed tower scrubbers, shall be limited to 1.0 mg/dscm.

38. Conditions D.1.7(a)(4) and (5) of the May 2010 Title V Permit state that in order to demonstrate compliance with the lead limits in Condition D.1.2, the Permittee shall conduct lead testing at the rotary dryer every twelve calendar months or, if the compliance test demonstrates the lead compounds of 0.25 mg/dscm, or less during the compliance test, the Permittee shall be allowed up to twenty four (24) calendar months to the next compliance test.

39. Condition D.1.8(f) of the September 2008, August 2009, and May 2010 Title V Permits and Condition D.1.8(e) of the August 2012 Title V Permit require that pursuant to 326 Indiana Administrative Code (IAC) 20-13-7, ventilation air from all enclosure hoods and total enclosures, and all dryer emission vents shall be conveyed or ventilated to a control device.

40. Condition D.1.13 of the Title V Permits requires, pursuant to 326 IAC 20-13-8, that the owner or operator of a secondary lead smelter operate a bag leak detection system (BLDS) for all baghouses controlling process and fugitive sources and lays out detailed requirements for monitoring the BLDS.

41. Condition D.1.14(e) of the Title V Permits states that, pursuant to 326 IAC 20-13-8, and to document compliance with the BLDS monitoring requirements in D.1.13, records of BLDS operations shall be maintained on site for a period of three years and be available for an additional two years. Those records shall include BLDS output, identification of the date and time of all BLDS alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the alarm was corrected, records of the total operating time of an affected source during smelting operations for each six month period, and once per day visible emission notations of the stack exhaust.

42. Condition D.2.2 of the Title V Permits states that lead emission from the lead pig casting machines and pot furnaces, controlled by the refinery baghouse, shall be limited to 0.5 mg/dscm.

43. Condition D.2.7(f) of the September 2008, August 2009, and May 2010 Title V Permits and Condition D.2.7(e) of the August 2012 Title V Permit provide that, pursuant to 326 IAC 20-13-7, ventilation air from all enclosure hoods and total enclosures, and all dryer emission vents shall be conveyed or ventilated to a control device.

44. Condition 2.9 of the Title V Permits requires that, pursuant to 326 IAC 20-13-8, the owner or operator of a secondary lead smelter must operate a BLDS for all baghouses controlling process and fugitive sources and lays out detailed requirements for monitoring a BLDS.

45. Condition D.2.10(a) of the Title V Permits states that pursuant to 326 IAC 20-13-8 and to document compliance with the BLDS monitoring requirements in D.2.9, records for the BLDS shall be maintained on site for a period of three years and be available for an additional two years. Those records shall include: records of BLDS output, identification of the date and time of all BLDS alarms, the time that procedures to determine the cause of the alarm was initiated, the cause of the alarm, an explanation of the actions taken, the date and time the alarm was corrected, records of the total operating time of an affected source during smelting operations for each six month period, and once per day visible emission notations of the stack exhaust.

46. Condition D.3.2 of the Title V Permits provides that lead emission from the battery crusher/breaker, controlled by the venturi scrubber, shall be limited to 0.5 mg/dscm and that lead emission from the material handling, controlled by the bin room baghouse, shall be limited to 0.5 mg/dscm.

47. Condition D.3.7(f) of the September 2008, August 2009, and May 2010 Title V Permits and Condition D.3.7(e) of the August 2012 Title V Permit provide that pursuant to 326 IAC 20-13-8, ventilation air from all enclosure hoods and total enclosures, and all dryer emission vents shall be conveyed or ventilated to a control device.

48. Condition 3.11 of the Title V Permits requires, pursuant to 326 IAC 20-13-8, that the owner or operator of a secondary lead smelter must operate a BLDS for all baghouses controlling process and fugitive sources and lays out detailed requirements for monitoring a BLDS.

49. Condition D.3.12(c) of the Title V Permits states that pursuant to 326 IAC 20-13-8 and to document compliance with the BLDS monitoring requirements in D.3.11, records for BLDS shall be maintained on site for a period of three years and be available for an additional two years. Those records shall include records of BLDS output, identification of the date and time of all BLDS alarms, the time that procedures to determine the cause of the alarm was initiated, the cause of the alarm, an explanation of the actions taken, the date and time the alarm was corrected, records of the total operating time of an affected source during smelting operations for each six month period, and once per day visible emission notations of the stack exhaust.

Requirements of the Indiana State Implementation Plan

50. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to the EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by the EPA, the plan becomes part of the applicable State Implementation Plan (SIP) for the state.

51. On November 14, 1995, the EPA approved the Indiana SIP requirement at Title 326 IAC 2-7-3 (effective Dec 14, 1995). 60 Fed. Reg. 57188.

52. 326 IAC 2-7-3 provides that it is unlawful to violate any requirement of a permit issued under Title V or to operate a major source except in compliance with a permit issued by a permitting authority under Title V.

53. On November 14, 1995, the EPA approved the Indiana SIP requirement at Title 326 of the IAC 2-7-4 and 2-7-5 (effective Dec 14, 1995). 60 Fed. Reg. 57188.

54. 326 IAC 2-7-4 requires that a source submit a complete permit application which, among other things, identifies all applicable requirements and certifies compliance with all applicable requirements.

55. 326 IAC 2-7-5 provides that each Title V permit must include, among other things, enforceable emission limitations and standards as are necessary to assure compliance with applicable requirements of the CAA and the requirements of the applicable SIP.

Relevant Factual Background

56. Exide owns and operates a stationary secondary lead smelting operation located at 2601 West Mt. Pleasant Boulevard, Muncie, Indiana (the Facility).

57. The Facility is a secondary lead smelter and is therefore subject to the requirements of the NESHAP for Secondary Lead Smelting (40 C.F.R., Part 63, Subpart X).

58. On April 23, 2012, EPA conducted an inspection at the Facility.

59. On June 20, 2012 (June 2012 Information Request) and February 27, 2013 (February 2013 Information Request), EPA issued information requests to Exide pursuant to Section 114 of the CAA, 42 U.S.C. § 7414 (jointly, the Section 114 Information Requests).

60. Exide submitted partial responses to the June 20, 2012 Information Request on August 31, 2012 and September 14, 2012.

61. Exide submitted partial responses to the February 27, 2013 Information Request on April 12, 2013; May 10, 2013; and June 5, 2013.

62. In response to Item 8 of the June 2012 Information Request and Item 3(a) of the February 2013 Information Request, Exide did not provide copies of any completed inspection, maintenance, and repair logs for the venturi scrubber at the facility from January 2000 to the present.

63. In response to Item 9(f) of the June 2012 Information Request and Item 4 of the February 2013 Information Request, Exide did not provide copies of any completed inspection, maintenance, and repair logs for the North and South sodium carbonate packed tower scrubbers at the facility from January 2000 to the present.

64. In response to the information requests, Exide stated that the Facility is using the compliance option set forth in 40 C.F.R. § 63.548(j)(2) on the collocated blast furnace and reverberatory furnace subject to the THC standards in 40 C.F.R. § 63.543.

65. In response to the information requests, Exide provided 3-hour average THC continuous emission monitoring system (CEMS) outputs for emissions from the collocated blast furnace and reverberatory furnace.

66. In response to Item 16 of the June 2012 Information Request, Exide failed to provide furnace operation logs stating furnace configuration during every 3 – hour block. Additionally, Exide did not provide the furnace configuration (i.e, which furnaces were operating in order to establish a THC emission limit) during every 3-hour block when the concentration was above 20 ppmv.

67. At various times from September 2008 to the present, Exide discharged into the atmosphere gases that contained THC in excess of 20 ppmv when both the collocated blast furnace and reverberatory furnace were operating. See Attachment A.

68. The exceedances in Attachment A were not identified as periods of exceedance in the records Exide submitted in response to Item 16 of the June 2012 Information Request nor were they included in quarterly NESHAP compliance reports sent to EPA and IDEM.

69. At various times from September 2008 to the present, Exide discharged into the atmosphere gases that contain THC in excess of 20 ppmv and did not provide the furnace operating configuration during the exceedances. See Attachment B.

70. In response to Item 11 of the June 2012 Information Reuqest and Item 6 of the February 2012 Information Request, Exide did not provide the following BLDS records: BLDS output, the time that procedures to determine the cause of the alarm were initiated, explanation of the action taken, and the date and time the alarm was corrected.

71. In response to the Section 114 information requests, Exide provided a Fugitive Dust Plan, pursuant to the requirements of 40 C.F.R. § 63.545(a), which stated that the main smelter building (battery breaking area, furnace area, refining and casting area, and materials storage and handling area) is to be maintained under constant negative pressure.

72. In response to the Section 114 information requests, Exide provided daily negative pressure logs from September 2008 to the present. The records indicate that that the inside of the building was not maintained at a negative pressure as defined by 40 C.F.R. § 63.547(e)(2)(iv) for many periods between June 9, 2009 and July 25, 2012. A summary of the days when the building was not maintained at a negative pressure (i.e. positive pressure) is provided in the following table, as well as, Attachment C.

Year	Number of Days with Positive Pressure	Percentage of Year with Positive Pressure
2009	30	8%
2010	54	15%
2011	127	35%
2012[1]	70	34%

Notes: 1. Exide provided data through July 27, 2012 (209 days)

73. In response to the Section 114 information requests, Exide provided data containing lead concentrations generated for Occupational Safety and Health (OSHA) compliance for various portions of the Facility. The measured concentration of lead frequently exceeded 0.5 milligrams/cubic meter with a maximum recorded concentration of 48.387 milligrams/cubic meter. See Attachment D.

74. For the purposes of satisfying the requirements of its Title V Permits, Exide conducted a performance test on the rotary dryer baghouse on June 26, 2008. Exide performed the next compliance test on the rotary dryer baghouse on June 26 – 27, 2012.

75. During the inspection and in response to the Section 114 information requests, Exide stated that emissions from the building west of the main smelting building are controlled by the RLS baghouse, equipped with a HEPA filter.

Notice and Finding of Violations

Violations of the Recordkeeping, Inspections, Monitoring, and Entry Provision of the CAA

76. Exide's failures to provide EPA with the inspection, maintenance and repair logs for the facility's baghouses, venturi scrubber, and North and South sodium carbonate packed tower scrubbers, as requested in the Section 114 Information Requests, constitute violations of Section 114(a) of the CAA, U.S.C. § 7414(a).

77. Exide's failures to provide EPA with BLDS records, as requested in the Section 114 Information Requests, constitutes a violation of Section 114(a) of the CAA, U.S.C. § 7414(a).

78. Exide's failure to provide EPA with furnace configuration during each 3-hour block of THC CEMS data, as requested in the Section 114 Information Request, constitutes a violation of Section 114(a) of the CAA, U.S.C. § 7414(a).

Violations of the General Provisions and NESHAP for Secondary Lead Processing

79. By failing to provide copies of all completed inspection, maintenance, and repair logs for each baghouse at the facility, Exide failed to demonstrate that the facility is operating according to its standard operating procedures manual that describes procedures for inspection and maintenance for all baghouses as required by 40 C.F.R. § 63.548(a) and has failed to record and maintain any recordkeeping required as part of the practices described in the standard operating procedures manual for baghouses as required by 40 C.F.R. § 63.550(a)(5).

80. By allowing the 3-hour average THC concentration to exceed the applicable THC emission limit under 40 C.F.R. § 63.543, Exide violated the applicable emission standard for THC under § 63.543 (c)(1), in accordance with 40 C.F.R. § 63.548(j)(2)(iii), and has violated the recordkeeping requirements of 40 C.F.R. § 63.550(a)(3) and reporting requirements of 40 C.F.R. § 63.550(c)(3). See Attachment A.

81. By allowing the 3-hour average THC concentration (measured by a THC continuous monitoring system) to exceed the emission limit under 40 C.F.R. § 63.543(c)(1) and failing to provide the furnace operating configuration during these exceedances, Exide failed to demonstrate continuous compliance with the THC emission standards under 40 C.F.R. § 63.543(c)(1) and § 63.543(d). See Attachment B.

82. By failing to record and provide the blast furnace and reverberatory operating configuration to demonstrate compliance with THC emission standards, Exide violated the recordkeeping requirements of 40 C.F.R. § 63.10(b).

83. By failing to maintain a negative pressure inside the main smelting building as defined by 40 C.F.R. 63.547(e)(2)(iv), Exide violated 40 C.F.R. § 63.544(b) and 40 C.F.R. § 63.545(a). See Attachment C.

84. By failing to maintain a negative pressure inside the main smelting building as defined by 40 C.F.R. 63.547(e)(2)(iv), and based on the OSHA compliance data, Exide violated 40 C.F.R. § 63.545(e). See Attachments C and D.

85. Exide's failures to satisfy the requirements of 40 C.F.R. Part 63, Subparts A and X, constitute violations of Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3).

Violations of the Title V Permits, and the Indiana SIP

86. As evidenced by the OSHA compliance data and Exide's failure to continuously maintain a negative pressure inside the main smelter building, Exide violated on numerous occasions Condition D.1.2, Condition D.2.2, and Condition D.3.2 of the Title V Permits. See Attachments C and D.

87. By failing to conduct a performance test on the rotary dryer baghouse in 2010, Exide violated Condition D.1.7(a)(4) and (5) of the May 2010 Title V Permit and failed to demonstrate compliance with the emission limits at Condition D.1.2 of the May 2010 Title V Permit.

88. By failing to maintain a negative pressure inside the main smelter building, Exide violated Condition D.1.8(f), D.2.7(f), and D.3.7(f) of the Title V Permits. See Attachments C.

89. By failing to provide the BLDS records for each baghouse, Exide violated Condition D.1.14(e), D.2.10(a), and D.3.8(c) of the Title V Permits and failed to demonstrate compliance with D.1.13, D.2.9, and D.3.11 of the Title V Permits.

90. By failing to include the RLS baghouse in permit applications and failing to submit corrected information, Exide violated 40 C.F.R. § 70.5(a), 70.5(c), and 70.5(d).

91. By failing to include the RLS baghouse in permit applications and failing to submit corrected information, Exide violated 326 IAC 2-7-4 and 2-7-5.

Environmental Impact of Violations

92. Exide's violations have resulted in increased emissions of lead. Information available to EPA suggests that the violations within have caused the ambient air quality monitor operated by IDEM adjacent to the facility to exceed the National Ambient Air Quality Standard of 0.15 micrograms of lead per cubic meter, based on 3-month rolling average lead concentrations. Based on this data, EPA designated the area surrounding the facility as non-attainment for lead.

Human Health

Lead can affect almost every organ in the body, but is most detrimental to the nervous system. In children, low levels of lead in the blood can result in permanent damage to the brain and nervous system, leading to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In adults, lead has nervous system effects, cardiovascular effects, and causes decreased kidney function. Lead can also lead to reproductive problems for both men and women and has serious effects on pregnancy and developing fetuses.

Environment

Lead is persistent in the environment and accumulates in soils and sediments through deposition from air sources, direct discharge of waste streams to water bodies, mining, and erosion. Ecosystems near point sources of lead demonstrate a wide range of adverse effects including losses in biodiversity, changes in community composition, decreased growth and reproductive rates in plants and animals, and neurological effects in vertebrates.

93. Exide's violations resulted in increase emissions of THC, a surrogate for non-dioxin organic HAPs. Organic HAP's emitted by secondary lead smelters include carbon disulfide, 1,3-butadiene, methyl chloride, benzene, styrene, toluene, formaldehyde, and naphthalene. Chronic benzene exposure is associated with aplastic anemia (a risk factor for acute nonlymphocytic leukemia), excessive bleeding, and damage to the immune system (by changes in blood levels of antibodies and loss of white blood cells).

9/16/13
Date

George T. Czerniak
Director
Air and Radiation Division

Attachment A

Exide total hydrocarbon (THC) emissions exceedences when the collocated blast furnace and reverberatory furnace were both operating. THC emissions are reported in parts per million (ppm) and are corrected to 4% CO_2. Collected from THC logs provided in response to a Section 114 Information Request.

Date	Hours	THC emissions (ppm)
9/14/2008	21-23	41.183
11/10/2008	3-5	38.334
12/3/2008	15-17	26.596
12/16/2008	21-23	30.347
12/17/2008	0-2	51.833
12/17/2008	3-5	50.74
1/7/2009	15-17	45.126
1/7/2009	18-20	34.317
1/8/2009	0-2	23.321
1/8/2009	3-5	39.135
1/12/2009	6-8	20.672
1/23/2009	12-14	41.06
1/23/2009	15-17	24.514
3/11/2009	12-14	28.792
3/12/2009	3-5	35.786
3/23/2009	9-11	39.357
3/23/2009	12-14	58.165
3/23/2009	15-17	47.077
2/28/2011	6-8	25.114
2/28/2011	9-11	22.681
2/28/2011	12-14	22.452
3/8/2011	15-17	170.949
3/8/2011	21-23	20.504
4/30/2011	0-2	54.549
1/23/2012	12-14	81.697
1/23/2012	15-17	35.127
1/23/2012	18-20	20.135
1/29/2012	0-2	22.94
2/26/2012	15-17	34.924
3/2/2012	0-2	23.14
3/23/2009	15-17	47.077
3/29/2012	18-20	36.306
3/29/2012	21-23	66.094
3/30/2012	12-14	143.023
4/24/2012	9-11	29.628
5/3/2012	9-11	22.561
5/3/2012	12-14	27.53
5/4/2012	0-2	34.824
5/6/2012	18-20	33.261
5/7/2012	3-5	58.193
5/8/2012	9-11	29.58
5/14/2012	0-2	22.845
5/14/2012	12-14	27.632
5/26/2012	15-17	39.999
6/28/2012	12-14	28.374
6/28/2012	15-17	33.311
6/28/2012	18-20	79.91
6/28/2012	21-23	39.942
6/29/2012	0-2	50.245
6/29/2012	3-5	35.774
6/29/2012	6-8	23.111

Attachment B

Exide total hydrocarbon (THC) emissions potential exceedences for which the operating status of the collocated blast furnace and reverberatory furnace was not recorded. THC emissions are reported in parts per million (ppm) and are corrected to 4% CO_2.

Date	Hours	THC emissions (ppm)
9/4/2008	3-5	79.683
9/4/2008	18-20	51.837
9/6/2008	9-11	48.689
9/6/2008	12-14	49.002
9/7/2008	6-8	25.264
9/16/2008	9-11	25.408
9/19/2008	9-11	147.105
9/19/2008	12-14	46.813
9/19/2008	15-17	35.732
9/19/2008	18-20	23.206
9/19/2008	21-23	62.657
9/24/2008	15-17	100.804
9/24/2008	18-20	30.031
9/25/2008	6-8	94.533
9/25/2008	9-11	270.142
9/25/2008	12-14	36.85
9/26/2008	3-5	22.056
9/27/2008	15-17	31.453
10/1/2008	0-2	26.441
10/2/2008	6-8	39.452
10/3/2008	6-8	28.853
10/13/2008	12-14	31.023
10/14/2008	6-8	26.696
10/15/2008	12-14	22.563
10/15/2008	18-20	65.221
10/15/2008	21-23	32.336
10/16/2008	15-17	358.913
10/16/2008	18-20	110.615
10/16/2008	21-23	89.879
10/17/2008	0-2	95.13
10/17/2008	3-5	204.232
10/23/2008	3-5	48.789
10/24/2008	18-20	26.716
10/25/2008	9-11	43.139
10/25/2008	12-14	31.374
11/1/2008	18-20	43.557
11/4/2008	15-17	26.559
11/5/2008	0-2	29.151
11/6/2008	0-2	22.729
11/8/2008	6-8	34.586
11/8/2008	9-11	28.373
11/8/2008	12-14	228.339
11/8/2008	18-20	58.349
11/8/2008	21-23	37.343
11/9/2008	0-2	55.876
11/9/2008	3-5	22.318
11/9/2008	15-17	21.332
11/9/2008	18-20	37.339
11/9/2008	21-23	23.107
11/10/2008	6-8	24.851
11/10/2008	9-11	20.138
11/15/2008	15-17	24.316
11/15/2008	3-5	40.62
11/15/2008	15-17	21.08
11/15/2008	18-20	39.395
11/15/2008	21-23	34.187
11/17/2008	3-5	40.62
11/17/2008	15-17	21.08
11/17/2008	18-20	39.395
11/17/2008	21-23	34.187
11/18/2008	15-17	23.11
11/19/2008	18-20	57.522
11/19/2008	21-23	76.055
11/20/2008	0-2	23.198
11/20/2008	3-5	23.39
11/20/2008	9-11	47.821

Date	Hours	THC emissions (ppm)
11/20/2008	18-20	43.328
11/21/2008	21-23	23.359
11/25/2008	3-5	26.57
11/27/2008	21-23	20.554
11/28/2008	6-8	20.313
11/28/2008	9-11	20.236
11/28/2008	12-14	22.217
11/28/2008	15-17	24.628
11/28/2008	18-20	24.134
11/28/2008	21-23	21.733
11/29/2008	9-11	20.06
12/4/2008	6-8	25.587
12/10/2008	0-2	21.652
12/11/2008	12-14	77.613
12/11/2008	15-17	90.169
12/11/2008	18-20	56.587
12/11/2008	21-23	48.511
12/12/2008	0-2	47.115
12/12/2008	6-8	86.014
12/12/2008	9-11	137.859
12/12/2008	12-14	45.785
12/12/2008	15-17	193.859
12/12/2008	18-20	92.241
12/12/2008	21-23	66.67
12/13/2008	9-11	40.912
12/13/2008	0-2	81.647
12/13/2008	3-5	34.487
12/18/2008	6-8	23.175
12/18/2008	21-23	44.553
12/19/2008	6-8	29.026
12/22/2008	0-2	76.441
12/22/2008	3-5	54.089
12/22/2008	6-8	51.575
12/22/2008	9-11	40.975
12/22/2008	12-14	37.096
12/22/2008	15-17	28.877
12/22/2008	21-23	40.214
12/24/2008	3-5	20.466
12/24/2008	9-11	36.238
12/24/2008	12-14	30.646
12/24/2008	15-17	31.348
12/24/2008	18-20	35.085
12/24/2008	21-23	85.689
12/25/2008	0-2	85.191
12/25/2008	3-5	100.239
12/25/2008	6-8	243.634
12/25/2008	9-11	108.431
12/25/2008	15-17	25.555
12/25/2008	18-20	31.709
12/25/2008	21-23	22.394
12/26/2008	0-2	46.128
12/26/2008	3-5	47.38
12/26/2008	6-8	28.107
12/28/2008	3-5	37.57
12/28/2008	6-8	119.443
12/28/2008	9-11	31.217
12/28/2008	15-17	28.054
12/29/2008	0-2	22.761
12/29/2008	3-5	28.737
12/29/2008	6-8	27.03
12/29/2008	18-20	54.122
12/29/2008	21-23	36.36
12/30/2008	0-2	55.957
12/30/2008	9-11	25.215
12/30/2008	18-20	47.131
12/30/2008	21-23	45.216
12/31/2008	0-2	51.147
12/31/2008	3-5	40.695
12/31/2008	9-11	83.669
12/31/2008	15-17	54.213
12/31/2008	18-20	175.468
12/31/2008	21-23	36.067
1/1/2009	6-8	59.081
1/1/2009	9-11	79.713
1/9/2009	6-8	24.158
1/9/2009	12-14	30.196
1/10/2009	12-14	24.96
1/10/2009	18-20	26.72
1/10/2009	21-23	49.482
1/11/2009	0-2	45.46

Date	Hours	THC emissions (ppm)
1/11/2009	3-5	57.943
1/11/2009	15-17	48.602
1/11/2009	21-23	197.539
1/12/2009	0-2	125.425
1/12/2009	3-5	76.031
1/13/2009	18-20	37.341
1/16/2009	9-11	40.065
1/16/2009	12-14	20.394
1/17/2009	0-2	27.309
1/18/2009	3-5	31.533
1/18/2009	18-20	46.317
1/20/2009	9-11	51.673
1/22/2009	0-2	21.118
1/22/2009	6-8	24.755
1/22/2009	15-17	204.957
1/24/2009	9-11	21.904
1/25/2009	6-8	26.916
1/25/2009	9-11	35.423
1/28/2009	12-14	113.908
1/28/2009	15-17	74.958
2/2/2009	21-23	34.493
2/3/2009	0-2	27.861
2/3/2009	3-5	21.796
2/4/2009	0-2	44.65
2/5/2009	21-23	28.453
2/6/2009	6-8	125.975
2/8/2009	18-20	45.534
2/8/2009	21-23	82.597
2/9/2009	0-2	98.869
2/9/2009	3-5	48.581
2/12/2009	9-11	35.272
2/12/2009	15-17	41.064
2/12/2009	18-20	31.999
2/14/2009	3-5	26.353
2/17/2009	12-14	31.91
2/17/2009	15-17	137.865
2/17/2009	21-23	71.535
2/18/2009	0-2	22.373
2/18/2009	18-20	163.589
2/18/2009	21-23	77.018
2/19/2009	9-11	65.389
2/25/2009	21-23	159.671
2/26/2009	0-2	37.334
2/26/2009	3-5	39.96
2/26/2009	6-8	116.775
2/26/2009	9-11	151.494
2/26/2009	12-14	101.648
2/27/2009	6-8	34.877
2/27/2009	9-11	28.616
2/28/2009	18-20	29.083
3/2/2009	6-8	20.426
3/5/2009	9-11	25.133
3/6/2009	12-14	31.144
3/9/2009	18-20	29.853
3/10/2009	15-17	22.319
3/10/2009	21-23	73.594
3/12/2009	12-14	82.201
3/13/2009	21-23	50.168
3/23/2009	9-11	39.357
3/23/2009	15-17	58.165
3/26/2009	9-11	25.19
3/30/2009	6-8	42.141
3/30/2009	9-11	72.251
4/3/2009	9-11	54.503
4/3/2009	12-14	22.771
4/5/2009	18-20	35.195
4/6/2009	12-14	21.23
4/8/2009	6-8	50.648
4/8/2009	9-11	58.611
4/8/2009	0-2	36.973
4/9/2009	12-14	35.575
4/9/2009	18-20	27.732
4/9/2009	21-23	40.428
4/12/2009	6-8	40.186
4/12/2009	9-11	89.676
4/12/2009	12-14	46.832
4/12/2009	18-20	37.881
4/25/2009	18-20	64.361
4/25/2009	21-23	64.996
4/26/2009	0-2	42.277

Date	Hours	THC emissions (ppm)
4/26/2009	3-5	31.549
4/26/2009	6-8	20.24
4/27/2009	0-2	32.443
4/27/2009	3-5	37.939
4/27/2009	6-8	38.426
4/27/2009	9-11	44.1
4/27/2009	12-14	23.839
4/27/2009	15-17	23.25
4/27/2009	18-20	26.799
4/27/2009	21-23	23.925
4/28/2009	0-2	21.094
4/28/2009	3-5	31.925
5/6/2009	15-17	30.824
5/15/2009	9-11	38.374
5/18/2009	21-23	28.466
6/6/2009	3-5	30.948
6/8/2009	15-17	27.384
6/25/2009	18-20	27.271
6/25/2009	21-23	42.188
6/26/2009	21-23	22.213
6/30/2009	15-17	63.133
6/30/2009	18-20	23.701
7/7/2009	21-23	21.743
7/9/2009	12-14	28.994
7/10/2009	3-5	20.621
7/23/2009	21-23	22.779
7/24/2009	0-2	190.571
7/24/2009	3-5	37.66
7/29/2009	15-17	21.275
7/31/2009	21-23	23.927
8/16/2009	3-5	144.088
8/18/2009	0-2	21.132
8/20/2009	9-11	32.46
8/20/2009	15-17	28.51
8/25/2009	15-17	148.999
8/25/2009	21-23	61.413
8/28/2009	9-11	113.053
9/14/2009	21-23	34.402
9/15/2009	6-8	237.73
9/15/2009	9-11	91.883
9/22/2009	15-17	39.069
9/29/2009	21-23	20.02
10/9/2009	9-11	94.641
10/9/2009	12-14	20.833
10/9/2009	15-17	20.632
10/28/2009	18-20	22.929
11/17/2009	18-20	22.561
12/1/2009	18-20	27.341
12/2/2009	3-5	22.708
12/22/2009	12-14	47.896
12/22/2009	15-17	48.1
12/27/2009	18-20	52.087
1/1/2010	18-20	28.28
1/2/2010	15-17	59.658
1/2/2010	18-20	36.404
1/4/2010	9-11	32
1/4/2010	12-14	32.385
1/4/2010	15-17	28.73
1/4/2010	18-20	111.864
1/4/2010	21-23	150.813
1/10/2010	18-20	42.191
1/10/2010	18-20	42.191
1/11/2010	18-20	26.228
1/11/2010	18-20	26.228
1/16/2010	21-23	37.943
1/19/2010	15-17	20.97
1/20/2010	0-2	25.528
1/20/2010	3-5	22.655
1/27/2010	0-2	23.926
1/27/2010	3-5	20.866
2/1/2010	6-8	45.796
2/1/2010	9-11	28.556
2/1/2010	12-14	21.155
2/5/2010	21-23	31.76
2/15/2010	0-2	45.101
2/15/2010	3-5	23.279
2/17/2010	15-17	30.261
2/18/2010	3-5	30.018
2/19/2010	21-23	54.36
3/4/2010	9-11	21.005

Date	Hours	THC emissions (ppm)
3/13/2010	0-2	55.96
3/14/2010	15-17	56.521
3/16/2010	0-2	26.757
3/22/2010	18-20	47.556
3/26/2010	18-20	21.748
3/30/2010	15-17	43.963
3/31/2010	6-8	24.491
4/5/2010	0-2	22.258
4/7/2010	21-23	204.702
4/8/2010	6-8	58.228
4/8/2010	12-14	29.398
4/12/2010	9-11	51.838
4/13/2010	21-23	106.2
5/3/2010	6-8	28.643
5/3/2010	9-11	29.465
5/5/2010	3-5	77.474
5/9/2010	18-20	48.687
5/13/2010	15-17	31.601
5/17/2010	12-14	47.049
5/26/2010	21-23	25.387
5/28/2010	9-11	35.065
5/31/2010	18-20	53.851
5/31/2010	21-23	34.924
5/31/2010	3-5	69.902
5/31/2010	6-8	58.584
6/2/2010	18-20	103.386
6/2/2010	21-23	27.451
6/4/2010	12-14	22.927
6/5/2010	15-17	56.76
6/21/2010	6-8	30.559
6/24/2010	21-23	43.615
6/25/2010	15-17	48.065
7/1/2010	18-20	35.397
7/6/2010	3-5	29.751
7/6/2010	21-23	64.836
7/7/2010	0-2	87.567
7/8/2010	6-8	53.887
7/8/2010	9-11	181.863
7/8/2010	12-14	52.84
7/11/2010	3-5	25.565
7/12/2010	18-20	24.045
7/13/2010	9-11	52.671
7/19/2010	3-5	23.412
7/22/2010	18-20	26.255
7/25/2010	15-17	79.548
7/26/2010	12-14	41.706
7/27/2010	9-11	43.679
7/27/2010	12-14	23.724
8/16/2010	3-5	27.379
10/19/2010	9-11	28.611
10/23/2010	9-11	157.922
11/2/2010	12-14	21.736
11/10/2010	9-11	29.736
11/11/2010	9-11	51.311
11/13/2010	6-8	74.746
11/13/2010	9-11	35.98
12/3/2010	9-11	21.451
12/4/2010	21-23	85.174
12/10/2010	18-20	28.165
12/10/2010	21-23	29.813
12/16/2010	9-11	32.888
12/21/2010	21-23	29.33
12/22/2010	18-20	24.645
1/6/2011	0-2	50.162
1/7/2011	18-20	20.731
1/7/2011	21-23	53.493
1/8/2011	0-2	52.598
1/8/2011	3-5	84.058
1/8/2011	6-8	63.487
1/8/2011	9-11	48.814
1/8/2011	12-14	32.436
1/8/2011	21-23	21.576
2/27/2011	21-23	21.295
2/28/2011	0-2	22.401
3/4/2011	21-23	20.504
3/5/2011	3-5	57.429
3/5/2011	6-8	72.092
3/5/2011	9-11	77.662
3/21/2011	3-5	27.606
4/23/2011	12-14	60.505

Date	Hours	THC emissions (ppm)
4/23/2011	15-17	21.464
5/1/2011	6-8	26.889
5/4/2011	9-11	28.912
5/28/2011	6-8	28.156
5/28/2011	9-11	31.899
6/3/2011	3-5	27.752
6/3/2011	6-8	45.083
7/3/2011	12-14	20.305
8/1/2011	18-20	60.068
8/1/2011	21-23	43.085
8/2/2011	6-8	33.178
8/24/2011	0-2	61.078
9/6/2011	15-17	39.027
9/7/2011	21-23	43.714
10/10/2011	15-17	35.969
11/4/2011	12-14	22.711
11/12/2011	12-14	23.629
11/14/2011	9-11	24.159
11/14/2011	12-14	72.128
11/22/2011	9-11	21.019
11/26/2011	15-17	27.044
11/26/2011	18-20	71.849
3/13/2012	9-11	24.649
3/27/2012	6-8	94.879
3/27/2012	9-11	261.312
3/27/2012	12-14	140.818
3/27/2012	15-17	231.745
3/27/2012	18-20	78.951
3/27/2012	21-23	22.017
6/13/2012	9-11	1796.612
6/13/2012	15-17	34.435

Attachment C

At the times listed below, Exide failed to demonstrate that the inside of the building was at a negative pressure, as compared to the outside of the building, of no less than 0.02 mm Hg.

Date	Start Time	End Time	Hours
6/9/2009	12:00	0:00	1
6/10/2009	3:00	8:30	5
6/11/2009	7:00	15:00	8
6/13/2009	3:00	6:00	3
6/14/2009	16:00	0:00	1
6/15/2009	0:00	9:00	9
6/16/2009	9:00	10:00	1
	15:00	21:00	6
6/17/2009	22:00	0:00	1
6/18/2009	0:00	7:00	7
	9:00	12:00	3
6/19/2009	0:00	3:00	3
	8:00	11:00	3
7/11/2009	11:00	13:00	2
7/18/2009	8:00	10:00	2
7/22/2009	12:00	13:00	1
7/25/2009	12:00	13:00	1
8/19/2009	17:00	20:00	3
	23:00	0:00	1
8/20/2009	0:00	1:00	1
8/29/2009	9:00	12:00	3
9/8/2009	6:00	10:00	4
9/11/2009	6:00	7:00	1
9/20/2009	5:00	6:00	1
9/22/2009	20:00	0:00	1
9/25/2009	12:00	14:00	2
9/28/2009	8:00	9:00	1
10/1/2009	21:00	0:00	1
10/2/2009	0:00	9:00	9
10/5/2009	19:00	23:00	4
10/6/2009	9:00	10:00	1
10/7/2009	7:00	8:00	1
	12:00	17:00	5
10/8/2009	20:00	21:00	1
10/10/2009	2:00	3:00	1
3/22/2010	12:00	15:00	3
4/22/2010	5:00	6:00	1
4/24/2010	8:30	12:00	3
	18:00	23:00	5
4/26/2010	3:00	6:00	3
4/28/2010	0:00	23:00	23
4/29/2010	0:00	9:00	9
5/1/2010	4:00	7:00	3
5/2/2010	3:00		1
	6:00	7:00	1
5/3/2010	3:00	6:00	3
	12:00		1
	15:00		1
	22:00		1
5/4/2010	7:00	8:00	1
	14:00	15:00	1
5/5/2010	14:00		1
	17:00		1
	21:00	0:00	1
5/6/2010	6:00	15:00	9
5/7/2010	9:00	0:00	1
5/8/2010	0:00	18:00	18
	23:00	0:00	1
5/9/2010	0:00	3:00	3
	9:00	12:00	3
	19:00	0:00	1
5/10/2010	8:00	11:00	3
	20:00	0:00	1
5/11/2010	0:00	2:30	2
	4:00	7:00	3
	17:00	19:00	2
	22:00	0:00	1
5/12/2010	0:00	13:00	13
	21:00	0:00	1
5/13/2010	0:00	2:00	2
	23:00		1
5/31/2010	17:00	21:00	4

Date	Start Time	End Time	Hours
6/14/2010	22:00	0:00	1
6/15/2010	0:00	3:00	3
6/18/2010	21:00		1
6/21/2010	7:00	8:00	1
6/22/2010	3:00	8:00	5
6/23/2010	22:00	23:00	1
6/24/2010	16:00		1
7/8/2010	19:00		1
7/15/2010	17:00	0:00	1
7/17/2010	23:00		1
7/20/2010	7:00	10:00	3
7/24/2010	21:00	0:00	1
7/25/2010	3:00		1
	7:00		1
7/27/2010	3:00	5:00	2
7/31/2010	10:00	16:00	6
8/3/2010	9:00		1
8/4/2010	2:00		1
	12:00		1
	22:00	0:00	1
8/15/2010	21:00	23:00	2
8/18/2010	8:00	9:00	1
8/25/2010	20:00	21:00	1
8/26/2010	15:00	17:00	2
9/3/2010	8:00		1
	18:00		1
9/4/2010	0:00		1
	17:00		1
9/5/2010	9:00	12:00	3
9/16/2010	17:00	19:00	2
9/17/2010	2:30	3:30	1
9/22/2010	3:00	6:00	3
	15:00		1
9/25/2010	12:00		1
	20:00	22:00	2
10/13/2010	16:00	20:00	4
10/16/2010	9:00		1
10/26/2010	10:00	12:00	2
11/9/2010	11:00	21:00	10
11/16/2010	15:00	19:00	4
11/25/2010	20:00		1

Date	Start Time	End Time	Hours
1/4/2011	13:00		1
2/2/2011	18:30		1
2/3/2011	4:00	6:30	2
	17:30		1
2/4/2011	6:00	8:00	2
2/6/2011	9:00		1
2/17/2011	12:30		1
	18:30		1
2/21/2011	6:00	7:00	1
2/22/2011	8:00		1
2/25/2011	0:00	14:00	14
3/5/2011	15:00		1
3/9/2011	15:00		1
3/12/2011	13:00		1
	21:00		1
3/15/2011	13:30		1
3/17/2011	19:00		1
3/18/2011	0:00	7:00	7
	11:00	23:00	12
3/19/2011	13:00	20:00	7
3/20/2011	2:00	3:00	1
	12:00		1
3/21/2011	0:00	14:00	14
3/23/2011	19:30		1
3/24/2011	9:30		1
4/3/2011	19:00	0:00	1
4/4/2011	2:00	7:00	5
4/5/2011	13:00		1
4/6/2011	19:00		1
4/7/2011	3:00	6:00	3
	13:00	20:00	7
4/8/2011	0:00		1
	15:30		1
4/9/2011	3:00		1
	17:00		1
4/12/2011	8:00	18:30	10
4/19/2011	13:00		1
4/25/2011	21:00		1
4/26/2011	3:00	16:00	13
4/27/2011	10:00	21:00	11
4/28/2011	4:30		1

Date	Start Time	End Time	Hours
5/4/2011	6:30		1
5/15/2011	0:00	6:00	6
	14:00	0:00	1
5/25/2011	17:00	22:00	5
5/28/2011	19:00	20:00	1
6/4/2011	20:00	21:00	1
6/10/2011	16:00	19:00	3
6/11/2011	4:00	9:00	5
6/13/2011	3:00		1
	8:00		1
6/16/2011	14:00	19:00	5
6/19/2011	7:00		1
6/20/2011	15:00		1
6/26/2011	3:00	6:00	3
7/4/2011	16:00	21:00	5
7/5/2011	10:00	18:00	8
7/7/2011	0:00	4:00	4
	15:00	20:00	5
7/8/2011	15:00		1
	22:00		1
7/9/2011	18:00	23:00	5
7/10/2011	11:00	14:00	3
7/11/2011	10:00	21:00	11
7/12/2011	0:00	23:00	23
7/13/2011	0:00	22:00	22
7/14/2011	3:00	18:00	15
7/15/2011	0:00	20:00	20
7/16/2011	5:00	8:00	3
7/17/2011	5:00	6:00	1
7/18/2011	12:00	18:00	6
7/19/2011	3:00	21:00	18
7/20/2011	15:00	18:00	3
7/21/2011	8:00	22:00	14
7/22/2011	5:00	15:00	10
	20:00	23:00	3
7/23/2011	6:00	0:00	1
7/24/2011	12:00	22:00	10
7/25/2011	0:00	21:00	21
7/26/2011	6:00	9:00	3
7/27/2011	6:00	22:00	16
7/28/2011	12:00	23:00	11
7/29/2011	0:00	18:00	18
7/30/2011	11:00	12:00	1
7/31/2011	6:00	23:00	17
8/1/2011	15:00	18:00	3
	23:00		1
8/2/2011	0:00	18:00	18
8/3/2011	3:00	18:00	15
8/4/2011	12:00		1
	20:00		1
8/5/2011	15:00	16:00	1
8/6/2011	8:00	18:00	10
8/7/2011	8:00	15:00	7
8/8/2011	12:00	15:00	3
8/9/2011	12:00	21:00	9
8/11/2011	12:00	15:00	3
8/12/2011	12:00	20:00	8
8/13/2011	8:00	12:00	4
	21:00		1
8/14/2011	3:00		1
8/15/2011	12:00	23:00	11
8/16/2011	0:00	21:00	21
8/17/2011	17:00	18:00	1
8/18/2011	3:00		1
	21:00	0:00	1
8/19/2011	0:00	21:00	21
8/20/2011	9:00	21:00	12
8/21/2011	0:00		1
	18:00		1
8/22/2011	1:00		1
	9:00	23:00	14
8/23/2011	14:00		1
	20:00		1
8/24/2011	10:00	23:00	13
8/25/2011	10:00	15:00	5
8/26/2011	3:00	21:00	18
8/27/2011	15:00	18:00	3
8/28/2011	15:00	18:00	3
8/29/2011	12:00	17:00	5
8/30/2011	18:00	19:00	1
8/31/2011	15:00	18:00	3
9/1/2011	12:00	23:00	11

Date	Start Time	End Time	Hours
9/2/2011	10:00	13:00	3
9/3/2011	10:00	20:00	10
9/6/2011	9:00	12:00	3
9/11/2011	20:00	21:00	1
9/29/2011	18:00	20:00	2
10/14/2011	13:00		1
10/16/2011	16:00	18:00	2
10/18/2011	16:00	18:00	2
10/19/2011	22:00	0:00	1
10/20/2011	0:00	13:00	13
11/3/2011	16:00	0:00	1
11/4/2011	7:00		1
11/14/2011	17:00	22:00	5
11/16/2011	10:00	12:00	2
	20:00		1
11/20/2011	18:00	21:00	3
11/21/2011	6:00	7:00	1
11/22/2011	23:00		1
11/28/2011	18:00		1
11/29/2011	12:00	23:00	11
11/30/2011	0:00	2:00	2
12/2/2011	10:00	13:00	3
12/20/2011	9:00	10:00	1
12/21/2011	8:00	9:00	1
12/27/2011	14:00	17:00	3
1/11/2012	17:30		1
1/17/2012	10:00	13:00	3
2/1/2012	7:00	10:00	3
	19:00		1
2/3/2012	9:00	23:00	14
2/4/2012	0:00	10:00	10
	17:00	18:00	1
2/5/2012	13:00	18:00	5
2/6/2012	6:00	10:00	4
2/8/2012	11:00	15:00	4
2/9/2012	10:00		1
2/10/2012	21:00		1
2/11/2012	2:00	7:00	5
2/15/2012	12:00		1
2/17/2012	21:00		1
2/18/2012	13:00		1
2/23/2012	22:00		1
2/27/2012	9:00	11:00	2
2/28/2012	9:00		1
3/2/2012	15:00	18:00	3
3/5/2012	10:00		1
3/8/2012	10:30		1
3/9/2012	15:30		1
3/16/2012	20:00	0:00	1
3/19/2012	0:00	6:00	6
3/20/2011	20:00	21:00	1
3/21/2012	17:00	18:00	1
	22:00	23:00	1
3/22/2012	3:30		1
	18:00	22:00	4
3/23/2012	6:00	0:00	1
3/24/2012	0:00	5:00	5
3/25/2012	15:00	22:00	7
3/26/2012	2:00	10:00	8
3/28/2012	6:00	12:00	6
	21:00	0:00	1
3/29/2012	20:00		1
3/30/2012	17:00	21:00	4
3/31/2012	0:00	23:00	23
4/1/2012	6:00		1
	21:00	0:00	1
4/2/2012	0:00	6:00	6
4/3/2012	8:00	9:00	1
	20:00	0:00	1
4/4/2012	0:00	12:00	12
4/5/2012	1:00	15:00	14
4/7/2012	0:00	4:00	4
4/8/2012	15:00		1
	22:00	0:00	1
4/9/2012	0:00	2:00	2
4/10/2012	0:00	20:00	20
4/11/2012	10:00		1
4/18/2012	10:00		1
4/21/2012	7:00	9:00	2
	22:00		1
4/23/2012	12:00	20:00	8
4/24/2012	17:00	18:00	1

Date	Start Time	End Time	Hours
4/26/2012	17:00	19:00	2
4/30/2012	18:00	0:00	1
5/1/2012	1:00		1
	15:00	20:00	5
5/4/2012	9:00	20:00	11
5/6/2012	8:00	10:00	2
5/7/2012	9:00	18:00	9
5/9/2012	13:00	18:00	5
5/10/2012	17:00		1
5/14/2012	12:00	15:00	3
5/19/2012	20:00		1
5/23/2012	19:00		1
5/25/2012	20:00	22:00	2
5/26/2012	3:00	13:00	10
5/29/2012	4:00	23:00	19
6/24/2012	23:00	0:00	1
7/4/2012	16:00	20:00	4
7/7/2012	17:00	20:00	3
7/16/2012	15:30		1
7/18/2012	16:00	17:00	1
7/19/2012	20:00	23:00	3
7/21/2012	21:00	0:00	1
7/25/2012	17:00	18:00	1

Attachment D

Lead concentrations at the Exide facility recorded for Occupational Safety and Health (OSHA) compliance exceeding 500 micrograms per cubic meter (0.5 milligrams per cubic meter).

Date	Location/ Sample Description	Lead (ug/m3)	Date	Location/ Sample Description	Lead (ug/m3)
9/24/2008	furnace	2885	3/18/2009	refinery	541
9/24/2008	furnace	2885	3/19/2009	bin room	10702
9/24/2008	furnace	1262	3/19/2009	bin room	10702
9/24/2008	furnace	1262	3/19/2009	breaker	1198
9/24/2008	furnace	1631	3/19/2009	breaker	1198
9/24/2008	furnace	1631	3/19/2009	furnace	1481
9/24/2008	furnace	1774	3/19/2009	furnace	1481
9/24/2008	furnace	1774	3/19/2009	maintenance	828
9/24/2008	refinery	1369	3/19/2009	maintenance	828
9/24/2008	refinery	1369	3/19/2009	refinery	2588
9/24/2008	refinery	4536	3/19/2009	refinery	2588
9/24/2008	refinery	4536	3/20/2009	refinery	516
9/24/2008	refinery	12500	3/20/2009	refinery	516
9/24/2008	refinery	12500	3/20/2009	refinery	1103
9/24/2008	refinery	770	3/20/2009	refinery	1103
9/24/2008	refinery	770	3/24/2009	furnace	1659
9/25/2008	furnace	2357	3/24/2009	furnace	1659
9/25/2008	furnace	2357	3/24/2009	refinery	2101
9/26/2008	refinery	632	3/24/2009	refinery	2101
9/26/2008	refinery	632	3/28/2009	WWTP	696
9/26/2008	refinery	639	3/28/2009	WWTP	696
9/26/2008	refinery	639	6/4/2009	breaker	1604
9/26/2008	refinery	917	6/4/2009	breaker	1604
9/26/2008	refinery	917	6/5/2009	furnace	908
9/26/2008	shipping	1938	6/5/2009	furnace	908
9/26/2008	shipping	1938	6/5/2009	shipping	1259
9/27/2008	furnace	3292	6/5/2009	shipping	1259
9/27/2008	furnace	3292	6/8/2009	furnace	553
12/16/2008	shipping	597	6/8/2009	furnace	553
12/16/2008	shipping	597	6/8/2009	furnace	569
12/17/2008	*ILLEGIBLE	589	6/8/2009	furnace	569
12/17/2008	*ILLEGIBLE	589	6/9/2009	maintenance	908
3/18/2009	furnace	6364	6/9/2009	maintenance	908
3/18/2009	furnace	6364	6/9/2009	refinery	1819
3/18/2009	refinery	541	6/9/2009	refinery	1819

Date	Location/ Sample Description	Lead (ug/m3)	Date	Location/ Sample Description	Lead (ug/m3)
6/9/2009	shipping	896	11/6/2009	breaker	923
6/9/2009	shipping	896	11/6/2009	furnace	1636
6/11/2009	furnace	725	11/6/2009	furnace	1636
6/11/2009	furnace	725	11/10/2009	breaker	1033
6/11/2009	refinery	526	11/10/2009	breaker	1033
6/11/2009	refinery	526	11/11/2009	furnace	531
6/11/2009	refinery	3036	11/11/2009	furnace	531
6/11/2009	refinery	3036	11/13/2009	WWTP	747
6/11/2009	shipping	1639	11/13/2009	WWTP	747
6/11/2009	shipping	1639	11/16/2009	refinery	1344
6/16/2009	breaker	2036	11/16/2009	refinery	1344
6/16/2009	breaker	2036	11/20/2009	breaker	1792
6/18/2009	furnace	2381	11/20/2009	breaker	1792
6/18/2009	furnace	2381	11/30/2009	furnace	1385
9/2/2009	refinery	942	11/30/2009	furnace	1385
9/2/2009	refinery	942	12/11/2009	shipping	2146
9/2/2009	shipping	563	12/11/2009	shipping	2146
9/2/2009	shipping	563	12/17/2009	furnace	1187
9/3/2009	WWTP	910	12/17/2009	furnace	1187
9/3/2009	WWTP	910	2/2/2010	furnace	870
9/4/2009	shipping	571	2/2/2010	furnace	870
9/4/2009	shipping	571	2/2/2010	Whse/Shp	756
9/8/2009	shipping	723	2/2/2010	Whse/Shp	756
9/8/2009	shipping	723	2/7/2010	Whse/Shp	509
9/9/2009	maintenance	2146	2/7/2010	Whse/Shp	509
9/9/2009	maintenance	2146	2/8/2010	WWTP	2356
9/10/2009	furnace	1269	2/8/2010	WWTP	2356
9/10/2009	furnace	1269	2/8/2010	WWTP	17889
9/10/2009	refinery	1163	2/8/2010	WWTP	17889
9/10/2009	refinery	1163	2/9/2010	breaker	605
9/15/2009	breaker	535	2/9/2010	breaker	605
9/15/2009	breaker	535	2/9/2010	refinery	1944
9/16/2009	furnace	986	2/9/2010	refinery	1944
9/16/2009	furnace	986	2/10/2010	WWTP	942
9/16/2009	refinery	734	2/10/2010	WWTP	942
9/16/2009	refinery	734	2/11/2010	Whse/Shp	545
11/3/2009	shipping	1458	2/11/2010	Whse/Shp	545
11/3/2009	shipping	1458	2/13/2010	furnace	1500
11/4/2009	WWTP	964	2/13/2010	furnace	1500
11/4/2009	WWTP	964	2/14/2010	maintenance	1208
11/6/2009	breaker	923	2/14/2010	maintenance	1208

Date	Location/ Sample Description	Lead (ug/m3)	Date	Location/ Sample Description	Lead (ug/m3)
2/14/2010	refinery	1372	3/11/2010	breaker	1226
2/14/2010	refinery	1372	3/15/2010	shipping	551
2/15/2010	Whse/Shp	4575	3/15/2010	shipping	551
2/15/2010	Whse/Shp	4575	3/17/2010	breaker	963
2/18/2010	fumace	2228	3/17/2010	breaker	963
2/18/2010	fumace	2228	3/24/2010	?	1032
2/19/2010	breaker	1325	3/24/2010	?	1032
2/19/2010	breaker	1325	3/26/2010	fumace	2843
2/20/2010	fumace	1132	3/26/2010	furnace	2843
2/20/2010	furnace	1132	3/26/2010	shipping	2624
2/22/2010	breaker	1750	3/26/2010	shipping	2624
2/22/2010	breaker	1750	3/31/2010	fumace	796
2/22/2010	fumace	3135	3/31/2010	fumace	796
2/22/2010	fumace	3135	8/1/2010	maintenance	818
2/22/2010	maintenance	932	8/1/2010	maintenance	818
2/22/2010	maintenance	932	8/2/2010	fumace	1553
2/22/2010	Whse/Shp	717	8/2/2010	fumace	1553
2/22/2010	Whse/Shp	717	8/3/2010	baghouse	580
2/23/2010	?	11145	8/3/2010	baghouse	580
2/23/2010	?	11145	8/14/2010	refinery	2571
2/23/2010	shipping	726	8/14/2010	refinery	2571
2/23/2010	shipping	726	8/15/2010	refinery	2200
2/23/2010	WWTP	1043	8/15/2010	refinery	2200
2/23/2010	WWTP	1043	8/16/2010	furnace	9422
2/24/2010	shipping	602	8/16/2010	fumace	9422
2/24/2010	shipping	602	8/18/2010	breaker	1162
2/25/2010	refinery	4333	8/18/2010	breaker	1162
2/25/2010	refinery	4333	8/19/2010	RLS	1284
2/26/2010	breaker	800	8/19/2010	RLS	1284
2/26/2010	breaker	800	8/20/2010	breaker	1367
2/27/2010	fumace	1146	8/20/2010	breaker	1367
2/27/2010	fumace	1146	8/20/2010	Whse/Shp	3788
3/5/2010	refinery	572	8/20/2010	Whse/Shp	3788
3/5/2010	refinery	572	8/24/2010	Whse/Shp	556
3/8/2010	fumace	2759	8/24/2010	Whse/Shp	556
3/8/2010	furnace	2759	8/30/2010	furnace	1704
3/10/2010	maintenance	503	8/30/2010	furnace	1704
3/10/2010	maintenance	503	9/9/2010	WWTP	759
3/10/2010	refinery	777	9/9/2010	WWTP	759
3/10/2010	refinery	777	9/13/2010	Whse/Shp	18983
3/11/2010	breaker	1226	9/13/2010	Whse/Shp	18983

Date	Location/ Sample Description	Lead (ug/m3)	Date	Location/ Sample Description	Lead (ug/m3)
9/15/2010	furnace	1059	5/6/2011	furnace	48387
9/15/2010	furnace	1059	5/6/2011	refinery	3847
9/22/2010	breaker	2657	5/6/2011	refinery	3847
9/22/2010	breaker	2657	5/6/2011	Whse/Shp	711
10/4/2010	furnace	3080	5/6/2011	Whse/Shp	711
10/4/2010	furnace	3080	5/6/2011	Whse/Shp	6107
11/1/2010	breaker	864	5/6/2011	Whse/Shp	6107
11/1/2010	breaker	864	5/9/2011	WWTP	720
11/1/2010	breaker	1948	5/9/2011	WWTP	720
11/1/2010	breaker	1948	5/11/2011	breaker	1286
11/1/2010	refinery	847	5/11/2011	breaker	1286
11/1/2010	refinery	847	5/13/2011	furnace	794
11/1/2010	Whse/Shp	2080	5/13/2011	furnace	794
11/1/2010	Whse/Shp	2080	5/15/2011	furnace	897
11/15/2010	furnace	921	5/15/2011	furnace	897
11/15/2010	furnace	921	5/15/2011	maintenance	873
11/15/2010	WWTP	824	5/15/2011	maintenance	873
11/15/2010	WWTP	824	5/15/2011	Whse/Shp	1951
11/16/2010	refinery	800	5/15/2011	Whse/Shp	1951
11/16/2010	refinery	800	5/16/2011	breaker	1645
11/16/2010	Whse/Shp	889	5/16/2011	breaker	1645
11/16/2010	Whse/Shp	889	5/17/2011	refinery	578
11/29/2010	breaker	1215	5/17/2011	refinery	578
11/29/2010	breaker	1215	5/23/2011	refinery	1109
12/2/2010	furnace	542	5/23/2011	refinery	1109
12/2/2010	furnace	542	5/23/2011	WWTP	577
12/13/2010	WWTP	718	5/23/2011	WWTP	577
12/13/2010	WWTP	718	5/26/2011	furnace	799
12/17/2010	Whse/Shp	864	5/26/2011	furnace	799
12/17/2010	Whse/Shp	864	8/10/2011	breaker	1536
12/26/2010	furnace	1938	8/10/2011	breaker	1536
12/26/2010	furnace	1938	8/10/2011	WWTP	619
5/5/2011	breaker	2125	8/10/2011	WWTP	619
5/5/2011	breaker	2125	8/11/2011	baghouse	600
5/5/2011	furnace	1736	8/11/2011	baghouse	600
5/5/2011	furnace	1736	8/11/2011	furnace	6264
5/5/2011	refinery	758	8/11/2011	furnace	6264
5/5/2011	refinery	758	8/12/2011	refinery	864
5/6/2011	breaker	1583	8/12/2011	refinery	864
5/6/2011	breaker	1583	8/15/2011	maintenance	1521
5/6/2011	furnace	48387	8/15/2011	maintenance	1521

Date	Location/ Sample Description	Lead (ug/m3)	Date	Location/ Sample Description	Lead (ug/m3)
8/15/2011	refinery	544	10/21/2011	breaker	617
8/15/2011	refinery	544	10/21/2011	furnace.	2563
8/16/2011	refinery	755	10/21/2011	furnace	2563
8/16/2011	refinery	755	10/21/2011	furnace	2762
8/17/2011	environmental	2448	10/21/2011	furnace	2762
8/17/2011	environmental	2448	10/24/2011	refinery	1323
8/17/2011	furnace	1583	10/24/2011	refinery	1323
8/17/2011	furnace	1583	10/26/2011	furnace	1115
8/30/2011	breaker	683	10/26/2011	furnace	1115
8/30/2011	breaker	683	11/4/2011	baghouse	1570
9/1/2011	breaker	1104	11/4/2011	baghouse	1570
9/1/2011	breaker	1104	11/18/2011	refinery	796
9/1/2011	breaker	1611	11/18/2011	refinery	796
9/1/2011	breaker	1611	11/21/2011	furnace	3406
9/6/2011	refinery	2577	11/21/2011	furnace	3406
9/6/2011	refinery	2577	1/30/2012	breaker	1403
9/15/2011	furnace	1011	1/30/2012	breaker	1403
9/15/2011	furnace	1011	1/30/2012	furnace	628
9/16/2011	furnace	735	1/30/2012	furnace	628
9/16/2011	furnace	735	1/30/2012	maintenance	850
10/11/2011	baghouse	2433	1/30/2012	maintenance	850
10/11/2011	baghouse	2433	1/30/2012	refinery	3233
10/11/2011	breaker	1310	1/30/2012	refinery	3233
10/11/2011	breaker	1310	1/30/2012	WWTP	569
10/11/2011	refinery	714	1/30/2012	WWTP	569
10/11/2011	refinery	714	1/31/2012	baghouse	518
10/11/2011	refinery	1296	1/31/2012	baghouse	518
10/11/2011	refinery	1296	1/31/2012	breaker	2149
10/11/2011	WWTP	895	1/31/2012	breaker	2149
10/11/2011	WWTP	895	1/31/2012	furnace	2867
10/12/2011	breaker	2518	1/31/2012	furnace	2867
10/12/2011	breaker	2518	1/31/2012	refinery	694
10/13/2011	breaker	4869	1/31/2012	refinery	694
10/13/2011	breaker	4869	2/1/2012	maintenance	3835
10/15/2011	refinery	577	2/1/2012	maintenance	3835
10/15/2011	refinery	577	2/2/2012	refinery	765
10/16/2011	WWTP	1524	2/2/2012	refinery	765
10/16/2011	WWTP	1524	2/8/2012	furnace	2822
10/18/2011	baghouse	959	2/8/2012	furnace	2822
10/18/2011	baghouse	959	3/6/2012	furnace	3922
10/21/2011	breaker	617	3/6/2012	furnace	3922

Date	Location/ Sample Description	Lead (ug/m3)	Date	Location/ Sample Description	Lead (ug/m3)
3/9/2012	furnace	2476	8/10/2012	breaker	1536
3/9/2012	furnace	2476	8/10/2012	WWTP	619
3/9/2012	maintenance	885	8/10/2012	WWTP	619
3/9/2012	maintenance	885	8/11/2012	baghouse	600
3/9/2012	refinery	5152	8/11/2012	baghouse	600
3/9/2012	refinery	5152	8/11/2012	furnace	6264
3/14/2012	shipping	2298	8/11/2012	furnace	6264
3/14/2012	shipping	2298	8/12/2012	refinery	864
3/19/2012	refinery	990	8/12/2012	refinery	864
3/19/2012	refinery	990	8/15/2012	maintenance	1521
6/13/2012	maintenance	1074	8/15/2012	maintenance	1521
6/13/2012	maintenance	1074	8/15/2012	refinery	544
6/16/2012	breaker	958	8/15/2012	refinery	544
6/16/2012	breaker	958	8/16/2012	refinery	755
6/17/2012	refinery	2012	8/16/2012	refinery	755
6/17/2012	refinery	2012	8/17/2012	environmental	2448
6/18/2012	breaker	873	8/17/2012	environmental	2448
6/18/2012	breaker	873	8/17/2012	furnace	1583
6/18/2012	breaker	3357	8/17/2012	furnace	1583
6/18/2012	breaker	3357	8/30/2012	breaker	683
6/18/2012	furnace	1500	8/30/2012	breaker	683
6/18/2012	furnace	1500	9/1/2012	breaker	1104
6/18/2012	furnace	5108	9/1/2012	breaker	1104
6/18/2012	furnace	5108	9/1/2012	breaker	1611
6/18/2012	refinery	1750	9/1/2012	breaker	1611
6/18/2012	refinery	1750	9/6/2012	refinery	2577
6/19/2012	breaker	1595	9/6/2012	refinery	2577
6/19/2012	breaker	1595	9/15/2012	furnace	1011
6/19/2012	furnace	2110	9/15/2012	furnace	1011
6/19/2012	furnace	2110	9/16/2012	furnace	735
6/19/2012	refinery	592	9/16/2012	furnace	735
6/19/2012	refinery	592	12/18/2012	breaker	520
6/20/2012	refinery	1569	12/18/2012	breaker	520
6/20/2012	refinery	1569	12/18/2012	furnace	880
6/22/2012	breaker	3705	12/18/2012	furnace	880
6/22/2012	breaker	3705	12/18/2012	furnace	1500
6/22/2012	furnace	651	12/18/2012	furnace	1500
6/22/2012	furnace	651	12/18/2012	refinery	940
6/22/2012	refinery	1963	12/18/2012	refinery	940
6/22/2012	refinery	1963	12/18/2012	refinery	2500
8/10/2012	breaker	1536	12/18/2012	refinery	2500

Date	Location/ Sample Description	Lead (ug/m3)
12/19/2012	baghouse	1400
12/19/2012	baghouse	1400
12/19/2012	furnace	1600
12/19/2012	furnace	1600
12/19/2012	maintenance	2700
12/19/2012	maintenance	2700
1/3/2013	furnace	1300
1/3/2013	furnace	1300
1/3/2013	furnace	9600
1/3/2013	furnace	9600
1/3/2013	refinery	640
1/3/2013	refinery	640
1/3/2013	refinery	1700
1/3/2013	refinery	1700

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-13-IN-13, by Certified Mail, Return Receipt Requested, to:

Mr. Mark Sutton
Environmental Manager
Exide Technologies
2601 West Mt. Pleasant Boulevard
Muncie, Indiana 47302

Frederick Ganster
Exide Technologies
Director Environment, Health, & Safety
2900 Montrose Ave
Reading, Pennsylvania 19605

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

Phil Perry, Chief
Air Compliance and Enforcement Branch
Indiana Department of Environmental Management
100 N. Senate Ave.
Mail Code 61-53 IGCN 1003
Indianapolis, IN 46204-2251

On the 16 day of September 2013.

Loretta Shaffer

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5633

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 17 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mike Henry
Environmental Manager
Exide Technologies
2601 West Mount Pleasant Boulevard
Muncie, Indiana 47302

Mr. Frederick Ganster
Director: Environment, Health, & Safety
Exide Technologies
2900 Montrose Avenue
Reading, Pennsylvania 19605

Re: Finding of Violation under 42 U.S.C. § 7413(a)(3)

Dear Messrs. Henry and Ganster:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violations (FOV) to Exide Technologies (Exide) for violations of the Clean Air Act (CAA) identified at the facility located at 2601 West Mt. Pleasant Boulevard, Muncie Indiana (the Facility). The FOV is issued in accordance with Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

As outlined in the FOV, the EPA finds that Exide has violated the CAA, the Facility's Title V Operating Permit, and the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting. Section 113 of the CAA, 42 U.S.C. § 7413, gives us several enforcement options to resolve these violations. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference. In this instance, we expect an attorney from the U.S. Department of Justice to attend the conference along with EPA representatives.

The EPA contact in this matter is Eleanor Kane. You may call her at (312) 353-4840 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Phil Perry, Chief
Air Compliance and Enforcement Branch
Indiana Department of Environmental Management
100 N. Senate Ave.
Mail Code 61-53 IGCN 1003
Indianapolis, IN 46204-2251

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
Exide Technologies	)	Proceeding Pursuant to the Clean Air Act,
Muncie, Indiana	)	42 U.S.C. §§ 7401-7671q
	)	
	)	**EPA-5-14-IN-03**
	)	
	)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Finding of Violation (FOV) to Exide Technologies (Exide) to notify you that we have found violations of the Clean Air Act (CAA), 42 U.S.C. §§ 7401-7671q, at the Exide facility located at 2601 West Mt. Pleasant Boulevard, Muncie, Indiana (the Facility). The relevant statutory and regulatory background, factual background, alleged violations, and environmental impact of these violations are set forth in detail below.

This FOV is issued in accordance with Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), which authorizes the Administrator to take certain enforcement actions after notifying a person that it is in violation of the CAA. The authority to issue this FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Relevant Statutory and Regulatory Background

National Emission Standards for Hazardous Air Pollutants

1. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires the EPA to promulgate a list of all categories and subcategories of new and existing "major sources" of hazardous air pollutants (HAPs), and establish emissions standards for the categories and subcategories. These emission standards are known as National Emission Standards for Hazardous Air Pollutants (NESHAP). The EPA codified these standards at 40 C.F.R. Parts 61 and 63.

2. "Stationary source" is defined as "any building, structure, facility, or installation, which emits or may emit any air pollutant." 42 U.S.C. § 7411(a)(3).

3. "Hazardous air pollutant" is defined as "any air pollutant listed in or pursuant to" Section 112(b) of the CAA, and includes, among other pollutants, lead compounds. 42 U.S.C. § 7412(a)(6).

4. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05 and 63.4.

The NESHAP for Secondary Lead Smelting

5. Pursuant to Section 112 of the CAA, the EPA has promulgated a NESHAP for Secondary Lead Smelting, which has been amended periodically and codified at 40 C.F.R. Part 63, Subpart X (the Secondary Lead NESHAP). *See* 60 Fed. Reg. 32587 (June 23, 1995); 62 Fed. Reg. 32216 (June 17, 1997); 64 Fed. Reg. 4572 (January 29, 1999); 64 Fed. Reg. 69643 (December 14, 1999); 70 Fed. Reg. 75320 (December 19, 2005); 77 Fed. Reg. 555 (January 5, 2012). Under the Secondary Lead NESHAP, the Facility's compliance date for the amendments promulgated in 2012 was January 6, 2014. Exide had a legal obligation to achieve early compliance with certain requirements of the Secondary Lead NESHAP under Indiana regulations codified at 326 IAC 20-13.1.

6. 40 C.F.R. § 63.541(a) states that the Secondary Lead NESHAP applies to the following affected sources at all secondary lead smelters: blast, reverberatory, rotary, and electric furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive emissions sources; buildings containing lead bearing materials; and fugitive dust sources.

7. In 40 C.F.R. § 63.542, "total enclosure" is defined as "a containment building that is completely enclosed with a floor, walls, and a roof to prevent exposure to the elements and to assure containment of lead bearing material with limited openings to allow access and egress for people and vehicles. The total enclosure must provide an effective barrier against fugitive dust emissions such that the direction of air flow through any openings is inward and the enclosure is maintained under constant negative pressure."

8. 40 C.F.R. § 63.544(a)(5) requires that casting areas be operated in a total enclosure that is maintained at negative pressure at all times and vented to a control device designed to capture lead particulate. The total enclosure must meet the requirements specified in § 63.544(c).

9. 40 C.F.R. § 63.548(k) states that the source must install, operate, and maintain a digital differential pressure monitoring system to continuously monitor each total enclosure, as described in § 63.548(k)(1-5).

10. 40 C.F.R. § 63.543(l) requires that sources develop and follow standard operating procedures designed to minimize emissions of total hydrocarbons for each startup or shutdown scenario anticipated.

11. 40 C.F.R. § 63.543(c) requires that sources meet the applicable emissions limits for total hydrocarbons (THC) and dioxins and furans (D/F) from furnace sources as specified in Table 2 of the Secondary Lead NESHAP.

12. 40 C.F.R. § 63.548(j)(1) states that sources 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.

13. 40 C.F.R. § 63.548(j)(2) states that prior to, or in conjunction with, the initial performance test to determine compliance with § 63.543(c), sources must conduct a performance evaluation for the temperature monitoring device according to § 63.8(e).

14. 40 C.F.R. § 63.548(j)(3) provides that sources must monitor and record the temperature of the afterburner or the furnace exhaust streams every 15 minutes during the initial performance test for THC and D/F and determine an arithmetic average for the recorded temperature measurements.

15. 40 C.F.R. § 63.543(k) states, in part, that a facility owner must at all times, "operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions."

Title V Requirements

16. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. Pursuant to Appendix A of 40 C.F.R. Part 70, on December 4, 2001, EPA granted Indiana final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001. 66 Fed. Reg. 62969.

17. 40 C.F.R § 70.2 defines "major source" as, among other things, any stationary source that directly emits, or has the potential to emit: (i) 10 tons per year or more of any hazardous air pollutant listed pursuant to CAA Section 112(b); (ii) 25 tons or more of any combination of hazardous air pollutants; and/or (iii) 100 tons per year or more of any other air pollutant subject to regulation under the CAA.

18. Indiana's Title V operating permit program regulations are codified at 326 IAC 2-7, and are federally enforceable pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

19. 40 C.F.R. § 70.6(b)(1) provides that Title V permits are federally enforceable and that all terms and conditions in a Title V permit are enforceable by the EPA.

Exide's Title V Permits

20. The Indiana Department of Environmental Management (IDEM) issued a modified Part 70 Operating Permit, No. 035-33188-00028 (Title V Permit) to the Facility on February 4, 2014. By its terms, the Title V Permit took effect immediately upon issuance. This permit incorporates by reference the Secondary Lead NESHAP in Section E.

21. Conditions D.2.1 and D.2.2 of the Title V Permit establish particulate matter (PM) and lead emission limits for the pig casting units and the pot furnaces.

22. Condition D.2.4(a) of the Title V Permit requires that, in order to ensure compliance with Conditions D.2.1 and D.2.2, the refinery baghouses (No. 1 and No. 2) shall be in operation at all times that the two lead pig casting machines and the eleven pot furnaces are in operation.

23. Conditions D.3.1 and D.3.2 of the Title V Permit establish PM and lead emission limits for, among others, the material handling, slag crushing, and insignificant melting pots controlled by the bin room baghouses (No. 1 and No. 2).

24. Condition D.3.4(b) of the Title V Permit requires that, in order to ensure compliance with Conditions D.3.1 and D.3.2, the bin room baghouses (No. 1 and No. 2) shall be in operation at all times that slag crushing is in operation.

Relevant Factual Background

25. Exide owns and operates the secondary lead smelting stationary source Facility located at 2601 West Mt. Pleasant Boulevard, Muncie, Indiana.

26. The Facility is a secondary lead smelter and is therefore subject to the requirements of the Secondary Lead NESHAP (40 C.F.R., Part 63, Subpart X).

27. In response to an information request from EPA issued on February 27, 2013, Exide provided a Ventilation Study performed in 2012 by a third party (2012 Ventilation Study).

28. The 2012 Ventilation Study states, "The building requires additional ventilation to guarantee the NESHAP for Secondary Lead Smelting requirements are met." Among other things, the 2012 Ventilation Study specifically states that the breaker room requires 71,000 actual cubic feet per minute of additional airflow.

29. On February 24 and 25, 2014, EPA conducted an inspection at the Facility.

30. During the February 2014 inspection, Exide personnel provided information on where in the Facility Bin Room Baghouse No. 2 and Refinery Baghouse No. 2 would provide additional ventilation. No additional ventilation was planned for the breaker room.

31. During the February 2014 inspection, Exide personnel provided information on the differential pressure monitoring system installed at the Facility, including identifying the location of three differential pressure sensors. The Facility has not installed a differential pressure sensor in the breaker room.

32. At the Facility, Exide operates a Strip Casting Machine which liquefies lead blocks into molten lead, and casts the lead into long, thin strips. The Strip Casting Machine is located within a casting area where casting operations occur, and it is therefore subject to

total enclosure requirements under 40 C.F.R. §§ 63.542 and 63.544(a)(5) and the differential pressure monitoring requirements imposed by 40 C.F.R. § 63.548(k). The Strip Casting Machine is not located within a containment building that meets the requirements for a total enclosure under the Secondary Lead NESHAP. There is no digital differential pressure monitoring system serving the building that contains the Strip Casting Machine.

33. During the February 2014 inspection, Exide personnel reported that they had not developed standard operating procedures designed to minimize emissions of total hydrocarbon for each startup or shutdown scenario anticipated.

34. During the February 2014 inspection, EPA inspectors noted that there was no instrumentation in place to monitor or record the temperature of the furnace exhaust from the blast furnace or reverberatory furnace.

35. A performance test was conducted at the Exide facility to measure emissions of D/F from the North and South Process Scrubber Stacks (serving the blast furnace and reverberatory furnace) on June 25, 27 and 28, 2013 (June 2013 D/F Test). The purpose of this testing was to attempt to establish compliance with the D/F emissions limitations of the Secondary Lead NESHAP. During the testing, the furnace exhaust temperature was not measured or recorded.

36. During the February 2014 inspection, Exide personnel stated that the Bin Room Baghouse No. 2 was under construction and was expected to be operational in May 2014.

37. During the February 2014 inspection, Exide personnel stated that construction for Refinery Baghouse No. 2 had not yet begun, but was slated to begin in 2016.

Finding of Violations

Violations of the NESHAP for Secondary Lead Smelting

38. By failing to include the Strip Casting Machine in a total enclosure, Exide has violated the total enclosure standards established in 40 C.F.R. § 63.544. Exide also has violated the associated differential pressure monitoring requirements in 40 C.F.R. § 63.548(k)(2).

39. By failing to develop and follow standard operating procedures designed to minimize emissions of total hydrocarbon for each startup or shutdown scenario anticipated, Exide violated the standards established in 40 C.F.R. § 63.543(l).

40. By failing to install, calibrate, maintain, and continuously operate a device to monitor and record the temperature of the furnace exhaust streams consistent with the requirements for continuous monitoring systems in 40 C.F.R. § 63.8, Exide has violated the monitoring requirements of § 63.548(j)(1).

41. By failing to conduct a performance evaluation for the temperature monitoring device prior to, or in conjunction with, the initial performance test to determine compliance with

the D/F emissions limits, Exide has violated the monitoring requirements of 40 C.F.R. § 63.548(j)(2).

42. By failing to monitor temperature during the June 2013 D/F Test, Exide failed to monitor and record the temperature of the furnace exhaust streams every 15 minutes during the initial performance test for D/F, and failed to determine an arithmetic average for the recorded temperature measurements, in violation of 40 C.F.R. § 63.548(j)(3).

43. By failing to improve ventilation at the breaker room, described as "required" to ensure compliance with the NESHAP in the 2012 Ventilation Study, Exide failed to operate the Facility in a manner consistent with good air pollution control practices for minimizing emissions, in violation of 40 C.F.R. § 63.543(k).

44. Exide's failures to satisfy the requirements of 40 C.F.R. Part 63, Subpart X, constitute violations of Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3).

Violations of the Title V Permits

45. By failing to complete construction of Bin Room Baghouse No. 2 by the effective date of the Title V Permit, and by failing to operate Bin Room Baghouse No. 2 at all times that the two lead pig casting machines and the eleven pot furnaces are in operation, Exide has violated and continues to violate Condition D.2.4(a) of the Title V Permit, and has failed to demonstrate continuous compliance with Condition D.2.1 and D.2.2.

46. By failing to complete construction of Refinery Baghouse No. 2 by the effective date of the Title V Permit, and by failing to operate Refinery Baghouse No. 2 at all times that slag crushing is in operation, Exide has violated and continues to violate condition D.3.4(b) of the Title V Permit, and has failed to demonstrate continuous compliance with Conditions D.3.1 and D.3.2.

47. Exide's violations of its Title V Permit are actionable under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

Environmental Impact of Violations

48. Exide's violations resulted in increased emissions of lead. Lead can affect almost every organ in the body, but is most detrimental to the nervous system. In children, low levels of lead in the blood can result in permanent damage to the brain and nervous system, leading to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In adults, lead has nervous system effects, cardiovascular effects, and causes decreased kidney function. Lead can also lead to reproductive problems for both men and women and has serious effects on pregnancy and developing fetuses.

49. Exide's violations resulted in increased emissions of PM. PM, especially fine particulate, contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. PM exposure contributes to irritation of the airways, coughing, and difficulty breathing, decreased lung function; aggravated asthma, chronic bronchitis, irregular heartbeat, nonfatal heart attacks, and premature death in people with heart or lung disease.

50. Exide's violations may have resulted in increased emissions of THC and volatile organic compounds (VOCs). VOCs can cause eye, nose, and throat irritation, headaches, loss of coordination, nausea, damage to liver, kidney, and central nervous system. VOCs are major precursors in the formation of atmospheric and ground-level ozone, a photochemical oxidant associated with a number of detrimental health effects, environmental, and ecological effects. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

51. Exide's violations may have caused increased emissions of D/F. D/F can cause a number of health effects. The most well known member of the D/F family is 2,3,7,8 TCDD, which is a suspected human carcinogen. In addition, people exposed to D/F have experienced changes in hormone levels. Studies show that animals exposed to D/F experienced changes in their hormone systems, changes in the development of the fetus, decreased ability to reproduce, and suppressed immune system.

4/17/14
Date

George T. Czarniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-IN-03, by Certified Mail, Return Receipt Requested, to:

Mr. Mike Henry
Environmental Manager
Exide Technologies
2601 West Mt. Pleasant Boulevard
Muncie, Indiana 47302

Mr. Frederick Ganster
Exide Technologies
Director Environment, Health, & Safety
2900 Montrose Ave
Reading, PA 19605 7009 1680 0000 7676 2922

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Mr. Phil Perry, Chief
Air Compliance and Enforcement Branch
Indiana Department of Environmental Management
100 N. Senate Ave.
Mail Code 61-53 IGCN 1003
Indianapolis, IN 46204-2251

On the 22 day of April 2014.

Loretta Shaffer

Loretta Shaffer, APA
Planning and Administrative Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 2915

JS 44 (Rev 09/10)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law.

Plaintiff(s):

First Listed Plaintiff:
UNITED STATES OF AMERICA ;
County of Residence: Delaware County

Defendant(s):

First Listed Defendant:
EXIDE TECHNOLOGIES (d/b/a EXIDE TECHNOLOGIES, INC.) ;
County of Residence: Delaware County

County Where Claim For Relief Arose: Delaware County

Plaintiff's Attorney(s):

RANDALL M. STONE (UNITED STATES OF AMERICA)
U.S. Department of Justice - ENRD/EES
P.O. Box 7611
Washington, DC 20044-7611
Phone: 202-514-1308
Fax: 202-616-6584
Email: randall.stone@usdoj.gov

Defendant's Attorney(s):

ROBERT L. COLLINGS (EXIDE TECHNOLOGIES (d/b/a EXIDE TECHNOLOGIES, INC.))
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
Phone: 215-751-2074
Fax: 215-751-2205
Email: rcollings@schnader.com

Basis of Jurisdiction: 1. U.S. Government Plaintiff

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 893 Environmental Matters

Cause of Action: civil environmental enforcement action seeking penalties of up to $37,500 per day and injunctive relief under the Clean Air Act, 42 U.S.C. 7401-7671q

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: No

Related Cases: Is NOT a refiling of a previously dismissed action

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Signature: s/ Randall M. Stone

Date: 3/13/2015

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.