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11 South Coast Air Quality Management District

SOUTH COAST AQMD
CLERK OF THE BOARDS

'13 OCT 18 P2:00

12 **BEFORE THE HEARING BOARD OF THE**
13 **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

14 In the Matter of

15 SOUTH COAST AIR QUALITY
16 MANAGEMENT DISTRICT,

Petitioner,

vs.

17 EXIDE TECHNOLOGIES INC.,
18 [Facility ID No. 124838]

Respondent.

CASE NO. 3151-29

**PETITION FOR ORDER FOR
ABATEMENT**

District Rules 203(b), 2004(f)(1),
3002(c)(1); and 1407(d)(5)

Hearing Date:

Time: 9:00 a.m.

Place: 21865 Copley Drive
Diamond Bar, CA 91765

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22 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (hereinafter referred to as
23 "District"), petitions the District Hearing Board for an Order for Abatement directed to
24 Respondent, EXIDE TECHNOLOGIES, INC. (hereinafter referred to as "EXIDE" or
25 "Respondent"), with regard to its operation of a secondary lead smelter. The District alleges as
26 follows:
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1 1. Petitioner is a body corporate and politic established and existing pursuant to
2 Health and Safety Code §40000, *et seq.* and §40400, *et seq.*, and is the sole and exclusive local
3 agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

4 2. Respondent EXIDE [Facility ID No. 124838] owns and operates a large lead-acid
5 battery recycling facility located at 2700 South Indiana Street, Vernon, California 90058.

6 3. EXIDE is a Title V facility operating pursuant to a facility-wide Title V permit.

7 4. The District is informed and believes and upon that basis alleges that EXIDE is
8 operating its Cupola Furnace [Device D128] (also referred to as the Blast Furnace), its
9 Reverbatory Furnace [Device D119], and/or process related air pollution control systems [Device
10 Nos. C40, C41, C42, C43, C44, C45, C46] without sufficient and consistent negative air pressure
11 to properly and adequately collect and control gaseous emissions, including but not limited to
12 arsenic.

13 5. The District is further informed and believes and upon that basis alleges that the
14 lack of sufficient and consistent negative air pressure in the Blast and Reverbatory furnaces, and
15 the process related air pollution control systems, is allowing gaseous forms of arsenic to escape
16 into EXIDE's furnace enclosure building. The air pollution control systems for that building,
17 including but not limited to the Hard Lead Baghouse [Device C46], the Soft Lead Baghouse
18 [Device C47], the North Torit Baghouse [Device C38], and the South Torit Baghouse [Device
19 C39] are not designed to control gaseous emissions of arsenic.

20 **EXIDE HAS VIOLATED DISTRICT RULE 1407(d)(5)**

21 6. District Rule 1407(d)(5) relating to the control of arsenic emissions states that
22 "Good operating practices shall be used by the facility, and demonstrated through a maintenance
23 program and the use of measuring devices, or other procedures approved by the District, to
24 maintain air movement and emission collection efficiency by the system consistent with the design
25 criteria for the system." "Good Operating Practices" are defined as "any specific activities
26 necessary to maintain the collection and control efficiencies as designed and permitted for. These
27 activities include, but are not limited to, verifying operating specifications such as production
28 throughput, temperature control, cleaning cycles, air flow and velocity, and inspecting equipment,

1 such as filter cartridges or bags in a baghouse, pressure gauges, duct work, blowers and
2 components of the control equipment, through a general maintenance and inspection program.”

3 7. The District is informed and believes and upon that basis alleges that EXIDE has
4 violated District Rule 1407(d)(5) insofar as it has operated its Cupola Furnace [Device D128], its
5 Reverbatory Furnace [Device D119], and/or process related air pollution control systems [Device
6 Nos. C40, C41, C42, C43, C44, C45, C46] without sufficient and consistent negative air pressure
7 to properly and adequately collect and control gaseous emissions, including but not limited to
8 arsenic.

9 **EXIDE HAS VIOLATED DISTRICT RULES 203(b), 2004(f)(1), and 3002(c)(1)**

10 8. District Rule 203(b) requires that equipment shall not be operated contrary to the
11 conditions specified in the permit to operate issued to the facility.

12 9. District Rule 2004(f)(1) requires compliance with all terms, requirements, and
13 conditions specified in EXIDE’s RECLAIM permit.

14 10. District Rule 3002(c)(1) requires all equipment located at a Title V facility to be in
15 compliance with all terms, requirements, and conditions specified in the Title V permit at all
16 times.

17 11. Section E of EXIDE’s Title V permit contains the following Administrative
18 Conditions:

19 2. The operator shall maintain all equipment in such a
20 manner that ensures proper operation of the equipment.

21 4. The operator shall not use equipment identified in this
22 facility permit as being connected to air pollution control
23 equipment unless they are so vented to the identified air
24 pollution control equipment which is in full use and which
25 has been included in this permit.

26 12. The District is informed and believes and upon that basis alleges that EXIDE is
27 operating its Cupola Furnace [Device D128], its Reverbatory Furnace [Device D119], and/or
28 process related air pollution control systems [Device Nos. C40, C42, C43, C44, C45, C46] without
sufficient and consistent negative air pressure to properly and adequately vent gaseous emissions,
including but not limited to arsenic, all in violation of District Rules 1407(d)(5), 203(b),

1 2004(f)(1), and 3002(c)(1) and Permit Conditions 2 and 4 of Section E and Permit Conditions
2 H116.1 and H116.3 of Section H of its Title V permit.

3 13. On October 8, 2013, the District issued to EXIDE a Notice of Violation citing
4 violations of Conditions 2 and 4 of its Title V Facility Permit. A true and correct copy of Notice
5 of Violation P49899 is attached hereto as Exhibit 1.

6 14. Section D of EXIDE's Title V permit also contains the following condition which
7 is applicable to the Venturi Scrubber [Device C42] and the Neptune Scrubber [Device C43]:

8 C8.7. The operator shall use this equipment in such a
9 manner that the differential pressure being monitored, as
10 indicated below, is not less than 36 inches water
11 column... [¶] This condition shall only apply when this
equipment serve[s] the cupola and the reverbatory furnaces
simultaneously.

12 15. The District is informed and believes and upon that basis alleges that EXIDE has
13 regularly violated, and is currently violating, Permit Condition 8.7 insofar as EXIDE is operating
14 its Venturi and Neptune scrubbers with differential pressure of less than 36 inches water column,
15 as required by Permit Condition C8.7.

16 16. The District by this petition, seeks an Order for Abatement to require Respondent
17 to cease violating District Rules 1407(d)(5), 203(b), 2004(f)(1), and 3002(c)(1).

18 17. It is not unreasonable to require Respondent to comply with the District Rules and
19 regulations.

20 18. The issuance of an Order for Abatement upon a fully noticed hearing would not
21 constitute a taking of property without due process of law.

22 19. This Order for Abatement is not intended to be nor does it act as a variance.

23 20. If the prayed for Order for Abatement results in the closing or elimination of an
24 otherwise lawful business, such closing or elimination would not be without a corresponding
25 benefit in reducing air contaminants.

26 WHEREFORE, the District prays for the following:
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1 That this Hearing Board issue an Order for Abatement requiring Respondent to cease and
2 desist from all lead smelting operations until such time as the air pollution control systems are
3 upgraded to provide sufficient and consistent negative pressure, or in the alternative, to comply
4 with other such conditions and increments of progress which the Board deems appropriate.

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6 DATED: October 18, 2013

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

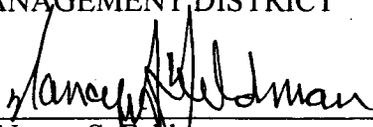
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8 By: 
9 Nancy S. Feldman
10 Principal Deputy District Counsel
11 Attorney for Petitioner
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EXHIBIT 1

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
21865 COPLEY DRIVE - DIAMOND BAR, CA 91765-4178

NOTICE OF VIOLATION

DATE OF VIOLATION

05, 02, 12

EMPE TECHNOLOGIES, INC.

ON: GONK *

NAME

2700-S. INDIANA ST.

VERNON 9058

MAILING ADDRESS

Same as above

CITY

124038

LOCATION/ADDRESS OF VIOLATION

CE 323-24-110

ID. #

CITY

SECTOR

TELEPHONE #

YOU ARE HEREBY NOTIFIED THAT A VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE SECTION(S) _____

AND/OR SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE(S)

R 3002 (C)(1)

HAS BEEN COMMITTED. SUCH VIOLATIONS MAY BE PUNISHED BY THE IMPOSITION OF THE CIVIL OR CRIMINAL PENALTIES PRESCRIBED BY ARTICLE 3, CHAPTER 4, PART 4, DIVISION 28 (BEGINNING WITH SECTION 42400) OF THE CALIFORNIA HEALTH AND SAFETY CODE. EACH DAY DURING WHICH THE VIOLATION OCCURS MAY BE PUNISHED AS A SEPARATE VIOLATION WHETHER OR NOT A NOTICE OF VIOLATION IS ISSUED ON EACH SUCH DAY.

Description of Violation: Title V, Facility Permit

CONDITION 2: FAILURE TO MAINTAIN ALL EQUIPMENT, I.E. THE
Blast Furnace (Device No. 128) AND Associated Air Pollution
Control Equipment IN A MANNER THAT ENSURES ITS
PROPER OPERATION SUCH THAT ALL EMISSIONS ARE VERIFIED
TO THE FURNACE AFTER BURNER (Device No. 144) AND THE
NEPHEX SCRUBBER SYSTEM (Device No. 145).

CONDITION 4: USE OF EQUIPMENT: I.E. THE Blast Furnace
(Device No. 128) WHILE OPERATING AS AIR POLLUTION CONTROL
EQUIPMENT, I.E. FURNACE AFTER BURNER (Device No. 144) AND
THE NEPHEX SCRUBBER SYSTEM, THAT WAS NOT IN FULL
USE AND COLLECTING EMISSIONS.

BY

M. WYNNE

TELEPHONE

909, 296-2369

INSPECTOR

Mr. E. HOPKINS

Plt. Mgr.

SERVED TO:

SO M. R. LUND

TITLE:

SERVED BY:

M. Wynne

DATE:

10, 08, 13

No. P 49899

OFFICE OF STATIONARY
SOURCE COMPLIANCE

ORIGINAL