

**COMMONWEALTH OF PUERTO RICO / OFFICE OF THE GOVERNOR**

**DRAFT TITLE V OPERATING PERMIT  
AIR QUALITY AREA  
ENVIRONMENTAL QUALITY BOARD**



<b>Permit Number:</b>	PFE-TV-3341-07-1005-1692
<b>Permit Application Received:</b>	October 5, 2005
<b>Issue and/or Effectiveness Date:</b>	[DATE]
<b>Expiration Date:</b>	[DATE]

In accordance with the provisions of Part VI of the Regulation for the Control of Atmospheric Pollution (RCAP) and the Code of Federal Regulations, Title 40, Part 70

**THE BATTERY RECYCLING COMPANY, INC.  
ARECIBO, PUERTO RICO**

hereinafter referred to as **The Battery Recycling Company, Inc., TBRCI** or **the permittee**, is authorized to operate a stationary source of air pollutants limited to the emission units and conditions described in this permit. Until such time as this permit expires, is modified or revoked, **The Battery Recycling Company, Inc.** is allowed to discharge air pollutants from those processes and activities directly related to or associated with air pollutant sources in accordance with the requirements, limitations and conditions of this permit.

The conditions in this permit are federally and state enforceable. Requirements, which are only state enforceable are identified as such in the permit. A copy of this permit shall be kept on-site at the above-mentioned facility at all times.

Cruz A. Matos Environmental Agencies Bldg., San José Industrial Park Urbanization  
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**Section I- General Information**

**A. Facility Information:**

Name of the Company:	The Battery Recycling Company, Inc.
Mailing Address:	P.O. Box 1016
City:	Arecibo
State:	Puerto Rico
Zip Code:	00613-1016
Plant Name:	The Battery Recycling Company, Inc.
Physical Address:	PR-2 Km 72.2 Cambalache Ward Arecibo, Puerto Rico
Responsible Officer:	Luis R. Figueroa Nieves President
Phone Numbers:	787-880-5373
Facility Contact Person:	Luis R. Figueroa Nieves President
Phone Number:	787-880-5373
Fax:	787-879-4325
Primary SIC Code:	3341

**B. Description of Process:**

**The Battery Recycling Company, Inc (TBRCI)** is located in Cambalache Ward, PR-2 Km 72.2 in Arecibo. **TBRCI** is dedicated to the recycling of lead batteries and the production of secondary lead of different specifications.

**TBRCI** processes 66.67 tons per day of used lead batteries. Secondary lead is smelted at a rate of 50.05 tons per day. The furnace product is placed in refining kettles to produce refined lead as per clients' specifications. **TBRCI** operation is 24 hour per day, 7 days per week for 12 months per year, or approximately 8,760 hours per year.

Emissions from the kiln and each of the five kettles are discharged to the atmosphere through the control device. Emissions from the fuel combustion of the kiln are also discharged through the control device. The emissions from the fuel combustion at each of the five kettles are discharged to the atmosphere through separate stacks.

This facility is a minor source of emissions. Normally, minor sources are not required to obtain a Title V permit under Part VI of the Regulations for the Control of Atmospheric Pollution (RCAP). However, as established in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Lead Smelting (40 CFR Part 63, Subpart X), area sources (minor sources) subject to such regulation must obtain a Title V permit. The facility is also affected by the New Source Performance Standard (NSPS) for Secondary Lead Smelters (40 CFR Part 60, Subpart L).

**Section II- Description of Emission Units**

The emission units regulated by this permit are the following:

Emission Unit	Description	Control Equipment
EU-1	Smelting furnace type rotary/reverberatory, as a capacity of 5.0 m <sup>3</sup> , will process 20.75 metric tons of mix per batch; at a maximum rate of 3.35 batches of mix per day and produces a maximum of 50.05 metric tons per day of lead.	CD-1 <i>Baghouse</i> Have 8 modules, 99.5% efficiency for particulate matter, a discharge volumen of 46.79 feet <sup>3</sup> /min through a stack of 78.5 feet of height and a diameter of 62.25 inches.
	Furnace Burner, consumes used oil at a rate of 89.76 gallons per hour with a maximum sulfur content of 0.5% by weight. With a capacity of 12.0 millions Btu/hr. Uses propane for startup.	

Emission Unit	Description	Control Equipment
EU-2 EU-3 EU-4 EU-5 EU-6	Five lead refining kettles. Each one has a capacity of 40 metric tons of secondary lead.	CD-1 <i>Baghouse</i> Have 8 modules, 99.5% efficiency for particulate matter, a discharge volumen of 46.79 feet <sup>3</sup> /min through a stack of 78.5 feet of height and a diameter of 62.25 inches.
	Five burners of the lead refining kettles. Each one consumes used oil at a rate of 18.48 gallons per hour with a maximum sulfur content of 0.5% by weight. Each one with a capacity of 2.5 millions Btu/hr. Uses propane for startup.	None

**Section III - General Permit Conditions**

1. **Sanctions and Penalties:** **TBRCI** is obligated to comply with all terms, conditions, requirements, limitations and restrictions set forth in this permit. Any violation of the terms of this permit will be subject to administrative, civil or criminal penalties as established in the Puerto Rico Environmental Public Policy Act, Article 16 (Act Number 416, September 22, 2004, as amended).
2. **Right of Entry:** As specified under Rules 103 and 603(c)(2) of the RCAP, **TBRCI** shall allow the Board or an authorized representative, upon presentation of credentials and other documents as may be required by law, to perform the following activities:
  - a. Enter upon **TBRCI** premises where an emission source is located or where emissions related activities are conducted, or where records must be kept under the conditions of this permit, under the RCAP, or under the Clean Air Act;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit, under the RCAP, or under the Clean Air Act;
  - c. Inspect and examine any facility, equipment (including monitoring and air pollution control equipment), practices or operations (including QA/QC methods) regulated or required under this permit; as well as sampling emissions of air quality and fuels; and

- d. As authorized by the Clean Air Act and the RCAP, to sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements.
3. **Sworn Statement:** All reports required pursuant Rule 103(D) of the RCAP (this is semiannual monitoring reports and annual compliance certification) shall be submitted together with a sworn statement or affidavit by the Responsible Official or a duly authorized representative. Such sworn statement shall attest to the truth, correctness and completeness of such records and reports.
4. **Data Availability:** As specified under Rule 104 of the RCAP, all emission data obtained by or submitted to the Board, including data reported pursuant to Rule 103 of the RCAP, as well as that obtained in any other way, shall be available for public inspection and may also be made available to the public in any additional manner that the Board may deem appropriate.
5. **Emergency Plan:** As specified under Rule 107 of the RCAP, **TBRCI** shall have available an Emergency Plan which must be consistent with adequate safety practices, and provides for the reduction or retention of the emissions from the plant during periods classified by the Board as air pollution alerts, warnings or emergencies. These plans shall identify the emission sources, include the reduction to be accomplished for each source, and the means by which such reduction will be accomplished. These plans will be available for any representative of the Board at any time.
6. **Control Equipment: The Battery Recycling Company, Inc.** shall comply with Rule 108 of the RCAP, as follows:
  - a. All air pollution control equipment or control measures shall provide for continuous compliance with applicable rules and regulations. Such equipment or measures shall be installed, maintained, and operated according to those conditions imposed by the Board, within the specified operating limitations of the manufacturer.
  - b. The collected material from air pollution control equipment shall be disposed in accordance with applicable rules and regulations. The removal, manipulation, transportation, storage, treatment or disposal will be done in such or manner that shall not to produce environmental degradation, and in accordance with applicable rules and regulations.
  - c. The Board may require, when deemed appropriate to safeguard the health and welfare of human beings, the installation and maintenance of additional, complete and separate air pollution control equipment of a capacity equal to the capacity of the primary control equipment. Furthermore, the Board may require that such additional air pollution

- control equipment be operated continuously and conjunctionally with the primary air pollution control equipment.
- d. All air pollution control equipment shall be operated at all times while the source being controlled is in operation.
  - e. In the case of a shutdown of air pollution control equipment for the necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the Board at least three days prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:
    - (1) Identification of the specific source to be taken out of service with its location and permit number.
    - (2) The expected length of time that the air pollution control equipment will be out of service.
    - (3) The nature and quantity of emissions of air pollutants likely to be permitted during the shutdown period.
    - (4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.
    - (5) The reasons why it will be impossible or impractical to shutdown the operating source during the maintenance period.
  - f. **The Battery Recycling Company, Inc.** shall to the extent possible, maintain and operate at all times, including periods of start-up, shutdown and malfunction, any affected source and the associated air pollution control equipment, in a manner consistent with the original manufacturers design specifications and in compliance with applicable rules and regulations and permit conditions.
7. **Compliance Certification:** As specified under Rule 602(c)(2)(ix)(C) of the RCAP, **TBRCI** shall submit each year a compliance certification. This certification must be submitted to both the Board and the EPA<sup>1</sup> no later than April 1<sup>st</sup> of each year. The compliance certification shall include, but is not limited to, the information required under Rule 603(c) of the RCAP as follows:

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<sup>1</sup> The certification to the EQB shall be mailed to: Manager, Air Quality Area, P.O. Box 11488, San Juan, PR 00910. The certification to the EPA shall be mailed to: Chief, Enforcement and Superfund Branch CEPD, US EPA – Region II, Centro Europa Building, 1492 Ponce de Leon Ave. Stop 22, Santurce PR 00909.

- a. The identification of each term or condition of the permit that is the basis of the certification; and
  - b. The compliance status. Each deviation shall be identified and taken into account in the compliance certification; and
  - c. A statement indicating whether the compliance was continuous or intermittent; and
  - d. The methods or other means used for determining the compliance status with each term and condition, currently and over the reporting period consistent with sections (a)(3)-(5) of Rule 603 of the RCAP; and
  - e. Identification of possible exceptions to compliance, any periods which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 (CAM) occurred; and
  - f. Such other facts as the Board may require to determine the compliance status of a source.
8. **Regulation Compliance:** As specified under Rule 115 of the RCAP, any violation to the RCAP, or to any other applicable rule or regulation, shall be grounds for the Board to suspend, modify, or revoke any relevant permit, approval, variance or other authorization issued by the Board.
9. **Location Approval:** As specified under Rule 201 of the RCAP, nothing in this permit shall be interpreted as authorizing the location or construction of a major stationary source, or the modification of a major stationary source, or a major modification of a significant source, without obtaining first a location approval from the Board and without first demonstrating compliance with the National Ambient Air Quality Standards (NAAQS). This permit does not allow the construction of new minor sources without the required permit under Rule 203 of the RCAP.
10. **Open Burning:** As specified under the Rule 402 of the RCAP, the permittee shall not cause or permit the open burning of refuse in their premises except as established under Rule 402 (E) of the RCAP to conduct training or research of fire fighting techniques, as previously approved by the Board.
11. **Objectionable Odors:** As specified under Rule 420 of the RCAP, **TBRCI** shall not cause or permit emissions to the atmosphere of any matter which produces an *objectionable* odor that can be perceived in an area other than that designated for industrial purposes [This condition is enforceable only by the State].

12. **Permit Renewal Applications:** As established under Rule 602(a)(1)(iv) of the RCAP, **TBRCI's** applications for permit renewal shall be submitted at least 12 months prior to the date of permit expiration. A responsible official must certify all required applications consistent with paragraph (c)(3) of Rule 602 of the RCAP.
13. **Permit Duration:** As specified under Rule 603 of the RCAP, the following terms will apply during the duration of this permit:
  - a. Expiration: This authorization shall have a fixed term of 5 years. The expiration date will be automatically extended until the Board approves or denies a renewal application (Rule 605(c)(4)(ii) of the RCAP) but only in those cases where the permittee submits a complete renewal application at least 12 months before the expiration date. [Rules 603 (a)(2), 605 (c)(2), and 605(c)(4) of the RCAP]
  - b. Permit Shield: As specified under Rule 605 (c)(4)(i) of the RCAP, the permit shield may be extended until the time the permit is renewed if a timely and complete renewal application is submitted.
  - c. In case that this permit is subject to any challenge by third parties, the permit shall remain in effect until the time it is revoked by a court of law with jurisdiction in the matter.
14. **Recordkeeping Requirement:** As established under Rule 603(a)(4) of the RCAP, **TBRCI** shall retain records of all required monitoring data and support information for a period of 5 years from the date of the monitoring sample, measurement, report, or application. **TBRCI** shall retain at the facility, the copies of all the records of required monitoring information including the following:
  1. The date, place as defined in the permit, and time of sampling or measurements;
  2. The date(s) analyses were performed;
  3. The company or entity that performed the analyses;
  4. The analytical techniques or methods used;
  5. The results of such analyses; and
  6. The operating conditions as existing at the time of sampling or measurement;
15. **Reporting Requirement:** As established under Rule 603(a)(5)(i) of the RCAP, **TBRCI** shall submit reports of all required monitoring every 6 months, on October 1<sup>st</sup> and April 1<sup>st</sup>

of each year, or more frequently if required by the Board or any other underlying applicable requirement. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official as established under Rule 602(c)(3) of the RCAP.

16. **Deviations Reporting due to Emergencies:** According to Rule 603(a)(5)(ii) of the RCAP, any deviation resulting from an upset (such as sudden malfunction or break-down) or emergency conditions, as defined in Rule 603(e) of the RCAP, must be reported within the next 2 working days of the time when emission limitations were exceeded due to the emergency, if **TBRCI** wishes to assert the affirmative defense authorized under Rule 603(e) of the RCAP. If **TBRCI** raises the emergency defense upon an enforcement action, the permittee shall demonstrate that such deviation occurred due to an emergency and that the Board was adequately notified. If such emergency deviation lasts for more than 24 hours, the affected units may be operated until the end of the cycle or 48 hours, whichever occurs first. The Board may only extend the operation of an emission source in excess of 48 hours, if the source demonstrates to the Board's satisfaction that the National Air Quality Standards have not been exceeded and that there is no risk to the public health.
17. **Deviation Reporting (Hazardous Air Pollutants):** The source shall act as specified in its Emergency Response Plan (established in Rule 107 (C) of the RCAP), when such Plan has demonstrated that there is no significant impact at the fence line or shall shut down its operations immediately if there is a significant impact at the fence line. (This condition is state-enforceable only). Pursuant to Rule 603 (a)(5)(ii)(b), a notification will be required if a deviation occurs that results in the release of emissions of hazardous air pollutants for more than an hour in excess of the applicable limit. The permittee shall notify the Board within 24 hours of the deviation. For the discharge of any regulated air pollutant that continues for more than 2 hours in excess of the applicable limit, the Permittee shall notify the Board within 24 hours of the deviation. **TBRCI** shall also submit to the Board, within 7 days of the deviation, a detailed written report which includes probable causes, time and duration of the deviation, remedial action taken, and steps which are being taken to prevent a reoccurrence.
18. **Severability Clause:** As established under Rule 603(a)(6) of the RCAP, the clauses in this permit are severable. In the event of a successful challenge to any portion of the permit in an administrative or judicial forum, or in the event any of its clauses is held to be invalid, all other portions of the permit shall remain valid and effective, including those related to emission limits, terms and conditions, be they specific or general, as well as monitoring, record keeping and reporting requirements.
19. **Permit Noncompliance:** As established under Rule 603(a)(7)(i) of the RCAP, **TBRCI** must comply with all conditions of this permit. Permit noncompliance constitutes a violation of the RCAP and will be grounds for taking the appropriate enforcement action, impose

sanctions, revoke, terminate, modify, and/or reissue the permit, or to deny a permit renewal application.

20. **Defense not Allowed:** As specified under Rule 603(a)(7)(ii) of the RCAP, it shall not be a defense for **TBRCI** in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
21. **Permit Modification and Revocation:** As specified under Rule 603(a)(7)(iii) of the RCAP, the permit may be modified, revoked, reopened, reissued, or terminated for cause. The filing of a request by **TBRCI** for a permit modification, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
22. **Property Rights:** As specified under Rule 603(a)(7)(iv) of the RCAP, this permit does not convey any property rights of any sort, nor does it grant any exclusive privilege.
23. **Obligation to Furnish Information:** As specified under Rule 603(a)(7)(v) of the RCAP, **TBRCI** shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, **TBRCI** shall also furnish to the Board copies of records required to be kept by the permit.
24. **Prohibition on Default Issuance:** As specified under Rule 605(d) of the RCAP, it shall never be considered that a permit has been issued by default as a result of the Board's failure to take final action on a permit application within 18 months as of the application completeness date. The Board's failure to issue a final permit within 18 months should be treated as a final action solely for the purpose of obtaining judicial review in a state court.
25. **Administrative Permit Amendments and Permit Modifications:** As specified under Rule 606 of the RCAP, the permit shall not be amended nor modified unless **TBRCI** complies with the requirements for administrative permit amendments and permit modifications as described in the RCAP.
26. **Permit Reopenings:** As specified under Rule 608(a)(1), this permit shall be reopened and revised under the following circumstances:
  - a. Whenever additional applicable requirements under any law or regulation become applicable to **The Battery Recycling Company, Inc.**, when the remaining permit term is of 3 or more years. Such reopening shall be completed 18 months after promulgation

- of said applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to Rule 605(c)(4)(i) or Rule 605(c)(4)(ii) of the RCAP.
- b. Whenever EQB or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit.
  - c. Whenever EQB or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
27. **Changes in Name or Responsible Official:** This permit is issued to **The Battery Recycling Company, Inc.** In the event that the company and/or installation change its name, the responsible official must submit an administrative amendment to this permit to reflect the change in name. If the event that the responsible official changes, the new responsible official must submit no later than 30 days after the change, an administrative amendment including a sworn statement in which he/she accepts and promises to comply with all the conditions of this permit.
28. **Changes in Ownership:** This permit is issued to **The Battery Recycling Company, Inc.** In the event that the company and/or installation is transferred to a different owner or change operational control and the Board determines that no other change in the permit is necessary, the new responsible official must submit an administrative amendment. The administrative amendment shall include a sworn statement in which the new responsible official accepts and promises to comply with all the conditions of this permit, and a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee. This is not applicable if the Board determines that changes to the permit are necessary.
29. **Renovation/Demolition Work:** **TBRCI** shall comply with the provisions set forth in 40 CFR §61.145 and §61.150, and Rule 422 of the RCAP when conducting any renovation or demolition activities of asbestos containing materials at the facility.
30. **Compliance Clause:** Under no circumstances does compliance with this permit exempt **TBRCI** from complying with all other applicable state or federal laws, regulations, permits, administrative orders or applicable court orders.
31. **Requirements for Refrigerants (Climatologic and Stratospheric Ozone Protection):**
- a. In the event that **TBRCI** has equipment or appliances, including air conditioning units, which use Class I or II refrigerants as defined in 40 CFR part 82, subpart A, Appendices

A and B, **TBRCI** shall take the necessary measures to ensure that all maintenance, service or repair services performed are done so according to the practices, certification and personnel requirements, disposition requirements, and recycling and/or recovery equipment certification requirements specified under 40 CFR part 82, subpart F.

- b. Owners/ operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR §82.166.
- c. Service on Motor Vehicles: If **TBRCI** performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), **TBRCI** is subject to all the applicable requirements as specified in 40 CFR part 82, subpart B, Servicing of Motor Vehicle Air Conditioners. The term motor vehicle as used in subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term MVAC as used in subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.

**32. Labeling of Products Using Ozone-Depleting Substances:** **TBRCI** shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR part 82, subpart E.

- a. All containers in which a class I or class II substance is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106
- b. The placement of the required warning statement must comply with the requirements pursuant to §82.108.
- c. The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110.
- d. No person may modify, remove, or interfere with the required warning statement except as described in §82.112.

**33. Risk Management Plan:** If during the effectiveness of this permit, the permittee is subject to the 40 CFR Part 68, he/she shall submit a Risk Management Plan according with the compliance schedule in the 40 CFR Section 68.10. If during the effectiveness of this permit, the permittee is subject to the 40 CFR Part 68, as part of the annual compliance certification required under 40 CFR Part 70, the permittee shall submit a compliance certification with the requirements of Part 68, including the recordkeeping and the Risk Management Plan.

**34. General Duty Requirements:** TBRCI has the general obligation of identifying hazards which may result from accidental releases of any controlled substance under section 112(r) of the Clean Air Act or any other extremely hazardous substance in a process, using appropriate hazard assessment techniques, designing, maintaining, and operating a safe facility and minimizing the consequences of accidental releases if they occur as required in section 112(r)(1) of the Clean Air Act and Rule 107(D) of the RCAP.

**35. Roof Surface Coating:** TBRCI shall not cause or permit the roof surface coating by applying hot tar or any other coating material containing organic compounds without previous notification to the Board. The use of used oil or hazardous waste for roof surface coating is prohibited. [This is a state-only requirement.]

**36. Emergency Electric Generators:**

- a. The operation for each emergency electric generator identified as insignificant activities is limited to 500 hours per year. [PFE-RA-07-0104-0018-I-II-C]
- b. The electric generator shall use diesel as fuel with a maximum sulfur content of 0.5% by weight. [PFE-RA-07-0104-0018-I-II-C]
- c. The permittee shall maintain and operate a meter of hour of operation of the electric generator. [PFE-RA-07-0104-0018-I-II-C]
- d. If the internal combustion engine of the electric generator is modified, reconstructed or is affected by the 40 CFR Part 60 Subpart IIII, the permittee shall comply with the federal requirements of this subpart and the sulfur content in the fuel shall not exceed:
  - i. 500 part per million (ppm) or 0.05% by weight.
  - ii. 15 ppm or 0.0015% by weight for engines with a displacement of less than 30 liters per cylinder since October 1, 2010.
- e. The permittee shall maintain a copy at the facility of its applicability or non applicability determination of 40 CFR Part 60 Subpart IIII for the electric generator for a period of five years. This copy shall be sent to the Board no later than 20 days after the receipt of this permit.

37. **Fugitive Emissions:** Compliance with Rule 404 of the RCAP:

- a. **TBRCI** shall use water or suitable chemicals for chemical stabilization and the control of dust in the demolition of a building or structures, construction operations, quarrying operations, the grading of roads, or the clearing of lands.
- b. **TBRCI** shall not cause or permit the discharge of visible emissions of fugitive dust beyond the boundary line of the property on which the emissions originate.

38. **Emissions Calculations:** **TBRCI** shall submit, on or before April 1<sup>st</sup> of each year, the actual or permissible emissions calculations for the previous calendar year. The emissions calculations shall be submitted on the forms prepared by EQB for this purpose and the responsible official must certify all the information submitted as true, correct and representative of the permitted activity.

39. **Annual fee:** As specified under Rule 610 of the RCAP, **TBRCI** must submit an annual payment based on the emissions calculations for each regulated pollutant. The payment will be based on their actual emissions at a rate of \$37.00 per ton, unless the Board decides otherwise as permitted under Rule 610(b)(2)(iv) of the RCAP. This payment for the previous calendar year must be made on or before June 30 of each year.

40. **New or Amended Regulation:** Whether a federal or state regulation is promulgated or amended and the facility is affected by it, the owner or operator shall comply with the requirements of the new or amended regulation.

41. **Reciprocating Internal Combustion Engines:** Any facility that owns or operate an existing, new or reconstructed stationary Reciprocating Internal Combustion Engines (RICE)<sup>2</sup>, not been tested at a stationary cell/stand is affected by the National Emission Standards for Hazardous Air Pollutants for stationary Reciprocating Internal Combustion Engines contained in the 40 CFR part 63, Subpart ZZZZ, and according to the sources category will be subject to the applicable requirements of this rule. Unless it is determined that this regulation is not applicable to **TBRCI** or the source is exempted, the affected source must comply with the applicable emission limitations and/or operating limitations of this subpart; on or before June 15, 2007 for an existing stationary RICE, no later than August 16, 2004 if you start up your new or reconstructed stationary RICE before August 16, 2004, upon start up if your new or reconstructed RICE start up after August 16, 2004, or by the date specified by the source category or in an extension of compliance granted according to 40 CFR §63.6(i). **TBRCI** shall comply with the applicable notification requirements of 40 CFR §63.6645 and in 40 CFR part 63, subpart A by the dates specified.

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<sup>2</sup> As defined on 40 CFR, §63.6585(a).

42. **Reports:** Any requirement of information submittal to the Board shall be addressed to: Manager, Air Quality Area, P.O. Box 11488, San Juan, P.R. 00910.
43. **Reservation of Rights:** Except as expressly provided in this Title V permit:
- a. Nothing herein shall prevent EPA or the Board from taking administrative enforcement measures or seeking legal or equitable relief to enforce the terms of the Title V permits, including but not limited to the right to seek injunctive relief, and imposition of statutory penalties, and/or fines.
  - b. Nothing herein shall be construed to limit the rights of EPA or the Board to undertake any criminal enforcement activity against **TBRCI** or any person.
  - c. Nothing herein shall be construed to limit the authority of EPA or the Board to undertake any actions in response to conditions that present an imminent and substantial endangerment to public health or welfare, or the environment.
  - d. Nothing herein shall be construed to limit **TBRCI's** rights to administrative hearing and judicial appeal of termination/ revocation/ disputes over modification/ denial actions in accordance with regulations and the Environmental Public Policy Act.
  - e. The Environmental Quality Board and EPA reserve its right to require additional performance tests or test for any or all the pollutants that the source emits.

#### **Section IV – Allowable Emissions**

- A. The emissions described on the following table represent the facility allowable emissions at the moment of the permit application and will be used only for payment purposes. According to Resolution RI-06-02<sup>3</sup>, the emission calculations shall be based on **TBRCI's** actual emissions, although calculations based on the facility allowable emissions will be accepted. If **TBRCI** decides to realize the calculations based on allowable emissions, **TBRCI** shall pay the same charge per ton as the facilities that decide to do the calculations based on actual emissions. Also, when **TBRCI** applies for a modification, administrative change or minor modification to its Title V permit, the source will pay only those charges related with any emission increase (if any) per tonnage, based on the change and not based on the total fees paid previously according to Rule 610(a) of the RCAP.

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<sup>3</sup> EQB Resolution - Payment procedure of Title V operation fees and charges for Title V renewal permits (Procedimiento de Pago de los cargos de operación de Título V y Cargos por renovación de permiso Título V) issued on March 20, 2006.

Criteria Pollutant	Allowable Emissions (tons /year)
PM	20.39
SO <sub>2</sub>	59.68
NO <sub>x</sub>	9.58
CO	1.26
VOC	0.60
Lead	1.24

**Section V - Specific Permit Conditions**

**1. EU-1: Smelting furnace**

Condition	Parameter	Value	Units	Test Method	Method Frequency	Record keeping Requirements	Reporting Frequency
Emission limit for particulate matter	Particulate matter	50	mg/dscm	Method 5	Initial Performance Test	Test results	60 days after the test
Opacity limit	Opacity	20	Percent	Method 9	Initial Performance Test	Test results	60 days after the test
SO <sub>2</sub> emission limit	Sulfur Content	≤ 0.5	Percent by weight	Fuel supplier certification	With each fuel receipt	Record of the sulfur content in the fuel with each receipt	Monthly
Fuel Consumption limit	Used Oil	786,297.6	Gallons per year	Consumption	Daily	Record	Monthly

a. PARTICULATE MATTER EMISSION LIMIT:

- (i) The permittee shall not cause nor permit the emission of particulate matter, in excess of 50 mg/dscm (0.022 grains/dry standard cubic feet). [40 CFR §60.122(a)(1)]

- (ii) The permittee shall conduct an initial performance test according to 40 CFR §60.8 using Method 5 described in 40 CFR, Part 60, Appendix A to determine the particulate matter concentration during representative periods of furnace operation, including charging and tapping. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 cm (31.8 dscf). [40 CFR §60.123(b)(1)]
  - (iii) The permittee shall submit to the Board at least thirty (30) days prior to the start of the test, a detailed test protocol describing all test equipment, procedures, and Quality Assurance measures to be used. [Regla 106(C) of the RCAP]
  - (iv) The permittee shall notify in writing the Board at least fifteen (15) days of prior of the initial test under Method 5, to allow the Board the opportunity to have an observer present. [Rule 106 (D) of the RCAP]
  - (v) Two (2) copies of the report of the initial reading under Method 5 shall be submitted by the permittee within 60 days after the tests. This report shall contain the information required in Rule 106 (E) of the RCAP.
  - (iv) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records for the required monitoring and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application.
- b. VISIBLE EMISSIONS LIMIT:
- (i) The permittee shall not exceed the opacity limit of 20% for unit EU-1. [40 CFR §60.122(a)(2)]
  - (ii) The permittee shall conduct an initial performance test according to 40 CFR §60.8 using Method 9 described in 40 CFR, Part 60, Appendix A and the procedures in 40 CFR §60.11 to determine opacity. [40 CFR §60.123(b)(2)]
  - (iii) The permittee shall submit to the Board at least thirty (30) days prior to the start of the test, a detailed test protocol describing all test equipment, procedures, and Quality Assurance measures to be used. [Regla 106(C) of the RCAP]
  - (iv) The permittee shall notify in writing the Board at least fifteen (15) days of prior of the initial test under Method 9, to allow the Board the opportunity to have an observer present. [Rule 106 (D) of the RCAP]
  - (v) Two (2) copies of the report of the initial reading under Method 9 shall be submitted by the permittee within 60 days after the tests. This report shall contain the information required in Rule 106 (E) of the RCAP.

(vi) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records for the required monitoring and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application.

c. SULFUR CONTENT LIMIT:

(i) The permittee shall not burn or allow the use of any fuel with a sulfur content, which exceeds 0.5% by weight, in unit EU-1. [PFE-RA-07-0104-0018-I-II-C]

(ii) The permittee shall keep a copy of the fuel supplier certification indicating the fuel sulfur content to demonstrate compliance with the requirement of keeping a daily record of the sulfur content in used oil. The permittee shall obtain this sulfur content certification with each delivery of fuel at the site before the transfer to the storage tanks at the facility to verify the sulfur content to be received. [PFE-RA-07-0104-0018-I-II-C]

(iii) The permittee shall maintain monthly records that indicate the time of operation and fuel consumption in the burner of the furnace EU-1. The daily readings of the flow meters at the exit of each fuel storage tank (for used oil) that feeds the furnace burner EU-1 to determine the fuel consumption. These records shall be kept available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]

(iv) The permittee shall submit a monthly report indicating on a daily basis, the sulfur content (percent by weight) in the fuel consumed and the quantity of fuel consumption in unit EU-1. This report shall be addressed to the Chief of the Validations Data and Mathematical Model Division no later than the next fifteenth (15) days of the month following for which the report is representative and shall be kept available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]

(v) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records of required monitoring data and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application. These include a record of the monthly fuel consumption reports and the sulfur content in the fuel burned.

(vi) The permittee shall submit, with each annual compliance certification, a summary of the reports for that year indicating the sulfur content by weight for the fuels consumed monthly.

d. FUEL CONSUMPTION LIMIT:

(i) The permittee shall not exceed the consumption limit for used oil of 786,297.6 gallons for the furnace burner EU-1 for any period of twelve (12) consecutive months. The fuel consumption for any consecutive 12-month period shall be calculated by adding the monthly

consumption for the unit to the total fuel consumption for the unit for the previous 11 months. [PFE-RA-07-0104-0018-I-II-C]

- (ii) The permittee shall install, maintain, and operate flow meters at the exit of each storage tank used to store fuel (for used oil) that feeds the furnace burner EU-1. The flow meters shall be operated and maintained according to the manufacturers' recommendation. Each flow meter shall be calibrated every six months, as minimum. The permittee shall maintain the records that indicate the date, hour, and results of the calibration of the flow meters and the maintenance provided to the flow meters available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]
- (iii) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records of required monitoring data and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application. These include the records of the monthly and annual fuel consumption reports.
- (iv) The permittee shall submit, with each annual compliance certification, an annual report summary indicating the fuel consumption of unit EU-1 in term of the monthly and annual consumption.

**2. EU-2, EU-3, EU-4, EU-5, and EU-6: Burners of the five refining kettles**

Condition	Parameter	Value	Units	Test Method	Method Frequency	Record keeping Requirements	Reporting Frequency
Emission limit for particulate matter	Particulate matter	0.3	Lb/MMBtu	Method 5	Performance Test during the first year of the permit	Test results	60 days after the test
Opacity limit	Opacity	20	Percent	Method 9	Performance Test during the first year of the permit	Test results	60 days after the test
SO <sub>2</sub> emission limit	Sulfur Content	≤ 0.5	Percent by weight	Fuel supplier certification	With each fuel receipt	Record of the sulfur content in the fuel with each receipt	Monthly
Fuel Consumption limit	Used Oil	401,339.4	Gallons per year	Consumption	Daily	Record	Monthly

a. PARTICULATE MATTER EMISSION LIMIT:

- (i) The permittee shall not cause nor permit the emission of particulate matter, from any equipment burning solid or liquid fuel, in excess of 0.3 lb/MMBtu of heat input. [Rule 406 of the RCAP]
- (ii) The permittee shall conduct a performance test during the first year of the permit using Method 5 described in 40 CFR, Part 60, Appendix A to determine the particulate matter concentration during representative periods of operation.
- (iii) The permittee shall submit to the Board at least thirty (30) days prior to the start of the test, a detailed test protocol describing all test equipment, procedures, and Quality Assurance measures to be used. [Regla 106(C) of the RCAP]
- (iv) The permittee shall notify in writing the Board at least fifteen (15) days of prior of the initial test under Method 5, to allow the Board the opportunity to have an observer present. [Rule 106 (D) of the RCAP]
- (v) Two (2) copies of the report of the initial reading under Method 5 shall be submitted by the permittee within 60 days after the tests. This report shall contain the information required in Rule 106 (E) of the RCAP.
- (iv) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records for the required monitoring and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application.

b. VISIBLE EMISSIONS LIMIT:

- (i) The permittee shall not exceed the opacity limit of 20% for units EU-2, EU-3, EU-4, EU-5, and EU-6, in six (6) minutes average. Nevertheless, the permittee may discharge into the atmosphere visible emissions of an opacity up to 60% for a period of no more than four (4) minutes in any consecutive thirty (30) minutes interval. [Rule 403(A) of the RCAP]
- (ii) The permittee shall contract an independent opacity reader, certified in a school approved by EPA or EQB, to perform one opacity reading to each stack of each burner during the first year of the permit using Method 9 established under 40 CFR part 60, Appendix A. The applicable burner shall be operating at the time of performance of the opacity readings.
- (iii) The permittee shall submit to the Board at least thirty (30) days prior to the start of the test, a detailed test protocol describing all test equipment, procedures, and Quality Assurance measures to be used. [Regla 106(C) of the RCAP]

- (iv) The permittee shall notify in writing the Board at least fifteen (15) days of prior of the initial test under Method 9, to allow the Board the opportunity to have an observer present. [Rule 106 (D) of the RCAP]
  - (vii) Two (2) copies of the report of the initial reading under Method 9 shall be submitted by the permittee within 60 days after the tests. This report shall contain the information required in Rule 106 (E) of the RCAP.
  - (viii) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records for the required monitoring and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application.
- c. SULFUR CONTENT LIMIT:
- (i) The permittee shall not burn or allow the use of any fuel with a sulfur content, which exceeds 0.5% by weight, in units EU-2, EU-3, EU-4, EU-5, and EU-6. [PFE-RA-07-0104-0018-I-II-C]
  - (ii) The permittee shall keep a copy of the fuel supplier certification indicating the fuel sulfur content to demonstrate compliance with the requirement of keeping a daily record of the sulfur content in used oil. The permittee shall obtain this sulfur content certification with each delivery of fuel at the site before the transfer to the storage tanks at the facility to verify the sulfur content to be received. [PFE-RA-07-0104-0018-I-II-C]
  - (iii) The permittee shall maintain monthly records that indicate the time of operation and fuel consumption in the burner of the units EU-2, EU-3, EU-4, EU-5, and EU-6. The daily readings of the flow meters at the exit of each fuel storage tank (for used oil) that feeds the burners in units EU-2, EU-3, EU-4, EU-5, and EU-6 to determine the fuel consumption. These records shall be kept available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]
  - (iv) The permittee shall submit a monthly report indicating on a daily basis, the sulfur content (percent by weight) in the fuel consumed and the quantity of fuel consumption in unit EU-1. This report shall be addressed to the Chief of the Validations Data and Mathematical Model Division no later than the next fifhteen (15) days of the month following for which the report is representative and shall be kept available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]
  - (v) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records of required monitoring data and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application. These include a record of the monthly fuel consumption reports and the sulfur content in the fuel burned.

(vi) The permittee shall submit, with each annual compliance certification, a summary of the reports for that year indicating the sulfur content by weight for the fuels consumed monthly.

d. FUEL CONSUMPTION LIMIT:

(i) The permittee shall not exceed the consumption limit for used oil of 401,339.4 gallons in total for the burners of units EU-2, EU-3, EU-4, EU-5, and EU-6 for any period of twelve (12) consecutive months. The fuel consumption for any consecutive 12-month period shall be calculated by adding the monthly consumption for the unit to the total fuel consumption for the unit for the previous 11 months. [PFE-RA-07-0104-0018-I-II-C]

(ii) The permittee shall install, maintain, and operate flow meters at the exit of each storage tank used to store fuel (for used oil) that feeds the burners of units EU-2, EU-3, EU-4, EU-5, and EU-6. The flow meters shall be operated and maintained according to the manufacturers' recommendation. Each flow meter shall be calibrated every six months, as minimum. The permittee shall maintain the records that indicate the date, hour, and results of the calibration of the flow meters and the maintenance provided to the flow meters available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]

(v) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records of required monitoring data and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application. These include the records of the monthly and annual fuel consumption reports.

(vi) The permittee shall submit, with each annual compliance certification, an annual report summary indicating the fuel consumption of units EU-2, EU-3, EU-4, EU-5, and EU-6 in term of the monthly and annual consumption.

**3. EU-1, EU-2, EU-3, EU-4, EU-5 and EU-6**

Condition	Parameter	Value	Units	Test Method	Method Frequency	Record keeping Requirements	Reporting Frequency
SO <sub>2</sub> emission limit	Sulfur Content	15	Gr/100 ft <sup>3</sup>	Fuel supplier certification	With each fuel receipt	Record of the sulfur content in the fuel with each receipt	Monthly
Fuel Consumption limit	Propane	11,000	Gallons per year	Consumption	Daily	Record	Monthly

a. SULFUR CONTENT LIMIT:

- (i) The permittee shall not burn or allow the use of any fuel with a sulfur content, which exceeds 15 grains per 100 cubic feet in units EU-1, U-2, EU-3, EU-4, EU-5, and EU-6. [PFE-RA-07-0104-0018-I-II-C]
- (ii) The permittee shall keep a copy of the fuel supplier certification indicating the fuel sulfur content to demonstrate compliance with the requirement of keeping a daily record of the sulfur content in propane. The permittee shall obtain this sulfur content certification with each delivery of fuel at the site before the transfer to the storage tanks at the facility to verify the sulfur content to be received. [PFE-RA-07-0104-0018-I-II-C]
- (iii) The permittee shall maintain monthly records that indicate the time of operation and fuel consumption in the burner of the units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6. The daily readings of the flow meters at the exit of each fuel storage tank (for used oil) that feeds the burners in units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6 to determine the fuel consumption. These records shall be kept available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]
- (iv) The permittee shall submit a monthly report indicating on a daily basis, the sulfur content (percent by weight) in the fuel consumed and the quantity of fuel consumption in unit EU-1. This report shall be addressed to the Chief of the Validations Data and Mathematical Model Division no later than the next fifteenth (15) days of the month following for which the report is representative and shall be kept available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]
- (v) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records of required monitoring data and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application. These include a record of the monthly fuel consumption reports and the sulfur content in the fuel burned.
- (vi) The permittee shall submit, with each annual compliance certification, a summary of the reports for that year indicating the sulfur content by weight for the fuels consumed monthly.

d. FUEL CONSUMPTION LIMIT:

- (i) The permittee shall not exceed the consumption limit for used oil of 11,000 gallons in total for the burners of units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6 for any period of twelve (12) consecutive months. The fuel consumption for any consecutive 12-month period shall be calculated by adding the monthly consumption for the unit to the total fuel consumption for the unit for the previous 11 months. [PFE-RA-07-0104-0018-I-II-C]

- (ii) The permittee shall install, maintain, and operate flow meters at the exit of each storage tank used to store fuel (for used oil) that feeds the burners of units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6. The flow meters shall be operated and maintained according to the manufacturers' recommendation. Each flow meter shall be calibrated every six months, as minimum. The permittee shall maintain the records that indicate the date, hour, and results of the calibration of the flow meters and the maintenance provided to the flow meters available at any time at the facility for the revision of the technical personnel of the Board. [PFE-RA-07-0104-0018-I-II-C]
- (vii) As specified in Rule 603(a)(4)(ii) of the RCAP, the permittee shall retain all records of required monitoring data and supporting information for a period of five (5) years from the date of the monitoring sample, measurement, report or application. These include the records of the monthly and annual fuel consumption reports.
- (viii) The permittee shall submit, with each annual compliance certification, an annual report summary indicating the fuel consumption of units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6 in term of the monthly and annual consumption.

**4. The used oil authorized for the units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6 shall comply with the following specifications [PFE-RA-07-0104-0018-I-II-C] :**

PROPERTY	PERMITTED LIMIT
Arsenic	Maximum of 5 ppm by weight
Ash content	1.01 %
Cadmium	Maximum of 2 ppm by weight
Cromium	Maximum of 10 ppm by weight
Lead	Maximum of 100 ppm by weight
Flash point	Minimum of 100°F
Total halogens	Maximum of 1,000 ppm by weight
PCB's	Less than 50 ppm

- (i) The permittee shall submit a monthly report indicating on a daily basis, the specifications in the used oil. This report shall be addressed to the Chief of the Validations Data and Mathematical Model Division no later than the next 15 days of the month following for which the report is representative and shall be kept available at any time at the facility for the revision of the Board or EPA.

**Section VI – Conditions for secondary lead smelting and refining according to the National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting (40 CFR Part 63 Subpart X) for units EU-1, EU-2, EU-3, EU-4, EU-5, and EU-6**

1. *The Battery Recycling Company Inc.* shall comply with the applicable requirements of the subpart X of 40 CFR, part 63 (National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting).
2. *The Battery Recycling Company Inc.* shall comply with the requirements of the subpart A of 40 CFR , part 63, according to section 63.541(b) of 40 CFR (Refer to Table 1 of the subpart X of 40 CFR, part 63).
3. *The Battery Recycling Company Inc.* shall not discharge or cause to be discharged into the atmosphere any gases that contain lead compounds in excess of 2.0 milligrams of lead per dry standard cubic meter (0.00087 grains of lead per dry standard cubic foot), according to section 63.543(a) of 40 CFR. The standards for process sources are summarized in Table 2 of section 63.543(j) of 40 CFR. .
4. *The Battery Recycling Company Inc.* shall conduct an initial performance test to demonstrate compliance with **condition 3** of this section within 180 days after startup of the source, in accordance to section 63.7(a) of 40 CFR, but not later than December 2, 2008, in accordance to Rule 103 of the RCAP.
5. Following the initial test to demonstrate compliance with **condition 3**, *The Battery Recycling Company Inc.* shall conduct a compliance test for lead compounds on an annual basis (no later than 12 calendar months following the previous compliance test), according to sections 63.543(h) and 63.544(e) of 40 CFR.
6. As specified in section 63.544(a) of 40 CFR, *The Battery Recycling Compan Inc.* shall control the following process fugitive emission sources, in accordance with the equipment and operational standards presented in sections 63.544(b) and (c) of 40 CFR:
  - a. Smelting furnace and dryer charging hoppers, chutes, and skip hoists;
  - b. Smelting furnace lead taps, and molds during tapping;
  - c. Smelting furnace slag taps, and molds during tapping;
  - d. Refining kettles;
  - e. Dryer transition pieces; and
  - f. Agglomerating furnace product taps.

7. In *The Battery Recycling Company Inc.*, the 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 or shall be equipped with an enclosure hood meeting the following requirements, as specified in section 63.544(b) of 40 CFR:
  - a. All process fugitive enclosure hood except those specified for refining kettles and dryer transition pieces shall be ventilated to maintain a face velocity of at least 90 meters per minute (300 feet per minute) at all hood openings, pursuant to section 63.544(b)(1) of 40 CFR.
  - b. Process fugitive enclosure hoods required for refining kettles shall be ventilated to maintain a face velocity of at least 75 meters per minute (250 feet per minute), according to section 63.544(b)(2) of 40 CFR.
  - c. Process fugitive enclosure hoods required over dryer transition pieces shall be ventilated to maintain a face velocity of at least 110 meters per minute (350 feet per minute), as specified in section 63.544(b)(3) of 40 CFR.
8. 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 (0.00087 grains per dry standard cubic foot), according to section 63.544(c) of 40 CFR.
9. *The Battery Recycling Company Inc.* shall achieve compliance with the control requirements of process fugitive emission, according to any of the compliance alternatives described in this permit, no later than December 2, 2008, according to the Rule 103 of the RCCA. [PFE-RA-07-0104-0018-I-II-C]
10. As specified in section 63.545(a) of 40 CFR, *The Battery Recycling Company Inc.* 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 the areas of the secondary lead smelter that is listed next:
  - a. Plant roadways
  - b. Battery breaking area
  - c. Furnace area
  - d. Refining and casting area, and

- e. Materials storage and handling area.
11. ***The Battery Recycling Company Inc.*** shall submit the Standard Operating Procedures Manual to control fugitive dust emission sources to the Environmental Quality Board for review and approval, pursuant to section 63.545(b) of 40 CFR.
  12. As specified in section 63.545(c) of 40 CFR, the controls specified in the Standard Operating Procedures Manual shall at a minimum include the following requirements:
    - a. Plant roadways: paving of all areas subject to vehicle traffic and pavement cleaning twice per day of those areas, except on days when natural precipitation makes cleaning unnecessary.
    - b. Battery breaking area: partial enclosure of storage piles, wet suppression applied to storage piles with sufficient frequency and quantity to prevent the formation of dust, and pavement cleaning twice per day; or total enclosure of the battery breaking area.
    - c. Furnace area; partial enclosure and pavement cleaning twice per day; or total enclosure and ventilation of the enclosure to a control device.
    - d. Refining and casting area; partial enclosure and pavement cleaning twice per day; or total enclosure and ventilation of the enclosure to a control device.
    - e. Materials storage and handling area: partial enclosure of storage piles, wet suppression applied to storage piles with sufficient frequency and quantity to prevent the formation of dust, vehicle wash at each exit from the area, and paving of the area; or total enclosure of the area and ventilation of the enclosure to a control device, and a vehicle wash at each exit.
  13. The Standard Operating Procedures Manual shall require that daily records be maintained of all wet suppression, pavement cleaning, and vehicle washing activities performed to control fugitive dust emissions, according to section 63.545(d) of 40 CFR.
  14. ***The Battery Recycling Company Inc.*** shall not 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 milligrams of lead per dry standard cubic meter (0.00087 grains of lead per dry standard cubic foot) as required in section 63.545(e) of 40 CFR.
  15. ***The Battery Recycling Company Inc.*** shall achieve compliance with the requirements of subpart X of 40 CFR, part 63 no later than upon startup of operations, as required in section 63.546(a) of 40 CFR.

17. As specified in section 63.547(a) of 40 CFR, *The Battery Recycling Company Inc.* shall use the test methods in appendix A of part 60 to determine compliance with the emission standards for lead compounds under sections 63.543(a), 63.544(c) and (d), and 63.545(e) of 40 CFR. According to sections 63.547(d) and 63.547(e) of 40 CFR *The Battery Recycling Company Inc.* shall determine compliance with the face velocity requirements under section 63.544(b) of 40 CFR for process fugitive enclosure hoods by the test methods as described in section 63.547(d)(1) or (d)(2) of 40 CFR; or shall determine compliance with the doorway indraft requirement for enclosed buildings in section 63.544(b) using the procedures in sections 63.547(e)(1) or 63.547(e)(2) of 40 CFR, as applicable. These tests shall be realized not later than December 2, 2008, according to the Rule 103 of the RCCA.
18. As specified in section 63.548(a) of 40 CFR, *The Battery Recycling Company Inc.* 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 sections 63.543, 63.544, and 63.545, including those used to control emissions from building ventilation. This provision shall not apply to process fugitive sources that are controlled by wet scrubbers.
19. The Standard Operating Procedures Manual for baghouses required in section 63.548(a) of 40 CFR shall be submitted to the Environmental Quality Board for review and approval, according to section 63.548(b) of 40 CFR.
20. As required in section 63.548(c) of 40 CFR, the procedures specified in the standard operating procedures manual for inspections and routine maintenance shall, at a minimum, include the following requirements:
  - a. Daily monitoring of pressure drop across each baghouse cell.
  - b. Weekly confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms.
  - c. Daily check of compressed air supply for pulse-jet baghouses.
  - d. An appropriate methodology for monitoring cleaning cycles to ensure proper operation.
  - e. Monthly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means.

- f. Monthly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices.
  - g. Quarterly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks.
  - h. Quarterly inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means.
  - i. Continuous operation of bag leak detection system, according to section 63.548(c)(9) of 40 CFR, except as provided in sections 63.548(g) and (h) of 40 CFR. Baghouses equipped with HEPA filters as a secondary filter used to control process, process fugitive, or fugitive dust emissions from any sources subject to the lead emission standards in sections 63.543, 63.544 or 63.545 of 40 CFR are exempt from this requirement, to be equipped with a bag leak detector. According to section 63.548(h) of 40 CFR, baghouses that are used exclusively for the control of fugitive dust emissions from any source subject to the lead emissions standard in section 63.545 are exempt from the requirement to be equipped with a bag leak detector.
21. The procedures specified in the standard operating procedures manual for maintenance shall, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance, according to 63.548(d) of 40 CFR.
22. As specified in section 63.548(e) of 40 CFR, the bag leak detection system required by condition 20(i) of this permit, shall meet the followings specifications and requirements:
- a. The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligram per actual cubic meter (0.0044 grains per actual cubic foot) or less.
  - b. The bag leak detection system sensor must provide output of relative particulate matter loadings.
  - c. The bag leak detection system must be equipped with an alarm system that will alarm when an increase in relative particulate loading is detected over a preset level.
  - d. The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or,

in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

- e. The initial adjustment of the system shall, at minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time.
  - f. Following initial adjustment, *TBRCI* shall not adjust the sensitivity or range, averaging period, alarm set points, or alarms delay time, except as detailed in the approved SOP required in condition 18 of this permit. In no event shall the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365 day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition. .
  - g. For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector must be installed downstream of the baghouse and upstream of any wet acid gas scrubber.
  - h. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.
23. The standard operating procedures manual required by section 63.548(a) of 40 CFR and contidion 18 of this permit, shall include a corrective action plan that specifies the procedures to be followed in the case of a bag leak detection system alarm. The corrective action plan shall include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective actions taken to correct the control device malfunction or minimize emissions as specified in section 63.548(f) of 40 CFR:
- a. The procedures used to determine the cause of the alarm must be initiated within 30 minutes of the alarm.
  - b. The cause of the alarm must be alleviated by taking the necessary corrective action(s) which may include, but not be limited to:
    - i. Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions.
    - ii. Sealing off defective bags or filter media.
    - iii. Replacing defective bags or filter media, or otherwise repairing the control devices.

- iv. Sealing off a defective baghouse compartment.
  - v. Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.
  - vi. Shutting down the process producing the particulate emissions.
24. ***The Battery Recycling Company Inc.*** shall comply with all of the notification requirements of section 63.9 of Subpart A, of 40 CFR, according to section 63.549(a) of 40 CFR. In addition, shall submit the fugitive dust control standard operating procedures manual for baghouses required under section 63.545(a) of 40 CFR and the standard operating procedures manual for baghouses required under section 63.548(a) of 40 CFR to the EQB along with a notification that the smelter is seeking review and approval of these plans and procedures. [40 CFR §63.549(b)]
25. ***The Battery Recycling Company Inc.*** shall comply with all of the recordkeeping requirements under section 63.10 of the Subpart A of 40 CFR according to section 63.550(a) of 40 CFR. In addition, shall comply with the applicable requirements of recordkeeping and reporting described in section 63.550 of 40 CFR.
26. ***The Battery Recycling Company Inc.*** shall maintain files of all information (including all reports and notifications) required by this permit and Subpart X of 40 CFR Part 63 recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. [40 CFR section 63.10(b)(1)].
27. If a compliance test demonstrates that ***The Battery Recycling Company Inc.*** emitted lead compounds at 1.0 milligram of lead per dry standard cubic meter (0.00044 grains of lead per dry standard cubic foot) or less during the time of the compliance test, ***TBRCI*** shall be allowed up to 24 calendar months from the previous compliance test to conduct the next annual compliance test for lead compounds, according to section 63.543(i) of 40 CFR.

## Section VII - Insignificant Emission Units

**TBRCI** provided the following list of insignificant activities for a better understanding of its operations and layout. Since there is no requirement to update this list, activities may have changed since this filing; however, **TBRCI** must include the list for insignificant activities, which are exempted because of size or production rate, and some may need a construction permit under Rule 203 of the RCAP.

Emission Unit ID	Description (Basis for exemption)
One Emergency Electric Generator of 755 hp	Emergency Generator with an operation rate equal or less than 500 hours per year. [Appendix B Section(3)(ii)(O) of RCAP].
Storage tank for propane	Storage tanks with a capacity of less than 10,000 gallons [Appendix B(3)(ii)(N) of RCAP].

**Section VIII - Permit Shield**

A. As specified under Rule 603(D) of the RCAP, compliance with the conditions of the permit shall be deemed compliance with any applicable requirement as of the date of permit issuance, but only if such applicable requirement is included and specifically identified in the permit. Moreover, the permittee shall be deemed in compliance with any other requirement specifically identified in the permit as Non Applicable.

1. Non Applicable Requirements

Non applicable requirements		
State	Code	Reason
Malfunction	Rule 105(G) of the RCAP	Does not apply to sources subject to Part VI of the RCAP.

**Section IX - Permit Approval**

Pursuant to the powers granted to the Environmental Quality Board by the Environmental Public Policy Act, Public Law Number 416 of September 22, 2004, as amended, and after verifying the administrative record and in compliance with the Uniform Administrative Procedures Act, Public Law Number 170 of August 12, 1998, as amended, the US Clean Air Act, the Puerto Rico Environmental Public Policy Act and the Environmental Quality Board Regulations for the Control of Atmospheric Pollution, the Environmental Quality Board approves the permit and the terms and conditions stipulated therein.

THE BATTERY RECYCLING COMPANY, INC.  
ARECIBO, PUERTO RICO  
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In San Juan, Puerto Rico, [month, day, year].

**ENVIRONMENTAL QUALITY BOARD**

Edwin Irizarry Lugo, Esq.  
Vice President

Reynaldo Matos Jiménez  
Associate Member

Pedro J. Nieves Miranda, Esq.  
President

THE BATTERY RECYCLING COMPANY, INC.  
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## **APPENDIX**

## Appendix A - Definitions and Abbreviations

### I. Definitions:

1. **Permittee**-Person and/or entity to which the Puerto Rico Environmental Quality Board has emitted an Operating Permit for an Emission Source under Title V.
2. **Regulation**-Regulation for the Control of Atmospheric Pollution of the Environmental Quality Board.
3. **Responsible Official**-As defined in the Regulation for the Control of Atmospheric Pollution of the Environmental Quality Board.
4. **Title V**-Title V of the Clean Air Act (42 U.S.C. 7661)

### II. Abbreviations:

<b>AP-42</b>	Compilation of Air Pollutant Emission Factors
<b>Btu</b>	British Thermic Unit
<b>CFR</b>	United States Code of Federal Regulations
<b>CO</b>	Carbon Monoxide
<b>dscf</b>	Dry Standard Cubic Feet
<b>dscm</b>	Dry Standard Cubic Meter
<b>EPA</b>	Environmental Protection Agency
<b>EQB</b>	Environmental Quality Board of Puerto Rico
<b>HAP</b>	Hazardous Air Pollutant
<b>hp</b>	Horsepower
<b>lb</b>	Pounds
<b>MMBtu</b>	Million Btu
<b>MACT</b>	Maximum Achievable Control Technology
<b>NAAQS</b>	National Ambient Air Quality Standards

<b>NO<sub>x</sub></b>	Oxides of nitrogen
<b>NSPS</b>	New Source Performance Standard
<b>ppm</b>	Parts per million
<b>PM</b>	Particulate matter
<b>PM<sub>10</sub></b>	Particulate matter with particulate has an aerodynamic mass equal or less than ten (10) microns.
<b>RCAP</b>	Regulations for the Control of Atmospheric Pollution of the Environmental Quality Board
<b>RMP</b>	Risk Management Plan
<b>SIC</b>	Standard Industrial Classification
<b>SOP</b>	Standard Operating Procedures
<b>SO<sub>x</sub></b>	Sulfur Oxides
<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>VOC</b>	Volatile Organic Compound