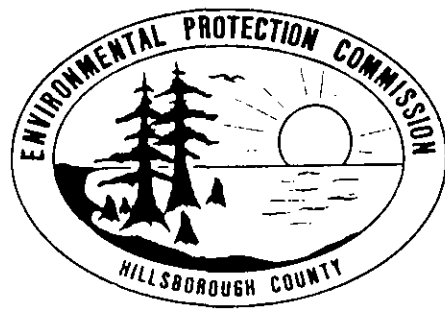


10-17-91

COMMISSION
PHYLLIS BUSANSKY
JOE CHILLURA
PAM IORIO
SYLVIA KIMBELL
JAN KAMINIS PLATT
JAMES D. SELVEY
ED TURANCHIK

FAX (813) 272-5157



ROGER P. STEWART
EXECUTIVE DIRECTOR
ADMINISTRATIVE OFFICES
AND
WATER MANAGEMENT DIVISION
1900 - 9TH AVENUE
TAMPA, FLORIDA 33605
TELEPHONE (813) 272-5960
AIR MANAGEMENT DIVISION
TELEPHONE (813) 272-5530
WASTE MANAGEMENT DIVISION
TELEPHONE (813) 272-5788
ECOSYSTEMS MANAGEMENT DIVISION
TELEPHONE (813) 272-7104

October 17, 1991

CERTIFIED MAIL NO. P 648 748 373

Ms. Joyce Morales
Environmental and Health Manager
Gulf Coast Recycling, Inc.
1901 N. 66th St.
Tampa, FL 33619

RE: Case No. 00809KLS057
Consent Order

Dear Ms. Morales:

Enclosed please find your signed copy of the Consent Order pertaining to referenced enforcement case. Please note that the date of the Executive Director's signature is the effective date of the Order. All interim and final requirements under the Order are tracked from this date.

Paragraphs nine (9) and (10) ten of the Consent Order require submittal of two checks on or before October 30, 1991. One check in the amount of \$5,800.00 should be made payable to the Pollution Recovery Fund of Hillsborough County. The second check in the amount of \$142.50 should be made payable to the Environmental Protection Commission of Hillsborough County. The checks may be mailed to my attention at the Air Management Division, EPC, 1410 N. 21st Street, Tampa, FL 33605.

As required in paragraph seven (7), a compliance plan addressing air emissions from the blast furnace is due in this office no later than November 15, 1991. Additionally, paragraph eight (8) requires submittal of a construction permit application by February 13, 1992.

Page 2
Ms. Joyce Morales
October 17, 1991

If you have any questions regarding your responsibilities as respondent in this matter, please contact me at (813) 272-5530 for additional assistance.

Thank you for your cooperation.

Sincerely,



Kay Strother
Enforcement Coordinator
Air Management Division

Enclosure

cc: C. S. Lee, FDER
Sara Fotopulos; Chief Counsel, EPC

BEFORE THE
ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY
Complainant,

vs.

Case No. 00809KLS057

GULF COAST RECYCLING, INC.
Respondent.

CONSENT ORDER

This Consent Order is made and entered into between the Environmental Protection Commission of Hillsborough County ("Commission") and Gulf Coast Recycling, Inc. ("GCR"), pursuant to Chapter 84-446, Laws of Florida and interagency agreement with the Florida Department of Environmental Regulation ("DER").

The Commission alleges the following and nothing herein shall be construed to be an admission of wrong doing by GCR. This document may not be used as evidence in any proceeding, except to enforce the terms thereof.

1. GCR is a corporation duly authorized to conduct business in the State of Florida. GCR owns and operates a facility located at 1901 North 66th Street, Tampa, in Hillsborough County, Florida.

2. GCR's business activities include the recovery of lead from damaged or spent lead-acid batteries. The operation of the secondary lead blast furnace is subject to the requirements of DER Permit No. AO29-173310; the New Source Performance Standards of 40 CFR 60, Subpart L; Federal and State Regulations regarding Prevention of Significant Deterioration ("PSD"); the Federal Implementation Plan ("FIP") contained in 40 CFR 52.535; the Florida Administrative Code and the Rules of the Commission. The three refining kettles are subject to the requirements of DER Permit No. AO29-95365, the New Source Performance Standards, the FIP contained in 40 CFR 52.535, the Florida Administrative Code, and the Rules of the Commission.

3. On August 9, 1990, representatives of PEI Associates, Inc., the United States Environmental Protection Agency ("EPA"), and the DER inspected the GCR's facility at the aforementioned location. For a period of thirty seconds, there was an opacity of 80 percent at the blast furnace slag tap, in violation of the 5 percent opacity standard in 40 CFR 52.535(c)(1)(ii).

4. GCR's number 3 refining kettle was constructed without a DER construction permit. This was in violation of Section 17-2.210, F.A.C., and Section 1-3.21, Rules of the Commission. However, GCR operated the number 3 refining kettle under permit # A029-95365, issued January 28, 1985, with the approval of the Commission and the DER.

EPC? *

5. GCR constructed a blast furnace without a DER construction permit. Prior to the construction of the blast furnace, representatives of GCR, the Commission and DER met to determine whether or not a construction permit was going to be needed. At those meetings, joint decisions were made that the blast furnace could be constructed without a construction permit and that further testing would be needed to decide whether PSD for SO₂ would be triggered. Since previous SO₂ test results on the old furnace were extremely varied and a single SO₂ run did not cover a complete charging cycle, a testing protocol for the old furnace was agreed upon to establish a baseline for SO₂. It was agreed that ten - one hour SO₂ runs would be performed on the furnace and the results from the ten tests would be averaged. This testing protocol was carried out in December 1983. After a comparison of this test data and test results taken subsequently from the newer furnace, it was decided by (Agency representatives) that PSD was not applicable for SO₂. However, subsequent to this determination, EPA has determined that a construction permit was required at the time in question and has directed the Commission staff to require GCR to submit an after-the-fact construction permit and address PSD for a number of pollutants including SO₂.

6. GCR submitted an after-the-fact permit application, August 2, 1990, for construction of its number 3 refining kettle. Issuance of the final permit is pending.

WHEREFORE, GCR and the Commission mutually agree and it is ORDERED:

7. Within thirty (30) days of the effective date of this Consent Order, GCR shall submit a plan to address air emissions from the blast furnace. The plan shall describe all measures GCR has taken and intends to take to ensure compliance with all applicable opacity regulations.

8. Within one hundred and twenty (120) days of the effective date of this Consent Order, GCR shall submit an after-the-fact construction permit application for the blast furnace. The following items are necessary for the fulfillment of this requirement:

A. The application shall be submitted on DER form 17-1.202(1).

B. Pursuant to Section 17-4.05(3), F.A.C., the application shall be submitted in quadruplicate with original P.E. seals and signatures.

C. The review fee of \$400.00, payable to the Hillsborough County Board of County Commissioners, shall be submitted with the application.

D. GCR shall contact the DER to determine the permit review fee and shall submit same, payable to the Florida Department of Environmental Regulation, with the application.

9. Within fifteen (15) days of the effective date of this Consent Order, GCR shall deliver to the Director a check payable to the Pollution Recovery Fund of Hillsborough County in the amount of five thousand eight hundred dollars (\$5,800.00). This amount constitutes a reasonable settlement amount ascribed to the above violations.

10. Within fifteen (15) days of the effective date of this Consent Order, GCR shall deliver to the Director a check payable to the Environmental Protection Commission of Hillsborough County in the amount of one hundred forty-two dollars and fifty cents (\$142.50). This amount constitutes the reasonable expenses of the Commission for 4.75 hours at \$30 each in investigating and resolving this matter.

11. The Commission, for and in consideration of the complete and timely performance by GCR of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for violations outlined in this Order. GCR waives its right to a hearing or judicial review of this Order.

12. Entry into this Consent Order does not relieve GCR of the need to comply with other applicable federal, state, or local laws, regulations or ordinances. The entry of this Consent Order does not abrogate the rights of substantially affected persons who are not parties to this Consent Order.

13. The Commission hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future violation of applicable statutes, or the rules promulgated thereunder.

14. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction. Failure to comply with the terms of this Consent Order is a violation of Chapter 403, Florida Statutes and of Chapter 84-446, Laws of Florida.

15. GCR is fully aware that a violation of the terms of this Consent Order may subject GCR to judicial imposition of damages, civil penalties of up to \$10,000 per violation, criminal penalties and costs and expenses incurred in litigating this matter.

16. This Consent Order shall take effect upon the date of execution by the Director of the Commission and shall constitute final agency action by the Commission.

FOR THE RESPONDENT

Janet Phillips
Witness

Willis M. Kitchen
Willis M. Kitchen
President

AFFIDAVIT

State of Florida
County of Hillsborough

Before me this day personally appeared Willis M. Kitchen, who being duly sworn, deposes and says that he, Willis M. Kitchen, as president of Gulf Coast Recycling, Inc., ("GCR") at 1901 N. 66th Street, Tampa, Florida, is the authorized representative of GCR, that he is duly authorized under the articles of incorporation and by-laws of GCR to bind GCR by his signature to this Consent Order and that it is his signature which first appears above on behalf of GCR.

Sworn to and subscribed before me this 15th day of October, 1991.

Janet Phillips
Notary Public
My commission expires 15 of Oct, 1995
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. OCT. 4, 1995
RECORDED THRU GENERAL INS. UND.

DONE AND ORDERED this 15 of Oct, 1991 in Tampa, Florida.

Roger P. Stewart
Roger P. Stewart, Executive Director
Environmental Protection Commission
of Hillsborough County
1900 Ninth Avenue
Tampa, Florida 33605
(813) 272-5960



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

MEMORANDUM

JUN 19 1991

DATE:

SUBJECT: PSD Determination of Gulf Coast Recycling, Inc.

FROM: Brian L. Beals, Chief
Source Evaluation Unit *blb*

TO: Mark A. Armentrout, Chief
Northern Compliance Unit

This determination concerns the operations at Gulf Coast Recycling, Inc. and is in response to your memorandum dated April 26, 1991. Our determinations with respect to PSD are as follows:

- (1) Gulf Coast Recycling is classified as a major stationary source, as defined in CFR 51.166, therefore, when notification was made of impending construction of a new 60 ton blast furnace, the PSD application process should have been initiated. This furnace qualified as a major modification as defined in CFR 51.166, due to the fact that construction would result in a significant net emissions increase and potential to emit increase in pollutants. Based on the emissions sampling data from 1979-90, there was a 43.7% increase in actual SO₂ emissions from the pre-construction to post-construction periods. From 1979-84, actual SO₂ emissions averaged 208.7 pounds per hour. After completion of the 60 ton blast furnace, actual SO₂ emissions from 1985-90 averaged 300.0 pounds per hour. Based on Gulf Coast's annual operating level of 7800 hours per year, the actual emissions increase for SO₂ rose from 814 tons per year in 1979-84 to 1170 tons per year in 1985-90. The significant rate of emissions for SO₂ is defined as being 40 tons per year or more of that pollutant.
- (2) The preconstruction requirements as outlined in Section 165 of the Clean Air Act should have been met. This would have included obtaining a construction permit for the 60 ton blast furnace prior to its fabrication, instead of obtaining one 6 years after the fact.
- (3) The source is classified as a secondary lead smelter and due to the expected increases in pollutants, PSD review would subject all pollutants in the category to review. This would broaden the scope to include PM, Pb, CO, SO₂, NO_x, sulfuric acid mist, and hydrogen sulfide.

*EPA used
5 yr actuals
(before/after)*

-2-

- (4) Best Available Control Technology (BACT) analysis would be applicable for any pollutants subject to PSD review (from determination (3) above) which exceed their respective significant emissions rate.
- (5) Further investigation is warranted into whether VOC emissions from the 60 ton blast furnace exceeds the 40 tons per year limit for NSR. If NSR is applicable, then LAER and emissions offsets would have to be taken into consideration.
- (6) A final concern with respect to the operations at Gulf Coast pertains to the 50-ton refining kettle built and operated with no construction permit, designated as kettle #3. A valid construction permit should have addressed the operating limitations of kettle #3, specifically with reference to the simultaneous operation of more than two 50-ton kettles. Federally enforceable permit limits should have been incorporated into the construction permit, as they were in the eventual operating permit. According to Gulf Coast, kettle #1 operates independently; kettle #2 (calcium lead formation) is dependent upon the operations of kettle #3 (lead softening). The only impediment to simultaneous operation of all three kettles is manpower constraints, not design features; therefore, it is physically possible for all three 50-ton refining kettles to be operating simultaneously. The potential lead emissions for kettle #3 were 0.874 tons per year - an amount above the significance level of 0.6 tons per year; consequently, a PSD application was required for refining kettle #3.

Should you have any questions, please contact either Dennis Beauregard or Scott Davis at x5014.