

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

In the Matter of: )  
)  
) ADMINISTRATIVE  
The Buick Resource Recycling ) COMPLIANCE ORDER  
Facility LLC )  
18594 Highway KK ) Docket No. CAA-07-2016-0029  
Boss, Missouri 65440 )  
)  
Respondent. )

**ADMINISTRATIVE COMPLIANCE ORDER**

**A. PRELIMINARY STATEMENT**

1. This Administrative Compliance Order (“Order”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 113(a) and 114(a)(1) of the Clean Air Act (the “Act”), 42 U.S.C. §§ 7413(a)(3) and (4) and 7414(a)(1).

2. By delegation from the Administrator of the EPA, and the Regional Administrator of the EPA, Region 7, the Director of the Region 7 Air and Waste Management Division is delegated the authority to issue this Order under Section 113(a) of the Act.

3. By delegation from the Administrator of the EPA, and the Regional Administrator of the EPA, Region 7, the Director of the Region 7 Air and Waste Management Division is delegated the authority to require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

4. Respondent is The Buick Resource Recycling Facility LLC, a corporation doing business in the state of Missouri. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

#### **B. STATUTORY AND REGULATORY BACKGROUND**

5. The Clean Air Act establishes a regulatory framework designed to protect and enhance the quality of the nation’s air so as to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401.

6. Section 112(d) of the Act, 42 U.S.C. § 7412(d), requires EPA to establish emission standards for each category of major sources of hazardous air pollutants (HAPs). Section 112(b) of the Act, 42 U.S.C. § 7412(b), designates lead as a hazardous air pollutant.

7. EPA promulgated the national emission standards for hazardous air pollutants (NESHAPs) for the secondary lead smelting industry. These provisions are codified at 40 C.F.R. Part 63, Subpart X (Subpart X).

8. Subpart X applies to owners or operators of the following affected sources at a secondary lead smelter: Blast, reverberatory, rotary, and electric furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive emissions sources; buildings containing lead bearing materials; and fugitive dust sources.

9. Subpart X establishes, *inter alia*, total enclosure and control standards for battery breakers and certain material handling areas for any lead bearing materials of lead particulate at a secondary lead smelter. See 40 C.F.R. § 63.544.

10. “Battery breaking area” means the plant location at which lead-acid batteries are broken, crushed, or disassembled and separated into components. 40 C.F.R. § 63.542.

11. “Materials storage and handling area” means any area of a secondary lead smelter in which lead-bearing materials (including, but not limited to, broken battery components, reverberatory furnace slag, flue dust, and dross) are stored or handled between process steps including, but not limited to, areas in which materials are stored in open piles, bins, or tubs, and areas in which material is prepared for charging to a smelting furnace. 40 C.F.R. § 63.542.

### **C. FINDINGS**

12. Respondent owns and operates a secondary lead smelter at 18594 Highway KK in Boss, Missouri (hereinafter “Respondent’s Facility” or “Facility”).

13. As part of its secondary lead smelter, Respondent operates a battery breaker in the Breaking Separation Neutralization (BSN) Building.

14. Subpart X, at 40 C.F.R. § 63.544(a) requires the battery breaker and material handling areas for any lead bearing materials to be operated at all times in a total enclosure that is maintained at negative pressure and vented to a control device designed to capture lead particulate.

15. According to the March 28, 2013 Missouri State Implementation Plan Revision for the Buick/Viburnum Trend Lead Nonattainment Area, lead emissions from the BSN Building, including the battery breaking area, are controlled by the “BSN Scrubber.”

16. From April 25, 2016 through April 29, 2016, and May 4, 2016 through May 5, 2016, representatives of the Missouri Department of Natural Resources (MDNR) and EPA were present at the Facility to observe performance testing required by Subpart X.

17. On or before April 25, 2016, ductwork from the BSN Building to the BSN Scrubber was detached.

18. On April 27, 2016 the shredder, hammer mill, and paste building were operating. This equipment is part of the battery breaking or material handling areas required to be operated within a total enclosure at negative pressure and vented to a control device designed to capture lead particulate pursuant to Subpart X.

19. On May 5, 2016, the drum crusher, hammer mill, hydrodynamic system, and battery solution neutralization process and equipment were operating. This equipment is part of the battery breaking or material handling areas required to be operated within a total enclosure at negative pressure and vented to a control device designed to capture lead particulate pursuant to Subpart X. The ductwork from the BSN Building to the BSN Scrubber was disconnected, and the BSN Scrubber was not operating.

20. Respondent's operation of battery breaking sources and material handling areas for any lead bearing materials in the absence of a total enclosure that is maintained at negative pressure at all times and vented to the BSN Scrubber is a violation of 40 C.F.R. § 63.544(a) and Section 112 of the Act, 42 U.S.C. § 7412.

#### **D. ORDER**

21. Respondent is ordered to immediately operate the battery breaking sources and material handling areas in the BSN Building in a total enclosure that is maintained at negative pressure at all times and vented to a control device designed to capture lead particulate, as required by Subpart X.

22. Respondent shall notify EPA no later than 5 days following commencement of operation of the BSN Scrubber that all battery breaking sources and material handling areas in the BSN Building are operated in a total enclosure that is maintained at negative pressure at all times and vented to a control device to capture lead particulate, in accordance with the

requirements of Subpart X. If Respondent has resumed operation of the BSN Scrubber following May 5, 2016, but before receipt of this Order, Respondent shall notify EPA within 5 days of the effective date of this Order and include the above information.

23. No later than 30 days following commencement of operation of the BSN Scrubber, Respondent shall submit electronic records of the continuous pressure monitors for the BSN Building, required to be maintained pursuant to 40 C.F.R. § 63.550(a)(6), and shall demonstrate that negative pressure has been continuously maintained in accordance with 40 C.F.R. §§ 63.544(c) and 63.548(k) for the previous 30 days of operation of the BSN Building. If Respondent has resumed operation of the BSN Scrubber following May 5, 2016, but before receipt of this Order, Respondent shall submit the above documentation within 30 days of the effective date of this Order.

#### **E. GENERAL PROVISIONS**

24. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to \$37,500 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

25. Nothing in this Order shall relieve Respondent of the duty to comply with all applicable provisions of the Act or other federal, state or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

26. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

27. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Order until the Termination Date as set out in paragraph 35 below, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

28. Unless this Order states otherwise, whenever, under the terms of this Order, written notice or the submittal of documents is required to be given, it shall be directed to the individuals specified at the addresses below unless those individuals or their successors give notice of a change of address to the other party in writing:

For EPA:

Lisa Hanlon  
APCO/AWMD  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
[Hanlon.lisa@epa.gov](mailto:Hanlon.lisa@epa.gov)

For The Buick Resource Recycling Facility LLC:

Environmental & Health Manager  
Buick Resource Recycling Facility  
18594 Highway KK  
Boss, Missouri 65440

All notices and submissions shall be considered effective upon receipt.

29. To the extent this Order requires Respondent to submit any information to the EPA, Respondent may assert a business confidentiality claim covering part or all of that information, but only to the extent and only in the manner described in 40 C.F.R. Part 2, Subpart B. The EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

#### **F. EFFECTIVE DATE AND OPPORTUNITY FOR A CONFERENCE**

30. Pursuant to Section 113(a)(4) of the Act, Respondent may request a conference with the EPA concerning the violation alleged in this Order to present evidence bearing on the finding of violation, on the nature of the violation, and on any efforts it may have taken or it proposes to take to achieve compliance. Respondent may have legal counsel at the conference.

31. Respondent's request for a conference must be confirmed in writing within ten (10) days of receipt of this Order. If the requested conference is held, this Order shall become effective ten (10) days after the conference is held.

32. If Respondent does not request a meeting within ten (10) days of receipt of this Order, Respondent waives its right to a conference, and this Order shall become effective ten (10) days from its receipt.

33. Any request for a conference, or other inquiries concerning this Order, should be made in writing to:

Jonathan Meyer  
Assistant Regional Counsel  
CNSL/ARBR  
11201 Renner Boulevard  
Lenexa, Kansas 66219

#### **G. JUDICIAL REVIEW**

34. Respondent may seek federal judicial review of the Order pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1).

#### **H. TERMINATION**

35. This Order shall terminate on the earlier of the following (the “Termination Date”) at which point Respondent shall operate in compliance with the Act:

- a. One year after the Effective Date of this Order;
- b. The effective date of any determination by the EPA that Respondent has achieved compliance with all terms of this Order; or
- c. Immediately upon receipt by Respondent of notice from the EPA finding that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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Facility LLC )  
18594 Highway KK )  
Boss, Missouri 65440 )

Respondent. )

ADMINISTRATIVE  
COMPLIANCE ORDER

Docket No. CAA-07-2016-0029

For United States Environmental Protection Agency, Region 7:

6/16/16  
[Date]

Becky Weber  
Becky Weber  
Director, Air and Waste Management Division  
11201 Renner Boulevard  
Lenexa, Kansas 66219

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing "Administrative Compliance Order" in the Matter of The Buick Resource Recycling Facility LLC, Order CAA-07-2016-0029, were mailed to the parties as indicated below.

Via Certified Mail to:


The Buick Resource Recycling Facility LLC  
c/o C T CORPORATION SYSTEM  
120 S. Central Avenue, Suite 400  
Clayton, Missouri 63105

Chief Operating Officer  
Buick Resource Recycling Facility LLC  
c/o The Doe Run Company  
1801 Park 270 Drive, Suite 300  
St. Louis Missouri 63146

Chief Financial Officer  
Buick Resource Recycling Facility LLC  
c/o The Doe Run Company  
1801 Park 270 Drive, Suite 300  
St. Louis Missouri 63146

Richard Swartz  
Missouri Department of Natural Resources  
Air Pollution Control Program  
Compliance & Enforcement Section Chief  
P.O. Box 176  
Jefferson City, Missouri 65102-0176

6/16/2016  
Date:

  
Name: CAROLINA F ADAMS  
Title: ORC / CEE

