

Ms. Karen Lee  
SC DHEC  
Region 4 Florence EQC Office  
145 East Cheves Street  
Florence, SC 29506

October 28, 2009

RE: Air Permit # 1040-0129-CA, Johnson Controls, Inc. (Florence Recycling Plant)

Thank you for extending the comment period on the Johnson Controls, Inc. construction permit. I am writing this letter on behalf of the League of Women Voters of South Carolina and Sierra Club. Johnson Controls is seeking a permit to construct a new lead-acid battery recycling plant on Paper Mill Road in Florence County. Although Johnson Controls is nationally recognized for being leaders in renewable energy, LEED building, efficiency and being good stewards of the environment it is unfortunate for South Carolina that what they have proposed for Florence County will have a massive flow of extremely toxic emissions and wastes.

Johnson Controls' press and web information state that the battery recycling center proposed for Florence County will be built with pollution control in mind and will meet all government regulatory standards. In light of the fact that the EPA is in the process of revising the air quality standards to stricter requirements for air emissions, it seems reasonable that DHEC would delay this permitting process until the new regulations have been finalized. We can thereby avoid unanswered questions about the new standards. Although the stated emissions in the draft permit are within state regulations, we are concerned that Johnson Controls will avoid having to install the Best Available Control Technology (BACT) which restricts facility emission of Particulate matter CO, NOX and Sox at the 100 ton threshold. The facility has stated emissions of 96 ton/yr for CO and 97.5 tons/yr for NOX; this is so close to the threshold that monitoring for compliance is dangerously critical.

Following are specific concerns.

- Lead: The national lead emission standard was recently reduced from 1.5 micrograms of lead per cubic meter of air to 0.15 micrograms per cubic meter. Will the DHEC monitoring model be continuous? Even though Johnson Controls states that the minimum predicted concentration of lead in the air from the facility will be less than one-half of the newly revised EPA standards, fears still arise about monitoring 24/7. It is hard to comprehend why we would permit for 7 tons of lead emission annually when Johnson Controls has stated their actual lead

emissions would be approximately 450 lbs annually. Simply put, lead and people do not belong together, and human society should avoid its use at all costs. Children are especially vulnerable to the effects of lead. Relatively small amounts of lead can cause permanent lowering of intelligence in children, potentially resulting in reading disorders, psychological disturbances and mental retardation. Other effects of lead on children include kidney disease and gouty arthritis. Other emissions of concern include arsenic, acetaldehyde, beryllium, benzene, chloroform, formaldehyde, nickel and vinyl chloride.

- Mercury: We are all well aware that the Great Pee Dee River is under the DHEC mercury advisement, and in the last month the DHEC requested comments for a draft mercury reduction strategy. It is confusing that the Johnson Controls draft permit application had 72 lbs annually of mercury emissions listed. If we are truly trying to reduce mercury emissions how could 72lbs conceivably be calculated on the draft permit? Seven states have established mercury emissions standards that are substantially stronger than EPA standards and ten additional states are in the process of doing so. This type of routine is simply taking one step forward and two backward. Johnson Controls then, at later date, by letter requested to revise the application from 72 lbs annual mercury emissions to 12 lbs annually. They have stated to me and colleagues that their true mercury emissions will be between 4 and 6 lbs annually. As mercury is not a regulated emission this leaves skepticism that the legitimacy of emissions is being provided. We are requesting that DHEC require Johnson Controls to limit the mercury emissions to the company's latest projections.

Lastly, the EPA has determined that this facility will have to obtain a Resource Conservation and Recovery (RCRA) Act Part B permit for the stored lead-acid batteries. Due to this requirement, there doesn't seem a need to expedite the air permit. During the 9-12 months that it will take for the RCRA permitting process, time could prove to be well spent with DHEC requiring Johnson Controls to conduct more in-depth studies for assurance that New Source Review will not be required.

Please send a written notice of DHEC's decision on the Johnson Controls air permit to me at the address below.

Thank you.

Peggy Brown  
Director of Natural Resources, League of Women Voters, of South Carolina  
Conservation Chair, South Carolina Chapter Sierra Club  
181 Lakewood Drive  
Florence, SC 29501