To: Mogharabi, Nahal[MOGHARABI.NAHAL@EPA.GOV]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Miller, Amy[Miller.Amy@epa.gov]; McDaniel, Doug[McDaniel.Doug@epa.gov]; Schofield, John[Schofield.John@epa.gov]
Cc: LEONIDO-JOHN, STEVEN[Leonido-John.Steven@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]; Keener, Bill[Keener.Bill@epa.gov]
From: Jones, Joel E.
Sent: Wed 1/28/2015 7:50:28 PM
Subject: Re: DTSC Issues Violations against Exide Facility in Vernon

I'll confirm with Doug but my recollection is the joint inspection occurred in August 2014. Some of the findings are consistent with our findings at the time.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

[redacted]

Please see the below. DTSC issued a PR today on Exide violations. Mentions EPA. LA Times looking for EPA thoughts.

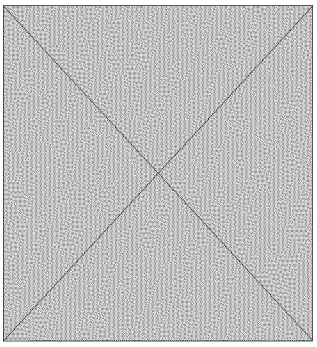
What can we say about our role…happy to chat by phone more to discuss.

From: Barboza, Tony [mailto:Tony.Barboza@latimes.com]
Sent: Wednesday, January 28, 2015 11:27 AM
To: Mogharabi, Nahal
Subject: FW: DTSC Issues Violations against Exide Facility in Vernon

Hi Nahal - This DTSC news release mentions that U.S. EPA inspectors were present for these inspections last week at Exide that resulted in hazardous waste violations. Does EPA have anything to add to this?

-Tony

From: Webber, Gene@DTSC [mailto:Gene.Webber@dtsc.ca.gov]
Sent: Wednesday, January 28, 2015 11:12 AM
Subject: DTSC Issues Violations against Exide Facility in Vernon



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Department of Toxic Substances Control

News Release

T – 01 – 15

Barbara A. Lee, Director

FOR IMMEDIATE RELEASE Contact:

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January 28, 2015
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DTSC Issues Violations against Exide Facility in Vernon

SACRAMENTO – The California Department of Toxic Substances Control (DTSC) today issued eight violations of state hazardous waste laws against Exide Technologies, which operates a lead battery recycling plant in Vernon. The violations were discovered during recent facility inspections.

Among the most serious violations observed by DTSC inspectors was treatment of contaminated sludge in tanks that Exide is not authorized to operate at its Vernon facility. Inspectors also found evidence the company has failed to sufficiently protect against spills in an area where it stores materials including battery acid.

DTSC's eight violations are described in a Summary of Violations issued to Exide on January 28, 2015. The violation findings are the result of an inspection by a team of DTSC and U.S. Environmental Protection Agency inspectors on January 20 and 21, 2015, and oversight activities on December 12, 2014. The two-day evaluation of Exide's operations is part of DTSC's oversight of the Exide facility and its review of the company's application for a hazardous waste permit.

DTSC has directed Exide to protect public health by immediately stopping all violations. Within 10 days, the company also is required to submit documentation that the violations have ceased. Exide Technologies faces potential penalties and the possibility of additional enforcement actions for these violations, and will face increased penalties if it fails to fully comply.

“These violations represent our commitment to the community that we will keep a close watch on Exide and ensure that the facility is in compliance with all pertinent laws,” DTSC Deputy Director Elise Rothschild said. “The company must correct these violations, and we will consider them, along with Exide’s full enforcement history, when we make our permit decision.”

In addition to use of the unauthorized tanks and failure to sufficiently protect against spills, other alleged violations include:

•□□□□□□□□ Improperly labeling and not closing containers holding hazardous waste;

•□□□□□□□□ Lack of adequate secondary-containment system and engineer’s certification for temporary tanks used to store waste; and

•□□□□□□□□ Placing hazardous waste with liquids in a containment building without a functioning leak detection and collection system.

The Summary of Violations issued by DTSC also notes that on January 12, 2015 sodium hydroxide, a caustic liquid used by Exide in its recycling process, spilled. The liquid did not reach soil and did not go offsite, and was captured and disposed of in an appropriate facility. Because the caustic liquid was not a hazardous waste, DTSC referred the spill to the City of Vernon (the local enforcement agency) for investigation.

DTSC also notified Exide that it must immediately take steps to ensure that rain cannot enter the building, after DTSC inspectors noted holes in the walls and ceiling of the building. Exide must also submit plans to permanently fix the holes.

The Exide Technologies facility recycles lead from used automotive batteries and other sources. Normally, the Vernon plant recycles about 22 million batteries annually, but the smelting operation has been closed since March 2014 because it could not meet new rules by the South Coast Air Quality Management District.

Exide is currently operating under an interim authorization from DTSC and has applied to DTSC for a full hazardous waste facility permit for storage and treatment of hazardous waste. DTSC will make a decision on that permit application by December 31, 2015, as required by Senate Bill 712 (Lara).

Read the Summary of Violations here.

# # #

The Mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated properties, identifying and promoting safer ingredients in consumer products, and ensuring stewardship through enforcement, regulation and pollution prevention.

FOR GENERAL INQUIRIES: Contact the Department of Toxic Substances Control by phone at (800) 728-6942 or visit www.dtsc.ca.gov. To report illegal handling, discharge, or disposal of hazardous waste, call the Waste Alert Hotline at (800) 698-6942.