To: PerezSullivan, Margot[PerezSullivan.Margot@epa.gov]
From: Huetteman, Tom
Sent: Tue 4/26/2016 5:51:45 PM
Subject: Re: Exide Answers to LA Times

I should be able to call in from Pittsburgh.

Tom Huetteman, Assistant Director
Land Division, EPA Region 9
415-972-3751

On Apr 26, 2016, at 1:02 PM, PerezSullivan, Margot <PerezSullivan.Margot@epa.gov> wrote:

Thanks Enrique. Yes, that would be good to alert them. I will try to find out who my counterpart is at DTSC.

Margot Perez-Sullivan
U.S. Environmental Protection Agency
D: 415.947.4149

C: 415.412.1115

E: perezsullivan.margot@epa.gov

From: Manzanilla, Enrique
Sent: Tuesday, April 26, 2016 10:02 AM
To: Scott, Jeff <Scott.Jeff@epa.gov>
Cc: PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Huetteman, Tom <Huetteman.Tom@epa.gov>; Lyons, John <Lyons.John@epa.gov>
Subject: Re: Exide Answers to LA Times

Is someone alerting dtsc to this inquiry? I'm meeting with Barbara lee at 11 am. I can mention the inquiry.

Sent from my iPhone

On Apr 26, 2016, at 8:15 AM, Scott, Jeff <Scott.Jeff@epa.gov> wrote:

Thanks for all the work on this. In reading the final, on question 4, it doesn't seem to answer the question on penalties. I just point that out as I suspect he may want to ask for more.

Thanks!

Jeff Scott

Director, Land Division

EPA Region 9

75 Hawthorne St

San Francisco, CA 94105

Phone: (415) 972-3311

Fax: (415) 947-3530

From: Huetteman, Tom
Sent: Tuesday, April 26, 2016 7:51 AM
To: Gross, Barbara <Gross.Barbara@epa.gov>; Scott, Jeff <Scott.Jeff@epa.gov>; Armann, Steve <Armann.Steve@epa.gov>
Subject: FW: Exide Answers to LA Times

Here's what went to the LA Times

From: PerezSullivan, Margot
Sent: Tuesday, April 26, 2016 7:43 AM
To: Huetteman, Tom <Huetteman.Tom@epa.gov>
Subject: Fwd: Exide Answers

Hi Tom, here is what we sent Tony. We got input from CID, LND, SF, ENF, ORC and Jessica Kao - how's that for collaboration?

Margot Perez-Sullivan
U.S. Environmental Protection Agency
D: 415.947.4149

C: 415.412.1115

E: perezsullivan.margot@epa.gov

Begin forwarded message:

From: "PerezSullivan, Margot" <PerezSullivan.Margot@epa.gov>
Date: April 25, 2016 at 2:29:06 PM PDT
To: "Barboza, Tony" <Tony.Barboza@latimes.com>
Subject: Exide Answers

The EPA applauds the recent approval of $176.6 million funding plan to expedite and expand the California Department of Toxic Substance Control's (DTSC) on-going testing and cleanup of residences, schools, daycare centers and parks surrounding the former Exide facility in Vernon. The agency will continue to work closely with the state.

1. Please describe EPA's current role and involvement in the Exide Technologies case, including the closure and cleanup of the Vernon facility and the surrounding neighborhoods and any inspection or enforcement activities.

EPA Region 9 is providing technical support on the facility closure plan and the residential cleanup. We have facilitated a peer exchange between DTSC and EPA Region 7's staff working on a large lead smelter site in Omaha. Region 9 staff participate in monthly meetings of the Exide Community Advisory Group so that we can also hear directly from community members and other stakeholders about issues of concern.

Region 9 is currently engaged in actively monitoring the activities regarding Exide several ways:

- We work with the CA DTSC, who is the lead agency for the clean-up at Exide to provide DTSC with technical assistance. Some examples of that type of assistance include:

    - Organizing a peer exchange with EPA Region 7's Remedial Project Manager for the Asarco Lead Smelter Site in Omaha.
    - Review by technical experts within the Region of the technical aspects of the clean-up—the draft facility closure plan, the residential sampling plan; and soon, the cleanup plan.
    - We've also advised DTSC on managerial aspects of the clean-up, such as best ways to manage information and data related to the sampling of homes.

- We are tapping other programs within the Region to provide assistance to DTSC. For example,

    - Region 9's toxics section chief will be part of a DTSC-led working group on the effects of lead, in particular, lead-based paint.
    - Region 9's brownfields program has provided referrals re job training organizations to DTSC in support of DTSC's plans to train local workers as part of cleanup activities.

EPA will continue to provide technical support and oversight to support DTSC's ability to meet their commitments at this site and in this community.

Prior to the closure of the facility, EPA issued a Notice of Violation to Exide for excessive lead emissions on May 22, 2014. In August 2014 we conducted a thorough RCRA hazardous waste inspection but did not observe any significant violations of federally enforceable hazardous waste management regulations.

2. Is EPA examining soil testing results? Is EPA or any other federal agency examining the elevated blood lead levels found among children near the plant?

Yes, we are examining the soil testing and blood lead levels and we have reached out to the Agency for Toxic Substances and Disease Registry (ATSDR) regarding the blood lead level study to consult with them on next steps.

3. Is the site being evaluated or considered for inclusion in Superfund/National Priorities List?

The lead agency for the clean-up of the Exide facility and surrounding residences is the CA Department of Toxic Substances Control. Since there is a state agency in the lead, EPA is not evaluating the site for the Superfund National Priority List.

4. What resolutions have there been to the violations Exide was cited for by U.S. EPA, including those issued in May 2014, March 2015 and any other citations? Did Exide pay any penalties in connection with those or other alleged violations?

On May 22, 2014, EPA issued a Notice of Violation to Exide for excessive lead emissions. Prior to the closure of the facility, EPA had been requested by the South Coast Air Quality Management District to review the facility's compliance with lead emission requirements contained in the federally enforceable State Implementation Plan. Up to the closure of the facility, EPA continued to coordinate with South Coast Air Quality Management District's enforcement efforts, which included two abatement orders approved the District's Hearing Board in July 2014.

5. Does EPA have any ongoing investigations involving Exide, related companies or public officials that oversaw the plant? Is EPA monitoring the company's compliance with the requirements of the U.S. attorney's office March 2015 non-prosecution agreement?

EPA's policy prohibits commenting on the existence of investigations. The Non-Prosecution Agreement (NPA) signed on March 11, 2015, is an agreement between the U.S. Attorney's Office and Exide Technologies. EPA-CID Region 9 is not monitoring Exide Technologies compliance with the terms of the NPA. Questions concerning the NPA should be directed to the Thom Mrozek U.S. Attorney's Office at thom.mrozek@usdoj.gov or 213-894-2400.

6. Is EPA satisfied with the California DTSC's oversight and its allowance of the continued operation of this facility, even as it logged a long history of lead emissions and hazardous waste violations? Having been informed of those violations, what did EPA do to ensure the problems and any state regulatory deficiencies were corrected?

Exide was a complex facility for DTSC and other environmental agencies to regulate. As concerns associated with the facility mounted, EPA increased its involvement at the Exide facility, including increased review of RCRA activities, and EPA led inspections and enforcement responses. EPA's criminal investigation led to the permanent closure of the Vernon facility in March 2015 under the NPA.

7. Has EPA or Region 9 changed any policies or procedures in how it oversees the California DTSC, lead-acid battery smelters, lead-emitting industries and other hazardous waste facilities in the wake of what happened at Exide? What has been done to ensure a similar outcome does not happen elsewhere?

EPA's oversight of DTSC evolves over time to respond to issues that arise and any performance concerns. We have increased our involvement at Exide over the past few years and have increased our overall oversight of DTSC's RCRA program. Nationally, EPA is taking steps to more closely examine sources of lead contamination.

Margot Perez-Sullivan
U.S. Environmental Protection Agency
D: 415.947.4149

C: 415.412.1115

E: perezsullivan.margot@epa.gov