# BOARD OF SUPERVISORS
# COUNTY OF LOS ANGELES

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**HILDA L. SOLIS**
SUPERVISOR, FIRST DISTRICT


July 28, 2022

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

**Re: Support of Funding for the Cleanup of the Former Exide Facility**

Dear Administrator Regan,

As Los Angeles County Supervisor for the First District, I write to express strong support for the California Environmental Protection Agency (CalEPA)'s July 1, 2022 request to the U.S Environmental Protection Agency (US EPA) to designate the former Exide facility in Vernon, CA and the affected properties and parkways surrounding the facility as a Superfund site within US EPA's National Priorities List (NPL).

Designating the Exide lead battery smelting and recycling facility (Facility) and the surrounding communities as a Superfund site would help protect residents and workers in the environmental justice communities surrounding the facility by bringing in federal resources and expertise to help address lead and other contaminants released by Exide.

The Facility has been shut down since 2015, but the lead, arsenic, and other contaminants it released into surrounding communities are still not cleaned up. The decades of air pollution from the Facility contaminated Vernon and the nearby communities of Bell, Boyle Heights, East Los Angeles, Commerce, Huntington Park, and Maywood. The soil beneath the Facility is contaminated with high levels of lead, arsenic, cadmium, and other toxic metals. Groundwater is also polluted from the Facility's operation. Contamination exists from the near-ground surface to the groundwater aquifer from various spills, releases, airborne deposition, and reworking of contaminated fill and soils that have occurred during the Facility's operations.

Exide went bankrupt in 2020 without investigating the full extent of its contamination and without cleaning up contamination the State of California identified as coming from the Facility's operations. Under President Trump, US EPA and the U. S. Department of Justice supported Exide's bankruptcy plan, which allowed Exide to abandon its cleanup responsibilities. In the face of these alarming circumstances, the County, the California Department of Toxic Substances Control (DTSC), and community residents strenuously objected to the bankruptcy that allowed Exide to abandon its Facility and cleanup responsibilities. Despite numerous letters

and public comments against the proposed settlement, the federal bankruptcy court allowed Exide to evade its obligations to clean up lead and other toxic contamination and released Exide and certain of its investors and creditors from financial liability for that contamination.

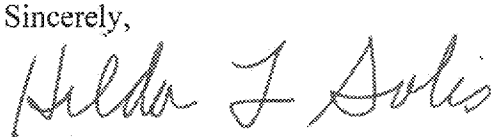
US EPA has been overseeing the partial demolition and cleanup of the Facility in consultation with DTSC and a trustee appointed by the bankruptcy court to administer the cleanup efforts at the Facility in place of Exide. The bankruptcy settlement failed to provide sufficient funds for the trustee to demolish all of the buildings on the Facility site or to address any potential soil or groundwater impacts of Exide's operations. Additional funding is necessary to complete the Industrial, Residential, and On-Site RCRA Facility Investigation to Remedy Implementation process and to remedy the threats to the public and environment from Exide's contamination through groundwater exposures, surface water exposures, and near-surface to deeper-soil exposures. It is imperative that the cleanup of the Facility include not just cleaning up and dismantling the buildings at the Facility, but also the contamination of the soil below the Facility, which would have to be cleaned up before using the property again.

US EPA's placing the Facility on the Superfund List will provide additional, crucial resources to complete this urgent cleanup. Because this portion of the cleanup is already under federal oversight and because the former Administration's US EPA approved the settlement that absolved Exide of its liabilities and left the Facility cleanup woefully under-funded, the federal government should provide funding and leadership on this critical environmental justice cleanup.

Providing funding for the Facility cleanup is consistent with the Biden Administration's emphasis on environmental justice, equity, and better serving under-represented communities. It is also an important infrastructure investment. I urge CalEPA, DTSC, and US EPA to work collaboratively to expedite the cleanup of Exide's poisonous legacy. Additional funding and agency collaboration and coordination are necessary to ensure that the cleanup, which started in 2018, continues without interruption and is completed as expeditiously as possible. Our communities have suffered for too long. We must move forward on this long-overdue effort to address the ongoing environmental injustice from Exide.

Thank you for your consideration of this truly transformative vision, that will not only revitalize, but also make thrive communities in need by providing unparalleled positive quality of life, health, and economic benefits for the impacted communities surrounding the Facility. The return on investment is significant, long lasting, and tangible for all parties involved.

Sincerely,



**HILDA L. SOLIS**
Supervisor, First District