Unable to fund Exide cleanup, state wants contaminated Vernon site added to federal Superfund list

'The Vernon battery recycling site was the worst environmental justice disaster of its kind in our state's history,' said one lawmaker

Former Exide battery recycling plant in Vernon at 2717 S. Indiana St. on Thursday, October 8, 2020. (Photo by Dean Musgrove, Los Angeles Daily News/SCNG)

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California is [HYPERLINK "https://dtsc.ca.gov/wp-content/uploads/sites/31/2022/07/CalEPA-letter-to-US-EPA-on-Listing-Exide-7.1.22-1.pdf"] the federal government to add the heavily polluted former site of Exide Technologies, abandoned through bankruptcy by its owners two years ago, to the National Priorities List to make it eligible for millions of dollars in additional clean-up funds.

The California Department of Toxic Substances Control estimates lead, arsenic and cadmium released by the Vernon-based battery recycler during its decades of operation contaminated parks, schools and nearly 10,000 homes in the largely working-class Latino neighborhoods of Boyle Heights, East Los Angeles, Maywood,

Huntington Park and Commerce. So far, the state has committed $700 million and cleaned up nearly 4,000 homes with another 2,000 properties expected to finish over the next two years.

Still, the remaining funds are not enough, state officials say.

“While Exide has walked away from its responsibility to clean up its decades of toxic pollution, California has stepped in to do right by this community and address the remnants of an industrial past that threatens the health of the most vulnerable among us,” Gov. Gavin Newsom state in a statement. “Today’s announcement will take our efforts to the next level, as we aggressively pursue federal funds made available by President Biden’s Bipartisan Infrastructure Law to further this critical work.”

The DTSC needs at least another $150 million to investigate the industrial properties near the Exide site to determine what, if any, additional remediation is necessary.

“To protect individuals, families and businesses in communities surrounding the former Exide facility, California has invested hundreds of millions of dollars, cleaned up thousands of the most contaminated properties, and taken ambitious steps to safely close the facility,” said Meredith Williams, DTSC’s director.

“We are excited about the potential to receive federal support and benefit from federal expertise to drive this cleanup toward completion and look forward to partnering with U.S. EPA as they review this request,” she said.

The process for becoming a Superfund site can take up two years. The request also could be denied if the site does not score enough on the national [HYPERLINK "https://www.epa.gov/superfund/hazard-ranking-system-hrs"], an analysis that sets a numerical value based on certain environmental risk factors.

State efforts continue

Williams and Jared Blumfeld, director of the California EPA, said the lengthy process to be added as a Superfund site will not slow the state’s ongoing efforts to clean up the property and the surrounding communities.

“We have been at the site and will continue to be at the site until cleanup is complete,” Williams said. “We are going to see this through.”

In a statement, Martha Guzman, the U.S. EPA’s Pacific Southwest regional director, said the EPA will now begin “a rulemaking process to propose this Superfund listing” in light of the state’s formal request.

Earlier this year, President Joe Biden’s infrastructure law provided $1.5 billion to revitalize brownfields across the U.S. Biden’s [HYPERLINK

"https://www.epa.gov/system/files/documents/2022-03/fy-2023-epa-bib.pdf"] includes $11.8 billion to fight climate change, including an additional $455 million for the Superfund remedial program, Guzman noted.
"We are fortunate to be receiving this request at a time when we have significant new resources from the Bipartisan Infrastructure Law to clean up more pollution in communities like the one suffering from lead pollution caused by Exide," she stated. "The EPA has been working diligently through our recent partnership with DTSC to decontaminate and take down all the smelter buildings at the Exide facility, and we look forward to continuing our work with the state of California to protect this community from lead pollution."

Plant closed in 2015

The Exide battery recycling plant operated for nearly a century until [HYPERLINK "https://www.dailynews.com/2015/03/12/exide-technologies-to-close-vernon-battery-recycling-plant-pay-50-million-for-cleanup/"]. At the time, the U.S. Attorney's Office agreed not to charge Exide criminally for the pollution and contamination in exchange for the company shutting down the Vernon plant and paying for the cleanup of the site. Though Exide [HYPERLINK "https://www.dailynews.com/2020/10/22/californias-last-ditch-effort-to-stop-abandonment-of-toxic-la-county-plant-fails/"] on the agreement, the Department of Justice supported Exide's bankruptcy and [HYPERLINK "https://www.dailynews.com/2020/10/09/exide-could-abandon-contaminated-vernon-site-under-proposed-doj-settlement/"]l in 2020.
A trust set up and[HYPERLINK "https://www.dailynews.com/2020/10/22/californias-last-ditch-effort-to-stop-abandonment-of-toxic-la-county-plant-fails/"] through the bankruptcy process decontaminated and demolished several of the buildings on the site earlier this year, but that work stopped at the ground level and did not address the contaminated soils. The rest of the costs effectively became the state's responsibility. Newsom, who toured the affected neighborhoods with local and state lawmakers, [HYPERLINK "https://www.dailynews.com/2021/05/17/governor-proposes-454-million-to-clean-up-exide-battery-recycling-plant/"] for the cleanup efforts in 2021.
"Designating Exide as a Superfund site will enable the EPA to oversee and potentially provide millions of federal dollars for the cleanup of the facility and surrounding communities," said Los Angeles County Supervisor Hilda Solis. "Under the Trump administration, the EPA and the U.S. Department of Justice negotiated a bankruptcy court settlement with Exide that falls hundreds of millions of dollars short of estimated cleanup costs — absolving Exide from all wrongdoing and leaving the State of California and its taxpayers to pay to clean up decades of lead and other toxic contamination deposited in Eastside and Southeast neighborhoods."

If Exide is added to the National Priorites List, it would "turn the corner on that mistake," she said.

There are currently 1,333 Superfund sites in the country, 96 of which are in California, according to the U.S. EPA's website. About a dozen of the sites are in Los Angeles County.

'Suffered too long'

"Providing funding for the Exide facility cleanup is consistent with President Biden's priority to achieve environmental justice and equity," Solis said. "Our communities have suffered for too long and it is imperative that we move quickly to expedite this long-overdue effort to address this public health crisis."

Solis and state lawmakers praised the California EPA and DTSC's decision to request Superfund status, but at the same time, they criticized the decades of inaction from prior administrations at the local, state and federal level that allowed Exide to get away with contaminating neighborhoods for so long.

"Our communities have been left behind for generations," said Assemblymember Miguel Santiago, D-Los Angeles. "Let's not make any mistake about it, there have been decades of failures that led us to where we are today."

Lead exposure

A study by USC found twice as much lead in the[HYPERLINK "https://www.dailynews.com/2019/05/06/lead-found-in-baby-teeth-of-children-who-lived-near-exide-battery-plant-in-vernon/"] of children near the facility as those in a similar study in Boston. Lead exposure can lead to developmental disabilities, cancer and other long-term health effects.
"The damage is so great, we need the federal government to join us," said state Sen. Maria Elena Durazo, D-Los Angeles. "Bottom line, the Vernon battery recycling site was the worst environmental justice disaster of its kind in our state's history. That needs to be said over and over again if we're going to avoid this happening again."

For too long, the neighborhoods in this area have been treated like a "wasteland," said Assemblymember Cristina Garcia, D-Bell Gardens. Cleaning up the damage from Exide to the surrounding communities — and repurposing the site for a beneficial use — is a step in the right direction.

"While there is no way to correct those injustices out there, this is a good beginning," Garcia said of the potential Superfund designation.