CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

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EDMUND G. BROWN JR.
GOVERNOR

August 14, 2014

Angelo Bellomo
Director of Environmental Health
County of Los Angeles
Department of Public Health
5050 Commerce Drive
Baldwin Park, California 9170

Dear Mr. Bellomo:

Thank you for your correspondence dated August 8, 2014, concerning the cleanup of lead contamination in soil related to the Exide Technologies facilities. It is my understanding that the Department of Toxic Substances Control (Department) has conveyed information regarding this remediation program to you in the past. I want to ensure, however, that you are provided with every opportunity to ask questions and understand the on-going testing and cleanup activities near the Exide facility, so copies of the previous correspondence on this matter are attached.

The most important point to make is that, consistent with the Department's primary mission of protecting public health, Exide has been directed to test for and clean up contamination off-site from the facility. There are legal and procedural requirements for this remedial work – for example, testing cannot occur on private property until the owner's consent has been obtained – but progress is being made. And, as I understand it, you have acknowledged in past discussions with the Department that the lead levels and other conditions in the area, while unacceptable and unjustifiable, would not warrant an emergency cleanup action. This is not to minimize the seriousness of this matter, and the Department and County must be prepared to continue to assess the situation as more information becomes known.

At the Department's direction, Exide has already conducted testing in two large areas near the facility, and is currently conducting more intensive testing in those areas and locations further away from the facility to determine the full extent of contamination. The assertion that testing is not occurring is incorrect and disregards information already provided to the public and specifically to Los Angeles County.

The Department has also directed Exide to clean up contaminated soil located off-site from the facility beginning with two properties that had the highest – though not emergency – levels of lead. Provision has been made to clean up the interior of the residences after the

contaminated soil has been removed. Further, the Department will use the results from the ongoing, more focused testing on the 37 remaining properties to direct Exide to clean up other areas that need to be remediated, consistent with the draft cleanup plan the Department sent you. As required by state law, this cleanup plan is subject to a public comment period before the Department can direct Exide to implement it.

In this and previous communications, you have referenced "commitments" made by past and present management at the Department. After having discussed this matter with the Department staff, you can be assured that the Department's commitment remains the same; to proceed with the cleanup of this area as expeditiously as it can, consistent with the law and its available resources. Anything the County can do to help complete this cleanup work more quickly is welcomed.

Finally, regarding your reference to "a serious criminal investigation," I appreciate your raising this issue but, as I am sure you know, in order to preserve the integrity of the investigation the Department cannot discuss such matters unless a formal action is taken. This is consistent with the practice of any enforcement agency.

While I understand that LA County and the Department regularly discuss these issues relating to the Exide site, and that the Department has involved your office in reviewing information provided to the public about this cleanup, you should not hesitate to let us know if you have any further questions. As I have mentioned in the past, Miriam Ingenito, the Acting Director for the Department, would be your best contact because she is most directly involved in this remediation activity. I look forward to your office and the Department working together to help achieve the important goal of protecting public health.

Sincerely,

Matthew Rodriquez
Secretary for Environmental Protection

Attachments

cc: Grant Cope
Deputy Secretary for Environmental Policy
California Environmental Protection Agency

Miriam Barcellona Ingenito
Acting Director
Department of Toxic Substances Control

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Miriam Barcellona Ingenito
Acting Director
1001 "I" Street
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Sacramento, California 95812-0806

Edmund G. Brown Jr.
Governor

June 19, 2014

VIA U.S. MAIL AND EMAIL

Mr. Angelo J. Bellomo
Director of Environmental Health
County of Los Angeles Department of Public Health
5050 Commerce Drive
Baldwin Park, California 91706

Dear ~~Mr. Bellomo~~: Angelo

Secretary Rodriquez asked me to respond to your letter of June 17, 2014. Let me start by saying that I agree close communication between your office and the Department is critical to an effective partnership that provides the people who live around the Exide facility with the protections they deserve.

Good communication between you and I, as well as our respective staff, is the most effective way to help meet our mutual goal. Our focus is to safeguard the community by ensuring that Exide properly and cleans up releases of hazardous contaminants from its facility.

To accomplish this mission, the Department is requiring that Exide evaluate the extent of the contamination, which will inform the development of a cleanup plan that will go through a public comment process. We know now that two homes require an expedited cleanup, and Exide has committed to removing the contamination at these two homes. Exide has also agreed to clean up the interiors of these homes using a HEPA vacuum.

The Department is committed to protecting the community and continuing to build an effective partnership with the County to help accomplish this important cleanup. We value your expertise and perspectives. In order to build an even stronger relationship, please contact me directly if concerns arise.

Sincerely,

Miriam Barcellona Ingenito

Miriam Barcellona Ingenito
Acting Director

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Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
Governor

July 25, 2014

Mr. Angelo Bellomo
Director of Environmental Health
County of Los Angeles
Department of Public Health
5050 Commerce Drive
Baldwin Park, California 91706

Dear Mr. Bellomo:

Thank you for your letter of July 17, 2014 to the Acting Director concerning the Department of Toxic Substances Control's (DTSC) actions to require Exide Technologies (Exide) to sample and clean up contamination off-site from Exide's battery recycling facility in Vernon, California. Because this letter raised technical issues related to clean-up activities, Acting Director Ingenito asked me to respond to you directly. DTSC values the insights of the Los Angeles County Department of Public Health on the necessary steps to achieve the essential goal of protecting people who live in areas impacted by contamination from Exide's facility.

First, I want to describe the off-site investigative and cleanup actions that DTSC is requiring Exide to undertake. While we have discussed these activities in the past, and will continue to do so in the future, this letter will help clarify their order. DTSC is currently requiring Exide to conduct work using the following documents:

Technical Work Plan for Off-Site Properties

DTSC approved this Technical Work Plan that requires Exide to complete soil removal and yard restoration work at two residential properties where follow-up discrete soil sampling showed unacceptable – but not emergency – levels of lead in soils. In discussions with DTSC, the County Health Department agreed that these levels do not represent an emergency. This "focused" soil removal work was for the purpose of addressing the two homes exhibiting the highest lead concentrations, and was never intended to be construed as the final cleanup required for the Northern and Southern Assessment Areas (Assessment Areas).

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Off-Site Soil Sampling Work Plan

DTSC conditionally approved an Off-Site Soil Sampling Work Plan (Work Plan) that requires Exide to: 1) perform discrete soil sampling for lead in the soils of the remaining 37 homes (not including the two mentioned above) located in the Assessment Areas; 2) sample soils in certain parks and schools within the Assessment Areas; and, 3) collected discrete soil sampling at any other residence in the Assessment Areas where an owner requests such sampling. In addition, the Work Plan required Exide to collect composite soils samples at residences throughout an area that surrounds the Assessment Areas. All of this is to help determine the scope of Exide's off-site contamination.

Interim Measures Work Plan for Off-Site Properties

DTSC recently commented on an "Interim Measures Work Plan for Off-Site Properties" which directed Exide to provide the protocol for implementing interim measures cleanup work for homes in the Assessment Areas where lead concentrations exceed 80 parts-per-million. DTSC found Exide's March 21, 2014 "draft" version of the interim measure work plan deficient and requested Exide revise it in accordance with our comments and recommendation by the end of July 2014. Our comments included the residential soil clean-up decision making protocol developed for this interim work by DTSC with input from the County Health Department.

Exide will first undertake interim clean-up activities at the two properties where sampling showed unacceptable – but again, not emergency – levels of lead in soils. After Exide completes the Off-Site Soil Sampling Work Plan activities, Exide will conduct clean-up activities as required by the Interim Measures Work Plan.

DTSC will continue to send the County Health Department the approved work plans, solicit your input on draft community outreach material, and the County Health Department can always access and review the approved work plans and other material on-line at the following website:

http://www.dtsc.ca.gov/HazardousWaste/Projects/UpdateExideSuspension.cfm

I would also like to clarify an apparent misunderstanding in your letter regarding the commitment that DTSC made concerning the range of interim measures. DTSC is requiring Exide to use extensive measures to monitor for and eliminate soil movement away from a residence during a cleanup, including dust suppression activities, monitoring equipment, cleaning equipment prior to any off-site movement and safe transportation protocols to transport soil. Moreover, DTSC will require Exide to stop all work at the homes if monitoring shows dangerous levels of lead. As DTSC has communicated to the County Health Department in the past, because of these safeguards, adjoining residences do not need to be relocated.

We both share the desire to safeguard the health and wellbeing of people who live near Exide's facility. Additionally, as the state department charged with ensuring that Exide cleans up its contamination, and as a local environmental health agency, our departments share the responsibility and desire to accurately and fully inform the public about clean-up activities and to support each other's efforts whenever possible.

I look forward to your ongoing interest in these important clean-up activities. While our staff will continue to work together and communicate on these matters, please do not hesitate to contact me in the future if any questions arise.

Sincerely,

Rizgar Ghazi
Chief, Office of Permitting

cc: Mr. Matthew Rodriquez
Secretary for Environmental Protection
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, California 95814

Ms. Miriam Barcellona Ingenito
Acting Director
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