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SOUTH COAST AQMD
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BEFORE THE HEARING BOARD OF THE

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, Petitioner, vs. EXIDE TECHNOLOGIES INC., [Facility ID No. 124838] Respondent.	**CASE NO. 3151-32** **PETITION FOR ORDER FOR ABATEMENT** District Rule 1420.1(d)(2) Hearing Date: Time: 9:00 a.m. Place: 21865 Copley Drive Diamond Bar, CA 91765

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (hereinafter referred to as "District"), petitions the District Hearing Board for an Order for Abatement directed to Respondent, EXIDE TECHNOLOGIES, INC. (hereinafter referred to as "Exide" or "Respondent"), with regard to its operation of a large lead acid battery recycling facility.

The District alleges as follows:

1. Petitioner is a body corporate and politic established and existing pursuant to Health and Safety Code §40000, *et seq.* and §40400, *et seq.*, and is the sole and exclusive local agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

2. Exide is a Delaware corporation subject to the jurisdiction of the District. Respondent owns and operates a secondary lead smelting facility [Facility ID No. 124838] located at 2700 South Indiana Street, Vernon, CA 90023 ("the Facility").

3. Respondent recycles lead and the plastic portions of spent batteries, primarily from automobiles. The Facility recycles approximately 25,000 lead batteries per day.

4. District Rule 1420.1(d)(2) requires, in relevant part, that no person who owns/operates a lead-processing facility shall discharge into the atmosphere emissions which contribute to ambient concentrations of lead that exceed 0.150 micrograms per cubic meter ("$\mu g/m^3$") averaged over 30 days. The ambient air concentrations of lead are determined by ambient monitors required to be maintained and operated by the facility or at any District-installed monitor.

5. On or about March 14, 2014, Exide began shutting down its smelting operations for purposes of conducting various construction and maintenance activities.

6. The District is informed and believes and upon that basis alleges that beginning on March 22, 2014, Exide's maintenance and construction activities resulted in Exide violating District Rule 1420.1(d)(2) by discharging into the atmosphere emissions which contribute to ambient concentrations of lead that exceed 0.150 $\mu g/m^3$ averaged over 30 days. This violation was determined through data collected from Exide's Northeast ambient monitor.

7. The District is informed and believes that construction, renovation and maintenance activities will continue at Respondent's facility through the end of the year.

8. The District is informed and believes that in the event that Respondent resumes maintenance and construction activities, it is likely that Respondent will continue to violate the ambient lead standard in Rule 1420.1(d)(2).. The District is informed and believes and on that basis alleges that if Exide resumes lead-smelting operations at its facility, it is even more likely that they will continue to violate the ambient lead standard.

9. The District by this petition, seeks an Order for Abatement to require Respondent to cease violating District Rule 1420.1.

10. It is not unreasonable to require Respondent to comply with the District Rules and regulations.

11. The issuance of an Order for Abatement upon a fully noticed hearing would not constitute a taking of property without due process of law.

12. This Order for Abatement is not intended to be nor does it act as a variance.

13. If the prayed for Order for Abatement results in the closing or elimination of an otherwise lawful business, such closing or elimination would not be without a corresponding benefit in reducing air contaminants.

WHEREFORE, the District prays for the following:

The Hearing Board is requested to issue an Order for Abatement requiring Respondent to cease and desist discharging into the atmosphere emissions which contribute to ambient concentrations of lead that exceed 0.150 $\mu g/m^3$ averaged over 30 days, or in the alternative, to comply with other such conditions and increments of progress which the Board deems appropriate.

DATED: April 11, 2014

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

By: Nancy S. Feldman
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Principal Deputy District Counsel
Attorney for Petitioner