UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105-3901

JUN 6 2016

OFFICE OF THE
REGIONAL ADMINISTRATOR

Alexis K. Segal
Legislative Assistant
Office of Senator Dianne Feinstein
Hart Senate Office Building, SH-331
Washington, DC 20510-0504

Re. Exide Recycling Facility, Vernon, California

Dear Alexis:

Thank you for your recent inquiry regarding the U.S. Environmental Protection Agency, Region 9's involvement to date in cleanup efforts related to Exide's lead-acid battery recycling facility in Vernon, California. Our Region has been engaged in the facility's contamination issues on multiple fronts. A summary of our more recent efforts follows.

1. Enforcement

EPA conducted criminal and civil investigations in response to compliance concerns raised about the Vernon facility. The criminal investigation led to the March 2015 Non-Prosecution Agreement between the U.S. Attorney's Office and Exide Technologies. Among its conditions are: the immediate and permanent closure of the Vernon facility; accelerated set-asides of approximately $50 million for closure and cleanup work under California Department of Toxic Substances Control (DTSC) orders; and a payment to LA County to carry out periodic blood lead testing of surrounding residents for five years. The civil investigation led to the issuance in May 2014 of a Notice of Violation for excessive lead emissions.

2. Facility Closure & Cleanup

DTSC is the delegated lead for the Resource Conservation and Recovery Act (RCRA) program in California. Under RCRA and state laws, upon ceasing operations, Exide must safely dismantle and clean up the 15-acre Vernon facility in accordance with a DTSC-approved closure and post-closure plan to protect public health and the environment.

The sizable facility is aged and complex, and the deconstruction, decontamination, monitoring, and maintenance work will take years. In addition to on-going consultation with DTSC on technical issues, we provided input in March 2016 on the draft closure plan to strengthen its substantive requirements, enforceability and transparency. We will continue to oversee Exide's long-term RCRA compliance as an integral part of our expanded oversight of DTSC and overall engagement regarding Exide.

3. Residential Lead Cleanup

DTSC has also been leading the program to clean up residential properties contaminated by the Vernon facility. The program is notable for its stringent cleanup level. DTSC has committed to using the California Office of Health Hazard Assessment's screening number and cleaning up contaminated soil to 80 mg/kg of lead. This is significantly lower than EPA's current soil cleanup level, which is generally around 400 mg/kg.

The program is also notable for its enormous scale. In addition to 186 remediated properties, DTSC plans to complete soil sampling of about 10,000 residential properties within a 1.7-mile radius of the Vernon facility and clean up about 2,500 of those with the highest lead levels and greatest potential exposure. Our experience at similar sites nationwide has shown that addressing lead in residential soils takes much time and resources. With Governor Brown's April 20, 2016 signing of two bills into law to provide an additional $176.6 million to expedite DTSC's testing work, the State has signaled a willingness to make substantial financial commitments.

We have focused our recent efforts on augmenting the cleanup program and strengthening DTSC's capacity through direct technical support, including:

- *Peer exchange*: We have facilitated a peer exchange of cleanup approaches taken at Region 7's Asarco Lead Smelter Site in Omaha, Nebraska, and will continue as needed.
- *Expert review of sampling and cleanup plans*: We have provided technical input from our toxicologist with extensive experience with soil lead contamination on DTSC residential sampling plan. We will review the draft cleanup plan when DTSC readies it for public comments and CEQA review. In addition, we are consulting with the Agency for Toxic Substances and Disease Registry on issues of blood lead levels.
- *Operational support*: We have been sharing our experience with and advising the State on establishing a unified command center to enhance efficiency in coordination and decision-making.
- *Data management support*: We have been advising DTSC's information technology and contracting managers on data management of the residential sampling work. We have also been sharing our experience and tools for managing complex remediation.
- *Job training referral*: Our brownfields program has provided job training organization referrals to DTSC in support of its plans to train local workers for cleanup activities.
- *Lead-effects workgroup*: Our toxics program manager will be part of a DTSC-led working group on the effects of lead, in particular, lead-based paint.
- *Best lead management practices for residents*: We will continue to share with state and local authorities practical residential management practices to minimize lead exposure.

4. Community Outreach

Ongoing community involvement is crucial to the Exide work. We have been participating in monthly meetings of the Exide Community Advisory Group, created by DTSC and the South Coast Air Quality Management District, to hear concerns directly from community members.

5. Interagency Coordination

With various federal, state and local agencies involved in different aspects of the extensive facility closure and residential cleanup programs, we will initiate a convening of principals later this month to help coordinate expertise and define a clear path forward under a unified operational framework.

Please let us know if you would like to have further information.

Sincerely,

for Alexis Strauss
Acting Regional Administrator