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March 26, 2016

Mr. Wayne Lorentzen
DTSC Permitting Division
8800 Cal Center Drive
Sacramento, CA 95826

Dear Mr. Lorentzen:

COMMENTS ON THE CLOSURE PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE EXIDE TECHNOLOGIES LEAD RECYCLING PLANT IN VERNON, CALIFORNIA

On February 12, 2016, a motion (Huizar – Harris-Dawson) was introduced directing the City of Los Angeles Bureau of Sanitation (LASAN) to prepare and submit, with support from the City Attorney and other departments as needed, comments on the Environmental Impact Report for the Department of Toxic Substances Control's (DTSC) site closure plan prior to the March 28, 2016 deadline.

Exide Technologies has operated this battery recycling facility since 2001, processing up to 11 million automotive batteries a year. The facility has been subject to a number of regulatory actions and has been issued a corrective actions consent order. A corrective action is issued whenever DTSC determines that there is or has been a release of hazardous waste or constituents to the environment from a hazardous waste facility. These releases over the years have resulted in a human health and environmental risk of an urgent nature.

The City supports efforts to reduce the ongoing harm and restore the environmental conditions of the impacted communities as expeditiously and effectively as possible. The City is particularly concerned with the impacts on neighboring communities, including the Los Angeles neighborhood of Boyle Heights. Addressing, mitigating and eliminating the public health and environmental impacts associated with the Exide facility's operations and closure is paramount to the City, and we will continue to work closely with state and county agencies on mitigation activities. In support of these efforts, the City held a Health Expo last month to distribute information about the Exide facility and associated health impacts, advocate for personal health testing and encourage impacted residents to allow access to their properties to determine the extent of the contamination. The City is

also assisting in the evaluation and management of the Exide Technologies cleanup in nearby residential and public properties and working with DTSC to expedite the remediation activities within City boundaries.

Moving forward, the City requests continued communication between DTSC and the City on the project status of the Closure plan, Corrective Actions, and community remediation activities. We would like to have the Advisory Group membership, agendas, and meeting notes published, and encourage the development of project status update sheets for dissemination to the community. We are committed to working with DTSC on distributing information to our residents.

As recognized by DTSC, a positive opportunity exists to provide occupational skills, job training, and work experience for community residents, as well as promoting the use of local businesses and labor for contracting purposes The City stands ready to partner with DTSC in providing these opportunities.

We have reviewed the revised Comprehensive RCRA Facility Investigation Work Plan 2013, the Initial Assessment Areas and the Expanded Assessment Areas, the Closure Plan and the DEIR. We urge you to consider the following comments.

1. Worker Health and Safety

We recommend the following considerations for the worker health and safety program related to the frequency of the updates to site's safety and health plan, engineering controls, work practices, personal protective equipment (PPE), site monitoring practices, and emergency response programs.

Site safety and health programs prevent and reduce injury and illness when planned effectively, implemented fully, and carefully managed. Due to the lengthy Phase 1 timeline, keeping the plan current, correcting deficiencies, and thoughtful implementation is critical in maintaining the protections for hazardous waste site workers. Additionally because of the project's phased in approach, it is important to update these plans frequently to adapt to the changing physical and environmental conditions and regulations.

We urge the DTSC to take these steps to optimize the functioning of a site safety and health program by: (a) appointing well-qualified safety and health personnel who have the authority to make site safety and health decisions; (b) tailoring and updating the site safety and health plan to reflect on-site conditions and work practices throughout the life of a project; (c) quantifying worker exposure levels using appropriate sampling methods; (d) selecting PPE based on accurate, site-specific job hazard analyses; (e) evaluating safety and health procedures on an ongoing basis and documenting deficiencies and corrective actions; (f) planning and practicing emergency response procedures thoroughly, to ensure that on-site personnel and local responders know how to respond to emergencies; and (g) appointing a third party to oversee this safety program.

2. The Safe Transport Of Hazardous Materials And Contaminated Soil Through Residential Communities

Based on Exide Technologies' previous record of failing to implement required environmental protections (as identified in DEIR), operations resulted in numerous transportation-related

violations including improperly labeling hazardous-waste containers and illegally transporting hazardous waste, both in violation of the federal Hazardous Materials Transportation Act and RCRA. The City wants to ensure that past practices will not extend to site closure and cleanup activities.

For example, the transport of contaminated soil, concrete, building materials, and hazardous spent acid and lead has the potential to expose the public and environment to hazardous materials if improperly managed.

We recommend the following additional conditions: a) require specific Exide Closure Project signage on all trucks/trailers and the equipment involved in the closure and remediation and community remediation activities, b) inspect all trailers for leaks and covers and maintain appropriate recordkeeping, c) monitor all contaminated loads in and out of the facility by global positioning satellite, and d) develop a routing plan that minimizes potential exposure to residences and public facilities, including schools and parks, and e) provide for enforcement of these measures with penalties for contractors who deviate from this plan.

3. The Safe Handling And Removal Of Hazardous Materials Onsite

The Closure Plan includes detailed procedures for loading hazardous materials and waste. The empty roll-off containers and trailers, as well as the loaded roll-off containers and trailers will be staged on-site while awaiting transport. All hazardous material loading areas will be located within enclosures under negative pressure. Prior to exiting its loading area, each truck, trailer, and shipping container will be covered and placarded. The truck and trailer exterior and tires will be pressure washed to remove visible material prior to leaving the facility. The trucks would be sealed to prevent any release of material and washed in the existing west yard truck wash. The decontamination water will be collected in the sump of the truck wash and treated at the site's wastewater treatment plant prior to discharge to the municipal sewer system. It is critical that compliance with this process is properly documented and records are maintained for public review, if necessary.

The City requests that the DTSC explain to all interested parties the details of the Accidental Releases Crisis Management and Contingency Plan including the roster of people who will be responsible for activating this plan and the people who will be notified as the result of the plan activation including responding agencies and the City and County officials.

Hazardous materials are present at the facility so workers and the public are at risk of exposure. As outlined in the Closure Plan and discussed in the DEIR, the Exide Project includes safety, materials management, and mitigation plans to prevent releases, as well as worker training, active dust controls, and an air monitoring program to ensure construction/deconstruction is managed in a way that controls the risk of release of hazardous materials into the environment.

The DTSC is requiring Exide to replace the current topographic map in conjunction with the 2006 topographic survey with a new survey to show all of the recent enhancements, well installations, upgrades, and modifications performed at the facility since 2006. The City requests that a thorough investigation be conducted to confirm that there are no underground storage facilities on the Exide plant. The concern is that organic compounds, e.g., solvents, may have been stored in significant

quantities and that VOCs, chlorinated solvents, and vinyl chloride may have leached into the ground and then migrated offsite.

The Exide application to modify the Closure Plan includes creation of a new on-site landfill unit, as part of closure in accordance with 22 CCR 66270.42(c). The City has major concerns regarding this potential on-site landfill because of the risk of leakage to groundwater and the proximity to the Los Angeles River. The potential landfill would contain highly contaminated material and would need to be lined and structurally sound to prevent leakage of contaminants into the environment well after the closure has been completed. This then will impact future development plans for this site. Instead the City recommends that the soil be removed and treated.

The documentation is not clear about the role of Exide management and staff and third party participants in the Closure and cleanup activities. The City requests specifically who will complete the activities related to Phase 1, 2, & 3, e.g., the safety of the workers remediating the site, proper implementation of the transport of hazardous materials and contaminated soils through residential communities, safe handling and removal of residual lead, and protection of the surrounding community from any airborne contamination as a result of closure activities.

4. Protection Of The Surrounding Community From Any Airborne Contamination Related To Operations And Closure Activities

Toxic Air Contaminants (TAC) from Closure activities associated with Phase 1 of the proposed Project, will be generated from four sources: 1) diesel exhaust emissions from off-road equipment; 2) diesel exhaust emissions from on-road trucks; 3) TAC emissions from combustion of natural gas in the re-melting of lead in kettles; and 4) TAC-containing fugitive dust including asbestos from decontamination and deconstruction activities of the process units.

The City recommends that where applicable electric-powered equipment shall be used. All non-road diesel engines shall be equipped with particulate filters and meet the highest Tier 4+ emission standards. These include excavators and other construction equipment, heavy forklifts, and utility equipment such as generators, pumps, and compressors.

After reviewing the options of removing the solidified lead from the kettles, the City believes there should be no re-melting of hardened lead in the kettles. This will prevent further spreading of lead into the environment and local communities. Any thermal treatment to remove lead from these kettles must be equipped with the best available control technology to mitigate air emissions and be approved by the South Coast Air Quality Management District.

The City recommends that if ambient monitoring indicates that lead or arsenic ambient concentrations are detected and exceed requirements, closure activities that contributed to the exceedances shall be suspended. Then each contingency measure applicable and approved by the SCAQMD will be implemented to mitigate impacts. If the exceedance is due to an activity not addressed by the contingency measures, then closure activities shall be suspended until a revised Compliance Plan for Closure is prepared, submitted, and approved by the SCAQMD in consultation with DTSC.

The City concurs with the planned approach to stop work if on-site personnel using specific tracking devices observe increasing dust levels. Planned dust suppression activities including, a) continuous water spraying during concrete wall deconstruction and b) water or a stabilizing agent shall be applied in sufficient quantities to prevent the generation of visible dust when the work area is not immediately covered by concrete, asphalt, paving material, or similar material and c) confirmatory wipe samples will be taken to ensure the surface of materials left in place or to be recycled do not have residual levels of metals above either the method detection limit or DTSC-approved levels.

5. Requests for Further Coordination

In response to DTSC's request for comments on remediation activities not directly related to the Closure Plan, the City would like to engage with DTSC and other agencies on the following items:

1) LA Sanitation will coordinate with DTSC on determining the extent of the contamination on the surrounding neighborhoods. Specifically, the City will help process soil samples to help identify patterns of diminishing concentrations of contamination to delineate the extent of aerial deposition on the ground.
2) LA Sanitation will also coordinate with DTSC and other agencies to determine the extent of stormwater contamination resulting from aerial deposition from the Exide facility. This is important for public health and for compliance with the Los Angeles River Metals Total Maximum Daily Load (TMDL).
3) Although the documentation clearly indicates that the Exide Technologies facility and operations have contributed a significant level of contamination to the local environment, we believe that there may be other potential sources of heavy metals and pollutant contamination. The impacted neighborhoods include some of the most industrial areas within the region, and the City is committed to working with State regulatory agencies, including the DTSC and the South Coast Air Quality Management District, to identify and address additional industrial facilities operating in violation of environmental and/or public health standards.
4) LA Sanitation will work with DTSC to address the discrepancy between the regulated level of hazardous waste for lead, and the trigger for remediating residential properties to ensure consistency and protection of public health and safety.

The City is a committed partner to ending the ongoing health and environmental impacts to our communities related to the Exide Technologies facility. The City's Health Expo this month, for example, was successful at educating local residents and acquiring over 250 access agreements to initiate additional sampling of residential properties. We appreciate DTSC's partnership on the event and on the new Drop-In Center located in Boyle Heights to distribute information about public health impacts, blood lead level testing and remediation efforts. We look forward to continuing this collaboration to protect public health and the environment.

Sincerely,

ENRIQUE C. ZALDIVAR, Director
LA Sanitation

MD, JM/ECZ:jm
Attachment(s) or Enclosure(s)

c: Eric Garcetti, Mayor City of Los Angeles
Jose Huizar, Councilmember City of Los Angeles
W. Michael McCormick, Mayor of Vernon
Matt Rodriguez, Cal EPA Secretary
Barbara Lee, DTSC Director
LASAN Executive Office
Mas Dojiri, LASAN