

March 12, 2015

2013-2993-15

Mr. Rizgar Ghazi
California Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

RE: Response to DTSC February 27, 2015 Letter – Disposal Fee
Shipment Plan for Reverb Furnace Feed Room
Exide Technologies, Vernon, California

Dear Mr. Ghazi:

On February 27, 2015, DTSC granted Exide an extension of time as to the one-year storage limit for hazardous waste as part of its approval of the Shipment Plan for the Reverb Furnace Feed Room.¹ This letter relates to Condition 3 of DTSC's letter.

Condition 3 requires that Exide pay an "activity fee for land disposal" for waste remaining in the Containment Building in April 2015. Exide believes the fee is not required for the following reasons:

- Exide's Interim Status Document (ISD) states that Exide is to pay a fee for waste material stored longer than one year [ISD, Sec. II.1.B]. However, the fee requirement is limited by the ISD provision stating that the fee shall be paid "as if the waste had been disposed of on land." Exide's storage of waste is not akin to "disposal on land" as contemplated by the ISD or the regulations.
- Under the regulations, a "disposal" means either (i) actions such as discharging, spilling or releasing waste to land or groundwater or (ii) "the abandonment of any waste." [22 CCR 66260.10]. Exide is shipping waste out – it is not discharging or releasing waste, nor is Exide abandoning the waste. Instead, as approved by DTSC, rather than storing the material as feed for Vernon, Exide will be shipping the waste to Muncie, Indiana, where it will be used as feed material. Thus, Exide does not believe the fee applies in this circumstance.

¹ On March 10, Exide requested an extension of time until June 1, with an explanation of shipping logistics. We look forward to DTSC's response.



Mr. Rizgar Ghazi
2013-2993-15
March 12, 2015
Page 2 of 2

Based on the foregoing, Exide does not believe the fee applies. However, if DTSC interprets the ISD differently, then Exide respectfully requests that DTSC waive the fee provision in the ISD given the extraordinary circumstances presented here, which require Exide not to store materials for Vernon use, but rather to move a substantial amount of material in a relatively short time frame for the purpose of maintaining the feed as a useful product outside of Vernon.

If you have any questions, please contact Jen DiJoseph at (610) 840-9189 or Paul Stratman at (610) 840-9122.

Sincerely,

ADVANCED GEOSERVICES

Jennifer W. DiJoseph
Associate Project Consultant

Paul G. Stratman, P.E.
Consultant

JWD:PGS:vm

cc: J. Hogarth
D. McKercher
D. Henke
R. Lewis
P. Stratman
J. DiJoseph
O. Theard
R. Visser
T. Strang