



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
Department of Toxic Substances Control

News Release

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Miriam Barcellona Ingenito, Acting Director

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Contact: Sanford (Sandy) Nax

Sandy.Nax@dtsc.ca.gov

(916) 327-6114

DTSC Announces Enforcement Order

SACRAMENTO - The state Department of Toxic Substances Control (DTSC) today announced an enforcement order against Exide Technologies requiring Exide to set aside sufficient funds to close its Vernon facility, when that occurs, and ordering Exide to take measures immediately to address contamination in the surrounding community.

The order requires Exide to set aside \$38.6 million to cover expected closure costs, an increase of more than \$27.5 million over the previous amount. Exide must also undertake cleanup of nearby residential areas impacted by lead contamination and establish a trust fund of \$9 million for that cleanup. In addition, Exide must pay \$526,000 in penalties for recent hazardous waste violations and take immediate steps to correct those violations, and reimburse \$760,000 of DTSC's costs related to its oversight of the facility.

"This order is a critical and necessary step that outlines the legal obligations that compel Exide to protect the health of people in the community, and provide the funds to do this important work," said DTSC's Acting Director Miriam Ingenito.

Exide has been under Chapter 11 bankruptcy protection since June 2013.

Exide must obtain permission of the bankruptcy court in order to comply with the order, and today Exide filed for that authorization.

The order does not affect DTSC's upcoming decision on Exide's hazardous waste facility permit application. Exide is currently operating the facility under an interim authorization from DTSC, and has applied to DTSC for a full hazardous waste facility permit. DTSC will make a decision on that permit application by December 31, 2015, as required by Senate Bill 712 (Lara).

The order outlines steps that Exide must take to protect public health and comply with California's comprehensive hazardous waste laws. Specifically, the order requires:

- **Cleanup of residential properties:** Two areas – one in Boyle Heights, the other in Maywood – were identified as having the highest likelihood of being impacted by airborne emissions coming from the Exide facility. The order requires Exide to set aside \$9 million to clean up contaminated properties in these areas.

Soil testing for lead in these two areas has already begun, and sampling on 104 homes has been completed. Cleanup work in contaminated residential yards in these areas will be conducted under a work plan recently circulated for public comment and posted on [DTSC's web site](#). Initial meetings between homeowners with contaminated yards and DTSC staff will begin the week of November 10.

- **Facility cleanup in the event of closure:** Exide must set aside \$38.6 million to safely close the Vernon facility whenever that occurs. Currently \$11.1 million is set aside for this purpose; the order requires an additional \$27.5 million be placed into a secure trust fund.
- **Correction of violations:** Exide must immediately fix and strengthen safety systems at the facility and pay \$526,000 for past hazardous waste violations. Violations included the absence of a leak detection system in a containment building and failures to manage hazardous waste as required under California law.

Exide's lead-smelting operations are currently shut down while the company complies with orders from the South Coast Air Quality Management District. Under today's order, Exide cannot resume those operations until it also corrects the violations identified by DTSC.

- **Additional Investigation and Cleanup:** Exide must investigate whether additional contamination exists at the Vernon facility and in the surrounding area, and clean up the contamination that is found. Exide must also establish financial guarantees (called "assurances") for the necessary cleanup work.

The Stipulation and Order and other documentation can be found on [DTSC's website](#).



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FOR GENERAL INQUIRIES: Contact the Department of Toxic Substances Control by phone at (800) 728-6942 or visit www.dtsc.ca.gov. To report illegal handling, discharge, or disposal of hazardous waste, call the Waste Alert Hotline at (800) 698-6942.

The Mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated properties, identifying and promoting safer ingredients in consumer products, and ensuring stewardship through enforcement, regulation and pollution prevention.