Exide Facility Closure and Residential Cleanup

Su Patel

Exide Closure and Cleanup Project Manager
Brownfields and Environmental Restoration Program
Overview

1. Exide Facility Closure Update
2. Residential Cleanup Update
3. Community Engagement Update
4. Permitting Process Improvements
5. Enforcement Process Improvements
6. California Public Records Act Requests
### Exide Timeline – Background for Updates

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Exide Facility Closure

Matt Wetter, P.E., QEP

Senior Hazardous Substances Engineer
Brownfields and Environmental Restoration Program
Previous Actions

• December 8, 2015 – Draft Closure Plan and Draft Environmental Impact Report (EIR) released for comment
  • Public Notice to
    – Over 18,000 addresses
    – E-mail Listserv
  • One public hearing, one scoping meeting, and several supporting meetings
  • Over 900 public comments received from agencies, organizations and individuals

• December 8, 2016 – Final Closure Plan and Final EIR
Previous Actions (continued)

• January 10, 2017 – Exide submitted a Closure Implementation Plan (CIP). DTSC reviewed the CIP in coordination with:
  • South Coast Air Quality Management District (SCAQMD)
  • California Division of Occupational Safety and Health (Cal/OSHA)
• October 2017 – CIP finalized and approved
Implementation Work Flow – Phase I

- Preconstruction activities – Mobilize equipment, Site prep, etc.
- Remove hazardous building materials – asbestos, fluorescent tubes, mercury switches, etc.
- Decontaminate and remove the regulated units and appurtenances
- Deconstruct buildings
  - Remove and deconstruct kettles
- Conduct soil sampling
  - Develop plan for Phase 2 – address soils and foundations to dovetail with on-site corrective action
Key Elements

- Enhanced protections for workers
- Deconstruction activities occur within negative air pressure environment
- Continuous air monitoring
- Prescribed truck routes
- Trucks marked with visible yellow flag
- Required truck wash, cover and inspection
- Vehicle Emission Controls: USEPA Tier 4 diesel engines; idling restrictions; low sulfur diesel fuel
- Third-Party QA Contractor to document compliance
From Closure to Cleanup

• Facility Closure
  May 2014 – Exide ceases operations
  February 2015 – DTSC notifies Exide of intent to deny permit application

• Residential Cleanup
  August 2015 – $7M authorized for additional sampling and cleanup
  February 2016 – Gov. Brown announces $176.6M to expedite sampling and cleanup

• Community Engagement
  May 2015 – DTSC and SCAQMD establish Exide Technologies Advisory Group
  March 2016 – Environmental Impact Report for Residential Cleanup public process begins
Exide Residential Cleanup

Hortensia Muniz, P.E.

Supervising Hazardous Substances Engineer
Brownfields and Environmental Restoration Program
Overarching Goal

Protect human health and the environment by cleaning up sensitive land use properties within the Preliminary Investigation Area with the highest lead concentrations in the soil and the greatest potential for exposure.
Project Area

• 1.7-mile area surrounding Exide
• Seven (7) sections of cities in:
  o Vernon
  o Bell
  o Huntington Park
  o Commerce
  o Maywood
  o Boyle Heights neighborhood
  o Unincorporated East Los Angeles
Status: Properties Sampled

As of November 2017:

• 8,345 properties with unique Assessor Parcel Numbers (APNs) sampled

• Second certified letter to be sent to ~200 Property Owners and Tenants to obtain access agreements and to sample those properties by December 31, 2017
As of November 2017:

• 262 properties cleaned up
  • 186 properties cleaned up by Exide in the Initial Assessment Area
  • 76 properties cleaned up by DTSC’s contractors (some as Time Critical Removal Actions)
DRAFT Cleanup Plan & DRAFT Environmental Impact Report (EIR)

December 15, 2016 – February 15, 2017
• 60-day public comment period
• 3 Public Hearings
  – Boyle Heights
  – Unincorporated East Los Angeles
  – Maywood
• 244 commenters provided ~900 comments

February 16, 2017 – July 16, 2017
• DTSC reviewed, considered, and responded to all of the comments received
FINAL Cleanup Plan and EIR

July 2017

• Public Noticed Final Cleanup Plan and Final EIR

• Public Notice mailed to over 18,000 addresses

• Presented at
  – 3 Public Meetings
  – 5 city council meetings
Prioritization Under the Cleanup Plan

**Residential**
Property > 400 ppm OR any sample > 1,000 ppm

**Schools**
Property > 80 ppm

**Parks**
Property > 80 ppm and individual assessment

**Day Care Centers & Child Care Facilities**
Property > 80 ppm

Approximately 2,500 Cleanups
Notifying Properties for Cleanup

September 22, 2017

- Notification letters sent to property owners of properties sampled before June 30, 2017
- Properties prioritized for cleanup include:
  - 2,064 Residential Properties
  - 4 Schools
  - 4 Parks
  - 39 Day Care Centers and Child Care Facilities
Cleanup Project Invitation for Bid

- **August 10, 2017**  Request for Bids Published
- **August 23, 2017**  Project Labor Agreement Finalized
- **August 24, 2017**  Bidders Conference, Vernon California
- **September 19, 2017**  Bid Opening
- **September 29, 2017**  Intent to Award Published
- **Sept and Oct 2017**  Protests Filed*
- **October 24, 2017**  Responses due to DGS
- **October 31, 2017**  Rebuttals from Protestors due to DGS
- **November 2017**  30-day DGS Hearing Officer Review

*Note: Protests are routine for large contracts.*
Project Labor Agreement (PLA)

• The first state-negotiated PLA
  – DTSC, Los Angeles and Orange County Building
  and Construction Trades Council negotiated the
  PLA

• PLA governs labor on the Exide Residential
  Cleanup Project
  – promotes clear communication and prevents
  work disruptions,

• Provides community economic benefits

• Strong targeted hire program

<table>
<thead>
<tr>
<th>Hiring Category (categories will overlap)</th>
<th>Target (% of project hrs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Environmental Workers (Laborer, WERC graduate,</td>
<td>50%</td>
</tr>
<tr>
<td>Community Resident)</td>
<td></td>
</tr>
<tr>
<td>Community Residents (zip codes in 1.7-mile radius)</td>
<td>20%</td>
</tr>
<tr>
<td>Transitional Workers (experience significant barriers to</td>
<td>25%</td>
</tr>
<tr>
<td>employment)</td>
<td></td>
</tr>
<tr>
<td>Local Residents (low-income zip codes in 10-mile radius)</td>
<td>30%</td>
</tr>
</tbody>
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Community Engagement

- **Facility Closure**
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Community Engagement

Cesar Campos
Supervisor
Office of Public Participation
Access Agreements for Sampling

March 2016 – May 2017
• DTSC staff canvassed the Preliminary Investigation Area to obtain access agreements
• Use of Geographical Information System for coordination of information

May – June 2017
• 2,599 Certified letters to Property Owners and Tenants
Outreach Best Practices

• 15 months of canvassing for sampling access agreements
• Involved DTSC staff, in coordination with other groups
• 100+ Reading Your Results Workshops
• 2,226 hotline calls answered (June 16 - August 2017)
• Local project office opened in July 2017
• Advisory Group Meetings every 2 months
• Newsletter communications in alternating months
Outreach Activities for Residential Cleanup

• Coordination with Property Owners and Tenants underway
• 131 initial meetings in first month of notification
• Day Care Centers and Child Care Facilities were contacted in the month of October 2017
• DTSC’s Public Engagement Unit and Field Operations Unit are coordinating to move 25 properties into cleanup per week
Residential Cleanup – 7 Outreach Zones
Addressing Environmental Justice

• Better understand the needs of community members and create responsive strategies
• Improve communication with tenants and property owners
• Outreach with local schools and academic partners
• Provide more direct access to staff and resources through a local office
Community Workforce Development

- Workforce for Environmental Restoration in Communities (WERC)
- Partnership with:
  - Los Angeles Trade Technical College (LATTTC)
  - UCLA Labor Occupational Health and Safety Program
  - Community and training partners
- Provides skilled workforce training and promotes sustainable career opportunities
- Regional economic benefits through higher paying jobs and supporting union membership opportunities
Permitting Process Improvements

Muzhda Ferouz

Unit Chief
Permitting Division
Hazardous Waste Management Program
Permitting Process Improvements

• Increased efficiency for time to complete permit decisions while increasing public input opportunities
• Increased efficiency by giving higher priority to continued permits
• Earlier permit denials from earlier compliance history reviews
Permitting Process Improvements

• Increase efficiency by reducing number of Notice of Deficiencies
• Increased protection from early Financial Assurance reviews
• Continuous improvement to increase efficiency and effectiveness
Enforcement Process Improvements

Tolu Awosika, MPH, REHS

Supervising Environmental Scientist
Hazardous Waste Management Program
Enforcement Process Improvements

Our goal in Enforcement:
Promote compliance throughout the regulated community.
Enforcement Process Improvements

New perspective

• Limiting the duration that an inspector is assigned to any given facility.
Enhanced involvement

- Enforcement and Permitting working together as a team.
Enforcement Process Improvements

Improved communication

• Monthly coordination calls between programs.
• Division Chiefs meet more frequently to discuss policy.
California Public Records Act Requests

Ann Carroll

Assistant Chief Counsel
Office of Legal Counsel
Public Records

• “Public records” include any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics
Public Records Act Request Process

1. Receive Request
2. Acknowledge Request
3. Define Scope of the Request
4. Search for and Collect Responsive Records
5. Review Records
6. Release Records to Requestor
## DTSC Public Records Act Requests Tracking

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Requests Logged</th>
</tr>
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<tbody>
<tr>
<td>2014/2015</td>
<td>5,746</td>
</tr>
<tr>
<td>2015/2016</td>
<td>5,818</td>
</tr>
<tr>
<td>2016/2017</td>
<td>6,233</td>
</tr>
<tr>
<td>2017/2018</td>
<td>1,970*</td>
</tr>
<tr>
<td>TOTAL</td>
<td>19,767*</td>
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*As of November 8, 2017
Exide-related Public Records Act Requests

- Commonly Requested Records
  - Sampling Data
  - Contracting Records
  - Communications
  - Closure Records
  - Financial Records

<table>
<thead>
<tr>
<th>Requests Received &amp; Status</th>
<th># of Requests*</th>
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<tbody>
<tr>
<td>Total</td>
<td>75</td>
</tr>
<tr>
<td>FY 2017/2018</td>
<td>19</td>
</tr>
<tr>
<td>Closed</td>
<td>40</td>
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</table>

*As of November 8, 2017
For more information, please visit DTSC’s Exide web page:

http://www.dtsc.ca.gov/HazardousWaste/Projects/UpdateExideSuspension.cfm
Questions?