

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Fact Sheet:

Exide Phase 1 Closure Plan - Schedule Extension and Delay of Wastewater Treatment Plant Removal

Background and Justification:

The Exide Facility Closure began in November 2017 and was originally scheduled to be completed in approximately 34 months. On August 30, 2019, DTSC expressed their concerns that Exide would be unable to complete Phase 1 of Closure within 34 months and directed Exide to submit a revised schedule to include six specific Enforceable Milestones. On November 6, 2019, Exide submitted their proposed new schedule (2019 Schedule) that adds an additional 15-months to complete Phase 1 of the Closure and also requests a delay in the removal of the Wastewater Treatment Plant (WWTP), from Phase 1 to Phase 2 of Closure. The 2019 Schedule appears to be more realistic and attainable for the Closure process based on our review and the review of a Third-Party Quality Assurance Contractor.

The approved Facility Closure Plan anticipated that the existing WWTP would remain operational as long as possible but would be removed by the end of Phase 1. Near the end of Phase 1, the WWTP was anticipated to be replaced by a temporary wastewater treatment system with a simpler treatment process with a lower capacity that is less expensive to operate. However, during implementation of Phase 1 it became apparent that retaining the existing system would provide greater confidence in being able to manage site water in compliance with all existing requirements. Continued use of the existing and functioning WWTP in Phase 2 of the Facility Closure would also avoid development of a nearly identical temporary WWTP system as specified in the Closure Plan. The current WWTP has a large capacity, is robust, and is already proven to be operable and compliant. Therefore, delaying the removal of the WWTP to the end of Phase 2 is appropriate and will be more protective of human health and the environment. The 2019 Schedule also provides DTSC to take additional enforceable actions to hold Exide accountable if they fail to meet any of the proposed Enforceable Milestones.

The schedule change and delay of the deconstruction of the WWTP is a relatively minor permit modification (Class 1*) of Exide's authorization to conduct the Facility Closure. DTSC is providing an opportunity for public comment on this proposed modification that, while not required by regulation, is appropriate based on the high level of public interest in the Exide project. This Class 1* permit modifications requires DTSC approval and public notification as described in California Code of Regulations (CCR) § 66270.42(a). DTSC is providing this public notification, as is customary for non-time critical work for Exide matters, to allow as much public participation as feasible and to maintain consistent outreach messaging to the public. DTSC will invoice Exide for all costs associated with this public outreach. This notification meets and exceeds all regulatory requirements related to the notification and approval of the modification.

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Specific Proposed Changes:

The following changes are proposed to the Facility Closure Plan, and the incorporated Closure Implementation Plan (CIP):

Closure Plan¹:

- Executive Summary, Section 17.1, and Appendix F – The Phase 1 Implementation Schedule will be extended from approximately 34 months to approximately 49 months.
- Section 3.9 – The existing Waste Water Treatment Plant (WWTP) will remain operational through Phase 2 Closure. The Closure Performance Standards for the WWTP are not anticipated to change. The details of how and when the existing WWTP will be closed, will be presented in the Phase 2 Closure Plan.
- Appendix F – is replaced with the revised “*Exide Phase 1 Closure Activities*” schedule provided in Exide’s November 6, 2019 letter.

Closure Implementation Plan²:

- Attachment 3 – is replaced with the revised “*Exide Phase 1 Closure Activities*” schedule provided in Exide’s November 6, 2019 letter

Additional information:

The following relevant documents, as well as several others, are available on DTSC’s Facility Closure Page for the Exide Project at <https://dtsc.ca.gov/facility-closure/>.

Draft Environmental Impact Report (EIR) Addendum – This document provides an assessment of the environmental impacts of the modifications as compared to the original project that was contemplated in the EIR. The addendum provides evidence that the proposed modifications would not result in additional or substantial new environmental impacts as compared to the 2016 EIR findings. Upon project approval, a Notice of Determination (NOD) will be filed with the California State Clearinghouse.

Exide’s Closure Schedule Change Request Letter – This letter presents Exide’s proposed schedule and, as required by DTSC’s August 30, 2019 letter, provides additional background as to why the initial schedule was not attained, from Exide’s perspective.

Exide Closure Implementation Plan - dated October 2017 – This plan provides specific implementation techniques to carry out the Closure Plan.

Exide Closure Plan - dated December 8, 2016 – This plan presents the framework to close the Exide Facility.

¹ Closure Plan, Exide Technologies, Vernon, California (EP ID No. CAD 097 854 541); dated December 8, 2016

² Closure Implementation Plan, Phase I Decontamination and Deconstruction Project, Vernon, California 90058, Revised October 2017