

AGENDA

OVERSIGHT HEARING: STATUS OF THE EXIDE RESIDENTIAL CLEANUP

ASSEMBLY BUDGET SUBCOMMITTEE NO. 3 ON RESOURCES AND TRANSPORTATION

ASSEMBLYMEMBER RICHARD BLOOM, CHAIR

FRIDAY, JANUARY 31, 2020

6:30 P.M. – RESURRECTION CHURCH
3324 OPAL ST., LOS ANGELES, CA 90023

- I. **Welcoming Remarks and Introductions**
- II. **Status of the Exide Clean-up**
 - a. Director Meredith Williams, Department of Toxic Substances Control
- III. **County of Los Angeles' Role in Supporting and Complimenting the Clean-up**
 - a. Supervisor Hilda Solis, County of Los Angeles
 - b. Dr. Barbara Ferrer, County of Los Angeles, Department of Public Health
- IV. **Public Comment**

BACKGROUND

Exide Technologies in Vernon, CA. Exide Technologies was a manufacturer of lead-acid batteries and owned a battery recycling facility in Vernon, California. The facility began operations in 1922, with Exide beginning operations there in 2000, recycling lead from used automotive batteries and other sources. The facility processed about 25,000 batteries a day, providing a source of lead for new batteries.

Lead Contamination from Exide Operations. Over the course of decades of operation, the facility polluted the soil beneath it with high levels of lead, arsenic, cadmium and other toxic metals. It also contaminated groundwater, released battery acid onto roads and contaminated homes and yards in surrounding communities with lead emissions. DTSC estimates properties up to 1.7 miles away from the facility may potentially be affected by Exide's lead contamination, which amounts to roughly 10,000 properties.

Exide Closure and Cleanup. Exide was required to cease operations in 2015 and permanently close its Vernon facility pursuant to an enforcement order it agreed to with DTSC and a non-prosecution agreement it reached with the United States Department of Justice, that allowed the company to avoid federal criminal prosecution for violations of hazardous waste laws. As a result of this closure agreement, Exide is required to submit a closure plan to safely close the facility, investigate potential contamination in the industrial area near Exide and, by October 2019, submit a corrective measures study to DTSC to address the off-site impacts in the residential area affected by Exide's operations.

In July of 2019, DTSC rejected Exide's residential corrective measures study. Exide based its residential corrective measures study on its draft residential facility (RFI) investigation report, which concluded that it is not obligated to clean up any contamination in the residential areas. DTSC also rejected this draft RFI report.

DTSC has also asked the United States Attorney's Office to end its Non-Prosecution Agreement (NPA) with Exide. The NPA provided that if Exide complied with the material obligations of the agreement, including a requirement to comply with DTSC's orders, the U.S. Attorney's Office would not prosecute Exide or its agents for any alleged violation of federal criminal laws relating to the illegal storage, disposal, shipment, and transportation of hazardous waste related to its past operations at the Vernon facility. DTSC finds that the deficiencies of the RFI report, despite clear direction from DTSC, constitute a failure to meet the terms of DTSC's orders and are grounds for revocation of the NPA.

Residential Cleanup near Exide. DTSC is the lead agency overseeing the investigation and cleanup of residential properties, schools, parks, daycare, and childcare centers within the approximately 1.7-mile radius of the former Exide facility. DTSC is working with communities within this proposed cleanup area, which includes the Cities of Bell, Commerce, Huntington Park, Los Angeles (Boyle Heights neighborhood), Maywood, and Vernon, and the County of Los Angeles (East Los Angeles).

State Funding for Exide Clean-up. In August 2015, the Legislature and the Governor approved \$7 million in emergency funding to test the soil at residential properties, parks, schools, and daycare centers in the surrounding community and cleanup the highest priority sites based on the level of lead contamination and the potential for exposure. The Budget Act of 2016 allocated \$176.6 million as a loan from the General Fund to expedite and expand testing and cleanup in the residential area near Exide.

The 2018 Budget included \$6.5 million for the testing and remediation of parkways. The Budget Act of 2019 provided \$74.5 million to accelerate cleanup and to cover the increased cost of cleanup.

Residential Clean-up Progress. DTSC has contracted with Parsons Environment & Infrastructure Group Inc. and NEC Construction Inc., to conduct the residential clean-up. As of November 1, 2019, 1,338 parcels have been cleaned, 8,555 parcels have been sampled, and access to sample or cleanup was denied by the property owner for 1,600 parcels.

Los Angeles County's Lead Paint Remediation. The Los Angeles County Health Agency and the Department of Public Health are conducting outreach efforts to support residents in the communities affected by the release of hazardous materials from Exide facility.

LA County also operates the Childhood Lead Poisoning Prevention Program (CLPPP), which among other things, conduct primary prevention, surveillance activities, outreach and education.

LA County was party to a landmark case against three former manufacturers of lead paint and was recently awarded a \$134 million settlement. LA County voted to use the \$134 million settlement to create and fund a new and comprehensive Lead Paint Hazard Mitigation Program in partnership with the LA County Department of Public Health and the Los Angeles County Development Authority. Over the next eight years, this program will allow for the removal of lead paint from an estimated 4,000 to 5,000 homes.

STAFF COMMENTS

The purpose of this hearing is to receive an update on the clean-up efforts by DTSC and LA County and their efforts to coordinate and maximize efficiency. The Subcommittee may wish to ask the following questions:

Questions for DTSC:

- What is the current status of the Exide facility closure?
- Given the rejection of Exide's residential corrective measure's study, what are the next steps?
- How many properties have been cleaned to-date?
- How many properties remain to be cleaned up that DTSC has access agreements?
- Has there been any changes to the per-property clean-up cost? If so, what are the drivers?
- The Legislature authorized a total of \$251.1 million for residential clean-up. How much of that has been expended? When do you anticipate depleting the remaining amount?

- The Legislature authorized \$6.5 million for the clean-up of parkways. What is the status of expending these funds?

Questions for LA County:

- Can you talk about your role in lead paint remediation within LA County?
- What are all the activities that you undertake in support of this effort?
- Have you increased your work/presence within the Exide area due to the Exide incident?
- Does your work within the Exide area differ from your work outside of the Exide area?
 - If so, how?
- To what extent is your work on lead paint remediation coordinated with Exide residential cleanup efforts?
- What is the timeframe for the expenditure of the lead paint remediation funds from the Aliso Canyon and paint company settlements? What portion of the lead paint settlement funds are being spent in the Exide area?
- At the last Exide Informational Hearing, there was interest expressed in coordinating the houses that were receiving lead paint remediation with those that were also receiving soil remediation. How has that coordination gone? Generally are the homes that that should be prioritized for soil remediation the same homes that need to be prioritized for paint remediation?
- Has there been an increase in the number of children tested for blood lead exposure since the residential cleanup has begun?
- How do the current blood lead tests of children near Exide compare to the rest of the County?

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