

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

IN THE MATTER OF:)	Docket No. HWCA 2009-2008
)	
Exide Technologies)	
2700 South Indiana Street)	
Los Angeles, California 90058)	
)	
)	FIRST AMENDMENT TO
)	ENFORCEMENT ORDER
)	
EPA ID NO. CAD 097 854 541)	
)	
)	Health and Safety Code
Respondent.)	Sections 25187 and 25200.14
_____)	

INTRODUCTION

On August 12, 2010, the Department of Toxic Substances Control (DTSC) issued an administrative Enforcement Order (Order) to Exide Technologies (Respondent) regarding alleged violations related to the operation and management of Respondent's facility, located at 2700 South Indiana Street, Los Angeles, California, 90058 (Facility). DTSC hereby amends the Order with this First Amendment to Enforcement Order (First Amendment) as follows:

1. Section 2.1.1. Respondent violated Health and Safety Code section 25202, in that on or about April 29, 2009, April 13, 15, 22, and 28, 2010, February 28, 2011 and March 2, 3, and 7, 2011, Respondent illegally stored hazardous waste lead contaminated sludge in an unauthorized unit, to wit: During a Compliance Evaluation Inspection (CEI) conducted at the Facility on April 29, 2009, April 13, 15, 22 and 28, 2010, February 28 2011 and

March 2, 3, and 7, 2011, Respondent stored lead contaminated sludge in the Storm Water Retention Pond for longer than ninety days. Subsequent to the inspection, Respondent submitted documentation that it cleans out the Pond once a year.

2. Section 2.1.2. Respondent violated California Code of Regulations, title 22, section 66265.193 subdivision (c) (4) and Consent Order HWCA 97/98-3021, in that on or about April 29, 2009, April 13, 15, 22 and 28, 2010, February 28, 2011 and March 2, 3, and 7, 2011, Respondent failed to remove lead-contaminated sludge from the Storm Water Retention Pond within 24 hours or in timely a manner as possible, to wit: During a CEI conducted on April 29, 2009, April 13, 15, 22 and 28, 2010, February 28, 2011 and March 2, 3 and 7, 2011, the Storm Water Retention Pond contained lead-contaminated sludge. Subsequent to the inspection Exide submitted documentation that it only cleans out the pond once a year.
3. Section 2.1.3. Respondent violated Health and Safety Code 25202, in that on or about February 28, 2011, Respondent illegally stored hazardous waste lead contaminated dross in an unauthorized unit, to wit: During a Compliance Evaluation Inspection (CEI) conducted at the Facility on February 28, 2011, Respondent stored thirty drums of lead contaminated lead dross on a loading dock next to the rail spur.
4. Section 3.1.1. Effective immediately Respondent shall cease storing any hazardous waste in the Storm Water Retention Pond, including hazardous waste sludge without authorization from the Department.

5. Section 3.1.2. Effective immediately Respondent shall remove any hazardous waste, including hazardous waste sludge, which accumulates in the Storm Water Retention Pond within 24 hours of accumulation, or in as timely a manner as possible, to prevent harm to human health or the environment.
6. Section 3.1.3. Effective immediately Respondent shall cease storing any hazardous waste on the loading dock, including hazardous waste dross without authorization from the Department.
7. Section 5. Based on the foregoing DETERMINATION OF VIOLATIONS, DTSC sets the amount of Respondent's penalty at \$ 243,125.00. Payment is due within 30 days from the effective date of the Order.

Except as amended by this First Amendment, the provisions of the Order shall remain in full force and effect. This First Amendment shall take effect upon the date when this First Amendment is executed by DTSC.

DATE: March 6, 2012

BY: Original signed by Roberto Kou
Roberto Kou, Acting Supervising HSS II
Enforcement and Emergency Response Branch
Department of Toxic Substances Control