



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

CERTIFIED MAIL

January 7, 2020

Ms. Grace Yeh
Exide Technologies, LLC
2700 South Indiana Street
Vernon, California 90058

NOTICE OF VIOLATION FOR FAILURE TO COMPLY WITH EXIDE TECHNOLOGIES CLOSURE PLAN – FULL ENCLOSURE UNIT TEAR INCIDENTS, EPA ID NO. CAD097854541

Dear Ms. Yeh:

This letter serves as a Notice of Violation (NOV) to Exide Technologies, LLC (Exide) from the Department of Toxic Substances Control (DTSC) for Exide's non-compliance with its Closure Plan dated December 8, 2016.

On December 27, 2019, South Coast Air Quality Management District (SCAQMD) issued an NOV finding that Exide failed to comply with the SCAQMD Rule 1420.1 Compliance Plan for Closure Activities (Attachment 1). Exide's Closure Plan requires Exide to fully comply with all applicable air quality rules, including SCAQMD's rules, compliance plans, and permit conditions. Therefore, Exide's violation of its air permit conditions results in a violation of DTSC's Closure Plan requirements.

The SCAQMD NOV pertains to a tear that occurred in the Full Enclosure Unit (FEU) on December 26, 2019. The FEU is an enclosure around Exide's shuttered facility designed to prevent releases of heavy metals while the facility is undergoing closure. The area under the FEU must be kept at negative pressure to stop particles of heavy metals escaping from doors or other openings. A SCAQMD permitted air pollution control system removes dangerous levels of heavy metals before venting air outside of the enclosure.

The tear in the FEU led to a failure to ensure that all air and heavy metals inside the enclosure went through an SCAQMD permitted air pollution control system. The tear also resulted in a failure to maintain ventilation in the vicinity of the tear at a negative pressure of at least 0.011 inches of water. This is a requirement of SCAQMD's permit.

Importantly, air pollution monitors at the facility perimeter did not detect any exceedances of SCAQMD Rule 1420.1 permitted levels for lead or arsenic during this event, nor did levels exceed recent historical norms.

However, this is not Exide's first violation of this requirement. On March 8, 2019, SCAQMD issued an NOV for the same violations pertaining to a tear that occurred in the FEU on February 17, 2019 (Attachment 2).

DTSC has determined that Exide's failure to comply with the SCAQMD air quality related requirements, as set forth in SCAQMD's March 8 and December 27 NOVs, also violates Exide's Closure Plan and the Hazardous Waste Control Law (HWCL). Under the Closure Plan, Exide is required to comply with all applicable air quality requirements, including SCAQMD rules, permit conditions, and compliance plans¹ (Closure Plan, § 3.4.2.1.). Exide's failure to comply with its Closure Plan also violates the HWCL. (See Health & Safety Code, §§ 25247, subdivision (a), 25248.)

DTSC has received a copy of Exide's Form 500-N – *Title V – Deviations, Emergencies & Breakdowns* dated January 2, 2020. This form contains Exide's initial explanation to SCAQMD about the cause of the event in December 2019. DTSC is reviewing and evaluating the information in that document. In addition, DTSC requires that Exide prepare and submit a Root Cause Analysis and Corrective Action Plan that defines specific measures to address these violations and prevent similar incidents from reoccurring. The Root Cause Analysis and Corrective Action Plan shall be submitted within 21 days of receipt of this letter.

DTSC reserves its right to pursue additional enforcement, including the assessment of monetary penalties, under the HWCL, Title 22, and the 2014 Stipulation and Order, as amended (HWCA No. 2014-6489) for both the February 17, 2019 and the December 26, 2019 incidents.

If you have questions or concerns regarding this Notice of Violation, please contact Mr. Matt Wetter at (916) 255-6629 or me at (916) 255-6600.

Sincerely,



Suhasini Patel
Assistant Deputy Director
Exide Division

Attachments (2)

cc: (via e-mail next page)

¹ The Closure Plan, Appendix G also describes the negative pressure requirements for the FEU. The October 2017 Closure Implementation Plan, specifically Attachment 14, which was submitted at a later date, became part of the Closure Plan and provides minor clarifications to the Closure Plan.

cc: (via e-mail)

Ms. Barbara Hatcher, Exide
Mr. Grant Cope, DTSC
Mr. Matt Wetter, DTSC
Mr. Peter Ruttan, DTSC
Ms. Olivia Wright, DTSC

Mr. Peter Thyberg, DTSC
Ms. Evelina Rayas, DTSC
Ms. Jessica Rodriguez, DTSC
Ms. Nancy Carder, DTSC
Mr. Jason Aspell, SCAQMD



NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
12	26	19

Facility Name: Exide Technologies		Facility ID#: 124838	Sector: CE
Location Address: 2700 S Indiana St		City: Vernon	Zip: 90058
Mailing Address: 2700 S Indiana St		City: Vernon	Zip: 90058

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	221(b)	A/N: 580051	2A 2B	Operating Contrary to Conditions 2A & 2B as specified in the R/420.1 Compliance Plan for Closure Activities
2	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	3007 (c)(1)	A/N: 580051	2A 2B	Failure to comply with Exide's R/420.1 Compliance Plan for Closure Activities: Sec. 7 Cond. 2A - Vent to an Emission system that ducts the entire gas stream which may contain lead or Arsenic to an appropriate SCAQMD permitted control device & Sec. 7 Cond. 2B - Failure to maintain the ventilation of any opening at a negative pressure of at least -0.011" of H₂O.
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Steve Delmar	Phone: 323-267-1101	Served By: Christopher Cisneros	Date Notice Served: 12/27/19
Title: EHS Manager	Email: steve.delmare@exide.com	Phone No: <input checked="" type="checkbox"/> 909-396-3191 <input type="checkbox"/> 310-233-	Email: CCisneros @aqmd.gov

*Key to Authority Abbreviations: SCAQMD - South Coast Air Quality Management District CH&SC - California Health and Safety Code CCR - California Code of Regulations	Method of Service: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Certified Mail
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ORIGINAL



11000 AVENUE DIAMOND BAR, CA 91765-4178

P 66712

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month	Day	Year
02	17	2019

Facility Name EXIDE TECHNOLOGIES INC		Facility ID 124838	State CE
Address 2700 S Indiana Street		City Vernon	Zip 90058
Address 2700 S Indiana Street		City Vernon	Zip 90058

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#	Authority	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (if Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CHSC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	3002 (C)(1)	Title V Permit I.D. No. C175; HARI (temporary enclosure unit)	Compliance Plan For Closure Activities: CONDITION 2A	Failure to comply with EXIDE'S R.1420.1 Compliance Plan For Closure Activities: SECTION I Condition 2A: Vent to an emission system that ducts the entire gas stream which may contain lead or arsenic to an appropriate SCAQMD Permitted control device.
2	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CHSC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	3002 (C)(1)	Title V Permit I.D. No. C175; HARI (temporary enclosure unit)	Compliance Plan For Closure Activities: CONDITION 2B	Failure to comply with EXIDE'S R.1420.1 Compliance Plan For Closure Activities: SECTION I Cond 2B: Maintain the ventilation at any opening at a negative pressure of at least 0.01 inches H ₂ O.
3	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CHSC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	2.221(b)			Operating contrary to conditions 2A + 2B as specified in the R.1420.1 Compliance Plan For Closure Activities, Application number 5850051.
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CHSC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Tina Heath, Michael Marlowe	Phone: 323- 262-1101	Served By: Deryck Roberts	Date Notice Issued: 3/8/19
Title: EH & S Manager, Plant Manager	Email: tina.heath@exide.com michael.marlowe@exide.com	Phone No: <input checked="" type="checkbox"/> 909-396-2154 <input type="checkbox"/> 310-233-	Email: droberts @ aqmd.gov

Year to Authority Administrations: SCAQMD - South Coast Air Quality Management District CHSC - California Health and Safety Code CCR - California Code of Regulations	Method of Service: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Certified Mail
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