

EXHIBIT 1

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Exide Technologies, Inc.
13000 Deerfield Parkway, Suite 200
Milton, Georgia 30004

In the Matter of:

Exide Technologies, Inc.
2700 South Indiana Avenue
Vernon, California 90058

ID No. CAD097854541
Respondent.

HWCA: P3-12/13-010

ORDER FOR TEMPORARY
SUSPENSION

Health and Safety Code
Sections 25186.1 & 25186.2

Upon the review of the Department of Toxic Substances Control's (Department) records relating to conditions of the operation of hazardous waste management activities at Exide Technologies, Inc. (Exide), an interim status hazardous waste treatment and storage facility, located at 2700 South Indiana Avenue in City of Vernon, California, I found that an imminent and substantial danger to the public health, safety and the environment exists, as set forth in the attached Accusation.

A recent report submitted to the Department by Exide demonstrate that the Facility is operating its underground storm sewer pipelines in violation of hazardous waste requirements and are causing releases to the environment. A separate report submitted to the South Coast Air Quality Management District by Exide demonstrates that emissions from the facility operations pose a significant risk to the surrounding community.

Based upon this information, I conclude that it is necessary to issue this Order for Temporary Suspension pending hearing to prevent or mitigate the substantial danger pursuant to Health and Safety Code Section 25186.2.

THEREFORE YOUR HAZARDOUS WASTE FACILITY INTERIM STATUS IS HEREBY SUSPENDED PENDING HEARING. YOU ARE ORDERED TO CEASE OPERATIONS EFFECTIVE APRIL 24, 2013.

In ceasing operations pursuant to this Order, Exide shall ensure that all necessary steps are taken such that Exide does not pose a risk to public health or safety or the environment in its non-operational status. This requirement includes, but is not limited to, maintaining financial assurance both for liability and for closure as specified in California Code of Regulations, title 22, Div. 4.5, Chapter 15, Article 8.

Should you choose to pursue a hearing, this suspension will remain in effect until the hearing is completed and DTSC has made a final determination on the merits which shall be made within sixty (60) days after completion of the hearing pursuant to Health and Safety Code Section 25186.2.

Date:

4/24/13



Brian Johnson
Deputy Director
Hazardous Waste Management Program

EXHIBIT 2

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

)	HWCA: P3-12/13-010
Exide Technologies, Inc.)	
13000 Deerfield Parkway, Suite 200)	
Milton, Georgia 30004)	
)	
In the Matter of:)	
)	
Exide Technologies, Inc.)	ACCUSATION FOR SUSPENSION OF
2700 South Indiana Avenue)	INTERIM STATUS
Vernon, California 90058)	
)	
CAD 097854541)	Health and Safety Code
)	Sections 25186.1 & 25186.2
Respondent.)	
_____)	

INTRODUCTION

1 Parties. The California Environmental Protection Agency, Department of Toxic Substances Control ("Department or DTSC") issues this Accusation to Exide Technologies, Inc. (Exide, "Facility"), owner and operator of a Facility located at 2700 South Indiana Avenue, Vernon, California 90058.

2. Interim Status. The Department of Health Services issued an Interim Status Document to Gould, Inc. for the Facility (EPA Identification Number CAD097854541) on December 18, 1981. In 1984, GNB Technologies bought the Facility from Gould. In 2000, Exide Technologies acquired GNB, Inc. including the Facility.

3. Jurisdiction. Health and Safety Code section 25186 authorizes DTSC to suspend permits, registrations, and certificates if DTSC determines that the holder, or in the case of a business concern, any person holding more than five (5) percent of the equity in or debt liability of that business concern, has engaged in prohibited activities.

Health and Safety Code sections 25186.1 and 25186.2 authorize DTSC to temporarily suspend permits, registrations, and certificates prior to a hearing if DTSC determines that the action is necessary to prevent or mitigate an imminent and substantial danger to the public health or safety or the environment.

REGULATORY AND FACTUAL BACKGROUND

4. Exide operates a hazardous waste storage and treatment facility located at 2700 South Indiana Avenue in Vernon, California.

5. Exide is a "hazardous waste facility" as defined at Health & Safety Code section 25117.1. The Facility has been given the following facility identification number: CAD 097854541.

6. Exide has, and at all times relevant hereto, had the power to exercise control over the management decisions at the Facility, including but not limited to hazardous waste management decisions.

7. The State of California has enacted a comprehensive statutory and regulatory framework for the generation, handling, treatment, transport and disposal of hazardous waste. The framework contained in the Hazardous Waste Control Law (HWCL), Health and Safety Code section 25100 et seq., and its implementing regulations, which are found at California Code of Regulations, Title 22, Div. 4.5, Chapter 10, sections 66260.1 et seq. mandate a "cradle to grave" registration, tracking, storage, treatment and disposal system for the protection of the public from the risks posed by hazardous wastes.

8. The HWCL provides at Health and Safety Code section 25201(a), in relevant part, that:

" ...no operator of a storage facility, treatment facility, transfer facility, resource recovery facility, or disposal site shall accept, treat, store, or dispose of a hazardous waste at the facility, area, or site, unless the owner or operator holds a hazardous waste facilities permit or other grant of authorization from the department to use and operate the facility, area, or site..."

9. Regulations promulgated by the Department implement the HWCL and set forth the requirements to obtain an Interim Status Authorization, a Hazardous Waste Facility Permit, and a Permit by-Rule, as well as the conditions applicable to these authorizations (California Code of Regulations, Title 22, Division. 4.5, sections 66270.1-66270.60).

10. Absent specific statutory or regulatory exemption, it is illegal to treat, store, dispose of and/or transport hazardous wastes without a hazardous waste facility permit, an interim status authorization or other grant of authorization from the Department.

11. The Department of Health Services issued to Gould, Inc. for the Facility, an interim status document, effective date of December 18, 1981. In 1984, GNB Technologies bought the Facility from Gould. In 2000, Exide Technologies acquired GNB, Inc. including the Facility. The Department is informed and believes and thereon alleges that Exide began operations at the Facility in September 2000.

12. Exide is located on 24 acres which is zoned for heavy industrial use. The Facility is located at the intersection of South Indiana Avenue and Bandini Boulevard. The parcel that is located east of South Indiana Avenue houses administrative buildings. The west side of South Indiana Avenue is used for battery recycling and lead smelting activities.

The Facility is bounded by East 26th Street towards the north and Bandini Boulevard to the south.

13. Exide operates a Facility that receives spent lead acid batteries and other lead bearing materials and recycles them to recover lead and polypropylene. Liquid waste generated as a result of the battery and lead recycling is treated by an onsite wastewater treatment plant and then discharged to the sewer system. The Facility is designed to treat 310,000 gallons of wastewater per day which is equivalent to treating 53 tons of batteries per day.

14. Exide's interim status authorization allows it to receive off-site hazardous waste, to treat hazardous waste, and to store hazardous waste. Exide has no other authorization to receive, treat, or store hazardous waste at the Facility.

15. Exide has submitted a Part A and B Permit Application for a hazardous waste facility permit as part of the permit application review process. On March 5, 2013, Exide submitted a Storm Sewer Inspection Report (Report) which indicates that the underground pipelines used to convey the lead contaminated storm water to a hazardous waste treatment tank system are in poor conditions. Exide proposes to replace and design the underground pipelines to meet with the tank ancillary equipment requirements specified in California Code of Regulations, title 22, section 66264.193(f). Although the Report was written, and the Department reviewed it (April 4, 2013 Memorandum), citing chapter 14 requirements, Exide is presently required to comply with equivalent requirements under chapter 15 for an interim status facility. In the following paragraphs, the corresponding chapter 15 citations follow in brackets the chapter 14 citations.

15.1 The Department's review of the Report, photographs, and associated videos reveal an accumulation of semi-solid sludge materials (also known in the industry as mud) generally throughout the piping system that contain elevated levels of hazardous waste, specifically metals (e.g., lead, arsenic and cadmium). The documents show several areas within the pipelines which depict failed structural integrity (breaches), and

lack the cured-in-place fiberglass slip lining, which was reportedly applied in the 1990s. The videos show the slip lining scaling and fraying, or to be non-existent. The sewer system is considered ancillary equipment for the RCRA Interim Status Unit 46 (Pump Sump) and it does not comply with California Code of Regulations, title 22, sections 66264.192(l)(10) [section 66265.192(l)(10)] with regard to demonstrating its integrity to prevent releases into the environment.

15.2 The Report also shows that the storm sewer system which is ancillary to Unit 46 at the Facility is not within a required secondary containment. The sewer system does not comply with California Code of Regulations, title 22, sections 66264.192(l)(7) [Section 66265.192(l)(7)] with regard to secondary containment requirements.

15.3 The Report also shows that the storm sewer system does not comply with California Code of Regulations, title 22, sections 66264.192(l)(7) [Section 66265.192(l)(7)] and 66264.192(k)(1) [Section 66265.192(k)(1)] with regard to underground piping. No leak testing data was presented and, based upon the physical condition of the pipes, as evidenced in the Report, the existing breaches would cause the storm sewer system to fail any leak test.

15.4 The videos associated with the Report demonstrate all piping associated with the storm sewer system to be substantially deficient with regard to the slip lining and contain a significant collection of sediments and sludge. There are several areas within the sewer piping that contain approximately 600 to 1,000 gallons of fluids with little to no flow due to a lack of a gradient or pipe blockage. Several of the of the storm sewer lines have ponding of water and built-up sludge.

15.5 Exide continuously introduces hazardous waste (metal-containing water and sludge) to the storm sewer system under its daily wash-down operations that are conveyed via the storm sewer system to Unit 46 (Pump Sump).

15.6 The Report proposes a storm water piping system replacement/abandonment schedule that spans more than one-third the ten year term of the proposed permit and will not resolve the requirement to contain future releases into the environment until the new system is installed and tested to demonstrate integrity. This is in violation of California Code of Regulations, title 22, section 66265.15(c) which requires immediate remediation when an environmental hazard has already occurred.

15.7 The continued use of the underground storm water system is in violation of California Code of Regulations, title 22, section 66265.196(f)(4) which requires the entire component of a tank system to have secondary containment prior to being returned to use if a leak is from a tank system component that is not readily accessible for visual inspections.

16. As part of the permitting process, DTSC requested Exide to prepare a draft Environmental Impact Report (EIR) to assess significant impacts to human health and the environment caused by the Facility. As part of the development of the draft EIR, Exide planned to incorporate the findings of the Health Risk Assessment (HRA), approved by the Southern California Air Quality Management District (SCAQMD) on March 1, 2013, into the EIR.

16.1 In a letter dated March 1, 2013, the SCAQMD advised Exide that the HRA submitted by Exide in January, 2013 indicates the Facility poses a maximum individual cancer risk (MICR) of 156 in one million for an offsite worker receptor about 300 meters northeast of the Facility (primarily arsenic).

16.2 According to the SCAQMD, the HRA indicates the Facility poses a maximum chronic hazard index (HI) of 63 for the respiratory system at the same offsite worker receptor identified in Section 16.1 (from arsenic).

16.3 The March 1, 2013 letter from the SCAQMD also states the HRA indicates the Facility poses a maximum acute HI of 3.8 for the developmental system (from arsenic) along the eastern fence line.

16.4 Also, according to the SCAQMD, the HRA indicates the Facility poses a maximum individual cancer risk (MICR) of 22 in one million to the nearest residential receptor.

16.5 Finally, the SCAQMD advised the Facility that the HRA indicates the Facility poses a maximum chronic HI of 2.9 to the nearest residential receptor.

16.6 DTSC accepts a cumulative risk that does not exceed a one in one million (10^{-6}) for cancer risk. A risk level of 10^{-6} implies there is a likelihood that up to one person, out of one million equally exposed people, would contract cancer if exposed to the specific concentration continuously (24 hours per day) over 70 years (an assumed lifetime). This would be in addition to those cancer cases that would normally occur in an unexposed population of one million people.

16.7 DTSC considers a hazard index of one or less than one to indicate that no adverse human health effects (noncancer) are expected to occur. A hazard index is used to analyze non-carcinogenic health effects and it assumes that a threshold exists below which no adverse health impacts are expected. A hazard index is the sum of the hazard quotients attributed to non-carcinogenic hazardous substances with similar critical endpoints (e.g., human organs/systems). A Hazard Quotient (HQ) is the ratio of the potential exposure to each substance and the level at which no adverse effects are expected. If the HQ is calculated to be equal to or less than 1, then no adverse health effects are expected as a result of exposure. If the HQ is greater than 1, then adverse health effects are possible.

16.8 In order for DTSC to consider any exceedance of the standard in Section 16.6 above, Exide must demonstrate that they have employed all reasonable means to achieve the 10^{-6} standard including but not limited to installation of the best available

control technologies (BACT), housekeeping, operational controls and upgrades to existing control systems.

16.9 Exide's operates three industrial furnaces as a part of its lead recovery operations. These units meet the definition of an industrial furnace pursuant to California Code of Regulations, title 22, section 66260.10 and they are conditionally exempted from the Boiler and Industrial Furnaces (BIFs) requirements found in article 8, chapter 16, title 22 of the California Code of Regulations under section 66266.100(c). One of the conditions for the exemption is that the furnaces are operated as miscellaneous units.

16.10 The March 1, 2013 letter from the SCAQMD states that the HRA indicates the Facility operation of the industrial furnaces are not meeting the section 66264.601 provision for performance standards that require miscellaneous units be operated in a manner that will ensure protection of human health and the environment.

DETERMINATION OF BASIS FOR SUSPENSION

17. The March 5, 2013 Storm Sewer Inspection Report indicates that the degraded and compromised physical condition of the underground pipelines are a source of continuous daily releases to the environment of hazardous waste-containing water.. The hazardous waste releases to the environment are increasing the concentration of hazardous metals, in soil and groundwater underlying the Facility. Groundwater in the area underlying the Facility is already above maximum contaminant levels for drinking water, thereby increasing the urgency with which any sources of contamination must be curtailed and remediated to minimize further deleterious impacts to the state's drinking water supplies.

18. Based on the Health Risk Assessment submitted to the SCAQMD, DTSC has determined that the Facility is operating its furnaces and its air pollution devices in a manner that is not sufficiently protective of human health and the environment, impacting as many as 110,000 residents in a large geographical area that includes

portions of Vernon, Maywood, Huntington Park, Commerce, Boyle Heights and unincorporated areas of east Los Angeles. The predominant contributor to both chronic and acute cancer risk and non-cancer hazard is arsenic emissions from the Facility, with the primary human organs that are harmed are the cardiovascular system, central nervous system, developmental system, respiratory system and skin.

19. The cancer risks and non-cancer hazards to residents and offsite workers in the area exceed DTSC and SCAQMD acceptable levels as indicated below:

- The chronic cancer risk and non-cancer hazard estimated for an individual resident is 22 in a million and 2.9, respectively;
- The Facility also causes significant carcinogenic and non-carcinogenic health risk to offsite workers, such that DTSC and SCAQMD acceptable risk levels are exceeded;
- The HRA submitted to the SCAQMD, indicates the chronic cancer risk (156 in an million) and non-cancer hazard (63) for the an individual worker far exceeds DTSC's one in one million cancer risk and a one (1) for non-cancer risk;
- According to SCAQMD, the acute non-cancer hazard of (3.8) for an offsite worker also exceeds SCAQMD's action level of (3.0). In summary, the Facility's operation is the source of significant human health-impacting air emissions of toxic metals and these emissions far exceed DTSC's standards for acceptable risk to human health.

20. Based on the Facility's operation of its storm water sewer system which is a source of continuous daily releases of hazardous waste into the environment and operation of its furnaces and air pollution devices that exceed DTSC's standards for acceptable risk to human health, DTSC has determined that action is necessary to prevent or mitigate an imminent and substantial danger to the public health or safety or the environment.

SUSPENSION ORDER

21. For the reasons set forth above, the Department suspends Exide's Interim Status Authorization.

RIGHT TO A HEARING

22. Respondent has a right to a hearing. If Respondent wishes to request a hearing, the notice of defense must be delivered or mailed to the Department within 15 days after the respondent receives this accusation. Appeal rights and procedures are explained in the attached Statement to Respondent.

ADDITIONAL ENFORCEMENT ACTIONS

By issuance of this Accusation, the Department does not waive the right to take further enforcement action.

Date: 4/24/13



Brian Johnson
Deputy Director
Hazardous Waste Management Program

EXHIBIT 3

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Exide Technologies, Inc.
1300 Deerfield Parkway, Suite 200
Milton, Georgia 30004

In the Matter of:

Exide Technologies, Inc.
2700 South Indiana Avenue
Vernon, California 90058

ID No. CAD097854541

Respondent.

HWCA: P3-12/13-010

- (1) NOTICE OF DEFENSE OF RESPONDENT EXIDE TECHNOLOGIES, INC.
- (2) REQUEST FOR (1) AN EMERGENCY HEARING ON A MOTION FOR A TEMPORARY STAY OF THE SUSPENSION ORDER; AND (2) A HEARING ON THE MERITS WITHIN 30 DAYS IN CONFORMANCE WITH HEALTH AND SAFETY CODE SECTIONS 25186.1 AND 25186.2
- (3) OBJECTIONS TO ACCUSATION; AND
- (4) AFFIRMATIVE DEFENSES

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Respondent Exide Technologies, Inc. ("Exide") files this Notice of Defense in response to the Order for Temporary Suspension served upon Exide on April 24, 2013. Exide generally and specifically denies each and every allegation set forth in the Order for Temporary Suspension (the "Order") and in the Accusation for Suspension of Interim Status (the "Accusation"). Exide

has executed a Notice of Defense in the form provided by the Department of Toxic Substances Control ("DTSC"), and that fully executed Notice of Defense is attached hereto as Exhibit A. The entirety of the executed form Notice of Defense attached as Exhibit A is incorporated herein by reference as if fully set forth in this written response.

Exide requests: (1) an emergency hearing for a temporary stay of the Suspension Order; and (2) a hearing on the merits within 30 days in conformance with Health & Safety Code Sections 25186.1 and 25186.2.

Exide objects to the Accusation upon the ground that it does not state acts or omissions upon which the agency may proceed.

Exide objects to the form of the Accusation on the ground that portions of it are so indefinite or uncertain that the Respondent Exide cannot identify the conduct alleged to support the Order or prepare a complete defense.

Exide also objects to the Accusation on the ground that, under the circumstances, compliance with the requirements of a regulation, the Order, or the Accusation would result in the material violation of another regulation enacted by another department affecting Exide's substantive rights.

In addition to the Notice of Defense, the objections set forth herein, and the request for a hearing, Exide asserts the following affirmative defenses on information and belief:

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Primary Jurisdiction)

The Order and Accusation are barred on the grounds that the South Coast Air Quality Management District ("AQMD"), the State Water Resources Control Board, the Los Angeles Regional Water Quality Control Board, and/or other agencies have primary jurisdiction over the matters set forth in the Order.

SECOND AFFIRMATIVE DEFENSE

(Permit Compliance)

The DTSC's Order is barred on the grounds that Exide has been acting in compliance with the terms of its Title V/RECLAIM Permit, its interim status authorization under the Resource Conservation and Recovery Act of 1976, and any other permit issued by an appropriate agency with jurisdiction over the permitted activity.

THIRD AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

The Order and Accusation and each charge or cause of action alleged therein fail to state facts sufficient to constitute a cause of action or support the Order against Exide.

FOURTH AFFIRMATIVE DEFENSE

(Laches)

The Order and Accusation and each charge or cause of action alleged therein are barred by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE
(Estoppel)

The Order and Accusation and each charge or cause of action alleged therein are barred by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE
(Unclean Hands)

The DTSC is not entitled to the relief it seeks because it has acted improperly and comes before this tribunal with unclean hands.

SEVENTH AFFIRMATIVE DEFENSE
(Waiver)

The Order and Accusation and each charge or cause of action alleged therein are barred by the doctrine of waiver.

EIGHTH AFFIRMATIVE DEFENSE
(Federal Preemption)

The Order and Accusation and each charge or cause of action alleged therein are barred under the doctrine of federal preemption.

NINTH AFFIRMATIVE DEFENSE
(Standing or Jurisdiction)

The DTSC lacks standing or jurisdiction to assert the charges or causes of action against Exide in the Order and Accusation.

TENTH AFFIRMATIVE DEFENSE
(Intervening/Superseding Cause)

The injuries and damages of which the DTSC complains in the Order and Accusation are proximately caused by or contributed to by the acts of other third parties, and that said acts constitute intervening and superseding causes of the injuries and damage, if any, of which the DTSC complains, thus barring the DTSC from acting against Exide.

ELEVENTH AFFIRMATIVE DEFENSE
(Denial of Equal Protection)

The Order and Accusation and each charge or cause of action alleged therein are barred under the equal protection clauses of the United States Constitution and the California Constitution.

TWELFTH AFFIRMATIVE DEFENSE
(Lack of Due Process)

The Order and Accusation and each charge or cause of action alleged therein are barred because Exide was denied due process under the United States Constitution and the California Constitution.

THIRTEENTH AFFIRMATIVE DEFENSE
(Ex Post Facto Clause)

The Order and Accusation and each charge or cause of action alleged therein are barred under the ex post facto clause of the United States Constitution and the California Constitution to the extent the DTSC seeks to impose liability retroactively for conduct that was not actionable when it occurred.

FOURTEENTH AFFIRMATIVE DEFENSE
(Void for Vagueness)

The charges brought by the DTSC in its Order and Accusation are vague and ambiguous, and therefore are unconstitutional.

FIFTEENTH AFFIRMATIVE DEFENSE
(Separation of Powers)

The Order and Accusation and each charge or cause of action alleged therein are barred because the DTSC is seeking to act as a legislative body through the establishment of vague and unwritten standards that it seeks to enforce against Exide.

SIXTEENTH AFFIRMATIVE DEFENSE
(Arbitrary and Capricious)

The actions of the DTSC are arbitrary and capricious in that the DTSC has applied different standards to Exide than those applied to other businesses in the Southern California area.

SEVENTEENTH AFFIRMATIVE DEFENSE
(No Imminent and Substantial Danger or Identifiable Harm)

The Order and Accusation fail to state facts sufficient to allege an imminent and substantial danger to health or the environment at Exide's facility.

EIGHTEENTH AFFIRMATIVE DEFENSE
(Uncertainty)

The Accusation and the Order are vague, ambiguous, uncertain, and unintelligible.

NINETEENTH AFFIRMATIVE DEFENSE

(Consent)

The DTSC has known of the issues raised in the Order and Accusation for an extended period of time, and has consented to Exide's continued operation.

TWENTIETH AFFIRMATIVE DEFENSE

(Abstention)

The DTSC's Order and Accusation, and the entire proceeding against Exide, should be stayed until the agencies with primary jurisdiction have concluded their actions.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Void For Vagueness)

Health and Safety Code Section 25186.2 is void for vagueness, because the term imminent and substantial danger, whether on its face or as applied, is too ambiguous to be enforced.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Void For Vagueness)

California Code of Regulations Sections 66264 and 66265 are, on their face and as applied, void for vagueness and cannot be used as enforceable standards.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Void For Vagueness)

The use of a hazard index, a maximum individual cancer risk, and a "cumulative risk" as enforceable standards are, on their face and as applied, void for vagueness.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Waiver)

The DTSC has unreasonably delayed approval of Exide's RCRA permit, and that delay has resulted in a waiver of any claim by the DTSC that Exide only has interim permit status.

PRAYER FOR RELIEF

Exide hereby requests an immediate Stay of the Order and Accusation until such time as a decision is reached on the merits. Exide asserts that there is no imminent and substantial danger to the public health, safety or the environment. Further, the DTSC has failed to allege facts that support or substantiate its claims. The Order and Accusation have effectively shut down Exide's business operations in Vernon, resulting in substantial loss of employment and financial harm. Exide requests that the Court dismiss the Order and Accusation filed by the DTSC, and enter an order permitting Exide to resume operations at its Vernon plant.

Exide reserves its right to amend or supplement this Notice of Defense.

Dated: May 6, 2013

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
RANDOLPH VISSER
STEPHEN J. O'NEIL
JEFFREY J. PARKER
OLIVIER THEARD

By Stephen J. O'Neil
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EXHIBIT A

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Exide Technologies, Inc.
13000 Deerfield Parkway, Suite 200
Milton, Georgia 30004

In the Matter of:

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Vernon, California 90058

ID No. CAD 097854541
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HWCA: P3-12/13-010

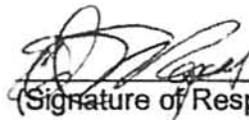
NOTICE OF DEFENSE

Health and Safety Code
Section 25186.1 & 25186.2

I, the undersigned Respondent, acknowledge receipt of a copy of the Order for Temporary Suspension, Accusation for Temporary Suspension, Statement to Respondent, and two copies of a Notice of Defense.

I request a hearing to permit me to present my defense to the allegations contained in the Order for Temporary Suspension.

Dated: May 6, 2013



(Signature of Respondent)

Please Type or Print the Name and Mailing Address of Respondent

Ed Mapus - Exide Technologies
(Name)
2700 S. Indiana St
(Street Address)
Vernon CA 90058
(City) (State) (Zip)
323-262-1101x259
(Telephone Number)
Ruth Williams-Marchand
(Inspector)

EXHIBIT 4

STIPULATION AND ORDER: Vernon Facility Financial Assurance Funded Projects

1. Storm Sewer Piping System Replacement
2. HEPA Filter Control Installation on Material Handling Baghouse
3. HEPA Filter Control Installation on MAC Baghouse
4. HEPA Filter Control Installation on Soft Lead Baghouse
5. HEPA Filter Control Installation on Hard Lead Baghouse
6. HEPA Filter Control Reconfiguration on RMPS Scrubber
7. Regenerative Thermal Oxidizer Installation
8. LACDPH Blood Lead Testing Program
9. Offsite Soil Sampling Program (residential/sensitive receptors)
10. Offsite Surface Dust/Soil Sampling Program (neighboring)