

MITIGATION MONITORING REPORTING
PROGRAM
FINAL
ENVIRONMENTAL IMPACT REPORT
CLOSURE PLAN
EXIDE TECHNOLOGIES BATTERY
RECYCLING FACILITY

Clearinghouse Number 2015051081

Prepared by

California Environmental Protection Agency
Department of Toxic Substances Control

With

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December 2016

1 INTRODUCTION

On December 8, 2016, the California Environmental Protection Agency's (CalEPA's) Department of Toxic Substances Control (DTSC), in compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, division 13, § 21000 et seq.) and CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) certified a Final Environmental Impact Report (EIR) to support the approval of a Closure Plan for a former hazardous waste treatment and storage facility owned and operated by Exide Technologies, Inc. (Exide). Exide requested DTSC's approval of a Closure Plan for the facility at 2700 South Indiana Street in Vernon, California (Exide facility), which was previously operating under Interim Status authorization under California Code of Regulations, title 22, section 66265 et seq.

Assembly Bill 3180 (AB 3180), codified in Section 21081.6 of the California Public Resources Code, became effective January 1, 1989, and requires a Lead or Responsible Agency to adopt a mitigation monitoring and reporting program (MMRP) when approving or carrying out a project. The purpose of this MMRP is to ensure that when an environmental document, either an EIR or a negative declaration, identifies measures to reduce potential adverse environmental impacts to less-than significant levels, that those measures are implemented as detailed in the environmental document. This MMRP also includes two conditions of approval adopted during the public review process and an Inadvertent Discovery Plan (IDP) which describes procedures in the event that archaeological materials are encountered, to guide compliance with applicable laws and regulations. The IDP is included as Appendix A. As lead agency for the Closure Plan, DTSC is responsible for implementation of this MMRP.

The EIR addresses the potential environmental impacts of the Project, and where appropriate, recommends measures to mitigate these impacts. As such, this MMRP is required to ensure that adopted mitigation measures are successfully implemented and a monitoring strategy was prepared for each mitigation measure. In addition, the Pproject includes two of project conditions that are being included in this MMRP for tracking and compliance purposes. The MMRP includes the mitigation monitoring/reporting requirements to assure that the mitigation is implemented successfully. Therefore, in accordance with the aforementioned requirements, this document lists each mitigation measure and project condition, describes the methods for implementation and verification,

and identifies the responsible party or parties as detailed below in the MMRP Implementation section.

2 REPORTING PROGRAM

Pursuant to AB 3180, this MMRP was prepared and is accompanied by the associated report forms utilized to verify compliance with individual mitigation measures. This MMRP identifies each mitigation measure or project condition by discipline, the entity (organization) responsible for its implementation, and the monitoring or reporting mechanism required for each measure if necessary. Certain inspections and reports may require preparation by qualified individuals, and these are specified as needed. The timing and method of verification for each measure is also specified.

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>MM-AQ-1: Increase engine tier: 100% of all off-road equipment with USEPA Tier 4 Engines. One hundred percent of diesel-powered construction equipment greater than 50 horsepower must meet U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emission standards. This measure shall be met, unless one of the following circumstances exists and the contractor is able to provide proof that any of these circumstances exists:</p> <ul style="list-style-type: none"> • Tier 4 equipment is unavailable through a leasing agreement within 200 miles of the project. • The contractor applied (within 30 days after DTSC approves the Closure Implementation Plan) for incentive funds to cover the cost of putting controls on a piece of uncontrolled equipment planned for use on the project, but the application is not yet approved or the application has been approved but funds are not yet available. • The contractor ordered (within 30 days after DTSC approves the Closure Implementation Plan), but has not yet received, a control device for a piece of equipment planned for use on the 	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities</p> <p>This measure shall be met, unless one of the following circumstances exist and the contractor is able to provide proof that any of the identified circumstances exists.</p>	<p>DTSC and Retained Third Party Monitor</p>	<p>Prior to and during construction and closure activities</p>

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>project.</p> <ul style="list-style-type: none"> • The contractor has ordered (within 30 days after DTSC approves the Closure Implementation Plan), but has not yet received, controlled equipment to replace uncontrolled equipment. 			
<p>MMAQ-2 Conduct Construction Best Management Practices</p> <p>The following best management practices and measures are required for construction equipment, including on-road trucks used during construction:</p> <ul style="list-style-type: none"> • Use clean diesel (less than 15 parts per million [ppm] sulfur) in all diesel-powered equipment. • Maintain all equipment in good working order and according to manufacturers' specifications. • Restrict idling of construction equipment to a maximum of 5 minutes when not in use. • Use diesel oxidation catalysts and catalyzed diesel particulate traps, where available. • Use electric-powered cranes, where technically feasible 	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities.</p> <p>DTSC, in consultation with SCAQMD, will determine applicability of Diesel Oxidation Catalysts (DOCs) and catalyzed diesel particulate traps and electric cranes once the contractor identifies and secures a final equipment list.</p>	<p>DTSC and Retained Third Party Monitor in consultation with , SCAQMD</p>	<p>Prior to and during construction and closure activities.</p>

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>MM-CHR-1: Stop work in area if prehistoric or historical archaeological resources are encountered.</p> <p>In the unlikely event that any artifact or an unusual amount of bone, shell, or non-native stone is encountered during construction, work shall be immediately stopped and relocated to another area. The contractor shall stop construction within 10 meters (30 feet) of the exposure of these finds until a qualified archaeologist can be retained to evaluate the find (see 36 C.F.R. § 800.11.1 and Cal. Code Regs., title 14, § 15064.5(f)). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; a historic trash pit containing bottles and/or ceramics; or structural remains. If the resources are found to be</p>	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities. In addition, all contractors shall receive and comply with the Inadvertent Discovery Plan prepared for this project (December 2016, Appendix A).</p>	<p>DTSC and Retained Third Party Monitor</p>	<p>Prior to and during construction and closure activities</p>

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>significant, they shall be avoided or shall be mitigated consistent with State Historic Preservation Office Guidelines.</p>			
<p>MM-CHR-2: Stop work in area if human remains are encountered. In the event of the accidental discovery of human remains, the following steps should be taken:</p> <ul style="list-style-type: none"> • Work shall be immediately stopped. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ul style="list-style-type: none"> – The coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required – If the coroner determines the remains to be Native American: <ul style="list-style-type: none"> ○ The coroner shall contact the Native American Heritage Commission within 24 hours. ○ The Native American Heritage 	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities. In addition, all contractors shall receive and comply with the Inadvertent Discovery Plan prepared for this project (December 2016, Appendix A).</p>	<p>DTSC and Third Party Monitor</p>	<p>Prior to commencement of and during construction and closure activities</p>

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<p>Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</p> <ul style="list-style-type: none"> ○ The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, section 5097.98. ○ Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. <ul style="list-style-type: none"> ▪ The Native American Heritage Commission is unable to identify 			

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>a most likely descendent, or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <ul style="list-style-type: none"> ▪ The descendant identified fails to make a recommendation. ▪ The landowner or the authorized representative rejects the recommendation of the descendant and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 			
<p>MM-NV-1. Construction Equipment Controls. All mobile or stationary internal-combustion-engine powered equipment or machinery shall be equipped with suitable exhaust and air-intake silencers in proper working order.</p>	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities.</p>	<p>DTSC and Retained Third Party Monitor</p>	<p>Prior to and during construction and closure activities</p>

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>MM-NV-2: Noise monitoring for businesses Throughout the duration of the proposed Project, the contractor shall conduct noise monitoring at 3800-3840 East 26th Street (the nearest business structure to the northwest) and 4010 East 26th Street (the nearest business structure to the southeast). If measurements indicate that the maximum noise level generated by the equipment and deconstruction activities at the site exceeds 85 decibels (dBA) at the business structure, the contractor shall reduce the maximum noise level to less than 85 dBA. Steps may include one or more of the following: 1) reduce the number and/or types of equipment operating simultaneously; 2) erect partial enclosures or barriers around the noisy equipment items; 3) erect a temporary noise barrier along the property line between the Exide facility and the adjacent industrial building; and/or 4) use quieter equipment or processes.</p>	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities. Exide shall conduct noise monitoring following approval of scope by DTSC.</p>	<p>DTSC and Retained Third Party Monitor</p>	<p>Prior to and during construction and closure activities</p>

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Mitigation Measure/ Project Condition	Monitoring/Reporting Actions	Responsible Monitoring Party	Monitoring Phase
<p>MM-NV-3: Noise monitoring for residences If construction or deconstruction activities occur between 10:00 p.m. and 7:00 a.m., the contractor shall conduct noise monitoring at the nearest residence to the Exide facility, located on East Vernon Avenue west of South Downey Road in Vernon (approximately 0.6 mile from the facility).</p> <p>If the measurements indicate that the maximum noise level generated by the equipment and deconstruction activities at the site exceeds 50 dBA at the residence, the contractor shall reduce the maximum noise level to less than 50 dBA. Steps may include one or more of the following: 1) reduce the number and/or type of equipment operating simultaneously; 2) erect partial enclosures or barriers around the noisy equipment items; 3) erect temporary noise barriers along the property lines of the Exide facility; and/or 4) use quieter equipment or processes.</p>	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities. If construction or deconstruction activities are scheduled between 10:00 p.m. and 7:00 a.m. triggering this measure, Exide shall conduct real time noise monitoring during construction or deconstruction activities.</p>	<p>Exide, DTSC</p>	<p>Prior to and during construction and closure activities when construction or deconstruction activities occur between 10:00 p.m. and 7:00 a.m.</p>

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<p>Project Condition 1: Truck routes All routes will proceed from the facility directly toward Bandini Boulevard, turn left onto Bandini Boulevard, and merge onto I-710. Directions to 2801 N. Madera Road will be revised to proceed to I-710 using this route. Note that transportation routes may change due to planned and unplanned road closures. The Contractor will ensure that drivers understand the approved truck routes and will provide a written statement confirming that the transportation routes have been provided and reviewed by the truck driver(s) and the route will be followed, except to the extent that road closures require an alternate route. A copy of the map clearly depicting these routes, as well as hours of operation, will be provided to all workers hauling material to and from the site. Any change from the Bandini Boulevard to I-710 portion of routes will require DTSC approval. Trucks using alternate routes will be documented on a transportation log that includes the date, time, truck identification, manifest number, route taken, and contents of load. The transportation log will</p>	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities. Contractors shall supply truck maps to all truckers.</p>	<p>DTSC and Retained Third Party Monitor</p>	<p>Prior to and during construction and closure activities.</p>

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<p>be submitted to DTSC daily when there are entries. All trucks leaving the facility will be marked with a yellow flag having a visible area of at least 1 square foot, attached to the high rear end of the trailer in a location visible to pedestrians. As feasible, project-related truck and construction vehicle traffic shall be directed away from school campuses (even in the event of planned or unplanned road closures). In the event that trucks are routed within 0.25 mile (surface streets) of a campus, DTSC or the contractor shall coordinate with the school administrator or designee to avoid pedestrian and vehicular routes to schools during the start and end of the school day. In addition, the Los Angeles Unified School District’s (LAUSD’s) Office of Environmental Health and Safety (OEHS) must be advised by calling (213) 241-3199. The Pedestrian Route to School map is available on LAUSD’s website.¹ In the event that Project-related traffic must transect pedestrian or vehicular routes</p>			

¹ LAUSD, 2016. Office of Environmental Health & Safety Pedestrian Routes to School. Available at: <http://www.lausd-oehs.org/saferoutestoschools.asp>.

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<p>to schools, the LAUSD’s Transportation Branch must be contacted at (213) 580-2950 and LAUSD’s OEHS must be advised by calling (213) 241-3199. The project manager or designee should notify LAUSD of the expected start and end dates for various portions of the Project that may affect traffic through the areas. Trucks and construction vehicles may encounter school buses using red flashing lights and must stop, per provisions in the California Vehicle Code.</p>			
<p>Project Condition 2: Health and Safety Plan (a) Before the Closure Plan is implemented, the contractor must prepare a draft Health and Safety Plan and provide it to DTSC for review and approval. To assist in preparing the Health and Safety Plan, Exide must provide the contractor with all the comments on the Draft EIR that pertain to the Health and Safety Plan and the responses to those comments. When preparing the Health and Safety Plan, the contractor must consider those comments, in addition to the standards and regulations contained in 29 Code of</p>	<p>Exide shall include requirements in all construction contracts and demonstrate that it has done so before commencement of any construction and closure activities. DTSC shall review and approve the Health and Safety Plan prior to commencement of construction activities.</p>	<p>DTSC and Retained Third Party Monitor</p>	<p>Prior to commencement of construction and closure activities.</p>

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<p>Federal Regulations, parts 1910 and 1926, and any other applicable law.</p> <p>(b) The Health and Safety Plan must comply with the most up-to-date standards for occupational lead exposure adopted by Cal/OSHA, even if the regulations implementing those standards have not yet gone into effect.</p> <p>(c) The Health and Safety Plan must provide appropriate protections for workers operating in a confined space, if confined space work is specified in the Closure Implementation Plan; these protections must comply with 29 Code of Federal Regulations, part 1910, and California Code of Regulations, title 8, sections 5156-5158.</p> <p>(d) The Health and Safety Plan must be reviewed at least annually by the contractor and updated if changes in the environmental conditions or project operations warrant modifications. The Health and Safety Plan</p>			

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<p>must also be updated to reflect changes in law, including 29 Code of Federal Regulations, parts 1910 and 1926, or applicable provisions of the California Code of Regulations. The updated plan must be submitted to DTSC for review and approval. All contracts and subcontracts associated with the project must specify that contractors and subcontractors will comply with the most updated Health and Safety Plan.</p>			

APPENDIX A:
INADVERTENT DISCOVERY PLAN

INADVERTENT DISCOVERY PLAN EXIDE TECHNOLOGIES BATTERY RECYCLING FACILITY CLOSURE PLAN

Prepared for

California Environmental Protection Agency
Department of Toxic Substances Control

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LIST OF ACRONYMS AND ABBREVIATIONS

CEQA	California Environmental Quality Act
Coroner	Los Angeles County Coroner
IDP	Inadvertent Discovery Plan
OHP	California Office of Historic Preservation
NAHC	Native American Heritage Commission

1 INTRODUCTION

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) is leading the closure of the Exide Battery Recycling Facility in Vernon, Los Angeles County, California (the Project). The Project is subject to the California Environmental Quality Act (CEQA). CEQA requires analysis of potential impacts to cultural and historic resources. No such potential was identified; ground disturbance for the Project is expected to take place entirely within fill. However, if excavation exceeds the limits of fill or previous disturbance, archaeological materials may be present. This Inadvertent Discovery Plan (IDP) describes procedures in the event that archaeological materials are encountered, to guide compliance with applicable laws and regulations.

2 PROCEDURES FOR THE DISCOVERY OF ARCHAEOLOGICAL RESOURCES

If a construction team member believes that he or she has inadvertently uncovered an archaeological resource or possible resource, all work at or adjacent to the discovery shall immediately stop. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological discovery. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following the provisions of this section.

A resource discovery could be prehistoric or historic in age and consist of any of the following:

- Areas of charcoal or charcoal-stained soil and stones
- Stone tools or waste flakes (i.e., an arrowhead or stone chips)
- Animal bones, burned rocks, or mollusk shells, whether or not seen in association with stone tools or chips, if found in areas of native soil
- Tin cans, ceramics, flat glass or bottles, concentrations of brick, or logging or agricultural equipment, if found in areas of native soil

The construction team member will immediately notify the DTSC Project Manager (see Section 4, Contact Information). The Project Manager (or designee) is responsible for all

other contacts and coordination. Under no circumstances should the construction team contact federal or state agencies, tribes, or the media.

The Project Manager will arrange for a qualified archaeologist to visit the work site to determine if the find is potentially significant (eligible for listing in the National Register of Historic Places or California Register of Historical Resources [CRHR]).

If the archaeologist determines that the find is NOT archaeological or is clearly not significant, work may resume immediately with no further delay.

If the archaeologist determines that the find is potentially significant, the Project Manager or archaeologist will contact the California Office of Historic Preservation (OHP) and affected Native American tribes (See Section 4, Contact Information).

DTSC will consult with OHP and tribes to determine significance and appropriate treatment. DTSC, in consultation with OHP and the tribes, will decide when construction may resume at the discovery location.

Where archaeological resources are encountered during construction, but continued construction is not likely to cause additional impacts, project construction may continue while assessment and documentation of the resources proceed.

If continued construction is likely to cause additional impacts to archaeological resources, Project activities within a radius of 30 feet of the discovery will cease until the archaeologist has documented the discovery, evaluated its significance, and assessed potential effects.

3 PROCEDURES FOR THE DISCOVERY OF HUMAN REMAINS

The procedures described here are mandated by CEQA Guidelines 15064.5 (e)(1). If human remains are encountered, these procedures shall be followed.

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the following process is complete:

- B) The Los Angeles County Coroner (Coroner) must be contacted to determine that no investigation of the cause of death is required, and determine whether the remains are Native American.
- C) If the Coroner determines the remains to be Native American:
- The Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours.
 - The NAHC shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - The most likely descendent may make recommendations to DTSC, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - Where the following conditions occur, DTSC shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - (a) The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
 - (b) The descendant identified fails to make a recommendation; or
 - (c) The DTSC rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to DTSC.

4 CONTACT INFORMATION

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Native American Heritage Commission
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