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1/12/17



## Department of Toxic Substances Control

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### **Exide Preliminary Investigation Area Time Critical Removal Action (TCRA) Guidance**

The Department of Toxic Substances Control (DTSC) recently completed a Draft Remedial Action Plan (Draft Cleanup Plan) and Draft Environmental Impact Report (EIR) for the Preliminary Investigation Area (PIA) near the closed Exide Technologies facility in Vernon, California. The Draft Cleanup Plan outlines California's largest cleanup of residential properties, which will be completed as quickly and safely as possible, and includes key protections for community members and workers. The Draft Cleanup Plan and EIR are scheduled to be finalized by June 2017, and cleanup activities for properties in the PIA are scheduled to begin in the Summer of 2017. In the meantime, based on the information developed as part of the Cleanup Plan and EIR processes, and other similar projects, DTSC is now considering whether to evaluate and address on an expedited basis a limited number of properties with high levels of lead in soil that may pose a threat to sensitive populations in the PIA.

This document provides guidance on the factors DTSC may use to determine on a case-by-case basis if a Time Critical Removal Action (TCRA) may be warranted before DTSC approves the Draft Cleanup Plan and certifies the EIR for cleanup actions in the PIA. This guidance applies to residential properties, schools, daycares and child care centers, and parks within the PIA.

DTSC's goal is to ensure that timely and appropriate actions are taken to prevent exposures to sensitive populations. Before taking actions under this guidance, DTSC must obtain access from property owners and tenants and make a determination that the expedited cleanup or other action will not have a significant impact on the environment. Based on an assessment of existing soil sampling results, analysis of similar cleanup projects, and the cumulative impacts analysis in the Draft EIR, DTSC anticipates no impacts from cleaning up select properties in the PIA under this guidance. Additionally, DTSC will utilize measures to protect worker health, public health, and the environment consistent with all applicable laws.

This guidance is consistent with the criteria in Subpart E of the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. § 300.400 et seq.), as amended (i.e., the National Contingency Plan or NCP) and the U.S. Environmental

Protection Agency (U.S. EPA) Superfund Lead-Contaminated Residential Site Handbook. DTSC will consider all applicable statutes and regulations, and retains the discretion to make decisions that deviate from this document. DTSC also may amend this document.

### **What is a TCRA?**

Under this guidance, a TCRA is any action taken to reduce or prevent an imminent and substantial endangerment to the public health or welfare, or to the environment, because of a release or threatened release of a hazardous substance at the property where the TCRA will occur. A TCRA may include removal and disposal of material or other actions taken to prevent, minimize, stabilize, or eliminate the release of lead in soil.

### **What factors will DTSC consider in evaluating and deciding the appropriate action(s) to take?**

DTSC will consider various factors to be applied, on a case-by-case basis, to determine whether it is appropriate to undertake a TCRA that include, but are not limited to, the following:

- High levels of lead in soils largely at or near the surface. Examples, include, but are not limited to, the following:
  - The 95 percent Upper Confidence Level (UCL) for lead in soil at the property.
  - The existence of a barrier (grass, mulch, rock, etc.) between lead-impacted soil and the potentially exposed population at the property.
- The actual or potential exposure, and the severity of that exposure, to sensitive populations from high lead levels in the soil. Examples of sensitive populations include, but are not limited to, the following:
  - Children under the age of seven (7) years or pregnant women who reside or are at the property for extended periods of time.
  - People who reside at the property and have a blood-lead level at or above five (5) micrograms per deciliter (ug/dL).
- The likelihood that an actual or potential exposure would recur after the TCRA is completed and would present an on-going threat to people.
- The availability of other appropriate federal or state response mechanisms to respond to the release.
- Other situations or factors that may pose threats to public health or welfare, or the environment in the State of California.

**What other actions can owners, residents, day care and child care center owners and operators, and others take now to prevent exposures to lead?**

DTSC provides owners, residents, school districts, day care and child care center owners and operators, and local governments within the PIA with educational information regarding measures they can take to prevent exposure to lead. Some of these measures include:

- Covering or eliminating access to bare soil containing elevated levels of lead with barriers, mulch, gravel, or other means.
- Stabilizing exterior deteriorated lead-based paint surfaces. Paint stabilization entails removing deteriorating paint, preparing the building or structure for repainting, and repainting. DTSC staff can assist with applications for funding lead-based paint abatement from the federal Department of Housing and Urban Development.

DTSC also encourages potentially affected individuals to have their blood lead levels tested. DTSC will also coordinate with the California Department of Public Health (CDPH) and local or state public health officials to determine the appropriate response action at properties where there is a member of a sensitive population that has an elevated blood lead level.