From:	Phil Chandler
To:	Singh, Mike@DTSC; Rohlfes, Larry@DTSC
Subject:	CONTINENTAL CANS CLOSURE AND CORRECTIVE ACTION PROBLEMS--FORMER LEAD FACILITY NEAR EXIDE
Date:	Wednesday, July 13, 2016 11:54:38 AM
Attachments:	Continental Cans Letter to Director 4-9-2015.pdf

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I disclose up front that I work for the Department of Toxic Substances Control's (DTSC) in the Brownfields and Environmental Restoration Program (BERP) at Chatsworth. However, this communication to you is written as a member of the concerned public not as a State of California employee. I further disclose that for many years, staff reporting to me had the thankless responsibility for endless iterations of Exide Technologies, Inc. (Exide) permit applications, draft permits and for the incomplete corrective action at the facility. Under my watch, we had relatively few successes but one was forcing recognition that South Coast Air Quality Management District (SCAQMD) "legal" emissions of lead at Exide caused deposition and accumulation of lead off-site at levels greater than reasonably acceptable for either residential or industrial risk ---in fact greater than the hazardous waste criterion through near-filed off-site investigations and cleanups. I cannot help but note that DTSC together with the public seem to have thoroughly demonized Exide for ALL LEAD TO BE FOUND WITHIN MILES OF THE FACILITY. It concerns me that this "demonization" has had the effect of masking historical airborne emission/deposition contributions to the Los Angeles environment from other facilities in DTSC's portfolio, as well those former smelting, paint manufacturing, battery manufacturing, scrap operations, etc. in the Certified Unified Program Agencies (CUPA) and other local agency portfolios.

I wrote a letter to DTSC's Director, Ms. Barbara Lee, on April 5, 2015, and have never received a response. Specifically, that letter concerned the former Continental Cans USA Plant 11 facility, shown as No Further Action (NFA) in DTSC's Envirostor. The former facility is located at 3820 Union Pacific Avenue in Los Angeles. The east side of the former plant is on Indiana Ave. Exide is located at 2700 S. Indiana Ave. THE FORMER CONTINENTAL CANS FACILITY IS ABOUT 4000 FEET NORTH OF EXIDE AND APPROXIMATELY 300 FEET EAST OF THE SO-CALLED NORTHERN EXPOSURE AREA OF EXIDE. In other words, it is considerably closer to the "nearest affected residents" than Exide itself.

In 2007 (NOT ON DIRECTOR LEE"S WATCH), DTSC prepared a pitiful excuse of a RCRA Facility Assessment (RFA) for Continental Can. Although there are many flaws in the document, the most glaring is that even while describing solder pot ducts which vented directly out of the second story roof, lead-containing powder found on the inside of the duct piping, and a site history of operation from 1929, DTSC failed to exhibit any concern or even curiosity regarding the effect of nearly 55 years worth of airborne emissions from operations at the former facility. The RFA's author did not mention checking with South Coast Air Quality Management District (SCAQMD) about such emissions, reviewing their files, asking about SCAQMD permits or determining whether health-risk assessment(s) (HRAs) had been done for SCAQMD at any time.

I ask that the IRP require DTSC to respond to my letter but further that it require DTSC to rescind the RCRA closure and the NFA of the RCRA corrective action at the former Continental Can and do a proper closure of the hazardous waste management units (HWMUs) and develop a RCRA Facility Assessment (RFA) that fully identifies all solid waste management units (SWMUs) with respect to all possible exposure pathways---including airborne emission/deposition and accumulation---for 360 degrees around the former facility. I again ask the IRP to investigate the DTSC practice of rolling closure costs over into corrective action to avoid increasing the closure AFR for its permitted facilities---and in this instance of then NFAing the corrective action with a pitiful evaluation. This should take the form of census of sites where there is known soil and groundwater contamination, such as Evergreen and Demenno Kerdoon to determine involvement of the HWMUs in that contamination and determine if the knowledge of that contamination has been used to upgrade the closure cost estimate and then actual AFR funding. It should also include an evaluation of all closures that DTSC has issued with regard to the evidence and completeness contaminant pathway analyses.

Thank you for your consideration.

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April 5, 2015

Ms. Barbara A. Lee, Director
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RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) RCRA FACILITY INVESTIGATION – EVALUATION AND FINGERPRINTING OF POSSIBLE OFF-SITE AIRBORNE DEPOSTION/ACCUMULATION OF HAZARDOUS CONSTITUENTS (INCLUDING LEAD), FORMER CONTINENTAL CAN CO USA PLANT 11 [EPA ID NUMBER CAD 002 905 198]

Dear Ms. Lee:

I work for you in Department of Toxic Substances Control's (DTSC) in the Brownfields and Environmental Restoration Program (BERP) at Chatsworth. However, this letter to you is written as a member of the concerned public not as a State of California employee. For many years, staff reporting to me had the thankless responsibility for endless iterations of Exide Technologies, Inc. (Exide) permit applications, draft permits and for the incomplete corrective action at the facility. Among our few successes was forcing recognition that South Coast Air Quality Management District (SCAQMD) "legal" emissions of lead at Exide caused deposition and accumulation of lead off-site at levels greater than reasonably acceptable for either residential and industrial risk ---in fact greater than the hazardous waste criterion--- and embedding a requirement in our draft permit (noticed to the public in 2006), for an Air Monitoring and Response Plan (AMRP) to address off-site airborne deposition/accumulation that would continue through the SCAQMD-permitted "legal" emissions .

Because of the foregoing, I maintain an interest in the on-going investigation and cleanup of deposited/accumulated airborne emissions from Exide. It is pleasing to see the renaissance of investigative and cleanup work at Exide and the highly professional level of effort by DTSC staff and management. However, I cannot help but note that DTSC together with the public seem to have thoroughly demonized Exide for all off-site lead. This "demonization" has had the effect of masking historical airborne emissions

contributions from other facilities in DTSC's portfolio, as well those former smelting, paint manufacturing, scrap operations, etc. not currently in that portfolio.

Specifically, this letter concerns the former Continental Cans USA Plant 11 facility, shown as No Further Action (NFA) in DTSC's Envirostor. The former facility is located at 3820 Union Pacific Avenue in Los Angeles. The east side of the former plant is on Indiana Ave. Exide is located at 2700 S. Indiana Ave. Continental Cans is about 4000 feet north of Exide and is much closer to the northernmost of Exide's "nearest affected residents" than Exide itself.

In 2007, DTSC prepared a pitiful excuse of a RCRA Facility Assessment (RFA) for Continental Can. Although there are many flaws in the document, the most glaring is that even while describing solder pot ducts which vented directly out of the second story roof, lead-containing powder found on the inside of the duct piping, and a site history of operation from 1929, DTSC failed to exhibit any concern or even curiosity regarding the effect of nearly 55 years worth of airborne emissions from operations at the former facility. The RFA's author did not mention checking with South Coast Air Quality Management District (SCAQMD) about such emissions, reviewing their files, asking about SCAQMD permits or determining whether health-risk assessment(s) (HRAs) had been done for SCAQMD at any time.

As a condition of Exide's emergency clean-up approval in 2009 my staff and I required Exide to "fingerprint" its lead emissions. Exide ignored this requirement and its *"Summary Report for Initial Cleaning and Recommendations for Additional Interim Measures, Exide Technologies Off-site Areas"* did not have the required fingerprinting. Therefore, on July 28, 2011, we directed Exide to submit a separate workplan to specifically address the neglected lead "fingerprinting" component of the IM s as Phase 8 of the then-on-going RFI work. However, within months of that request, corrective action activities at Exide were arbitrarily removed from BERP by **MIDDLE TO UPPER LEVEL DTSC MANAGEMENT** in Sacramento and placed under Permitting for the so-called purposes of "coordination" with the stalled permit. There was no substantive action on of-site deposition/accumulation issues for two years thereafter. In April of 2013, as a private citizen, I requested that then-Director Rafael and that the "Permitting Program" revisit the fingerprinting issue at Exide.

Although there unfortunately has never been any response to that 2013 letter, I now make a new set of requests of you with regard to Continental Can and renew the 2013 Exide fingerprinting request:

- Indicate in Envirostor that the Continental Can RFA is so seriously inadequate and that its finding of No Further Action (NFA) is no longer acceptable to DTSC...

- Require that Permitting populate Envirostor with **ALL** of the earlier closure documents and sampling data sets that exist.
- Issue a RCRA Corrective Action Consent Order or enter into a Corrective Action Consent Agreement (CACA) with the "responsible parties" to perform investigative work at and around Continental Can based on the uninvestigated historical emissions of lead-bearing dust.
- Require a current conditions report that addresses all of the operations, especially all of the metal smelting operations, at the facility since 1927 and incorporates any and all emissions data, stack tests, monitoring data, permits, and health-risk assessments associated with the SCAQMD.
- Require specific investigation of potential off-site deposition/accumulation of the lead-bearing dust noted in the Continental Can that was directly emitted through its smelting pot ducts into the air from 1927 to 1983. Include all emission constituents of concern (COCs).
- Require appropriate sampling techniques sensitive to airborne deposition/accumulation and the collection of sufficient data to determine if a spatial pattern exists relative to Continental Can.
- Require fingerprinting of Exide's emissions for comparison to any findings around Continental Can and other "emitters" within the Exide emissions/deposition footprint.

Thank you for your consideration.

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