



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
9211 Oakdale Avenue
Chatsworth, CA 91311

Edmund G. Brown Jr.
Governor

April 24, 2013

Mr. John Hogarth
Plant Manager
Exide Technologies
2700 South Indiana Street
Vernon, California 90058

Care of:

CT Corporation System
818 W Seventh Street
Los Angeles, California 90017
Attn: Agent for Service of Process (C052822)

ORDER FOR TEMPORARY SUSPENSION AND AN ACCUSATION FOR
SUSPENSION FOR EXIDE TECHNOLOGIES, VERNON, CALIFORNIA
(EPA IDENTIFICATION NUMBER CAD 097854541)

Dear Mr. Hogarth:

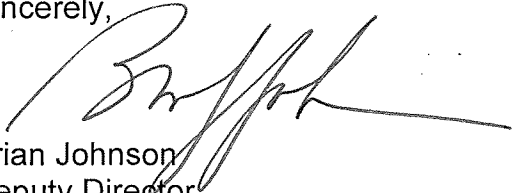
Enclosed please find an Order for Temporary Suspension (Order) and Accusation for Suspension (Accusation) for Exide Technologies Inc., located at 2700 South Indiana Avenue, Vernon, California.

Specific instructions related to this matter are contained in the enclosed Statement to Respondent, and two blank Notice of Defense forms are enclosed. As indicated in the enclosures, you have a right to a hearing. A WRITTEN REQUEST FOR A HEARING MUST BE DELIVERED TO THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL OR POSTMARKED WITHIN 15 DAYS OF THE DATE OF THIS LETTER OR YOU WILL WAIVE YOUR RIGHT TO A HEARING.

The Department of Toxic Substances Control would like to discuss the specific requirements of the Order and Accusation with Exide. Please contact Rizgar Ghazi at (916) 255-3572.

Mr. John Hogarth
April 24, 2013
Page 2

Sincerely,



Brian Johnson
Deputy Director
Hazardous Waste Management Program

Enclosures

cc: Mr. Barry R. Wallerstein, D. Env.,
Executive Officer
Southern California Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Mr. Leonard Grossberg, Director
Health & Environmental Control Department
City of Vernon
4305 Santa Fe Avenue
Vernon, California 90058

Ms. Wendy Liu
Stormwater - Compliance and Enforcement
Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, California 90013

Mr. Jerrick Torres
Senior Environmental Specialist
Health & Environmental Control Department
City of Vernon
4305 Santa Fe Avenue
Vernon, California 90058

Mr. Rizgar Ghazi
Branch Chief
Office of Permitting
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

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

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. CAD 097854541
Respondent.

HWCA: P3-12/13-010

STATEMENT TO RESPONDENT

Order for Temporary Suspension
Health & Safety Code sections
25186.1 & 25186.2

TO THE ABOVE RESPONDENT:

An Order for Temporary Suspension (Order) is attached to this Statement and is hereby served upon you. The Order has been filed by the Department of Toxic Substances Control (Department).

UNLESS A NOTICE OF DEFENSE TO REQUEST A HEARING SIGNED BY YOU OR ON YOUR BEHALF IS DELIVERED TO THE DEPARTMENT OR POSTMARKED WITHIN FIFTEEN DAYS AFTER THE DATE OF THE COVER LETTER YOU RECEIVED WITH YOUR COPY OF THE ORDER, YOU WILL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO A HEARING IN THIS MATTER. IF YOU DO NOT FILE A TIMELY HEARING REQUEST, THE ORDER BECOMES FINAL AUTOMATICALLY.

The request for a hearing may be made by delivering or mailing one copy of the enclosed form entitled "Notice of Defense" or by delivering or mailing a Notice

of Defense as provided in section 11506 of the Government Code to:

Chief Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor,
P. O. Box 806
Sacramento, California 95812-0806

The enclosed Notice of Defense, if signed and filed with the Department, is deemed a specific denial of all parts of the Order, but you will not be permitted to raise any objection to the form of the Order unless you file a further Notice of Defense as provided in section 11506 of the Government Code within fifteen days after service of the Order upon you.

If you file a Notice of Defense within the time permitted, a hearing on the allegations made in the Order will be conducted by the Office of Administrative Hearings of the Department of General Services in accordance with the procedures.

The hearing may be postponed for good cause. If you have good cause, you must notify the Department within ten working days after you discover the good cause. Failure to notify the Department within ten days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are attached. If you desire the names and addresses of witnesses or an opportunity to inspect and copy items in possession, custody, or control of the Department, you may contact:

Chief Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P. O. Box 806
Sacramento, California 95812-0806

Whether or not you have a hearing, you may confer informally with the Department to discuss the alleged facts, determinations, corrective actions and penalty. An informal conference does not, however, postpone the fifteen-day period you have to request a hearing on the Order. An informal conference may be pursued simultaneously with the hearing process.

You may but are not required to be represented by counsel at any or all stages of these proceedings.

GOVERNMENT CODE

Section 11507.5. Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

Section 11507.6. Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

Section 11507.7. Motion to compel discovery

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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

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. CAD 097854541
Respondent.

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: _____

(Signature of Respondent)

Please Type or Print the Name and Mailing Address of Respondent

(Name)

(Street Address)

(City)

(State)

(Zip)

(Telephone Number)

(Inspector)

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

Dated: _____

(Signature of Respondent)

Please Type or Print the Name and Mailing Address of Respondent

(Name)

(Street Address)

(City)

(State)

(Zip)

(Telephone Number)

(Inspector)