



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

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Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Edmund G. Brown Jr.
Governor

July 16, 2014

Mr. Frederick Ganster
Exide Technologies, Inc.
3000 Montrose Avenue
Reading, Pennsylvania 19605

Dear Mr. Ganster:

This correspondence provides a time-limited extension for Exide to promptly provide the Department of Toxic Substance Control (DTSC) with the last detailed segments of information that will comprehensively characterize the hazardous waste management units at the facility, describe the necessary clean up actions to safely close the facility, and provide a fully executed financial assurance document -- based on all of Exide's submitted information -- to fund needed closure (clean up) activities. California law requires these measures to protect public health and the environment following the cession of hazardous waste management activities at Exide's facility.

The Department is providing this extension, as described in more detail below, because Exide has verbally and in writing assured DTSC that the company can provide these last detailed segments of information by the dates provided in this correspondence. If Exide fails to provide the information or DTSC identifies deficiencies in the submission of the items described in this letter, Exide will have failed to comply with the requirements of the company's Third Notice of Deficiency (Third NOD).

Summary of Exide's Request for an Extension

On July 7, 2014, DTSC received Exide's "*Request for Extension*" letter regarding the schedule for submission of the revised Hazardous Waste Permit Application for the Exide facility in Vernon California. Subsequently on July 11, 2014, DTSC received a follow-up request letter titled "*Supplemental Information to Request for Extension Letter (July 7, 2014)*", (Request), which provides additional information and clarifying content that Exide believes justifies a request for an extension. The Request is in response to DTSC's Third NOD letter dated June 17, 2014 requiring Exide to submit a revised Part A and Part B Application by July 17, 2014.

In the Request, Exide states that additional time is required to collect and compile additional information and a financial assurance document that can fund closure (clean up) activities needed at the facility to protect public health and the environment. Exide made this request for additional time based on discussions about the deficiencies DTSC noted in the Third NOD to Exide. DTSC has interpreted Exide's letter to include five separate requests that we have grouped into the items below; our responses to each of these follows this list.

1. Completed Permit Application (excluding items 2-5)
2. Closure Plan, Closure Cost Backup Documentation, and Financial Responsibility and Financial Assurance Documentation
3. Tank Assessments and Certifications for Units 12, 13, 24, 50, 52 and 53
4. Modifications to Units 58 through 61
5. Process Fugitive Control Plan

DTSC Response to Item 1

During a meeting between Exide and DTSC on July 2, 2014, Exide did not provide any convincing alternative to our interpretation that a number of additional units, which include the receiving/refining kettles, centrifuge dryer units, and plastics trailer storage area (if installed), will require authorization under the California Hazardous Waste Control Law. Exide must include all units where hazardous wastes are managed, treated, and/or stored. Exclusion of any unit which is required to be regulated is grounds for an incomplete application determination.

Exide states that the addition of the units requires collection of "details" which necessarily include location, dimensions, capacity, secondary containment calculations, inspection schedules and modification of existing drawings and plans to incorporate this information. DTSC recognizes that collection and incorporation of this information is time consuming but essential for a facility to be run consistent with state law. DTSC is willing to grant an extension for a complete permit application until August 4, 2014.

DTSC Response to Items 2

Exide has requested an extension for the submittal of a Closure Plan and Closure Cost Backup Documentation until August 18, 2014, and Financial Responsibility Information and Financial Assurance Documentation until September 5, 2014.

Exide has agreed to submit a new closure cost estimate which incorporates the changes identified by DTSC in the Third NOD including:

1. More detailed information following a Work Breakdown Structure format and supplemental details and detailed drawings showing all units.
2. Using updated unit pricing at 2014 levels instead of using 2006 pricing and inflating to current time.
3. Re-writing the closure and contingent closure plans to include building demolition, excavation to 5 feet below existing grade under permitted units and secondary containment areas.
4. Exide will prepare a spreadsheet linking decontamination/demolition unit pricing, regulated unit sizes/dimensions and the overall cost estimate. The spreadsheet will be provided electronically to DTSC.
5. Exide agrees it will include a fully executed financial assurance document once the final amount for financial assurance is calculated, and no later than September 5, 2014.

Exide estimates that item #1 may require 80 to 100 hours of field time and an additional 300 to 400 hours of office time to complete. According to Exide, item #5 (the financial assurance documentation required for the revised closure cost estimate) will take until September 5, 2014 to secure. DTSC is willing to allow the extension request for submittal of a Closure Plan and Closure Cost Backup Documentation, items #1 to #4 above, until August 18, 2014, and securing final assurance no later than September 5, 2014.

Response to Items 3 and 4

The timeframes provided by Exide, in light of recent developments with the South Coast Air Quality Management District (SCAQMD), appear reasonable and DTSC agrees with the timeframe for completing the tank assessments and certifications. DTSC acknowledges that Exide must comply with SCAQMD air quality standards as the facility has many sources of fugitive emissions. SCAQMD recently approved of Exide's Mitigation Plan for Construction of Risk Reduction Measures, which allows Exide to conduct RCRA Facility Investigation Sampling, and other plant activities. As a result of SCAQMD's lifting of restrictions for on-site construction or maintenance activities, this work should have already started or can begin immediately. DTSC does require that Exide provide a weekly construction status update for each of the remaining tank assessments beginning on July 18, 2014 and continuing until submission of the

tank certifications on October 2, 2014, which is 12 weeks from the SCAQMD approval date of July 10, 2014.

In addition, Exide is required to submit a preliminary design and class 1 modification request for modifications to Units 58 through 61 by August 18, 2014, with final details to be submitted by September 15, 2014. The installation of these modifications shall be completed within 60 days of the final detail submission, which is no later than November 14, 2014, and Exide must submit tank certifications immediately following installation of the modifications.

DTSC Response to Item 5

As a result of our discussions on July 2, 2014, Exide has agreed to the inclusion of a Process Fugitive Control Plan (PFCP) in response to issues identified in the Third NOD regarding the accumulation of waste material and process dust on horizontal surfaces, beams, and rafters within and outside the containment building. The PFCP is intended to address DTSC's concerns regarding the inability of Exide to operate its containment building in accordance with the requirements of the permitting regulations. The PFCP must incorporate procedures to be implemented by Exide to control and remove these accumulations. Exide must submit a plan that is complete and addresses all the deficiencies identified in the Third NOD by no later than August 18, 2014.

Any substantial deficiencies identified by DTSC in the submission of the items above will constitute failure to comply with the requirements of the Third NOD.

If you have any question regarding this letter or any other aspects of the Third NOD you may call me at (916) 255-3605.

Sincerely,



William P. Veile, P.E.
Office of Permitting

cc:(via e-mail)
Mr. Tom Strang, Exide
Mr. John Hogarth, Exide
Mr. Ed Mopas, Exide

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Mr. Paul Stratman, AGC
Ms. Barbara Forslund, AGC
Mr. Rizgar Ghazi, DTSC
Mr. Edward Nieto, DTSC
Ms. Nancy Bothwell, DTSC