



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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



**Edmund G. Brown Jr.**  
Governor

June 19, 2014

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

REQUEST FOR TECHNICAL WORK PLAN TO PERFORM FOCUSED SOIL REMOVAL AND YARD RESTORATION WORK ON TWO RESIDENCES IN THE NORTHERN ASSESSMENT AREA: EXIDE TECHNOLOGIES, INC., VERNON, CALIFORNIA, STIPULATION AND ORDER, DOCKET HWCA P3-12/13-010, OAH NO. 2013050540, AND CORRECTIVE ACTION CONSENT ORDER, DOCKET NO.:P3-01/02-010.

Dear Mr. Ganster:

On February 18, 2014, the Department of Toxic Substances Control (DTSC) received from Exide Technologies, Inc. (Exide) a February 17, 2014 report titled "Off-site Soil Sampling Report," which presents the results of laboratory analysis of composite soil sampling at 39 residences located north and south of Exide's Vernon, California facility (Facility). These residential areas are referred to as the Northern Assessment Area (NAA) and Southern Assessment Area (SAA), respectively. Based on our review of the February 17, 2014 report, DTSC requested that Exide provide a sampling work plan and an interim measures work plan to delineate and mitigate lead in soils at the 39 properties tested.<sup>1</sup>

On March 21, 2014, DTSC received "Addendum to the November 15, 2013 Work Plan for Off-Site Soil Sampling", and "Interim Measure Work Plan" (IMWP); each prepared by Advanced GeoServices Corporation (AGC) on behalf of Exide, and each dated March 21, 2014. The IMWP is currently under review by DTSC. DTSC instructed Exide to expedite additional soil sampling efforts at two NAA residential properties.<sup>2</sup> Because of privacy concerns, the ownership and the specific locations of these properties are being kept confidential.

<sup>1</sup> DTSC; "DTSC Review of February 18, 2014 Off-Site Soil Sampling Report"; March 10, 2014.

<sup>2</sup> DTSC; "DTSC Review of the "Addendum to the November 15, 2013 Work Plan for the Off-site Soil Sampling"; April 4, 2014.

DTSC has received the preliminary laboratory results of the additional soil samples collected within the yards of the two properties located with the NAA. The results of the discrete sampling showed levels of lead in soils substantially above the California Human Health Screening Level of 80 milligrams per kilogram (mg/kg) lead in residential soils. The 95% Upper Confidence Level (UCL) of the mean for lead at the two properties are 715 mg/kg and 558 mg/kg. DTSC considers the levels at these two residential properties significant enough to warrant expedited removal measures.

DTSC requests that Exide quickly provide a Technical Work Plan (TWP) for focused soil removal and yard restoration for the two properties. The TWP should incorporate applicable portions of Section 3.4 of the March 21, 2014 IMWP and include each of the items listed below:

1. To the maximum extent possible, dust suppression measures are to be incorporated into the TWP. These measures are to include protection of dust migration into the homes during soil removal activities as well as protecting against dust migration onto adjacent properties. No emissions are to be visible and wet methods are to be used. Neighbors are to be informed via a notification (approved by DTSC) prior to the start of work so that windows can be closed during soil removal work.
2. The TWP should include using high-efficiency particulate air (HEPA) certified commercial vacuums to clean visible dust/dirt on sidewalks and driveways. Broom sweeping must be avoided as it would likely produce dust. Cracks, crevices, and expansion joints in the pavements may require cleanup using hand tools and/or vacuums capable of removing fine embedded material.
3. The TWP should include cleaning the interior of the residences with HEPA vacuums, including, but not limited to: flooring, window sills, drapes and furniture.
4. The TWP should include a Community Air Monitoring Plan (CAMP). The purpose of the CAMP is to provide general criteria that would be needed to implement measures to protect any downwind community members from potential airborne contaminant releases as a result of field activities.
5. Excavation of the soil at the properties should be to a depth of 18 inches. Less excavation (to an approximate six-inch depth) around established trees would be acceptable to ensure survivability.
6. The TWP shall include sampling procedures for imported fill soils that follow DTSC's *Information Advisory for Clean Imported Fill Material*, dated October 2001.
7. The TWP should include a schedule of the expected time frame to begin and complete the soil removal work. This schedule should include anticipated delays in obtaining excavation and traffic control permits.

8. The TWP should include a copy of the access agreement to be provided for each residence. The access agreement should include language absolving the owner and/or tenant from personal costs associated with soil removal activities and indemnifying the property owner and/or tenant from damage caused by Exide and or its subcontractors.
9. The TWP should detail how Exide plans to relocate residents and their pets during the soil removal work. DTSC recommends using a subcontractor specializing in tenant relocation efforts for this task.
10. An access agreement should include an offering of relocation and a per diem allowance (based on family size) to be paid for by Exide. The form of the allowance distribution should be based on the family's specific financial situation; for example, a family may not have the means to cash a check or redeem a voucher via a financial institution.
11. The TWP should include scheduling a pre-meeting with residents and neighbors, accompanied by DTSC staff, ensuring that the residents understand the scope of the soil removal work and that Exide will preserve and secure any sentimental yard fixtures, etc.
12. The TWP and access agreement should include a bilingual toll-free telephone number that residents and neighbors can call 24 hours - 7 days a week (24/7) for questions and concerns or in the event of an emergency during the excavation and restoration work.
13. The TWP should detail how all excavation equipment used on the residence shall be decontaminated before leaving each residential property and how decontamination water is to be disposed. The work plan should detail that dust suppression and decontamination water is contained and disposed of properly. No uncontained water, sediment, or dust generated as a result of the soil removal work should be allowed to leave the property. The work plan should describe what countermeasures will be taken in case any run-off water, sediment, or dust occurs.
14. The TWP should include language for overnight security arrangements should the resident decide to relocate during the removal and restoration work and to prevent transient access.

Because of our mutual desire to expedite the soil removal and restoration work at these two properties, the TWP should be completed by June 30, 2014.

Mr. Frederick Ganster

June 19, 2014

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Should you have any questions regarding this letter, please contact me at 916-255-3630 or [Peter.Ruttan@dtsc.ca.gov](mailto:Peter.Ruttan@dtsc.ca.gov).

Sincerely,

signed by:



Peter Ruttan  
Project Manager  
Office of Permitting

cc:(via e-mail)

Mr. Tom Strang, Exide

Mr. John Hogarth, Exide

Mr. Ed Mopas, Exide

Mr. Paul Stratman, AGS

Mr. Rizgar Ghazi, DTSC

Mr. Edward Nieto, DTSC

Ms. Nancy Bothwell, DTSC