

HEALTH & ENVIRONMENTAL CONTROL DEPARTMENT
Leonard Grossberg, Director / Health Officer
4305 Santa Fe Avenue, Vernon, California 90058
Telephone (323) 583-8811

December 18, 2013

Exide Technologies, Inc.
2700 S. Indiana Street
Vernon, CA 90058
Attn: John Hogarth, Plant Manager

CERTIFIED MAIL

Subject: Administrative Enforcement – Compliance Order 1.8-2

Dear Mr. Hogarth, Plant Manager

On Wednesday December 11, 2013, our office received a copy of the “Environ International Corporation *Step-Out Dust and Soil Sampling Report*” dated November 2013 prepared for Exide Technologies and submitted to the Department of Toxic Substances Control (“DTSC”). The report provides detailed data analysis results from dust and soil sampling conducted in and around the Exide Technologies site on August 28 and 29, 2013. The results reported in these tests demonstrate violations of multiple Vernon City Codes, as several of the levels, apparently deposited on City streets, sidewalks and storm water catch basins exceeded State hazardous waste levels for Lead (1,000 mg/kg) and exceeded Soil Screening Levels (SSLs) for Arsenic (12 mg/kg).

We are therefore issuing this Compliance Order to Exide Technologies to correct the following violations, at each of the noted locations (1-15 below):

Violation 1 – Vernon City Code, Sec. 13.72 Unlawful hazardous materials management *It shall be unlawful to abandon, place, scatter, bury, discharge or improperly dispose of any hazardous material or hazardous material residue in, upon, or below the surface of any premises, highway, public street, public right-of-way, public place, or storm drain system in the City, or on any premises owned by another entity.*

Violation 2 – Vernon City Code, Sec. 21.5.1 Illicit Discharges, dumping, and non-storm water discharges (a) *No person shall cause or allow an illicit discharge to enter the MS4 (Municipal Separate Storm Sewer System).*

Violation 3 – Vernon City Code, Sec 21.6.4 Abatement of illicit or unlawful discharges *When wastewater, any noxious or dangerous material, or any other substance, is discharged illicitly or is overflowing or being discharged, deposited, drained, or placed upon the surface of the*

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ground, or when any unlawful material has been placed, thrown, deposited, or discharged into a sewer or storm drain, the health officer may order the person or persons who caused or contributed to such condition and, if applicable, the property owner to abate the same forthwith, and to restore all property affected or damaged.

COMPLIANCE ORDER: Within thirty (30) days of receipt of this letter, You are ordered to remove and clean all illegal discharges of hazardous materials at the 15 locations identified below, and provide proper testing to confirm the removal of all materials.

Within thirty (30) days of your receipt of this letter, you are ordered to submit a corrective action plan to identify cleaning procedures, methods and frequencies to eliminate further violations.

According to the submitted data, the following locations (1-15) are in violation of each City Code provision noted above:

The following areas are identified in **Table 1 Surface Dust Mass Concentrations within 1,500 foot Radius** and were found to be in excess of hazardous waste levels for lead:

- | | |
|--------------------|------------|
| 1. 500 NE-SWK 05 | 1200 mg/kg |
| 2. 500 SE-SWK 06 | 1600 mg/kg |
| 3. 500 NE-SWK 07 | 2800 mg/kg |
| 4. 500 NE-SWK 08 | 2700 mg/kg |
| 5. 500 SE-SWK 09 | 2100 mg/kg |
| 6. 1500 NW-SWK 10 | 1000 mg/kg |
| 7. 500 NW-SWK 11 | 1300 mg/kg |
| 8. 500 NW-SWK 12 | 2000 mg/kg |
| 9. 500 SE-SWK 13 | 1200 mg/kg |
| 10. 500 SE-SWK 17 | 6000 mg/kg |
| 11. 1500 SE-SWK 19 | 1100 mg/kg |
| 12. 500 SE-ODC 18 | 1400 mg/kg |

The following areas are identified in **Table 1 Surface Dust Mass Concentrations within 1,500 foot Radius** and were found to be in excess of hazardous levels for Arsenic:

- | | |
|-------------------|----------|
| 13. 500 NE-SWK 07 | 52 mg/kg |
| 14. 500 NE-SWK 08 | 47 mg/kg |

The following areas are identified in **Table 3 Surface Dust Mass Concentrations in the Outer rings (1,500 to 4,500 feet)** and were found to be in excess of hazardous waste levels for Lead:

- | | |
|------------------------|------------|
| 15. 3,000 SE - SWK 52B | 1100 mg/kg |
|------------------------|------------|

Failure to comply with any of the directives in this Compliance Order constitutes violation of the Municipal Code and is also a misdemeanor. Each violation is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail of not more than six months, or by both such fine and imprisonment as provided in section 1.8 of the City Code. In addition, failure to correct the noted violations may result in further administrative and/or civil action, including but not limited to the assessment of civil penalties.

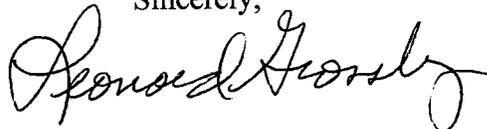
Pursuant to City Code section 1.8-1(c)(1), you have the right to contest this Compliance Order. If you choose to contest the Compliance Order, you must follow the following procedures:

Description of Hearing and Appeal Process Procedures. A responsible person to whom a compliance order, administrative citation, or civil penalty notice and order is issued, its designee, may contest the compliance order, administrative citation, or civil penalty notice and order no later than 30 days from the date of service by 1) completing a City approved request for hearing form and returning it to the Dept. specified on the compliance order, administrative citation, or civil penalty notice and order ; and 2) either deposit the administrative citation amount or civil penalty amount with the City or provide notice that a request for an advance hardship waiver deposit has been filed pursuant to section 1.8-1(c) (2).

Please note that a request for a hearing shall not stay the effect of this Compliance Order.

If you have any questions, please feel free to contact us.

Sincerely,



Leonard Grossberg, MPA, REHS
Director/Health Officer

Xc: DTSC, 8800 Cal Center Dr., Sacramento, CA 95826, Attn: Peter Ruttan