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EXIDE TECHNOLOGIES

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10 BEFORE THE HEARING BOARD OF THE
11 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

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13 EXECUTIVE OFFICER OF THE SOUTH
14 COAST AIR QUALITY MANAGEMENT
DISTRICT,

15 Petitioner,

16 v.

17 EXIDE TECHNOLOGIES, INC., a Delaware
18 corporation,

19 Respondent.

Case Nos. 3151-29 and 3151-32

**OCTOBER 2014 STATUS REPORT OF
RESPONDENT EXIDE TECHNOLOGIES
FILED IN ACCORDANCE WITH
STIPULATED ORDERS FOR
ABATEMENT**

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22 Respondent Exide Technologies (“Exide”) files this combined Status Report in accordance
23 with the two stipulated Orders for Abatement issued in Case No. 3151-29 and in Case No. 3151-
24 32 on July 10, 2014. This status report covers the period from September 15 through October 15,
25 2014, updating the Hearing Board on activities performed during this time period pursuant to the
26 Risk Reduction Plan (subject of the Stipulated Order for Abatement in Case No. 3151-29) and
27 Dust Mitigation Plan (subject of the Stipulated Order for Abatement in Case No. 3151-32).

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STATUS REPORT ON CASE NO. 3151-29

As explained in prior monthly updates, Exide revised its Risk Reduction Plan (“Revised Final Risk Reduction Plan”) pursuant to discussion with the District, and Exide modified its permit application to reflect the changes set forth in the Revised Final Risk Reduction Plan. Exide and the District agreed to final permit language on September 9.

As the lead agency, the District previously determined that a Negative Declaration was appropriate for permit issuance under the California Environmental Quality Act. The District has since determined that a Mitigated Negative Declaration is needed. The District prepared a draft Mitigated Negative Declaration (“Draft MND”), and Exide has answered all District questions regarding the Draft MND. The District has to submit the draft permit and the Draft MND for public comment and EPA review. Based on recent discussions with the District, Exide expects that the draft permit and Draft MND will be released for public and EPA review some time the week of October 13. This will be followed by revisions as necessary and issuance of the final permit. Under the Order for Abatement, Exide will have 180 days from the final permit issuance date to complete the risk reduction projects. (Order for Abatement 3151-29, p. 7, ¶ 1).

The District has expressed its intention to modify the Order for Abatement in Case No. 3151-29 to reflect the Revised Final Risk Reduction Plan. To avoid multiple proceedings, the District intends to petition the Hearing Board to modify the Order for Abatement at the conclusion of the public and EPA comment period on the permit and the Draft MND.

STATUS REPORT ON CASE NO. 3151-32

As stated in prior monthly updates, to address the modified projects described in the Revised Final Risk Reduction Plan, Exide submitted a Revised Dust Mitigation Plan on August 8. Given the proposed changes to the type and construction of emission control equipment to be installed according to the Revised Final Risk Reduction Plan, and pending issuance of the final permit, Exide has not been able to perform any significant work relating to the Dust Mitigation

1 Plan or the Order for Abatement in Case No. 3151-32. Certain maintenance activity, such as
2 inspecting and repairing tanks, has occurred with District approval, but work has not yet
3 commenced on the approved risk reduction projects.
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5 Tetra Tech, the District's third-party oversight consultant, is at the plant regularly. Exide
6 and Tetra Tech have developed a protocol for twice weekly meetings to go over construction tasks
7 and mitigation measures. Exide understands that Tetra Tech has submitted three weekly reports to
8 the District since its engagement, each confirming that Exide performed maintenance activities
9 (such as the tank repairs described above) in "full compliance with the previously approved
10 mitigation measures under the Mitigation Plan"
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12 The District has expressed its intention to modify the Order for Abatement in Case No.
13 3151-32 to reflect the revised Dust Mitigation Plan. To avoid multiple proceedings, the District
14 intends to petition the Hearing Board to modify the Order for Abatement at the conclusion of the
15 public and EPA comment period on the permit and the Draft MND.
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17 Dated: October 15, 2014

18 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

19 By



JEFFREY J. PARKER

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21 Attorneys for Respondent
22 EXIDE TECHNOLOGIES
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