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EXIDE TECHNOLOGIES

9

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

**NOVEMBER 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 October 15 through November 14,
25 2014 (“Update Period”), providing information to the Hearing Board on activities performed
26 during this time period pursuant to the Risk Reduction Plan (subject of the Stipulated Order for
27 Abatement in Case No. 3151-29) and Dust Mitigation Plan (subject of the Stipulated Order for
28 Abatement in Case No. 3151-32).

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STATUS REPORT ON CASE NO. 3151-29

As the Hearing Board is aware, pursuant to the Revised Final Risk Reduction Plan, Exide will be installing new equipment and modifying its air pollution control systems (“Risk Reduction Projects”). Exide must obtain a permit from the District before constructing the Risk Reduction Projects. As reported in prior updates, Exide and the District agreed to draft permit language on September 9 (“Draft Permit”), and the District thereafter prepared a Draft Mitigated Negative Declaration (“Draft MND”) under the California Environmental Quality Act.

On October 14, 2014, the District sent the Draft Permit to the United States Environmental Protection Agency (“US EPA”) for review. Concurrently, on October 16, 2014, the District released both the Draft Permit and the Draft MND to the public for a 30-day comment period. Based on information derived from the District’s Exide website (www.aqmd.gov/home/regulations/compliance/exide-updates), the US EPA and public comment periods on the Draft Permit and Draft MND end in mid to late November 2014. The District has expressed to Exide that, in order to allow for review of any comments received, the District does not expect to issue the final permit until at least December 2014. 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 seek 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 US EPA comment periods on the permit and the Draft MND. Exide presumes such a hearing would take place after the District issues the final permit.

1 **STATUS REPORT ON CASE NO. 3151-32**

2 As stated in prior monthly updates, to address the modified projects described in the
3 Revised Final Risk Reduction Plan, Exide submitted a Revised Dust Mitigation Plan on August 8.
4 Given the proposed changes to the type and construction of emission control equipment to be
5 installed according to the Revised Final Risk Reduction Plan, and pending issuance of the final
6 permit, Exide has not been able to perform any Risk Reduction Projects, but has followed the Dust
7 Mitigation Plan when conducting other work at the Plant.

8
9 Pursuant to the Dust Mitigation Plan and under the oversight of the District and Tetra-Tech
10 (the District’s third-party oversight consultant), Exide performed maintenance work during this
11 Update Period, including, but not limited to:

- 12
- 13 ■ Removing dust from the total enclosure buildings in the reverb and blast furnace areas;
- 14
- 15 ■ Maintaining, repairing, and/or replacing various tanks, pipes, sumps, doors and floors;
- 16 and
- 17
- 18 ■ Re-bricking the reverb furnace.
- 19

20 Tetra-Tech prepares Weekly Status Reports detailing the Plant activities performed each
21 week, setting forth the specific mitigation measures for each activity. These Reports are available
22 on the District’s website. Tetra-Tech submitted four Weekly Status Reports during this Update
23 Period, each confirming that Exide performed maintenance activities in “full compliance with the
24 previously approved mitigation measures under the Mitigation Plan.”

25
26 The District has expressed its intention to seek to modify the Order for Abatement in Case
27 No. 3151-32 to reflect the revised Dust Mitigation Plan. To avoid multiple proceedings, the
28 District intends to petition the Hearing Board to modify the Order for Abatement at the conclusion

1 of the public and EPA comment periods on the permit and the Draft MND. Exide presumes such
2 a hearing would take place after the District issues the final permit.

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4 Dated: November 14, 2014

5 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

6 By  _____
7 JEFFREY J. PARKER

8 Attorneys for Respondent
9 EXIDE TECHNOLOGIES

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