

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
STEPHEN J. O'NEIL, Cal. Bar No. 127120
2 JEFFREY J. PARKER, Cal. Bar No. 155377
OLIVIER THEARD, Cal. Bar No. 217763
3 ALISON N. KLEAVER, Cal. Bar No. 251410
333 South Hope Street, 43rd Floor
4 Los Angeles, California 90071-1422
Telephone: 213.620.1780
5 Facsimile: 213.620.1398
soneil@sheppardmullin.com
6 jparker@sheppardmullin.com
otheard@sheppardmullin.com
7 akleaver@sheppardmullin.com

8 Attorneys for Respondent
EXIDE TECHNOLOGIES

9

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

12

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

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

20

21

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 November 14 through December
25 12, 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).

28

1 **STATUS REPORT ON CASE NO. 3151-29**

2 Exide reported in prior monthly updates that the District was working towards issuing
3 Exide a final permit to install new equipment and modify its air pollution control systems (“Risk
4 Reduction Projects”). The specific Risk Reduction Projects are described in the Revised Final
5 Risk Reduction Plan, submitted in August 2014.

6
7 The District prepared a draft permit and a draft Mitigated Negative Declaration (“MND”)
8 under the California Environmental Quality Act. In October 2014, the District released the draft
9 permit and the draft MND to the general public and to the United States Environmental Protection
10 Agency (“US EPA”) for a mandated comment period. The District also hosted a public meeting
11 on November 25. The District received no comments from the public or the US EPA during the
12 comment period.

13
14 After the conclusion of the public comment period, on December 5, 2014, the District
15 adopted the Final Mitigated Negative Declaration and approved the Final Permit, formally
16 authorizing Exide to commence construction of the Risk Reduction Projects. With a Final Permit
17 in hand, Exide is now updating its installation schedule for the required projects, which will
18 include (among other projects): (i) a new wet scrubbing system, (ii) new hoods and enclosures for
19 the blast furnace, (iii) a new thermal oxidizer, (iv) temperature and charge sensors, and (v)
20 advanced HEPA filters on certain baghouses. Exide will provide progress reports in future
21 monthly updates. Under the Order for Abatement, Exide has 180 days from the final permit
22 issuance date of December 5, 2014 (i.e., until June 2, 2015) to complete the Risk Reduction
23 Projects. (Order for Abatement 3151-29, p. 7, ¶ 1).

24
25 The District previously indicated it would seek to modify the Order for Abatement in Case
26 No. 3151-29 to reflect the Revised Final Risk Reduction Plan after the District issued Exide a
27 Final Permit. Now that the Final Permit has been issued, Exide expects the District to file a
28 petition for a hearing to modify the Order for Abatement.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATUS REPORT ON CASE NO. 3151-32

As stated in prior monthly updates, Exide submitted a Revised Dust Mitigation Plan in August 2014. Pursuant to the Revised Dust Mitigation Plan and under the oversight of the District and Tetra-Tech (the District’s third-party oversight consultant), Exide performed maintenance work during this Update Period, including, but not limited to:

- Installing new brick, mortar and refractory material for the reverb furnace;
- Maintaining, repairing, and/or replacing various tanks, sumps, doors and floors, and;
- Repairing manholes and working on facility piping.

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

Pursuant to the Final Permit, Exide will soon commence work on the Risk Reduction Projects as described above. Exide will adhere to the Revised Dust Mitigation Plan during construction.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The District previously indicated it would seek to modify the Order for Abatement in Case No. 3151-32 to reflect the Revised Dust Mitigation Plan after the District issued Exide a Final Permit. Now that the Final Permit has been issued, Exide expects the District to file a petition for a hearing to modify the Order for Abatement.

Dated: December 12, 2014

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By  _____
JEFFREY J. PARKER

Attorneys for Respondent
EXIDE TECHNOLOGIES