

**RESPONDENT'S REQUEST FOR
MODIFICATION OF AN EXISTING ORDER FOR ABATEMENT
BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

RESPONDENT: Exide Technologies

CASE NO: 3151-32

FACILITY ID: 124838

FACILITY ADDRESS (where the violation is occurring): 2700 South Indiana Street

CITY, STATE, ZIP: Vernon, CA 90023

1. TYPE OF MODIFICATION REQUESTED

- (a) **EXTENSION OF A FINAL COMPLIANCE DATE:** If you are operating under an existing Order for Abatement and will not be in full compliance by the final compliance date, you may request an extension of the ending date. **A petition requesting such an extension must be filed at least 21 days prior to the existing ending date in order to meet the legal notice requirement.** (*Hearing will be held approximately 21 days from date of filing--10-day published notice required.*)
- (b) **MODIFICATION OF CONDITIONS:** If you are unable to comply with one or more conditions of an existing Order for Abatement, you may request a modification of conditions. (*Hearing will be held approximately 21 days from date of filing--10-day published notice required*)
- (c) **OTHER:** Specify _____

2. CONTACT: Name, title, company, address and phone number of person(s) authorized to receive notices regarding this Petition (no more than two authorized persons).

John Hogarth

Jeffrey J. Parker

Plant Manager - Exide

Sheppard Mullin

2700 South Indiana Street

333 South Hope Street, 43rd Floor

Vernon, CA Zip 90023

Los Angeles, CA Zip 90071

☎ (323) 262-1101 Ext. 275

☎ (213) 617-5427 Ext.

Fax (323) 262-7080

Fax (213) 620-1398

E-mail john.hogarth@na.exide.com

E-mail jparker@sheppardmullin.com

3. List the equipment and/or activity that are the subject of this request, if different from the existing order. **(You must attach a copy of last Minute Order and Findings and Decision regarding this Order for Abatement)**

Equipment/Activity	RECLAIM Device No.	Application/Permit No.
Exide requests an extension of the Order for Abatement, on the same terms and conditions as the existing order.		Facility ID 124838

4. If you are seeking to extend your final compliance date, what date are you requesting

Exide seeks an extension of the Order for Abatement until the earlier of: (a) District approval of a Rule 1420.1 closure plan submitted by Respondent, (b) September 29, 2017 [current date is December 15, 2016], or (c) initiation of the approved DTSC Closure Plan, which requires a third party Dust Mitigation Oversight Contractor.

5. If you are unable to comply with any conditions or compliance dates in the existing Order for Abatement, identify each condition or date, and explain why you cannot comply.

Exide Technologies has complied with the conditions in the Order of Abatement, which presently expires on its own terms December 15, 2016. [See, Feb. 3, 2016 Order for Abatement, Order ¶ 7]. However, Exide voluntarily seeks to extend the Order for Abatement in order to perform necessary work to start closure of the Facility, such as mobilizing contractors, conducting site clearing and preparatory activities, and cleaning, decontaminating and removing non-operating equipment. All air pollution control devices and enclosures necessary for fugitive emission control would remain in place during the extension period, as would the third-party oversight monitor. Exide requests an extension of the Order for Abatement for the following reasons:

- (1) DTSC, which has primary oversight authority over closure, is currently expected to approve Exide's Closure Plan ("Closure Plan") in December 2016. After approval of the Closure Plan, Exide is required to submit an Implementation Plan to DTSC, which is the formal start of Facility closure. DTSC must approve the Implementation Plan before actual work activities can begin. Based on required DTSC approvals, Exide expects to be in a position to start closure activities within about 60 days of DTSC's approval of the Closure Plan, *i.e.*, in February 2017.
- (2) AQMD also has closure oversight authority. Specifically, under Rule 1420.1(p)(2), AQMD must act on a Compliance Plan for Closure Activities ("Compliance Plan"). Exide has submitted a Compliance Plan to AQMD, but AQMD cannot approve the Compliance Plan until after DTSC approves the Closure Plan and Implementation Plan. We anticipate AQMD will require time to review the Compliance Plan based on DTSC's final approval of the Closure and Implementation Plans.

- (3) Because Exide is closing the Facility, it needs to modify its Title V Permit to account for closure, e.g. to remove non-operating units from its Title V Permit. Exide has submitted applications to modify the Title V Permit, but AQMD will not process or approve any modifications to the Title V Permit until after DTSC approves the Closure Plan and, potentially, the Implementation Plan. Once DTSC approves the Closure Plan and Implementation Plan, AQMD will start the Title V renewal process, which Exide anticipates may take 6-8 months given the complexities involved:
- (a) Based on discussions with AQMD, Exide understands it may take AQMD several months to incorporate Closure Plan and Implementation Plan details, such as details regarding enclosures and air pollution controls, into the Title V permit.
 - (b) In addition, Title V renewal is subject to both a public comment and US EPA review period. AQMD needs to allow for public and EPA review, and may need time after the review process to incorporate any revisions to the Title V permit prior to issuance.
- (4) As set forth above, because AQMD approval of the Compliance Plan and the new Title V Permit is needed, Exide would be unable to commence closure-related activities for 6-8 months, despite the fact that DTSC – the lead agency for closure – had already approved Exide’s Closure Plan.
- (5) The Order for Abatement provides a vehicle to bridge the period between DTSC approval of the Closure and Implementation Plans, and AQMD’s approval of the Compliance Plan and Title V Permit. The Order presently requires that Exide follow a Dust Mitigation Plan for “all construction and maintenance activities at the Facility that are expected to generate fugitive dust” [See, Feb. 3, 2016 Order for Abatement, Order ¶ 7]. Exide has followed a Dust Mitigation Plan for over two years, and has submitted approximately 138 “sub-mitigation plans” to AQMD for various planned and unplanned maintenance and construction activities since the Order first came into effect in July 2014. Exide has committed no emissions violations since this Order came into effect, and expects no emissions issues if the Order is extended.
- (6) The interests of all stakeholders are aligned:
- (a) Exide is committed to closing the Facility and prefers to start preparing the site for closure and conducting certain work activities promptly upon receiving DTSC approval.
 - (b) DTSC is also committed to expeditiously closing the Facility, and has expressed its desire for closure to start promptly after the Closure Plan is approved.
 - (c) The community wants Exide to start closure.
 - (d) Exide has been in communication with AQMD technical and legal staff, and Exide understands that AQMD does not oppose Exide’s request. We believe AQMD is willing to stipulate to an extension of the Order for Abatement to allow Exide to conduct closure-related activities under presently existing Order for Abatement conditions (*i.e.* mitigation plans and third-party monitoring) after DTSC approves the Closure Plan and while AQMD considers both the Compliance Plan and Title V Permit renewal – a time period that may last until September 2017.

Therefore, Exide requests an extension of the existing Order for Abatement until September 29, 2017. Specifically, Exide requests that paragraph 7 of the Order be revised to state:

This Modified Order for Abatement shall remain in effect, and the Hearing Board shall retain jurisdiction over this matter, until the earlier of: (a) District approval of a Rule 1420.1 closure plan submitted by Respondent, (b) September 29, 2017, or (c) initiation of the approved DTSC Closure Plan, which requires a third party Dust Mitigation Oversight Contractor.

6. Describe each new condition or compliance date you are proposing for the Order for Abatement. Include any dates, time periods, or other specific changes to the Order for Abatement that you are requesting.

As stated in response to Question 5, Exide requests that paragraph 7 of the Order be revised to state:
This Modified Order for Abatement shall remain in effect, and the Hearing Board shall retain jurisdiction over this matter, until the earlier of: (a) District approval of a Rule 1420.1 closure plan submitted by Respondent, (b) September 29, 2017, or (c) initiation of the approved DTSC Closure Plan, which requires a third party Dust Mitigation Oversight Contractor.

Exide believes the September 29, 2017, date is necessary to account for circumstances outside of Exide's reasonable control, such as delay in issuance of the Closure Plan or complications that may arise in the Title V renewal process. In the meantime, Exide would continue to follow the terms and conditions of the existing Order.

7. Is it necessary to obtain permits, reviews, approvals, etc. from any other public agency before compliance with this order can be achieved? Yes No

If you answered yes, for each approval needed: list the full name of the agency, the type of permit and/or approval required, the expected timetable, and whether the agency has a provision or statute allowing for expedited review.

8. Explain the steps taken since the last hearing to achieve compliance, including how you have met each of your existing conditions.

Exide has satisfied the conditions of the Order for Abatement. Exide is willing to continue to abide by these conditions if the Order is extended.

Exide Has Not Exceeded 1420.1(d)(1) Ambient Air Standards

Exide has conducted construction and maintenance activities under this Order for Abatement since July 2014. Since that time, ambient monitoring results have been well below 1420.1 ambient air standards. Exide has had no exceedances.

Exide Has Followed its Dust Mitigation Plan, and has Submitted Over 100 Individual Mitigation Plans (Order Conditions 1-2)

Exide has followed its Dust Mitigation Plan for all applicable construction and maintenance activities. In addition, Exide has submitted, and AQMD has approved, approximately 138 individual mitigation plans to AQMD for work, such as removing certain tanks and repairing manholes, not covered by the Dust Mitigation Plan (so-called "sub-mitigation plans"). Exide and AQMD have been in constant communication regarding any Facility activities.

Tetra-Tech Has Been the Third-Party Monitor, and Cost Issues Have Been Resolved (Order Conditions 2-4)

Exide pays Tetra-Tech's costs for third-party monitoring of activities that may generate dust and thus require a mitigation plan. The District pays Tetra-Tech's costs for monitoring activities not expected to generate dust, at the District's discretion. Tetra-Tech submits weekly oversight reports to AQMD, which include a schedule of weekly activities. All cost issues related to Tetra-Tech have been resolved.

Exide Submits Quarterly Reports to the Hearing Board (Order Condition 6)

Exide has and continues to submit reports to the Hearing Board and District Counsel, as required by the Order. The Hearing Board has never raised an issue regarding Exide's reports.

9. Have you received any complaints from the public regarding the operation of the subject equipment or activity within the last six (6) months? Yes No

Date of Complaint	Number of Complainant(s)	Nature of Complaint

10. Were you issued any Notice(s) of Violation or Notice(s) to Comply concerning the subject equipment or activity since the last hearing? Yes No If yes, you must attach a copy of each notice.

Exide was issued two NOV's since the last hearing. The first NOV (P64561) alleges that on a single day in June 2016, Exide failed to continuously measure wind speed and direction. The second NOV (P63306) alleges that, on a single day in March 2016, Exide failed to collect a 24-hour sample at one of its 6 AQMD-approved ambient air monitors. Both NOV's were served on October 15, 2016. The alleged NOV's are one-day violations. Exide promptly addressed them, and the issues have not recurred. Importantly, neither NOV is for an emissions violation.

The undersigned, under penalty of perjury, states that the above petition, including attachments and the items therein set forth, is true and correct.

Executed on OCT. 28, 2016, at VERNON, California


Signature

JOHN S. HOGARTH
Print Name

PLANT MANAGER.
Title

Exhibit A

MINUTE ORDER

SCAQMD vs. EXIDE TECHNOLOGIES, INC
2700 South Indiana Street
Vernon, CA 90058

Case No: 3151-32
Facility ID: 124838

Hearing Dates: 02/06/16 **Hearing Type:** Modification Order for Abatement

Previous Hearings: 7/9/14, 7/10/14, 1/13/15, and 12/22/15

HEARING BOARD ACTION

Action: Issued **Starting Date:** 02/06/2016 **Ending Date:** *12/31/2016

RULES

1420.1(d)

EQUIPMENT DESCRIPTION DEVICE/APPLICATION/PERMIT

Lead acid battery recycling facility

CONDITIONS

Respondent shall comply with the conditions as set forth in the Order of the Findings and Decision of the Hearing Board, attached.

Present: Edward Camarena, Chair
Patricia Byrd, Vice Chair
David Holtzman
Clifford V. Lee, M.D.
Julie Prussack

Representing the Petitioner: Nancy S. Feldman, Principal Deputy District Counsel

Representing the Respondent: Jeffrey Parker, Attorney At Law

Witness for the Petitioner: Mohsen Nazemi, Deputy Executive Officer, Enforcement and Compliance

Witness for the Respondent: John Hogarth, Facility Manager, Exide Technologies, Inc.

Witnesses for the Public:

Jose Daniel Jimenez, City Planner, City of Commerce
Jose Rodolfo Vallejo, Member, Communities for a Better
Environment
Ricardo Castillo, Resident via Interpreter
Liz Crossen, Representative for Mayor Eric Garcetti

Petitioner's Exhibits:

#19 - Proposed Findings and Decision of the Hearing
Board

Public's Exhibits:

#17 - Letter, Jose Daniel Jimenez, City Planner, City of
Commerce

Comments:

*The Ending Date shall be as stated in Condition No. 7 of the Order in the Findings and
Decision of the Hearing Board, attached.

Board
Review/Approval


Edward Camarena, Chair

Dated

2/24/16

Prepared by: Altheresa Rothschild
Attachment: Findings and Decision of the Hearing Board

1 in full force and effect until February 6, 2016, a decision is made on the modification petitions or
2 for a period of 60 days whichever occurs first.

3 The following members of the Hearing Board were present: Edward Camarena (Chair),
4 Patricia Byrd (Vice Chair), David Holtzman, Clifton Lee, M.D., and Julie Prussack. Petitioner, the
5 Executive Officer of the South Coast Air Quality Management District, was represented by
6 Nancy S. Feldman. Respondent Exide Technologies was represented by Stephen J. O'Neil and
7 Jeffrey J. Parker, Sheppard Mullin Richter & Hampton LLP. The public was given an opportunity
8 to testify on each day noted above. The February 6, 2016 hearing was held in a community-based
9 location to provide better access to the public for the purpose of receiving their input. The matter
10 was submitted and evidence was received.

11 The Hearing Board finds and decides as follows:

12 **FINDINGS OF FACT**

13 1. The South Coast Air Quality Management District ("Petitioner" or "District") is a
14 body corporate and politic established and existing pursuant to Health and Safety Code §40000, *et*
15 *seq.* and §40400, *et seq.*, and is the sole and exclusive local agency with the responsibility for
16 comprehensive air pollution control in the South Coast Basin.

17 2. Respondent, Exide Technologies ("Respondent" or "Exide") is a Delaware
18 corporation subject to the jurisdiction of the District. Respondent owns a facility located at
19 2700 South Indiana Street, Vernon, CA 90023 (the "Facility"). Respondent has been issued a
20 Title V Permit to Operate by the District.

21 3. Respondent's Facility is approximately 15.5 acres in size, with a building area of
22 approximately 220,000 square feet. Respondent ceased lead acid battery recycling activities as
23 part of a scheduled maintenance shutdown in March 2014. On April 7, 2015, Exide informed the
24 District that it intended to permanently close the Vernon Facility. Exide is currently subject to
25 District rules and this Hearing Board's jurisdiction.

26 4. District Rule 1420.1(d)(1) requires, in relevant part, that, effective January 1, 2016,
27 no person who owns/operates a lead-processing facility shall discharge into the atmosphere
28 emissions which contribute to ambient concentrations of lead that exceed 0.11 micrograms per

1 cubic meter (“µg/m³”) averaged over 30 days. The ambient air concentrations of lead are
2 determined by ambient monitors required to be maintained and operated by the Facility or at any
3 District-installed monitor.

4 5. On or about March 14, 2014, Exide ceased its recycling activities for purposes of
5 conducting various construction and maintenance activities. The District petitioned for an Order
6 for Abatement, alleging that Exide’s maintenance and construction activities had caused a
7 discharge into the atmosphere of emissions containing lead exceeding the limits set by Rule
8 1420.1(d)(1) and thereby violated Rule 1420.1(d)(1). Exide stipulated to the issuance of an Order
9 for Abatement, which was issued by the Hearing Board on July 10, 2014, and modified on
10 January 13, 2015 (collectively referred to as the “Order for Abatement”).

11 6. The Order for Abatement issued on July 10, 2014, incorporates a “Mitigation Plan
12 for Construction of Risk Reduction Measures, RCRA RFI Sampling, and Major Maintenance
13 Activities” prepared for Exide by Remediation Services, Inc. (“the Plan”). The Plan is designed to
14 control dust during planned construction and maintenance activities at the Vernon Facility.

15 7. On January 13, 2015, the Order for Abatement was modified to incorporate an
16 updated version of the Plan. In addition, the Hearing Board ordered that, for planned activities not
17 specifically identified in the Revised Dust Mitigation Plan that will potentially generate dust,
18 Exide shall notify the Deputy Executive Officer for Engineering and Compliance of the activity in
19 question, propose a plan which includes mitigation measures for said activity (if any are
20 necessary), and refrain from engaging in that activity until such time as the District approves, in
21 writing, the proposed mitigation plan for that activity. The Hearing Board further ordered that the
22 District shall provide comment and/or approval within a reasonable time depending on the nature
23 of the activity and the schedule or planned completion.

24 8. Since the issuance of the Order for Abatement, the parties have regularly
25 supplemented and amended the Plan as needed to address planned construction and maintenance
26 activities that were expected to generate dust. Exide notifies the District in advance of undertaking
27 any such activities and submits a mitigation plan for dust mitigation tailored to the activity at issue.
28 The District reviews the protocol, amends it if necessary, and issues an approval to Exide to

1 incorporate the new measure into the Plan and to proceed with the project.

2 9. On September 4, 2015, the District amended Rule 1420.1 to require the submission
3 of a closure plan to the District when a large lead battery acid recycling facility notifies the
4 Executive Officer in writing of its intention to close its facility. Exide submitted a closure plan to
5 the District on December 2, 2015. District staff is reviewing the plan for completeness and is also
6 conducting a substantive review of the plan.

7 10. Respondent does not object to continuing to implement the Plan identified in the
8 Order for Abatement to mitigate fugitive dust emissions generated by planned construction and
9 maintenance activities at the Facility, and to seek approval from the District for any additions or
10 amendments to the Plan as may be necessary to address upcoming planned construction and
11 maintenance activities at the Facility that are expected to generate dust, pending approval of the
12 Rule 1420.1 closure plan.

13 11. The Order for Abatement also requires Exide to reimburse the District for the cost
14 of having a third party consultant oversee planned maintenance and construction activities
15 expected to generate lead dust. The third party consultant, Tetra Tech, maintains a contract with
16 the District and, at present, is on site almost every day at the direction of the District.

17 12. Exide's Petition for Modification of the Order for Abatement protests having to pay
18 the past and future costs invoiced by the third party consultant for monitoring those activities that
19 are outside the scope of the Order for Abatement, including routine regulatory compliance
20 activities.

21 13. The District maintains that it is critical to the deconstruction of the Facility, as well
22 as the completion of other construction and maintenance projects at the Facility, for Exide to
23 comply with the dust control and other mitigation measures set forth in the Plan and that the
24 presence of the third party consultant provides continued assurance to the District and the impacted
25 community that due care is being exercised to assure compliance. The District agrees to pay for
26 the services of the third party consultant to monitor activities at the Facility that fall outside of the
27 scope of the Order for Abatement.

28 14. The parties agree that the terms and conditions of this Modified Order for

1 Abatement impose acceptable requirements for the retention and payment of the third party
2 consultant employed by the District to monitor ongoing activities at the Vernon Facility.

3 15. In order to ensure that all terms and conditions set forth in the Plan are legally
4 enforceable, Respondent is stipulating to entry of this Modified Order for Abatement pursuant to
5 California Health & Safety Code §42451(b).

6 **CONCLUSIONS**

7 1. The parties have jointly agreed to enter into this Modified Order for Abatement.

8 2. The issuance of this Modified Order for Abatement will not constitute a taking of
9 property without due process of law.

10 3. The issuance of this Modified Order for Abatement is not expected to result in the
11 closing or elimination of an otherwise lawful business.

12 **ORDER**

13 THEREFORE, good cause appearing, this Board orders the parties to immediately comply
14 with the following conditions and increments of progress:

15 1. During the Modified Order for Abatement period specified in paragraph 7, below,
16 Respondent shall comply with all terms, conditions and mitigation measures identified in the Plan
17 attached hereto as Appendix A. The terms of the Plan shall apply to all planned or unplanned
18 construction and maintenance activities at the Facility that are expected to generate fugitive dust,
19 not activities that are not expected to generate fugitive dust or routine regulatory compliance
20 activities.

21 2. Except in emergency situations, Respondent shall provide no less than seven days'
22 written notice of planned construction and maintenance activities to be performed at the Facility.
23 In emergency situations, Respondent shall provide written notice as soon as reasonably possible.
24 Respondent shall indicate in the notice whether the work is being performed pursuant to the Plan
25 or if Exide has deemed the scheduled work to fall outside the scope of the Plan. Such notice shall
26 be provided to the Deputy Executive Officer for Engineering and Compliance or his designee. For
27 non-emergency situations, the District shall exercise best efforts to provide comment and/or
28 determination of whether the activity requires a mitigation plan or not within three District

1 business days. For emergency situations, the District shall provide comment and/or approval as
2 soon as reasonably possible. If there is a dispute between Exide and the District regarding whether
3 a particular planned construction or maintenance activity is expected to generate dust and,
4 therefore, necessitate a mitigation plan and oversight by the third party consultant, Exide shall
5 prepare the mitigation plan and pay for oversight under protest, subject to receiving a refund from
6 the District of the costs of mitigation and third party consultant oversight as ordered by the
7 Hearing Board. Notwithstanding the expiration of this Modified Order of Abatement pursuant to
8 7, below, the Hearing Board shall retain jurisdiction to hear and decide all claim(s) for refund that
9 are filed by Exide within 60 days after the expiration date. Exide shall pay, through the District,
10 for the services of the third party consultant's monitoring activities at the Facility for planned and
11 unplanned construction and maintenance activities that are expected to generate dust, but not for
12 monitoring of non-dust generating activities or routine regulatory compliance activities.

13 3. The District may determine that the services of the third party consultant would
14 benefit public health and safety and so may direct the consultant to monitor activities at the
15 Facility other than planned or unplanned construction and maintenance activities that are expected
16 to generate dust. In that event, the District shall pay for the services of the third party consultant.

17 4. To date, the total costs associated with monitoring activities at the Facility for
18 which Respondent contends it may not be obligated to pay pursuant to the Order of Abatement are
19 \$30,457.07. The parties are attempting in good faith to resolve the dispute over this amount and
20 will return to the Hearing Board if they are unable to do so.

21 5. Because the Exide Vernon facility is no longer recycling or operating its furnaces,
22 and the facility will not restart those operations, the District does not expect Exide to perform
23 source testing as may be required by District rules or permit conditions. However, the District
24 may determine that source testing or other emissions testing is necessary for such other activities
25 that may take place at the Facility and which may generate air emissions. If Exide needs to engage
26 in any activities that may generate air emissions, Exide will notify the District in writing (attention
27 Mohsen Nazemi, mnazemil@aqmd.gov) and will not undertake the proposed activity until the
28 District determines whether source tests or other emissions testing is required beforehand. If Exide

1 disagrees with the District's determination, it shall return to the Hearing Board to address whether
2 source tests or other emissions tests are necessary.

3 6. Fifteen days after the end of each calendar quarter, Respondent shall file with the
4 Hearing Board a status report summarizing the progress on all work being performed pursuant to
5 this Modified Order for Abatement. A copy of this report shall be served upon the General
6 Counsel's Office for the District (attention Nancy S. Feldman [nfeldman@aqmd.gov] and
7 Engineering and Compliance (attention Mohsen Nazemi [mnazemi1@aqmd.gov]). Upon receipt of
8 any status report, the Hearing Board may, at the discretion of any single member, schedule a status
9 hearing. The status hearing shall be scheduled with a minimum of 10 days' notice and shall be
10 calendared for the first week of the month following the filing of the status report.

11 7. This Modified Order of Abatement shall remain in effect, and the Hearing Board
12 shall retain jurisdiction over this matter, until the earlier of: (a) District approval of a Rule 1420.1
13 closure plan submitted by Respondent, (b) December 15, 2016, or (c) initiation of the approved
14 DTSC Closure Plan, which requires a third party Dust Mitigation Oversight contractor.

15 8. The Hearing Board may modify this Modified Order for Abatement without the
16 stipulation of the parties upon a showing of good cause after making the findings required by
17 Health and Safety Code Section 42451(a) and District Rule 806(a). Any modification of this
18 Modified Order for Abatement shall be made only at a public hearing held upon 10 days published
19 notice and appropriate written notice to Respondent.

20 9. This Modified Order for Abatement is not and does not act as a variance, and
21 Respondent is subject to all rules and regulations of the District, and with all applicable provisions
22 of California law. Nothing herein shall be deemed or construed to limit the authority of the
23 District to issue Notices of Violation, or to seek civil penalties, criminal penalties, or injunctive
24 relief, or to seek further orders for abatement, or other administrative or legal relief.

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10. Respondent shall notify the Clerk of the Board in writing when final compliance is achieved.

FOR THE BOARD: 
Edward Camarena, Chair

DATED: 2/24/16

Exhibit B



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 64561

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month	Day	Year
6	23	16

Facility Name: Exide Technologies		Facility ID#: 184838	Sector: CE
Location Address: 7700 S Indiana Street		City: Vernon	Zip: 90058
Mailing Address: 7700 S Indiana Street		City: Vernon	Zip: 90058

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	1470	A/N 481993	22	Operations conducted contrary to the conditions specified in the approved (Rule 1470 compliance) plan. Failed to contact the AQMD at 1-300-527-5100, within five hours of when the operator knew or reasonably should have known of the breakdown.
2	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
3	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	1420.1 (j)(5)			Failure to continuously record wind speed and direction at all times using equipment approved by the Executive Officer at a minimum of one location and placement approved by the Executive Officer.
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	1420.1 (j)(5)			Failure to continuously record wind speed and direction data during sampling period using equipment approved by the Executive Officer at an approved location and placement.

Served To: Mr John Hagan Mr Alan Kucera	Phone: 323-202-1141	Served By: Christopher Cisneros	Date Notice Served: 10/15/16
Title: Plant Mgr Plant Entry	Email:	Phone No: <input checked="" type="checkbox"/> 909-396-3441 <input type="checkbox"/> 310-233-	Email: CCisneros @aqmd.gov

*Key to Authority Abbreviations:

SCAQMD - South Coast Air Quality Management District
CH&SC - California Health and Safety Code
CCR - California Code of Regulations
CFR - Code of Federal Regulations

Method of Service:

In Person Certified Mail

VIOLATOR'S COPY



South Coast Air Quality Management District
21865 COPLEY DRIVE, DIAMOND BAR, CA 91765-4178

P 63306

NOTICE OF VIOLATION

DATE OF VIOLATION		
Month:	Day:	Year:
07	19	16

Facility Name: EXIDE Technologies, Inc.		Facility ID#: 124838	Sector: CE
Location Address: 2700-S. Indiana St.		City: VERNON	Zip: 90058
Mailing Address: "		City: "	Zip: "

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) RULES, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE HANDLED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

#	Authority*	Code Section or Rule No.	SCAQMD Permit to Operate or CARB Registration No.	Condition No. (If Applicable)	Description of Violation
1	<input checked="" type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR	R14201 (3)(c)(ii)			Failure to collect 24-hour mid-night to midnight sample for model hour one day over a consecutive 30 day period, at the South West (SW) sampler.
2	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
3	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
4	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				
5	<input type="checkbox"/> SCAQMD <input type="checkbox"/> CH&SC <input type="checkbox"/> CCR <input type="checkbox"/> CFR				

Served To: Mr. John Hoguth Mr. Dan Henke	Phone: 723-262-1101	Served By: M. KAYNES	Date Notice Served: 10/15/16
Title: Plant Eng. Plant Eng.	Email:	Phone No. <input checked="" type="checkbox"/> 909-396-2369 <input type="checkbox"/> 310-233-	Email: M. Kaynes @ aqmd.gov

*Key to Authority Abbreviations:

SCAQMD - South Coast Air Quality Management District
CCR - California Code of Regulations

CH&SC - California Health and Safety Code
CFR - Code of Federal Regulations

Method of Service:

Person

Certified Mail