



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Administrator

SUBJECT: Exide facility in the City of Commerce

MEETING DATE: October 4, 2016

RECOMMENDATION:

City Council to receive and file a report regarding the Exide facility located at 5909 Randolph Street in the City of Commerce. The Council at it's discretion can provide further direction.

BACKGROUND/ANALYSIS:

At the request of Mayor Pro Tem Baca Del Rio and Councilmember Rebollo, staff is providing a permit status update on the Exide facility located in the City of Commerce.

Location - 5909 E. Randolph Street, City of Commerce

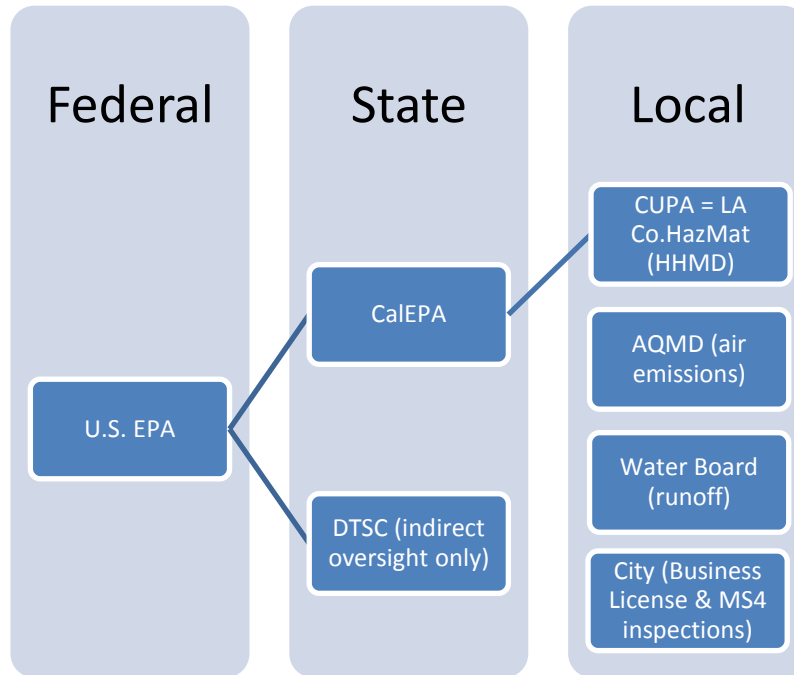
Exide Technologies (Exide) is in an industrial zoned area for the City of Commerce with Randolph Street and the Union Pacific Railroad line at its southern border. The residential neighborhood of Bell Gardens is south of Randolph and the railway line. To the north, east and west are industrial/commercial businesses.

Exide Activities

Exide is a chemical manufacturer of lead oxide which is sold to businesses that manufacturer lead paste used in batteries. This facility has been a licensed Commerce business since 2001 and categorized as heavy industrial. Prior to 2001, GNB Technologies (GNB) operated as an automotive and industrial battery manufacturer at this same location. Exide acquired GNB in 2000 and continued operating as a battery business.

Regulatory Agencies and Oversight

Exide is currently permitted and/or overseen for hazardous waste generation and hazardous materials handling by the following regulatory agencies:



1. United States Environmental Protection Agency (U.S. EPA) under Subtitle C of the Resource Conservation and Recovery Act (RCRA) for the proper management of hazardous and non-hazardous solid waste. Solid waste includes solids, liquids and gases. Their responsibility includes establishing permitting requirements, enforcement, and corrective action or cleanup;
2. California EPA (CalEPA) is the USEPA's state enforcer as authorized under Subtitle C of RCRA to safely manage hazardous waste from generation to final disposal. CalEPA oversees the Unified Program that program that ensures consistency throughout the state in regard to administrative requirements, permits, inspections, and enforcement, and certifies 83 local government agencies known as Certified Unified Program Agencies (CUPA) to implement the hazardous waste and materials standards set by five different state agencies including the DTSC.
3. **Los Angeles County Health, Hazardous Materials Division (HHMD) as the local CUPA – lead agency and local enforcer.**

Regulatory agencies that do not have permitting jurisdiction over Exide in Commerce include:

1. California Department of Toxic Substance Control (DTSC). The DTSC is predominantly involved in restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacturing of chemically safer products.
2. Sanitation Districts of Los Angeles County (San Districts) since it does not discharge wastewater from showers and its onsite lab to the sewer system. The San Districts is responsible for annually inspecting this site to confirm that they are not discharging wastewater to their sewer system. The last inspection was

conducted on September 16, 2016. The wastewater is hauled offsite to a centralized waste treatment facility in Vernon.

3. Los Angeles County Department of Public Works, Environmental Programs Division which is also responsible for industrial waste discharge permitting no longer permits Exide due to off-site disposal. However, inspections continue each year to ensure the same conditions exist and to verify BMPs in place.
4. California's Department of Resources Recycling and Recovery (CalRecycle) since it is not a landfill or engaged in waste reduction, recycling and reuse of refuse materials.

Oversight Activities

HHMD as the State's CUPA

From 1994 through 1996 when the GNB operated the site, mitigation activities were required due to soil sample results and air quality data. According to LA County Fire, mitigation was completed to their satisfaction and the violation case closed.

From June - August 2016, under Exide operation, inspections of the Exide site and water samples from the street curb in front of this facility are summarized as follows:

- Overall, the facility uses good housekeeping procedures and safe work practices. However, some minor violations were observed for administrative paperwork, failure to obtain a hazardous waste tank assessment; improper labeling and notification of recyclable material; hazardous waste determination; storing hazardous waste water past the 90 days accumulation time; improper used oil storage; and incorrect hazardous materials reporting.
- Some samples above standards - debris samples taken from three storm water effluent pipes at the street curb showed lead above the standard limit of 1,000 mg/kg (1860, 2750, 1580 mg/kg).
- Some samples below standards - five additional samples from the railroad easement located south of Exide and two from the curb near the Bell Gardens residential neighborhood revealed concentrations of lead below the DTSC Recommended Screening Level (RSLs) for residential soils of 80 mg/kg in soils located on the railroad easement (57, 59, 62 mg/kg); and below the RSLs for industrial soils of 320 mg/kg in sediments located on the Randolph Street curb (116 and 296 mg/kg).
- Exide was ordered to immediately decontaminate all surfaces/areas contaminated with lead containing sediments located on the facility grounds, on-site storm water collection sumps (2 total), storm water effluent pipes (3 total), and any affected Randolph street curb/gutters/catch basins. Exide was also instructed to contact their local storm water pollution prevention agency in regards to storm water compliance.

HHMD will continue to provide updates to the City of Commerce and DTSC of any future pertinent information related to sampling and compliance activities.

Los Angeles County Department of Public Works, Environmental Program Division

Exide applied for a Waste Discharge Permit in December 2000 for offsite disposal. A records search and confirmation with the County inspector revealed no violations.

AQMD

Nineteen pieces of equipment are permitted through AQMD at this site. Exide has been in compliance with AQMD requirements since 2010. They had one violation in 2010 for maintenance of a written housekeeping inspection log and repair of a building door. AQMD confirmed that there are no chronic emissions issues at the site.

Water Board (State and Regional)

The Water Board relies on the City to conduct two MS4 inspections of applicable businesses based on their Standard Industry Code (SIC) within a five year MS4 Permit cycle. The Water Board further relies on the City to notify them of any issues that require their attention. This referral must occur only after two inspections and two enforcement actions by the City and if the problem persists. This does not absolve the Water Board of their responsibility. They are ultimately the permitting and enforcement agency.

City of Commerce

In compliance with the MS4 Permit requirements, the City conducted its first of two MS4 inspections of more than 500 businesses in the City of Commerce. Exide was inspected on June 24, 2014 and the second inspection is scheduled for October 5, 2016. According to the first inspection, Exide was in compliance with MS4 requirements for Best Management Practices (BMPs) and good housekeeping. There was no runoff observed at the time of inspection and no corrective actions needed.

A review of the State Water Board's online SMARTS system for MS4 reporting shows an acceptable site map and Stormwater Pollution and Prevention Plan (SWPPP) on record. Their 2015/16 annual report indicates that they are performing inspections and collecting samples as required by the Industrial General Permit (IGP). The facility's IGP dates to August 14, 2000 and assigned the Waste Discharge Identification (WDID) # 4 191016019.

Their 2015/16 sampling results revealed a Numeric Action Level (NAL) exceedance for lead. This requires Exide to submit a plan for increased BMPs and training by January 1, 2017 to the Regional Water Board. *A NAL exceedance and response plan is typical for a majority of businesses operating under an Industrial General Permit (IGP) for MS4 compliance. Exceedances of the NAL are not a violation of the permit as long as the facility implements an Exceedance Response Action (ERA) Level 1 Plan.* An April 8, 2016 sampling results show that lead dropped below the NAL limits after additional BMPs were put in place when absorbent booms were applied to two stormwater sumps and increased their sweeping to twice a week.

Further, Exide is not listed in the State’s GeoTracker online database for groundwater contamination. Sites listed in GeoTracker would require cleanup with DTSC oversight. For known contaminated sites ordered for cleanup, DTSC typically notifies all residential areas within an approximate ¼ mile radius and all industrial areas within a ½ mile radius. Further, staff contacted each regulatory agency to request additional information and confirm Exide’s compliance with each agency’s regulations and requirements. The information presented herein is also based on information provided by the applicable agencies.

ALTERNATIVES:

1. Approve staff recommendation
2. Disapprove staff recommendation
3. Provide further direction to staff

FISCAL IMPACT:

No fiscal impact.

RELATIONSHIP TO STRATEGIC GOALS:

This item is related to a specific 2012 Strategic Goal to “develop a tangible environmental mitigation plan.”

Approved by: Maryam Babaki, Director of Public Works and Development Services

Prepared by: Gina Nila, Deputy Director of Public Works Operations

Reviewed by: Vilko Domic, Finance Director

Approved as to form: Eduardo Olivo, City Attorney

Respectfully submitted: Jorge Rifá, City Administrator