

Los Angeles Times

Exide's hazardous waste permit application deficient, California says

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June 17, 2014

Vernon battery recycler, under fire for polluting the air with excessive amounts of lead and arsenic, has been given 30 days to correct shortcomings in its application for a permit to handle hazardous waste.

This is really their last shot at getting it right.- Miriam Barcellona Ingenito, acting director of California Department of Toxic Substances Control

A notice issued Tuesday by state regulators faults Exide Technologies for failing to describe the amount of lead-contaminated waste on the site, underestimating the cost to clean it up and not including a safety assessment for hazardous waste-holding tanks that could spill in an earthquake, among other deficiencies.

The California Department of Toxic Substances Control gave the company until July 17 to submit a permit application that shows it can safely operate and close the facility.

State law requires toxic waste regulators to begin steps to deny the company's permit if it does not submit a complete application after three such notices. The lead acid battery smelter has been operating with a temporary permit for more than 25 years and has received two such notices, one in 2011 and another in 2012.

"This is really their last shot at getting it right," said Miriam Barcellona Ingenito, acting director of the state toxics agency.

The plant has been a source of community outrage since last year, when it was revealed that the recycling plant's arsenic emissions posed an increased cancer risk to more than 100,000 people across southeast Los Angeles County. The facility also has been cited for repeatedly emitting too much lead.

The plant has been idle since March, when the company suspended operations to install new equipment to meet tough new air district rules on arsenic emissions. After the South Coast Air Quality Management District's hearing board and a Los Angeles County Superior Court judge denied the company's request for more time to comply, Exide announced temporary layoffs for nearly all employees at the Vernon plant.

Community groups welcomed the move by the toxics department.

"This should have happened a long time ago," said Roberto Cabrales, an organizer with the environmental justice group Communities for a Better Environment. "We're hoping that this will put Exide on the right path to either follow the rules or shut down if they can't."

Exide said in a statement that it is working "to provide the additional information required to complete the permit application on a timely basis." The company said it recently appointed two new executives to oversee the installation of new emissions control technology at the facility.

If Exide's application falls short again, state regulators say they would move to deny the company's permit and make a final determination after a 45-day public comment period.

"If DTSC terminates the permit application process, Exide is out of business, probably for years," said David Pettit, an attorney with the environmental group Natural Resources Defense Council.