Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Barbara A. Lee, Director
1001 "I" Street
P.O. Box 806
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Edmund G. Brown Jr.
Governor

May 25, 2018

Mr. Angelo Bellomo
Deputy Director for Health Protection
Los Angeles County Department of Public Health
5050 Commerce Drive
Baldwin Park, CA 91706

Sent via electronic mail

REQUEST FOR COORDINATION ON ASSESSING AND ABATING LEAD-BASED PAINT AND OTHER LEAD HAZARDS

Dear Mr. Bellomo:

The Department of Toxic Substances Control (DTSC) seeks to coordinate with the Los Angeles County Department of Public Health (LACDPH) to more comprehensively address lead hazards at residential properties prioritized for cleanup around the former Exide Technologies, Inc. lead-acid battery recycling facility. These residences are within the Preliminary Investigation Area (PIA), which includes roughly a 1.7-mile radius around the former Exide facility. This letter follows up on DTSC's January 2018 letter to LACDPH offering to coordinate on addressing lead hazards (enclosed). DTSC believes that we can help reduce the overall lead exposure to families in communities around the former Exide facility by coordinating our implementation of activities.

DTSC is entering into the next phase of its project addressing soil-lead contamination in the PIA, beginning with the cleanup of an additional 215 properties. This phase of the cleanup will proceed at an accelerated pace. DTSC requests LACDPH's collaboration to more comprehensively address sources of lead in the PIA through LACDPH's implementation of its lead hazard reduction program for lead-based paint. While the federal Centers for Disease Control and Prevention (CDC) recognizes lead-based paint as a primary source of childhood exposure to lead in the U.S, it emphasizes that lead poisoning prevention requires reductions in lead levels in "soil, dust, paint and water before it contributes to a child's exposure."[1]

[1] CDC, Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention, xi, 41 (2012).

Collaboration can occur in at least three ways. First, DTSC would like to coordinate its soil cleanups at properties in the PIA with LACDPH's activities to abate lead-based paint and other lead hazards. DTSC has provided LACDPH with all soil and lead-based paint testing results for roughly 8,500 parcels within the PIA. DTSC has also provided LACDPH with information on properties prioritized for soil cleanup where DTSC found deteriorated lead-based paint on exterior walls and surfaces. Using this information, we can coordinate DTSC's soil cleanup activities and LACDPH's lead-based paint abatement activities to address multiple sources of lead at residential properties in the PIA.

Second, DTSC has received a $130,782 U.S. Environmental Protection Agency (U.S. EPA) grant that DTSC is using to address exterior lead-based paint hazards at a limited number of properties in the PIA prioritized for soil cleanup. The County of Los Angeles has also received a $3 million U.S. Department of Housing and Urban Development (HUD) grant to conduct a lead hazard reduction program, which includes reduction of lead-based paint hazards (FR-6100-N-13). DTSC is addressing exterior lead-based paint at a limited number of properties as the U.S. EPA grant funding allows. DTSC will refer these properties to the LACDPH to assess potential interior lead-based paint and other lead hazards pursuant to the HUD grant.

Finally, DTSC can work with LACDPH to inform the property owners and residents of our coordinated activities, where applicable. DTSC Public Participation staff are available to assist coordinating in-person meetings with the property owners or residents.

Please notify me if you need any additional information or assistance to partner with DTSC to address lead hazards at properties as described in this correspondence.

If you have any questions, please contact me at Suhasini.Patel@dtsc.ca.gov, or by phone at (916) 255-6600.

Sincerely,

for

Suhasini Patel
Assistant Deputy Director
Exide Cleanup Division
Site Mitigation and Restoration Program
California Department of Toxic Substances Control

Enclosure

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
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Edmund G. Brown Jr.
Governor

January 18, 2018

Barbara Ferrer, Director, Ph.D., M.P.H, M.Ed
County of Los Angeles Department of Public Health
313 North Figueroa Street, Room 806
Los Angeles, California 90012

EXIDE RESIDENTIAL CLEANUP PROJECT STATUS AND REQUEST FOR COORDINATION WITH THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH (LACDPH)

Dear Dr. Ferrer:

As you know, the Department of Toxic Substances Control (DTSC) has been working diligently to develop and implement a program to protect the community around the former Exide Technologies, Inc. lead battery recycling facility (former Exide facility) from lead contamination. The situation is complex and DTSC's work has been informed by extensive community outreach, and soil sampling and analysis. DTSC's work in the community surrounding the former Exide facility has included an expedited program to respond to the most critical contaminated sites, and it includes innovative features such as a project labor agreement and a community training component. We anticipate that program implementation is about to become more intensive, with wide scale soil removal efforts commencing in 2018.

I am writing to update you on the status of our cleanup program and enlist the support of the County of Los Angeles (County) and, in particular, the County Department of Public Health (County Public Health) in implementing this program. Over the course of the last year, through correspondence and in personal meetings, the County has submitted numerous suggestions, many of which, as described below, have resulted in improvements in the program. We would like to further develop this relationship so we can work cooperatively with the County and County Public Health to more effectively redress the lead contamination issues in the community around the former Exide facility. This would include working to abate the known lead-based paint hazards in the local housing stock that, although outside the scope of DTSC's authority, threaten the efficacy of our cleanup program and, more importantly, continue to pose a risk to public health.

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Before turning to the details of DTSC's cleanup program, I would like to begin by summarizing DTSC's work to investigate and address lead-contaminated soil, which incorporated helpful recommendations from County Public Health.

DTSC has, to date, completed the following investigation and cleanup actions around the former Exide facility:

- Sampled over 8,330 parcels (including 500 parcels with County Public Health's help), with ongoing sampling continuing.
- Ordered or performed the cleanup of over 260 parcels, including time critical removal actions to ensure timely and appropriate actions are taken to prevent exposures to sensitive populations.
- Developed a plan (the Cleanup Plan) to cleanup 2,500 sensitive land use properties with the highest levels of lead and the greatest risk of exposure, which includes residential properties as well as schools, parks, day care centers, and child care facilities.
- Finalized the Cleanup Plan and certified an Environmental Impact Report (EIR), within one year's time and after an extended public comment period and extensive public outreach.
- Successfully negotiated a project labor agreement for the cleanup—the first such agreement ever directly negotiated by a department of the State of California.
- Developed and implemented a successful program to train and employ community members to actively participate in the sampling, cleanup, and restoration of their neighborhoods.

In developing the Cleanup Plan, DTSC has engaged interested stakeholders and responded in writing to hundreds of comments, including comments from County Public Health. In response to comments submitted by County Public Health and others, DTSC made substantive changes to its final Cleanup Plan, which does the following:

- As a precautionary measure, adopts the assumption that children and pregnant women are present at all residential properties, even if no children or pregnant woman are known to currently live at the property,
- Modifies prioritization in the final Cleanup Plan to include properties with a single soil sample result above 1,000 parts per million of lead, even if the overall representative lead concentration was not high enough to qualify for this phase of cleanup.
- Groups cleanups geographically to reduce noise, traffic, and other impacts while cleaning up properties with the highest levels of lead in soil and greatest risk of exposure.

County Public Health's correspondence during the summer raised some specific issues that had not been mentioned during the extended public comment period on the Draft Cleanup Plan and Draft EIR. However, as noted above, DTSC's modification of the final Cleanup Plan captures some of these issues, such as grouping properties for cleanup, offering interior cleaning, and defining the area likely impacted by the former Exide facility's lead.

Consideration was also given to County Public Health's suggested block-by-block cleanup approach. Ultimately, it was determined that this approach was less health protective than the approach outlined in DTSC's Cleanup Plan because a block-by-block approach does not prioritize cleaning up residential parcels contaminated with the highest levels of lead in soil and presenting the greatest risk of exposure.

We are also using all available tools and authorities to hold Exide accountable for fulfilling its cleanup obligations, and to recover any cleanup costs incurred by DTSC, while also working to hold accountable other potentially responsible parties in the area.

As noted above, DTSC is already in the contracting phase to implement the final approved Cleanup Plan and intends to move forward with cleanups in early 2018. DTSC and the County Public Health share the same objective of protecting the health of residents and workers impacted by lead. Residents in the communities surrounding the former Exide facility in particular will benefit from a cooperative working relationship between DTSC and County Public Health, built on the common goal of protecting communities. Our joint challenge is to direct our limited resources in a way that protects as many people as possible from the harms created by exposure to lead. For example, lead-based paint hazards exist in communities throughout Los Angeles County, including communities around the former Exide facility. We would welcome a commitment from County Public Health to partner with us in efforts to coordinate available resources for abating lead-based paint hazards, and will address this issue in more detail separately.

I look forward to talking with you soon about how best to move forward with a cooperative working relationship between DTSC and County Public Health toward the goal of coordinated efforts to protect and improve the health of the residents living in the area around the former Exide facility.

Sincerely,

Barbara A. Lee
Director