

REVISED MOTION BY SUPERVISORS HILDA L. SOLIS AND September 10, 2024

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Addressing An Environmental Injustice: A Letter to Advocate for Designating Exide and Impacted Neighborhoods as a Superfund Site

For decades, Exide, a now shuttered lead acid battery recycling plant in City of Vernon, contaminated the groundwater, soil, and air with a flagrant disregard for environmental laws. They committed over 80 violations before they finally closed in March 2015.

The plant’s closure led to the beginning of what would become years of advocacy by residents, the Board of Supervisors, and local County departments to clean-up the contamination. In October 2020, after Exide declared bankruptcy and despite numerous letters and public comments against the bankruptcy settlement, their responsibility to right their own wrongs were wiped away along with their debts. The settlement failed to provide sufficient funds to address the groundwater and soil impacts of Exide's operations. The County has used its own resources and continued to advocate by pressing the State of California’s Department of Toxic Substances Control (DTSC) for a

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commitment to cleaning the site and surrounding neighborhood impacted by the contamination.

Although the Los Angeles County Board of Supervisors supported the State of California's allocation of ~~\$772.8~~ over \$700 million for cleanup and DTSC's commitment to clean both the facility and thousands of homes by mid-2025, it quickly became clear that this would not be sufficient to address the amount of contamination that had been imposed on the surrounding communities for decades. There are now generations of residents that have had to live with exposure to Exide's contamination.

In July 2022, the State of California requested that the United States Environmental Protection Agency (EPA) include Exide in the National Priorities List of its Superfund program. Superfund designation is reserved for contaminated sites where there is no viable party financially responsible for the site. Due to the approved bankruptcy that led to the abandonment of Exide's responsibilities, the contaminated site and its surrounding impacted neighborhood qualified to enter the Superfund vetting process. More than two years later, Exide is on the verge of being designated a Superfund site.

In its June 2024 Site Inspection Report, US EPA's Region 9 highlighted trichloroethylene (TCE) levels of 47 parts per billion found in water from a monitoring well at the facility. This is almost ten times higher than the maximum TCE level allowed by the federal government in drinking water, which is 5 parts per billion. This monitoring well is interconnected with four aquifers within two miles of the facility, from which 17 known active drinking water wells serve an estimated population of over 133,000 people. Based on the findings in the Report, Region 9 has recommended that the facility

and surrounding communities be added to the National Priorities List (NPL).

Additionally, better known than the TCE impacts of the former Exide facility is the legacy of lead found in the soil of communities surrounding the facility as a result of years of emissions. While the State has made a substantial investment in cleanup within the designated Preliminary Investigation Area (PIA), comprising a 1.7-mile radius around the facility, significant additional investigation and remediation is warranted both inside and outside of the PIA.

It is critical that the US EPA recognize the environmental justice issue that has continued to impact the health and wellness of residents around the Exide property for decades. The US EPA has the chance to correct the injustice committed by Exide and the wrongs extended by the federal bankruptcy proceedings. It is critical that the US EPA place the former Exide facility ~~and surrounding impacted communities on the proposed NPL list this fall 2024 and ultimately~~ on the official Superfund NPL listing in Spring 2025. Additional funding and agency collaboration and coordination are necessary to ensure that the cleanup of soil and groundwater, which started in 2018, continues without interruption and is completed as expeditiously as possible.

Our communities have suffered for too long. Designating Exide as a Superfund site with placement on the NPL list in Spring 2025 is a critical step to recognize and address this environmental injustice. We must move forward on this long-overdue effort.

WE, THEREFORE, MOVE that the Board of Supervisors direct Legislative Affairs and Intergovernmental Relations (LAIR) to: ~~collaborate with County Counsel and with Department of Public Health to~~

1. Ssend a five-signature letter to the US EPA urging the EPA to accept Exide

into the Superfund National Priority List and recognize the site, along with the surrounding impacted community, as a Superfund site.

2. Coordinate with County Counsel and the Department of Public Health to submit comments to the Federal Register in response to the US EPA's September 4, 2024 announcement proposing the addition of Exide to the Superfund National Priority List, in support of recognizing the site, along with the surrounding impacted community, as a Superfund site in Spring 2025.

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