



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Request for a Ceiling Increase to Exceed \$6 Million and Change in Scope for the Removal Action at the Exide Technologies Site, Laureldale, Pennsylvania
Site ID: B3AF

FROM: Paul Leonard, Director
Superfund and Emergency Management Division (3SD00)

THRU: Kathleen Salyer, Director
Office of Emergency Management (5104A)

TO: Barry N. Breen, Acting Assistant Administrator
Office of Land and Emergency Management

I PURPOSE

The purpose of this Action Memorandum is to request approval of a ceiling increase to exceed \$6 million, and a change in the scope of work set forth in the previous Action Memorandum, as approved on March 18, 2021 (Attachment A), for the ongoing Removal Action at the Exide Technologies Site (Site). The Site is located at 3000 Montrose Avenue, Laureldale, Berks County, Pennsylvania. Actions approved in the March 2021 Action Memorandum include decontamination of deteriorating baghouses, ducting and other associated equipment at the former battery manufacturing plant (Facility). Approval of this Action Memorandum would expand the scope of the Removal Action and provide funding necessary to conduct decontamination of additional areas of the Facility, including process equipment, ancillary equipment, tanks, specific process areas, and impacted drainage systems in process areas, and to further evaluate, modify and/or operate water treatment systems as necessary. In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601, *et seq.*, additional funding in the amount of \$9,900,000 is requested to mitigate threats posed by the Site.

II. SITE DESCRIPTION AND BACKGROUND

A. Site Description

1. Site Background

The Site is located partially in Muhlenberg Township and partially in the Borough of Laureldale, approximately 0.75 mile north of the City of Reading, in Berks County, Pennsylvania. The Site includes an approximately 40-acre manufacturing facility. Based on the findings of the Exide Technologies EJSCREEN Report, April 29, 2021 and in accordance with SEMS Environmental Justice Flag Protocol, September 23, 2021, the Exide Technologies Site has been identified as having potential environmental justice concerns.

Commencing in the mid-1930s, Bowers Battery Company owned and operated a battery manufacturing plant (Facility) at the Site. The General Battery Corporation purchased the Facility in 1958, continuing battery manufacturing operations until the Facility was acquired by Exide Technologies (Exide) in 1987. For many years, Exide operated a lead smelter and recycled lead batteries at the Facility. Spent lead-acid batteries were sent to a battery breaker unit on-Site where lead, plastic, and acid were separated. Recycled lead was smelted and cast into lead-alloy bars to produce new battery plates. Exide discontinued battery manufacturing operations in 2010. In 2013, Exide ceased all lead recycling operations and removed hazardous waste materials from the Facility. In 2016, Exide began the formal closure of Hazardous Waste Management Units (HWMU) pursuant to Exide's Hazardous Waste Permit and Pennsylvania Department of Environmental Protection (PADEP) oversight.

Removal Site Evaluation activities indicate that lead contamination is present in soil throughout the Site and upon soil and other surfaces within the Exide Facility. The lead in soil and within residues on other surfaces (e.g., pavement) could migrate from the Site via storm water pathways. The on-Site Storm Water Treatment System is managed to capture the most contaminated storm flow migrating through the Facility drainage systems before discharge. However, additional evaluation is needed.

On May 19, 2020, Exide filed for protection from its creditors pursuant to Chapter 11 of the U.S. Bankruptcy Code, 11 U.S.C. §§ 1101, *et seq.* Prior to Exide's bankruptcy filing, since 2013, the Facility was used solely for recycling of non-hazardous plastic materials. On November 17, 2020, the Exide Environmental Response Trust (Trust) acquired the Facility (and additional parcels) from Exide pursuant to a quitclaim deed executed by order of the bankruptcy court. As a result of a settlement agreement entered into by the U.S. Department of Justice (Bankruptcy Settlement), on behalf of EPA, in connection with Exide's bankruptcy filing, the Trust was funded with monies (Trust monies) to address known environmental issues associated with the Facility and the surrounding areas. At present, Trust monies are estimated to total less than \$550,000. Remaining Trust monies are being depleted rapidly by the costs to operate and maintain waste and storm water treatment systems, and to pay for utilities and overall maintenance of the Facility. Trust monies are not adequate to fund necessary cleanup actions at

the Site. It is estimated that the remaining funds will only allow for the Trust to operate through the end of March, 2022.

2. Removal Site Evaluation

As described in the March 2021 Action Memo, initial Removal Site Evaluation activities conducted in the winter of 2021, revealed significant quantities of high lead concentrations in dust inside deteriorating smelter emissions control baghouses and associated ducting. The current ongoing removal action is focused primarily on addressing the most evident priority threats, which included lead contamination in deteriorating baghouses and associated ducting. Ongoing Removal Site Evaluation activities and review by the On-Scene Coordinator (OSC) of data presented in a May 2020 Resource Conservation and Recovery Act (RCRA) Statement of Basis (Exide Technologies May 2020 Statement of Basis) for the Site that had been prepared by EPA's RCRA program further defined areas of concern which warrant removal action.

As mentioned above in the Site Background Section, based on the review of data gathered by EPA's RCRA program, and through Removal Site Evaluation efforts, it has been determined that lead contamination is present in surface and sub-surface soil, and on other surfaces throughout the Exide Facility. The lead in soil and on other surfaces, including paved surfaces, could migrate from the Site via storm water pathways. The Storm Water Treatment System is intended to capture the most contaminated storm water migrating through the Facility's drainage features. A wastewater and a storm water treatment system at the Facility are managed to collect and treat the flow potentially having the most lead contamination. The Facility is no longer generating process water to treat, but precipitation and storm flows migrating across highly contaminated soils and other surfaces are collected and conveyed for treatment. Additional information is needed to identify if contaminated flows are bypassing the treatment systems.

Screening for lead was conducted throughout process areas of the Facility utilizing a handheld xray fluorescence (XRF) analyzer between September and December 2021. There is a substantial quantity of residual material and contaminated dust inside process equipment, including furnaces, air emissions control systems and ancillary equipment. Based on XRF screening, residual material and dust in and around process equipment, contains lead at concentrations of up to 929,300 mg/kg. Many pieces of process equipment are in very poor condition. In some cases, the equipment has completely rusted through allowing residual material to spill onto the ground. Significant quantities of lead-contaminated dust, material that has spilled from equipment, and residual material in product/waste storage areas, are located on surfaces throughout process areas in the smelter building complex. Contaminated materials on surfaces in the process equipment areas in the smelter building contain lead at concentrations up to 310,700 mg/kg.

There is a substantial quantity of lead-contaminated dust and debris located on surfaces in the battery crushing and grinder room process areas in the Plastics Recycling Building. Based on XRF screening, material on surfaces within the process areas in the battery crushing and grinder room process areas contain lead at concentrations up to 929,300 mg/kg. Deformation and cracking in structural components of the Plastics Recycling Building have been documented.

Lead dust concentrations in screened areas of the SLI Plant 1 Building exceed 300,000 mg/kg. Also, residual sulfuric acid and/or low pH water, suspected in piping, and documented in tanks, sumps, and in floor drains, is present in the SLI Plant 1 Building. Residual sulfuric acid in tank bottoms was found to have pH readings of 1. Water tested in several sumps and floor drains had pH readings of 2 – 3, and dry powdery material on concrete floor surfaces had pH readings of 3.

Bulging and broken areas in structural walls, and holes in areas of the roof are present in the SLI Plant 1 Building.

More detailed information regarding the Removal Site Evaluation/Screening data referenced above, can be found in the Exide Technologies Removal Assessment XRF and pH Screening Data Tables, December 22, 2021 (Attachment D), as well in the Exide Technologies Photo Log, December 22, 2021 (Attachment E).

Section VI.A.1 of March 2021 Action Memo lists multiple items that will require further removal site evaluation. Removal site evaluation activities in these areas are ongoing. Removal site evaluation and assessment efforts will continue as this removal action is being conducted. Additional investigation may lead to the determination that additional removal actions are required.

3. Physical Location/Site Characteristics

This Site is located in Laureldale, Pennsylvania, approximately 0.75 mile north of the City of Reading. The site includes the Facility which is approximately 40 acres, and surrounding potentially contaminated residential areas to the west, north, and east. Bernhart Park is located to the southeast, with a convent and a cemetery to the west of the facility. This removal action focuses primarily on the Exide Facility property.

With residential communities and Bernhart Park bordering the Facility, within less than ¼ mile, the threat of release from the Site could impact local residents and visitors to the area. Wind direction can fluctuate resulting in migration of contaminants in any direction, however general prevailing wind direction is from the west - northwest. The prevailing wind direction suggests that the adjacent areas to the east – southeast of the Facility could be more significantly impacted if a release were to occur via air. National meteorological data suggests that Laureldale receives an average of 45 inches of rainfall annually, exceeding the U.S. average of 38 inches per year, with snowfall accumulation averaging 18 inches per year. Precipitation and storm occurrences increase the migration of water flow through the Facility's drainage systems and facilitates the potential for the need to collect and manage contaminated waters before discharge of off-Site locations.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

As discussed in section A.2., significant quantities of lead-containing residual material, dust, debris, and residual sulfuric acid and acidic water have been documented in process equipment and on surfaces within process areas at the Facility. Lead is a listed hazardous substance under 40 C.F.R. § 302.4. Process equipment throughout the Facility is in poor condition and in some cases has rusted through allowing residual material to spill onto the ground. Many of the structures where process equipment and process areas are located exhibit structural integrity issues and have open access points which could expose trespassers to hazardous substances or result in migration of hazardous substances off-Site. Deteriorating structures pose a significant risk of structural failure or collapse, which could result in release and deposition of large quantities of highly contaminated lead dust at the Facility and to the surrounding community. These conditions increase the threat of a release that would be harmful to the health and welfare of the nearby residents, workers, and the surrounding Laureldale community.

Trust monies, which are currently being used to fund continuing operation of the on-Site water treatment plants, is likely to run out of money in March 2022. If adequate funding is not secured to operate the storm water and wastewater plants at the Facility prior to March 2022, an uncontrolled release of contaminated water could result.

5. National Priorities List

The Site is not on the National Priorities List (NPL).

6. Maps and Pictures

See Attachments E and F for the Exide Technologies Preliminary Removal Assessment Photo Log, and the Exide Technologies Site Location / EJ Area Map.

B. Other Actions to Date

The following summarizes actions to date.

1. Previous actions

Under the oversight of PADEP and EPA's RCRA Corrective Action Program, Exide has investigated and/or remediated several impacted areas on and outside the Facility. On the Facility property, Exide has conducted investigations of the groundwater, surface water, sediment, as well as surface and subsurface soils, including the railroad right-of-way drainage ditches and an unnamed tributary. In addition, several on-Site waste management units have been capped in place and closed. More detailed information regarding previous investigation and response actions at and near the Facility can be found in the Exide Technologies May 2020 Statement of

Basis, or at <https://www.epa.gov/hwcorrectiveactionsites/hazardous-waste-cleanupexide-trust-reading-aka-former-exide-technologies>.

In August 2000, EPA and Exide entered into an Administrative Order on Consent (AOC) under RCRA § 7003, 42 U.S.C. § 6973, requiring Exide to investigate the extent of lead contamination in the soil at properties located in the vicinity of the Facility and to cleanup all such properties that were adversely affected by lead contamination and posing an unacceptable risk to human health and the environment. The properties in the vicinity of the Facility include the Bernhart Park, a convent property, the Gethsemane Cemetery, developed and undeveloped residential areas, and a campground property. Previous investigations and actions have been documented in the Exide Technologies May 2020 Statement of Basis.

2. Current actions

In March 2021, EPA began a time critical removal action based on the scope of work outlined in the Proposed Actions Section, VI.A. of the March 2021 Action Memorandum. Removal activities have primarily focused on the decontamination of some of the most deteriorated baghouses and emissions control system ducting, associated with the Facility's smelter operations. To date, gross decontamination of a total of eight baghouses and approximately 350 linear feet of associated ducting has been completed. Over 50 tons of lead-contaminated dust and debris removed from these structures has been prepped and staged for off-Site disposal. Transport and off-Site disposal of 12 tons of lead contaminated dust and debris has also been conducted. Removal activities addressing remaining baghouses and associated ducting are ongoing.

As described in the March, 2021 Action Memorandum, the most evident high priority threats were identified, and are being addressed through the initial phase of the removal action. Additional evaluation of other buildings and structures has continued during the initial phase of the removal action, as explained above in the Removal Site Evaluation Section, II.A.2. Findings from the initial phases of this evaluation has indicated that further removal activities are warranted at this Site.

C. **State and Local Authorities' Roles**

On November 25, 2020, PADEP requested EPA Superfund assistance in responding to conditions at the Site. The OSC will continue to coordinate with PADEP and local authorities. During telephone conversations with PADEP representatives, PADEP has verbally indicated that they do not have sufficient resources to conduct the necessary removal actions at this time.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Section 300.415 of the NCP, 40 C.F.R. § 300.415, lists the factors to be considered in determining the appropriateness of a Removal Action. Potential threats that have been identified at the Site that were not previously described in Section III of the March 2021 Action Memorandum are provided below. Paragraphs (b)(2)(i), (iii), and (v) of Section 300.415 directly apply to the conditions at the Site.

300.415 (b) (2) (i) “Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants”

Significant quantities of dust and debris with lead concentrations exceeding 929,000 mg/kg, and/or acid and acidic water with pH as low as 1, have been found to be present in process areas of the Smelter, SLI Plant 1, and the Plastics Recycling Buildings. Poor structural integrity and open access points to these buildings, may result in the actual or potential exposure of nearby human and ecological receptors. This exposure could result from direct contact to trespassers entering areas containing hazardous substances, pollutants, or contaminants, or as a result of migration of contaminants to the surrounding community, in the event of structural failure. If a structural failure occurred, lead contaminated dust could migrate via wind, and result in aerial deposition in the surrounding community. Bernhart Park and residential neighborhoods surround the facility, within ¼ mile, see Physical Location/Site Characteristics Section II.A.3 above.

Direct contact with lead via ingestion or inhalation can result in significant health effects, potentially impacting almost every organ system in the human body. The main target of lead poisoning in the human body, in adults and children, is the nervous system. Children’s developing nervous systems are considered more vulnerable than adults to lead toxicity. Decreased learning, memory, and attention, as well as weakness in the fingers and wrists, have been attributed to long term exposure to lead. Lead exposure can also cause anemia, and kidney damage. In middle aged and older individuals particularly, hypertension is also attributed to lead exposure. Individuals exposed to high concentrations of lead may suffer severe brain or kidney damage, or even death. Pregnant women exposed to high lead concentrations could experience miscarriage, while exposure to high lead concentrations in men could result in damage to reproductive organs.

During heavy precipitation events, surface water runoff could result in transport of contaminants to Bernhart Creek, an unnamed tributary, potentially impacting ecological receptors, and or to the surrounding community. It is unclear if lead contamination is currently being transported off-Site via surface water migration, however existing information indicates that lead has discharged from the Facility into the sediments of nearby Bernhart Creek and the unnamed tributary. The most contaminated stormwater flow is collected and treated before discharging from the Facility. EPA continues to evaluate other potential contaminant source areas, at and outside of the Exide Facility, that may be contributing to contamination in the drainage ditches, and/or migrating to Bernhart Creek and the un-named tributary.

300.415 (b) (2) (iii) “Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release”

Large quantities of lead-contaminated residual material, dust, sulfuric acid, and acidic water have been identified in process equipment, ancillary equipment, and tanks at the Site. Much of this equipment, and buildings in which these hazardous substances have been identified, are in poor condition. A release of hazardous substances may occur in the event of structural failure of equipment, or a building containing containers or equipment.

300.414 (b) (2) (iv) “High levels of hazardous substances or pollutants or contaminants in soil largely at or near the surface, may migrate”

As described in the March, 2021 Action Memorandum, high concentrations of lead contamination in soils within the drainage ditches have been documented through previous investigations. There is also known soil contamination throughout the Facility and Site, including the drainage ditches. EPA Removal and Sites Assessment Programs are continuing to evaluate this potential threat, including contaminated areas on the Facility and throughout the Site which may be presenting a threat and/or migrating into the drainage systems and/or to surface water.

300.415 (b) (2) (v) “Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released”

The Plastics Recycling, Smelter, and SLI Plant I Buildings all exhibit visible signs of structural deterioration. Substantial quantities of lead-contaminated dust and/or acid and low pH water have been identified in process equipment and areas within these buildings. Based on the poor structural conditions of these buildings, wind and precipitation could result in migration and release of contaminants. In SLI Plant 1, bulging and broken areas in structural walls, and holes in areas of the roof are present. Elevated groundwater levels during precipitation events and leaking areas of the roof cause water to infiltrate and fill sumps and floor drains in SLI Plant 1, specifically in acid storage and process areas. Sump pumps pump the acidic water to the wastewater treatment plant. If pumps in these areas failed, or if there was a power outage, these areas could flood and result in migration of acidic water out of the building into storm drains, and/or to Bernhart Creek and to the nearby unnamed tributary. Acidic water released from the Plant 1 Building could result in increased mobilization and migration of lead contamination present in media at and surrounding the Facility. Deformation and cracking in structural components of the Plastics Recycling, Smelter, and SLI Plant 1 Buildings have been documented. Significant quantities of high lead concentrations in dust and debris, and/or acid and acidic water have been identified in process areas of these buildings. In the event of heavy winds, rain or snow, these buildings could suffer structural failure resulting in the release of large quantities of high concentration lead dust and debris, and acids and acidic water.

300.415 (b) (2) (vii) “The availability of other appropriate federal or state response mechanisms to respond to the release”

Other federal or state response mechanisms are not presently available to conduct this necessary removal action. During telephone conversations with PADEP representatives, PADEP has verbally indicated that they do not have resources available to conduct this removal action.

V. EXEMPTION FROM STATUTORY LIMITS

An exemption from the 12-month and \$2 million statutory limits for response actions was requested and approved as part of the March 2021 Action Memorandum. As described in Sections II.A.2 – 4, and in Section III above, this Site poses a significant immediate risk to public health, welfare, and the environment. Continuation of this removal action is immediately required to prevent, limit, and or mitigate the substantial threat of hazardous substances releasing to the surrounding community and environment. Other federal or state response mechanisms are not available to conduct this necessary removal action on a timely basis.

VI. ENDANGERMENT DETERMINATION

Based upon information gathered during the Removal Site Evaluation for the Site, as described above and in the March 2021 Action Memorandum, the actual or threatened releases of hazardous substances from this Site may present an imminent and substantial endangerment to public health, welfare, or the environment. Recent and ongoing site evaluation activities have identified lead contamination in dust inside and around process equipment, including furnaces, air emissions control systems and ancillary equipment, and within facility process areas. XRF screenings have revealed lead concentrations greater than 10%, exceeding 900,000 mg/kg in some areas. Process areas containing sulfuric acid, and acidic water have also been identified within Facility process areas, and associated building drainage systems. EPA observed during the Removal Site Evaluation that the areas of concern, as described above, are located within buildings and/or structures which are in poor condition. The poor condition of these structures and equipment poses a substantial threat of release of contaminated materials and/or dust which could significantly contribute to lead contamination of soils at the Facility and to the migration of contaminants to the surrounding areas.

VII. PROPOSED ACTIONS AND COSTS

This Action Memorandum will amend the March 2021 Action Memorandum Section VI.A.1 (Description of Proposed Actions) as follows:

A. Proposed Actions

1. Description of Proposed Actions

The proposed action is intended to mitigate the threat posed to the public health and welfare due to the threatened release of hazardous substances from the Site. The March 2021 Action Memorandum for the Site prioritized the removal of hazardous substances remaining in baghouses and associated equipment which pose a threat to public health, welfare, and the environment. This Action Memorandum will expand the scope of the action to include decontamination of additional process equipment, containers, and other highly contaminated areas of the Site, which pose a threat of release of hazardous substances. Additionally, if no other party is identified to continue operations of the wastewater and storm water treatment plants after Trust monies are depleted, EPA will take temporary actions necessary to ensure that water released from the Facility through wastewater and storm water treatment systems, meets appropriate standards. In the absence of other viable entities to operate the water treatment systems, temporary actions taken by EPA will be required to prevent an uncontrolled release of contaminated wastewater or stormwater from the Facility.

The direct contact PADEP Non-Residential Medium Specific Concentration (MSC) for surface soil is 1,000 ppm. Proposed actions are intended to mitigate the threat of lead-contaminated material potentially releasing from Site equipment, containers, and structures, which could result in contamination of soils exceeding PADEP MSCs. Section VI.A.1.c of the March 18, 2021 Action Memorandum states that EPA will address deteriorating bag houses, ducting, and other associated equipment at the Facility with lead contamination over 1,000 ppm. This Action Memorandum clarifies that 1,000 ppm is to be utilized as an action level but not a cleanup goal for individual pieces of equipment. Accordingly, this Action Memorandum proposes to modify Section VI.A.1.c as follows:

- ii. If lead is detected within baghouses, conveyors, or associated equipment at concentrations greater than 1,000 ppm, gross decontamination will be conducted as described below in VI.A.1.f. Furthermore, structures will only be dismantled as necessary to conduct removal of lead contamination. The 1,000ppm action level is consistent with industrial soil screening levels.

This Action Memorandum proposes to amend Section VI.A.1 of the March 18, 2021 Action Memorandum to add the following actions:

- f. Conduct gross decontamination of process equipment, ancillary equipment, air emissions systems, and containers which contain lead contamination at concentrations greater than 1,000 ppm and due to the quantities of contaminated material and the condition of the equipment/structures, may pose a threat of release. These items may be dismantled if removal of material and decontamination cannot be effectively and efficiently accomplished otherwise. Tanks, piping, and equipment that contain

- sulfuric acid may also be emptied and decontaminated. Gross decontamination may include, but is not limited to the following:
- Removal of lead-contaminated components of process equipment (for example, filter bags and filter bag cages would be removed from baghouses).
 - Vacuuming out all accessible and visible dusts.
 - Pressure washing and scrubbing surfaces using an environmentally-friendly lead cleaning solution.
 - Collecting and treating rinse water as appropriate.
- g. Remove accumulated lead-contaminated waste and dust on surfaces in process areas and within the drainage systems in the: Smelter Building; Plant 1 Building; and the battery crushing and grinder room areas of the Plastics Recycling Building.
- h. Conduct actions necessary to facilitate access to work areas, safe work conditions, and removal of structures. Actions may include, but are not limited to clearing vegetation/debris, removing structures which impede access, and further assessing structural integrity of buildings and structures.
- i. Preparations for recycling and/or off-Site disposal or treatment, any structures dismantled as part of this action, lead-contaminated waste, acidic waste, and other removal derived waste.
- j. Dispose off-Site all non-recycled dismantled structures, lead-contaminated waste, acidic waste, and other removal derived waste in accordance with Section 121(d)(3) of CERCLA and 40 C.F.R. § 300.440.
- k. Provide for Site security and fire watch services during non-working hours and holidays.
- l. Take temporary actions necessary to ensure that water discharged from the Site meets applicable standards. These actions may include monitoring water for Site-related contaminants and as necessary, treating water prior to discharge.

2. Contribution to remedial performance

The actions proposed will contribute to any future remedial actions that may be necessary at the Site.

3. Compliance with ARARs

The proposed Removal Action will comply with Federal and State applicable or relevant and appropriate environmental regulations (ARARs) to the extent practicable considering the exigencies of the situation. The OSC formally requested State ARARs from PADEP in an email dated February 5, 2021 and again on January 13, 2022. PADEP stated that it would be

forwarding the applicable, relevant, and appropriate regulations once it reviewed the action for the Site. To date ARARs have not been received from PADEP. The OSC and PADEP will continue to identify and evaluate ARARs as Site work proceeds. All work will be completed in coordination with the State and local authorities.

Based on evaluation of proposed work at the Site, the following may be potential Federal ARARs for the Site:

- a. National Pollutant Discharge Elimination System requirements under Section 402 of the Clean Water Act of 1972, as amended, 33 U.S.C. § 1342. Potential ARARs may include requirements set forth in 40 C.F.R. Part 122, Subpart C (Contains Conditions, Limitations and Standards Relating to Point Source Discharges).

- b. Hazardous Waste Management Requirements:

Regulations governing the identification and listing of hazardous waste under the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §§ 6901 *et seq.* Potential ARARs may include requirements set forth in 40 C.F.R. Part 261, Subpart C (Characteristics of Hazardous Waste).

Standards applicable to generators of hazardous waste under RCRA. Potential ARARs may include requirements set forth in 40 C.F.R. Part 262, Subpart B (Manifest Requirements Applicable to Small and Large Quantity Generators) and Subpart C (Pre-Transport Requirements Applicable to Small and Large Quantity Generators).

Requirements under RCRA applicable to owners and operators of facilities that treat, store, or dispose of hazardous waste set forth in 40 C.F.R. Part 264. Potential ARARs may include requirements set forth in 40 C.F.R. Part 264, Subpart I (Use and Management of Containers).

- c. National Emissions Standards for Hazardous Air Pollutants promulgated under Section 112 of the Clean Air Act of 1970, as amended, 42 U.S.C. § 7412. Potential ARARs may include requirements set forth in 40 C.F.R. Part 50 (National Primary and Secondary Ambient Air Quality Standards).

B. Estimated Costs

Estimated costs necessary to complete the proposed actions in this Action Memorandum are provided below. The proposed distribution of funding is as follows:

| | Present Ceiling | Ceiling Increase | Total |
|---|--------------------|--------------------|---------------------|
| <u>Extramural Costs:</u> | \$4,700,000 | \$8,500,000 | \$13,200,000 |
| Total Cleanup ERRS Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and IAGs with other Federal Agencies. It includes a 20% contingency). | | | |
| <u>Other Extramural Costs</u> | \$850,698 | \$500,000 | \$1,350,698 |
| Total START, including multiplier costs | | | |
| Total CLP | | | |
| Subtotal Extramural Costs | \$5,550,698 | \$9,000,000 | \$14,550,698 |
| Extramural Costs Contingency | \$400,000 | \$900,000 | \$1,300,000 |
| TOTAL REMOVAL ACTION PROJECT CEILING | \$5,950,698 | \$9,900,000 | \$15,850,698 |

VIII. EXPECTED CHANGE IN SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the proposed actions are not taken or are significantly delayed, the threatened release of hazardous substances into the environment (including the surrounding community) will continue and an actual release may occur. The Facility will continue to fall into further disrepair as the Trust is unable to conduct necessary measures to mitigate or secure the Facility property further.

IX. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues related to the proposed Removal Action at this Site.

X. ENFORCEMENT

Based on the information currently available, it is recommended that Superfund funding be allocated to complete the Removal Action at the Site.

A confidential Enforcement Addendum has been prepared and is included as an attachment to this document. Based upon full-cost accounting practices, the total EPA costs for this Removal Action that will be eligible for cost recovery are estimated below as follows:

Direct Extramural Costs: \$15,850,698
Direct Intramural Costs: \$1,350,698 Total
Direct Costs: \$17,201,396
Indirect Costs (66.79%) \$11,488,812
Estimated EPA Costs for the Removal Action \$28,690,208

See the attached Confidential Enforcement Addendum (Attachment B).

XI. RECOMMENDATION

This decision document represents the proposed Removal Action for the Exide Technologies Site, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. Because conditions at the Site meet the criteria in Section 300.415(b) of the NCP for a removal action, I recommend your approval of the proposed Removal Action.

By signing this Action Memorandum, you are also hereby establishing the documents listed in Attachment C as the Administrative Record supporting the selection of the time-critical Removal Action identified in this document pursuant to Section 113 (k) of CERCLA, 42 U.S.C § 9613 (k), and EPA Delegation 14-22.

The total Removal Action Project Ceiling, if approved, will be \$15,850,698. Please indicate your approval or disapproval below.

Action by the Approving Official:

I have reviewed the above-stated facts and based upon those facts and the information compiled in the documents described above, I hereby determine that the release or threatened release of hazardous substances at and/or from the Site presents or may present an imminent and substantial endangerment to the public health or welfare or to the environment. I concur with the recommended Removal Action as outlined.

APPROVED: _____ DATE: _____

Barry N. Breen, Acting Assistant Administrator
Office of Land and Emergency Management

Attachments:

- A. Exide Technologies Action Memorandum, March 18, 2021
- B. Confidential Enforcement Addendum, February 1, 2022
- C. Exide Technologies Administrative Record Index December 22, 2021
- D. Exide Technologies Preliminary Removal Assessment XRF and pH Screening Data Tables, December 22, 2021
- E. Exide Technologies Preliminary Removal Assessment Photo Log, December 22, 2021 F. Site Location / Environmental Justice Area Map