

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE DISTRICT OF DELAWARE**

<b>IN RE:</b>	*	
<b>EXIDE TECHNOLOGIES</b>	*	<b>Chapter 11</b>
<b>INC.</b>	*	
	*	<b>CASE NO. 13-11482(KJC)</b>
<b>Debtor</b>	*	
	*	
	*	

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**LIMITED OBJECTION TO DEBTOR’S MOTION FOR ENTRY OF AN ORDER  
AUTHORIZING (I) REJECTION OF SHREVEPORT LEASE AND  
SHREVEPORT SERVICE CONTRACTS *NUNC PRO TUNC* TO THE FILING  
DATE AND (II) ABANDONMENT OF PERSONAL PROPERTY**  
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**NOW INTO COURT**, through undersigned counsel, comes the Louisiana Department of Environmental Quality (LDEQ) who hereby files this objection to the Debtor’s “MOTION FOR ENTRY OF AN ORDER AUTHORIZING (I) REJECTION OF SHREVEPORT LEASE AND SHREVEPORT SERVICE CONTRACTS *NUNC PRO TUNC* TO THE FILING DATE AND (II) ABANDONMENT OF PERSONAL PROPERTY” for the following limited reasons:

**I**

The Debtor, by way of its Motion, seeks to terminate a lease and to abandon any personal property it may have on a site located in Shreveport, Louisiana. The site is identified by the Debtor as a former manufacturing site that was leased in 2000, shuttered in 2006, and damaged by a fire in 2011. Certain aspects of lead acid battery manufacturing activities, such as those conducted by the Debtor, are extensively regulated under state and federal law, and the Debtor was subject to regulation as a large

quantity generator of hazardous waste as defined by 40 CFR 261 and Louisiana Administrative Code, Title 33, Part V, Section 109.

## II

The LDEQ received notice of Debtor's intent to abandon the Shreveport site, and any personal property thereon, on or about June 20, 2013. The Shreveport facility is currently shuttered and, to date, the LDEQ has been unable to gain access to the site to ensure that no solid or hazardous waste associated with Debtor's prior facility operations, and/or the 2011 fire, remains on the site. Until the LDEQ is able to access the site, it is unable to verify that all solid and hazardous waste associated with the Debtor's operations has been removed and any threat posed to human health and the environment by any such material has been abated.

## III

Abandoned hazardous and solid waste can present an imminent hazard to human health and the environment, and proper management of any such material generated by, and/or in possession of, the Debtor is mandated by state and federal laws, in particular, the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq*, and the Louisiana Environmental Quality Act, La. R.S. 30: 2001 *et seq*.

## IV

The Debtor's Motion fails to make any arrangements for, or any representation with respect to, the nature of any property to be abandoned at the site, the regulatory status of such material and/or compliance with the LDEQ's regulations. Unless and until the LDEQ has access to Debtor's site and/or sufficient information on which to base a

determination that no material subject to regulation remains thereon, the LDEQ must object to Debtor's abandonment of personal property via its present Motion.

**V**

Debtor should be compelled to provide to the LDEQ sufficient time and information necessary to insure that the interests of the public are addressed in this matter prior to the issuance of any Order allowing Debtor to abandon the Shreveport site.

**VI**

The LDEQ further gives notice that it reserves its rights to supplement this limited objection based on conditions at the Shreveport site discovered during inspection and/or that become apparent during the course of discovery.

**WHEREFORE**, the Louisiana Department of Environmental Quality prays that this Court consider this limited opposition; that after due consideration, that the limited opposition be granted; that Debtor be required to comply with state and federal environmental laws governing the disposal of any property remaining at the Shreveport site; that provisions be made for the clean up of the site if necessary; and that the Louisiana Department of Environmental Quality be granted sufficient time and information necessary to assess the site leased by the Debtor and any of the Debtor's personal property thereon prior to any abandonment and or transfer of the property.

Respectfully submitted,  
**LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**  
Herman Robinson, General Counsel (#2077)

By: /s/ Elliott B. Vega  
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