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SOUTH COAST AQMD  
CLERK OF THE BOARDS

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7 Attorneys for Petitioner  
8 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

9  
10 BEFORE THE HEARING BOARD OF THE  
11 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

12 **In the Matter of**  
13 SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT,  
14  
15 Petitioner,  
16  
17 v.  
18 AEROCRAFT HEAT TREATING CO., INC.  
[Facility ID No. 23752];  
ANAPLEX CORP.  
19 [Facility ID No. 16951]; and  
DOES 1-100  
20 Respondents.

CASE NO. 6066-1  
**PETITION FOR ORDER FOR  
ABATEMENT**  
  
Health & Saf. Code § 41700,  
District Rules 402, 1469, 201, and 203  
  
Date: December 14, 2016  
Time: 9:00 a.m.  
Place: 21865 Copley Drive  
Diamond Bar, CA 91765

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22 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, (hereinafter referred to as  
23 "District" or "Petitioner") petitions the District Hearing Board for an Order for Abatement directed  
24 to Respondent AEROCRAFT HEAT TREATING CO., INC ("AEROCRAFT") with regard to its  
25 operation of a metal heating treating, cooling, cutting and grinding operations as well as other  
26 sources of hexavalent chromium; and to Respondent ANAPLEX CORP. ("ANAPLEX") with  
27 regard to its chromic acid anodizing tank, surface treatment tanks, and spray coating operations as  
28 well other sources of hexavalent chromium. DOES 1-100 are also doing business in the City of

1 Paramount, and are conducting operations resulting in the emissions of hexavalent chromium that  
2 significantly contribute to the high levels of cancer risk that persons in the City of Paramount are  
3 exposed to. The District is continuing its investigation of these DOES and once identified, the  
4 District will name these DOES and serve them with notice of the time and place of the hearing(s)  
5 for this abatement proceeding. In support of this Petition, the District alleges as follows:

6 1. Petitioner is a body corporate and politic established and existing pursuant to Health  
7 and Safety Code §§ 40000, *et seq.* and §§ 40400, *et seq.*, and is the sole and exclusive local agency  
8 with the responsibility for comprehensive air pollution control in the South Coast Air Basin.

9 2. Respondent AEROCRAFT is a business subject to the jurisdiction of the District. It  
10 is located at 15701 Minnesota Ave, Paramount, CA 90723. Its Facility ID No. is 23752. The  
11 business may be contacted through James Scannell, Vice President, at telephone number (562) 674-  
12 2400, and whose mailing address is 15701 Minnesota Ave. Paramount, CA 90723.

13 3. AEROCRAFT is in the business of processing forgings, castings, bar, plate and  
14 rough-machined parts. As part of that operation, AEROCRAFT conducts metal heating treatment,  
15 cooling, cutting and grinding operations, all of which may lead to emissions of hexavalent  
16 chromium.

17 4. Respondent ANAPLEX is a business subject to the jurisdiction of the District. It is  
18 located at 15547 Garfield Ave., Paramount, CA 90723. Its Facility ID No. is 16951. The business  
19 may be contacted through Carmen Campbell, Controller, at telephone number (562) 634-5700,  
20 whose mailing address is 15547 Garfield Ave. Paramount, CA 90723..

21 5. ANAPLEX is a metal processing company and in conjunction with its business  
22 operates chromic acid anodizing tanks, surface treatment tanks, and spray coating operations, all of  
23 which may lead to emissions of hexavalent chromium.

24 6. Each of Respondents' operations result in the emissions of hexavalent chromium  
25 ("Chrome 6 or Cr 6"), which has been identified by EPA and OEHHA as a known human  
26 carcinogen by inhalation. (<http://www.epa.gov/ttn/atw/hlthef/chromium.html>;  
27 <http://oehha.ca.gov/chemicals/chromium-hexavalent>)

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1 **I. Violations of Health and Safety Code section 41700 and SCAQMD Rule 402 –**  
2 **ANAPLEX and AEROCRAFT**

3 7. In October 2016, the District expanded monitoring efforts in the largely industrial  
4 area of the city of Paramount to identify potential sources of Cr 6. More specifically, the District  
5 began ambient air monitoring for Cr 6 in different parts of Paramount. The monitors in close  
6 proximity to both AEROCRAFT and ANAPLEX registered Cr 6 emissions orders of magnitude  
7 greater than typical background levels. For example, based on the District's MATES study,  
8 background levels of Cr 6 are about 0.06 nanograms/cubic meter ("ng/m<sup>3</sup>"). Readings from air  
9 monitors near ANAPLEX and AEROCRAFT were hundreds of times greater.

10 8. Measurements from the District's monitors may vary according to a facility's  
11 operations, extant environmental conditions such as prevailing wind direction or rain on the day the  
12 measurement is taken, and screening source test results. Based upon knowledge and observations  
13 of the facility's operations, housekeeping, monitored levels of Cr 6, prevailing wind directions, and  
14 other environmental conditions, District staff believes that ANAPLEX and AEROCRAFT  
15 significantly contribute to the high levels of ambient Cr 6 concentrations in the industrial area of  
16 Paramount. District staff also believe that these high emissions in the industrial area are causing  
17 elevated ambient concentrations of Cr 6 in the surrounding residential areas as monitored by Staff.

18 9. According to District Rule 1402, facilities with cancer risks above 100 in a million  
19 must reduce their cancer risk to less than 25 in a million, within two years of approval of a Risk  
20 Reduction Plan. Rule 1402(f)(3)(iv). As 25 in a million is the target risk level in adopted rules, it  
21 is the risk so far deemed "acceptable" by the SCAQMD Governing Board. Staff contends that both  
22 AEROCRAFT and ANAPLEX, separately, pose a risk multiple times this acceptable risk to those  
23 exposed for many years to the concentrations found recently outside their facilities.

24 10. According to District Rule 1402 (c)(19), a "significant" risk level is defined as a  
25 cancer risk of 100 in a million. Under Rule 1402, a facility may not obtain any extension of time to  
26 reduce its risk below this significance level. Rule 1402(l). The Governing Board was required by  
27 state law, the Air Toxics "Hot Spots" Information and Assessment Act, to establish this "significant  
28 risk" level which no facility may exceed beyond the time specified in District Rules. Health &

1 Safety Code §§ 44391, 44391(b). Staff contends that both AEROCRAFT and ANAPLEX  
2 separately pose a risk multiple times this significant risk level to those exposed for many years to  
3 the concentrations found recently outside their facilities.

4 11. District Rule 402 adopts the same language as Health & Safety Code § 41700,  
5 which in pertinent part prohibits any person from emitting from any source whatsoever such  
6 quantities of air contaminants as will “endanger the health or safety” of “any considerable number  
7 of persons or the public.”

8 12. According to EPA’s landmark decision regulating lead in gasoline, the term “will  
9 endanger” used in the statute authorizing EPA to regulate gasoline additives if their emission  
10 products “will endanger the public health or welfare” (former CAA § 211(c)(1)(A)) includes  
11 emissions which “represent a significant risk of harm to the health of” urban populations. The  
12 courts have upheld this interpretation. *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir. 1976). Therefore  
13 the term “endanger” as used in Section 41700 includes a significant risk of harm.

14 13. Based on the foregoing, Staff contends that Chrome 6 emissions near ANAPLEX  
15 and AEROCRAFT pose a significant risk of cancer to workers and residents as current data  
16 indicates that their annual average cancer risk would far exceed the significant risk level set by  
17 District Rules.

18 14. Based on the case law, emissions which present a “significant risk” of harm can be  
19 deemed to “endanger” public health. Therefore, since the cancer risk posed by emissions  
20 determined to be originating from ANAPLEX and AEROCRAFT are substantially contributing to  
21 cancer risks that are multiple times the District’s “significant risk” level, these emissions therefore  
22 “endanger” public health.

23 15. The District performed screening source tests on November 16, 2016 for Chrome 6  
24 in areas within ANAPLEX determined to be most likely sources of Chrome 6. On November 29,  
25 2016, the District determined that levels of Chrome 6 at ANAPLEX’s chromate seal tanks, which  
26 are heated to near boiling, were in the order of 682,000 ng/m<sup>3</sup>. In addition, ANAPLEX fails to  
27 control air sparging or air agitation of its chrome solution in its anodizing tank, which pursuant to  
28 Rule 1469(c)(3), shall only be air sparged during the limited periods when there is electroplating.

1 Indeed, ANAPLEX lacks any controls for turning off air sparging, which continues throughout the  
2 day. Such extended air sparging increases Chrome 6 emissions into the ambient air. Furthermore,  
3 ANAPLEX is operating its chromic acid electroplating tank to allow uncontrolled bubbling of the  
4 chrome plating solution so that bubbles containing Chrome 6 are lofted into the air. Because some  
5 of the above operations take place outdoors or in areas ventilated by fans, Chrome 6 emissions  
6 travel outside where District monitors have detected high level of Chrome 6. Furthermore,  
7 ANAPLEX's heated chromate and air sparged chromate tanks lack required District permits, which  
8 pursuant to Rule 1401, would have required controls for their Chrome 6 emissions. Moreover,  
9 ANAPLEX has violated permit conditions that preclude spray painting with chromate paints.  
10 Because fugitive dust likely contains Chrome 6, ANAPLEX needs to perform appropriate  
11 housecleaning to properly remove Chrome 6 laden dust without spreading it into the air.

12 16. The District also conducted screening source tests within AEROCRAFT of likely  
13 sources of Chrome 6. The District observed very dusty conditions at the facility and found that the  
14 dust contained levels of Chrome 6, which requires at a minimum appropriate housekeeping  
15 measures that avoids further spreading of the dust. In addition, AEROCRAFT uses three methods  
16 of cooling for its heated metal forging operations: air, water, and oil. For its air quenching,  
17 AEROCRAFT blows air to cool the heated metal, which also disturbs Chrome 6 laden dust. The  
18 blown air is captured by the District's monitors, which is located in the open space between  
19 AEROCRAFT's two buildings, which creates a wind tunnel effect. The District also tested the  
20 water used to quench the heated metal through cooling towers that create a mist. The water was  
21 contaminated with Chrome 6, and released into the atmosphere via the mist and captured by the air  
22 monitor. Finally, heated metal is immersed in oil, which combusts at the surface, creating visible  
23 emissions. While this emission source tested the lowest for Chrome 6, it does contribute to the  
24 emissions of Chrome 6.

25 17. District observations and monitoring results on Thanksgiving Day has further  
26 confirmed ANAPLEX and AEROPLEX to be sources of elevated Chrome 6 emissions. On that  
27 day, the District collected sampling of the ambient air monitors adjacent to ANAPLEX and  
28 AEROPLEX. ANAPLEX was shut down for the holiday and monitored levels of Chrome 6 from

1 the monitors located adjacent to ANAPLEX had dropped significantly to about 0.1 ng/m<sup>3</sup>.  
2 However, AEROCRAFT was still operating that day, and the air monitor near its facility showed  
3 continued elevated levels of Chrome 6.

4 18. A violation of Section 41700 and District Rule 402 can be shown where emissions  
5 “endanger” the health of any considerable number of persons or the public. While Rule 402 and  
6 Health & Safety Code § 41700 do not define “considerable number of persons,” the District has  
7 used 6 persons from different households as a rule of thumb for “a considerable number.”

8 19. Chrome 6 emissions separately originating from ANAPLEX and AEROCRAFT are  
9 believed to pose a significant risk of harm to the public and to much more than a considerable  
10 number of persons, including residents and workers. Therefore emissions believed to be  
11 originating from ANAPLEX and AEROCRAFT endanger the health of a considerable number of  
12 persons and the public.

13 **II. Violations of SCAQMD Rules 201 and 203 by Altering Equipment - ANAPLEX**

14 20. In addition to failing to obtain permits for equipment subject to Rule 1401,  
15 ANAPLEX has committed numerous other violations of Rule 201 and 203. More specifically,  
16 including the equipment aforementioned permit violations, ANAPLEX has altered the following  
17 equipment, the use of which may cause the issuance of air contaminants, without first obtaining  
18 written authorization from the Executive Officer and has operated altered equipment without valid  
19 Permits to Operate, so as to violate SCAQMD Rule 201 and/or 203:

- 20 1) Chromic acid anodizing process line referenced by SCAQMD Permit to Operate  
21 R-G10167;
- 22 2) Aluminum etching line referenced by SCAQMD Permit to Operate F53198;
- 23 3) Passivation line referenced by SCAQMD Permit to Operate D75213;
- 24 4) Cadmium plating line referenced by SCAQMD Permit to Operate F53196;
- 25 5) Nickel plating line referenced by SCAQMD Permit to Operate F42779;
- 26 6) Nickel plating line referenced by SCAQMD Permit to Operate F42780; &
- 27 7) Tin plating line referenced by SCAQMD Permit to Operate F42781.

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1                    **III.    Violations of SCAQMD Rules 201 and 203 by Installing Equipment**

2                                    **Without SCAQMD Permits - ANAPLEX**

3            21.    Moreover, ANAPLEX has installed the following equipment, the use of which may  
4 cause the issuance of air contaminants, without first obtaining written authorization from the  
5 Executive Officer and operated the equipment without valid Permits to Operate, so as to violate  
6 SCAQMD Rules 201 and/or 203:

- 7                    1) Tank #1 (anodize) - Magnesium chromic pickle;  
8                    2) Tank #3-1 (anodize) - Acid soak;  
9                    3) Tank #11 (anodize) - Red dye;  
10                   4) Tank #12 (anodize) - Blue dye;  
11                   5) Tank #13 (anodize) - Gold dye;  
12                   6) Tank #14 (anodize) - Green dye;  
13                   7) Tank #15 (anodize) - Dye misc color;  
14                   8) Tank #20 (anodize) - Nickel acetate seal;  
15                   9) Tank #22 (anodize) - Dichromate seal;  
16                   10) Tank #26 (anodize) - Hard anodize type III;  
17                   11) Tank #29 (anodize) - Hydrofluoric acid cleaning solution;  
18                   12) Tank #37 (anodize) - Tri-Etch;  
19                   13) Tank #43 (anodize) - Chem Film 1200;  
20                   14) Tank #43-B (anodize) - Chem Film/Alodine 600;  
21                   15) Tank #43-C (anodize) - Chem Film/Alodine 1500;  
22                   16) Tank #45 (anodize) - Yellow dye;  
23                   17) Tank #46 (anodize) - Dow 19;  
24                   18) Tank #12 (plating) - Copper stripper;  
25                   19) Tank #13 (plating) - Nickel stripper;  
26                   20) Tank #15-A (plating) - Brite nickel;  
27                   21) Tank #32 (plating) - Gold chromate;  
28                   22) Tank #35 (plating) - Electroless nickel;

- 1 23) Tank #45 (plating) - Ammonium nitrate/cadmium stripper;
- 2 24) Tank #50 (plating) - Clear chromate;
- 3 25) Tank #52 (plating) - Black chromate;
- 4 26) Tank #56 (plating) - Sulfuric-Dichromate/4% sulfuric acid;
- 5 27) Tank #57 (plating) - Acid etch; &
- 6 28) Tank #61 (plating) - Acid etch (nickel alloy).

7 22. Continued operations as described above are in violation of District Rule 402 and  
8 Health & Safety Code § 41700, District Rule 1469, 201 and 203.

9 23. The District, by this Petition, seeks an Order for Abatement to require ANAPLEX  
10 and AEROCRAFT, separately, to cease violation of District Rule 402 and Health & Safety Code §  
11 41700 by either ceasing its non-compliant operations or by taking risk reduction actions approved  
12 by the District and this Board.

13 24. The District further seeks as part of the Order for Abatement to require ANAPLEX  
14 to cease violation of District Rules 1469, 201 and 203 by either ceasing operation of the equipment  
15 described as violating District Rules 1469, 201 and/or 203 at the ANAPLEX facility or by coming  
16 into compliance with the aforementioned District Rules for the listed equipment.

17 25. It is not unreasonable to require either ANAPLEX or AEROCRAFT to comply with  
18 District rules and State law.

19 26. The issuance of an Order for Abatement upon a fully noticed hearing would not  
20 constitute a taking of property without due process of law.

21 27. This Order for Abatement is not intended to be nor does it act as a variance.

22 28. The issuance of the prayed for Order for Abatement is not expected to result in the  
23 closing or elimination of an otherwise lawful business, but if it does result in such closure or  
24 elimination, it would not be without a corresponding benefit in reducing air contaminants.

25 THEREFORE, the District prays for an Order for Abatement as follows:

26 1. That this Hearing Board issue an Order for Abatement and order both ANAPLEX  
27 and AEROCRAFT to cease their noncompliant operations and/or perform any mitigating  
28 conditions and increments of progress required by this Board.

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2. For such other and further relief that this Board deems just and proper.

DATED: November 29, 2016

SOUTH COAST AIR QUALITY  
MANAGEMENT DISTRICT

By:   
WILLIAM B. WONG  
Principal Deputy District Counsel  
Attorneys for Petitioner