Addendum to Item #31 – September 7, 2018
Certify Final Environmental Assessment and Amend Rule 1469 – Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations

This item includes staff responses to two comment letters received three days before the Public Hearing.

September 4, 2018

Dear Board Members of the South Coast Air Quality Management District,

RE: Opposed to adoption of Rule 1469

The Del Amo Action Committee (DAAC) is asking the South Coast Air Quality Management District (SCAQMD) Governing Board to withhold approval of Rule 1469. This request is being made because the rule as currently written does not insure that dangerous Hexavalent (HX) Chrome emissions will be significantly reduced. The rule does not provide adequate and certain protection for the people living near the facilities or the children and teachers in schools. It would be extremely difficult to enforce the rule's requirements. 32-1

The SCAQMD is doing exceptional work in Paramount and in other Los Angeles communities in identifying unacceptable HX Chrome emissions, identifying the companies causing the emissions and ordering them to reduce the emissions. This work has enabled the SCAQMD to more specifically identify the sources of those emissions. We anticipated the revision to Rule 1469, an amendment, to compliment and support this tremendous work. **Unfortunately it does not.**

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Robina Suwol, Executive Director of California Safe Schools, Cynthia Babich, Del Amo Action Committee (DAAC) Executive Director and Florence Gharibian DAAC Chair met with Susan Nakamura SCAQMD Assistant Deputy Executive Officer and her staff to discuss Draft Rule 1469 on August 23, 2018. This meeting was convened due to comments Mrs. Gharibian offered during an August Stationary Source meeting. In part Mrs. Gharibian was motivated to comment because she overheard an industry representative briefing other industry representatives before the July 2018 Stationary Source meeting saying that the rule was much better. "All the enforcement had been taken out and the rule was much lighter". 32-1 (cont'd)

The draft rule is replete with alternative options that undermine essential rule requirements. The rule continues to rely heavily on chemical fume suppressants rather than known, technically feasible air pollution controls. Rule requirements regarding HX Chrome tank enclosures have unacceptable compromises. The rule provides approved housekeeping methods that will almost certainly expose workers to higher levels of HX Chrome and will almost certainly result in additional environmental contamination. The rule does not clearly define emission limits for HX Chrome; it is not possible to identify this essential bottom line. 32-2

The rule has building enclosure requirements, but also includes language that minimizes those requirements. The rule requirements for emission controls focus on the HX Chrome tanks. Monitoring emissions from these tanks to ensure compliance with the requirements would be very difficult; in fact one of the biggest problems with this rule is the lack of monitoring associated with it. 32-3

SCAQMD air monitoring in Paramount is based on HX Chrome ambient air emissions and comparison with background levels. The SCAQMD imposed stricter enclosure requirements at a facility in Newport Beach, requiring negative pressure in the areas of a facility where HX Chrome tanks are located. This has resulted in much lower HX Chrome emissions. If this standard were applied to all HX Chrome facilities it would provide greater insurance of significant reductions. According to the CA Air Resources Board (ARB), the Los Angeles Area has 17% higher readings for HX Chrome than anywhere else in the state. This also argues for maximum control of HX Chrome emissions via total enclosure with negative air. 32-4

The draft Rule 1469 has the potential imposition of a strict total enclosure requirement on facilities if they fail critical source tests. These source tests are conducted by facility operators. The SCAQMD Executives Officer (EO) would be notified and SCAQMD staff could observe the tests but this is not anticipated in the rule. Greater confidence in the source test findings would be achieved if trained SCAQMD staff participated in the source tests. The language for an initial source test is confusing and may or may not require submittal of a source test protocol with approval from the EO before the source test is completed. Subsequent source tests at larger facilities are not due before 5-7 years. Adequate source testing provides information to demonstrate controls are effective. Five years is too long to wait for this critical information. 32-5

Members of the Los Angeles Environmental Justice (LA EJ) Network are lobbying for laws and regulations to phase out HX Chrome in California. Because HX Chrome has no safe threshold level exposure and because we anticipate the dangerous chemical will continue to be used, until a phase out can be achieved, it is vital that maximum precautions be set in place to significantly reduce exposures 32-6

to metal plating shop workers and the surrounding communities. **Unfortunately Rule 1469 as currently drafted will not achieve this goal.** What is needed is an absolute bottom line HX Chrome emission restriction. That restriction should be understandable clearly defined and with clear steps on what is needed to achieve this limit. 32-6 (cont'd)

The rule language is disorganized and inconsistent. Mrs. Gharibian carefully reviewed the draft version of the rule published on August 8, 2018. She found conflicting language regarding building enclosure, use of air pollution control equipment, time frames and distances from sensitive receptors. Some distances are measured in meters, some in feet, etc. Some begin at property borders, some at tanks and stacks. The rule provides multiple options for gaining EO approval to use alternatives, allowing them to be in compliance with the rule. Several steps require submittal of documents and EO approval before the work is completed. These include certification of training, etc. One section offers an "alternative for compliance" which is the submittal of a permit application including some but not all the rule requirements. This alternative is offered on page 46 of the document. An attempt to prepare a flow chart describing rule conditions, compliance dates and alternatives would result in a mysterious maze that would frustrate the most ardent engineer. 32-7

We understand that ARB is currently in the process of updating their HX Chrome rule. We recommend that SCAQMD staff work with the ARB, share the draft 1469 Rule language and commit to revisions of both updates that result in clear, understandable requirements that provide certainty to the regulated community and protection to communities where the facilities are located. We think this is an appropriate and necessary endeavor. 32-8

Cynthia Babich
Director
Del Amo Actin Committee

Florence Gharibian
Board Chair
Del Amo Action Committee

Responses to Comment Letter from Del Amo Action Committee, submitted 9/4/18

32-1 Response: Implementation of Proposed Amended Rule (PAR) 1469 will require pollution controls on hexavalent chromium tanks that are currently not regulated, add requirements for building enclosures, parameter monitoring, and periodic source testing, and include limitations and restrictions for facilities located near sensitive receptors and schools. All of these requirements will reduce hexavalent chromium emissions from facilities subject to Rule 1469. Furthermore, PAR 1469 incentivizes facilities that make an early commitment to phase out hexavalent chromium from their process by delaying requirements to install add-on air pollution controls on Tier III Tanks.

During the rulemaking process for PAR 1469, staff conducted site visits and met with all stakeholders to understand their concerns. Based on this feedback, staff either included rule language changes or explained to the stakeholders why certain requested changes would not be made.

All requirements in PAR 1469 are enforceable. PAR 1469 includes additional requirements which will reduce the hexavalent chromium emissions from facilities and clarified ambiguous rule language to ensure rule enforceability.

32-2 Response: PAR 1469 allows use of an alternative compliance method provided it is meets specific criteria and is approved by the Executive Officer. Alternative compliance methods are not exemptions from a provision, but allow the operator to identify a different method that was not considered during the rulemaking process or to develop a method to address a unique situation at a facility. The Executive Officer will evaluate the alternative method to ensure it is equally as effective in meeting the air quality objective of the method it is replacing. The following provides examples of alternative compliance methods in PAR 1469:

- PAR 1469 requires a facility to close openings to eliminate cross-draft. In addition to some specific options such as a door that automatically closes, overlapping plastic strip curtains, vestibule, or an airlock system, subparagraph (e)(1)(E) allows an:
  - "Alternative method to minimize the release of fugitive emissions from the building enclosure that the owner or operator of a facility can demonstrate to the Executive Officer is an equivalent or more effective method(s) to minimize the movement of air within the building enclosure."
- Paragraph (e)(6) includes a provision that if an operator claims that the building enclosure provisions are in conflict with OSHA or CAL-OSHA or other requirements, the operator must:
  - Submit a Building Enclosure Compliance Plan for Executive Officer approval that:

  - Identifies the building enclosure provisions that are in conflict with OSHA or Cal-OSHA or other municipal codes or agency requirements; and
  - Includes alternative measures that minimize the release of fugitive emissions to the outside of the building enclosure.
- Subdivision (i) includes provisions for an "Alternative Compliance Method" for meeting the emission limits for electroplating and anodizing tanks and Tier II and III Hexavalent Chromium Tanks. This provision is an existing provision that allows an owner or operator to submit for approval an alternative compliance method that "provides an equal, or greater hexavalent chromium emission reduction, and provides an equal or greater risk reduction that compliance with emission limits specified in paragraphs (h)(2) and (h)(4)".

Use of chemical fume suppressants is an existing provision under Rule 1469. Currently, Rule 1469 allows the following two categories of facilities to use chemical fume suppressants as their sole means of controlling hexavalent chromium from plating or anodizing tanks:

- A facility less than 330 feet from the nearest sensitive receptor and less than 20,000 amp-hours/year facility-wide; or
- A facility greater than 330 feet from nearest sensitive receptor and less than 50,000 amp-hours/year facility-wide.

There are currently 27 facilities in the universe of 115 facilities that are using chemical fume suppressants as their sole means of controlling hexavalent chromium emissions. These represent the smallest throughput facilities. Based on permitted amp-hours, these facilities on average represent less than 1% of the average permitted amp-hours per facility.

Chemical fume suppressants are able to reduce hexavalent chromium emissions by approximately 99 percent. This has been an effective control approach for smaller throughput facilities. PAR 1469 establishes a schedule to re-evaluate chemical fume suppressants based on their emissions and health effects. If chemical fume suppressants are not certified, these 27 facilities will have three options: use a SCAQMD approved alternative that is equivalent or better than chemical fume suppressants, install add-on pollution controls, or phase-out the use of hexavalent chromium.

PAR 1469 includes building enclosure requirements for Tier II and Tier III Hexavalent Chromium Tanks, which currently do not exist in Rule 1469. The building enclosure requirements ensure that PAR 1469 continues to be health protective while allowing adequate access to buildings and taking into account building safety requirements.

Most of the housekeeping provisions in PAR 1469 are existing requirements. Housekeeping methods will not increase the exposure of workers to hexavalent chromium or result in additional contamination.

PAR 1469 added a definition of "approved cleaning method" which includes many of the cleaning methods allowed under the existing Rule 1469. In addition to the methods allowed by the existing Rule 1469, PAR 1469 allows the use of low pressure water spray nozzles, removed the use of hand wiping, and chemical dust suppressants to comply with housekeeping provisions. Under the existing Rule 1469 and PAR 1469, wastewater from cleaning operations will need to adhere to state and federal wastewater requirements. Based on staff site visits, Rule 1469 facilities have on-site wastewater treatment systems to treat wastewater from cleaning operations as well as other parts of their operations. The environmental impacts of PAR 1469 were analyzed and disclosed in the Environmental Assessment.

PAR 1469 includes clearly defined emission limits for electrolytic tanks and Tier II and III Hexavalent Chromium Tanks. For hard and decorative electroplating and chromic acid anodizing tanks, emission limits are specified in Table 1. These emission limits are consistent with CARB's Air Toxics Control Measure (ATCM) for chromium plating and anodizing. For Tier II and Tier III Tanks, emission limits are specified under paragraphs (h)(4) and (h)(5), respectively.

32-3 Response: The building enclosure requirements in PAR 1469 are specified in subdivision (e). Rule 1469 currently does not include any building enclosure requirements and by including these additional requirements, PAR 1469 is more stringent and health protective. Although U.S. EPA's Method 204 allows for building openings of up to 5%, PAR 1469 only allows openings of up to 3.5% since there are no requirements for negative air. The building enclosure requirements ensure that PAR 1469 continues to be health protective while allowing adequate access to building and taking into account building safety requirements.

PAR 1469 strengthens the existing provisions for monitoring by incorporating the following provisions:

- In paragraph (k)(1), requiring periodic source test once every five years for facilities with a throughput of greater than 1,000,000 amp-hours annually; and once every seven years for facilities with a throughput of less than or equal to 1,000,000 amp-hours annually (Existing Rule 1469 only requires a one-time source test).
- In subparagraph (m)(1)(B), measuring the inlet velocity of air flow of add-on pollution controls to ensure the collection efficiency is being maintained.

Provisions to measure the collection efficiency complement existing provisions to conduct a smoke test to ensure the air flow is not being impacted by cross-drafts, and monitoring the pressure across the filter media for early identification of a breach or clog in the filter media of the

air pollution control device. In addition, PAR 1469 places greater emphasis on these monitoring provisions by using more than one non-passing source test within a 48-month period and failure to shut down a tank after either a failed smoke test or collection efficiency test as the triggers for installation of a permanent total enclosure. Staff considers the impact to the regulated community while maintaining the objective of public health protection. More than half of the facilities regulated under PAR 1469 meet the SCAQMD's definition of small business – less than 100 employees and $5,000,000 in annual revenue. After installation of add-on pollution controls, source testing is the next most expensive provision. PAR 1469 provides additional source testing and parameter monitoring, while considering the impact to businesses affected by these proposed requirements.

Ambient monitoring will be addressed in Proposed Rule 1480 and will include facilities that emit metal toxic air contaminants.

32-4 Response: The requirements at the Newport Beach facility were a result of an Order for Abatement, which focused on the specific situation at that facility. This is separate from rulemaking.

PAR 1469 includes a conditional provision to require a permanent total enclosure. SCAQMD staff believes the most important provisions under PAR 1469 are the direct emission controls for high emitting hexavalent chromium tanks and building enclosure requirements. The estimated cost for a permanent total enclosure is $92,000 assuming 6 air exchanges per hour to $170,000 assuming 15 air exchanges per hour. PAR 1469 will substantially reduce hexavalent chromium emissions. As previously mentioned, staff considers the impact to the regulated community while maintaining the objective of public health protection. More than half of the facilities regulated under PAR 1469 meet the SCAQMD's definition of small business – less than 100 employees and $5,000,000 in annual revenue.

32-5 Response: PAR 1469 requires that facilities submit a protocol that will detail how the source test will be conducted. Most facilities will use a source testing company to conduct the source test. The source testing company is required to follow the approved protocol. The results of the source test are submitted to SCAQMD staff for review and approval. If the source test is not conducted pursuant to the approved protocol, the source test will not be approved and the facility could be required to correct the deficiency or conduct another source test. PAR 1469 requires that the facility notify the Executive Officer prior to conducting the source test so staff can witness the source test.

The initial source test requires submittal of a source test protocol. Operators may rely on an existing approved protocol for subsequent source tests if

operating parameters of the tank and the pollution controls have not changed.

PAR 1469 relies on a variety of tools to ensure proper operation of air pollution control devices. Although the source tests are conducted every five to seven years, monitoring of key parameters of the air pollution control device such as the pressure across the filter media, smoke tests, and velocity tests are conducted at least twice a year. As previously discussed, this industry has a high percentage of small businesses. Staff took into account the financial impact and public health protection during the development of PAR 1469.

32-6 Response: The Resolution includes a commitment for the SCAQMD staff to work with the state on phasing out the use of hexavalent chromium, where appropriate. In addition, the Resolution also includes a commitment to conduct a technology assessment on alternatives to hexavalent chromium for metal finishing operations and to conduct a pilot study. The SCAQMD staff is committed to working with stakeholders to evaluate alternatives to hexavalent chromium and to work towards a phase-out.

PAR 1469 will reduce exposures to workers and surrounding communities from hexavalent chromium. Installation of pollution controls on tanks that are currently unregulated that were previously not known to have high hexavalent chromium emissions will substantially reduce the exposure to hexavalent chromium to workers as well as the surrounding communities. Implementation of building enclosure provisions will also further reduce exposure to neighbors surrounding hexavalent chromium plating and anodizing facilities.

PAR 1469 establishes strict hexavalent chromium emission standards for hard and decorative plating tanks, anodizing tanks, and Tier II and III Hexavalent Chromium Tanks. Provisions are specified under subdivision (h).

32-7 Response: As staff explained in our meeting with representatives of the Del Amo Action Committee, the format of PAR 1469 follows CARB's ATCM and builds upon the structure of currently existing Rule 1469. During the rulemaking for PAR 1469, staff took out sections of the rule language and moved them to an appendix, placed confusing text within a table format, as well as provided additional clarity on provisions which were confusing for facilities to comply with and SCAQMD staff to enforce. One example of this change is that staff replaced all the units in PAR 1469 to consistently use feet instead of meters and feet.

The distances in PAR 1469 are different depending on the specific provision. When specifying distances in PAR 1469, staff either based those

distances on the standard approach of health impacts which uses the emission source (i.e. edge of tank or centroid of emission point sources) or from the edge of the facility property for fugitive sources. PAR 1469 also maintains consistency with CARB's ATCM, which specific how distances should be calculated. Some distances were increased in order to be more health protective towards schools based on feedback from stakeholders. For example, subparagraph (e)(3)(A) requires that openings facing and within 100 feet of a sensitive receptor be closed while subparagraph (e)(3)(B) requires that that openings facing and within 1,000 feet of a school be closed.

PAR 1469 includes provisions under subdivision (i) for an "Alternative Compliance Method" for meeting the emission limits for electroplating and anodizing tanks and Tier II and III Hexavalent Chromium Tanks. The provision is not just the submittal of a permit application. This provision is an existing provision that allows an owner or operator to submit for approval an alternative compliance method that "provides an equal, or greater hexavalent chromium emission reduction, and provides and equal of greater risk reduction that compliance with emission limits specified in paragraphs (h)(2) and (h)(4). As explained in Response to Comment 32-2, alternative compliance methods are not exemptions from a provision, but allow the operator to identify a different method that was not considered during the rulemaking process or to develop a method to address a unique situation at a facility. This allows facilities flexibility in ensuring compliance while still meeting the rule requirements and emission limits.

32-8 Response: Staff is committed to work with CARB on revisions to the state ATCM for plating and anodizing operations.

September 5th, 2018

Honorable Board Chair Burke & Boardmembers
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Dear Honorable Board Chair Burke & Boardmembers,

We are deeply appreciative of the extensive efforts the District spearheaded in the City of Paramount, Compton and the collaboration with other agencies to identify hexavalent chromium, nickel metals, and other highly toxic emissions through monitoring and inspections.

Our organizations have actively participated in the 1469 Rule meetings and Workshops with staff from its inception. We have consistently expressed concerns about emissions from hexavalent chromium near homes and schools adjacent to facilities and the toxic hexavalent chromium and other chemicals including the fume suppressants. We have also expressed concerns about the vulnerable staff working in these facilities.

While we are grateful for the opportunity to comment, we cannot support Rule 1469 because of the following issues that we have consistently raised in Workshops, Meetings, and in discussions with staff:

1) Rule 1469 does not include monitoring to verify that anticipate emissions reductions are occurring. — 33-1
2) Chrome platers can operate their facility with the doors open for hours at a time. This would allow highly toxic chemicals to be emitted into schools yards and onto residential properties. — 33-2
3) Parks have been omitted from the definition of places where sensitive receptors need protection. Parks are often adjacent to schools, and have cooperative agreements that allow schools to plant gardens, hold outdoor classes, school related celebrations, and athletic events. Many families reside in areas with limited green space and frequent parks in the way others would use their back yards. Parks have been previously included in other rules for protection from the release of toxic chemicals. — 33-3
4) The rule is inconsistent on the distances from schools and sensitive receptors. Is distance measured from the tanks, school or sensitive receptor property line, or stacks? — 33-4
5) The rule is inconsistent in terms of measurements. For example, in some instances feet are used to measure distances and in other meters. — 33-5
6) Under this rule the facilities appear to be without consistent thorough oversight to ensure emission are reduced and ultimately eliminated — 33-6
7) We know that both the hexavalent chromium and the fume suppressants used in this industrial process are highly toxic. Rule 1469 fails to provide much needed protections from exposure to these chemicals. — 33-7

In October of 2017 our organizations and many others signed onto a letter to Executive Officer Wayne Nastri outlining concerns. The concerns we raised then, remain. Below, is a copy of that letter. — 33-8

1

From: Robina <robinasuwol@earthlink.net>
To: wnastri@aqmd.gov
Cc: snakamura@aqmd.gov, ekang@aqmd.gov
Subject: RE: RULE 1469 - Chrome Plating Facilities (please see attached)
Date: Oct 25, 2017 10:28 AM
Attachments: FINAL NASTRI 10252017 RULE 1469.pdf

Dear Executive Officer Nastri,

I have been asked to forward this letter surrounding Rule 1469.
Thank you for your consideration.

Wayne Nastri
Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

October 25, 2017

Dear Mr. Nastri,

Our organizations are very concerned about the lack of protections for communities in the proposed chrome plater rule which South Coast is planning on issuing in a few months. The rule has been significantly weakened since it was first proposed, abandoning ambient monitoring provisions, scaling back the use of HEPA filters, and removing the requirements for total enclosure with negative air. To say we are disappointed is an understatement.

Chrome platers emitting hexavalent chromium into our communities have been very problematic in the South Coast Basin for a long time. Many of our organizations worked on the existing state rule in 2006 and the subsequent local rules in South Coast. We pushed hard for the best protections available then, and to have more stringent requirement for platers located next to schools and sensitive receptors. It is apparent to us now that many facilities just did not comply with the rules and some sources went completely unregulated altogether. From the plater next to Suva School, to Master Plating, to the platers in Paramount and Compton now, the devastating public health effects to communities hosting these plating operations are an endemic part of the terrible history of environmental injustice in the South Coast region.

Chrome platers are concentrated in the Los Angeles area. No one really knows how many of these facilities exist, not even your own staff, but over 10% of all the chrome platers in the nation call the South Coast air basin their home. New facilities operating without permits are discovered often. These platers, already concentrated in our air basin, are further concentrated in low-income communities of color where enforcement is lax and regulators commonly turn a blind eye to complaints about odors and

33-8 (cont'd)

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emissions. The communities of Paramount, Compton, and parts of East Los Angeles all have concentrated pockets of platers.

This concentration of chrome platers in communities is further exacerbated by other sources of hexavalent chromium emissions such as forgers and metal heat treaters, and potentially other sources not yet identified. Since there are so few air monitors in the basin which detect hexavalent chromium, it would be simply blind luck if a monitor were to be placed in one of these areas of concentration. Ironically, it was the air monitor placed to measure the emissions from Carlton Forge which inadvertently identified the platers in Paramount as a hexavalent chromium air pollution hot spot.

Each and every source of hexavalent chromium is contributing to the emissions which are endangering our communities. Each and every source needs to take on the responsibility to cease to emit this highly toxic chemical into our homes, schools, play yards, community centers, and churches. Our communities should not bear the burden for these emissions with their health and well-being.

When the original rule making on chrome platers started earlier this year it envisioned robust monitoring and rigorous air pollution controls for platers. However, pressure from the plating industry has your agency back-tracking on those measures. Without the monitoring, robust pollution controls, and total enclosure of all the industrial processes emitting these dangerous emissions we are no longer confident that this regulatory effort will protect our communities.

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We urge you and your staff to consider the damage to public health which releases of hexavalent chromium are known to cause in the communities hosting these hexavalent chromium sources. We also urge you to think about the environment which the workers at these facilities are laboring in; these hexavalent chromium emissions are dangerous to all who work in this industry. We need the agency to insure that these facilities are made to completely capture these dangerous emissions, and to have the necessary monitoring sufficient to ensure compliance with the rules.

The European Union has just passed a regulation which will end the use of chromium for decorative purposes; we urge the South Coast AQMD to consider such as action as well. South Coast has taken similar actions before on dry cleaning facilities to ban chemicals which were damaging air quality and we urge you to consider to doing this for chromium as well.

If our experiences in the communities we represent teach us anything, we have learned that we cannot rely on anything but robust monitoring and a strong enforcement presence to ensure that these facilities are being operated properly and that our communities get the protections they deserve from their government. We urge you to work with us to create a rule which will ensure that families, teachers, workers, parishioners, and community residents are safe from hexavalent chromium in their communities.

Respectively,

3

Action Now
Mitzi Shpak, Executive Director
Altadena, CA

American Legion Post 6
Pastor Anthony Quezada
1927 E. Plymouth St. Long Beach, CA

Apostolic Faith Center
Pastor Alfred Carrillo
1510 E. Rubidoux St. Wilmington, CA

California Communities Against Toxics
Jane Williams, Executive Director
Rosamond, CA

California Safe Schools
Robina Suwol, Executive Director
Los Angeles, CA

California Kids IAQ
Drew Wood, Executive Director
Wilmington, CA

Coalition for a Safe Environment
Jesse Marquez, Executive Director
Wilmington, CA

Comité Pro Uno
Felipe Aguirre, Coordinator
Maywood, CA

Community Dreams
Ricardo Pulido, Executive Director
Wilmington, CA

Del Amo Action Committee
Cynthia Medina, Assistant Director
Torrance, CA

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Earthworks Films, Inc.
Maria Florio, President
Sherman Oaks, CA

East Yard Communities for Environmental Justice
Mark Lopez, Executive Director
Commerce, CA

EMERGE
Magali Sanchez-Hall, MPH, Executive Director
Wilmington, CA

Exide Worker Community Committee
John Sermeno, Executive Director
Maywood, CA

Federación Veracruzana
Angel Morales, President
Huntington Park, CA

33-8
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Los Angeles Environmental Justice Network
Cynthia Babich, Coordinator
Rosamond, CA

Mary Cordaro Inc.
Mary Cordaro Environmental and Healthy Building Consultant
Valley Village CA

Maywood Youth Soccer Association
Luis Orizaba, Director
Maywood, CA

Mothers of East Los Angeles
Teresa Marquez, President
Los Angeles, CA

Mujeres Pro Maywood
Elizabeth Matamoros, President
Maywood, CA

5

NAACP San Pedro-Wilmington Branch # 1069
Joe R. Gatlin, Vice President
San Pedro, CA

Our Right To Know
Rhonda Jessum, Ph.D., Director
Los Angeles, CA

Padres Unidos de Maywood
Teresa Solorio, President
Maywood, CA

Paramount Community Coalition Against Toxins
Magdalena Guillen, Executive Director
Paramount, CA

Pacoima Beautiful
Yvette Lopez-Ledesma, Deputy Director
Pacoima, CA

33-8
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Philippine Action Group for the Environment
Fe Koons, President
Carson, CA

Physicians for Social Responsibility – LA
Martha Dina Arguello, Director
Los Angeles, CA

Randall Enterprises, Inc.
David Randall, President
Sherman Oaks, CA

Resurrection Catholic Church
Monsignor John Moretta, Pastor
Los Angeles, CA

6

San Pedro & Peninsula Homeowners Coalition
Dr. John G. Miller, MD, President
San Pedro, CA

Society for Positive Action
Shabaka Heru, President
Los Angeles, CA

St. Philomena Social Justice Ministry
Modesta Pulido, Chairperson
Carson, CA

Watts Labor Community Action Committee
Timothy Watkins, President/CEO
Los Angeles, CA

Wilmington Improvement Network
Anabell Romero Chavez, Board Member
Wilmington, CA

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33-8
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Respectfully,

Robina Suwol
Executive Director, California Safe Schools
Los Angeles, CA

Jane Williams, Executive Director
California Communities Against Toxics
Roasamond, CA

Felipe Aguirre
Comité Pro Uno, Coordinator
Maywood, CA

Magdalena Guillen, Executive Director
Paramount Community Coalition Against Toxins
Paramount, CA

Jesse Marquez, Executive Director
Coalition for a Safe Environment
Wilmington, CA

7

Responses to Environmental Multi-Agency Comment Letter (34 commenters, Action Now, et. al.), submitted 9/5/18

33-1 Response: Ambient monitoring will be addressed in Proposed Rule 1480 and will include hexavalent chromium plating and anodizing facilities as well as other facilities with metal toxic air contaminants emissions. PAR 1469 includes additional source testing and parameter monitoring requirements which are not in existing Rule 1469 and are proposed to be added to ensure that pollution controls are being maintained in proper working condition and emission limits are not exceeded.

33-2 Response: PAR 1469 includes building enclosure requirements for Tier II and Tier III Hexavalent Chromium Tanks, which currently do not exist in Rule 1469. PAR 1469 requires provisions to minimize openings with additional provisions for openings facing sensitive receptors and schools. The building enclosure requirements ensure that PAR 1469 continues to be health protective while allowing adequate access to buildings and taking into account building safety requirements.

33-3 Response: SCAQMD currently uses a definition of sensitive receptor which does not include parks. Based on staff conversations with OEHHA, this is consistent with their interpretation that although sensitive receptors could be found at a park, the time spent at a park is intermittent and is not a repeated long-term exposure, such as at homes. In Rule 1466, parks were identified as part of the definition of an adjacent athletic area, not as a sensitive receptor. This was done because some schools might use adjacent parks for physical education and therefore, earth moving activities at contaminated sites would be restricted when school related activities were occurring.

33-4 Response: The distances in PAR 1469 are different depending on the specific provision. When specifying distances in PAR 1469, staff either based those distances on the standard approach of health impacts which uses the emission source (i.e. edge of tank or centroid of emission point sources) or from the edge of the facility property for fugitive sources. PAR 1469 also maintains consistency with CARB's ATCM, which specific how distances should be calculated. Some distances were increased in order to be more health protective towards schools based on feedback from stakeholders. For example, subparagraph (e)(3)(A) requires that openings facing and within 100 feet of a sensitive receptor be closed while subparagraph (e)(3)(B) requires that that openings facing and within 1,000 feet of a school be closed.

33-5 Response: Staff has replaced all the units in PAR 1469 to consistently use feet instead of meters and feet.

33-6 Response: During the rulemaking for PAR 1469, staff took out sections of the rule language and moved them to an appendix, placed confusing text within a table format, as well as provided additional clarity on provisions which were confusing for facilities to comply with and SCAQMD staff to enforce. SCAQMD Compliance and Enforcement staff inspect Rule 1469 facilities quarterly to ensure rule compliance.

33-7 Response: Implementation of PAR 1469 will require pollution controls on hexavalent chromium tanks that are currently not regulated, add requirements for building enclosures, parameter monitoring, and periodic source testing, and include limitations and restrictions for facilities located near sensitive receptors and schools. All of these requirements will reduce hexavalent chromium emissions from facilities subject to Rule 1469. PAR 1469 includes a compressed schedule to evaluate the emissions and exposure of non-PFOS chemical fume suppressants and determine with CARB if the non-PFOS chemical fume suppressants will be certified. If not certified, facilities will need to either implement an SCAQMD approved alternative, install air pollution controls, or phase out the use of hexavalent chromium.

33-8 Response: This comment includes a previously submitted comment letter (Comment Letter #3), which has been responded to in the Final Staff Report.