

1 **DECLARATION OF SCOTT EPSTEIN**

2 1. I, Scott Epstein, declare:

3 2. I am a Planning and Rules Manager for the Planning, Rule Development and Implementation
4 division for the South Coast Air Quality Management District (“District”). Unless otherwise stated
5 expressly below, I make this declaration based on personal knowledge and, if called as a witness in
6 this action, could and would testify competently to the matters discussed herein.

7 3. I have managed the AB 2588 Air Toxics Hot Spots team since 2024 and the Air Quality
8 Assessment/Meteorology team since 2018. I joined the District in 2014. I have a Bachelor of
9 Chemical Engineering from the University of Delaware and a Ph.D. in Chemical Engineering from
10 Carnegie Mellon University in the Center for Atmospheric Particle Studies. My areas of expertise
11 and professional experience are focused on urban air pollution, atmospheric chemistry,
12 computational modeling, and impacts from toxic air emissions, among others.

13 4. As part of my duties as a Planning and Rules Manager, I oversee the implementation of the Air
14 Toxics “Hot Spots” Information and Assessment Act, or AB 2588 through Rule 1402. This
15 program aims to notify the public and reduce risk arising from industrial facilities with the
16 highest air toxic risks in the region.

17 5. Hexavalent chromium is also a toxic air contaminant under both AB 2588 and District Rule
18 1402, Control of Toxic Air Contaminants from Existing Sources, because it is an air pollutant that
19 may pose a present or potential hazard to human health as listed by California’s Office of
20 Environmental Health Hazard Assessment (OEHHA). Specifically, hexavalent chromium has been
21 identified by OEHHA as a known human carcinogen by inhalation. Hexavalent chromium has also
22 been identified by U.S. EPA as a known human carcinogen.

23 6. District staff are required to use health values and methodologies developed by OEHHA
24 when estimating health risks in its air toxics program.

25 7. District Rule 1402(d) requires a facility to prepare an Air Toxics Inventory Report
26 (“ATIR”) when, based on its investigations, the District determines that emissions levels from a
27 facility could potentially exceed the Notification Risk Level. The Notification Risk Level per the
28 definitions in District Rule 1402(c)(10) and (c)(12) includes the cancer threshold of a maximum

1 individual cancer risk of 10 in one million from an individual facility's emissions. Using OEHHA
2 health values and risk estimation methodologies, the Notification Risk Level for hexavalent
3 chromium corresponds to a long-term average concentration above background levels of
4 approximately 0.017 ng/m³ in a residential location or 0.35 ng/m³ in a worker location. The
5 typical annual averaged background level of hexavalent chromium in this region is approximately
6 0.06 ng/m³, as measured during the MATES V campaign at Compton.

7 8. As relevant to this case (Case No. 6287-1), I am aware of the District's and the City of
8 Paramount's ambient hexavalent chromium monitoring at or around metal facilities in the City of
9 Paramount. The District began ambient air monitoring for hexavalent chromium in the City of
10 Paramount in 2013 in response to community concerns over metallic emissions. In 2021, the City
11 of Paramount took over air monitoring responsibilities and continued monitoring hexavalent
12 chromium emissions at six strategic monitoring locations. One such air monitor is located at 15701
13 Minnesota Ave.

14 9. Fenico, LLC ("Fenico") operates a facility located at 7805 Madison St., Paramount, CA
15 90723 ("Facility"), where it conducts investment casting with various metal alloys. The Facility is
16 less than a mile away from the air monitor on Minnesota Ave. See aerial photo attached.

17 10. I and other District staff analyzed data from several years of hexavalent chromium
18 monitoring in the vicinity of Fenico's facility.

19 11. The District's investigation of ambient hexavalent chromium data collected in the City of
20 Paramount in 2024 indicated that average ambient levels were above Notification Risk levels with
21 an annual average of approximately 0.5 ng/m³ above regional background levels at the Minnesota
22 monitor, close to Respondent's facility. This, in addition to the operations at the facility being
23 identified as a source of hexavalent chromium emissions, triggered the requirement for a facility to
24 prepare an ATIR as defined under District Rule 1402(c)(3).

25 12. On October 9, 2025, the District sent Respondent a letter giving the Facility notice of the
26 District's Rule 1402 requirements and that Fenico was required to prepare an ATIR for the 2024
27 inventory year. A true and correct copy of the letter informing Respondent to prepare an ATIR is
28 attached hereto as Exhibit 8.

1 13. Under District Rule 1402(d)(2), facilities are required to submit the ATIR within 150 days
2 after being notified of their Rule 1402 requirements. As such, Respondent was required to submit
3 the detailed ATIR by March 10, 2026.

4 14. On February 24, 2026, Respondent requested an extension to complete its detailed ATIR
5 because it had not found a consultant that could adequately assist with their Rule 1402 obligations.
6 However, due to late nature of the request and the lack of good cause, the District denied
7 Respondent's request for an extension to submit its ATIR. Respondent did not submit their ATIR
8 by their March 10, 2026, deadline.

9 15. To date, Respondent still has not submitted its ATIR. As a result, I recommended the
10 Compliance and Enforcement division at the District to issue a Notice of Violation for violating
11 District Rule 1402(d)(2).

12 16. I have reviewed the Proposed Findings and Decision filed in this matter, and I believe that
13 Fenico's compliance with the proposed stipulated conditions will ensure that Fenico comes into
14 compliance with Rule 1402 requirements. Additional future 1402 requirements may be triggered
15 based on the results of the ATIR.

16

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct.

19 Executed this ___ day of April 2026, at Diamond Bar, California.

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Scott Epstein, Ph.D.

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Distance Between Fenico's Facility to Nearest Hexavalent Chromium Air Monitor

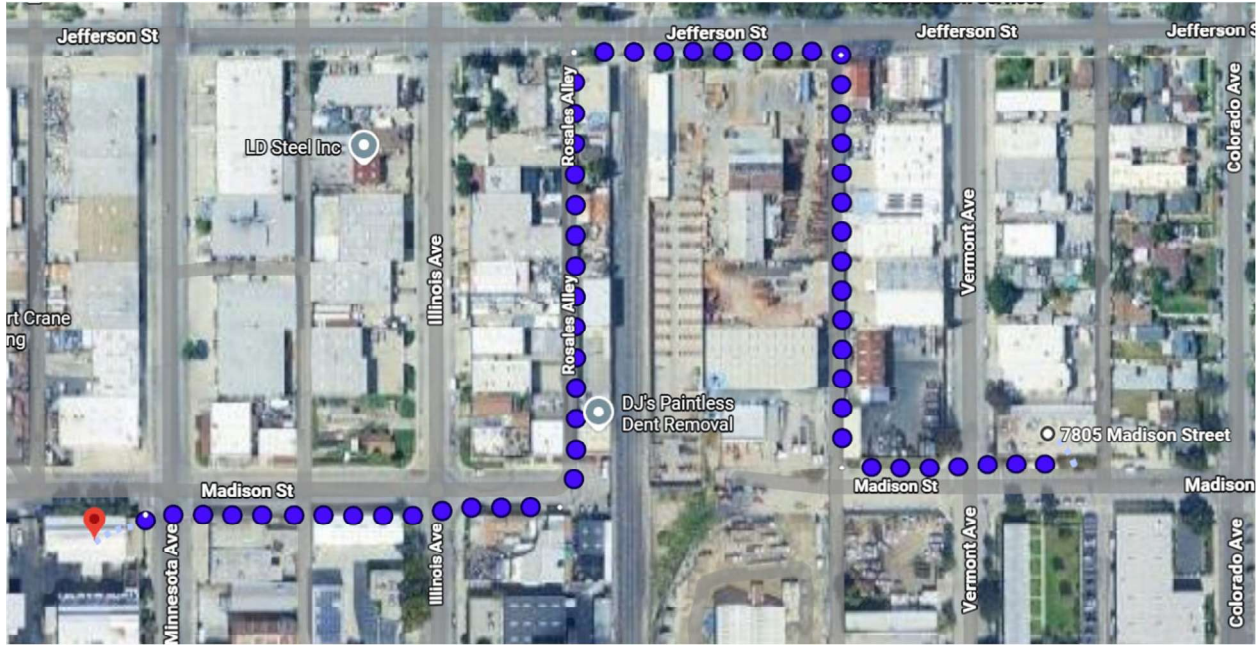


EXHIBIT 8



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Via Email and CERTIFIED RETURN RECEIPT to Addressee

October 9, 2025

John Nguyen
Fenico LLC
7805 Madison St.
Paramount, CA 90723

Subject: Notice of AB 2588 Reporting Requirements and Requirement to Prepare Air Toxics Inventory Report for Fenico LLC (South Coast AQMD ID# 194027)

Dear Mr. Nguyen:

The Air Toxics “Hot Spots” Information and Assessment Act of 1987 (AB 2588) is a State of California public right-to-know law requiring specific local businesses and industries to submit information about the location, type, and quantity of toxic compounds emitted into the air to the South Coast AQMD. As a result of hexavalent chromium monitoring data in the vicinity of your facility, in addition to the operations conducted at your facility, Fenico LLC is now subject to the reporting requirements under the AB 2588 Program. Fenico LLC is also subject to any applicable fees as outlined in South Coast AQMD Rule 307.1.¹

In accordance with AB 2588 and South Coast AQMD Rule 1402,² Fenico LLC located at 7805 Madison Street in the city of Paramount is required to prepare an Air Toxics Inventory Report (ATIR). This requirement is based on monitoring data indicating elevated levels of hexavalent chromium near the facility along with the operations conducted at your facility and is in accordance with Rule 1402(d). Please review your 2024 reported emissions for accuracy and provide us with any modifications by **November 12, 2025**.

You must prepare and submit an ATIR to comply with Rule 1402 as outlined below.

Prepare an ATIR

In accordance with AB 2588 and Rule 1402, Fenico LLC is required to prepare a detailed ATIR for your facility based on the 2024 inventory year.

¹ Rule 307.1: <https://www.aqmd.gov/docs/default-source/rule-book/reg-iii/rule-307-1.pdf>

² Rule 1402: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1402.pdf>

Guidelines for Preparing the ATIR

Pursuant to the most recent amendments to Rule 1402(d)(1), your facility is required to submit the **Initial Information** for a 2024 ATIR to South Coast AQMD within thirty (30) days of the date of this letter, or **November 12, 2025**. The Initial Information should include a list of device(s) or process(es) to be included in the detailed ATIR and their corresponding toxic pollutants and Reference Sources for each emission factor.³

Your facility is required to submit a **detailed 2024 ATIR** to South Coast AQMD within one hundred fifty (150) days of the date of this letter, or **March 10, 2026**. Please also include a signed copy of the AB 2588 Air Toxics Document Certification & Submittal Form (see attachment) along with your ATIR submittal. In your detailed ATIR, you must include all toxic air contaminant (TAC) emissions from your facility that are listed in Appendix A-1 of the *Emission Inventory Criteria and Guidelines (EICG) (March 2022)*.⁴ This document can be obtained at the following link:

<https://ww2.arb.ca.gov/sites/default/files/2022-10/A-I.pdf>

Be aware that diesel exhaust particulate is a carcinogen so any particulate emissions from emergency, portable, and prime compression ignition internal combustion engines must be included in the ATIR. This does not apply to tail pipe emissions from motor vehicles as specified in the EICG, Section VIII-G.

The California Air Resources Board (CARB) has developed the “Hot Spots” Analysis and Reporting Program (HARP) which includes the emissions inventory and risk assessment requirements of the “Hot Spots” Program into a set of program modules. Your ATIR must include an electronic file in the Emission Inventory Module (EIM) format. You may obtain a free copy of the HARP software from the following link:

<https://ww2.arb.ca.gov/our-work/programs/hot-spots-analysis-reporting-program>

CARB has provided source testing requirements in Appendix D of their EICG for the Air Toxics "Hot Spots" Program. Furthermore, Rule 1402(d)(3)(A) allows South Coast AQMD to require a source test if a Reference Source does not sufficiently quantify TAC emissions. Any source test that must be conducted as part of this ATIR may be submitted after the **March 10, 2026** due date pursuant to Rule 1402 (d)(2)(B). You may obtain a copy of CARB’s document from the following link:

<https://ww2.arb.ca.gov/our-work/programs/ab-2588-air-toxics-hot-spots/hot-spots-inventory-guidelines>

You are required to submit your detailed ATIR which includes a report summary and a HARP file. Furthermore, all elements identified in sections 1 and 2 of South Coast AQMD’s *Supplemental*

³ Template: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/template-for-emission-factors-reference-sources-table.xlsx>

⁴ CARB, EICG, March 21, 2022. <https://ww2.arb.ca.gov/our-work/programs/ab-2588-air-toxics-hot-spots/hot-spotsinventory-guidelines>

Guidelines for Preparing Risk Assessments for the Air Toxics “Hot Spots” Information and Assessment Act must be included. This document can be obtained at the following link:

<https://www.aqmd.gov/docs/default-source/planning/risk-assessment/forms-and-guidelines/ab-2588-supplemental-guidelines.pdf>

You are not being asked to prepare a Health Risk Assessment (HRA) at this time. After approving the ATIR, South Coast AQMD staff will notify you if you need to prepare an HRA. You would then have 90 days after the notification date to prepare and submit an HRA pursuant to Rule 1402 (e)(1). You should be aware that the HRA must be based upon the approved ATIR. Data from new or yet to be completed source tests or use of other emissions information affecting emission factors, control efficiencies, etc. will not be approved for use in the preparation of the required HRA if an ATIR has already been approved.

Process for Reviewing and Approving the ATIR

Within 30 days of receipt of the ATIR, South Coast AQMD staff on behalf of the Executive Officer will confirm receipt in writing and conduct an initial review of the ATIR. The Executive Officer will approve or reject the ATIR and notify the owner or operator after a complete review. If your facility is required to prepare an HRA, you will have 90 days from the date of notification by South Coast AQMD staff to submit an HRA.

Finally, in order to assist staff in understanding the emissions and operations of your facility, we may request access to your facility and staff will contact you to coordinate our visit with the facility, if necessary. If you have questions regarding your facility’s classification under the AB 2588 Program, or if you need assistance in preparing your ATIR, please contact Francis Quinn, Air Quality Specialist, at (909) 396-2464, or Victoria Moaveni, Program Supervisor at (909) 396-2455.

Sincerely,



Scott A. Epstein, Ph.D.
Planning & Rules Manager
Planning, Rule Development & Implementation

SE:VM:FQ

Attachment(s)

- AB 2588 Air Toxics Document Certification & Submittal Form

FORM A	SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AB 2588 Program, 21865 COPLEY DR., DIAMOND BAR CA 91765-0949	INVENTORY YEAR 20_____
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AB 2588 AIR TOXICS DOCUMENT CERTIFICATION & SUBMITTAL FORM

Please check the appropriate boxes for purpose of submittal:

<input type="checkbox"/> INITIAL INFORMATION for ATIR	<input type="checkbox"/> EARLY ACTION REDUCTION PLAN (EARP)	<input type="checkbox"/> INITIAL
<input type="checkbox"/> AIR TOXICS INVENTORY REPORT (ATIR)	<input type="checkbox"/> VOLUNTARY RISK REDUCTION PLAN (VRRP)	<input type="checkbox"/> REVISION
<input type="checkbox"/> HEALTH RISK ASSESSMENT (HRA)	<input type="checkbox"/> IMPLEMENTATION PROGRESS REPORT for VRRP/RRP	<input type="checkbox"/> FINAL
<input type="checkbox"/> RISK REDUCTION PLAN (RRP)	<input type="checkbox"/> OTHER: _____	

Does your facility participate or wish to participate in VRRP program pursuant to Rule 1402(h)? YES

Is your facility requesting any information in the submittal to be designated as trade secret? YES

**Information collected pursuant to the AB 2588 Air Toxics program constitutes public records with a limited exception only for data used to calculate emissions data, which may be treated as a trade secret upon request. By checking this box, the facility understands and agrees to separately designate information claimed to be trade secret, and further understands that the District is not making a determination on trade secret status, but will notify the facility if a request for public disclosure of the designated information is received by the District.*

Please provide the following information:

Facility name <input style="width:95%;" type="text"/>	South Coast AQMD ID <input style="width:95%;" type="text"/>	Facility SIC/NAICS CODE <input style="width:95%;" type="text"/>
Facility Location Address <input style="width:95%;" type="text"/> <input style="width:95%;" type="text"/>	Mailing Address <input style="width:95%;" type="text"/> <input style="width:95%;" type="text"/>	

Contact Person (Company Official)

Name:	Title:
Telephone:	eMail:

Preparer (if different from above)

Name:	Title:
Company:	
Telephone:	eMail:

FAILURE TO SUBMIT REQUIRED INFORMATION OR KNOWINGLY SUPPLYING FALSE INFORMATION IS PUNISHABLE TO THE EXTENT DEFINED IN HEALTH AND SAFETY CODE SECTIONS 44381(a) AND 44381(b), WHICH INCLUDES MINIMUM FINES OF NOT LESS THAN FIVE HUNDRED DOLLARS.

Signature of Responsible Company Official <input style="width:95%; height: 25px;" type="text"/>	Date <input style="width:95%; height: 25px;" type="text"/>
Name of Responsible Company Official <input style="width:95%; height: 25px;" type="text"/>	Title <input style="width:95%; height: 25px;" type="text"/>