

**FINAL  
ENVIRONMENTAL IMPACT REPORT  
FOR THE HAZARDOUS WASTE MANAGEMENT  
OPERATION AND POST CLOSURE  
PERMIT FOR QUEMETCO, INC.**

**State Clearinghouse Number: 1996041042**

*Prepared for:*

**LEAD AGENCY  
California Environmental Protection Agency  
Department of Toxic Substances Control  
1101 N. Grandview Avenue  
Glendale, California 91201**

*Prepared by:*

**CHAMBERS GROUP, INC.  
17671 Cowan Avenue, Suite 100  
Irvine, California 92614  
(949) 261-5414**

**August 2005**

**TABLE OF CONTENTS**

**SECTION 1.0 – INTRODUCTION**

**SECTION 2.0 – DRAFT EIR REVIEW PROCESS**

**SECTION 3.0 – RESPONSES TO COMMENTS RECEIVED  
DURING THE PUBLIC REVIEW PERIOD**

## SECTION 1.0 – INTRODUCTION

### 1.1 PURPOSE

This document is the finalizing addendum to the Draft Environmental Impact Report (Draft EIR) prepared for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. The action considers Quemetco's Part B permit application (under the California Code of Regulations Title 22, Section 66270, Article 2) in accordance with Section 25200 of the Health and Safety Code (HSC) and the federal Resource Conservation and Recovery Act (RCRA) and a post-closure permit for a previously closed surface impoundment. The permit is for the continuance of current operations that involve the treatment, storage, and transfer of hazardous and nonhazardous wastes related to the recycling of used and flawed automotive batteries and other recyclable lead materials. The Part B permit would include a closure plan as required by FCFA. Current state law required preparation of an EIR for the project (California Public Resources Code Section 21151.5). DTSC has been designated as the Lead Agency for the preparation of the EIR.

This Final EIR has been prepared for the California Environmental Protection Agency, Department of Toxic Substances Control (Cal-EPA, DTSC) pursuant to the California Environmental Quality Act (the CEQA) (Section 21000 et seq., California Public Resources Code) and in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act* (the CEQA *Guidelines*) (Section 15000 et seq., California Code of Regulations, Title 14). The CEQA *Guidelines* stipulate that an EIR must be prepared for any project that may have a significant impact on the environment. The Quemetco Hazardous Waste Management Operation and Post Closure Permit is a "project" as defined by the *Guidelines*.

This document, together with the Draft EIR prepared in June 2001, constitute the Final EIR for the proposed Project. The DTSC, as the Lead Agency for this CEQA process, is required by Section 15089 of the CEQA to prepare a Final EIR. The Final EIR will be used by the DTSC as part of its approval process.

### 1.2 ORGANIZATION OF FINAL EIR

As required by Section 15132 of the CEQA *Guidelines*, the Final EIR consists of the following elements:

- The Draft EIR (under separate cover).
- This document:
  - Section 2.0– A summary of the review process.
  - Section 3.0 - Comments/responses received on the Draft EIR and responses to environmental points raised in the review process.
  - Section 4.0 - Mitigation Monitoring and Reporting Program.

## SECTION 2.0 DRAFT EIR REVIEW PROCESS

### 2.1 OVERVIEW

The Draft EIR was distributed for public review on June 29, 2001 with the comment period to close on August 28, 2001. Distribution was made per CEQA through the Office of Planning and Research, California State Clearinghouse and to the established project mailing list that included interested parties throughout the course of preparation of the DEIR.

A public hearing was held on August 14, 2001 at Los Altos High School in Hacienda Heights. A fact sheet was available for public information purposes and the EIR was available for review from DTSC, from Quemetco, and from the information depository located at the Hacienda Heights Public Library.

The comment period was subsequently extended to November 27, 2001 to provide additional time for public comments to be submitted to DTSC.

A community meeting was held on November 1, 2001 also at Los Altos High School to provide a more informal setting to provide information and answer public questions. As this was not a public hearing, no transcript was taken.

Exhibit A contains copies of the notices to the State Clearinghouse, mailing list, and fact sheet.

### 2.2 PUBLIC DISTRIBUTION/NOTICING

The Department of Toxic Substances Control (DTSC) scheduled the 60-day public review and comment period which ran from June 29 to August 28, 2001, which was then extended to November 27, 2001 (for a 90-day public review) to allow the community to review the draft EIR. An extensive distribution and public information program included:

- A fact sheet/community survey was mailed on June 29, 2001, which provided background information on the draft Permit and draft EIR and also announced the public comment period and the time and location of the public hearing. By DTSC policy, the fact sheet was mailed to all addresses within 1/4 mile of Quemetco and to key contacts throughout the state, i.e. 757 addresses
- Based on requests/input from the community (during community interviews), the mailing radius was expanded to 1/2 mile of Quemetco; the additional fact sheets were mailed on August 9, 2001 to 2,538 addresses
- A radio announcement was aired on KFWB (audience approx. 38,400) in English on July 13, 2001 and on KBUE/KBUA (audience approx. 68,000) in Spanish on July 16, 2001 to notify the community of the public comment period and public hearing.
- Public notices were placed in the Los Angeles Times, San Gabriel Valley Tribune (circulation approx. 53,000) and in La Opinión (circulation approx. 112,000) newspapers on July 29, 2001 to inform the community of the public comment period and public hearing.
- DTSC conducted a public hearing on August 14, 2001 at Los Altos High School. Approximately 70 community members attended the public hearing and several community members provided public comments. Because many community members remarked on the lack of notice about the hearing and the short timeframe to provide written comments, DTSC extended the public comment period for 90 days.

from August 28, 2001 through November 27, 2001. DTSC also scheduled a community meeting for November 1, 2001.

- A radio announcement of the public comment period extension and the November 1, 2001 community meeting was aired in English (KFWB) on September 14, 2001 and in Spanish (KBUE/KBUA) on Sept. 18, 2001.
- Public notices of the public comment period extension and the November 1, 2001 community meeting were published in the San Gabriel Valley Tribune on September 21, 2001 and La Opinión on September 22, 2001. Due to inadvertent mistake in the Sept. 22 notice, the correct public notice was published in the October 13, 2001 edition of La Opinión.
- Public notices of the public comment period extension and the November 1, 2001 community meeting were mailed to over 12,521 addresses. The mailing list included residents and businesses in the area roughly bounded by the 605 freeway to the west, Valley Boulevard to the north, Hacienda Boulevard to the east, and the boundary of La Habra Heights to the south. In addition, the mailing list also included key statewide and local contacts, as well as several schools located north of Valley Blvd. to Amar Road, and east of Hacienda Blvd. to Azusa Ave.
- 750 copies of public notices announcing the extension of public comment period and meeting were given to the Workman Mill Association to be included in their mid or late October newsletter.
- DTSC Public Participation Specialist attended the Hacienda Heights Improvement Association monthly meeting at the Hacienda/La Puente District Office on September 17, 2001 and provided information on the extension of public comment period and the community meeting.

**EXHIBIT A – PUBLIC NOTICING**

# Department of Toxic Substances Control



Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201

Gray Davis  
Governor

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

June 29, 2001

Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, California 95814

DRAFT ENVIRONMENTAL IMPACT REPORT FOR A HAZARDOUS WASTE  
FACILITY AND POST-CLOSURE PERMIT FOR QUEMETCO, INC., CITY OF  
INDUSTRY FACILITY, EPA I.D. NUMBER CAD 066233966

Dear State Clearinghouse:

Enclosed for distribution are 15 copies of the draft Environmental Impact Report (EIR) concerning the Quemetco, Inc. Hazardous Waste Management Facility in the City of Industry. Also enclosed are the Transmittal Form and Reviewing Agencies Checklist. The review and comment period begins on June 29, 2001 and ends on August 28, 2001.

If you have any questions, please call Mr. Jamshid Shahi at (818) 551-2871.

Sincerely,

A handwritten signature in black ink that reads "Philip B. Anderson".

José Kou, P. E., Chief  
Southern California Permitting Branch  
Hazardous Waste Management Program

Enclosures

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*  
sch.ltr



# Department of Toxic Substances Control



Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Gray Davis  
Governor

NOTICE OF PREPARATION OF AN ENVIRONMENTAL DOCUMENT  
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
BY THE  
STATE OF CALIFORNIA  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

This Notice is being sent to your office as required of the Department of Toxic Substances Control, pursuant to the California Public Resources Code (PRC) section 21092 and section 21092.3. Notices for a draft Environmental Impact Report (EIR) for a Proposed Hazardous Waste Facility Operation and Post-closure Permit at Quemetco, Inc., City of Industry Facility, are required to be posted for a period of 20 days, unless otherwise required to be posted for 30 days. The county clerk is requested to post these notices within 24 hours of receipt.

1. TYPE OF DOCUMENT: Draft Environmental Impact Report (EIR)
2. PROJECT NAME: Proposed Hazardous Waste Facility Operation and Post-closure Permit at Quemetco, Inc., City of Industry Facility
3. PROJECT LOCATION: 720 South 7th Avenue, City of Industry, CA 91746
4. PROJECT DESCRIPTION: A Hazardous Waste Facility Operation and Post-closure Permit allows the Quemetco, Inc., City of Industry Facility to reclaim spent lead-acid batteries and other lead-bearing hazardous waste such as emission control dust and on-site waste water treatment system generated sludge, etc., at its smelter. Reclaimed lead and lead alloys for battery manufacturers are generated, and plastic chips from the battery casings are sold to plastic manufacturers.
5. ANY SIGNIFICANT EFFECTS ON THE ENVIRONMENT:  
  
The Department of Toxic Substances Control has made the determination that the project will not have a significant effect on the environment.
6. PERIOD DURING WHICH COMMENTS WILL BE RECEIVED ON THE DOCUMENT:  
  
Start Date: June 29, 2001      End Date: August 28, 2001
7. ADDRESS WHERE COPIES OF THE DOCUMENT AND ALL REFERENCED DOCUMENTS ARE AVAILABLE FOR REVIEW:  
  
Department of Toxic Substances Control  
1011 N. Grandview Avenue  
Glendale, California 91201  
Contact: Jamshid Shahi  
Phone: (818) 551-2871  
  
Hacienda Heights Public Library  
16010 La Monde Street  
Hacienda Heights, California 91745  
Contact: Reference desk  
Phone: (626) 968-9356

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Steve Nissen  
DIRECTOR

**ACKNOWLEDGEMENT OF RECEIPT**

DATE: July 3, 2001

TO: Jamshid Shahi  
Department of Toxic Substances Control  
1011 N. Grandview Avenue  
Glendale, CA 91201

RE: Hazardous Waste Facility Operation and Post Closure Permit for Quemetco  
SCH#: 1996041042

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: June 29, 2001  
Review End Date: August 28, 2001

We have distributed your document to the following agencies and departments:

Air Resources Board, Major Industrial Projects  
California Highway Patrol  
Caltrans, District 11  
Department of Conservation  
Department of Fish and Game, Region 5  
Department of Parks and Recreation  
Department of Water Resources  
Integrated Waste Management Board  
Native American Heritage Commission  
Office of Historic Preservation  
Regional Water Quality Control Board, Region 4  
Resources Agency  
State Lands Commission  
State Water Resources Control Board, Clean Water Program

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.





STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Gray Davis  
GOVERNOR

Steve Nissen  
DIRECTOR

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

August 29, 2001

AUG 31 2001

RECEIVED

Jamshid Shahi  
Department of Toxic Substances Control  
1011 N. Grandview Avenue  
Glendale, CA 91201

Subject: Hazardous Waste Facility Operation and Post Closure Permit for Quemetco  
SCH#: 1996041042

Dear Jamshid Shahi:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 28, 2001, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 1996041042  
**Project Title** Hazardous Waste Facility Operation and Post Closure Permit for Quemetco  
**Lead Agency** Toxic Substances Control, Department of

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**Type** EIR Draft EIR  
**Description** The project and the subject of the Quemetco RCRA Part B application, is the continued operation of Quemetco's battery recycling facility in the City of Industry and the approval of the Post Closure Plan for the previously closed surface impoundment at the facility.

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**Lead Agency Contact**

**Name** Jamshid Shahi  
**Agency** Department of Toxic Substances Control  
**Phone** 818 551-2871 **Fax**  
**email**  
**Address** 1011 N. Grandview Avenue  
**City** Glendale **State** CA **Zip** 91201

---

**Project Location**

**County** Los Angeles  
**City** Industry  
**Region**  
**Cross Streets** 7th Avenue & Salt Lake Avenue  
**Parcel No.** Tract 1, 343  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** 60  
**Airports**  
**Railways**  
**Waterways** Los Angeles River  
**Schools**  
**Land Use**

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**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Cumulative Effects; Drainage/Absorption

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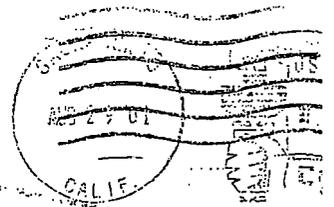
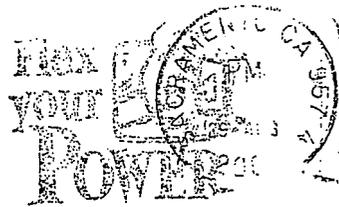
**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board, Major Industrial Projects; Integrated Waste Management Board; State Water Resources Control Board, Clean Water Program; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission; Caltrans, District 7

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**Date Received** 06/29/2001 **Start of Review** 06/29/2001 **End of Review** 08/28/2001

State of California

GOVERNOR  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
STATE CLEARINGHOUSE  
PO BOX 3044  
SACRAMENTO, CALIFORNIA 95812-3044



DEPARTMENT OF REVENUE  
CALIFORNIA

AUG 31 2001  
RECEIVED

09 03 2001 + 2203 09



FACILITY MAILING LIST FOR QUEMETCO, INC., CITY OF INDUSTRY FACILITY  
EPA I.D. CAD 066233966

FACILITY

Mr. Mark Vondersaar (w/ enclosures)  
Quemetco, Inc.  
720 South Seventh Avenue  
City of Industry, California 91746

Mr. Jerry Dumas (w/ enclosures)  
RSR Corporation  
2777 Stemmons Freeway #800  
Dallas, Texas 75207

Mr. John C. Mueller (w/ enclosures)  
5146 Douglas Fir Road, Suite #206  
Calabasas, California 91302

Federal

Mr. Kevin Wong (w/ enclosures)  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

STATE

Mr. Watson Gin, P.E., Deputy Director  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street, 23rd floor,  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Rick Moss, Chief  
Permitting Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street, 23rd floor,  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Orchid Kwei (w/ enclosures)  
Office of Legal Counsel  
Department of Toxic Substances Control  
1001 I Street, 23rd floor,  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Hossein Nassiri (w/ enclosures)  
Permit Program Development Section  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 I Street, 11th floor,  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Guenther Moskat, Unit Chief (w/  
enclosures)  
Office of Program Audits and  
Environmental Analysis  
Department of Toxic Substances Control  
1001 I Street, 22nd floor,  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Barbara Coler-Division Chief  
DTSC Site Mitigation  
700 Heinz Avenue #200  
Berkeley, Ca. 94710

Mr. John Hinton, P.E.-Regional Coordinator  
DTSC  
5796 Corporate Avenue  
Cypress, Ca. 90630

Mr. Suwan Sonkprasha-Duty Officer  
DTSC - Region 4  
5796 Corporate Avenue  
Cypress, Ca. 90630

Ms. Marsha Mingay, Unit Chief  
DTSC - Region 4  
5796 Corporate Avenue  
Cypress, CA 90630

Ms. Maya Akula  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

Mr. Jamshid Shahi (w/ enclosures)  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

People for Reason in Science and Medicine  
P. O. Box 2102  
Anaheim, Ca. 92814

Ms. Kay Goude  
US Fish & Wildlife Service  
2800 Cottage Way, Room 2065  
Sacramento, CA 95825

Mr. John Schmidt, Exec. Director  
Wildlife Conservation Board  
1807 13<sup>th</sup> Street, Suite 103  
Sacramento, CA 95814-7117

Mr. Robert Treanor, Director  
California Fish & Game Commission  
1416 Ninth Street, 13<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. James Bybee  
National Marine Fisheries Services  
777 Sonoma Avenue, #325  
Santa Rosa, CA 95404

Mr. Joe Lyou  
Director of Programs  
CLCV Education Fund  
10780 Santa Monica Blvd., Suite 210  
Los Angeles, CA 90025

Mr. Bill Nelson  
Agency for Toxic Substance and Disease  
Registry  
EPA Region IX, Room 100  
75 Hawthorne Street, MS H-1-2  
San Francisco, CA 94105

Ms. Marilyn Underwood  
Department of Health Services  
Environmental Health Investigation Branch  
1515 Clay Street, Suite 1700  
Oakland, CA 94612

COUNTY

Mr. Bill Jones  
L. A. County Fire Department  
Hazardous Waste Control Program  
5825 Rickenbacker Road  
Commerce, California 90040

Mr. Joseph Baiocco  
L.A. County Public Works Department  
P.O. Box 1460  
Alhambra, California 91802-1460

Mr. Frank Meneses  
Impact Analysis Section  
L.A. County Regional Planning Department  
329 W. Temple Street  
Los Angeles, California 90012

County Clerk  
Los Angeles County  
12400 E. Imperial Highway  
Norwalk, California 90650

Ms. Mary M. Lee  
Directing Attorney Legal Aid Foundations of  
L.A.  
8601 S. Broadway  
Los Angeles, California 90003

Mr. Bill Lann Lee, Directing Attorney  
NAACP Legal Defense  
315 W. 9th Street  
Los Angeles, California 90015

Hacienda Heights Improvement  
P. O. Box 5235  
Hacienda Heights, Ca. 91745

Mr. Tom Klinger-Supervisor  
L A County Fire Dept.  
Site Mitigation Unit  
5825 Rickenbacker Rd.  
Commerce, Ca. 90043

Ms. Lee Lockie (w/ enclosures)  
Director Mgmt. Source/Reclaim  
South Coast Air Quality Mgmt. District  
21865 East Copley Drive  
Diamond Bar, Ca. 91765-4178

Director  
L. A. County Health Services  
313 N. Figueroa Street  
Los Angeles, CA 90012.

Mr. Bill Piazza (w/ enclosures)  
LAUSD  
1449 S. San Pedro Street  
Los Angeles, CA 90015

Hon. Yvonne B. Burke  
LA County Hall of Administration  
500 W. Temple Street  
Los Angeles, CA 90012

Ms. Sharon Thomas (w/ enclosures)  
LAUSD  
3355 S. Grand Avenue, Suite 702  
Los Angeles, CA 90071

Communities for Better Environment  
5610 Pacific Boulevard, Suite 203  
Huntington Park, CA 90255

CITY

Hacienda Heights Library (w/ enclosures)  
Reference Desk  
16010 La Monde Street  
Hacienda Heights, California 91745

Ms. Mary Roscoe  
Planning Department  
P. O. Box 3366  
City of Industry, California 91744-0366

REGIONAL

Mr. David Bacharowski (w/ enclosures)  
Regional Water Quality Control Board  
Los Angeles Region  
320 West Fourth Street, Suite 200  
Los Angeles, California 90013

Mr. Marco A. Polo (w/ enclosures)  
South Coast Air Quality Management  
District  
21865 E. Copley Drive  
Diamond Bar, California 91765-4182

MANDATORY

Ms. Liz Allen  
Sierra Club  
394 Blaisdell  
Claremont, California 91711

Ms. Bonnie Holmes  
Sierra Club  
1414 K Street, Suite 300  
Sacramento, California 95814

Mr. David Roe  
Environmental Defense Fund  
Rockridge Market Mall  
5655 College Avenue, Suite 304  
Oakland, California 94618

Mr. Mike Belliveau  
Communities for a Better Environment  
500 Howard Street, Suite 506  
San Francisco, California 94105

Ms. Jody Sparks (w/ enclosures)  
Toxics Assessment Group  
P.O. Box 73620  
Davis, California 95617

Ms. Diane Takvorian  
Environmental Health Coalition  
1717 Kettner Blvd., Ste. 100  
San Diego, California 92101

Ms. Ann Coombs  
League of Women Voters  
65 Avalon Drive  
Los Altos, California 94022

Mr. Bradley Angel  
Greenaction  
1095 Market Street, Ste 608  
San Francisco, California 94103

Mr. Bradley Angel  
Greenaction  
1095 Market Street, Ste 608  
San Francisco, California 94103

Ms. Mary Raftery  
CALPIRG  
926 J Street, Suite 713  
Sacramento, California 95814

Ms. Gwendolyn Eng, Regional  
Representative  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Mr. John Bors  
Morrison Knudsen Corporation  
1 Market Plaza, Steuart Tower, Ste. 400  
San Francisco, California 94105

Ms. Jane Williams  
California Community Against Toxics  
P.O.Box 845  
Rosamond, California 93560

Mr. Chuck White  
Waste Management, Inc.  
915 L Street, Suite 1430  
Sacramento, California 95814

General Counsel  
Planning and Conservation League  
926 J Street, Suite 612  
Sacramento, California 95814

Mr. Mike Belliveau  
Communities for a Better Environment  
500 Howard Street, #506  
San Francisco, Ca. 94105

Ms. Kim Delfino  
CALPIRG  
926 J Street, #523  
Sacramento, Ca. 95814-2706

Mr. Bill Magavern  
Sierra Club  
1414 K Street, Suite #300  
Sacramento, Ca. 95814

Ms. Jerilyn Mendoza  
Environmental Defense Fund  
10951 West Pico Blvd., #300  
Los Angeles, Ca. 90064

Ms. Maggie Ide  
SCAG  
818 W. 7th St.  
Los Angeles, Ca. 90017

Mr. Herman Mulman  
Seniors for Political Action  
6255 Ben Avenue  
North Hollywood, Ca. 91603

Natural Resources  
Defense Council  
6310 San Vicente Blvd., #250  
Los Angeles, Ca. 90048

Department of Toxic Substances Control

*E. Shadi*  
*3. Shadi*  


Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201

Gray Davis  
Governor

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

**FILED**

June 29, 2001

AUG 13 2001

CONNOR B. MCCORMACK, COUNTY CLERK  
*[Signature]*  
G. MORLA DEPUTY

Mr. Charles St. John  
Quemetco, Inc.  
720 South Seventh Avenue  
City of Industry, California 91746

DRAFT ENVIRONMENTAL IMPACT REPORT AND DRAFT HAZARDOUS WASTE FACILITY OPERATION AND POST-CLOSURE PERMIT FOR QUEMETCO, INC., CITY OF INDUSTRY, CALIFORNIA 91746, EPA I.D. NUMBER CAD 066233966

Dear Mr. St. John:

Enclosed for your review is a copy of the draft Environmental Impact Report, Notice of Preparation of a Draft Environmental Impact Report and the Proposed Hazardous Waste Facility Operation and Post-Closure Permit for the Quemetco, Inc., City of Industry facility. Also enclosed is a fact sheet and a notice of the public comment period which begins on June 29, 2001, and ends on August 28, 2001. Please forward your comments to the attention of Jamshid Shahi, Project Manager, at the letterhead address. Your comments must be received by us on or before August 28, 2001.

If you have any questions, please contact Mr. Jamshid Shahi at (818) 551-2871.

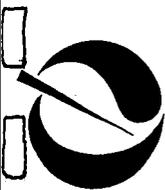
Sincerely,

*[Signature]*

José Kou, P. E., Chief  
Southern California Permitting Branch  
Hazardous Waste Management Program

Enclosures

cc: see attached mailing list



# Department of Toxic Substances Control



Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201

Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Gray Davis  
Governor

June 29, 2000

DRAFT ENVIRONMENTAL IMPACT REPORT AND DRAFT HAZARDOUS WASTE FACILITY OPERATION AND POST-CLOSURE PERMIT FOR QUEMETCO, INC., CITY OF INDUSTRY, CALIFORNIA 91746, EPA I.D. NUMBER CAD 066233966

Dear Responsible Agencies:

Enclosed for your review is a copy of the draft Environmental Impact Report, Notice of Preparation of a Draft Environmental Impact Report and the Proposed Hazardous Waste Facility Operation and Post-Closure Permit for the Quemetco, Inc., City of Industry facility. Also enclosed is a fact sheet and a notice of the public comment period. The responsible agency review period begins on June 29, 2001, and ends on August 28, 2001. Please forward your comments to the attention of Jamshid Shahi, Project Manager, at the letterhead address. Your comments must be received by us on or before August 28, 2001.

If you have any questions, please contact Mr. Jamshid Shahi at (818) 551-2871.

Sincerely,

José Kou, P. E., Chief  
Southern California Permitting Branch  
Hazardous Waste Management Program

Enclosures

cc: see attached mailing list

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

FACT SHEET #3  
June 2001

Boletín  
Informativo #3  
Junio 2001

# Quemetco Battery Recycling Facility

City of Industry, California  
CAD 066233966

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOCIETY OF CALIFORNIA REGION

JUL 02 2001



**Public Comment Sought on Proposed Hazardous Waste Facility Operation and Post Closure Permit and Draft Environmental Impact Report**

**Se Solicitan Comentarios Del Publico Sobre El Permiso De Operacion De La Planta De Desperdicios Peligrosos, El Permiso De Postclausura, Y El Reporte En Borrador Del Impacto Al Medio Ambiente**

*It is DTSC's mission to protect public health and the environment from harmful exposure to hazardous substances.*

*La mision del DTSC es proteger la salud del publico y del medio ambiente contra el contacto dañino con sustancias peligrosas.*

*State of California  
El Estado de California*



*California Environmental Protection Agency  
La Agencia del Protección del Medio Ambiente de California*



## INTRODUCTION

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has prepared a proposed Hazardous Waste Facility Operation and Post-Closure Permit (Permit) and draft Environmental Impact Report (EIR) for the Quemetco, Inc. (Quemetco), a battery recycling facility located at 720 South 7th Avenue, City of Industry, California.

### PUBLIC HEARING

A public hearing will be held to describe the project and to provide an opportunity for the DTSC to hear your comments regarding the proposed Permit and draft EIR. The hearing is scheduled for:

**August 14, 2001 at 7:00 pm**  
Los Altos High School  
Hacienda Room  
15325 East Los Robles Avenue  
Hacienda Heights CA 91745

The proposed Permit and draft EIR are available for public review at the information repository located at the Hacienda Heights Public Library, 16010 La Monde St. Hacienda Heights, CA 91745 or at the DTSC office listed below. The public comment period for these documents is from June 29, 2001 to August 28, 2001. Written comments must be postmarked by August 28, 2001 and submitted to:

Department of Toxic Substances Control  
Attn: Jamshid Shahi, Project Manager  
1011 North Grandview Ave,  
Glendale CA 91201

## INTRODUCCION

La Agencia de Protección al Medio Ambiente, Departamento de Control de Sustancias Peligrosas (DTSC, siglas en Ingles) ha preparado el propuesto Permiso de Operacion de la Planta de Desperdicios Peligrosos y el Permiso de Postclausura (el Permiso) y el Reporte en borrador.

### AUDIENCIA PUBLICA

Se llevara a cabo una audiencia publica para describir el proyecto y proveer a DTSC una oportunidad de escuchar sus comentarios acerca del Permiso propuesto y el borrador del EIR. La audiencia esta programada para:

**Agosto 14, 2001, a las 7:00 PM**  
Los Altos High School  
Cuarto Hacienda  
15325 East Los Robles Avenue  
Hacienda Heights CA 91745

El Permiso propuesto y el borrador del EIR estan disponible para el publico en el deposito de informacion ubicado en la Biblioteca Publica de Hacienda Heights, 16010 La Monde Street, Hacienda Heights, California 91745 o en la oficina de DTSC identificada abajo. El periodo de comentario publico para estos documentos es Julio 29, 2001 hasta Agosto 28, 2001. Comentarios por escrito deben ser marcados por el correo para Agosto 28, 2001 y sometidos a:

Department of Toxic Substances Control  
Attn: Jamshid Shahi, Project Manager  
1011 North Grandview Ave,  
Glendale CA 91201

The proposed Permit, if approved, will establish requirements for the handling, treatment and storage of hazardous wastes at the facility.

DTSC invites you to review this fact sheet to learn more about the proposed Permit and draft EIR. If you have questions regarding this project, please contact the DTSC representatives listed on page 8 of this fact sheet.

A public hearing will be held to discuss the proposed Permit and the draft EIR for Quemetco. The public hearing is part of a 60-day public comment period, which runs from June 29, 2001 to August 28, 2001.

### **FACILITY HISTORY AND BACKGROUND**

The Quemetco facility is situated on approximately 13 acres located at the northeast corner of South Seventh Avenue and Salt Lake Avenue (see map). The property is currently owned by Quemetco West, LLC and operated by Quemetco, Inc. The facility is located in an area consisting predominantly of commercial and light industrial uses with manufacturing operations surrounding the facility to the east, north and west. The northern boundary of the property is San Jose Creek, a concrete-lined channel that flows east to west. Residential uses are located 600 to 700 feet south and southwest of the southern boundary of the facility.

The Quemetco facility is an existing secondary lead smelter that recovers and reprocesses lead from used automotive batteries and other sources. Approximately 95 percent of the lead refined at the facility is derived from used automotive batteries, while the remaining 5 percent comes from other lead bearing waste.

The general process of recycling includes delivery of used batteries to the facility by truck, demolition of batteries, and the resultant separation of lead, plastic, and other materials. Lead recovered during the separation process, including lead plates, posts, and grids, is smelted and refined.

del Impacto al Medio Ambiente (EIR, siglas en Ingles) para Quemetco, Inc. (Quemetco) esta ubicado en, 720 South, 7th Avenue, City of Industry, California. El propuesto permiso, si se aprueba, establecera los requisitos para el manejo, tratamiento, y almacenamiento de desperdicios peligrosos en la planta.

DTSC le invita a examinar la hoja de informacion para saber mas acerca del propuesto Permiso y el EIR en borrador. Si usted tiene alguna pregunta acerca de este proyecto, por favor contacte a los representantes del DTSC que se listan en la parte 9 de abajo de la hoja de informacion.

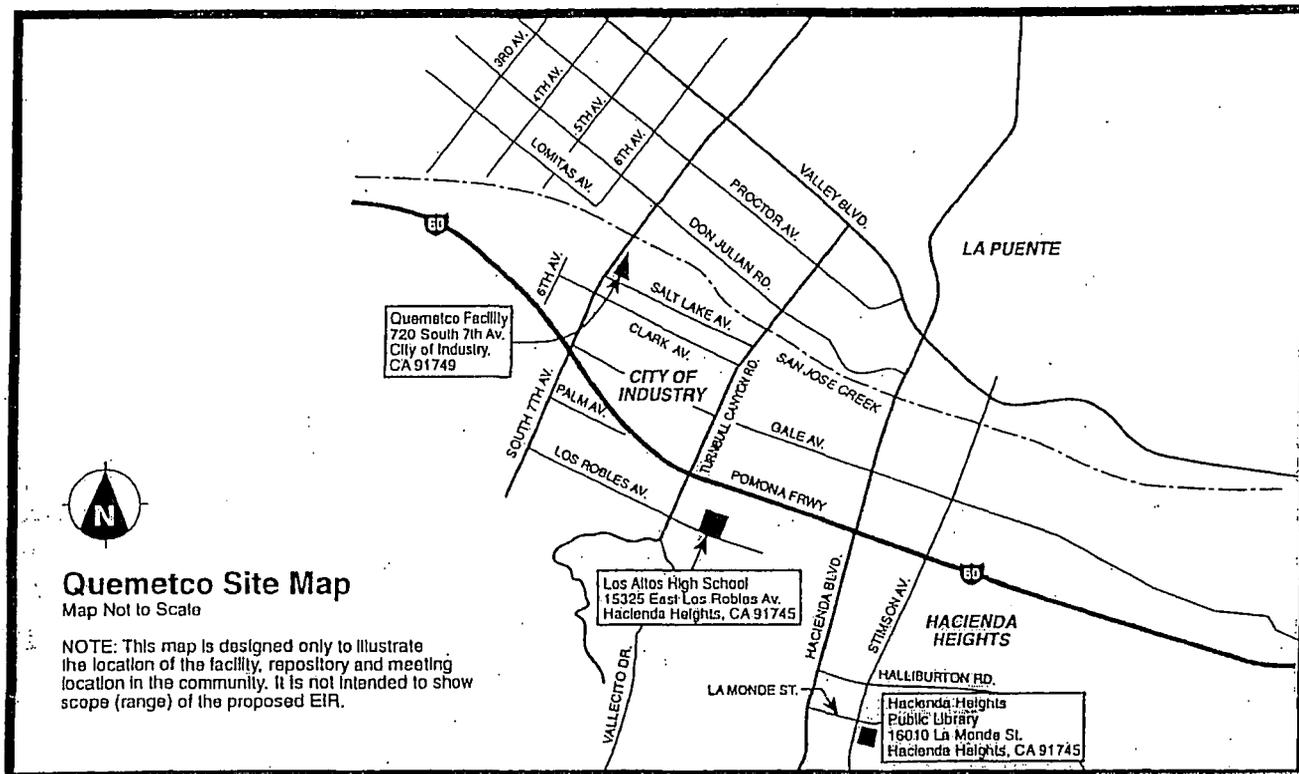
Una audiencia publica de llevara a cabo para discutir el propuesto Permiso y el EIR en borrador para Quemetco. La audiencia publica es parte del periodo de comentario publico de 60 dias, y el cual comprende desde Junio 29, 2001 hasta Agosto 28, 2001.

### **HISTORIAL Y ANTECEDENTES DE LA PLANTA**

La planta de Quemetco esta situada aproximadamente en un lote de 13 acres al nordeste de la esquina de South Avenue y la avenida Salt Lake (ver mapa). La propiedad actualmente es propiedad de Quemetco West, LLC y operada por Quemetco, Inc. La planta esta rodeada al este, norte, y sur por una area predominantemente comercial, industria liviana con operaciones de manufactura. El limite norte de la propiedad es el arroyo de San Jose, un canal de concreto que corre de este a oeste. Existe areas residenciales entre los 600 y 700 pies al sur y suroeste de los limites de la propiedad.

En la planta de Quemetco existe un fundidor secundario de plomo que extrae y reprocessa plomo de las baterias de auto y otra fuentes. Aproximadamente 95 por ciento del plomo refinado en la planta es derivado de las baterias usadas de automoviles, mientras que el 5 por ciento restante proviene de otra tipo de desperdicios de plomo.

El proceso general de reciclaje incluye el transporte por camiones de las baterias usadas a la planta, destruccion de las baterias, y la separacion del plomo, plastico, y otros materiales. El plomo usado que se recupera en el proceso de separacion y que esta en la forma de lingotes, barras, y parrillas se derrite y refina.



The refined molten lead is poured into molds and cooled to form ingots and blocks, which are stored in a warehouse adjacent to the refinery area prior to shipment. Plastic components are recovered and sold to a plastic recycling facility. The central portion of the property contains process units and areas involved in the lead recovery operations. Other buildings include administrative offices, laboratory and equipment maintenance areas. The wastewater treatment system is located at the northeastern corner of the site.

Quemetco is both a hazardous waste storage and treatment facility and also a generator of hazardous waste. In addition to lead and sulfuric acid, other hazardous constituents in batteries may include, but are not limited to, trace amounts of antimony, arsenic, barium, cadmium, chromium and zinc.

El plomo derretido refinado se vacía en moldes que se enfrían para formar lingotes y barras que se almacenan en la bodega adyacente a la refinera para despues ser enviados a otro lugar. Los componetes plasticos son recuperados y vendidos a las plantas de reciclajes. En la parte central de la propiedad se encuentran las unidades de procesamiento y las areas relacionadas con las operaciones de recuperación del plomo. Los otros edificios comprenden las oficinas administrativas, laboratorios, y areas de equipos de mantenimiento. El sistema de tratamiento de agua de desperdicios esta ubicado en la esquina noreste del la propiedad.

Quemetco es una compañía de almacenamiento y de tratamiento que genera desperdicios peligrosos. Ademas del plomo, acido sulfurico, y otros componentes quimicos peligrosos que se encuentran en las baterias puede incluir pero no esta limitado a: pequeñas cantidades de antimonio, arsenico, cadmio, bario, cromio, y zinc.

Approximately 10 million batteries are recycled at the facility annually, returning 120,000 tons of lead to industry for new products. Use of the site for recycling batteries and lead was established by Western Lead Products in 1959. Quemetco West LLC is the second owner of the facility, having acquired the operation from the Western Lead Products in 1970.

### SCOPE OF PROPOSED PERMIT

When the State's toxics program was founded in the late 1970s, all hazardous waste management facilities were directed to apply for Interim Status until the agency could do a more thorough review of each company and its operations. Quemetco submitted the first part of its hazardous waste facility permit application (Part A) to the state on November 19, 1980 and was granted the Interim Status on May 16, 1983.

Quemetco filed for a Part B application in April 1994. In 2000 and 2001, Quemetco submitted revised applications including more detailed Operation Plans, consisting of health and safety procedures, chemical analyses of wastes handled on-site, worker training and emergency response procedures, financial assurance, and other important aspects regarding the facility. DTSC has developed the proposed Permit from the latest applications.

### Operating Units and Post-Closure Units

The proposed Permit is to authorize the operation of a battery and raw material storage area, two furnaces, battery wrecker, and the wastewater treatment plant, which consists of several tanks, clarifiers and filters. The proposed Permit requires inspections of treatment units, tank systems, and all monitoring, safety and emergency equipment.

The proposed Permit also requires certain conditions for the closed Surface Impoundment and former Raw Material Storage Area (called "Post-closure units").

Aproximadamente 10 millones de baterías son recicladas en esta planta anualmente de las cuales se recuperan 120,000 toneladas de plomo para la industria de nuevos productos. Se estableció el uso de la planta para el reciclaje de baterías y plomo por Western Lead Product en 1959. Quemetco West LLC es el segundo dueño de la planta y adquirió las operaciones de Western Lead Products en 1970.

### OBJETIVO DEL PROPUESTO PERMISO

Cuando el programa estatal de regulación del sustancias peligrosas fue fundado en 1970, se indicó a todas las plantas de manejo de sustancias peligrosas que aplicaran por un Permiso Temporal hasta que la agencia pudiera revisar con más detalle a cada compañía y sus operaciones. Quemetco presentó la primera parte de su aplicación del Permiso de Desperdicio Peligrosos (Parte A) al estado en Noviembre 19, 1980 y se le otorgo la Condicion Temporal Legal en Mayo 16, 1983.

Quemetco presento la aplicacion Parte B en Abril 1994. En los años 2000 y 2001 Quemetco presentó aplicaciones revisadas que incluyeron mas detalles del Plan de Operacion, procedimientos de seguridad y salud, analisis quimicos usados en la planta, entrenamiento a los trabajadores, y procedimientos en casos de emergencia, garantia de responsabilidad financiera, y otros aspectos importantes relacionados con la planta. DTSC preparó el Permiso tomando en cuenta todas estas aplicaciones con sus revisiones.

### Unidades de Operacion y de Postclausura

El propuesto Permiso autorizara la operacion del area de almacenamiento de baterias y material virgen, dos hornos, destructor de baterias, y la planta de tratamiento de agua de desperdicios, y la cual consiste de varios tanques, clarificadores, y filtro. El Permiso propuesto exige inspecciones a la unidades de tratamiento, sistemas de tanques, y todos los equipos de emergencia, seguridad, y monitoreo.

El propuesto Permiso tambien exige ciertas condiciones para los Despositos Superficiales clausurados y la antigua bodega de materiales virgen (llamada Unidades de Postclausura).

The closed Surface Impoundment was located near the northwest corner of the site and used from 1975 to early 1986 to collect storm water run-off and waste water and direct it to the facility's waste water treatment system. The closed Surface Impoundment was formally closed in 1994 in accordance with the closure plan approved by the DTSC by excavating and removing most contaminated soil and topping the area with a concrete cap.

The former Raw Material Storage Area was located in the central area of the facility and was used to temporarily store the raw material obtained from broken parts of spent batteries and furnace slag. Exact operating dates of the former area are unclear, but there are documents that indicate it was used in the early 1970s. In 1994, the area was excavated, clean fill placed in the excavation, and capped with concrete.

### Monitoring Requirements

The proposed Permit requires Quemetco to monitor its emissions to air, groundwater, soil, and surface water. Quemetco conducts air quality monitoring as part of the permit requirements imposed by the South Coast Air Quality Management District and will prepare and submit to DTSC an Air Monitoring Plan for additional air monitoring.

Quemetco has conducted groundwater monitoring at the facility since the early 1980s. Since 1994, Quemetco has monitored the ground water as part of the post-closure plan for the closed Surface Impoundment located at the northwest corner of the facility. Ground water contains iron, manganese, nitrate, sulfate, and selenium in excess of groundwater quality standards. Quemetco submitted to DTSC a Groundwater Quality Monitoring and Sampling Plan in August 2000, which proposes to install additional groundwater wells.

The proposed Permit also requires Quemetco to develop a plan for sampling and monitoring soil-pore liquid and soil-pore gas at the Closed Surface Impoundment.

Los Depositos Superficiales estaban ubicados cerca de la esquina noroeste de la propiedad y se uso entre 1975 hasta principios de 1986 para recaudar el agua de lluvia y el agua de desperdicios para luego ser enviada al sistema de tratamiento de agua de desperdicios. El Deposito Superficial se cerro oficialmente en 1994 segun el plan de clausura aprovado por DTSC determinaba la excavacion y traslado de la mayoría del suelo contaminado y la instalacion de una capa de concreto superficial.

El area de la antigua bodega de material virgen estaba ubicada en la parte central de la propiedad y fue usada para almacenar temporalmente el material obtenido de la destrucción de las baterias usadas y de la escoria del horno. Las fechas exactas de operación no estan claramente definidas pero existen documentos que indican que estaba en operacion al principio de 1970. En 1974 se excavó en esta area y se rellenó con suelo limpio y se cubrió con una capa de concreto.

### Requisitos de Monitoreo

El propuesto Permiso exige a Quemetco monitorear sus emisiones de aire, agua subterranas suelo, y agua superficial. Quemetco lleva a cabo monitoreo de calidad del aire como parte de los requisitos del Permiso impuesto por el Distrito del Manejo de la Calidad del Aire de la Costa Sur y prepara y presentara un Plan adicional de Monitoreo de la Calidad del Aire a DTSC.

Quemetco a llevado a cabo monitero del agua subterranea en la planta desde principios de 1980. Desde 1994 Quetmenco ha estado monitoreando el agua subterranea como parte del plan de post-clausura de los Depositos Superficiales ubicados en la esquina noroeste de la propiedad. El agua subterranea contiene hierro, magnesio, nitratosm sulfato y selenio en exceso de los limites de calidad del agua subterranea. Quemetco presento a DTSC con el Plan de Muestreo y Monitoreo de la Calidad del Agua Subterranea en Agosto del 2000 y el cual propone instalar pozos subterranos adicionales.

El propuesto Permiso tambien exige a Quemetco desarrollar un plan para muestreo y monitoreo de los poros liquidos y gaseosos en el suelo de los Depositos Superficiales.

Quemetco collects and treats surface water from the process and service areas of the facility. Precipitation run-off from the employee parking area is not collected, but is monitored as part of the State Water Resources Control Board's Storm Water Discharge Permit requirements. However, the proposed Permit requires Quemetco to submit a plan to conduct monitoring of San Jose Creek, which is immediately adjacent to the facility.

## ENVIRONMENTAL IMPACT REPORT

Prior to proposing a decision on the Part B permit application, DTSC required preparation of a draft EIR to study the environmental impacts of the facility operations. The California Environmental Quality Act (CEQA) requires EIRs for all new projects requiring agency approval and must be completed before a permit determination can be made. The draft EIR identifies the potential significant impacts to the environment and, if possible, provides mitigation measures to make these impacts insignificant.

In April 1996, DTSC held a Scoping Session as part of a 30-day public comment period to receive public input on environmental issues such as traffic and air emissions that were used in the preparation of the draft EIR.

The draft EIR included a human health risk assessment (HHRA), which was completed in September 2000. A risk assessment is a process that is used to evaluate the extent of environmental problems based on their effects on human health and the environment. Risk assessments establish theoretical health risks, which are generally conservative. In preparing the risk assessment, it was assumed that an actual adult and child resident lived approximately 1,000 feet southwest of the facility fence line and an industrial worker was located approximately 300 feet north of the facility fence line (no residences are near this location). The risk assessment estimates a very small additional chance of developing cancer in addition to those normally expected to develop cancer.

Quemetco recauda y da tratamiento al agua superficial que proviene de las areas de proceso y servicio de la planta. El agua de lluvia que proviene del estacionamiento de los empleados no se recauda pero si es monitoreada como parte de los requisitos del Permiso de Desague de Agua de Consejo de Control de los Recursos del Agua del Estado y que exige un plan para llevar un monitoreo del arroyo San Jose el cual esta adyacente a la propiedad.

## REPORTE DEL IMPACTO AMBIENTAL

Antes de decidir sobre la aplicacion Part B del Permiso, DTSC exige la preparacion de un EIR en borrador para estudiar el impacto de las operaciones de la planta al medio ambiente. El Acta del Calidad de Medio Ambiente de California (CEQA, siglas en Ingles) exige que se elaboren EIRs para que todos los proyectos puedan ser aprobados y estos tienen que ser terminados ante que la determinacion del permiso se haga. El EIR en borrador identifica el impacto potencial al medio ambiente y si es posible incluye medidas de mitigacion para hacer que el impacto ambiental sea insignificante.

En Abril 1996, DTSC llevo a cabo una reunion inicial como parte del periodo de 30 dias para recibir comentarios del publico sobre asuntos relacionados al medio ambiente como emisiones al aire y trafico vehicular y estos fueron tomados en cuenta en la preparacion del EIR en borrador.

El EIR en borrador incluye una evaluacion del riesgo a la salud (HHRA, siglas en Ingles) y el cual se concluyo en Septiembre del 2000. La evaluacion del riesgo a la salud es un proceso que se usa para evaluar la extension de los problemas al medio ambiente y se basa en el efecto al ser humano y el medio ambiente. La evaluacion del riesgo a la salud establece limites del riesgo teóricos a la salud, esto limites suelen ser muy restringidos y conservadores. Al prepararse la evaluacion del riesgo a la salud se asume que un adulto y un niño viven aproximadamente a 1000 pies al suroeste de los limites de la propiedad y que un trabajador industrial estaba ubicado aproximadamente 300 pies al norte de la propiedad (en realidad no existen casas cerca de la propiedad). La evaluacion al riesgo a la salud estima que exista una muy pequeña probabilidad adicional a la probabilidad normal de desarrollar cancer.

## ENFORCEMENT HISTORY

DTSC routinely inspects hazardous waste treatment facilities, such as Quemetco, for compliance with state and federal regulations. Quemetco has been inspected four times since February 1997. Three of the Comprehensive Evaluation Inspections were conducted by the Department of Toxic Substances Control and one by U.S. EPA. Most of the violations discovered during the inspection were minor, and no Enforcement Order has been issued. Quemetco has been generally responsive in resolving the violations. The following is a summary of the violations found on the inspections since 1997: inadequate operating logs, inspection schedule and inspection logs, management of filter press plates, batteries not marked with the initial start dates, hazardous waste areas not marked with hazardous waste warning signs, inadequate training records, emergency eye washes and showers were inoperable, or lacking in hazardous waste areas. DTSC plans to continue with periodic inspections at Quemetco to ensure the company remains in compliance.

## OTHER PREVIOUS ACTIONS AND INVESTIGATIONS

The Los Angeles County Department of Health Services, Toxics Epidemiology Program in 1994, conducted a study to determine if the facility is affecting blood lead levels of children living nearby. The study involved 125 children, aged 1 to 5 years, who live in Hacienda Heights, approximately 600 feet from the Quemetco facility. A control group of children from West Covina, where there is no lead facility, was also examined. The study concluded that blood lead levels in children living near the Quemetco facility were not elevated. The County blood lead study has been placed in the information repositories listed in this fact sheet.

## HISTORIAL DE CUMPLIMIENTO

DTSC inspecciona regularmente las plantas de tratamiento de desperdicios peligrosos como Quemetco para asegurarse que estan cumpliendo con las regulaciones federales y estatales. Quemetco ha sido inspeccionado cuatro veces desde Febrero 1997. Tres de las llamadas Inspecciones de Evaluacion General la realizo DTSC y una U.S. EPA. La mayoria de las violaciones que se descubrieron fueron menores y no se ha elaborado una Order Judicial. Quemetco generalmente ha colaborado en resolver las violaciones. Lo siguiente es un sumario de las violaciones que se encontraron desde 1977: inadecuada memoria de operaciones, inadecuada memoria de inspecciones y del horario de las inspecciones, manejo de los filtros, baterias que no fueron marcadas con fecha inicial de almacenamiento, areas sin rotulos de material peligroso, records inadecuados de entrenamiento, equipo de limpieza de los ojos y baños dañados o areas que no tenian este equipo. DTCS tiene planeado continuar con las inspecciones periodicas a Quemetco para asegurarse que la compañía se mantenga en cumplimiento de las leyes.

## OTRAS ACCIONES PREVIAS E INVESTIGACIONES

El Departamento de Servicios a la Salud del Condado de los Angeles, Programa de Epidimiologia Peligrosa en 1994 realizo un estudio para determinar si las operaciones de la planta estaba afectando el nivel del plomo en la sangre de los niños que vivian en area aledañas. El estudio consto con 125 niños de las edades de 1 a 5 años que vivian en Hacienda Heights, aproximadamente 600 pies de la planta de Quemetco. Un grupo de control de niños de West Covina donde no hay plantas que tabajan con plomo tambien fueron examinados. El estudio concluyo que el nivel de plomo en la sangre de los niños cerca de la planta Quemetco no era elevado. El estudio del Condado del nivel de plomo en la sangre ha sido incluido en los depositos de informacion que se muestran en la hoja de informacion.

## FUTURE ACTIVITIES

DTSC will consider all comments received at the public hearing and during the public comment period prior to making a decision on the proposed Permit and draft EIR. DTSC will also prepare a Response to Comments Document to be mailed to each commentator, and placed in the information repository for public review.

## PUBLIC INVOLVEMENT OPPORTUNITIES

DTSC strongly encourages community involvement in the decision-making process. In an effort to involve the community, DTSC has enclosed a brief community survey. Please return the community survey by July 20, 2001 to let us know your concerns, questions and additional ideas for public outreach. DTSC will conduct a community assessment involving interviews with residents and interested parties. Following completion of community assessment, a Public Participation Plan (PPP) will be prepared and placed in the repositories listed in this fact sheet.

## ACTIVIDADES FUTURAS

DTSC va a considerar los comentarios recibidos en la audiencia publica y durante el periodo de comentario publico antes de tomar una decision sobre el EIR en borrador y el propuesto Permiso. DTSC va a preparar un documento de Respuestas a los Comentarios y el cual va a ser enviado a cada persona que dio comentarios y sera colocado en los depositos de informacion para que el publico los examine.

## OPORTUNIDADES PARAL QUE EL PUBLICO PARTICIPE

DTSC invita a la comunidad a que participe en el proceso de decision. En un esfuerzo para hacer participar a la comunidad, DTSC esta incluyendo un cuestionario de la comunidad. Por favor regrese el cuestionario a mas tardar el 20 de Julio, 2001 para hacernos saber sus preguntas, asuntos de interes, ideas adicionales para hacer participar al publico. DTSC va a realizar una evaluacion de la comunidad, y un Plan de Participacion del Publico (PPP) sera preparado y colocado en la lista de los depositos de esta hoja de informacion.

### FOR MORE INFORMATION ON QUEMETCO

#### PROJECT CONTACTS:

Philip Chandler  
DTSC Unit Chief  
(818) 551-2921

Jamshid Shahi  
DTSC Project Manager  
(818) 551-2871

Maya Akula  
DTSC Public Participation Specialist  
(818) 551-2917

DTSC Media Contact - Lisa Kunz (916) 327-6104

#### INFORMATION REPOSITORIES:

Hacienda Heights Public Library  
Reference Desk  
La Monde Street  
Hacienda Heights, CA 91745  
(626) 968-9356

or

DTSC  
Regional Records 16010  
1011 N. Grandview Ave.  
Glendale, CA 91201  
(818) 551-2871

#### Notice to Hearing Impaired:

You can obtain additional information by using the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact Maya Akula at (818) 551-2917 regarding the Quemetco Site.



**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
COMMUNITY SURVEY for the  
QUEMETCO BATTERY RECYCLING FACILITY  
720 SOUTH 7<sup>TH</sup> AVE. CITY OF INDUSTRY, CA 91746  
June 2001**



The Department of Toxic Substances Control (DTSC) strongly encourages community involvement in the decision making process. Please return the Community Survey by July 20, 2001 to let us know your concerns, questions and additional ideas for public outreach.

- How long have you lived or worked in this area?  
 0-5 years       13-20 years       6-12 years       21 or more years
- What is your current level of interest or concern regarding this facility?  
 No interest       Low       Moderate       High       Very High
- Prior to receiving the attached information, were you aware of the existence of Quemetco, Inc. battery recycling facility?  
 No  Yes  (please elaborate): \_\_\_\_\_

4. What is the best way to provide you with information?  Fact sheets     Public Meetings     Other (please specify): \_\_\_\_\_

Please indicate if you have visited the repositories listed below that document Quemetco activities. Are the repositories situated convenient location? If no, please recommend alternative locations: \_\_\_\_\_

- |   |   |
|---|---|
| <input type="checkbox"/> Hacienda Heights Public Library<br>16010 La Monde Street<br>Hacienda Heights, CA 91745 | <input type="checkbox"/> Department of Toxic Substances Control<br>1011 N. Grandview Avenue<br>Glendale, CA 91201 |
|---|---|

- Do you feel adequately informed about this project? (please specify): \_\_\_\_\_
- Can you suggest any officials, groups, organizations, or individuals that DTSC could contact regarding Quemetco?  
 \_\_\_\_\_
- Do you have additional comments related to this project?  
 \_\_\_\_\_

9. If you are interested in being considered for a follow-up interview regarding Quemetco, please check  Yes, complete contact information below and mail back in the self-stamped envelope provided with this survey. For further information regarding this survey, please contact Maya Akula at DTSC (818) 551-2917.

**BY COMPLETING THIS SURVEY, DTSC WILL ENSURE THAT YOU ARE ADDED TO THE DTSC MAILING LIST**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

\_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

*Please note: While mailing lists are solely for DTSC use, they are considered a public record and may be subject to release upon request.*

**"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov)."**

**PARA MAS INFORMACION SOBRE QUEMETCO**

**CONTACTO DEL PROYECTO:**

Philip Chandler DTSC Jefe de Unidad (818) 551-2921	Jamshid Shahi DTSC Administrador del Proyecto (818) 551-2871	Maya Akula DTSC Especialista de Participacion Publica (818) 551-2917
--	--	--

DTSC Contacto con los Medios Informativos – Lisa Kunz (916) 327-6104

**DEPOSITOS DE INFORMACION:**

Biblioteca Publica de Hacienda Heights  
Reference Desk  
16010 La Monde Street  
Hacienda Heights, CA 91745  
(626) 968-9356

DTSC  
Regional Records Office  
1011 N. Grandview Ave.  
Glendale, CA 91201  
(818) 551-2871

**Aviso para personas con problemas de audicion:**

Usted puede obtener informacion adicional usando el Servicio de Relay del Estado de California llamando al 1-888-877-5378 (TDD). Pregunte por Maya Akula (818-551-2917 en relacion con el lugar de Quemetco.

**MAILING COUPON**

If you have any comments concerning the Quemetco, Inc. or would like to receive future mailings regarding the Quemetco, Inc. facility, you must complete this coupon and return it to the following address: Maya Akula, Public Participation Specialist, California Environmental Protection Agency, Department of Toxic Substances Control, 1011 N. Grandview Ave., Glendale CA 91201.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Comments: \_\_\_\_\_

Please Note: While mailing lists are solely for DTSC use, they are public records and may be subject to release upon request.

**CUPON DE CORREO**

Si usted tiene algun comentario relacionado con Quemetco, Inc. O le gustaria recibir correo relacionado sobre la planta Quemetco, Inc., usted debe llenar este cupon y regresarlo a la siguiente direccion Maya Akula, Public Participation Specialist, California Environmental Protection Agency, Department of Toxic Substances Control, 1011 N. Grandview, Ave., Glendale CA, 91201:

Nombre: \_\_\_\_\_  
Direccion: \_\_\_\_\_  
Telefono: \_\_\_\_\_  
Comentarios: \_\_\_\_\_

Por Favor Observe: La lista de personas en la lista del correo es para el uso del DTSC, existe archivos publicos que estan sujetos a ser diseminado cuando exista un pedido de informacion.

"El reto de energía al que se enfrenta California es real. Cada Californiano necesita tomar acción inmediata para reducir consumo de energía. Para una lista de maneras sencillas donde usted pueda reducir la demanda y su costo energético, vea nuestro sitio en la red al [www.dtsc.ca.gov](http://www.dtsc.ca.gov)."



## Department of Toxic Substances Control



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201

Gray Davis  
Governor

### Notice of Extension of Public Comment Period for the Draft Hazardous Waste Facility Operation and Post-Closure Permit and draft Environmental Impact Report for Quemetco, Inc. Battery Recycling Facility, 720 South 7<sup>th</sup> Avenue, City of Industry and Community Meeting

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) announces the extension of the public comment period for the draft Hazardous Waste Facility Operation and Post-Closure Permit (Permit) and draft Environmental Impact Report (EIR) for the Quemetco, Inc. battery recycling facility in the City of Industry. The initial public comment period began on June 29, 2001 and was scheduled to conclude on August 28, 2001. The public comment period has been extended for 90 days and will now close on **November 27, 2001**.

Please join us for a community meeting on:

**Thursday, November 1, 2001 at 7:00 p.m.**  
**Los Altos High School, Hacienda Room**  
**15325 East Los Robles Avenue, Hacienda Heights, CA 91745**  
**ALL COMMUNITY MEMBERS ARE WELCOME**

DTSC technical staff and other experts will be available to provide information and answer questions about the draft Permit and draft EIR as well as health and safety concerns. In addition, DTSC's technical staff will be available at **6:00 pm** to answer technical questions you may have. DTSC's Public Participation Specialist Ms. Maya Akula may be contacted at (818) 551-2917 for further details regarding the upcoming community meeting.

DTSC encourages the public to review and comment on the draft Permit and draft EIR. All comments must be in writing and sent to the DTSC address below, attention Jamshid Shahi, Project Manager, Southern California Permitting Branch. **Comments must be postmarked no later than midnight, November 27, 2001.** After considering all comments, DTSC will make a final decision to approve, deny, or modify the Permit and certify the EIR. The information repositories listed below will contain the record of the decision and comments received. All those who submit comments will receive written notification of the decision and a written response to their comments.

The draft Permit, permit application, and draft EIR are available for review at the following local information repositories:

DTSC Regional Records Office  
1011 N. Glendale Avenue  
Glendale, CA 91201  
(818) 551-2871

or

Hacienda Heights Public Library Reference Desk  
16010 La Monde Street  
Hacienda Heights CA 91745  
(626) 968-9356

The full Administrative Record for this project is available for review at the above-mentioned DTSC Regional Records Office.

Notice to the Hearing Impaired: You can obtain additional information by using the California State Relay Service at 1-888-877-5378 (TDD). Ask them to contact Maya Akula at (818) 551-2917 regarding the Quemetco facility.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).



# Department of Toxic Substances Control



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Edwin F. Lowry, Director  
1011 N. Grandview Avenue  
Glendale, California 91201

Gray Davis  
Governor

**Aviso de Extensión del Período de Comentarios del Público. Sobre Borradores de Informe de Operación de Planta de Desechos Tóxicos y Permiso Post-Clausura e Informe de Impacto Ambiental de La Planta de Reciclaje de Baterías Quemetco, situada en 720 South 7<sup>th</sup> Avenue, City of Industry, California 91746 y Reunión Comunitaria**

La Agencia de Protección Ambiental del Departamento de Control de Substancias Tóxicas de California (DTSC, siglas en inglés), anuncia la extensión del período de comentarios del público sobre el Informe de Operación de Planta de Desechos Tóxicos y Permiso Post-Clausura (el permiso) y del Informe de Impacto Ambiental (EIR) de la planta de reciclaje de baterías Quemetco, en City of Industry. El período inicial de comentarios del público comenzó el 29 de junio de 2001 e iba a concluir el 28 de agosto de 2001. El período de comentarios público se ha extendido por 90 días y concluir el 27 de noviembre de 2001. Se ha programado una reunión comunitaria para el:

**Jueves 1 de noviembre de 2001, a las 7:00 p.m.  
Los Altos High School, Hacienda Room  
15325 East Los Robles Avenue, Hacienda Heights CA 91745  
A TODA LA COMUNIDAD, SE LES INVITA**

El personal técnico de DTSC y otras personas expertas estarán disponibles para proveer información y contestar preguntas acerca del permiso propuesto y el EIR propuesto también como preguntas de salud y seguridad. Así mismo, el personal técnico estará disponible a las 6:00 pm para responder a cualquier pregunta que Ud. puede tener. Los interesados pueden comunicarse con Ms. Maya Akula, Public Participation Specialist del DTSC, por el 818-551-2917, para obtener más detalles referentes a la reunión comunitaria.

DTSC insta al público a que revise y comente dichos documentos. Todo comentario debe ser por escrito y presentarse a la atención de DTSC indicada abajo, a la atención de Jamshid Shahi, Project Manager, Southern California Permitting Branch. **Los comentarios deben tener matasellos postal anterior a la medianoche del 27 de noviembre de 2001.** Tras considerar todos los comentarios, DTSC tomará la decisión final de aprobar, denegar o modificar el permiso en borrador. Los repositorios de información contendrán un registro de la decisión y de los comentarios recibidos. Quienes remitan comentarios recibirán notificación escrita de la decisión, y una respuesta por escrito a sus comentarios.

El borrador del permiso, la solicitud del mismo, y el borrador del EIR están disponibles para su revisión en los siguientes repositorios de información locales:

DTSC Regional Records Office  
1011 N. Glendale Ave.  
Glendale, CA 91201  
(818) 551-2871

or

Biblioteca Pública de Hacienda Heights Reference Desk  
16010 La Monde St.  
Hacienda Heights CA 91745  
(818) 968-9356

El registro administrativo completo para este proyecto puede revisarse en la oficina regional DTSC indicada arriba. Aviso para quienes tengan deficiencia auditivas: Pueden obtener información adicional usando los servicios de California State Relay Service por el 888-877-5378 (TDD). Solicítesles llamar a Maya Akula, al (818) 551-2917 con relación a Quemetco.

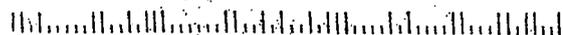
Los riesgos energéticos que enfrenta California son reales. Cada californiano debe tomar acción inmediata para reducir el consumo de energía. Obtenga una lista de formas sencillas para reducir la demanda y el costo de la energía en nuestra página de Internet: [www.dtsc.ca.gov](http://www.dtsc.ca.gov)

Maya Akula, Public Participation Specialist  
California Environmental Protection Agency  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, CA 91201-2205

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JAMSHID SHAHI  
DTSC PROJECT MANAGER  
1011 GRANDVIEW AVE  
GLENDALE CA 91201-2205

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
OCT 17 2001  
RECEIVED



**SECTION 3.0 – RESPONSES TO COMMENTS RECEIVED  
DURING THE PUBLIC REVIEW PERIOD**

**3.1 LIST OF COMMENTORS**

A listing of the commentors from the public hearing and from written comments submitted to DTSC is provided in the tables below. Each commentor has been assigned a code that can be referenced to find a person's comments and DTSC's responses to those comments presented in Section 3.2. The order of comments/responses in Section 3.2, follows the orders as presented in the tables below.

<b>August 14, 2001 Public Hearing Commentors</b>		
<b>Name</b>	<b>Code</b>	<b>Affiliation (if applicable)</b>
Ms. Lillian Avery	LA	
Mr. B. Torres	T	
Mr. Troy Veilleux	TV	
Ms. Mary Lorenzana	L	
Mr. Rudy Almeiea	RA	
Mr. Larry Garcia	LG	
Ms. Susan Moran	SM	
Ms. Terry Molina	TM	
Mr. Michael Hughes	MH	
Mr. Michael Brydges	MB	
Mr. Tom Erickson	TE	

<b>Written Letter Commentors</b>			
<b>Name</b>	<b>Letter Date (received by DTSC)</b>	<b>Code</b>	<b>Affiliation (if applicable)</b>
Mr. Stephen Buswell	August 3, 2001	DOT	Department of Transportation
Mr. Louie M. Hernandez	August 14, 2001	IMH	
Ms. Lillian Avery	August 17, 2001	LA [letter]	
Hildegard Weck, Shirley Lee, and Richard Lee	August 21, 2001	HW	
Mr. Daniel E. Donohoue	August 23, 2001	ARB	Chief, California Air Resources Board
Mr. Earl L. Thomas	August 24, 2001	ELT	
Troy, Maral and Hasmig Veilleux	August 27, 2001	TMHV	
Ms. Kathy Brown	August 29, 2001	KB	
Mr. David Lee Blagg	August 29, 2001	DLB	
Mr. Duncan McKee	August 29, 2001	DM(2)	
Mr. Michael D. Hughes	August 29, 2001	MDH	President, Hacienda Heights Improvement Association, Inc.
Attachment To Mr. Michael D. Hughes Prepared By Ms. Lillian Avery	August 27, 2001	MDH/ LA-1	
Dave and Linda Samarin	August 30, 2001	DLS	
Mr. Milagros Navarrette	October 28, 2001	MN	
Ms. Lillian Avery	November 1, 2001	LA [letter 2]	

Ms. Lillian Avery	November 1, 2001	LA [letter 3]	
Mr. Jo Terhume	November 14, 2001	Jte	
Mrs. Margery Windle	November 19, 2001	MW	
Ms. Lillian Avery	November 20, 2001	LA [letter]	
Ms. Ruth Wash	November 20, 2001	RW	Workman Mill Association, Inc.
Mr. David Joel McKee	November 28, 2001	DJM	
Mrs. Priscilla Lohff	November 28, 2001	PL	Workman Mill Homeowners Association
Mr. Johnson Ting	November 29, 2001	Jti	
Mr. Duncan McKee	November 25, 2001	DM	
Mr. Michael McKee	November 27, 2001	MM	

### 3.2 RESPONSES TO COMMENTS

Responses to public comments from the above lists follow this page.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

NO.	COMMENT	RESPONSE
<b>AUGUST 14, 2004 P U B L I C H E A R I N G</b>		
<b>Ms. LILLIAN AVERY</b>		
LA-1	My name is Lillian Avery. I have lived in Hacienda Heights for 45 years, since 1956. In 1959 Western Lead Products was permitted by the City of Industry to operate a lead smelting plant at 720 South Seventh Avenue in property zone M.	The comment is noted. The Department of Toxic Substances Control (DTSC) considered and addressed the applicable land use issues within the Land Use and Planning section of the June 21, 2001, draft Environmental Impact Report (dEIR). The commenter presents information that is present in the DEIR. The City of Industry General Plan Land Use Map designates the entire City as "Industrial". The project site and the surrounding area are located in Zone "M", Manufacturing, as designated by the City's zoning code. A battery recycling facility is a permitted use in Zone "M" and is consistent with other types of uses normally permitted under the "Industrial" General Plan designation. In addition, the DTSC noted that neither the County of Los Angeles nor the City of Industry provided comments to any issues relative to this project and the potential for conflicts or inconsistencies with their existing applicable land use plans.
LA-2	An industrial zone permitted uses to include metal fabrication, battery manufacturing and recycling, and storage of chemicals	The comment is noted. See response to comment LA-1.
LA-3:	In 1970 Quemetco took over the operation of Western Lead.	The comment is noted. See response to comment LA-1.
LA-4	Hacienda Heights, an unincorporated community beginning 500 feet from the Quemetco facility, has a community plan developed by the Los Angeles County in 1978 which establishes a land-use policy that prohibits expansion of the industrial area within the community.	The comment is noted. See response to comment LA-1.
LA-5	The land-use element of the City of Industry establishes its primary goal as creating and maintaining a setting for manufacturing, distribution, and industrial facilities within the city; but that, and I quote, "creating a setting that is complementary to its neighbors is equally important," end of quote.	The comment is noted. See response to comment LA-1.
LA-6	There appears to be a conflict with applicable land-use plans, since Quemetco and its operations seriously impact the community of Hacienda Heights with generation and daily delivery of over 50 truck loads of used lead fibers and hazardous materials; with the introduction of hazardous waste and materials on site, which could result in injury, fire, accident, or release of air toxic emissions or acutely hazardous materials posing a threat to public health and safety.	The comment is noted. See response to comment LA-1.
LA-7	In addition, emission of air-toxic contaminants	The comment is noted. See responses to other more specific

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	and pollutants including lead, 1,3-Butadiene and carcinogens	comments.
LA-8	It is simply 500 feet from the Quemetco facility on Seventh and Clark, there are 100 unformed homes and 504 mobile homes located immediately west of Seventh Avenue. There are 220 homes located east of Seventh to Terminal Canyon Road and south to Gale, the area of isopleth, the configuration used by Quemetco to identify its area of emissions.	In assessing the potential for significant impacts for this proposed project, DTSC limited its examination of the project to changes in the existing operational and physical conditions in the affected area (CEQA Guidelines, Section 15126.2). The "affected area" is defined as the result of the requirements of the Office of Environmental Health Hazard Assessment (see DEIR, page 3.7-3). See also response to comment DM-25.
LA-9	The isopleth is not confined to those homes, however; the isopleth extends to past Simpson Avenue on the east and Orange Grove Avenue on the south.	See response to comment LA-8.
LA-10	On April 24, 1996, I spoke at a public meeting. My concern then was the 24 hours per day, 7 days a week, year in and year out of emissions of toxin contaminants, including lead, arsenic, and Butadiene and other air pollutants and carcinogens emitted into the ambient air over Hacienda Heights without ceasing and requiring periodic Proposition 65 warning and notification.	Since the passage of Proposition 65, the Facility has issued warnings and notifications. This is Quemetco's response to requirements of the Office of Environmental Health Hazard Assessment. See responses to other more specific comments.
LA-11	These emissions of toxic particles and contaminants into the ambient air over Hacienda Heights have continued without ceasing, day in and day out, for over 31 years, from 1970 when Quemetco took over from Western Lead.	The Health Risk Assessment (HRA) evaluated potential risks from chemicals emitted from the facility in particulate form using a regulatory recommended fate and transport model that assumes particles emitted from the facility are deposited onto the ground and vegetation based on their settling velocity and accumulate over time in soil and edible produce. The predicted concentrations of these particulate-bound chemicals of concern (primarily metals) are those that would be expected to occur over and above concentrations that occur from other natural and man-made sources and represent the incremental risk associated with routine process-controlled emissions and fugitive dust emissions from wind and vehicle traffic from the Quemetco facility. See also response to comment DM-85.
LA-12	These chemicals, metals, and contaminants are not just dispersed in the air. Like the dew, but not the gentle dew, they settle on the houses and grounds, on vegetation, in produce growing in gardens, and on clothing.	See responses to comments LA-11 and LA-9 (letter).
LA-13	They are inhaled and ingested, and they are absorbed into the skin.	See response to comment LA-11.
LA-14	There are strong odors of sulfur and metals. The constant barrage of emissions causes acrid and offallic tastes, sore throats, headaches, nausea, coughing, and inhalation and respiratory problems.	The South Coast Air Quality Management District (SCAQMD) is the regulatory agency responsible for evaluating odor complaints and identifying sources. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. They are well aware of the complaints received about these odors. However, until such time as they can positively identify the source of these

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		odors, it is not possible to characterize them for risk assessment purposes. A key component of the Permit is that the Facility be in compliance with all applicable SCAQMD regulations and requirements. See also the response to comment DM-135.
LA-14	The draft says nothing about eliminating and/or mitigating the emissions of chemicals, pollutants, and contaminants into the air	See responses to comments DM-10 and DM-39.
LA-15	What is the estimate of probability that an individual will develop cancer as a result of exposure to carcinogen emissions?	Different chemicals have different thresholds of exposure which the U.S. Environmental Protection Agency (U.S. EPA) refers to as an RfD (Reference Dose) or RfC (Reference Concentration for inhalation) which is the amount of chemical per unit body mass per day that humans can be exposed to without deleterious health effects. The HRA compared these scientifically peer-reviewed toxicity criteria to estimates of daily exposure from measured emissions from the Quemetco facility and concluded that these potential daily exposure levels did not exceed any of the threshold criteria for any of the chemicals. For chemicals which have a potential to cause cancer we do not assume that there is a "daily exposure level" that may be deleterious. We assume that any exposure may increase the probability of contracting cancer over the course of one's life. The total cancer risk (probability) is proportional to the chemical concentration, daily exposure level and total length of exposure (e.g. the total time spent living in close proximity to the facility).
LA-16	What is the estimate of daily exposure levels that cause deleterious effects to individuals exposed over a lifetime?	The total cancer risk (probability) is proportional to the chemical concentration, daily exposure level and total length of exposure (e.g. the total time spent living in close proximity to the facility). See also response to comment LA-11
LA-17	What is the cumulative effect that inhalation and ingestion of continuous toxic emissions over 30 to 40 years of chemicals, metals, and carcinogens such as chromium, lead, sulfur, arsenic, Butadiene and other pollutants?	See also response to comment LA-15.
LA-18	I have reason to be concerned. My husband died in 1992 after suffering for three years from mouth and throat cancer.	The health risk assessment concluded that cancer risks to any single individual are low (approximately three in one hundred thousand upper bound estimate). If emissions from Quemetco were causing an elevated cancer incidence in a community, we would be very concerned. The Los Angeles County Department of Health has evaluated the cancer tumor registry for the area and concluded that there is no evidence of elevated cancer cases that can be attributed to Quemetco. See also response to comment LA-14 (letter).
LA-19	What Quemetco is, is not an NIMBY, not in my backyard. Concern for Hacienda Heights -- let me repeat that. Quemetco is not a NIMBY concern for Hacienda Heights. Quemetco is not only in our backyards, but in our front yards too.	The comment is noted. See also response to comment LA-15 (letter).
LA-20	Its toxic emissions penetrate our soil, hover in the air over our homes, churches, and schools,	The comment is noted. See also response to comment LA-15 (letter).

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	and remains in the very air we inhale and breathe.	
LA-21	The City of Industry erred in permitting a lead-processing and recycling facility so close to homes, because our homes were here before Western Lead was there and certainly before Quemetco was there.	See response to comment DM-314.
LA-22	The application for operation of the hazardous waste facility includes a closure permit. The closure planning includes the step necessary to completely close the facility. Estimate date -- estimated date for complete closure is August 15, 2021, 20 years from now.	The comment is noted.
LA-23	We ask the California Department of Toxic Substances Control, DTSC, to seriously and carefully consider _the real concerns of residents of Hacienda Heights in establishing a closing date for the facility that will mitigate or eliminate the effects of Quemetco on this community in the next few years.	See the responses to other more specific comments.
LA-24	It's true. I had no idea that there was going to be a proposal -- proposed hazardous waste facility and post-closure permit EIR until Jake Hughes (phonetic), president of HHIA, mailed it to me about the middle of July.	See response to comment DM-200.
LA-25	That was the first that I learned of this proposal. Many of my neighbors and many, many people I talked to in the community had not heard, had no indication that there was anything going on or that this proposed toxic waste facility operation was up for a hearing and for a decision.	See response to comment DM-200.
LA-26	I would suggest that not only DTSC but Quemetco take it on themselves to notify the people in Hacienda Heights about all situations and concerns that involve them. It is just not enough to get the Proposition 65 warning and notification. That comes up periodically probably two or three times a year, and it's also published in the newspaper. But news about situations and events that are pending at Quemetco is important to us.	See response to comment DM-200.
LA-27	Now, with respect to the blood lead study mentioned that was done in 1994, a doctor, Amy Wall (phonetic) of the Los Angeles County Department of Health, was the chief researcher on that study. At that time almost, I was on the Board of the Hacienda Heights Improvement Association, and my activity was environmental. So I worked with her and -- not	The comment is noted. See also responses to comments DM- 89 and DM-116.

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	worked with her, but was informed by her about the things that were going on in this study.	
LA-28	The children that were studied were children ages one to five because it was said that that was the age period in which the blood lead levels would appear. There was a control group in West Covina where the children did not live near a battery plant such as ours here. The final result of that study was that there was no significant blood lead levels in the children that were tested. I questioned the study then, and I question it now.	The Department of Toxic Substances Control (DTSC) has no control or authority over how the Los Angeles County Department of Health Services conducts their environmental health investigations. Their highly qualified staff is in a better position to determine the adequacy of the study design. DTSC has no comment on the adequacy of their study.
LA-29	My background is over 25 years of occupational analysis and test development research where I have collected samples, collected studies, analyzed data, and written technical reports. That was for the Department of Labor. And these reports are published. I question this study because Amy Wall is a very talented and fine researcher, but at the time she was not able to conduct the study every day. She was pregnant and having problems. The research was turned over to an assistant who was not quite as expert. So I do question the results of that study. But the study -- information about the study is available in the Hacienda Heights Library.	The Los Angeles County Department of Health Services (LACDHS) indicates that it is unaware of Amy Wohl's medical history. However, LACDHS does know the study referred to is a well-written study, published in a peer-reviewed journal.
LA-30	My question to you folks is, under the circumstances when we're dealing with emissions and health studies, why there wasn't a representative of the Department of Health here and why somebody from A.Q.M.B. was not here?	Representatives of the Los Angeles County Department of Health Services (LACDHS) and South Coast Air Quality Management District (SCAQMD) attended the meeting.
LA-31	It would seem that a public hearing such as yours is so important to this community that you would invite every agency that would have some responsibility for some aspect of the problem.	The Department of Toxic Substances Control (DTSC) invited other regulatory agencies to attend Quemetco public meeting.
<b>MR. TORRES</b>		
T-1	Listen, I'm concerned about a number of things. Number one is the late date we got the questionnaire information.	See response to comment DM-201.
T-2	The second one is the underwater -- underwater treatment going on.	By "underwater treatment" it is presumed that you mean treatment of ground water. To date, the Department of Toxic Substances Control (DTSC) has not determined that extraction and treatment of groundwater to remove site-derived contamination is necessary. See also responses to comments DM7, DM-8, DM-9, DM-20, DM-21, DM-22, DM-23, DM-24, DM-40, DM-94, DM-95, DM-96, DM-97, DM-98, DM-110, DM-111,

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
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 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		DM-112, and DM-113.
T-3	And I certainly agree with what's her name's comments -- Lillian's comments about the closure actually of the Quemetco -- Quemetco.	The comment is noted. See response to comment DM-250.
T-4	And I've been a past member for 20 years of Hacienda La Puente Unified School District Board of Education, and certainly I know a little bit about the closure and so forth. So I heartily agree with Lillian.	The comment is noted. See response to comment DM-250.
<b>MR. TROY VEILLEUX</b>		
TV-1	Let me begin by saying I really dread this public speaking. Always makes me extremely nervous. But first of all, you know, hats off to Lillian to -- because she came prepared and gave some facts to us. And also hats off to the people here because they gave us the high level, but we really got the details. It seems like from Lillian to -- thank you to Lillian once again. I didn't come prepared like Lillian.	The comment is noted.
TV-2	I actually heard from my neighbor last night that this meeting was going to occur tonight.	See response to comment DM-200.
TV-3	And it seems like living in Hacienda Heights has become a full-time job. Every night we get a meeting for -- we've got the landfill, the double-decker freeway. And you know, really unfortunately for all of us, we have Quemetco.  And it's really disappointing to work all day and try to pay your house payment and come home and hear something as terrible like a toxic waste facility. How disappointing it is to go to work and tell the people you work with that "I have a landfill in my backyard, and I have a toxic waste dump facility" -- whatever you want to call it. And you really feel helpless after a while.	The comments are noted. To clarify for the record, the Facility is not a "waste dump facility", it is a hazardous waste treatment facility.
TV-4	Come and talk and hear everything on the presentation tonight, all I saw in the process was approval. Well, what about the opposite of that? What about voting it down? I didn't see on the form where it said that that's an option. And I don't believe it is.	During the public meeting on November 1, 2001, the Department of Toxic Substances Control (DTSC) provided permit and CEQA flow charts which describe the decision process for approval or denial of a permit. The California Code of Regulations, title 22, section 66270.29, specifies the language for denying a permit. A draft Permit was being provided to the public for review and although DTSC was proposing to approve it, DTSC made it very clear that public comments and concerns would be considered during the decision-making process.
TV-5	I don't believe anything in this town gets turned down. It hasn't with the landfill. It's been 20 years. And you know, I want to do my best to fight this. I encourage everybody to write letters.	The comment is noted.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

TV-6	I grew up in a town with an old paper factory that used chlorine. And chlorine destroyed the factory by eating away at its pipes. And the only thing the factory did is get fines. For the small fines they got, it was no big deal. They can pay those fines. I really doubt that Quemetco will be any different. They'll do what they need to and no more, based on fines.	The comment is noted. The final operation and post closure Permit will require Quemetco to comply with all applicable laws and regulations. If Quemetco does not comply with the Permit, the Department of Toxic Substances Control (DTSC) will take enforcement action requiring Quemetco to comply with the requirements of the Permit. In extreme situations their permit could be suspended or revoked.
TV-7	So there is no company that has our best interest in mind. The companies you work for, their best interest is making money. And it's about making money for the stockholders and making money for the owners; but you know, we're just employees. We're just the little guy. But that doesn't mean we can't write letters. And once again, I encourage everybody to write letters to those guys. Let them know your concerns. If you just feel you're being walked over, then write that.	The comment is noted. The Department of Toxic Substances Control (DTSC) has a mission to protect the environment and public health in the State of California. DTSC does not work for Quemetco. It is DTSC's statutory responsibility to process Quemetco's hazardous waste permit application.
TV-8	I encourage you to look at the EIR. If you look at the landfill, one, it's a monster. I can only imagine what this one looks like. I'll leave it at that. I'm concerned, and I really don't want to see this permit or license or whatever get put in place. It's been -- sounds like almost 20 years they've had a permit. You can't even drive a car for six months with a permit. I'm really surprised. That's it.	The comments are noted. See responses to comments TV-3 and TV-4.

**MS. MARY LORENZANA**

L-1	Thank you, Lillian. You said everything and put it in a good nutshell. The only thing is, I went to the library, and I was reading. And I believe you said there was a survey that was taken to see how much -- in one it had to do with lead. And it had to do with the children one to five years old or something.	The comment is noted. See also responses to comments DM-89, DM-116, DM-117, DM-118 and DM-169.
L-2	That you took a survey -- well, anyway, I read -- this is from the library. And let me read this to you. "Soil lead, air lead, and dust lead levels in Hacienda Heights were higher than those in West Covina. Although the soil lead concentrations were higher in Hacienda Heights than West Covina, concentrations are not unlike soil lead in other places. It is likely that some of the lead in the soil in residential yards in Hacienda Heights is from the battery recycling facility. "So I'm assuming that when you took the study of these kids from one to five -- I had gone to the neighborhood, and I	The comment is noted. See also responses to DM-84, DM-85, DM-89, DM-91, DM-116, DM-117, DM-118, DM-156, DM-157, DM-161, DM-162, DM-163, DM-166, DM-170, DM-178, LA-11, LA-16, LA-28 and LA-29.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	asked some of the parents because I never was approached or anything. And I've been there for 35 years.	
L-3	The Parents that were approached were those parents that just moved in from five years previous to this. Here is the list in about three blocks from my house. I have 13—12 deaths leading to some type of lead disease. These people have had lived there over 20 years. Now you said how many? One in four get cancer or something like this. This is very high. And if you want, I can give you the names whenever you want, if you want to see them.	The comment is noted. See also responses to DM-84, DM-85, DM-89, DM-91, DM-116, DM-117, DM-118, DM-156, DM-157, DM-161, DM-162, DM-163, DM-166, DM-170, DM-178, LA-11, LA-16, LA-28 and LA-29.
L-4	That's all I have to say, but I'm concerned. Every time I drive in the evening, I see the big smoke coming up. I haven't noticed this much in years. And like I say, I have lived here over 30 years. And I don't know. It's like you said, we have the dump. We have the freeway. Now we have this. That is all I have to say. But I just want you to be aware of all these people that have died with some type of lead disease. And that's within the four-radius block in my neighbor hood.	The comment is noted. See also responses to DM-84, DM-85, DM-89, DM-91, DM-116, DM-117, DM-118, DM-156, DM-157, DM-161, DM-162, DM-163, DM-166, DM-170, DM-178, LA-11, LA-16, LA-28 and LA-29.
<b>Mr. RUDY ALMEIEA</b>		
RA-1	My name is Rudy Almeiea. I've been here 41 years. I live west of Seventh Avenue. There are 104 homes. And I might be repeating myself.	The comment is noted.
RA-2	Quemetco has been operating since the late 1970s under a temporary operating permit until the EPA could do a more thorough review of the operation. During that time our community has suffered environmentally and healthwise from late-night sulfur-smelling emissions from their smokestacks, streambed contamination, damage to the flood control channel, and who knows what else.	See responses to comments DM-10, DM-25 and DM-26.
RA-3	The EPA has identified more than 40 years of contamination on the property.	The comment is noted. See responses to comments DM-9, DM-77, DM-95, DM-96, and DM-97.
RA-4	Quemetco has been inspected numerous times by the Department of Toxic Substances Control, County Sanitation District, South Coast Air Quality Management District, and probably other regulatory agencies; and has had numerous violations and received citations and fines in almost all of these cases.	The comment is noted.
RA-5	In 1993 Quemetco was fined 2.5 million to help clean up 31 million pounds of lead waste which	The comment is noted. This was a part of the ALCO Pacific case.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	was illegally dumped near Tijuana.	
RA-6	In April 1996 the Department of Toxic Substances Control required Quemetco to prepare an environmental impact report including health risk assessment in order to get a permit from their department. It is now 2001, and this report still has not been finalized.	The comment is noted. For clarification, DTSC approved the Health Risk Assessment (HRA) on June 29, 2001.
RA-7	Quemetco has not been a good neighbor to our Workman Mill and Hacienda Heights communities, but they have been allowed to continue operation under a temporary permit for over 20 years.	The comment is noted. See responses to comments TV-4 and TV-5.
RA-8	By now, we have all read the warning notices published in the paper required under Proposition 65 from Quemetco indicating that the plant emits harmful lead into the air.	The comment is noted. See response to comment RA-9.
RA-9	Their studies show that the blood lead levels in the young children in the area are within normal limits. Since lead has no long-term cumulative effect in the human body, we wonder why people that lived in the area since the 1970s weren't included in this testing.	Young children living near the battery recycling plant were the focus of the study, as they are most vulnerable to the effects of lead. Children play outside in potentially lead contaminated soil and have hand to mouth behavior that increases the potential for exposure. In addition, the developing neurological systems of young children are more susceptible to the neurotoxin properties of lead compared to the neurological systems of adults.
RA-10	This editor in the past year has undergone radiation and chemotherapy for cancer and has lost four very dear, long-time neighbors due to the cancer. We're sure that there are many others living in the area of influence to Quemetco that have cancer or died from cancer. Is there a correlation between cancer and Quemetco?	The University of Southern California (USC) researchers concluded that the results of the cancer rate assessment do not provide evidence of a causal link between cancer and residential proximity to the Quemetco facility. See also response to comment LA-19.
RA-11	MR. ALMEIDA: I went to the library and I looked at the EIR. Made it to the library, spent about four hours looking at the EIR. I could have spent another two, three days. And I found a notice of preparation document report the quality accusation of item 5, any significant effect on the environment? The answer, Department of Toxic Substances Control organization said that the project would not have any significant effect on the environment. The statement is false.	The commenter refers to finding an "item 5" contained in a "notice of preparation document report" while reviewing the draft Environmental Impact Report (dEIR) at the library. It is not clear what the commenter is referring to. A search of the dEIR, Notice of Preparation (contained in the dEIR) did not reveal any reference to an "item 5". See also response to comment DM-10.
<b>MR. LARRY GARCIA</b>		
LG-1	Good evening. My name is Larry Garcia. And like many of you, I received a letter which indicated that we had to be notified that we were being exposed to something. And so in this letter there was a phone number to get in contact with an individual if you had questions or concerns, which is what I did.	The comment is noted.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

LG-2	And I received this, (indicating) which kind of gave me the general outline of what we heard from the people here. But included was also a letter. And I basically had two questions that I asked. And in this letter neither one of the two questions was addressed. And when I receive a letter that doesn't address my questions, that to me is a red flag.	The comment is noted.
LG-3	The questions that I have is that the children were tested only once in 1994. Yet, Quemetco, I'm sure, is monitored on a yearly basis. Why is it that children are only tested once?	Children are generally only tested once at age two because that is what the American Academy of Pediatrics and the Centers for Disease Control recommend. The group of children tested in 1994 were participants in a cross-sectional study to examine the association between living near a large stationary lead source and blood lead levels. It would be appropriate to test a child more than once if there was a significant known lead exposure. Current Quemetco lead emissions are within the limits which means we don't believe the lead emitted would cause elevated lead levels in blood. Therefore, continuous lead testing is not deemed necessary.
LG-4	And if you take a look at those children -- which one of the questions was, who were these children and where were they located?	The children who participated in the study were residents of either Hacienda Heights (study site) or West Covina (control site). They were required to have lived in their homes for at least three months prior to data collection in order to be eligible to participate.
LG-5	We have a concern because children may have been in the area outside of the plume area.	See response to comment LG-3.
LG-6	Because one of the things that I requested was a series of maps which they give to us publicly, and I wanted to see the maps for the last ten years. They should have them on file because they send it to us in the mail. I received no maps.	The Department of Toxic Substances Control (DTSC) is not responsible for Prop 65 notifications and maps. DTSC is unsure as to whether any agency maintains copies of the previous notifications. The commenter needs to contact Quemetco directly for such information.
LG-7	But from what I recall, I remember that the plume concentration was basically in the area of industrial area.	See response to comment LG-6.
LG-8	Industrial park is on Sixth street, Seventh street. And it also encompassed areas along the area where the dump is located. Many of the residential areas were excluded.	See response to comment LG-6.
LG-9	The last one that I received I saw a shift. And the shift was now in the residential area. That's a red flag.	See response to comment LG-6.
LG-10	Children in certain areas, the parents live for a short period of time in a school area, and they move on to another area. They're called "transients". That doesn't mean they live in the streets. That means parents move in, rent, and they move on to another. If you go to the schools in this area, you will find that many of the students are transient students. They're	See responses to comments LG-11 and LG-12.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	here for a year or two, and then they go on.	
LG-11	I asked the residents, the schools in the area that I live; because I live in El Dorado Heights which is about half a mile from Quemetco; and I checked with the child center which my children went to, and they were never tested. I went to Don Julian elementary school, and I asked if they had ever been tested; and the answer was no. I went to Andrews Elementary School, and I asked if any of the kids there had been tested; and the answer was no. So what I'm thinking about is -- I'm thinking, wouldn't it have been wise to check a larger area of schools of kids that are in the area?	In response to resident concerns expressed at a community meeting held in November 2001, the Los Angeles County Department of Health Services agreed to offer free lead testing. Free lead testing was conducted on March 14, 16 and 21, 2002. The target audience was elementary school students who live within a one-mile radius of the Quemetco facility. Elementary school age children were chosen as the target population because they are most at risk for lead poisoning.  While the testing was held at Don Julian Elementary, Palm Elementary and Nelson Elementary, parents at Los Robles Academy, Shadybend Elementary and Hillgrove Center were notified about the availability of the free testing as well. In addition, notifications were mailed to residents on the Department of Toxic Substances Control (DTSC) mailing list, and an announcement was printed in two local newspapers. Although the lead testing was primarily for students, all who were interested received a free lead test.
LG-12	Wouldn't it have been advantageous to check on the kids who have lived in the area for all their lives?	The blood lead study that was conducted in 1994 was a random sample, cross-sectional study which represented all children in the community. This is the most accurate way to determine if a particular lead source is causing elevated lead levels for the population studied. Furthermore, any child who participated in the study had to live in the community for at least three months prior to testing. If there was a significant lead exposure, three months would have been plenty of time to increase blood lead levels.
LG-13	One of the things that bothers me is the difficulty with monitoring people who have had cancer. Because the fact is many of us move into neighborhoods, and the neighborhoods themselves, many of the -- I would say elderly or the senior members, they don't live there anymore. They have moved on to other places. They've retired to other locations. And so it's very difficult for someone like me to come into it, say tell me about the neighbors here that have lived here for 10, 20, 30 years.	The comment is noted.
LG-14	Well, last night I went to one of my neighbors who has lived here for 30 years -- over 30 years. And I asked her -- I said, I've got a curiosity about these neighborhoods here. You've been in contact with their children. You've been in contact with their grandchildren. Tell me something about the neighborhood. And we picked one of the cul-de-sacs. There are ten houses on this cul-de-sac. And after I finished the conversation, I found out that five of the ten original owners had died of cancer. Now, you mention one in four. Well, if that was the rate,	The current estimated cancer rate is one out of three women and one out of two men will be diagnosed with cancer in their lifetime. Also keep in mind that each type of cancer is a separate disease with its own set of risk factors. For example, we know that lung cancer is primarily caused by smoking and skin cancer is caused by too much sun exposure. Unfortunately cancer is a common disease and the risk of being diagnosed with cancer increases as one grows older.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	you would have 2 -- maybe 2.2. But here you have a ratio of five out of possibly ten, which to me is a lot more. I'm not a doctor.	
LG-15	The house that I live in, person died of cancer who was a long-term resident. And I just found that out. I guess -- I guess overall I'm just concerned because I have two children, and all of us have children and grandchildren who come and stay with us and live with us.	The comment is noted.
LG-16	And I'm concerned about living where I'm living because I wasn't told when I bought my home that there was this danger. Because that definitely would have been something of importance to me in making that decision as to whether or not I would have bought my property. And now I'm told that if I were to sell my house, I would have to tell the prospective purchaser that they are living in an area that is potentially a danger to their health.	See response to comment DM-255.
<b>Ms. SUSAN MORAN</b>		
SM-1	I'm Susan Moran. I teach at Los Robles right down the street. I want to know, how do we know that this is an exhaustive representation? How do we know this is an exhaustive research representation of the communities? I work at Los Robles right down the street. I live about a mile from here. I didn't receive anything in the mail about this. I have neighbors that live farther, and they received it so -- so I want to know how we know that everybody is being contacted?	See response to comment DM-200.
SM-2	And I find it interesting that we've done -- that this research and this information has come out when the kids are not in school, when information cannot go home through the children to the parents, and when a lot of our families are on vacation.	See response to comment DM-200.
SM-3	One of the other questions I had is if this information is not acceptable to the community, what recourse do we have?	See response to comment DM-207.
SM-4	How do we stop the process? Because I think I heard enough people speak that this is what we want to do. We've had enough. There are enough things that Hacienda Heights has to deal with.	See response to comment DM-208.
SM-5	There are enough things that Hacienda Heights has to deal with.	The comment is noted.
SM-6	I just want to share with you for a minute. I'm a kindergarten teacher. I have taught for 20 years. The last seven have been at Los	The comment is noted.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	Robles. There is an increasing number of students who have learning disabilities, speech disorders; hyperactivity, attention deficits, reading disorders. And there are so many that our district cannot service all of those children.	
SM-7	Now, you know, as a teacher and a resident of this community, it's my responsibility to help those children not only in teaching them, but in every way that I can. And if their health is not what it should be, then their learning is not what it should be. And I just think this is really unfair	The comment is noted.
SM-8	I think -- we already have the dump to contend with and the freeway. And I see this constantly in the children that come in.	The comment is noted.
SM-9	One other thing is I want to know who from the Environmental Protection Agency and when will they meet with the community in an open forum to tell us, in layman terms, what the assessment report says.	Quemetco's public hearing was held by The Department of Toxic Substances Control (DTSC) on August 14, 2001 and public meeting was held on November 1, 2001. The hearing was held to accept comments from the public while the subsequent meeting included direct discussion and responses to some questions. The U.S. Environmental Protection Agency (U.S. EPA) is not directly involved at the Facility.
SM-10	I'm a state employee. I'm required to share my understanding -- my level of understanding and my knowledge with my students at their level of understanding. I'm an educated person with a Master's. I do not understand what information you have been sharing with me. I need to know it in layman terms, just as I provide for my students. And I think we deserve that.	The Department of Toxic Substances Control (DTSC) policy is to provide presentation in layman's terms as much as possible.
<b>Ms. TERRY MOLINA</b>		
TM-1	First, I would like to say that I consider all of my children one in a million. And since I have five of them, I have a great concern here.	The comment is noted.
TM-2	I live less than a half a mile from Quemetco. I'm a neighbor of Ms. Avery, and most of my information comes from her. And I thank her for that. If this has been a 60-day public comment, why has all the information come in the last week?	See response to comment DM-200.
TM-3	And I also want to thank Quemetco. They were kind enough to mail me the information. Of course, I got it last night when I got home from work. We now have ten days to go and review the documents and respond.	The comment is noted.
TM-4	Like a lot of you, I work full time, and I have children that have other things to do. I've spent my time here up until public comments started. I felt like I wasted my evening. I came here tonight for the DTSC to	Although a portion of meeting time was spent discussing the permitting process, a majority of the meeting time was spent on risk assessment and environmental issues together with acceptance of questions like this.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	give us information on how this is going to affect us and how this is going to affect our children. I don't want to know how to file a permit because I'm not going to open a hazardous waste dump in your area. I live here with you. I'm a neighbor.	
TM-5	When the presentation was over, I felt like you could have dropped the powerpoint presentation in the mail to my house, and I would have understood it more. However, again, thanks to the people who spoke because I feel like I know a lot more now.	The comment is noted.
TM-6	Lastly, I would like to say that I will not make it over there to review the documents because I don't have time to do so. But I will send a letter to the Department requesting that they give us another 60 days and another 60 days and another 60 days until we have adequate time to get the information to Susan's school and every other school in this area. And I encourage everyone to do the same.	DTSC extended the original public comment period, and held another public meeting on November 1, 2001.
<b>Ms. YOLANDA HIRSCHT</b>		
YH-1	My name is Yolanda Hirscht. I live by Seventh and Clark. We've lived there for 72 years -- since 1972. Excuse me. My comment pertains to the major groundwater problem which I don't think has really been addressed too much. But I understand this has a major, significant impact.	The data from the previous and existing groundwater monitoring wells does not support the statement that there has been major impact. See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.
YH-2	Can it be estimated as to the measure of the degree of the problem? We haven't been told much of this major groundwater problem. DTSC has decided to extend the permit for five years instead of ten because of the major water problem.	DTSC has not made a determination that there is a major groundwater problem. There is no relationship between the length of the Permit and groundwater issues. See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.
YH-3	We haven't been told much of this major groundwater problem. DTSC has decided to extend the permit for five years instead of ten because of the major water problem.	See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.
YH-4	We have to think about our children drinking the water. Most of our kids do not drink from the purified water; they drink from the faucet or wherever. We have to think about this.	See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.
YH-5	All of my concerns were addressed already. And I thank Lillian, she covered everything very well. We do have to think of the major groundwater problem. I'm sure most of us probably have seen the movie "Erin Brokovich," and they have to think about those things.	DTSC has not made a determination that there is a major groundwater problem. The existing data do not support that type of conclusion. See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

**Mr. MICHAEL HUGHES**

MH-1	My name is Michael Hughes, and I'm a resident of Hacienda Heights. First, I'd like to thank Lillian Avery for taking the lead for our community in finding out the facts and telling us the facts a lot more than we found out. The first half of this presentation was filled with information on processes, mechanisms, but nothing specific about Quemetco. I was very disappointed that we didn't find out anything at all about what they had found, merely the mechanism by which they were finding it.	The comment is noted. See also response to comment TM-3.
MH-2	I think what we're hearing tonight is Quemetco does not belong in a bedroom community. It doesn't belong in Hacienda Heights. It doesn't belong in West Covina.	See response to comment DM-314.
MH-3	We need these types of operations, what they're doing is very important. I'm sure there are thousands of acres somewhere out in the desert that would be an appropriate place. If a truck tips over, spills its contents, it doesn't pose a threat to the community. The trucks, as they go down the street, stir up the dust. They don't pose a threat to our community.	See response to comment DM-314.
MH-4	There is one thing that was not mentioned in the EIR draft when it goes to the final EIR. It was two years ago a rail underpass was put in at Seventh street. At that time the HHIA requested that the soil samples be tested at depth to see if there was any contamination at depth and any contamination in the dust being raised through that process of putting in the railing underpass. The results of those tests, to the best of my knowledge, no one has ever seen. And I think that they should be included in the final EIR in case they have something of importance to this community.	The Department of Toxic Substances Control (DTSC) has not received any data or information from the City of Industry Planning Department and cannot confirm statements made by commenter relative to the soil testing at a Seventh street rail underpass project.

**Mr. MICHAEL BRYDGES**

MB-1	My name is Michael Brydges. I've been a resident of Hacienda Heights for 30 years and a part-time resident for 11 years. My mom passed away around six years ago, along right before her Penny Kent (phonetic), Yoka Naukamora (phonetic), and several others. I know that many of you out there also know people. It's all within a one-mile radius of where you live that you know people that are passing away. And it's just amazing to know that that's occurring so quickly and is so commonplace where we live.	The comment is noted.
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

MB-2	There is some concerns that I have as I was listening to the gentleman present the information. One, on the EIR report or the review that is located in Glendale, why can't we make that available at the Hacienda Heights library if somebody would like to review that to make it assessable to have?	The EIR report and other documents on the project are available at the local library:  Hacienda Heights Public Library Reference Desk La Monde Street Hacienda Heights, CA 91745
MB-3	So in addition to that, my other concern was when Mike Schum came up to speak about the concerns about the levels in terms of that perhaps Quemetco is being within guidelines for being done. We're hearing a repeat in terms of the freeway that's located here and also the concerns with the land dump. And my question is, when these tests are done to determine whether the levels associated with toxicity for a group of people, does that include an accumulated account of not only the plan itself, but also of the off ramp that comes from the freeways and also the dump that is nearby? You would have to be inclusive of that as well.	The comment is noted. See responses to other more specific comments.
MB-4	There is within a one-mile radius a day care center that's located on Park Avenue that, I believe, is still in operation. So those are some of the concerns I have. It seems to me if there has been some type of concern within the public and if we're looking out to that, we would be able to take that into account.	The comment is noted. See responses to other more specific comments.
MB-5	Lastly, I think most importantly, I think the forum in terms of answering questions or listening to questions that are being done is very inadequate. I cannot believe that every time we have a hearing like this we are patient enough to listen to one hour of people's presentations, and yet we never get any of our questions answered. It's extremely unfair for that. And there is a real concern that if you are not hiding things, then why aren't you answering the questions that we have?	Some of the questions or comments were responded to during the public meeting and some of them are responded to in writing here. See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.
<b>Mr. TOM ERICKSON</b>		
TE-1	Hello. My name is Tom Erickson. I'm a long-time resident of the area, 30 years. And I don't have anything new to add other than I'm also frustrated by the process we've heard tonight.	The comment is noted.
TE-2	A lot of questions have been asked. We haven't had any answers as to what's going on with Quemetco.	Quemetco's public hearing was held by The Department of Toxic Substances Control (DTSC) on August 14, 2001 and public meeting was held on November 1, 2001. The hearing was held to accept comments from the public while the subsequent meeting included direct discussion and responses to some questions.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

TE-3	It seems like instead of them asking how can we expand Quemetco, we should be asking how can we limit their operation and shut it down and relocate it.	DTSC must be consistent in applying the applicable and regulatory criteria in making its decision on any given permit application to ensure that the environment and public health are adequately protected.
TE-4	I know a lot of local people are concerned about the groundwater, but we've -- I've been reading in the paper about Federal Park -- Federal River Reserve that Congressman Solis is doing with the Federal Government. San Jose Creek is right next door to Quemetco. How much of the toxic waste from water runoff rain goes into San Jose Creek?	The previous discharges to San Jose Creek were addressed through enforcement actions taken by the U.S. Environmental Protection Agency and the Los Angeles Regional Water Quality Control Board. No similar occurrences have been observed since that time. The Porter-Cologne Act is primarily enforced by the Los Angeles Regional Water Quality Control Board (LARWQCB) which makes determinations on how to implement the relevant water quality requirements. Should any Waste Discharge Requirements (WDRs) be adopted for the Facility in the future by the LARWQCB, DTSC would include those by reference in the Permit. No similar occurrences have been observed since that time. The Department of Toxic Substances Control (DTSC) is requiring in Part IV of the final Permit, that the Permittee begin to monitor surface water, under California Code of Regulations, title 22, division 4.5, chapter 14, article 6 to address these issues. Also see responses to comments DM-28, DM-31, and DM-123 to DM-130.
TE-5	What about how much toxic waste is going to go into the local landfill?	The Department of Toxic Substances Control (DTSC) assumes that in reference to the "local landfill", the commenter means the Puente Hills Landfill in Whittier, California. By law, Quemetco is not permitted to send any toxic or hazardous waste to the Puente Hills Landfill. The Puente Hills Landfill is a Class III sanitary landfill and will not accept hazardous waste. All of Quemetco's hazardous waste is sent to a Class I waste management unit located at a landfill specially designed to accept hazardous and toxic waste for disposal into particular waste management cells. Two landfills that Quemetco routinely uses are the Kettleman Hills Landfill in Kern County and the U.S. Ecology Landfill in Beatty, Nevada. Quemetco is required by law to provide the DTSC with a copy of the manifest documenting the delivery of all hazardous waste sent from the City of Industry facility to a Class I landfill.
TE-6	Into the groundwater?	See responses to comments DM-20, DM-21, DM-22, DM-23, and DM-24.
TE-7	Can the landfill deal with toxic wastes?	See response to comment TE-5.
TE-8	There is a lot of questions we don't -- has there been a long-term study of children in this area as far as environmental effects? We really don't know.	To the Department of Toxic Substances Control's (DTSC) knowledge, there haven't been any long-term studies of environmental effects on children conducted by the Los Angeles County Department of Health Services.
TE-9	We've had to deal with the dump, which has expanded and is going to continue to expand. We have had to deal with Quemetco, which has not been a good neighbor to Hacienda Heights or the 14, 000 residents in the mill area. We've had to deal with increasing traffic and congestion on the freeways. We've had a lot of serious environmental things that are	The comment is noted. See responses to other more specific comments.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	happening in this area, but we don't seem to get any answers.	
TE-10	I'm just frustrated again by the process. We don't seem to be getting answers.	The comment is noted.
TE-11	And I request or plead to all the people in this area to write -- start writing letters. Start asking questions. Again, to reiterate, I'm frustrated that we only got notice of this just a couple of days ago, and there is only ten more days to go. I have to ask myself, why is that?	See response to comment DM-200.

**LETTERS**

**Mr. STEPHEN BUSWELL**  
 Department of Transportation  
 Office of Regional Planning  
 District 7, IGR'CEQA 1-10C  
 120 S. Spring Street  
 Los Angeles, California 90012  
 [August 3, 2001]

DOT-1	Thank you for including the California Department of Transportation in the environmental review process for the above-mentioned project. Based on the information received, we have the following comments:  We recommend that construction and project related truck trips on State highways be limited to off-peak commute periods.	Your letter has been forwarded to the Facility.
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**Mr. LOUIE M. HERNANDEZ**  
 13932 Porto Rico Drive  
 Avocado Hts., California 91746  
 [August 17, 2001]

IMH-1	I have been a nearby resident of Quemetco for 16 years and have a 6 and 13 year old And I'm very concerned about the Health Hazards they produce in my neighborhood. I also belong to the neighborhood homeowner association, and we have been trying to get Quemetco to give a environmental impact report but can't get them to finalize it. They have not been a good neighbor to us by polluting out air and ground (which we get our drinking water from). We	The comment is noted. See responses to other more specific comments.
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	dealt with this for too many years, please let them leave, after they clean up what they have polluted. Don't give them another permit. Thank you.	
<b>Ms. LILIAN AVERY</b> Hedgepath Avenue Hacienda Heights, California [August 17, 2001]		
LA-1 [letter 1]	My name is Lillian Avery. I have lived on Hedgepath Avenue in Hacienda Heights for 45 years, since 1956  In 1959, Western Lead Products was permitted by the City of Industry to operate a lead smelting plant at 720 So. 7 <sup>th</sup> Ave., in property zone M, an industrial zone. Permitted uses include metal fabrication, battery manufacturing and recycling and storage of chemicals. In 1970, Quemetco took over the operation of Western Lead.	The comment is noted. See response to comment LA-1 [hearing].
LA-2 [letter 1]	Hacienda Heights, an unincorporated community beginning 500 feet from the Quemetco facility, has a community plan developed by Los Angeles County in 1978, which establishes a land used policy that prohibits the expansion of the industrial area within the community.	See response to comment LA-1 [hearing] and DM-25.
LA-3 [letter 1]	The land use element of the City of Industry establishes its primary goal as creating and maintaining a setting for manufacturing, distribution and industrial facilities within the City but that creating a setting that is complimentary to its neighbors is equally important.	See response to comment LA-1 [hearing] and DM-12
LA-4 [letter 1]	There appears to be a conflict with applicable land use plans since Quemetco and its operations seriously impact the community of Hacienda Heights with the generation and daily delivery of over 50 truck loads of used lead batteries and hazardous material; introduction of hazardous waste and materials on site which would could result in injury; fire, accidental release of air toxic emissions or acutely hazardous materials posing a threat to public health and safety; emissions or air toxic contaminants, and pollutants including lead, 1,3 butadiene and carcinogens.	See responses to comments DM-12.
LA-5 [letter 1]	It is approximately 500 feet from the Quemetco facility 107 <sup>th</sup> and Clark. There are 104 homes and 504 mobile homes located immediately	See responses to comments DM-25.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	west of 7 <sup>th</sup> Avenue. There are 220 homes located east of 7 <sup>th</sup> to Turnbull Canyon Road, and south to Gale.	
LA-6 [letter 1]	The area of the isopleth is not confined to these homes. However, the isopleth extends to past Stimson Avenue on the east, and to about Orange Grove Avenue to the south.	See response to LA-9 [hearing].
LA-7 [letter 1]	On April 24, 1996, I spoke at your public scoping meeting. My concern then was the 24 hours per day a week, year in and year out of emissions of toxic contaminants, including lead, arsenic, 1,3 butadiene and other air pollutants and carcinogens emitted into the ambient air over Hacienda Heights without ceasing, and requiring periodic proposition 65 warning and notification.	See response to LA-10 [hearing].
LA-8 [letter 1]	These emissions of toxic particles and contaminants into the ambient air over Hacienda Heights have continued without ceasing, day in and day out for over 31 years from 1970 when Quemetco took over from Western Lead.	See response to LA-11 [hearing].
LA-9 [letter 1]	These chemicals, metals and contaminants are not just dispersed in the air. Like the dew, they settle on the houses and grounds, on vegetation and produce growing in gardens, and on clothing. They are inhaled and ingested, and they are absorbed into the skin.	The human health risk assessment (HRA) prepared for the Quemetco facility evaluated the potential risks from those types of emissions which have a potential to deposit onto the ground and onto homegrown produce (chemicals emitted as or attached to particles). The HRA also evaluated potential risks from chemicals emitted as gases which we assume are only a potential risk by the inhalation exposure pathway. The lifetime excess cancer risk from potential exposure to contaminants deposited on soil and produce was estimated to be less than three in one million. The total risk from all exposure pathways (inhalation, ingestion, dermal contact, ingestion of homegrown produce, and ingestion of mother's milk) was estimated not to exceed 2.4 in one hundred thousand at the nearest actual resident with the highest annual average ground level air concentration. Risks at other residences will be less than those predicted for the maximum exposed individual resident (MEIR). Inhalation accounts for 88% of the total estimated cancer risk.
LA-10 [letter 1]	There are strong odors of sulfur and metals. The constant barrage of emissions cause acrid metallic taste, sore throats, headaches, nausea, coughing, and inhalation and respiratory problems.  The draft EIIR says nothing about eliminating and/or mitigating the emissions of chemicals, pollutants and contaminants into the air.	See response to LA-14[hearing].
LA-11 [letter	What is the estimate of probability that an individual will develop cancer as a result of	The total cancer risk (probability) is proportional to the chemical concentration, daily exposure level and total length of exposure

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
RESPONSES TO PUBLIC HEARING COMMENTS ON  
QUEMETCO, INC.**

**DRAFT HAZARDOUS WASTE FACILITY PERMIT  
PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

1]	exposure to carcinogen emissions?	(e.g. the total time spent living in close proximity to the facility). See also response to comment LA-11 [letter].
LA-12 [letter 1]	What is the estimate of daily exposure levels that cause deleterious effects to individuals exposed over a lifetime?	Different chemicals have different thresholds of exposure which the USEPA refers to as an RfD (Reference Dose) or RfC (Reference Concentration for inhalation) which is the amount of chemical per unit body mass per day that humans can be exposed to without deleterious health effects. The HRA compared these scientifically peer-reviewed toxicity criteria to estimates of daily exposure from measured emissions from the Quemetco facility and concluded that these potential daily exposure levels did not exceed any of the threshold criteria for any of the chemicals. For chemicals which have a potential to cause cancer we do not assume that there is a "daily exposure level" that may be deleterious. We assume that any exposure may increase the probability of contracting cancer over the course of one's life. The total cancer risk (probability) is proportional to the chemical concentration, daily exposure level and total length of exposure (e.g. the total time spent living in close proximity to the facility).
LA-13 [letter 1]	What is the cumulative effect of inhalation and ingestion of continuous toxic emissions over 30 to 40 years, or chemicals, metals, and carcinogens such as chromium, lead manganese, sulfur, arsenic 1.3 butadiene, and other pollutants?	See response to comment DM-165.
LA-14 [letter 1]	I have reason to be concerned. MY husband died in 1992 after suffering for three years from mouth and throat cancer.	The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific or medical staff to investigate public health complaints. We rely on the results of the Health Risk Assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood lead level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that although there was some excess risk of cancer in specific strata of the population (throat cancer was not included in their comparison), there was no elevated increase in cancer that they believed could

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		specifically be attributable to emissions from Quemetco.
LA-15 [letter 1]	Quemetco is not a nimby – not in my backyard – concern for Hacienda Heights. Quemetco is not only in our backyards, but in our front yards too. Its toxic emissions penetrate our soil, hover in the air over our homes, churches, and schools and remains in the very air we inhale and breathe.	As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex health risk assessments (HRAs) for companies). The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.
LA-16 [letter 1]	The City of Industry erred in permitting a lead processing and recycling facility to close to existing homes.	The comment is noted. See also response to comment DM-314.
LA-17 [letter 1]	The application for operation of a hazardous waste facility includes a closure permit. The closure plan includes the steps necessary to completely close the facility. Estimated date for complete closure is August 15, 2021, 20 years from now.]	The comment is noted.
LA-18 [letter 1]	We ask the California Department of Toxic Substances Control (DTSC) to seriously and carefully consider the real concerns of residents of Hacienda Heights, in establishing a closing date that will mitigate or eliminate the	See response to comment 324.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	effects of Quemetco on this community in the next few years.	
<p>MS. HILDEGARD WECK, SHIRLEY AND RICHARD LEE          1339 S. 7<sup>th</sup> Ave. /1339 S. Ridley Ave.          Hacienda Hts., California 91745          [August 21, 2001]</p>		
HW-1	<p>In regard to the August 14, 2001 hearing at Los Altos High School in Hacienda Heights re: Quemetco, Inc. hazardous waste facility I would like to express the following:</p> <p>It seems unconscionable to set an August 28 deadline to grant a permit when most of the inhabitants of Hacienda Heights had not even HEARD of this meeting All residents in a certain distance from the plant SHOULD HAVE BEEN TIMELY INFORMED ABOUT THE HEARING!</p>	See response to comment DM-200
HW-2	I object that various members of the EPA group dwelled on the process of draft permits - but practically nothing was said about the possible hazards having a lead smelter so close to our residential area.	See responses to comments DM-36 and DM-39.
HW-3	Results obtained in 1994 by testing a group of little children does not necessarily mean that ADULTS who lived in the vicinity of the plant since before the lead recovery was started in 1970 are not adversely affected by the hazardous waste facility.	Blood lead sampling done by Los Angeles County Department of Health Services (LACDHS) in 2001 included 75 adults. One adult who reported occupational exposure to lead appeared to have an elevated blood lead-level. None of the other adults showed an elevated blood lead-level.
HW-4	Thorough evaluation of water (surface, San Jose creek and ground waters) should be done prior to even thinking of giving a final permit.	See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-119 to 121, DM-123 to 132.
HW-5	Air testing during peak process hours should be performed and results made public.	See responses to comments DM-136, DM-194 to 198.
HW-6	Information given by several residents at the hearing regarding increase of cancer deaths of people who had lived in the vicinity of the plant should be investigated and publicly discussed.	The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services (LACDHS), Toxics Epidemiology Program and they have conducted additional blood lead level testing in the area and determined that blood lead levels are not

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to Los Angeles County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco.
HW-7	I think it would be better to have Quemetco facility displaced into i.e., a desert area, than to possibly expose local residents to health risks now or in the future!	See responses to comments DM-12, DM-107 and DM-329.
HW-8	As a longtime resident of Hacienda Heights we strongly urge Not to give a final permit to this project.	See response to comment TV-4.

**Daniel E. Donohoue, Chief**  
 Air Resources Board  
 1001 I Street  
 Sacramento, California 95812  
 August 23, 2001

ARB-1	<p>"We have reviewed the Air Quality and Human Health and Safety Sections of the Draft Environmental Impact Report (DEIR) for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc., submitted to the Department of Toxic Substances Control Division (DTSC). The information in the Human Health and Safety Section of the DEIR was extracted from the "Human Health Risk Assessment in Support of the Resource Conservation Recovery Act (RCRA) Part B Permit for Quemetco, Inc., City of Industry" document developed by Kleinfelder consultants. This document provides an assessment of the potential cancer and chronic noncancer health risks due to toxics emitted as part of the facility operations. To enable an adequate analysis of the potential health risks, we recommend that the Air Quality and the Human Health and Safety Sections of the DEIR contain the following information:</p> <p>Criteria Air Pollutant Evaluation        Table 3.4-2 does not include the Federal 8-hour ozone standard and the Federal and State PM 2.5 standard. These standards should be a part of the table showing Federal</p>	<p>The health risk assessment (HRA) evaluates those hazardous chemicals released from the facility as measured in source testing required by and monitored by the South Coast Air Quality Management District (SCAQMD). We recognize that the California Air Resources Board (CARB) and the local Air Quality Management Districts are required by law to enforce the provisions of the Clean Air Act as they apply to Priority Pollutants. Emissions of ozone and PM 2.5 from the Quemetco pollution control systems are therefore regulated by the CARB and the SCAQMD so as to be protective of human health. A key part of the Permit is to require compliance with all applicable regulations enforced by the air districts. As long as Quemetco is in compliance with all State and Federal air quality regulations, the emissions of ozone and PM 2.5 are not expected to produce adverse health effects.</p>
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	and State criteria pollutant ambient air quality standards. "	
ARB-2	<p>"Air Toxic Dispersion Modeling</p> <p>Although the report refers to the dispersion modeling used to estimate health risks, no dispersion modeling results were included with the report. To provide a comprehensive analysis of the report and the dispersion modeling results, this information would need to be provided."</p>	<p>The draft Environmental Impact Report (dEIR) only included the summary information from the health risk assessment (HRA). The complete air dispersion modeling results are included as an Appendix B in the HRA. The full HRA is available in the public document repository. The Department of Toxic Substances Control (DTSC) did, in fact, utilize the dispersion modeling results in its analysis of health risks and the complete HRA was available at several locations as noticed in the public review notice, including the local libraries, the DTSC, and at the Facility. Additionally, the HRA was available by request during the public review period.</p>
ARB-3	<p>Neurodevelopmental Health Risks Due to Elevated Blood Lead Levels</p> <p>Maximum blood lead levels were estimated using the DTSC LEADSPREAD model. Maximum blood lead levels due to emissions of lead from the facility were estimated to be less than 10 ug/dL, the "level of concern" identified by the Centers for Disease Control and Prevention. Although the LEADSPREAD model was recommended for DTSC's analysis of health impacts, the Air Resources Board and the Office of Environmental Health Hazard Assessment (OEHHA) feel that it would be more appropriate to use the aggregate blood lead/air lead slope values published as part of the technical support document for the identification of lead as a toxic air contaminant of the Integrated Exposure Uptake Biokinetic (IEUBK) model developed by the United States Environmental Protection Agency. This analysis to predict blood lead levels should follow the protocol given in the ARB Lead Risk Management Guidelines. The Guidelines are available on the ARB website at <a href="http://www.arb.ca.gov/toxics/lead/lead/htm">http://www.arb.ca.gov/toxics/lead/lead/htm</a>.</p>	<p>It is the Department of Toxic Substances Control's (DTSC) policy to use the LEADSPREAD model to evaluate exposures to lead for both the State Hazardous Waste Management Program and the State Site Mitigation Program. We are aware that the Air Resources Board prefers the U.S. Environmental Protection Agency's (U.S. EPA) IEUBK model and recommend its use to local air districts. Both models give similar results and we believe either one will provide suitable estimates of blood lead levels for risk management purposes.</p>
ARB-4a	<p>"Cancer and Noncancer Health Risks Due to Toxic Air Contaminants</p> <p>The document addresses chronic cancer and noncancer risks, but acute noncancer effects were not addressed, and the report does not indicate the reason for this omission. The reason for the omission should be made clear."</p>	<p>The Department of Toxic Substances Control (DTSC) is aware that the Air Toxics Hot Spots program (AB 2588) specifically requires evaluation of short term, acute inhalation exposures. The Facility has prepared a separate AB 2588 Hot Spots risk assessment submitted to the South Coast Air Quality Management District (SCAQMD) pursuant to the AB 2588 regulations. DTSC does not review or approve AB 2588 risk assessments; that authority belongs to the Air Resource Board (ARB). At our request, the facility did supply the relevant sections of the Hot Spots risk assessment (prepared by Justice &amp; Associates for Quemetco dated December 13, 2000). No acute non-cancer health effects were expected based on their analysis.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

ARB-4b	The report shows chronic cancer and noncancer health effects for hypothetical and actual resident child and adult receptors. The report does not show the differences in breathing rates and body weights used in this risk assessment for the child and adult receptors. The child and adult breathing rates and body weights used in this assessment as well as the source of these values should be provided to complete an analysis of the risk assessment results.	The draft Environmental Impact Report (dEIR) only included the summary information from the health risk assessment (HRA). The full HRA, including all exposure factors and their sources, is available in the public document repository. The HRA prepared for the dEIR uses exposure factors recommended by U.S. Environmental Protection Agency (U.S. EPA) and Department of Toxic Substances Control (DTSC) risk assessment guidelines which may differ from those adopted by the ARB for AB 2588 risk assessment purposes.
ARB-5	"General Health Risk Assessment Comment  Only the Executive Summary plates and tables from the Kleinfelder report were included in the Appendix, plates and tables for the remainder of the report were not included. These plates and tables are needed to complete an analysis of the results of the air health risk assessment."	The draft Environmental Impact Report (dEIR) only included the summary information from the health risk assessment (HRA). The complete HRA was available at several locations as noticed in the public review notice including the local libraries, the Department of Toxic Substances Control (DTSC) regional office in Glendale and at the Facility.
ARB-6	We would also like to point out that the local air pollution control district may have jurisdiction over air impacts of any proposed project and should have the opportunity to comment on material contained in the DEIR. In the case of this proposed facility, the South Coast Air Quality Management District should have an opportunity to comment.	The South Coast Air Quality Management District (SCAQMD) had an opportunity to review and comment on the draft Environmental Impact Report (dEIR), and they responded to public comments related to the issues within their jurisdiction.
<p><b>Earl L. Thomas</b>          14647 Palm Ave.          Hacienda Hts., California 91745-1943          [August 24, 2001]</p>		
ELT-1	<p>"These are my comments on the Draft EIR for the permit to operate the battery Recycling facility by Quemetco.</p> <p>General</p> <p>As a resident of Hacienda Heights, my concern is the health of the children, Residents and workers in this area. Based on information provided by Quemetco and articles in the SGV Tribune, children in schools have been tested for lead in their System. It is my understanding the levels of lead in the children had not risen. If that information is accurate, issuing a permit to operate the facility for ten years seems reasonable. This assumes that Federal and State laws regulation, etc. are met. "</p>	See responses to comments DM-116, LG-3, DLB-17 and JT-4.
ELT-2	I. Pg 1-2; 1.4 Project Objectives This section does not cover reconstruction of	The project for which the draft Environmental Impact Report (dEIR) was prepared is the approval of a permit for the continued

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
RESPONSES TO PUBLIC HEARING COMMENTS ON  
QUEMETCO, INC.**

**DRAFT HAZARDOUS WASTE FACILITY PERMIT  
PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	the operating system, say because of new technology, or the expansion of the operation on the existing property.	operation of an existing facility with no modifications or expansions to the existing facility operations and no construction or expansion to the existing physical facility. Therefore, the final EIR would not cover or address the implementation of new technology or the "expansion" of operations at the facility. However, if future modification or expansion is proposed for the Quemetco facility, the project would be subject to a separate CEQA evaluation/ determination.
ELT-3	"Due to the proximity of Palm Elem and Hudson schools, the El Encanto Sanitarium and the day-care center on Clark Ave., neither of these cases shall be allowed under this permit. If they plan for either one, they should have to relocate."	See response to comments DM-12, DM-107, DM-116 to 118, and DM-329.
ELT-4	"Please cover these cases in the Final EIR."	See response to comments ELT-2 and ELT-3.
ELT-5	"Pg 2-1; 2.2 Facility History  On the issue of who was here first, check with LA County. Around 1960, One of the products at that time was brake-shoes for railroad cars."	The DTSC has noted the comment. The commenter does not raise specific issues of adequacy relative to the DEIR. Pursuant to the CEQA Guidelines, Section 15126, in assessing the impacts of a proposed project, the Lead Agency should limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the NOP is published. The Quemetco operations were in existence at the time the NOP was published, and the continuation of those operations were examined in the CEQA documentation.
ELT-6	"Summary  Does the Region of exposure include all wind conditions? It should."	The human health risk assessment (HRA) estimated the annual ground level concentrations and evaluated risks for a 13 square kilometer area surrounding the Facility. Estimated concentrations were based on measured source emission rates from the facility and a U.S. Environmental Protection Agency (U.S.EPA) and California Environmental (CalEPA) regulatory-approved air dispersion model which uses hourly wind speed and directions based on one year (1981) of data collected at the Air Resources (ARB) Pico Rivera monitoring station. As such the estimated concentrations reflect not only daily but hourly changes in wind conditions. The 1981 data set was recommended for use by the South Coast Air Quality Management District (SCAQMD) as representative of worst-case meteorological conditions (conditions which will lead to the highest possible predicted air concentrations). The HRA uses "worst case" wind conditions (i.e., low or no wind that would result in pollutants not dispersing in the atmosphere.
ELT-7	Test the school children for lead in their system at least every five years AND WHEN there is a malfunction that allows a significant amount of hazardous Material to escape or be discharged.	The Facility has informed the Department of Toxic Substances Control (DTSC) that it offers free blood lead testing to anyone at any time.

**Troy, Maral and Hasmig Veilleux**  
1506 Ameluzen Ave.  
Hacienda Hts., California 91745  
[August 27, 2001]

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

<p>TMHV -1</p>	<p>"On August 14<sup>th</sup>, 2001, I attended the public hearing at Los Altos High School in Hacienda Heights, California. I went to hear what was going on regarding the Quemetco hazardous waste storage and treatment facility (which I learned is also a hazardous waste generator). While I and the residents I spoke to after the hearing appreciated the time you and the other members of the DTSC took to meet with us, we were disappointed that we weren't given the opportunity to ask you and the other DTSC folks specific questions about the Quemetco facility and its operations. Besides that, we were disappointed that the majority of time spent by the DTSC was spent providing us with the permit process that explained how the Quemetco permit would be approved. We were all left with the feeling that the decision to grant that permit regardless of our legitimate concerns had already been made."</p>	<p>The comment is noted. The Department of Toxic Substances Control (DTSC) needed to explain the permit process, especially the part that involves public participation, because it can be confusing. It was carefully explained that DTSC was proposing a decision but had not made it and that the various public comments and concerns would be taken into account in the process.</p>
<p>TMHV -2</p>	<p>"As I stated during my opportunity to speak at the hearing, I am very disappointed that we the citizens of Hacienda Heights (H.H.) are having to bear yet another burden for the County of Los Angeles. As if it weren't enough to have the largest landfill (the Puente Hills Landfill) in North America located directly in front of my house, which is also going for a 10 year extension to its operations, I and my young family have to deal with the combined effects of this facility. That leads to some of my questions that are questions that were asked by other H.H. citizens who were at this hearing."</p>	<p>The comment is noted.</p>
<p>TMHV -3</p>	<p>Have any studies been performed to examine the impact on air quality from the combined operations of the La Puente Hills Landfill, the Quemetco Facility and the 60 freeway?</p>	<p>Since the La Puente Hills Landfill and Quemetco are both existing facilities they are included within the existing ambient air emissions inventory. The draft Environmental Impact Report (dEIR) presents existing ambient conditions in the existing conditions section of air quality.</p>
<p>TMHV -4</p>	<p>Why is it that several of the senior people at the hearing that have lived in H.H. for 25 or more years within the immediate vicinity of the Quemetco facility don't know a single child who was supposedly tested for elevated levels of lead in their blood?</p>	<p>The comment is noted. See responses to comments DM-90, DM-116, DM-169, and LA-29.</p>
<p>TMHV -5</p>	<p>Also, at least two citizens stated having survey ALL of the surrounding schools and day care centers and finding no one that was aware that testing had ever been done.</p>	<p>See response to comment TMHV-4.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

TMHV -6	"I was very alarmed to learn that Quemetco is already affecting our local environment adversely by allowing waste such as iron, sulfate, and selenium in excess of groundwater quality standards."	See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-110 to 113, DM-123 to 132.
TMHV -7	"And my understanding is that Quemetco is responsible for monitoring the groundwater. If that is true, I would expect them to be reporting doctored data that is probably doctored to make things look better than they <b>are, still looks bad!</b> And if Quemetco can't contain waste in a solid or liquid form, which I would expect to be the easiest to control, then how can they be keeping waste in the form of gases within the limits of clean air standards? I suspect that they are probably "policing " ( read policing to be monitoring) this themselves too. Isn't this monitoring policy equivalent to giving an alcoholic a bottle of alcohol and asking him/her not to drink it?"	See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-110 to 113, DM-123 to 132.
TMHV -8	"I am sure that you and the group of DTSC employees who met with us know what is really the impact of Quemetco to all of us living here in H.H. You know what Quemetco isn't reporting, you know what they aren't doing to keep us safe, you know that a facility built in 1959 can't possibly meet environmental health standards for those 1400 + people living immediately around the facility."	The South Coast Air Quality Management District (SCAQMD) is required by law to monitor all emissions from the air pollution control systems required as part of their permit from the SCAQMD. As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex HRAs for companies). The HRA used the regulatory required source testing emission rate estimates to estimate ground level concentrations to evaluate potential chronic, long term health effects. The Department of Toxic Substances Control (DTSC) reviewed the HRA to insure that it is accurate and complete and conforms to State and Federal risk assessment guidelines before it can be used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by SCAQMD, as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse non-cancer health effects associated with routine operation of the Facility as described in its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.
TMHV -9	"I'm sure Quemetco is promising to be a very responsible company, but what have they done to improve their operational impact on our environment without first being mandated to do so by the DTSC or the U.S. EPA? "	The facility has had requirements imposed on it by regulatory agencies in the past to control and to clean up contaminated soil and ground water. The issuance of this Permit through the current process will establish requirements on the facility that will further regulate its operations and monitor its environmental impacts.
TMHV -10	"In closing, I beg you and the other DTSC people involved in granting or denying the permit to Quemetco to consider Quemetco's impact to our environment and to the lives of us and our children. Please put yourselves in our shoes for just a few moments and think if you would grant this permit if you lived with your families here in Hacienda Heights. Would you vote for the granting of this permit if you already had a mammoth landfill to deal with? Would you vote to continue allowing a facility to excessively pollute your local ground water? Would you vote to continue having the risk of your children developing high levels of lead in their blood? Of course you wouldn't. Who would ever vote to put their loved ones in any kind of risk? <u>PLEASE do not vote to put us at risk.</u> "	See responses to comments DM-35, DM-116 and DM-177.
TMHV -11	"Please take what I have written seriously. Please be considerate and help us in our attempt to stop Quemetco by voting "No" and urging your colleagues to do the same. Please help us as you have the power to do so."	See response to comment TV-4
<p><b>Ms. Kathy Brown</b>          14630 Mountain Spring St.          Hacienda Hts., California 91745          [August 29, 2001]</p>		
KB-1	"I am a local resident concerned about the toxic poisoning.  Please know that there are many children in this area who would not want to be tortured by the ravaging effects of cancer and numerous other illnesses we all know are caused by toxic substances. "	As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex HRAs for companies). The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.</p>
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**MR. DAVID LEE BLAGG**  
 14039 Lomita Ave.  
 Avocado Heights, California 91746  
 [August 29, 2001]

DLB-1	<p>"This letter is to register our opposition to the proposed permit that your department is in the process of approving for Quemetco battery recycling facility located at 720 S. 7<sup>th</sup> Ave., in the City of Industry, California.</p>	<p>The comment is noted. A proposed decision was noticed to the public to allow public input to the process. See also responses to comments DM-35, DM-116 and DM-177.</p>
DLB-2	<p>As your department is well aware Quemetco and the previous owners have not been the good neighbor that they and your department proclaim that they have been, since the facility opened in 1959 from that time until present they have not only spewed toxic substances into the air that we breath;</p>	<p>The comment is noted. See responses to comments DM-35, DM-116 and DM-179</p>
DLB-3	<p>but they have actually discharged liquid waste containing lead, arsenic and other toxic substances directly into the San Jose Creek, which is a source of recreation, habitat for many plant and animal species and an important source for ground and drinking</p>	<p>The comment is noted. See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-110 to 113, DM-123 to 132.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
RESPONSES TO PUBLIC HEARING COMMENTS ON  
QUEMETCO, INC.**

**DRAFT HAZARDOUS WASTE FACILITY PERMIT  
PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	water.	
DLB-4	<p>Below are just a portion of the numerous reasons that the permit should be denied and Quemetco should be mandated by your department to cease spewing known toxic substances into the air that we currently breath.</p> <p>Quemetco regularly discharges into the air a toxic plume (sulfurous, plastic smell) that literally causes me to gag and occasionally vomit when a westerly (offshore) breeze carries the fumes to our home approximately 1 mile as the crow flies from Quemetco's stacks. This toxic plume enters and lingers in the house.</p>	<p>The South Coast Air Quality Management District (SCAQMD) is the regulatory agency responsible for evaluating odor complaints and identifying sources and is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. They are well aware of the complaints received about these odors. However, until such time as they can positively identify the source of these odors, it is not possible to characterize them for risk assessment purposes. A key component of the permit is to require compliance with all applicable SCAQMD regulations and requirements</p>
DLB-5	<p>Your toxicologist, Mike Shum, actually had the nerve to tell me that the levels emitted by Quemetco on a daily basis were not dangerous to my children, my family, neighbors and myself.</p>	<p>As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex HRAs for companies). The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DLB-6	Are the levels that I described the effects of above, dangerous when breathed over a 20-year period?	See response to comment DLB-5.
DLB-7	I personally believe that Quemetco uses a strategy of release to avoid detection such as late night or early Saturday morning releases when AQMD inspectors are less likely to be working. 7:30 AM: Saturday and Sunday mornings as well as nights and evenings are typical times that my neighbors and I smell the toxic plume on a regular basis.	The South Coast Air Quality Management District (SCAQMD) did surveillance including morning and evening times on the following dates in 2002: January 22 through 31; February 1, 5, 6, 8; May 15; June 18, 19, 20, 21; August 5; November 19, 20, 23, 24; December 7, 8. Generally little or no odor has been detected. SCAQMD staff has seen no evidence that Quemetco alters its process to dispose of solid waste or release emissions to the air. Being a RECLAIM source, Quemetco is also required to maintain continuous emission monitors on the stacks of the rotary dryer and the reveratory furnace for emissions of sulfur dioxides and nitrogen oxides.
DLB-8	Therefore Quemetco violates the portion of statute that states that they must be "complementary with their neighbors."	The comment is noted
DLB-9	I personally feel that the data and the collection and supervision of the sampling is erroneous and demand that additional accurate testing under the supervision of unbiased persons independent from Quemetco and DTSC personal be carried out.	As explained in response to comment DLB-7, etc., the South Coast Air Quality Management District (SCAQMD) believes that the source tests conducted by certified independent contractors are valid once the test data are reviewed and approved by the SCAQMD. The SCAQMD occasionally conducts tests using its own staff either in parallel or separately from a contractor to further verify the results. The SCAQMD is evaluating the feasibility to conduct these types of tests at Quemetco in the near future.
DLB-10	The fact that the same two people (philip B. Chandler and Mike Shum) are in charge of Quemetco's permitting process with no independent oversight and that they have repeatedly erroneously assured us that the toxins emitted by Quemetco pose no health threat to us is appalling.	The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood lead level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		specifically be attributable to emissions from Quemetco.
DLB-11	Common sense tells us that they are providing false assurances and protection this vile operation at the expense of thousands of residents in the afflicted area.	See responses to comments DLB-5, DLB-9 and DLB-10.
DLB-12	At the August 14 <sup>th</sup> meeting I personally witnessed Mr. Chandler reading and Mr. Shum smirking as one Hacienda Heights woman, while crying displayed a list of and told how 10 or so people in a 2 square block area in her neighborhood had died in recent years of cancer	See responses to comments DLB-5, DLB-9 and DLB-10.
DLB-13	In the past three years in a 1 square block area directly surrounding our home three deaths from cancer and two recently diagnoses cases have resulted. This far exceeds the 1 in 3 average mentioned by Mr. Shum and warrants further investigation.	See responses to comments DLB-5, DLB-9 and DLB-10.
DLB-14	No testing of longtime residents who have been exposed to Quemetco's toxins has ever been done and no data has ever been compiled that would prove or disprove the theory that long term exposure to the toxins emitted by Quemetco has adverse health effects.	The comment is noted. See responses to comments DM-89, DM-116, DM-169, and LA-29.
DLB-15	Records from a multitude of local hospitals and doctors would need to be examined to prove or disprove this theory.	The comment is noted. See responses to comments DM-89, DM-116, DM-169, and LA-29.
DLB-16	The DTSC representatives totally dismissed any link without looking at any of the evidence	The Department of Toxic Substances Control (DTSC) does not have the regulatory authority or scientific and medical staff to conduct medical investigations in a community. We rely on a well-established scientific process called a health risk assessment to evaluate the <u>potential</u> for adverse health effects. The authority to conduct public health investigations is vested in the local county environmental health departments and in the State Dept. of Health Services, Environmental Investigations Branch. Los Angeles County Department of Health Services (LACDHS) has conducted a childhood blood lead level surveillance investigation, as well as a review of the cancer tumor registry and determined that: 1) blood lead levels are not elevated over similar communities, and 2) there is no conclusive evidence that Quemetco is contributing to overall cancer incidence in the area. See also responses to comments DM-18, DM-73, DM-91, DM-135, DM-173 and DM-230.
DLB-17	Testing on blood lead levels in local children was not accurate and needs to be redone using a truthful sampling of children who have lived in the area and been exposed to these toxic compounds for an extended period of time.	It is unclear as to whether the commenter is referring to the blood lead study conducted in the early 1990's or the free lead testing that was offered in March 2002. However, if parents are concerned about their child's blood lead level, they can request a blood lead test from their child's pediatrician. For those families who do not have health insurance, the Child Health and Disability

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		Prevention (CHDP) Program will provide a blood lead test as part of a free examination. Interested parents can call Janet Scully at the Los Angeles County Health Department at (213) 240-7785 for more information.
DLB-18	This was not done and in order to get accurate results these tests must be carefully redone	It is unclear what the commenter is referring to. See also responses to comments DM-18, DM-73, DM-91, DM-135, DM-173, DM-230, and DLB-17.
DLB-19	The fact that Quemetco has in the past and undoubtedly will continue to violate the law by illegal emissions and illegal dumping of toxic waste is inexcusable and we demand that they cease operations immediately.	In April 1998, and April and May of 2000, and April of 2001, Quemetco violated South Coast Air Quality Management District (SCAQMD) Rule 1420 by exceeding the ambient average monthly lead concentration limit of 1.5 microgram per cubic meter. The SCAQMD issued notices of violation for these exceedances and subsequently reached settlements involving payments of fines and, for the 2000 and 2001 violations, requirements of additional monitoring and emission reduction actions by Quemetco. These additional monitoring and mitigation measures will be incorporated in an updated Rule 1420 Compliance Plan to further ensure long term compliance. See also responses to comments DLB-9 and DLB-10.
DLB-20	Quemetco has on numerous occasions violated the law at the health expense of thousands of people where fines have become a minor business expense (cost of doing business) to them.	<p>The South Coast Air Quality Management District (SCAQMD) is required by law to monitor all emissions from the air pollution control systems required as part of their permit from the SCAQMD. The health risk assessment (HRA) used the regulatory required source testing emission rate estimates to estimate ground level concentrations to evaluate potential chronic, long term health effects. The HRA was prepared using the U.S. Environmental Protection Agency (U.S. EPA) and California Environmental Protection Agency (CalEPA) recommended guidance for preparation of risk assessments that DTSC considers in all aspects of a permit decision. The HRA concluded that noncancer health effects would not be expected to occur as long the facility emissions are controlled as required by the SCAQMD. The Department of Toxic Substances Control (DTSC) considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed actual resident of 2.4 in one hundred thousand based on an exposure duration of 30 years at the nearest actual resident with the highest annual average ground level air concentration to be acceptable.</p> <p>The DTSC toxicologist (Dr. Michael Schum) did not conduct the human health risk assessment. The HRA was prepared by a consultant hired by Quemetco (Kleinfelder, Inc). DTSC reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluates only those chemicals which have actually been measured in the emissions source testing required by the SCAQMD as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		emissions, including reported obnoxious odors, from the facility. See also response to comment DLB-550
DLB-21	The fact that residents, including myself, were not given adequate notification of proceedings in this convoluted permitting process should be illegal if it is not already and should be grounds for at minimum a delay in the process. I was notified by mail at 4:00 PM. August 11, of the impending meeting August the 14. This strategy eliminated and hindered local residents from participating.	See response to comment DM-200.
DLB-22	The entire permitting process is inherently flawed and in no way accurately reflects the actual health risk to local residents and people exposed to Quemetco's toxic emissions.	See response to comment DLB-16.
DLB-23	The convoluted process by which the toxicologist has used to determine that no health risk exists in no way reflects the actual measurements and toxic substance levels that Quemetco is releasing on the surrounding residents and employees of companies in the area.	See response to comment DLB-16.
DLB-24	There are numerous schools (Los Robles, Palm, Los Altos, Hill Grove, Orange Grove, Don Julian, La Puente, Edgewood, Dibble, Willow, North adult schools in the area engulfed by Quemetco's toxic Plume	As noted above, the Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects and regulate a facility so that emissions do not pose an unacceptable health threat. The HRA evaluates exposures which may occur from direct inhalation of airborne contaminants from Quemetco during routine (South Coast Air Quality Management District (SCAQMD) regulated emissions) as well as indirect exposures from deposition of particulate-bound contaminants onto residential soils and homegrown produce. As discussed in responses to comments DM-135, etc., implementation of Quemetco's risk reduction plan under Rule 1402 will benefit the schools in the area.
DLB-25	No comprehensive sampling, testing or studies have ever been done to determine if Quemetco's toxic emissions are adversely affecting the health of the children and adults that attend and work at these schools. Theses studies need to be done by responsible people with no vested interested in Quemetco's ability to operate!	Because current emissions from Quemetco are within AQMD limits, we don't believe there is an increased risk for adverse health effects and therefore additional studies are not warranted at this time.
DLB-26	Several bakeries, food processing and food manufacturing businesses (Golden State Foods, El Mexicano, La Victoria, Pachinos and others) are located within a 1/4 mile radius of this lead smelting facility where	The commercial food processing industry is regulated separately by local, state and federal agencies responsible for food safety protection. See responses to comments DM-13 through DM-19, and DLB-24.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	fumes and fallout from Quemetco's toxic emissions inevitably enter the food supply.	
DLB-27	Have any studies as to at what levels these toxic substances emitted by Quemetco occur in the food products produced by these companies been undertaken?	The Department of Toxic Substances Control (DTSC) is not aware of any such studies and has no regulatory authority to conduct these types of food quality or safety investigations. There are Federal, State, and in some cases local laws, that regulate the amounts of non-food chemicals that can be sold to the public. For specific information on these requirements the commenter should contact the Los Angeles County Department of Health Services.
DLB-28	No Department of Health Services, AQMD, EPA or other public agencies entrusted to protect the public health personal were at the meetings and to the best of my knowledge have conducted tests other than the flawed blood-lead level test in the early 1990's.	In addition to the well-designed blood lead study conducted in the early 1990's, the Los Angeles County Department of Health Services (LACDHS) conducted free blood lead testing to anyone interested on March 14, 16, and 21, 2002. We also had the USC Cancer Surveillance Program analyze the cancer rates in the two census tracks closest to Quemetco. It is unclear what meetings the commenter is referring to, but LACDHS did attend the November 2001 community meeting and proposes to continue to attend any meetings that it is invited to.
DLB-29	Is DTSC aware of the pollution problems and the negative health effects caused by similar lead smelting facilities in Texas, owned by Quemetco's parent company RSR?	The comment is noted. The problems cited by the commenter are not related to this facility. See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-110 to 113, and DM-123 to 132.
DLB-30	DTSC should immediately look at the data from these now closed facilities so that they can avoid a similar catastrophe in this case.	See response to comment DLB-30
DLB-31	Therefore we demand that DTSC stop protecting and defending Quemetco, step up the plate and do the right thing by rejecting Quemetco's application for a permanent operating permit and protect the welfare of the people in the area.	See response to comment TV-4.
DLB-32	In addition we respectfully request that Quemetco's temporary status by which they have been allowed by your department to continue to poison local residents and neighborhoods be immediately revoked and that the inevitable cleanup process of this site commence.	The comment is noted. See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-110 to 113, DM-123 to 132, and TV-4.
<b>Mr. Duncan McKee</b> 738 S. 3 <sup>rd</sup> Avenue Avocado Hts., California 91746 [August 29, 2001]		
DM(2)-1	"Due to our decades long concern for our family's health and the health of our neighbors and friends we stand in complete opposition to Quemetco's proposed Hazardous Waste Facility Operation and Post-Closure permit."	The comment is noted. See response to comment TV-4.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM(2)- 2	"We also oppose Quemetco's current temporary operating permit and do hereby request that any and all such permission to operate be revoked immediately."	See response to comment TV-4
<p><b>Mr. Michael D. Hughes, President          Hacienda Heights Improvement Association, Inc.          P.O. Box 5235          Hacienda Heights, California 91745          [August 29, 2001]</b></p>		
MDH- 1	"The Hacienda Heights Improvement Association has reviewed the Environmental Impact Report prepared for continued operation of the Quemetco Battery Recycling Facility in the City of Industry. This plant operates within 600 feet of residences in Hacienda Heights which pre-date its operation, and the area of coverage for Proposition 65 warnings for Quemetco blanket a very large percentage of the homes in Hacienda Heights."	The comment is noted. See responses to more specific comments.
MDH- 2	This most of the potential impacts of operating this plant, which releases lead, antimony and other dangerous chemicals are directly borne by our residents.	The comment is noted. See responses to comments DM-13 through DM-19.
MDH- 3	Hacienda Heights is an unincorporated community covered by a community general plan established in 1978 by Los Angeles County with substantial input from a citizens group from the community. Although this general plan does not cover the nearby Quemetco site, it clearly establishes the desire to keep Hacienda Heights as a residential/commercial area by restricting industrial facilities within the area	See responses to comments DM-10 and LA-10 (hearing).
MDH- 4	This provision, coupled with goals of the land use plan of the City of Industry for, "creating a setting that is complimentary to its (Industry's)neighbors," would certainly call into question the sitting next to a residential community of a facility which releases dangerous chemicals in quantities sufficient to generate Proposition 65 notices to a large number of our residents.	See responses to comments DM-313 and MDH-9.
MDH- 5	The Quemetco plant is approximately 600 feet from the intersection of Clark and Seventh Avenues. The community immediately west of this intersection contains 104 homes and 504 mobile homes, while 220 single family homes are located to the immediate east of Seventh Avenue between Clark and Gale Avenues.	The comment is noted.
MDH-	The population of this area is predominately	The comment is noted.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

6	Latino, with a mixture of white, Asian and black making up the remaining residents. Many seniors live in the area, and income levels are classified as low to middle income range.	
MDH-7	We recognize that this facility has existed for a long time at this site, expanding significantly since 1970 when it was purchased by Quemetco.	The comment is noted.
MDH-8	"However, we also understand that this EIR reflects the first time this operation is being reviewed formally through the CEQA process. We request that DTSC address the appropriateness of this use adjacent to a largely residential neighborhood in the same context as it would a formal site review for a new facility."	See response to comment DM-10.
MDH-9	"We believe potential safety concerns associated with this facility are of such importance that previous operation should not be a factor in determining the absolute level of risk to its neighbors."	Whether or not a facility is "safe" encompasses a number of different areas including adequate worker protection, controls and management practices to reduce or eliminate accidental chemical releases, fires, etc, and overall protection of human health and environment. With respect to protection of human health, the Department of Toxic Substances Control (DTSC) believes that the results of the human health risk assessment, which relies on source testing of actual emissions required by the South Coast Air Quality Management District (SCAQMD), shows the facility is safe to operate as described in the draft Permit and that emissions from the facility are not likely to cause adverse health effects.
MDH-11	"In addition, those risks should include the cumulative impacts of the expanded Puente Hills Landfill immediately adjacent to this same area on the west and the substantial increase in diesel truck traffic on the Pomona Freeway."	The HRA only evaluates the potential human health risk associated with the regulated releases from the Quemetco facility and fugitive dust from wind and vehicle traffic. The HRA does consider cumulative health effects of all chemicals known to be released from facility and cumulative exposures from all potential exposure pathways.
MDH-12	"In addition to operation of the facility, it generates more than 50 truckloads per day of used lead batteries and other hazardous materials, which travel through these neighborhoods on Seventh Avenue."	The comment is noted. See responses to more specific comments.
MDH-13	"Operation at Quemetco, which occurs 24 hours per day, seven days per week, results in emissions of lead, antimony, arsenic, 1,3, butadiene, and other carcinogenic materials."	The comment is noted. See responses to more specific comments.
MDH-14	"Hazardous materials are stored on site which could result in fires, injuries, or toxic releases."	The Facility has included emergency response protocols in its Operation Plan.
MDH-15	"Operation of this facility has occurred around the clock for the last 31 years, producing emissions that travel beyond the perimeter monitoring system to settle in the gardens, and	The comment is noted. See responses to more specific comments.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	surfaces in the homes."	
MDH-16	"Air-borne materials are inhaled, ingested and even adsorbed through the skin."	The human health risk assessment (HRA) prepared for the Quemetco facility evaluated the potential risks from those types of emissions which have a potential to deposit onto the ground and onto homegrown produce (chemicals emitted as or attached to particles). The HRA also evaluated potential risks from chemicals emitted as gases which we assume are only a potential risk by the inhalation exposure pathway. The lifetime excess cancer risk from potential exposure to contaminants deposited on soil and produce was estimated to be less than three in one million. The total risk from all exposure pathways (inhalation, ingestion, dermal contact, ingestion of homegrown produce, and ingestion of mother's milk) was estimated not to exceed 2.4 in one hundred thousand at the nearest actual resident with the highest annual average ground level air concentration. Risks at other residences will be less than those predicted for the maximum exposed individual resident (MEIR). Inhalation accounts for 88% of the total estimated cancer risk.
MDH-17	"The draft EIR does not discuss eliminating or mitigating these emissions."	The Department of Toxic Substances Control (DTSC) has determined that mitigation was not necessary. See responses to more specific comments.
MDH-18	"Residents who live near the Quemetco facility report strong odors of sulfur and metals, and experience metallic tastes, sore throats, nausea, coughing, and respiratory problems."	Sore throats, coughing and respiratory problems may be due in part to air pollution. Air pollution is known to have adverse health effects. The South Coast Air Quality Management District (SCAQMD) is the local government agency responsible for reducing air pollution. Reductions in air emissions will reduce health impacts from air pollution. While air quality in southern California has continually improved despite an enormous increase in population and cars, some regional and localized problems have not been solved. The SCAQMD is committed to focusing its efforts in dealing with this complex issue and will continue to work with the local communities in searching for solutions. See also response to comment PL-10.
MDH-19	"These concerns should be thoroughly evaluated by State or County health agencies before a final permit is issued to this facility, particularly to evaluate long term health impacts of inhaling and ingesting these pollutants over a long-term period of residency in the area."	The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems around a facility such as Quemetco should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood lead level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to L.A. County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco.
MDH-20	"Daily exposure levels and cumulative exposures and their effects should be assessed and health impacts determined."	As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc.) The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in the draft RCRA permit. The DTSC Hazardous Waste Management Division considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.
MDH-21	"We believe the original permit issued by the City of Industry to Western Lead, Quemetco's predecessor, did not adequately address these concerns, and probably should not have been issued."	The comment is noted.
MDH-22	"We request that DTSC seriously and carefully weigh all of these impacts and establish conditions that will eliminate the effects of emissions from Quemetco on our community,	See responses to comments DM-12, DM-35, DM-36, DM-107 and DM-329.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	or define a near-term closure date that will eliminate the effects of emissions from Quemetco on our community, or define a near-term closure date that will require this facility to relocate to a site further removed from residences."	
MDH-23	"Enclosed is a list of detailed EIR comments prepared by Ms. Lillian Avery, former HHIA Environmental Chair and neighbor to the Quemetco facility."	The comment is noted. See also the responses to comments LA-1 to LA- 32.
Attachment to <b>MR. MICHAEL D HUGHES</b> Prepared by MS. LILLIAN AVERY August 29, 2005		
MDH/ LA-1	"1.2 <u>Project Setting</u> : Repeatedly, the EIR cites the distance to Hacienda Heights, an unincorporated residential community of Los Angeles County, as 1/4 mile (1320 feet). The boundary of Hacienda Heights at the corner of Seventh Avenue and Clark is about 500 feet from the Quemetco facility."	See responses to comments LA-1 [hearing], LA-8 [hearing], and DM-25.
MDH/ LA-2	"1.3 <u>Proposed Project</u> : DTSC is considering Quemetco's Part B application to continue operations involving treatment, storage, and transfer of hazardous materials and wastes. These operations and processes have been operating and permitted for over 30 years with little change and/or mitigation. They seriously impact the community of Hacienda Heights with the generation and daily delivery of over 50 truckloads of used lead batteries and hazardous materials; the introduction of lead products and/or hazardous wastes, and the continuous release of air toxic emissions."	See response to comment LA-1.
MDH/ LA-3	"Table 1.5: Significant environmental impacts include Water Resources and Water Quality. Non-compliance with established water quality standards for ground water is a significant impact, requiring corrective action and continued monitoring of water quality. The EIR states the impacts are significant and unavoidable, and that no mitigation is available. Why is there no mitigation actions, beyond those already implemented, available?"	See responses to comments DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-119 to 121, DM-123 to 132.
MDH/ LA-4	" <u>Table 1.5.1: Environmental Impacts: Air Quality; Human Health and Safety</u> . The EIR states no significant impacts to Air Quality and to Human Health and Safety were identified, and that no mitigation measures are required."	See responses to comments LA-11 [hearing], LA-14 [hearing], MDH-17, DM-10, and DM-39.
MDH/	"The EIR dismissed the reported experiences	See responses to comments LA-10 [hearing], DLB-4, MDH-18,

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

LA-5	and complaints of residents of Hacienda Heights and neighboring communities of Wildwood Mobile Home Park and Avocado Heights concerning air quality and continuous air toxic emissions of pollutants, contaminants and carcinogens, including lead, hexavalent chromium, manganese, 1,3 Butadiene, sulfur, arsenic, and others. These impacts to air quality and human health and safety are significant and residual. Mitigation measures are required."	MDH-19, DM-10 and DM-39.
MDH/ LA-6	"1.6 Areas of Controversy. Elevated areas of lead toxicity have been found in Hacienda Heights."	See response to comment DM-77,
MDH/ LA-7	<p>"1.7. Alternatives to Proposed Project. Three alternatives are discussed.</p> <p>No <u>Project Alternative</u> consists of denial of the RCRA Part B Permit by DTSC resulting in the closure of Quemetco and the transferring of battery recycling activities to other facilities.</p> <p>Since Hacienda Heights and neighboring communities have borne the impacts of the 30-year operation of Quemetco, the time it would take to transfer battery recycling operations, and transfer lead batteries and hazardous wastes under strict control to facilities away from residential areas would constitute an acceptable alternative to the continued operation of Quemetco for years to come</p> <p><u>Onsite Alternative.</u> There are significant unmitigated and residual impacts to air quality and Human Health and Safety. A revised application and limitations on operations and life of the facility could reduce the capacity and impact of the facility.</p> <p><u>Offsite Alternatives:</u> Significant and continuous environmental impacts on air quality and human health and safety in Hacienda Heights and neighboring communities have existed for over 30 years. The implications of a complete relocation and/or closure of Quemetco is basically considered by the EIR only in terms of economic implications for Quemetco and the battery recycling industry</p>	<p>Denial of the permit would result in closure of the facility, and the need to transfer the battery recycling operations to other facilities. This transfer of Quemetco operations to other facilities would be the only option, as protection of the environment from pollution by lead acid batteries is covered in the Health and Safety Code Section 25215.2 which prohibits the disposal or attempted disposal of lead acid batteries at solid waste facilities, or on any lands, surface waters, watercourses, or marine waters.</p> <p>The only other battery recycler in the region is Exide, located in the city of Vernon, County of Los Angeles. However, Exide, like Quemetco already operates at maximum capacity and would only be able to accept additional materials through a long, cumbersome expansion process, subject to new permitting and CEQA certification. Thus construction and installation of new operating units to make up for closure of Quemetco is highly unlikely.</p> <p>Given this analysis, denial of the permit (No Project Alternative) would result in increased impacts associated with long distance transport, the uncertainty and potential for impacts at out of state facilities due to the stockpiling of batteries, and the economic implications that could induce illegal dumping posing additional hazards to the local environment. Thus permit denial has the potential to be more impacting than the proposed project.</p> <p>The analysis of offsite alternatives to the Proposed Project under CEQA typically involves consideration of the feasibility of locating the Proposed Project at one or more alternative locations, where the potential significant affects would be reduced or avoided. This is typically addressed for new development projects and relocating the Quemetco facility is infeasible and was rejected as an alternative as discussed further. Under CEQA, only feasible offsite alternatives capable of reducing or avoiding the significant environmental impacts of the Proposed Project need to be analyzed. Thus, a complete relocation of the proposed project to an alternative site is not considered a feasible alternative since</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
RESPONSES TO PUBLIC HEARING COMMENTS ON  
QUEMETCO, INC.  
DRAFT HAZARDOUS WASTE FACILITY PERMIT  
PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	itself Proximity to residences, air quality, human health and safety, public services, and traffic and transportation, are critical and significant considerations that override justification for the continuation of existing conditions."	the economic implications of such an action could not be justified against the avoidance of environmental impacts. That is, the Lead Agency must consider in its Statement of Findings and Overriding Considerations as part of the CEQA process, the balance of the environmental impacts of a project against the economic, technical and social implications of a project. Because this project is the continuation of existing conditions, and not a new facility, justification of relocation of the facility is infeasible, and was rejected from further consideration.
MDH/ LA-8	"Figure 2.1: <u>Regional Location Map</u> Boundaries of Hacienda Heights are not correctly identified."	There are no boundaries of the City of Hacienda Heights shown on this map. Only the general location of the city is noted.
MDH/ LA-9	"Figure 2.2: <u>Project Vicinity Map</u> . Misleading. Identifies Hacienda Heights as starting south of the Pomona (60) Freeway."	The map is a U.S. Geological Survey (USGS) quadrangle map. Normally, these are older maps with the general location of the cities shown. No specific city boundary is shown. No changes were made to this USGS map. The comment on identification of Hacienda Heights is noted.
MDH/ LA-10	"2.4.2 <u>Air Toxics Hot Spots Information/Assessment Act of 1987</u> : The act requires that Pollution Control Districts prioritize and categorize pollutant emitting facilities as either a "high", "intermediate", or "low" priority, for health risk assessment (HRA). In what category has Quemetco been placed? Is Quemetco "currently embarking on a series of source tests to update its HRA?" Has its pollutant emitting facilities been categorized as "high" priority?"	The Department of Toxic Substances Control (DTSC) is aware that the Air Toxics Hot Spots program (AB 2588) specifically requires evaluation of short term, acute inhalation exposures. The Facility has prepared a separate AB 2588 Hot Spots risk assessment submitted to the South Coast Air Quality Management District (SCAQMD) pursuant to the AB 2588 regulations. DTSC does not review or approve AB 2588 risk assessments; that authority belongs to the Air Resource Board (ARB). SCAQMD staff continues to review source test data and will conduct additional tests using its own staff to further evaluate the validity of tests by independent contractors. See also response to comment DM-135.
MDH/ LA-11	" <u>Land Use and Planning</u> . The Community of Hacienda Heights is 500 feet from Quemetco. It is not as far away as ¼ mile (1320) feet from the facility."	See responses to comments LA-1 [hearing] and LA-8 [hearing].
MDH/ LA-12	"Table 3.1.1 Consistency Analysis of City of Industry General Plan Objectives: Six objectives are named. The first objective is to "Maintain and further develop an employment base in the San Gabriel Valley and Los Angeles Metropolitan Area." The proposed project supports this objective. However, the proposed project does not support and/or is not directly related to the five remaining general plan objectives."	See response to comment LA-1 [hearing], DM-12, DM-25, and DM-314.
MDH/ LA-13	"3.1.3 Environmental Impact: The battery recycling facility has been at its present location since 1959. Contrary to statements in the EIR, it is not surrounded on all sides by industrial and manufacturing uses, but is located next to a residential community that was in existence before the City of Industry	See response to comment LA-1 [hearing] and DM-25.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	was incorporated, and before battery recycling operations were permitted."	
MDH/ LA-14	"3.3.1.2 Groundwater. In February, 2000 , groundwater samples from 12 wells exceeded maximum contaminant levels (MCLs). Types of exceedance included iron manganese, nitrates, selenium and sulfates. Water quality protection standards (WQPS) should be met Continuation of current operations at the facility would result in violations of groundwater quality standards and would constitute a significant impact. Corrective action is required."	See responses to comments DM7, DM-8, DM-9, DM-20, DM-21, DM-22, DM-23, DM-24, DM-40, DM-94, DM-95, DM-96, DM-97, DM-98, DM-110, DM-111, DM-112, and DM-113.
MDH/ LA-15	"3.7.1.2 Environment Setting; Exposure Assessment: Correction. Hacienda Heights is located to the south, east, and west of Quemetco."	The comment is noted. The information in Section 3.7.1.2 came from the Kleinfelder HRA
MDH/ LA-16	"In the public scoping meeting on the Notice of Preparation of an EIR for Quemetco, held 4/24/96 in Hacienda Heights, residents described their experiences with and reactions to toxic air emissions, the odors, the acrid metallic tastes, sore throats, nausea, coughing allergies, and inhalation and respiratory problems. The EIR does not respond to these concerns."	See response to comment LA-14 [hearing]
MDH/ LA-17	"What is the cumulative effect of this constant barrage of toxic emissions and pollutants on the cardiovascular or blood system; nervous system; kidney and gastrointestinal system~ reproductive system; respiratory system? For Children? For Adults?"	See responses to comments LA-15 [hearing], LA-16 [hearing], ARB-3, ARB-4a, ARB-4b, and TMHV-8
MDH/ LA-18	"What is the cumulative effect of these years-long chemical emissions into the ambient air, when coupled with the emissions over Hacienda Heights from the La Puente Landfill on its citizens, children and adults?"	See responses to comments LA-15 [hearing], LA-16 [hearing], RA-9, RA-10, ARB-3, ARB-4a, ARB-4b, TMHV-3, MDH-11, and MDH-20.
MDH/ LA-19	"Given that these problems with Special Education students were reported to you n 1996 and again in 2001, by qualified individuals, why has not the Los Angeles Dept of Health, the EPA, the AQMD, and the DTSC consulted with each other over this condition, and carried out an investigation or research study to determine whether Special Education students living in the vicinity of Quemetco are lead poisoning victims."	See responses to comments LA-28 [hearing], RA-9, KB-1, DLB-16, and MDH-19
MDH/ LA-20	"Why rely on a mathematical model for estimating cancer risk Given the reports by residents of Hacienda Heights of apparent increased incidences of cancer, why has not	See responses to comments LA-18 [hearing], RA-10, LG-3, LG-11, LG-12, DLB-16, and DM-177.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	the Los Angeles County Dept of Health, the EPA, the DTSC, and the AQMD consulted with each other concerning these reports and conducted or considered conducting a survey of residents living west of 7th Avenue including the Wildwood Mobile Home Park and residences east of 7 <sup>th</sup> to Turnbull Canyon Road and south to Palm Avenue, to determine, using factual data, if there are an unusual number of cancers or cancer-related deaths over the past 20 years."	
MDH/ LA-21	"The EIR is deficient because:  1) It dismisses complaints concerning emissions of toxic air contaminants, including lead chromium, arsenic, 1,3 Butadiene, and other pollutants and carcinogens emitted into the air over Hacienda Heights, for the past 30 years, and requiring periodic Proposition 65 warning and notification."	See responses to comments LA-10 [hearing] and LA-11 [hearing].
MDH/ LA-22	<b>[The EIR is deficient because:]</b>  "2) It does not address the impact on the community of Hacienda Heights with the generation and daily delivery of over 50 truckloads of used lead batteries and hazardous waste materials, and the daily transport of 25 truckloads of lead products and hazardous wastes from the facility. Trucks travel 7th Avenue, Clark Avenue, Turnbull Canyon Road, and Gale Avenue."	See responses to comments LA-1 [hearing], ARB-6, and DM-10.
MDH/ LA-23	<b>[The EIR is deficient because:]</b>  "3) It does not adequately address the impacts on Hacienda Heights homes beginning 500 feet from the facility."	See responses to comments LA-11 [hearing], LA-11 [hearing], DM-10, and DM- 349.
MDH/ LA-24	<b>[The EIR is deficient because:]</b>  "4) It does not adequately address the groundwater treatment, monitoring, sampling and the safeguards to monitor San Jose Creek."	See responses to comments TE-1, DM-7 to 9, DM-20, DM-21, DM-23, DM-24, DM-27, DM-29, DM-39, DM-77, DM-119 to 121, DM-123 to 132.
MDH/ LA-25	<b>[The EIR is deficient because:]</b>  "5) It does not explain why Quemetco has been permitted since 1970 to conduct a hazardous waste facility operation."	See responses to comments LA-1 [hearing] and DM-5.
MDH/ LA-26	<b>[The EIR is deficient because:]</b>  "6) It does not explain why Quemetco is	See response to comment LA-1 [hearing] and DM-10.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	permitted to operate a lead battery recycling facility operation just 500 feet from residents in Hacienda Heights."	
MDH/ LA-27	<b>[The EIR is deficient because:]</b>  "6) It dismisses alternatives that could reduce impacts on Hacienda Heights."	See response to comment DM-10.
MDH/ LA-28	<b>[The EIR is deficient because:]</b>  "7) It dismisses the environment and issues of public health and safety."	Whether or not a facility is "safe" encompasses a number of different areas including adequate worker protection, controls and management practices to reduce or eliminate accidental chemical releases, fires, etc, and overall protection of human health and environment. With respect to protection of human health, DTSC believes that the results of the human health risk assessment which relies on source testing of actual emissions required by the South Coast Air Quality Management District (SCAQMD) show the Facility is safe to operate as described in the permit and that emissions from the Facility are not likely to cause adverse health effects.
MDH/ LA-29	<b>[The EIR is deficient because:]</b>  "8) It does not consider that Hacienda Heights is unfairly affected."	See response to comment LA-1 [hearing], JTe-3, and DM-349.
MDH/ LA-30	"The EIR provides estimated date of August 15, 2021 to completely close the Quemetco facility, and a post-closure date of August 2051."	Post-closure care may extend for at least 30 years beyond closure.
MDH/ LA-31	Quemetco now owns the property immediately adjoining its original eastern boundary on Salt Lake Avenue, thus increasing the amount of its original property acreage. This additional property is now used for storage, maintenance, and employee training programs."	The property cited by the commenter is not part of the project. The project for which the draft Environmental Impact Report (dEIR) was prepared is the approval of a permit for the continued operation of an existing facility with no modifications or expansions to the existing facility operations and no construction or expansion to the existing physical facility. However, if future modification or expansion is proposed for the Quemetco facility, the project would be subject to a separate CEQA evaluation/ determination.
MDH/ LA-32	"The EIR does not restrict plant expansion by Quemetco, and it does not address the likelihood of plant expansion."	See responses to comments MDH/LA-31, DM-2, DM-3, and DM-5.
MDH/ LA-33	"Given the fact that Quemetco has seriously impacted Hacienda Heights and neighboring communities for over 30 years, a near-term closing date that will require this facility to relocate to a site further removed from residences is requested."	During the public meeting on November 1, 2001, the Department of Toxic Substances Control (DTSC) provided permit and CEQA flow charts which describe the decision process for approval or denial of a permit. The California Code of Regulations, title 22, section 66270.29, specifies the language for denying a permit. Public comments and concerns have been considered during the decision-making process
<b>Dave &amp; Linda Samarin</b> 14502 Cabinda Drive Hacienda Heights, California [August 30, 2001]		
DLS-1	"My family has lived in Hacienda for fifteen	See response to comment MDH-17.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	years, weekly we smell strong odor coming from Quemetco's factory."	
DLS-2	"It's been a long time concern for our family's health and the health of our neighbors and friends we stand in complete opposition to Quemetco's proposed Hazardous Waste Facility Operation and Post-Closure permit."	As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc.) The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upper bound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.
DLS-3	"We also oppose Quemetco's current temporary operating permit and do hereby request that any and all such permission to operate be revoked immediately."	The comment is noted. See responses to other more specific comments.
<b>Milagros Navarrete</b> 14039 Trailside Dr. Avocado Heights, California 91746 [October 23, 2001]		
MN-1	"Since I'm unable to attend the Nov. 1 <sup>st</sup> Hearing, I'm writing this as an opportunity to voice my opinion and concern about the operation of Quemetco close to residential areas."	See response to comment DM-12.
MN-2	"It surely is a Health Hazard."	As part of the permit process, a human health risk assessment

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>(HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc.) The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.</p>
MN-3	"20 years of temporary permit is too long already."	See response to comment MN-2.
MN-4	"Every time I pass through 7 <sup>th</sup> Ave. I could see that high thick smoke and kept me wondering why this is being allowed."	One of Quemetco's stacks frequently releases a steam plume which may resemble smoke. A steam plume, which is not air pollution, may appear white or grey, but will "cut off" or disappear rapidly at a certain distance from the stack depending on the humidity in the atmosphere. A smoke or particulate plume will "trail off" for a longer distance. South Coast Air Quality Management District (SCAQMD) inspectors have not observed smoke from Quemetco that exceeds the rule limits since 1986. If the onlooker observes smoke from Quemetco, he or she should call the SCAQMD complaint line as soon as possible.
MN-5	"We already suffered environmentally and allowing this to work around here will jeopardize our health for one and worsen all those who are already sick and suffering."	See response to comment MN-2
MN-6	You need to relocate Quemetco to a more distant unpopulated location for fairness to all	See responses to comments DM-12, DM-107 and DM-329.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	the residents in the vicinity.	
MN-7	The Department of Toxic Substances Control should not let Quemetco continue to operate here anymore.	The comment is noted. See responses to other more specific comments.
MN-8	Money talks like the tobacco industry but I for one has great confidence in the Government Personnel honest opinion and decisions and thank you for a favorable one.	The comment is noted.
<b>MS. LILLIAN AVERY</b> 1015 Hedgepath Ave. Hacienda Hts., California 91745 [LETTER 2] [November 1, 2001]		
LA-1 [letter-2]	"I am concerned that his experience' as consultant to Quemetco, along with his firm's continued service as consultant to Quemetco, and his new position as Administrator of the federal government agency over the California Environmental Protection Agency and the Dept. of Toxic Substances Control, raises serious questions of conflict of interest, particularly with respect" to decisions regarding approval of the proposed Hazardous Waste Facility Operation and Post-Closure Permit, and draft EIR for Quemetco."	DTSC is responsible under state law to make the decision to approve or disapprove of Quemetco's permit application. Since Mr. Wayne Nastri is not involved in this decision making process, any possible connection between Quemetco and Mr. Nastri is not relevant, nor is it an issue concerning conflict of interest in this case. See also responses to comments DM-297 to DM-302.
<b>MS. LILLIAN AVERY</b> 1015 Hedgepath Ave. Hacienda Hts., California 91745 [LETTER 3] [November 20, 2001]		
LA-1 [letter-3]	"On June 29, 2001, the California Environmental Protection Agency, Dept. of Toxic Substances Control, issued a proposed hazardous waste facility operation and post closure permit and draft Environmental Impact Report (EIR) for Quemetco Inc., a lead battery recycling facility located at 720 So. 7 <sup>th</sup> Avenue, City of Industry, California."	The comment is noted.
LA-2 [letter-3]	"Quemetco operations within 500 feet of residences in Hacienda Heights. These residences not only predate the operation of Quemetco, but also the incorporation of the City of Industry (1957) which initially permitted the operation of a lead smelter at that location in 1959."	Current zoning/land use compliance is the factor on which CEQA is based. See also response to comment LA-1 [hearing].
LA-4 [letter-3]	"The impact of operating Quemetco, which releases a wide variety of chemicals and pollutants, such as antimony, arsenic, hexavalent chromium, 1.3 Butadiene, and lead into the ambient air, 24 hours a day, 7 days a	Since the passage of Proposition 65, the Facility has issued warnings and notifications. This is Quemetco's response to requirements of the Office of Environmental Health Hazard Assessment. See responses to other more specific comments.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	week, 365 days a year, is directly borne by residents of Hacienda Heights and requires periodic Proposition 65 warnings. The area of coverage for Proposition 65 warnings blanket a very large percentage of residences, schools, churches, and facilities in Hacienda Heights."	
LA-4 [letter-3]	"The Quemetco Facility is approximately 500 feet from the intersection of 7 <sup>th</sup> Avenue and Clark. The community west of this intersection contains 104 homes and 504 mobile homes. The population is predominately Latino, with a mixture of white, Asian, and black residents making up the remainder. There are a large number of children, ages 1-19, as well as a large number of senior living in the area. Income levels are classified as low to middle income."	The comment is noted. See response to comment LA-1 [hearing].
LA-5 [letter-3]	"This area includes a disabled children's' care facility; two public schools, a church school on Gale Avenue, a Catholic church and a Mormon church, both of which serve large congregations with daily religious services and education classes, and a variety of ministry and organization functions."	The comment is noted. See response to comment LA-1 [hearing].
LA-6 [letter-3]	"There is a real concern when considering how this Hacienda Heights residential community and Quemetco, a toxic polluter, came to inhabit the same neighbourhood. It appears that Western Lead, which preceded Quemetco, with encouragement and permitting by the City of Industry, located the lead recycling plant where residents of the nearby unincorporated community have little political clout and were either dismissed by the City of Industry or were not heard."	The comment is noted. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 25236, in assessing impacts from a project, the existing or baseline setting is defined as the setting at the time of preparation of the Notice of Preparation. However, the Department of Toxic Substances Control (DTSC) does take into consideration the history of facility operating conditions as part of the permitting process.
LA-7 [letter-3]	"Over the years, little has been done by AQMD to identify and correct toxic air emissions and environmental hazards generated by the 24 hours per day, 7 days a week, 365 days a year operation of Quemetco, which disproportionately affects the Hacienda Heights community"	A key portion of the permit is to require compliance with all applicable regulations enforced by the air districts. See response to comment ARB-1, and other comments regarding South Coast Air Quality Management District (SCAQMD) actions. See also responses to comments THMV-8, DM-149, DM-151, DM-194, DM-195, and DM-196.
LA-8 [letter-3]	"The impact on the community of Hacienda Heights is further exacerbated by the generation and daily delivery of over 50 truckloads of used lead batteries and hazardous waste materials, and the daily transport of over 25 truckloads of lead products and hazardous wastes from the facility. These	The Department of Toxic Substances Control (DTSC) will exercise its authority to ensure that Quemetco complies with applicable state law requirements and will recommend that the South Cost Air Quality Management District (SCAQMD) address the toxic hotspot issue. The SCAQMD Multiple Air Toxics Exposure Study (MATES-II) published in March 2000, estimated that diesel particulate contributed about 71% of the basin-wide

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	diesel trucks travel through the Hacienda Heights community on Hacienda Boulevard, Gale Avenue, Turnbull Canyon Road, Clark Avenue, and 7 <sup>th</sup> Avenue."	cancer risk. For the Pico Rivera MATES-II Fixed Site, the site closest to the area around Quemetco, that risk is slightly higher from diesel fumes, estimated at 77%. Other toxic compounds significantly contributing to the local area's risk are 1,3-butadiene (7%), benzene (5%), and carbonyl (3%), all attributable to mobile sources. See also response to comment DM 135.
LA-9 [letter-3]	"Two trips, to and from the facility for each incoming and outgoing truckload, results in an estimated 150 diesel truck trips per day. What steps have been taken by Quemetco, the California Air Resources Board, the Metropolitan Transportation Authority, and the AQMD to replace these diesel vehicles or use cleaner alternatives?"	See responses to comments ARB-1, ARB-6, DM-157, and DM-165.
LA-10 [letter-3]	"The EIR does not address the issue of replacement of diesel vehicles that daily transport used lead batteries, hazardous waste materials and lead products to and from Quemetco, or the use of cleaner alternatives. "	See responses to comments ARB-1, DM-157, and DM-165.
LA-11 [letter-3]	"It is requested that DTSC approach approval of this permit on the basis of a proposal for a new lead recycling facility at 720 South 7 <sup>th</sup> Avenue, City of Industry, California."	The project for which the draft Environmental Impact Report (dEIR) was prepared is the approval of a permit for the continued operation of an existing facility with no modifications or expansions to the existing facility operations and no construction or expansion to the existing physical facility.
LA-12 [letter-3]	"Although this lead recycling facility started operation as Western Lead Products in 1959, and was expanded to its current size by Quemetco who purchased it in 1970, it has never had a state permit."	See response to comment LA-1 [hearing] and DM-25.
LA-13 [letter-3]	"A formal CEQA review for the Quemetco facility has never been conducted. There have been inadequate environmental reviews and inadequate dissemination of information to the community."	The draft Environmental Impact Report (dEIR) was prepared for the proposed approval of a permit for the continued operation of an existing facility. Adequate environmental review has been performed for this project. A fact sheet was disseminated and information made available to the public at repositories. Quemetco's public hearing was held by The Department of Toxic Substances Control (DTSC) on August 14, 2001 and public meeting was held on November 1, 2001. The hearing was held to accept comments from the public while the subsequent meeting included direct discussion and responses to some questions. See also response to comment DM-200.
LA-14 [letter-3]	"Approval by the California State Department of Toxic Substances Control to issue a Hazardous Waste Facility Operation and Post Closure Permit at this time exposes residents of a vulnerable community to continuous and uncontrolled toxic air pollution and environmental hazards."	See responses to comments LA-11 [hearing], LA-14 [hearing], LA-9 [letter], LA-11 [letter-1], LA-12 [letter-1], LA-14 [letter-1], LA-15 [letter-1], KB-1, and DM-165.
LA-15 [letter-3]	"The proposal to operate a hazardous waste facility should be evaluated solely on the issue of environmental justice, on issues that	The siting and permitting of a hazardous waste facility is governed by federal and state environmental statutes, and implementing regulations. These statutes and regulations take

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	disproportionately affect the community of Hacienda Heights."	into account the constitutional due process and equal protection principles and the requirement of public participation, while ensuring adequate protection of the environment and public health. Federal and state environmental regulatory agencies are responsible to administer and enforce the statutes and regulations.
LA-16 [letter-3]	"Those issues and risks should include the cumulative effects of the continuous exposure of Hacienda Heights residents to toxic air emissions and chemical pollutants in the cardiovascular or blood systems, the nervous system, gastrointestinal system, reproductive system, and respiratory system. In addition, serious consideration and study should be given to the serious problems of children living in the vicinity near Quemetco, who have learning difficulties, cognitive impairment, and other health problems. These problems have been brought to the attention of DTSC and Quemetco on several occasions, and are highlighted in the written response to the proposal and EIR dated August 27, 2001."	See responses to comments LA-10 [hearing], LA-11 [hearing], LA-15 [hearing], LA -16 [hearing], LA-9 [letter 1], LA-15 [letter-1], TE-8, KB-1, MDH-20, DM-89, and DM-116.
LA-17 [letter-3]	"Significant and continuous environmental impacts on air quality and human health and safety in hacienda heights and neighboring communities have existed without mitigation for over 30 years. The implication of a complete relocation and/or closure of Quemetco is considered in the EIR only in terms of economic implications for Quemetco and the battery recycling industry itself."	See responses to comments LA-11 [hearing], LA-15 [hearing], LA-18 [hearing], and LA- 9 [letter 1].
LA-18 [letter-3]	"Environmental justice involving issues of proximity to residents, air quality, human health and safety, public services, and traffic and transportation are critical, important, and significant considerations that over-ride economic justification for the continuation of existing conditions."	See responses to comments LA-15 [letter-3].
LA-19 [letter-3]	"It is requested that the proposed Hazardous Waste Facility Operation and Post Closure Permit and draft Environmental Impact Report (EIR) be denied, and that a near-term closure date that will require the Quemetco facility to relocate to a site further removed from residences be defined."	During the public meeting on November 1, 2001, the Department of Toxic Substances Control (DTSC) provided permit and CEQA flow charts which describe the decision process for approval or denial of a permit. The California Code of Regulations, title 22, section 66270.29, specifies the language for denying a permit. Public comments and concerns have been considered during the decision-making process.

**Jo Terhume**  
 164 S. Ramada Ave.  
 La Puente, California 91746-1803  
 [November 14, 2001]

JTe-1	"I'm writing this letter in reference to the	The comment is noted. See responses to other more specific
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	Quemetco Inc. Battery Recycling Center on 720 So. 7 <sup>th</sup> Ave., City of Industry. I could not make the meetings do to my very busy schedule, but like to express my concerns on this subject. These people have had a TEMPORARY permit for too long, and I think somebody in the County has let them continue like this for too long."	comments.
JTe-2	During this time they have violated number of air quality restrictions.	See response to comment OCC-3.
JTe-3	This is about our neighborhoods children, which will have the long-term effects of this pollution from this business.	As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc.) The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.
JTe-4	This business has not been neighbor friendly, and by the way they bring their Attorneys to the meetings, they want to intimidate residents not to fight this issue.	The comment is noted. However, public meetings are open, by definition, to everyone, including the Facility and its lawyers.
JTe-5	I belong to the local neighborhood homeowners association and it doesn't look good for us little people. Please do not allow this business to harm our air, water, and	The comment is noted. See responses to other more specific comments.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	ground with this lead. Please put yourself in our place.	
<p><b>Mrs. Margery Windle</b>          13712 Benbrook Drive          LaPuente, California 91746          [November 19, 2001]</p>		
MW-1	<p>"I am writing this letter in regards to the hazardous waste facility, Quemetco, Inc. at 720 S. 7<sup>th</sup> Ave., in the City of Industry. As you can see, our residence is only blocks away from this facility. I was out of town and unable to attend the meeting that was held on November 1.</p> <p>My husband and I have lived at the above address for almost 28 years. New neighbors have moved into the homes on our street. What concerns me is that a very high percentage of our original neighbors have died of cancer."</p>	<p>The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems around a facility such as Quemetco should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco.</p>
MW-2	<p>"On our street there are only 11 homes. Across the street from our house, Mr. And Mrs. Ryan both died of cancer as did Mr. Sandoval who lived next door to them. My next door neighbor, Ella Franco, died of cancer recently as did Cora Shields who lives two doors down from me. The neighbor next door to her was diagnosed with breast cancer. I understand that there is a high rate of cancer in our whole area, but I can speak only for my street."</p>	<p>See responses to comments LG-12 and MW-1.</p>
MW-3	<p>"When I received the toxic substances report from Quemetco, I called them and they told me that they can emit toxic waste as long as they tell us about it. I realize that life style and heredity play a part in cancer, but I would like you to look into this matter before Quemetco is allowed to continue to pollute our air."</p>	<p>It is unclear what "toxic substances report" is being referred to here, but based on the response the commenter received from Quemetco, it may be a State-mandated Proposition 65 Notification. Facilities which emit chemicals known or suspected by the State to cause cancer must notify potentially impacted persons of a possible risk (see for example the Prop.65 notification posted at all gasoline filling stations). It is important to</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>bear in mind that this notification does not mean you have actually been exposed to these chemicals or if you are likely to contract cancer if you have been exposed.</p>
<p>MW-4</p>	<p>"I find myself in a bad situation. I can move, but do I sell to people with young children who may be damaged or will the new owners have a greater risk of getting cancer? I need to know these answers as does the Environmental Protection Agency."</p>	<p>As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc.) The Department of Toxic Substances Control (DTSC) reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in the Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.</p>
<p><b>Ms. Lillian M. Avery</b>          1015 Hedgepath Ave.          Hacienda Hts., California 91745          [November 20, 2001]</p>		
<p>LA-1 (letter)</p>	<p>"On November 1, 2001, Ms. Maya Akula, Public Participation Specialist, So. California Regional Office, organized a workshop in Hacienda Heights to provide residents with an opportunity to express concerns about the proposed permitting of a hazardous waste facility at Quemetco, Inc., and to obtain answers to their questions.           Ms. Akula arranged for critical agencies, such</p>	<p>The comment is noted. See responses to more specific comments.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<p>as SCAQMD, Los Angeles Dept. of Health Services, Los Angeles Sanitation District, and DTSC to participate and provide information about their activities, and to respond to concerns of residents regarding the environmental impact of Quemetco on Hacienda Heights and surrounding communities Corporate representatives of Quemetco were also present.</p> <p>Significant and continuous environmental impacts by Quemetco on air quality and human health and safety in Hacienda Heights have existed without mitigation for over 30 years."</p>	
LA-2 (letter)	The impact of operating Quemetco is directly borne by residents of Hacienda Heights and surrounding communities, and requires periodic Proposition 65 warnings.	See response to Comment LA-10.
LA-3 (letter)	"I have been active in Hacienda Heights for many years, and represent the Hacienda Heights Improvement Association (HHIA) with respect to its concerns about Quemetco. The public workshop of November 1, 2001, organized by Ms. Akula is the first workshop of its kind, providing residents with the opportunity to get information and answers directly from critical involved agencies that I have experienced. Although public attendance was less than expected, those attending were certainly able to express their concerns and get answers or explanations."	The comment is noted.
LA-4 (letter)	"I wish to express my sincere appreciation to your agency for the time and effort spent by Ms. Akula in setting up and arranging this workshop. The time and effort of participating agencies is also appreciated.	The comment is noted.
<p><b>Ms. Ruth Wash</b>          Workman Mill Assoc., Inc.          P.O. Box 2146          La Puente, California 91746          [November 26, 2001]</p>		
RW-1	"The Workman Mill Association is strongly against granting a permit to continue operating in our area."	The comment is noted. See responses to other more specific comments.
RW-2	"We have suffered for over 30 years from the effects of Quemetco's operating practices."	See response to comment RW-3.
RW-3	"Many of us as long time residents are sick and dying of cancer, which we believe is a direct result of Quemetco's discharging carcinogens into the air, into the wash and into the ground."	The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
RESPONSES TO PUBLIC HEARING COMMENTS ON  
QUEMETCO, INC.  
DRAFT HAZARDOUS WASTE FACILITY PERMIT  
PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems around a facility such as Quemetco should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco.

As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex HRAs for companies). DTSC reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in the Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.
RW-4	"Quemetco has been found in violation of illegal and unsafe disposal of its hazardous waste by-products numerous times over the past three decades and DTSC still allows them to operate."	Quemetco has been cited for minor and serious hazardous waste violations, and have been issued enhancement orders with penalties and compliance requirements to correct the violations.
RW-5	"It is difficult to understand why DTSC shows no concern for the health of thousands of residents."	See response to comment RW-3.
RW-6	"You are well aware of the serious health problems we, in Quemetco's sphere of influence, continue to battle to no avail."	See response to comment RW-3.
RW-7	"Please consider our plight and close down Quemetco."	The comment is noted. See responses to other more specific comments.
<b>Mr. David Joel McKee</b> 738 S. 3 <sup>rd</sup> Ave. La Puente, California 91746 [November 28, 2001]		
DJM-1	"The purpose of this letter is to inform you of my absolute opposition to the issuance of any operating permit to Quemetco, now or in the future."	See responses to other more specific comments.
DJM-2	"Quemetco has a documented history dating from the late 1950's to the present time of polluting the air, water table, soil and nearby San Jose Creek with lead, arsenic and other toxic substances."	The comment is noted. See responses to other more specific comments.
DJM-3	"Anyone who lives downwind of this company in the Bassett, La Puente, North Whittier or Hacienda Heights areas can attest to the foul odors which emit from Quemetco on a weekly and sometimes daily basis."	See response to comment MDH-17.
DJM-4	"A toxic substance recycler such as Quemetco has no place in a residential community so close to schools, residences and food processing factories, "	See response to comment DM-12.
DJM-5	"all of which depend on well water which has been subject to Quemetco's toxic contaminants for about 45 years now."	See response to comment DM-22.
DJM-6	"I strongly urge you to do your civic duty and shut Quemetco down for good as soon as possible."	The comment is noted. See responses to other more specific comments.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

**Mrs. Priscilla Lohff**  
 Workman Mill Homeowners Assn.  
 508 S. 4<sup>th</sup> Avenue  
 La Puente, California 91746  
 [November 28, 2001]

PL-1	"We all know Quemetco pollutes the air, water and soil."	Comment noted. See responses to other more specific comments.
PL-2	The question, apparently, is by how much. When a little bit gets into our air, our food, our water and our ground, it's no longer a "little bit".	<p>The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems around a facility such as Quemetco should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco.</p> <p>As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco (Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex HRAs for companies). DTSC reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment we rely on comparison of estimated human</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in the Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable.</p>
PL-3	<p>"It seems we and our children are being used as medical guinea pigs to see just how much toxin, over how long a period, the human body can tolerate."</p>	<p>See response to comment PL-2.</p>
PL-4	<p>"In the past Quemetco and its' parent, RSR Corp., have incurred jail terms and millions of dollars in fines for violations of clean air and water laws."</p>	<p>The comment is noted.</p>
PL-5	<p>"Infractions in April and May of 2000 are not considered violations because the notices are still being processed by the Prosecutors office!"</p>	<p>It is unclear as to what infractions are being referred to. DTSC does not have any pending enforcement actions against Quemetco that arose from any violations in 2000.</p>
PL-6	<p>"Asthma, Cancer, emphysema, leukemia... maybe we can't prove Quemetco is causing them, but can Quemetco prove it is not?"</p>	<p>See response to comment PL-2.</p>
PL-7	<p>"Besides human consequences, shouldn't the EIR consider effects on local flora and fauna?"</p>	<p>See response to comment DM-28.</p>
PL-8	<p>"The U. S. Wildlife Service and the California Department of Fish and Game, for instance, should be asked to consider the results of Quemetco effluent on the endangered Coastal Live Oaks in the area and the small wild animals and reptiles."</p>	<p>See responses to comments DM-10 and DM-28.</p>
PL-9	<p>"For instance, doesn't 1,3 Butadiene cause excessive leukemia and tumors in rats and mice and also have adverse reproductive and developmental effects?"</p>	<p>The Department of Toxic Substances Control (DTSC) agrees that long term exposure to 1,3-butadiene has been associated with a variety of harmful health effects. 1,3-butadiene is considered by the U.S. Environmental Protection Agency (U. S. EPA) to be a probable human carcinogen (Class B2). The U. S. EPA does not consider the epidemiological evidence to warrant a classification as a known human carcinogen (Category A). The CalEPA Office of Environmental Health Hazard Assessment (OEHHA) has identified butadiene as a "Toxic Air Contaminant" (TAC) with an estimated cancer unit risk factor (URF) of 0.00017 per microgram</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>per cubic meter of air (<math>\mu\text{g}/\text{m}^3</math>). The URF is an upperbound estimate of the probability of contracting cancer for persons continuously exposed for a 70-year lifetime. The risk assessment conducted for the Quemetco facility estimated the excess lifetime cancer risk from exposure to measured emissions of butadiene to be 5.1 in one million at the maximum exposed individual resident (MEIR) at the nearest actual residential receptor with the highest estimated annual average ground level concentration (<math>0.06 \mu\text{g}/\text{m}^3</math>) assuming a 30 year exposure duration. Estimated cancer risks at all other residences will be less.</p> <p>Butadiene is a common, ubiquitous ambient air pollutant emitted in significant quantities in vehicle exhaust as well as tobacco smoke. Ambient air levels of butadiene in the South Coast Air Basin range from <math>0.15</math> to <math>0.34 \mu\text{g}/\text{m}^3</math> (California Air Resources Board Air Quality Data Year 2000).</p> <p>OEHHA has also evaluated the noncancer health effects of butadiene for the Air Toxics Hot Spots Program and have promulgated a chronic inhalation Reference Exposure Level (REL) of <math>20 \mu\text{g}/\text{m}^3</math>. The HRA predicted a maximum annual average ground level concentration based on measured emissions from the stacks to be <math>0.07 \mu\text{g}/\text{m}^3</math> which is less than the REL, and as such, no long term adverse noncancer health effects are expected to occur. (The maximum GLC of <math>0.07 \mu\text{g}/\text{m}^3</math> is the plume point of maximum impact just north of the facility in a nonresidential area). See also responses to comments DM-10 and DM-28.</p>
PL-10	"Southern California has been charged with cleaning up the smog-filled air."	<p>The South Coast Air Quality Management District (SCAQMD) is the air pollution control agency for the four-county region including Orange County and parts of Los Angeles, Riverside and San Bernardino counties. This area of 12,000 square miles is home to more than 14 million people – about half the population of the State of California. SC AQMD is charged with the responsibility for controlling emissions from stationary sources of air pollution. These can include anything from large power plants and refineries to the corner drycleaner. There are about 31,000 such businesses operating under SCAQMD permits. About 40% of this area's air pollution comes from stationary sources, both businesses and residences. The other 60% of air pollution comes from mobile sources – mainly cars, trucks and buses, but also including construction equipment and trains and airplanes. Emission standards for mobile sources are established and directly regulated by state or federal agencies, such as the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (U.S. EPA), rather than by local agencies such as the SCAQMD.</p>
PL-11	"DTSC can easily clean up this area. After 40 years of "temporary" polluting "enough is too much".	See responses to comments JTi-5 and DM-9.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

PL-12	"Please shut down or relocate Quemetco."	The comment is noted. See responses to other more specific comments.
<p><b>Johnson Ting</b>          15107 El Selinda Drive          Hacienda Heights, California 91745          [November 29, 2001]</p>		
JTi-1	"First of all, thank you for extending the public comment period as I was on a business trip and was not able to comment on this matter regarding Quemetco. Inc., Battery Recycling Facility. This is a very serious issue as it affects the community as a whole and its members' health. Hacienda Heights and its surrounding area are rapidly developing communities with thousands of people living and working here and calling this area their home."	The comment is noted. See also response to JTi-3.
JTi-2	"With these many people residing here, we cannot afford to have an industrial facility that will be emitting toxic fumes into the air in such close proximity to our residential community."	The comment is noted. See also response to JTi-3.
JTi-3	"This could potentially lead to higher incidences of cancer, congenitally malformed babies, or other medical conditions."	<p>The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the health risk assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects, including cancer, and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems around a facility such as Quemetco should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the county and/or State health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health Services, Toxics Epidemiology Program (LACDHS) and they have conducted additional blood level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the LA County cancer registry program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco.</p> <p>As part of the permit process, a human health risk assessment (HRA) was prepared by a consultant hired by Quemetco</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>(Kleinfelder, Inc., an environmental consulting firm with considerable experience in preparing complex HRAs for companies). DTSC reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluated those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD), as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that DTSC considers in all aspects of a permit decision. We agree that most industrial chemicals may be hazardous to your health if not properly managed. Based on the HRA, which uses the actual emission rates of all chemical known to be emitted from the facility, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upperbound excess lifetime cancer risk at the maximum exposed individual resident (MEIR) of 2.4 in one hundred thousand based on an exposure duration of 30 years to be acceptable."</p>
JTi-4	<p>"Quemetco is good at testing children around this area to monitor to toxic level in their blood. However, we cannot say for sure the test being conducted by Quemetco are conclusive and impartial."</p>	<p>There is no record that Quemetco has directly conducted any testing of children. It is the Department of Toxic Substances Control's (DTSC) understanding Quemetco has provided some funding to provide free lead testing, but the Los Angeles County Department of Health Services (LADHS) organized the efforts. LADHS is the only agency that received the lab results and they remain confidential. The results were tabulated and a summary sheet was developed for those interested. There were 75 adults and 169 children tested. Of those tested there was only one adult identified with a slightly elevated blood lead level. This person reported risks of lead exposure in the workplace.</p>
JTi-5	<p>"The most the test can prove is that at present time, no toxic level has been detected in these children. With no long term study, who is confident enough to say that in 10 or 15 years down the line, everybody who lives in this vicinity of the babies from whom used to live in this area will not be affected by this toxic fume. Nobody knows, only time will tell."</p>	<p>Emission limits for specific chemicals have been established to protect human health. There are regulatory agencies, such as the South Coast Air Quality Management District (SCAQMD), which monitor Quemetco and other industrial facilities to make sure the emissions from the sites are within the allowable limits. This Permit also imposes compliance schedule and monitoring requirements on the Facility.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

JTi-6	"But if we wait until then to take action, it is too late."	See response to comment JTi-5.
JTi-7	"The bottom line is that the data that we have right now does not guarantee anything in the future and breathing toxic fume will potentially lead to severely harmful effect."	See response to comment JTi-3.
JTi-8	"Nobody would love to play, work, or even live here if they knew that the air they breathe every minute is contaminated with some toxic substance."	See response to comment JTi-3.
JTi-9	"It is with this great concern, I urge you to deny the permit for Quemetco."	The comment is noted. See responses to other more specific comments.
JTi-10	"Another comment that I would like to bring to your attention is that majority of the people who live in Hacienda Heights are also Chinese-speaking. Some of them do not read English and, therefore, would not know what the purpose of this issue. They may not or cannot comment with the existence of their language barrier, but this does not mean that they are not concern at all at this matter."	Surveys, demographics and community interviews identified that only translations in Spanish were required.
JTi-11	Please also take this into consideration.	The comment is noted. See responses to other more specific comments.
<b>Duncan McKee</b> <b>738 South Third Avenue</b> <b>La Puente, CA 91746</b> <b>[December 5, 2001 (revised)]</b>		
DM-1	"This letter is to voice our input on Quemetco's permit and E.I.R. and to ask for the help from all public agencies involved in the process. Our family has lived in the Avocado Heights area since 1947. Our family has protected and maintained habitat for most of the species that I have mentioned in this response. Quemetco claims that they have "grand fathered" in the "right" to operate and pollute the local area but; the fact is, that local residents have opposed this operation for nearly 40 years. Many of us feel that we have grand fathered in the right to not be assaulted in our own homes by the toxic emissions that regularly bombard us from this facility."	The comments are noted. See responses to other more specific comments.
DM-2	<b>"The facts are that this facility has increased in size and volume of material processed and is many times what it was when Quemetco acquired this site. To apply the grandfather principal in this case would be like acquiring an existing single family dwelling, building an apartment complex and disco tech, and claiming that it</b>	Quemetco's production capacity has increased over the years, but that it operates within the permitted throughput limits of its current Title V permit issued by South Coast Air Quality Management District (SCAQMD) and the storage limits under Interim Status requirements previously issued by the Department of Toxic Substances Control (DTSC). In Quemetco's most recent revision of its Resource Conservation and Recovery Act (RCRA) Part B application, a revised RCRA Part A application was included.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	was legal to operate because the original structure existed previously. I am concerned to see that they are requesting in the permit application to be permitted to "Modify manufacturing processes to increase productivity."	Quemetco states that it listed its "maximum name plate" capacity and not its present production levels. Quemetco claims that DTSC does not regulate throughput capacity and has argued against its inclusion in the final Permit. Despite this, DTSC has included the maximum throughput capacity in the Permit's unit descriptions. If in the future, Quemetco seeks to increase its throughput, it must submit an application to DTSC for a permit modification. It should be noted that if Quemetco were to seek an increase in throughput, it would also be required to seek a modification of its Title V permit from the SCAQMD.
DM-3	"Will this increase emissions and discharges from this facility?"	Quemetco's permit application does not involve a request to increase emissions beyond the current emissions limits.
DM-4	"Will increases in the volume or scope of Quemetco's operation occur in the future?"	See response to comment DM- 2.
DM-5	"Will this involve new activities that were not operational at the point of acquisition by Quemetco of this facility?"	The Department of Toxic Substances Control (DTSC) did not regulate the Quemetco facility when it commenced operations in the City of Industry in the late 1950s. Quemetco came under DTSC's jurisdiction in the mid-1980's as a result of California's obtaining interim authorization from the U.S. EPA to administer the State program in lieu of the federal Resource Conservation and Recovery Act (RCRA) program. Quemetco was required to file a "RCRA Part A" application and, was subsequently granted "interim status" to operate the subject hazardous waste management units. Since the initial granting of interim status, Quemetco sought and received specific permission to install production equipment such as the slag reduction furnace (replacing an older electric arc furnace) and environmental control equipment such as the containment building which now houses raw material before processing. The revised Part B permit application did not request permission to install new production or environmental control equipment that seeks to operate those processes and control functions which are currently operating under "interim status".
DM-6	"I am formally requesting that the permitting review process for this facility take into consideration Quemetco and their predecessor's performance record from 1959 until present and not the last 5 years as has been suggested. It would be gross negligence and incompetence by the Lead Agency if this occurs in this case."	The Department of Toxic Substances Control (DTSC) must be consistent in applying the applicable statutory and regulatory criteria in making its decision on any given permit application to ensure that the environment and public health are adequately protected.
DM-7	"I have taken the liberty to include a copy (hard and digital) of a report called the Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, California EPA ID No. CAD066233966, March 8, 1996. This is DTSC's own well-written account of the state of affairs surrounding this operation. I	This report is a public record and available to any member of the public. However, its admissibility in an administrative or legal proceeding is subject to the applicable rules of evidence.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	am formally requesting that this document in its entirety be admissible in any and all present and future proceedings (including court) concerning this facility. Special thanks to Ruth and Jamshid for providing us with this information and encouragement to participate in the public input phase."	
DM-8	"I encourage all DTSC inspectors and those involved in the permitting process to read it carefully so they will have an idea as to the extent of the problems with this facility and its continued operations. In this report are literally hundreds of violations, failures to comply or evidences of hazardous soil and water concentrations as well as documentation of verbal agreements, special permissions and questionable deals on serious issues concerning permits to discharge dangerous substances."	The Department of Toxic Substances Control 's (DTSC) compliance file for Quemetco shows that there is a past history of violations. Inspectors for the Statewide Compliance Branch review these files on a routine basis. The 1996 Comprehensive Monitoring Evaluation (CME) to which the commenter refers resulted from one such inspection by DTSC geologists to determine whether Quemetco was satisfying the California Code of Regulations, title 22, division 4.5, chapter 14, article 6, groundwater monitoring requirements. It is inaccurate to state that the CME report included special permissions or questionable deals. DTSC recognizes that there is soil and evidence of historic ground water contamination at the Facility and will require Quemetco to determine the nature and extent of releases through the corrective action process. The final Permit references, in Part VI, the corrective action orders under which this work is being required. Moreover, the final Permit has requirements for enhanced environmental monitoring in Part IV.
DM-9	"I strongly encourage DTSC to be meticulous in their scrutiny of all the serious issues discussed in this report and to act swiftly to insure that the contamination that exists at this site is immediately addressed to prevent further pollution of ground water in the area."	The Department of Toxic Substances Control (DTSC) recognizes that there is soil and groundwater contamination at the facility and will require the Permittee to determine the nature and extent of these releases through the corrective action process. The Permit references, in Part VI, the corrective action orders under which this work is being required. Clean-up has already been accomplished at portions of the Facility. For example, the former waste piles have been remediated by having thousands of cubic yards of lead-contaminated soil removed and replaced by clean backfill as a corrective action Interim Measure. Similarly, the former waste water impoundment was remediated through removal of thousands of cubic yards of lead-contaminated soils. Cleanup levels for both remediation activities were set by the U.S. Environmental Protection Agency (U.S. EPA). The corrective action orders cited in Part VI of the final Permit require the Permittee to continue the RCRA Facility Investigation (RFI) to determine the nature and extent of site-derived contamination. This work will include off-site investigation with respect to soils and ground water. DTSC has approved an RFI work plan submitted by Quemetco to continue this work. If determined to be necessary by DTSC, additional Interim Measures will be required of the Quemetco even while the RFI work progresses. At such time as DTSC determines that sufficient investigation has been accomplished to evaluate potential remedies for the various environmental media which may be affected, Quemetco will be required to perform a Corrective Measures Study (CMS). DTSC will evaluate the CMS and select appropriate remedies for the

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>various environmental media which may be affected. DTSC plans to provide periodic fact sheets throughout the corrective action process in addition to soliciting public input during the remedy selection component of that process.</p>
DM-10	<p>"The Draft E.I.R. presented by Quemetco has many shortcomings, over simplifications, omissions, false statements, misleading interpretations of data and erroneous conclusions."</p>	<p>The draft Environmental Impact Report (dEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, including analysis of project impacts upon environmental resources identified during the Notice of Preparation (NOP) scoping process, public hearings and community outreach efforts. The environmental resources that the Department of Toxic Substances Control (DTSC) identified as being potentially significantly impacted by the project were identified as follows:</p> <ul style="list-style-type: none"> <li>• Land Use</li> <li>• Earth Resources</li> <li>• Water Quality</li> <li>• Air Quality</li> <li>• Noise</li> <li>• Human Health</li> <li>• Risk of Upset/ Waste Management</li> <li>• Transportation</li> <li>• Public Services/ Utilities</li> </ul> <p>During the NOP review period, no comments were received from the public or affected agencies suggesting that the scope of the Environmental Impact Report (EIR) be expanded to include other environmental resource areas or issues.</p> <p>For clarification, DTSC found that certain environmental resources would not be significantly impacted by the proposed project and would not be included within the scope of analysis in the EIR. These resources and the reasons they were not considered to be significantly impacted by the project are as follows:</p> <p><u>Plant Life</u>      The facility is located in an existing industrial area, void of substantive plant life. The project site is fully developed and operational. Portions of the property have been landscaped with non-native plants and cover material. A search of the California Department of Fish and Game Natural Diversity Data Base was performed to ascertain if any threatened or endangered plant species were located at or in the vicinity of the facility. The data base search was conducted for the U.S. Geological Survey (USGS) quadrangle in which the facility is located (El Monte 7 ½ minute). This data search revealed that no threatened or endangered plant species are located at or in the vicinity of the facility. The project consists of approval to continue current operations with no construction, excavation or grading proposed. Therefore, impacts to plant life are not expected.</p> <p><u>Animal Life</u></p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>The facility is located in an existing industrial area, void of any substantive animal life. The project site is fully developed and operational. A search of the California Department of Fish and Game Natural Diversity Data Base was performed to ascertain if any threatened or endangered animal species were located at or in the vicinity of the facility. The data base search was conducted for the USGS quadrangle in which the facility is located (El Monte 7 ½ minute). This data search revealed that no threatened or endangered plant species are located at or in the vicinity of the facility. The project consists of approval to continue current operations with no construction, excavation or grading proposed. Therefore, impacts to animal life are not expected.</p> <p><u>Aesthetics/Light and Glare</u>      The facility is located in an industrial area, replete with existing street and facility lighting to allow for operation on a 24-hour basis. The project site is fully developed and operational. No new lighting or construction is proposed as part of this project. Continued operation of the facility is consistent with existing aesthetic and lighting characteristics of the area. Therefore, impacts to aesthetic or light/ glare characteristics of the area are not expected.</p> <p><u>Cultural/ Archaeological/Paleontological Resources</u>      The project site is fully developed and operational. The project consists of approval to continue current operations with no construction, excavation or grading proposed. Therefore, the impacts to cultural, archeological or paleontological resources are not expected.</p> <p><u>Population/Housing/Recreation</u>      The project site is fully developed and operational. The project consists of approval to continue current operations with no construction, excavation or grading proposed. There will be no additional employees added to the employment base of the existing facility. Therefore, impacts to the existing population, housing or recreation resource base are not expected.</p> <p>The comments do not provide sufficient information to suggest a change in the findings or conclusions contained in the draft EIR.</p>
DM-11	"In addition, lack of data and questions concerning questionable comparative study test procedures and test results leave much room for improvement."	See response to comment DM-10.
DM-12	"For example, on page 1-2 it states "No significant adverse land use impacts were identified. No mitigation measures are required." The truth is that significant adverse land use issues do exist but the Chambers Group in this grossly inept EIR did not identify them."	Section 3.0 of the draft Environmental Impact Report (dEIR) provides a complete analysis of the potential impacts to Land Use and Planning. The comments do not provide sufficient information to suggest a change in the findings or conclusions contained in the dEIR.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM-13	<p>"The E.I.R. states that "The project site is located within an urbanized area in the City Of Industry that supports industrial and manufacturing facilities. The project is not located within a Habitat Conservation Plan or Natural Community Conservation Plan Area."  <b>This is not true.</b>          "The fact is that numerous, large <b>food</b> manufacturing and <b>food</b> processing companies (Golden State Foods, El Mexicano, La Victoria, Pachinos and several others are all located within blocks of Quemetco. Fresh Start Bakeries who I was told bake the buns for McDonalds is located just across the street from the facility within several hundred feet of Quemetco's stacks."</p>	<p>While not specifically named, the companies identified by the commenter were included by reference to the City of Industry General Plan Land Use Map on pg. 3.1-3 of the draft Environmental Impact Report (dEIR). The comments do not provide sufficient information to suggest a change in the findings or conclusions contained in the dEIR. See also response to comment DM-12.</p>
DM-14	<p>"Where are these food-producing companies (except Golden State Foods) mentioned in the E.I.R.?"</p>	<p>Food manufacturing is included under the Zone "M" classification. Thus, the food manufacturing facilities mentioned in the comment are included by reference in this zoning classification (see Section 17.16 of the City of Industry's zoning code. See also response to comment DM-13.</p>
DM-15	<p>"The Food and Drug Administration has guidelines that dictate how much of certain substances specific food products can contain including 1,3 Butadiene, Arsenic, Chromium 6 and Mercury. What levels do these hamburger buns contain of each of the toxic substances released by Quemetco?"</p>	<p>The comment is noted. The specific food manufacturing entities would need be in compliance with any applicable Food and Drug Administration (FDA) protocol or guideline, however, this is not within the Department of Toxic Substances Control's (DTSC) purview. See also response to comment DM-10.</p>
DM-16	<p>"What about the cheese produced at El Mexicano?"</p>	<p>See response to comment DM-15.</p>
DM-17	<p>"What special measures has Quemetco provided to safeguard the food products produced at these facilities from contamination by stack and dust emissions from this facility?"</p>	<p>See response to comment DM-15.</p>
DM-18	<p>"What about short bursts when the pollutants might exceed safe exposure limits?"</p>	<p>In the Toxic Hot Spots health risk assessment (HRA) process the average annual emissions of the facility are used to calculate the cancer risk and the chronic hazard index. Maximum hourly emission rates are used to calculate the acute hazard index. Health risks associated with non-inhalation pathways such as ingestion from contaminated food are accounted for by using the multi-pathway exposure models developed by the California Air Resources Board (CARB) and Office of Environmental Health Hazard Assessment (OEHHA). See response to DM-135, etc. for background on the Toxic Hot Spots HRA. See also response to comment DM-15.</p>
DM-19	<p>"Do hepa filters contain VOCs and other hazardous chemicals such as 1, 3 Butadiene?"</p>	<p>In responding to this question, it is assumed that the word "contain" means "control". High Efficiency Particulate Air (HEPA) filters are designed to control particulates, not organic vapors. So, 1, 3-butadiene and other similar organic vapors are not controlled</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		by the use of a HEPA filtration system. HEPA filters do, however, control hazardous compounds that are in particulate form.
DM-20	"The E.I.R. states that the facility is not located near any drinking water reservoirs. <b>This is not true.</b> In fact City Of Industry Water Works System has a reservoir located just over 3 blocks from the Quemetco facility on Lomitas between 4th and 3rd Avenue. This reservoir serves the drinking water needs of the entire area including much of City of Industry."	It is correct that the City of Industry Water Works System has a reservoir located about 3 blocks from the Facility on Lomitas between 3 <sup>rd</sup> and 4 <sup>th</sup> Avenue. However, the reservoir is not currently a source for drinking water to the community. The three extraction wells located about 6 blocks east of the 605 Freeway and about 5 blocks south of Valley Blvd, were previously shut down due to the presence of contaminants in the aquifer. The City obtains water from three private water agencies: Walnut Valley Water, Roland Water, and Suburban Water. In addition, the City of Industry Water Works System obtains water from the San Gabriel Water Company. A portion of this water is also supplied to portions of the unincorporated area of Los Angeles County.
DM-21	"The wells themselves are located 3 blocks North towards Valley Boulevard and around 10 blocks West toward the 605 Freeway, near the duck farm, which may soon be preserved as part of a bigger Natural Community Conservation Plan. It is conceivable because of the dendritic nature of subterranean watercourses and the variability in direction of transmission due to fluctuations in ground and soil-water conditions, that contamination of ground water that exists on the site today could contaminate those wells in the future."	The three water purveyor extraction wells located about 6 blocks east of the 605 Freeway and about 5 blocks south of Valley Blvd. were shut down due to the presence of contaminants in the aquifer. The groundwater quality, flow direction and groundwater flow rate at the Quemetco Facility are measured and reported quarterly in submissions to the Department of Toxic Substances Control (DTSC). The levels of contaminants currently detected in Quemetco ground water wells are such that the public drinking water supply wells are unlikely to be affected at levels approaching the maximum contaminant levels (MCLs) or action levels (ALs) for the reported constituents at this facility. DTSC will continue to evaluate these on-going submissions for such factors as fluctuations in water level, flow direction, flow rate and groundwater contamination which might indicate that existing soil contamination is having renewed impact on ground water. The final Permit contains conditions which require additional groundwater and vadose zone monitoring to be performed by Quemetco. Vadose zone monitoring provides an early warning for renewed mobilization of soil contaminants. DTSC will consider such threats in its evaluation of the corrective action remedy(ies) for the various affected media at the Facility. Moreover, the local water districts periodically analyze drinking water to assure that the water meets the state-required standards for protection of public health and report these results directly to their customers. Drinking water is obtained for the area from three private water agencies: Walnut Valley Water, Roland Water, and Suburban Water. The City of Industry Water Works System obtains water from the San Gabriel Water Company. A portion of this water is also supplied to portions of the unincorporated area of Los Angeles County.
DM-22	"It is likely that contamination from the area surrounding this facility has already done irreparable damage to the underground aquifer system in the area surrounding the site and may be migrating at an unknown rate."	While it is true that contaminants have been released to the aquifer system, the degree of "damage" is not established. There are several methods for cleaning up ground water that can be applied at the Facility should it be determined that cleanup for specific constituents are ultimately necessary. Quemetco is going to be required, as part of its RCRA Facility Investigation (RFI) work, to determine the full nature and extent of site-derived

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>contamination.</p> <p>It is the Department of Toxic Substances Control's (DTSC) responsibility to assure that Quemetco determines the nature and extent of these releases and to select remedies during the corrective action process. The public will be notified once the extent of these releases has been determined and public input will be solicited in the selection of the remedy for the contamination. The groundwater quality, flow direction and groundwater flow rate are measured and analyzed quarterly in submissions to DTSC. The local water districts are required to periodically analyze drinking water to assure that the water meets the state required standards for protection of public health. The fluctuations in water level, flow direction, flow rate and groundwater contamination will continue to be monitored by DTSC and the water districts to assure that the water from drinking water wells meets state maximum contaminant levels. See also response to comment DM-9.</p>
DM-23	<p>"Keep in mind that ground water contamination quite possibly means that under certain conditions ground water under the facility could enter the surface water in the San Jose Creek through the valves located at 500 foot intervals in the channel. Why has the Porter-Cologne Act not been enforced in this case?"</p>	<p>The Department of Toxic Substances Control (DTSC) has raised this very issue in its 1996 Comprehensive Monitoring Evaluation (CME). Clearly, large groundwater elevation increases could cause potentially contaminated ground water to discharge into San Jose Creek. DTSC is requiring in Part IV of the final Permit that Quemetco begin to monitor surface water, under California Code of Regulations, title 22, division 4.5, chapter 14, article 6 to address these issues. The Porter-Cologne Act is primarily enforced by the Los Angeles Regional Water Quality Control Board (LARWQCB) which makes determinations on how to implement the relevant water quality requirements. Should any Waste Discharge Requirements (WDRs) be adopted for the Facility in the future by the LARWQCB, DTSC would include those by reference in the Permit. In the meantime, DTSC has specified monitoring points, etc. for surface water related to releases from the former surface impoundment and waste piles.</p>
DM-24	<p>"Existing downgradient wells (MW-2 and MW-3) were not at the limit of the regulated unit (surface impoundment). These wells were 600 feet from the impoundment, making it possible for subsurface releases from the impoundment to be undetected. Lead, selenium, barium, chromium, cadmium, copper, iron, and mercury concentrations in groundwater samples exceeded Maximum Contaminant Levels (MCLs)."</p>	<p>Groundwater flow direction has changed over the history of the facility. Groundwater monitoring wells MW-2 and MW-3 are generally not downgradient of the regulated unit. The California Code of Regulations, title 22, sections 66264.95 and 66265.98 require groundwater monitoring wells, known as point of compliance (POC) wells, to be downgradient in the uppermost aquifer at the boundary of the regulated unit (the former surface impoundment). MW-2 and MW-3 are not designated as POC wells. They are not required to be at the downgradient boundary of the regulated unit. DTSC has required, in Part IV of the final Permit, changes and additions to the groundwater monitoring network which will improve the ability of the network to detect further subsurface releases and to evaluate the extent of past releases. Contaminants above maximum contaminant levels (MCLs) and action levels (ALs) have been detected in groundwater over the history of the facility. In more recent times, samples which have been analyzed from some of the existing</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		network do not exceed the MCLs or ALs for lead and other metals. More of concern, past analyses have shown exceedances of these regulatory levels in wells not currently being sampled. Conditions in Part IV of the final Permit address this concern and require revisions to the groundwater monitoring and response plan (GWMRP).
DM-25	"The E.I.R. states that the nearest residence to the west is □ mile from the site. Not true. Residents occupy homes 1 block west from the site on 6th Ave and the Latin American Bible Institute has an apartment complex (high density) between 6th & 5th Avenues while the west side of 5th Ave. is lined with homes. So there may be several hundred residents within a few blocks of the facility."	The comment is noted. The draft Environmental Impact Report (dEIR) estimate of the nearest residence was an approximation. The following language is inserted as clarification to the land uses near the facility: "Residents occupy homes 1 block west of the site on 6 <sup>th</sup> Avenue. There is a Latin American Bible Institute located between 5 <sup>th</sup> and 6 <sup>th</sup> Avenues and residences are located on the west side of 5 <sup>th</sup> Street. An equestrian facility and park are located on Don Julian, a few blocks west of Quemetco. Due to the nature of the layout of the industrial facilities in the area, city streets are laid out further distant than that of a normal urban city street system. As such, the nearest receptors are on the order of 600 feet from the facility to the south in the Hillgrove area."
DM-26	"In addition the equestrian facility and park are on Don Julian, just several blocks west of Quemetco. This needs to be corrected."	The comment is noted. See response to comment DM-25.
DM-27	"Serious consideration of real and important existing environmental issues is missing from the Draft EIR and must be included in the Final EIR." "Below are just some of them."	The comment is noted. See responses to comments DM-10 and DM-28.
DM-28	<u>Environmental Impact</u>  "Complete failure to identify and document the fact that several nesting pairs of threatened or endangered owls (with babies) are located 4 blocks from Quemetco in the 700 block of 3rd Ave. directly west from Quemetco. This is documented."	During the NOP review period, no comments were received from the public or affected agencies suggesting that potential impacts to Plant & Animal Resources were significant and should be included within the scope of the EIR. Consequently, such an evaluation was not included in the EIR. The comment does not provide detailed information or data to suggest that activities associated with the proposed project would result in significant impacts to Plant & Animal Resources. Also see Response to Comment DM-10.
DM-29	"In addition threatened hawks that play an important role in the stability of the ecosystem inhabit the area surrounding Quemetco (3 or more species) again within 4 blocks of Quemetco."	See response to comment DM-28.
DM-30	"What is the effect of the multitude of pollutants emitted by Quemetco on the native species such as Quercus agrifolia (Coast Live Oak) which exist throughout the surrounding area, are on a Protected Species List and some of which are hundreds of years old?"	See response to comment DM-28. Coastal Live Oaks in the surrounding area are within the County's and local jurisdictions various programs for replacement if any trees are removed/affected by construction or other activities. While these programs do require examination of the trees for any adverse health effects, there is no way to determine based on existing information whether Quemetco or any other facilities in the area have any adverse health effects or contribute to adverse health effects on this species. If any Oaks were immediately adjacent to Quemetco, and soil contamination or other factors could be

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		directly correlated, the cause and effect might be postulated. However, that is not the case for this facility. See response to comment DM-28.
DM-31	"According to testimony at the 1996 scoping session and included in the Draft Environmental Impact Report, Quemetco and their predecessors discharged lead waste as well as numerous other toxins and poisons directly and indirectly into the San Jose Creek until 1975. This undoubtedly may have caused damage to the fragile riparian ecosystem that is now part of the San Gabriel River Conservancy."	The discharge to San Jose Creek was addressed through enforcement actions taken by the LARWQCB. No similar occurrences have been observed since that time. Also see response to comment DM-28.
DM-32	"Are the authors of the E.I.R. not aware of the bill introduced by Senator Solis and co-authored by Assembly members Calderon, Ackerman, Romero and Gallegos that creates the San Gabriel River and Mountain Conservancy? According to the bill; "the legislature hereby finds and declares that the San Gabriel and its tributaries and watershed, and the San Gabriel Mountains, Puente Hills and San Jose Hills constitute a unique and important open-space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust for the enjoyment of, and appreciation by, present and future generations". According to Appendix G of the CEQA Guidelines, a project would normally have a significant adverse impact related to land use and planning if it would: conflict with any applicable habitat conservation plan or natural community conservation plan". According to Quemetco's proposition 65 notification their toxic plume potentially adversely affects all of these areas except for the San Gabriel Mountains."	See response to comment DM-28.
DM-33	According to the bill; "the legislature hereby finds and declares that the San Gabriel and its tributaries and watershed, and the San Gabriel Mountains, Puente Hills and San Jose Hills constitute a unique and important open-space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust for the enjoyment of, and appreciation by, present and future generations".  According to Appendix G of the CEQA	See response to comment DM-28.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	Guidelines, a project would normally have a significant adverse impact related to land use and planning if it would: conflict with any applicable habitat conservation plan or natural community conservation plan". According to Quemetco's proposition 65 notification their toxic plume potentially adversely affects all of these areas except for the San Gabriel Mountains.	
DM-34	"I am formally requesting that input from each one of the authors and co-authors of this bill and the conservancy; be incorporated into the final draft in the form of letters of approval stating how Quemetco's continued operations fits into the long term plan for this valuable resource."	See responses to comments DM-10 and DM-28.
DM-35	"How does Quemetco's release of massive quantities of various serious toxic substances (Chromium 6, Mercury, Lead, Arsenic, 1,3 Butadiene, Dioxin, etc.) into the environment, benefit and not conflict with the already endangered ecosystem?"	See response to comment DM-28.
DM-36	"Is continued discharge (over the next 20+ years) of these above named and other substances into the local environment <b>complimentary</b> to the long-term plan for this area?"	The Department of Toxic Substances Control (DTSC) has established controls for the facility in the form of permit conditions that will control the releases of toxics/ hazardous compounds into the environment for future Quemetco operations. In addition, the facility is located and allowed to operate in an area zoned for industrial operations by the City of Industry, is included in the existing Air Basin Plan approved by the South Coast Air Quality Management District. As such, it was concluded that the proposed project is consistent with the long-term plan for the area as established by these entities. See also response to comment DM-35.
DM-37	"Thousands of native frogs inhabited the area and toxicity may well be responsible for their demise."	See response to comment DM-28.
DM-38	"The estimated quantities of toxic and hazardous compounds released directly and or indirectly into the environment could easily be calculated by taking production records from 1959 to present and comparing them to the quantities that are removed through treatment processes and estimates that are available. This will give an estimated amount that they may have discharged into the environment."	See response to other more specific comments.
DM-39	"What environmental mitigation measures has Quemetco proposed to attempt to mitigate the inevitable damage to the ecosystem that	The Department of Toxic Substances Control (DTSC) has established permit conditions for Quemetco that will control the releases of toxics/hazardous compounds into the environment for

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	these elements and compounds undeniably cause?"	future facility operations. These permit conditions are enforceable by DTSC pursuant to the Health and Safety Code and its implementing regulations contained in the California Code of Regulations, title 22, division 4.5.
DM-40	"Quemetco must include a detailed realistic plan as to how they are going to <b>remove all of these potentially damaging substances from the environment</b> , in the upgraded version of their E.I.R.	Quemetco is required to submit a detailed plan to address any releases of hazardous waste or hazardous waste constituents as part of the on-going corrective action required at the Facility. Also see responses to comment DM-39.
DM-41	"Quemetco must also include a <b>detailed realistic plan</b> that outlines their future plan of how they are going to <b>stop discharging poisonous substances into the air, ecosystem and waters.</b> "	See response to comment DM-40.
DM-42	"Has input from the recently created San Gabriel River Conservancy been incorporated into the EIR?"	See responses to comments DM-10, DM-28, DM-32, and DM-33.
DM-43	"There is talk of incorporating the San Gabriel River and all of its tributaries (San Jose Creek) into the National Park system. Has the <b>National Park Service</b> been consulted in this matter? This must be done prior to this project moving forward."	The National Park Service boundary is not near the project site. It is not realistic to assume that the National Park Service would incorporate this industrial area into its system. See also responses to comments DM-10 and DM-28.
DM-44	"The E. I. R. fails to mention the critical <b>Wild Life Corridor</b> that allows numerous species such as the endangered mountain lion to range from Whittier Narrows to the Cleveland National Forest and maintain genetic diversity."	The commenter does not indicate what wildlife corridor, or under whose jurisdiction that this corridor may be within. It is assumed to be a reference to a corridor at Whittier Narrows, or in the San Gabriel Forest areas. There are no mountain lions in the City of Industry.
DM-45	"This very important issue needs to be addressed and feedback from the conservancy that facilitates this must be in the final draft."	See responses to comment DM-28 and DM-44.
DM-46	"1,3 Butadiene appears to be extremely damaging to life forms in small amounts for short durations. What effect will this substance have on native flora and fauna in the surrounding area, in particular the several mentioned above?"	See response to comment DM-28.
DM-47	"At what concentration levels have any of the agencies entrusted to protect public health and the ecosystem measured this compound?"	See response to comment DM-28.
DM-48	"No mention of the potential effects on the multitude of microorganisms that are an <b>integral component</b> and the <b>backbone of most ecosystems.</b> "	See response to comment DM-28.
DM-49	"Has any data been compiled in regards to this project as to the potential for this type of	See response to comment DM-28.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	damage? "	
DM-50	"This needs to be addressed in detail in the E.I.R including research as to the potential adverse (and/or beneficial) effects that Hexavalent Chromium, Arsenic, Barium, Cadmium, Lead, 1,3-Butadiene, Mercury and all other known and unknown potentially hazardous substances that escape beyond Quemetco's perimeter have on microorganisms."	See response to comment DM-28.
DM-51	"What is the effect of these hazardous substances on mycorrhizae and their symbiotic relationships with native plants in the area?"	See response to comment DM-28.
DM-52	"Hackaylo (1972) has suggested that without mycorrhizal associations most plants would not be able to survive in the competitive communities found in natural soil habitats." A complete study must be incorporated that details the deleterious effect that any and all of these chemicals, <b>in their combined capacity</b> , are known to have on these types of organisms	See response to comment DM-28.
DM-53	"How do Quemetco's toxic discharges fit in with current long term plans to restore native plant material to the region?"	See response to comment DM-28.
DM-54	"The EIR did not identify the Museums, Historical Structures, Plant Conservatories or Botanical Gardens that exist in the area and this must be included in the Final Draft. How will noxious air emissions from Quemetco affect the senior citizen groups and school children that visit these facilities?"	A review of land use information supplied by the City of Industry indicated that there are no Museums, Historical Structures, Plant Conservatories or Botanical Gardens located within the immediate area of the project. In addition, the Health Risk Assessment identified sensitive receptors in the vicinity in accordance with HRA guidelines in terms of risk to children and senior who may inhabit such facilities as school, day care centers, hospitals, etc. The HRA guidelines do not require that such sensitive facilities include Museums, Historical Structures, Plant Conservatories or Botanical Gardens. See also response to comment D-10.
DM-55	"None of the above mentioned issues were considered in the EIR and no reference of long overdue environmental mitigation measures are even suggested."	See response to comment DM-54.
DM-56	"I have included a photo taken in November 2001 less than 4 blocks from Quemetco that shows a mating pair of what appear to be "turkey buzzards." These are an important component of the local, already fragile, ecosystem. What species is this in scientific terms and why were these not documented along with possible negative (or positive) impacts on them, in the E.I.R.?"	See responses to comments DM-10 and DM-28.
DM-57	"Species of migratory waterfowl (geese, duck,	DTSC concurs.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	etc) frequent the San Jose Creek and come under the jurisdiction of the <b>United States Wildlife Service</b> and the <b>California Department of Fish and Game</b> .	
DM-58	"Have these agencies been consulted and informed of the research that indicates potential damage that may occur, due to exposure to the known and possibly unknown, toxins and substances discharged by Quemetco into the air and water?"	See response to comment DM-10 and DM-28.
DM-59	"Who bears the responsibility of obtaining input from these agencies? Have these species been identified and documented in the E.I.R.?"	See response to comment DM-57.
DM-60	"In addition skunk, raccoon, opossum, weasel, mole, bats, deer, reptiles (gopher snake, king snake, rattlesnake, alligator lizard, blue belly lizard, etc.), hundreds of bird species, and numerous species of insects and other wildlife are indigenous to the local area surrounding Quemetco."	See response to comment DM-28.
DM-61	"What measures has Quemetco implemented to insure their welfare?"	See responses to comments DM-28 and DM-39.
DM-62	"What research does the E.I.R. rely on to draw a conclusion that these pollutants are not adversely affecting the threatened local inhabitants? "	See response to comment D-28.
DM-63	"This is especially important since many of the numerous pollutants are gaseous in nature."	See response to comment DM-28.
DM-64	"The Wildlife and Nature Center as well as a Bird Sanctuary and Wetlands are located just downstream and downwind from Quemetco."	See response to comment D-28.
DM-65	"I believe that the consulting firm that Quemetco hired to prepare the E.I.R. may have inadvertently overlooked this fact	See response to comment DM-28.
DM-66	"Will a complete research be forthcoming and included in the final draft, prior to D.T.S.C. approval of a permanent-operating permit?"	See response to comment DM-28
DM-67	"Will D.T.S.C. use available animal research such as that included with this response to determine a risk assessment for the above mentioned life forms?"	See response to comment DM-28.
DM-68	"Future plans include restoring populations of steelhead trout that once spawned in the San Gabriel River and likely its tributaries.	The comment is noted.
DM-69	"How will Quemetco waste discharges to the Los Angeles County Sanitation District and	See responses to comments DM-28 and DM-39.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	their ultimate discharge into surface waters leading into Whittier Narrows affect this project, the steelhead trout specifically?"	
DM-70	"Has the Audubon Society, Ducks Unlimited, Green Peace, Sierra Club or any other environmental group been consulted as to how harmful these toxins may or may not be and what effect they may have on the environment? If they have, will you please include their opinion in the final draft?"	See responses to comments DM-10 and DM-28.
DM-71	"If they have, will you please include their opinion in the final draft?"	See responses to comments DM-10 and DM-28.
DM-72	"1,3 Butadiene is not adequately addressed in the EIR and may be the most dangerous chemical Quemetco releases."	The Department of Toxic Substances Control (DTSC) disagrees. The Health Risk Assessment (HRA) adequately addressed 1, 3 butadiene. See also response to comment DM-73.
DM-73	"1,3 Butadiene is not adequately addressed in the EIR and may be the most dangerous chemical Quemetco releases. Small amounts for short duration have shown "clear evidence" to cause severe health problems."	<p>DTSC agrees that long term exposure to 1,3-butadiene has been associated with a variety of harmful health effects and that exposure to relatively high concentrations for short periods of time may have acute effects. However, the terms "small amounts", "short duration" and "clear evidence" are vague and unclear. 1,3-butadiene (hereafter referred to simply as butadiene) is currently considered by the U. S. Environmental Protection Agency (U.S. EPA) to be a probable human carcinogen (Class B2), although this classification is currently being re-evaluated by the U.S. EPA. The California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) has identified butadiene as a "Toxic Air Contaminant" (TAC) with an estimated cancer unit risk factor (URF) of 0.00017 per microgram per cubic meter of air (<math>\mu\text{g}/\text{m}^3</math>), which is the toxicity value DTSC uses for regulatory purposes in California. The URF is an upperbound estimate of the probability of contracting cancer for persons continuously exposed for a 70-year lifetime. The risk assessment conducted for the Quemetco facility estimated the excess lifetime cancer risk from exposure to measured emissions of butadiene to be 5.1 in one million at the maximum exposed individual resident (MEIR) at the nearest actual residential receptor with the highest estimated annual average ground level concentration (<math>0.06 \mu\text{g}/\text{m}^3</math>) assuming a 30-year exposure duration. Estimated cancer risks at all other residences will be less.</p> <p>Butadiene is a common, ubiquitous ambient air pollutant emitted in significant quantities in vehicle exhaust as well as tobacco smoke. Ambient air levels of butadiene in the South Coast Air Basin range from 0.15 to <math>0.34 \mu\text{g}/\text{m}^3</math> (California Air Resources Board Air Quality Data Year 2000 ).</p> <p>OEHHA has also evaluated the non-cancer health effects of butadiene for the Air Toxics Hot Spots Program and has promulgated a chronic inhalation Reference Exposure Level (REL) of <math>20 \mu\text{g}/\text{m}^3</math>. The HRA predicted a maximum annual average ground level concentration based on measured emissions from the</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>stacks to be 0.07 ug/m<sup>3</sup> which is less than the REL, and as such, no long term adverse non-cancer health effects are expected to occur. (The maximum GLC of 0.07 ug/m<sup>3</sup> is the plume point of maximum impact just north of the Facility in a non-residential area.)</p> <p>Although the health risk assessment (HRA) prepared for the Environmental Impact Report (EIR) for this project did not evaluate potential acute exposures (&lt; 24 hours), the Facility has previously prepared a separate HRA specifically for the Air Toxics Hot Spots Program administered by the South Coast Air Quality Management District (SCAQMD). That HRA (referred to as an AB2588 HRA) included maximum estimated one hour concentrations as required by the Hot Spots risk assessment guidelines. The Hot Spots risk assessment guidelines differ in many aspects from the U.S. EPA and DTSC risk assessment guidelines used to prepare the HRA submitted to DTSC. Based on the Air Resources Board/SCAQMD risk assessment guidelines, a maximum one-hour concentration of 1.05 ug/m<sup>3</sup> was predicted for butadiene. Other than OSHA worker protection industrial hygiene standards, there are no generally accepted regulatory approved acute toxicity reference values for 1,3-butadiene. The OSHA Permissible Exposure Limit (PEL) is 2200 mg/m<sup>3</sup> for worker protection. In rodent studies, the acute inhalation toxicity of 1,3-butadiene is relatively low (Calabrese &amp; Kenyon, Air Toxics and Risk Assessment, Lewis Publishers, 1991).</p>
DM-74	<p>"This risk assessment of 1,3-butadiene, a gas used commercially in the production of various resins and plastics, concludes that 1,3-butadiene is a known human carcinogen, based on three types of evidence: 1) excess leukemias in workers occupationally exposed to 1,3-butadiene (by inhalation), 2) occurrence of a variety of tumors in mice and rats by inhalation, and 3) evidence in animals and humans that 1,3-butadiene is metabolized into genotoxic metabolites".</p>	<p>The information quoted in this comment is taken directly from an Abstract for a U.S. Environmental Protection Agency (U.S. EPA) Office of Research and Development document titled "Health Risk Assessment of 1,3-Butadiene, External Review Draft, February 1998. EPA/600/P-98/001A". This document is currently undergoing the required formal public external and scientific peer review process (the external public review comment period ended April 17, 1998). The document is clearly labeled "Draft - Do Not Cite or Quote." To date, the U.S. EPA has not formally approved this document. Until such time as the peer review process is completed, including any and all revisions, and the document is approved by the U.S. EPA, Department of Toxic Substances Control (DTSC) is not required to consider the information in its permit decision for the Quemetco facility. We do note however that the proposed cancer unit risk factor in the draft document is nearly two orders of magnitude lower than the California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) value used in the Quemetco health risk assessment. Applying the proposed unit risk factor (URF) would reduce the predicted cancer risk at off-site residences to well below one in one million.</p> <p>DTSC agrees that butadiene may have potential genotoxic (non-cancer) health effects, based on results seen in laboratory animals. Non-cancer health effects are not expected to occur</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		unless a threshold of exposure (e.g. average daily intake) is reached. Based on the predicted annual average ground level concentrations, non-cancer (including genotoxic) health effects are not expected to occur.
DM-75	"The best estimate of human lifetime extra cancer risk from chronic exposure to 1,3-butadiene is $9 \times 10^{-3}$ per ppm based on a linear extrapolation of the increased leukemia risks observed in occupationally exposed workers. The corresponding estimate of the chronic exposure level of 1,3-butadiene resulting in an extra cancer risk of $10^{-6}$ (i.e., one in a million) is 0.1 ppb".	The Department of Toxic Substances Control (DTSC) uses the cancer potency factors (unit risk factors and cancer potency slopes) developed by the California Environmental Protection Agency (CalEPA), Office of Environmental Health Hazard Assessment (OEHHA) for risk assessment purposes. The CalEPA cancer unit risk factor is 0.00017 per $\mu\text{g}/\text{m}^3$ ; the CalEPA corresponding estimate of the lifetime (70 years), chronic exposure level of 1,3-butadiene resulting in an extra cancer risk of $10^{-6}$ (i.e., one in a million) is 0.006 $\mu\text{g}/\text{m}^3$ .
DM-76	"1,3-Butadiene also causes a variety of reproductive and developmental effects in mice and rats; no human data on these effects are available. There are insufficient data from which to draw any conclusions on potentially sensitive subpopulations".	The Department of Toxic Substances Control (DTSC) agrees that butadiene may cause a variety of reproductive and/or developmental effects in laboratory animals (non-cancer threshold type effects requiring a certain minimum level of daily exposure). A reliable summary of the known effects of butadiene in laboratory animals and man can be obtained from the Center for Disease Control Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles ( <a href="http://www.atsdr.cdc.gov/toxpro2.html">www.atsdr.cdc.gov/toxpro2.html</a> ). Depending on which "subpopulation" is being referenced, the available data may or may not be sufficient to evaluate all potential health effects.
DM-77	"Soil sample test data may not accurately reflect the actual concentrations of lead and other toxic substances contained in and on surfaces where exposure and uptake are most likely to occur."	There is soil contamination at the Facility. The Department of Toxic Substances Control (DTSC) will be evaluating all existing data as part of the corrective action process. Additional soil samples will be required if it is determined that the existing soil data is not sufficient to evaluate potential exposure of human or ecological receptors or threat to ground and surface water. It is DTSC's responsibility to ascertain the nature and extent of these releases and to select remedies for them during the corrective action process. The public will be notified once the extent of these releases has been determined and public input will be solicited in the selection of the remedy for the contamination.
DM-78	"For example, lead concentrations in soil tend to be greater in the upper most layer (approximately $\square\square$ ) where runoff and fallout from stack emissions as well as dust and particulate matter settle (accumulate)".	The Department of Toxic Substances Control (DTSC) concurs. See also responses to comments DM-77 and DM-84.
DM-79	"As lead is highly immobile in a system such as soil, one would expect to find the highest concentration from industrial sources to be found in the uppermost portion and samples should be collected accordingly."	The Department of Toxic Substances Control (DTSC) concurs. See also responses to comments DM-77 and DM-84.
DM-80	"According to the EIR, "composite" soil samples were used in the testing that Quemetco is basing their conclusion that soil lead levels are not elevated in either Hacienda Heights or La Puente in their soil lead	Algebraically this would be the expected concentration.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	comparative study. Hypothetically speaking if one were to obtain a 1000 gram soil sample and the portion closest to the surface (1/4" most likely to give an accurate picture of lead deposits) weighed 10 grams and contained 10,000 ppm lead and the remaining 990 grams contained 0 ppm. When the various layers are blended and tested the concentration theoretically should be somewhere around 100 ppm. Is this true?"	
DM-81	"If this were correct, by definition, composite soil samples would not be an appropriate protocol to use when collecting samples for research used to determine a risk factor. "	Sampling requires consideration of how the resultant data will be used. The U.S. Environmental Protection Agency (U.S. EPA) describes this as evaluation of data quality objectives (DQOs). With respect to inhalation of re-suspended contaminants and contact issues from airborne deposited contaminants, it is most appropriate to sample from a narrow band of soil which would first be most likely to have impacted by deposition and secondly be most susceptible to re-suspension and contact opportunities. Samples need to be obtained at multiple depths to represent different exposure and migration scenarios. See also response to comment DM-84.
DM-82	"Can you guarantee that the research that Quemetco has based their assertion that soil lead levels in the areas surrounding the site are not elevated, gives an accurate depiction of possible lead concentrations in surrounding soils?"	Sampling results are always subject to the context of the protocols that were used to obtain those results.
DM-83	"It is my opinion that to obtain a factual representation of actual soil lead concentrations used to calculate an accurate Health Risk Assessment, samples need to be taken from areas that would be most likely to contain the highest concentrations and not "watered down"(diluted) prior to analysis. D.T.S.C. expert, Mr. Chandler, indicated in his November 1, 2001 testimony that he agreed when presented with a similar scenario. He said, "I won't run through the math with you, but I will tell you that if you take a hot sample, you take 10,000 parts per million and mix it down, essentially, by taking the other samples of considerably lesser than your average value for that composite sample, it would be low". "This is one of the reasons why, typically, when we're doing both closure work that we do and the corrective action work trying to clean up sites, <b>we typically don't like to take or allow the facility's consultant to take composite samples</b> ".	The Department of Toxic Substances Control (DTSC) concurs. Samples which will be obtained as part of future RCRA Facility Investigation (RFI) phases will not be composited unless, in rare instances, it is appropriate for specific carefully constrained technical purposes. Any such composited samples would be carefully identified to prevent any confusion with discrete samples.
DM-84	"Has the D.T.S.C contacted Los Angeles County Department of Health Services and	The Department of Toxic Substances Control (DTSC) is aware of potential flaws in soil sampling protocols previously utilized during

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	communicated to them this potential inherent flaw in the soil-lead study that Quemetco is basing their assertion that soil lead levels are not elevated?"	soil sampling at the Facility, and will be requiring Quemetco to perform additional RCRA Facility Investigation (RFI) phases which will address the issue of representative sampling. Additional off-site sampling is expected to be included in future RFI work. Such protocols have been evaluated as part of the review of RFI work plans that Quemetco has submitted to DTSC. See also response to comment DM-9.
DM-85	"How does this substantially change the Human Health Risk Assessment calculations?"	The Health Risk Assessment (HRA) does not use measured soil concentrations to evaluate risks so the effect of using or not using composite samples is irrelevant. The HRA evaluated potential risks from chemicals emitted from the Facility in particulate form using a regulatory recommended fate and transport model that assumes particles emitted from the facility are deposited onto the ground and vegetation based on their settling velocity and accumulate over time in soil and edible produce. The predicted concentrations of these particulate-bound chemicals of concern (primarily metals) are those that would be expected to occur over and above concentrations that occur from other natural and man-made sources and represent the incremental risk associated with routine process-controlled emissions and fugitive dust emissions from wind and vehicle traffic from the Quemetco facility. The risk assessment is not intended to evaluate cumulative risks from all sources of pollutants in a neighborhood. It only evaluates the potential health risks attributable to Quemetco.
DM-86	"In addition, extraction protocols that are used can significantly impact the concentration of substances that are detected in test results using the same analytical equipment. To obtain accurate test results to be used in a Human Health Risk Assessment; protocols that are most likely to produce an accurate depiction of actual concentrations of toxins in soil must be utilized. We must be certain that toxins that are free, absorbed or adhered to parent material, clay and organic-matter components of the soil are contained in the test solution."	See responses to comments DM-77, DM-78, DM-79, DM-80, DM-81, DM-82, DM-83, DM-84 and DM-85.
DM-87	"Specifically what protocols were used in the soil tests that their facility does not pose a pollution problem in the area?"	See response to comment DM-85.
DM-88	"Do these protocols insure that substances are made available in solution, for detection when tested?"	The characterization and remedy for the soil contamination at the Facility will take into account that ground water is a sensitive receptor. The solubility and leaching potential of contaminants will be taken into account during the RCRA facility investigation (RFI) and remedy selection.
DM-89	"In addition to the protocols used to obtain samples and extracts, the locations chosen for the comparative studies are questionable. West Covina is bisected by the San Bernardino Freeway, which precludes by	The blood lead study conducted by Los Angeles Department of Health Services (LADHS) in the early 1990's was a well-designed cross-sectional study. West Covina was chosen as the control community because it is a town without a large stationary lead source and has similar housing stock, demographic

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	many years the more recent Pomona Freeway. This could potentially raise the lead concentrations from leaded gas emissions in West Covina soils thus reducing the likelihood of accuracy in any comparative study."	characteristics and vehicular traffic patterns to Hacienda Heights. The fact that the San Bernardino Freeway bisects West Covina does not change the appropriateness of the comparison.
DM-90	"This would include a blood lead concentration study as well. According to Dr. Simon of LACODHS, □there was a situation in Bell Gardens at an elementary school next to a similar type of industry□ that had a lead pollution problem of their own. If this is correct, Bell Gardens would not be a viable candidate for a comparative blood or soil lead concentration study either."	See response to comment DM-89.
DM-91	"Data on soil concentrations of other toxic substances such as arsenic, chromium 6, cadmium, barium, mercury and all others is conspicuously absent from the E.I.R. and must be included to accurately depict a risk assessment."	The Health Risk Assessment (HRA) used regulatory approved models to estimate dry deposition of particulate-bound emissions from the Quemetco facility and subsequent accumulation in soil. The predicted soil concentrations of the metals noted are shown on the computer model output in Appendix C of the HRA.
DM-92	"Has this research been done?"	These constituents will be included in the further RCRA Facility Investigation (RFI) work to be performed by Quemetco. See responses to comments DM-9 and DM-91.
DM-93	"Were "composite" soil samples used in these tests?"	The Department of Toxic Substances Control (DTSC) did not perform this work. It is not clear from the information the DTSC has available what soil sampling protocols were utilized.
DM-94	"If my memory serves me correctly contamination in soil and water exist at depths of at least 68 feet at the Quemetco facility."	Groundwater elevation during the most recent groundwater monitoring was between 49 and 55 feet below ground surface (bgs). Ground water elevations vary through time. Lead concentrations have been reported at groundwater elevations of less than 30 feet bgs (19 ug/l) to 60 feet bgs (10 ug/l). Elevated lead concentrations, as high as 1,800 mg/kg, have been reported from soils to depths of at least 69.5 feet below ground surface (bgs) when groundwater monitoring well MW-10 was installed in 1991.
DM-95	"This must be arrested and cleaned up before it migrates a greater distance than it already has and continues to do irreparable damage to the ground water system."	The potential fate and transport of contamination found in soils and ground water will be taken into consideration when the Department of Toxic Substances Control (DTSC) selects a remedy for the soil and groundwater contamination at the facility. See also response to comments DM-9 and DM-22.
DM-96	"How does Quemetco propose to dig down 68 feet, pump and treat all the contaminated water, remove and replace all of the contaminated soil and remove the toxins before they migrate and do additional damage?"	This will be addressed in the remedy selection process. Further excavation and "pump and treat" are certainly techniques that might be proposed by Quemetco in the future. However, the nature and extent of contamination at the Facility remain to be adequately determined. Note also, that levels of contamination are relatively low, even though lead, for example, has been reported at concentrations mildly exceeding the maximum contaminant level (MCL). See also response to comment DM-9.
DM-97	"In the words of D.T.S.C themselves: □There	The objectives of additional phases of RCRA Facility Investigation

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	is no point in proposing a different hydrostratigraphic model just because the site is being regulated under RCRA. Uppermost saturated horizons in the San Gabriel/Puente Basins mostly connect to each other and to underlying saturated units."	(RFI) will define the hydrostratigraphy and potential interconnection with deeper aquifer units. See also response to comment DM-9.
DM-98	"Do Quemetco's releases exceed California's new standard for inhalation of Chromium 6? "	It is unclear as to what "standard for inhalation of Chromium" is being cited by commenter. The California Environmental Protection Agency (CalEPA)/Office of Environmental Health Hazard Assessment (OEHHA) has adopted a chronic inhalation Reference Exposure Level (REL) for the Air Toxics Hot Spots Risk Assessment Guidelines of 20 ug/m <sup>3</sup> for hexavalent chromium. Below this concentration, no non-cancer adverse health effects are expected to occur for a person continuously exposed to hexavalent chromium. The Health Risk Assessment (HRA) predicted a maximum annual ground level concentration of 0.07 ug/m <sup>3</sup> which is well below the REL.
DM-99	" What is California's new standard for Chromium 6 in potable water?"	On November 9, 2001, the California Environmental Protection Agency (CalEPA), Office of Environmental Health Hazard Assessment (OEHHA) withdrew the proposed Public Health Goal (PHG) for chromium. This goal was based on the supposed oral carcinogenicity of hexavalent chromium, relying on a single experiment conducted in mice. A scientific panel convened by the University of California at OEHHA's request issued a report in September 2001 that concluded the study's data was flawed and should not be used as the basis for health risk assessments. Therefore, this PHG was withdrawn. Presently there is no specific standard for hexavalent chromium in water, just a total chromium standard of 50 mg/l.
DM-100	"Do Quemetco airborne emissions or water contamination levels exceed this limit? "	There are no state or South Coast Air Quality Management District (SCAQMD) source-specific standards for concentrations of chrome coming from secondary lead smelter stacks or for ambient air levels. Hexavalent chrome emissions are taken into account in new source review under SCAQMD Rule 1401. Hexavalent chrome emissions measured from the stacks at Quemetco are very small, but have been accounted for in the Toxic Hot Spots health risk assessment (HRA). See also response to comment DM-135.
DM-101	"The facts indicate that there has been gross incompetence at every point in the history of this facility."	The Department of Toxic Substances Control (DTSC) disagrees. Quemetco has been operating under Interim Status Document (ISD) since 1982 and has been overseen and regulated by the U.S. Environmental Protection Agency (U.S. EPA), California Department of Health Services (DTSC's predecessor agency), and DTSC. Moreover, the Los Angeles Regional Water Quality Control Board, South Coast Air Quality Management District, Los Angeles County Sanitation Districts and City of Industry have either routinely or on an unscheduled basis inspected the Facility to ensure that it was complying with applicable statutes and regulations of the respective agencies.
DM-	"The closure of this facility should have	In order to comply with Clean Water Act, Quemetco was required

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

102	occurred in 1972 or shortly after the enactment of the Clean Water Act."	to cease discharge of cooling water, plant wash-down water, and direct surface water run-off from the former impoundment into San Jose Creek. Quemetco constructed a waste water treatment system and is connected to the Los Angeles County Sanitation Districts sewer system .
DM-103	"The record shows the history of this facility is dubious at best and production practices have been sloppy."	There were violations discovered during the inspections by the Department of Toxic Substances Control (DTSC) and other agencies. However, Quemetco has corrected those practices that led to the citations or enforcement actions.
DM-104	"The record illustrates practices that in my opinion amount to environmental genocide that have been "paved over" and to this day not addressed."	The Department of Toxic Substances Control (DTSC) disagrees. There is nothing in the record to indicate that problems have been "paved over".
DM-105	"I am puzzled by DTSC's failure to act on documented evidence of a nature so gross that the only environmentally responsible action in this matter requires interdepartmental cooperation and assistance by Federal Prosecutors."	On August 17, 1987, the California Department of Health Services (the predecessor agency to DTSC) and U.S. Environmental Protection Agency (U.S. EPA) issued a Remediation Order and Consent Decree respectively. Both enforcement actions required Quemetco to submit a remedial investigation plan, groundwater monitoring plan, surface impoundment closure plan, and corrective measure plan. This Permit imposes additional corrective action requirements and other conditions to ensure adequate protection of the environment and public health.
DM-106	"It appears in DTSC's own reports that they are intimidated by the prospect of a lengthy court battle involving regulatory agencies and the attorneys from this company. In my opinion the method by which this company has operated is a misuse of the RCRA status that they attempt to hide behind."	The Department of Toxic Substances Control (DTSC) disagrees with the comment. The Facility must be operated pursuant to state law and regulations and it has both the obligations and rights provided thereunder.
DM-107	"The facts are that the act was designed to reduce contamination of the environment and not to disperse the contamination from millions of batteries in low concentrations over a wide spread area."	Every year, California generates millions of spent batteries. Quemetco treats and recycles these spend batteries to prevent those batteries being disposed of in the landfill or spread into the environment by illegal dumping, either of which could create health hazards.
DM-108	"Quemetco practices dilution and disbursement rather than collection and concentration as the act was originally intended."	Department of Toxic Substances Control (DTSC) disagrees. See response to comment DM-107.
DM-109	In order to meet this criteria for "clean closure" there has to be a determination that no releases that have affected ground water have occurred or are continuing to occur and that the Facility once "closed" will not be a threat to ground water. <b>Such a determination is unlikely, based on the following facts and previous determinations to the contrary.</b>	See response to comment DM-110.
DM-110	"The closure plan did not satisfactorily consider that ground water beneath the Facility has already been determined to be contaminated by lead, cadmium, mercury, and	Section 4.6, Groundwater Quality Assessment and Monitoring Program and Section 9.2, Post-Closure Monitoring and Maintenance Activities in the approved Closure Plan, dated May 21, 1993, required Quemetco to implement groundwater

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	chromium as supported by groundwater monitoring analytical data from 1982-1987 (monitoring wells MW-1, MW-2, MW-3 and MW-4)."	monitoring requirements but did not require any groundwater cleanup. The Corrective Measures Plan in the Remedial Action Order requires Quemetco to take remedial measures to eliminate or control any groundwater contamination. Although on June 28, 1995, the Department of Toxic Substances Control (DTSC) notified Quemetco that the soil medium portion of the surface impoundment unit met the closure performance standards as specified in the approved Closure Plan, it also informed Quemetco that DTSC had determined that the ground water medium was deemed to have been affected. The ground water underlying the unit had exhibited contamination with lead and other metals. DTSC determined that Quemetco had not provided data or information which could conclusively demonstrate that groundwater contamination could not have been derived from the surface impoundment unit and that post-closure care would therefore be required. The groundwater monitoring assessment must be continued at the site and the site is subjected to post-closure requirements. The final Permit contains conditions which address ground water through the mechanism of post-closure care.
DM-111	"These data indicate that lead and other metals had, at that time, contaminated ground water across the entire boundaries."	The Department of Toxic Substances Control (DTSC) disagrees. Although DTSC determined that the ground water medium had been affected, it was not shown that ground water was contaminated "across the entire boundaries."
DM-112	"The fact of the matter is that it would be irresponsible to not immediately institute cleanup of the toxicity that exists beneath this site. It would be careless to overlook this problem."	The Department of Toxic Substances Control (DTSC) disagrees. The groundwater issues at Quemetco are not being overlooked. The groundwater contamination that has been covered in the quarterly and annual groundwater monitoring reports, while of concern, has not yet been determined to rise to the level that requires immediate cleanup. The Permittee is going to be required, as part of its RFI work, to determine the full nature and extent of site-derived contamination See also responses to comments DM-9, DM-22, DM-23, DM-24, DM-110, and DM-113.
DM-113	"In the DTSC Report it indicates that lower contaminant concentrations that Quemetco claims, are likely a result of contamination moving offsite and into the local aquifers when ground water fluctuations occur."	The Department of Toxic Substances Control (DTSC) has determined that a release of contaminants from the surface impoundment caused groundwater contamination. The final Permit is a combined post-closure care and operating permit which requires continued groundwater monitoring to evaluate the past release(s) and to monitor for potential future releases. DTSC is responsible for assuring that Quemetco completes the RCRA Facility Investigations (RFI), which also must include evaluation of groundwater contamination. DTSC believes that there is contamination released by the Facility, and does not intend to overlook these problems. However, a long term remedy can only be selected after the RFI phases are completed. In order to remedy the situation, DTSC must know where the contamination is concentrated, and where it is not and to what degree. Before selecting a remedy, the Facility will perform additional RFI work under the corrective action process. The objectives of these investigations are to define the hydrostratigraphy and potential interconnection with deeper aquifer units. The investigations will

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		also evaluate long term migration and historical groundwater elevation fluctuations in a fate and transport analysis. DTSC is tasked with determining the nature and extent of these releases and selecting the appropriate remedies during the corrective action process. The public will be notified once the extent of these releases has been determined and public input will be solicited in the selection of the remedy for the contamination.
DM-114	"In addition the paving over of the surface impoundment and the arrangements to do so by the consulting firm that Wayne Natri was affiliated with means that he may have intimate knowledge as to the true state of affairs concerning this facility."	DTSC is responsible under state law to make the decision to approve or disapprove of Quemetco's permit application. Since Mr. Wayne Natri is not involved in this decision making process, any possible connection between Quemetco and Mr. Natri is not relevant, nor is it an issue concerning conflict of interest in this case.
DM-115	"I am requesting that he, in his new capacity as EPA Chief of Western Region 9, exercise his authority and initiate closure and cleanup of this site."	See response to comment DM-114.
DM-116	"Both Quemetco in their literature and LACODHS personnel in their interaction with the public have disguised the results of the comparative blood-lead level testing by comparing them to a national average."	The L.A. County Department of Health Services (LACDHS) has no reason to disguise the results of the blood lead study especially since the overall Los Angeles County blood lead levels are above the national average. Ultimately, LACDHS looked for elevated blood lead levels, which is defined by the Centers for Disease Control as 10 micrograms per deciliter or higher. There were 122 children tested in each, the study site and control site As indicated in Table 2 there was one child with an elevated blood lead level in the study site (Hacienda Heights) and two children with elevated levels in the control site (West Covina).
DM-117	"The data in Table 2 and Table 20 clearly shows and Dr. Simon finally admitted that West Covina and Bell Gardens had a greater number of people tested that had low (<5ug/dl) blood lead levels than Hacienda Heights and La Puente respectively."	That is correct. However, all blood lead levels between 0-9 micrograms/deciliter are considered to be within normal limits. Which means all but a few children tested had blood lead levels within the acceptable range.
DM-118	"In addition the same tables show in the 5-9 ug/dl group La Puente had 37 compared to 27 in Bell Gardens and Hacienda Heights had 45 compared to 28 in West Covina. The numbers speak for themselves."	All of these children had blood lead levels within the normal range.
DM-119	"Why is a proposal for a remedy to this critically important issue, not in the E.I.R.? Is this not far more important than acquiring a permit to continue with environmentally irresponsible practices for the next 20+ years?"	The corrective action process is on-going. See response to comment DM-40.
DM-120	"Did Quemetco submit a proposal in their Post Closure Plan that would insure that there would be no contamination left on the property after their abandonment of that property?"	No. As part of the on-going corrective action under the existing orders and agreements, a future remedy to be selected may allow some contamination to remain but at levels which are protective of human health and the environment. Similarly, the closure process will proceed to either meet closure performance standards, or the Facility will be subject to further post-closure care requirements.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM-121	"Previous boring logs indicate that the soils around this "background" monitoring well are reported to be contaminated to depths of up to 68 feet bgs with up to 1800 mg/kg of lead."	The Department of Toxic Substances Control (DTSC) is aware of the soil contamination associated with solid waste management units (SWMUs). DTSC is requiring Quemetco to conduct further RCRA Facility Investigation (RFI) which includes evaluation of all the SWMUs. For example, on September 21, 2004, Quemetco commenced RFI work at the Waste Water Treatment System.
DM-122	"Will this plan include removing any and all toxic substances down to the depths that they have been detected?"	Excavation is only one of several remediation alternatives that could be applied to soil contamination at Quemetco. The appropriate remedies to be considered will be determined in the Corrective Measures Study. The Department of Toxic Substances Control (DTSC) is responsible for assuring that the facility determines the nature and extent of these releases and selecting the appropriate remedies during the corrective action process. The public will be notified once the extent of these releases has been determined and public input will be solicited in the selection of the remedy for the contamination.
DM-123	"Above is a photo taken recently that shows the north perimeter of the Quemetco facility. According to the E.I.R. no significant runoff occurs. From this photo it is clear that this is not true."	The Department of Toxic Substances Control (DTSC) is aware that some surface water run-off from areas not directly used for lead storage or processing is being discharged to street(s) that may drain into San Jose Creek during rain periods. San Jose Creek received industrial waste discharges from Quemetco until 1975 when the Los Angeles Regional Water Quality Control Board (LARWQCB) ordered the practice terminated because the discharge exceeded effluent limitations on several occasions. The industrial waste had caused etching of the creek's lined wall at the point of discharge. At that time, wastes were discharged into a storm drain which subsequently fed into the San Jose Creek at Channel Station 158. Early records indicate that the creek was originally unlined. A subdrain structure underlies the existing concrete channel. Surface flow in San Jose Creek is westerly to a juncture with the San Gabriel River. Beneficial uses of the San Jose Creek and San Gabriel River include: industrial, agricultural, groundwater recharge, freshwater habitat, non-water contact recreation, and water contact recreation. The final Permit contains requirements for the Facility to have a plan to sample and control any surface water run-off
DM-124	"What quantity in billions of gallons has entered the San Jose Creek through discharge, overflow from the surface impoundment and runoff from this facility since 1959? "	The Department of Toxic Substances Control (DTSC) does not have the volume totals discharged to San Jose Creek, since this activity was regulated by the Los Angeles Regional Water Quality Control Board.
DM-125	"Will those research results be forthcoming in the final draft of the E.I.R.?"	The Department of Toxic Substances Control (DTSC) has no plan for separate research into the volume of previous discharge of waste waters into San Jose Creek that was regulated by the Los Angeles Regional Water Quality Control Board. See also response to comment DM-124.
DM-126	"What quantity (in tons) of each of the identified substances has Quemetco discharged into the environment, since this	The Department of Toxic Substances Control (DTSC) has no plan for separate research into the quantity of "identified substances" in previous discharge of waste waters into San Jose Creek that was

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	facility began operations in 1959?"	regulated by the Los Angeles Regional Water Quality Control Board. However, the corrective action process may yield data and information on the nature and extent of contamination deriving from the Facility through and in various media.
DM-127	"A full research must be included in the Final Draft for each known, suspected and unknown potential pollutant and chemical associated with this facility."	It is unclear as to what the commenter means by full research. The dEIR and associated health risk assessment clearly identified hazardous waste and hazardous waste constituents that are associated with the Facility. The final Permit contains conditions that require Quemetco to monitor ground and surface water as well as soil-pore water for all constituents-of-concern.
DM-128	"When was the last time that personnel from D.T.S.C., or any public agency collected samples of runoff and tested them for the long list of toxic substances associated with this facility, immediately following the onset of a rainstorm subsequent a period of non precipitation?"	DTSC has not collected any surface water run-off samples from Quemetco facility.
DM-129	"What were the results of those tests?"	See response to comment DM-128.
DM-130	"What corrective measures will be required to stop runoff from entering the San Jose Creek?"	On August 17, 1987, Department of Health Services (predecessor agency to the Department of Toxic Substances Control) issued a Remedial Action Order (RAO) to Quemetco. On January 4, 1988, U.S. Environmental Protection Agency (U.S. EPA) and Quemetco entered into a Consent Decree which required it to build a berm along the property line parallel to San Jose Creek, preventing runoff from the battery storage and the former surface impoundment areas. Quemetco is required to comply with the conditions of its General Storm Water Permit issued by the State Water Resources Control Board and Los Angeles Regional Water Quality Control Board.
DM-131	"Is testing for Volatile Organic Compounds done? If not, why not?"	The Department of Toxic Substances Control (DTSC) has required that the Facility analyze soil and groundwater samples for volatile organic compounds (VOCs) in the course of the RCRA Facility Investigation (RFI).
DM-132	"Quemetco representatives state that all water and rainwater on the Facility goes through the treatment unit before being released into the sewer system. They stated that <b>composite samples</b> are taken every six days and sent to a private lab for testing. Quemetco representatives informed DTSC staff that the effluent levels presently met all standards and that there were no problems with their wastewater process." "The facts are that <b>all</b> rainwater is not captured and treated. I draw your attention to the statement that composite samples are used in the testing to determine if discharges into the sewer meet standards. The same principle applies here where samples of lesser concentrations may be	Any discharge to the sewer system is regulated by the Los Angeles County Sanitation Districts. Sampling protocols for compliance with such discharge requirements are that local agency's responsibility, and are not subject to the final Permit. See also response to comment DM-134.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	mixed with samples with high concentrations to dilute the sample to allowable concentrations. In this case we are relying on Quemetco to collect and analyze the samples."	
DM-133	"Is a <b>composite sample</b> an appropriate protocol to use in this case?"	See responses to comments DM-132 and DM-134.
DM-134	"Could the use of a composite water sample have the effect of masking potential high contaminant concentrations if one of the components had a high contaminate concentration and the others had a very low concentration of contaminants?"	Discharges to the sewer are regulated by the of Los Angeles County Sanitation Districts (LACSD). It is DTSC's understanding that LACSD also conducts independent analysis of sewer discharge water. The Department of Toxic Substances Control (DTSC) is aware that surface water run-off is being discharged to San Jose Creek during rainy periods. This surface water is reportedly derived from non-process areas of the Facility The final Permit contains requirements for the Facility to develop a plan to perform regular sampling and provide control of surface-water run-off as a response if sampling indicates that it is necessary. Compositing of water samples for metals collected at the same place and point in time is not as significant a concern as compositing of soil samples. Contaminants held in water have a tendency to distribute themselves by means of natural processes such as diffusion and mechanical dispersion. The groundwater contamination tends to be more homogenous than soil contamination.
DM-135	"Prior to this project proceeding, the matter of identifying, analyzing the contents of and compiling data as to the health effects of the to this point elusive, noxious plastic-like smelling plume that engulfs our neighborhoods and our homes must be accomplished."	The South Coast Air Quality Management District (SCAQMD) is the regulatory agency responsible for evaluating odor complaints and identifying sources. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. They are well aware of the complaints received about these odors. However, until such time as they can positively identify the source of these odors, it is not possible to characterize them for risk assessment purposes. A key component of the permit is that the Facility must comply with all applicable SCAQMD regulations and requirements.  A year 2000 "modified" Health Risk Assessment (HRA) for Quemetco, Inc., prepared pursuant the Air Toxic "Hot Spots" Information and Assessment Act (AB 2588), by the SCAQMD determined that the facility poses a maximum individual cancer risk of 33.4 in one million (primarily from arsenic, chlorinated dioxins and dibenzofurans, 1,3-butadiene, and cadmium) at a residential receptor located over 300 meters southwest of the southwest property corner. The maximum chronic hazard index is 1.41 for the cardiovascular system (primarily from lead and arsenic) at an industrial receptor located about 100 meters east of the northeast property corner. The maximum acute hazard index is 0.181 for the reproductive system (from arsenic) at the same industrial receptor. The maximum individual cancer risk of 33.4 in one million will be reduced to less than 25 in one million pursuant to SCAQMD Rule 1402.
DM-	"This has been reported to Air Pollution	See response to comment DM 135.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

136	Control District as far back as the 1970s."	
DM-137	"Both AQMD and D.T.S.C. were informed of this fact in 1996 at the scoping session and to this day it has not been adequately addressed."	See response to comment DM 135.
DM-138	"My colleagues and I have come up with two theories. The first one is that plastic is adhering to lead in the crushing process, is dropping out in the float tanks and is burned off in the furnace. An even more likely source of the plastic-like smell is when synthetic rubber casing material is fed into the furnace for disposal into the atmosphere through stack emissions."	Quemetco has reported that not all of the plastic and rubber can be separated after the battery crushing process. As a result, the feed materials to the lead smelting process contain some rubber and/or plastic material. Based on certain testing performed at Quemetco, South Coast Air Quality Management District (SCAQMD) has estimated that approximately 10% of the organic materials (plastic/rubber) cannot be separated out. The SCAQMD is skeptical that the plastic like smell is from rubber/plastic burning in the reverberatory furnace. The temperatures in the furnace are high and would most likely completely combust any organic material into non-odorous combustion products such as carbon dioxide and water vapor. There are other processes and/or sources that may contribute to the odor concerns of the surrounding community.
DM-139	"It appears that "May 28, 1992" "A letter by Quemetco was sent intending to confirm DTSC verbal approval by phone to allow the processing of hard rubber case batteries if SCAQMD would approve the air permit. A description of the polypropylene plastic recovery system and flow diagram was also sent to the DTSC."	The South Coast Air Quality Management District (SCAQMD) has a copy of the letter on file. It was addressed to Roy Yeaman and Allan Plaza of Department of Toxic Substances Control (DTSC). The final Permit contains conditions that prohibit the introduction of any, except for non-separable rubber and plastic, to the furnaces. See the attached redline/strikeout version of the final Permit.
DM-140	"How many years was synthetic rubber disposed of in the furnaces prior to this date without a permit?"	To the best of the South Coast Air Quality Management District's (SCAQMD) knowledge, rubber, plastic, and other organic materials have always been present in the feed material and most likely have been present from the very beginning. Even though a process is in place to separate out the organics, the process is not 100% efficient and the final feed consists of approximately 10% organic materials which cannot be separated out.  In 1992, SCAQMD required Quemetco to run source tests. After evaluating the results for compliance pursuant to the version of Rule 1401 then in effect (New Source Review for Toxic Air Contaminants), the SCAQMD issued a permit that specifically imposed a limit on the amount of additional plastic and rubber that could be burned in the reverberatory furnace. This, along with other restrictions on the types of materials that could be charged to the furnace, was imposed to establish a baseline under Rule 1401, rather than allowing Quemetco to expand their operations.  It should be noted that SCAQMD regulations rarely prohibit specific processes from being performed. In other words, the regulations do <u>not</u> say that one cannot chrome plate, paint cars, operate a diesel engine, or even burn plastic or hazardous wastes. However, the regulations <u>do</u> say that if one is to perform certain activities, specific air emission standards must be complied with. In

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		short, it is not the process that is being regulated or prohibited, rather, it is the effect on air emissions in relation to the governing regulations at the time. Specific process parameters and characteristics do, however, assist SCAQMD in anticipating certain types of air emissions. Other agencies, however, may have regulations that prohibit certain processes and industrial practices. See also response to DM-139.
DM-141	"Did this facility feed synthetic rubber into any of their furnaces between May 28, 1992 and the date that they obtained a permit from SCAQMD and D.T.S.C. to do so?"	See response to comment DM 140.
DM-142	"What year did this practice begin?"	See response to comment DM 140.
DM-143	"According to the Draft E.I.R. "Hard rubber case batteries are fed to the battery wrecker with regular lead acid batteries, but the rubber cases are not separated as with plastic cases. The hard rubber comprises a very small amount of the total feed volume, typically, one to three percent. Based on this amount, Quemetco calculates how much is fed to the reverberatory furnace each day in conformance with its SCAQMD operating requirements."	Based on a 1992 audit, the battery crusher material is reported as containing approximately 14% organics (plastic and rubber). The rubber percentage is thought by Quemetco to continually decrease, as batteries with rubber casings are not manufactured in significant quantities as in the past and plastic (polypropylene) battery casings and parts are the norm. The organic materials are separated by the use of gravitational float tanks. The lighter organic materials float to the top and the heavier (metallic) components sink to the bottom. The separation process is not 100% efficient and the heavier components that sink to the bottom drag down organic materials. It is estimated by Quemetco that 4% of the 14% organic material in the battery crusher material is separated out and the balance 10% remains in the feed. The 4% that was separated out is practically all polypropylene plastic and is sent out for recycling (some rubber may be separated out by gravitational float tanks from this plastic and fed to the furnace). The feed material to the furnace appears to contain approximately 10% organics (mostly plastic and some rubber). See also responses to comments DM-144, DM-145, DM-146 and DM-147.
DM-144	"How is the plastic separated from the rubber?"	Quemetco operates a "battery wrecker" process in which batteries are crushed. The crushed battery parts are delivered to a sink/float cell in which the lead-bearing portion of the crushed battery "sinks" and the vast majority of the plastic parts "float." The float section of the battery breaking system separates the battery-casing plastic, rubber, and polyvinyl chloride (PVC) from the plates, posts, and sludge. Quemetco estimates that approximately 99.8% of all the batteries it processes in a year are polypropylene (plastic) cased batteries. This only leaves about 0.2% that may be rubber-cased batteries. Quemetco states that they recover approximately 91.5% of all the polypropylene plastic from the polypropylene cased batteries. The recovered plastic is shipped off-site to a plastic recycler. About 8.5% of the plastic is not separate from the lead-bearing material, and is processed in the furnaces together with the lead-bearing parts. Rubber from the approximately 0.2% of the total batteries recycled per year has not been not recovered, but has been processed in the furnaces as a reducing agent. The carbon content in the rubber has been used as a substitute for the

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		carbon content in coke which assists in the chemical reduction of lead sulfate to elemental lead, Quemetco's end product. See also response to comment DM 143.
DM-145	"Does plastic get fed into the furnace along with lead?"	Quemetco states that its battery wrecker process separates all but approximately 8.5% of the polypropylene from the plastic cased batteries. This approximately 8.5% unseparated plastic is processed with the feed material and smelted in the reverberatory furnace. See response to comments DM-143 and DM 144.
DM-146	"What quantity (in pounds) of plastic is burned off in the furnace in a typical year of operations? "	Quemetco's allowable feed throughput limit on their South Coast Air Quality Management District (SCAQMD) permit is 1,200,000 pounds per day of material (feed) to the furnace, of which 34,080 pounds can be carbon coke and separable plastic and rubber. Quemetco is required by SCAQMD to demonstrate compliance with these limits on a daily basis. A quarterly audit is also required to ensure that the amount of rubber charged is well within the factors used in the daily compliance calculations. Quemetco states that its records indicate that it is operating at feed levels well below these allowable limits. Year 2002 production data reportedly shows that 91.5% of the available plastic in the battery crusher material was recovered and sold while the balance of 8.5% remains in the feed and was fed to the furnace. Quemetco has reported that while most of the plastic is sold for recycling, approximately 5,000 lbs/day of polypropylene plastic is not separated during the battery crushing process and is processed through the furnace. Quemetco reports data from the fourth quarter of year 2002 that only 0.134% of the recycled batteries were rubber-cased. Quemetco estimates approximately 300 to 400 pounds per day of rubber were being fed to the furnace per day. Calcined coke being fed to the furnace was reported at below 20,000 pounds per day.
DM-147	"What quantity (in pounds) of synthetic rubber is disposed of into the furnace in a typical year of operations?"	Quemetco reports that the number of rubber-cased batteries available for recycling has declined in recent years. They indicated that on the average approximately 300 lbs of rubber per day is fed to the furnace because it cannot be separated during the battery crushing phase. See response to comment DM-146.
DM-148	"Is this legal?"	It is only legal to use the furnace to process any plastic or rubber material that is not separable from the metal battery components.
DM-149	"What concentrations do the long list of toxins emerge from Quemetco's stacks during the peak operating periods?"	There have been numerous source tests conducted at Quemetco over the years. The source tests are normally performed by a certified, independent contractor who must conduct the tests conforming to South Coast Air Quality Management District (SCAQMD) approved protocols. District engineers often witness the actual testing to ensure the protocols are followed and the proper testing methods and procedures are used. The complete test reports, including all quality assurance/quality control (QA/QC) records, are submitted to the SCAQMD, and staff reviews and scrutinizes these results for accuracy and final acceptance.  Within the last two years, source testing was performed on various processes and stacks with an extensive speciation of various

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		organic air contaminants. Copies of the complete results of these recent source tests can be obtained by any interested party or individual through a Public Records Act request to the SCAQMD.
DM-150	"Specifically when they are disposing of large quantities of synthetic rubber into the atmosphere through incineration."	Quemetco is not allowed by the Department of Toxic Substances Control (DTSC) to dispose of large quantities of synthetic rubber through atmospheric incineration. This issue is addressed in the final Permit.
DM-151	"This is a very serious issue that must be addressed and rectified immediately."	The South Coast Air Quality Management District (SCAQMD) recognizes the significance of the issues at Quemetco and has been diligent in addressing them. The SCAQMD staff has conducted several meetings with company representatives to investigate potential causes and possible resolutions to the concerns raised. The staff has also met with members of the public as well gathering further input. SCAQMD staff continues to respond to public complaints, conducts unannounced facility inspections, and has kept the facility under periods of surveillance. SCAQMD staff continues to review source test data and will conduct additional tests using its own staff to further evaluate the validity of tests by independent contractors. The SCAQMD is also in contact with other agencies as necessary including DTSC and local water quality agencies.
DM-152	"This matter should receive the immediate attention of all the agencies involved prior to approval of this permit."	See response to comment DM-151.
DM-153	"Synthetic rubber and certain plastics are known to contain not only 1,3 Butadiene and other recognized carcinogens but according to recent researches it's byproducts, when incinerated, have shown even greater potential for harmful effects."	All organic chemicals emitted by Quemetco have been identified in the source emissions testing for the health risk assessment and evaluated for potential risks.
DM-154	"In addition according to information that I have included with this response metabolites of 1,3 Butadiene have shown genotoxic properties".	The toxicity criteria used to evaluate the non-cancer health effects of butadiene are based on effects seen after exposure to butadiene and as such include the health effects end points of its metabolites. We do not evaluate effects of individual metabolites; only the overall effects of the parent compound and its metabolites. The Department of Toxic Substance Control (DTSC) does not develop toxicity criteria. You may contact the California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) or the U.S. Environmental Protection Agency (U.S. EPA) if you feel they have not considered all the scientific evidence in the toxicity criteria they have developed for regulatory purposes.
DM-155	"I have included the abstract with this response and I hope that the toxicologist in charge of this project and all of his colleagues will take it seriously."	The Department of Toxic Substances Control (DTSC) does not develop toxicity criteria. The California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA) develops regulatory criteria as directed by the State Legislature. DTSC is required to use the criteria developed by OEHHA for risk assessment purposes. If CalEPA criteria are not available, DTSC must use the criteria developed by the United States Environmental Protection Agency (U.S. EPA). If

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>this abstract is from a peer-reviewed scientific journal and OEHHA has not considered the evidence in its peer-review criteria development, you may request that OEHHA reconsider the criteria. The OEHHA web site contains details on the process the public must follow to request a review of new scientific evidence. Toxicity criteria developed (or reevaluated) by OEHHA are required by law to undergo a rigorous scientific peer review and a public comment period before the criteria are adopted or revised. Typically this process takes several years. See also response to comment DM-154.</p>
DM-156	<p>"In addition the LACODHS must be made aware of this potential problem with the safety of this facility."</p>	<p>The Los Angeles County Department of Health Services is aware of the health issues at this Facility. See response to comment DM-89 for example.</p>
DM-157	<p>"I am also requesting that DTSC exercise their authority as Lead Agency and require SCAMD to investigate and report as to the possibility that the Avocado Heights and surrounding communities are in a "Toxic Hot Spot" zone."</p>	<p>The Department of Toxic Substances Control (DTSC) will exercise its authority to ensure that Quemetco complies with applicable state law requirements and will recommend that the South Cost Air Quality Management District (SCAQMD) address the toxic hotspot issue. The SCAQMD Multiple Air Toxics Exposure Study (MATES-II) published in March 2000, estimated that diesel particulate contributed about 71% of the basin wide cancer risk. For the Pico Rivera MATES-II Fixed Site, the site closest to the area around Quemetco, that risk is slightly higher from diesel fumes, estimated at 77%. Other toxic compounds significantly contributing to the local area's risk are 1,3-butadiene (7%), benzene (5%), and carbonyl (3%), all attributable to mobile sources. See also response to comment DM 135.</p>
DM-158	<p>"The local topography creates a semi-closed basin that when inundated with diesel fumes from hundreds of trucks waiting in line at the Puente Hills Landfill, thousands of automobiles on the Pomona Freeway and Quemetco operating at full capacity, the air is barely breathable. On overcast days and during our frequent foggy weather the air is so laden with contaminants that it is clear that during these times the air quality is unhealthful."</p>	<p>See response to comment DM 157.</p>
DM-159	<p>"This immediate area is a likely candidate for this designation due to its unique microclimate and I urge that this is investigated and <b>all</b> the factors that affect the quality of the air that we breathe are considered. <b>Not just a single source!</b>"</p>	<p>See response to comment DM 157.</p>
DM-160	<p>"It addition, it should be noted that the wind blows through the trough created by the Puente Hills and the hilly Avocado Heights area in both offshore (towards the west) and onshore (towards the east) directions, often in the same day".</p>	<p>The comment is noted.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM-161	<p>"According to recent research 1,3 Butadiene evaporates quickly from soil, air and water; however, on cool, overcast and foggy days only □ evaporates each day leaving lingering contaminant loads in the system that may not be taken into consideration in Health Risk Assessment models."</p>	<p>It appears that you may be confusing 1,3-butadiene with hexachlorobutadiene (CAS Registry Number 87-68-3 with synonyms hexachloro-1,3-butadiene and 1,3-hexachlorobutadiene). Hexachlorobutadiene is a liquid at room temperature. 1,3-butadiene (CAS Registry Number 106-99-0) is a gas at room temperature and atmospheric pressure and is nearly insoluble in water. As such the predicted air concentrations from Quemecto's emissions would not be expected to be affected by cool or foggy days. 1,3-butadiene is emitted as a gas from process units with Air Pollution Control Systems regulated by the South Coast Air Quality Management District (SCAQMD). Required source testing of these units by the SCAQMD indicates the facility currently releases an annual average of 5.17 lbs/day of 1,3-butadiene. Using a regulatory approved air dispersion model which uses hourly data on wind speed, direction and atmospheric stability, the maximum annual ground level concentration (GLC) of 1,3-butadiene is estimated to be 0.07 <math>\mu\text{g}/\text{m}^3</math> (not <math>\text{mg}/\text{cm}^3</math> as noted) at the point of maximum plume impact and 0.06 <math>\mu\text{g}/\text{m}^3</math> at the maximum exposed nearest actual resident.</p>
DM-162	<p>"If Quemetco releases 5 lbs. per day and that translates to .04mg/cm<sup>3</sup> what would the concentration be after 2 weeks of consecutive cool foggy days?"</p>	<p>The Health Risk Assessment (HRA) uses a standard regulatory air dispersion model (ISCST3 - Industrial Source Complex Short Term vs. 3) to estimate hour by hour ground level air concentrations at thousands of individual receptor points in a grid surrounding the facility. The model uses hourly wind speed, direction and stability class from the Pico Rivera monitoring station to calculate hourly, 24 hour average and annual average ground-level concentrations. The HRA prepared for the Department of Toxic Substances Control (DTSC) uses the annual average to estimate risks. The effect of "cool, cloudy days" is already factored into the calculation of the annual average. The Air Toxics Hot Spots risk assessment prepared for the South Coast Air Quality Management District ((SCAQMD), which uses the same air dispersion methodology, additionally evaluates risks from short term exposures (1 hour). If the "cool, cloudy day" conditions were the maximum one hour concentration, the Hot Spots risk assessment would use that data to calculate risks. See response to comment DM-135, prepared by the SCAQMD, regarding the Hot Spots risk assessment results. See also response to comment DM-159.</p>
DM-163	<p>"What would that change the current 4 in 1 million lifetime extra cancer risk for 1,3 Butadiene only to?"</p>	<p>The Health Risk Assessment (HRA) estimated the upperbound excess lifetime cancer risk from exposure to an annual average ground level concentration (GLC) of 0.07 <math>\mu\text{g}/\text{m}^3</math> butadiene at the point of maximum impact to be 6 in one million for an assumed exposure duration of 30 years.</p>
DM-164	<p>"Using the answer from question 2, what would the probability be of a person developing rare carcinoid tumors that normally occur at a rate of 1 in one hundred thousand with this as yet uncalculated additional 1,3 Butadiene load? Please be specific."</p>	<p>There is no "uncalculated additional load".</p>
DM-165	<p>"What is the sum of the answer to question 3 when combined with the cancer risk load from</p>	<p>There is no "uncalculated additional load". The Health Risk Assessment (HRA) does not estimate the cumulative cancer risk</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	all of the other substances emitted into the air by Quemetco and the contaminant load already contained in local air?"	from all chemicals a person might be exposed to from all sources, it is only used to estimate the excess cancer risk associated with the South Coast Air Quality Management District (SCAQMD) regulated emissions from the Quemetco facility as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion.
DM-166	"Were all these factors taken into account in the Human Health Risk Assessment calculations?"	The Department of Toxic Substances Control (DTSC) is confident that the Health Risk Assessment (HRA) has appropriately evaluated health risks from all known emissions from the Quemetco facility using a regulatory approved multichemical, multipathway risk assessment process.
DM-167	"When a permit such as the one issued by SCAMD to burn off synthetic rubber and plastic is based on average air emissions over a set time period such as 24 hours. Is it possible that toxic substance concentration levels can exceed "safe levels" during peak production periods and still not exceed the average maximum levels required to meet the permit conditions over the set time period?"	As noted in the response to comment DM-74, there are no regulatory-approved short-term (acute) toxicity criteria for 1,3-butadiene applicable to the general population for exposures to person outside the Facility boundary. [Protection of Quemetco workers is regulated separately under Occupational Safety and Health Administration (OSHA ) worker protection standards]. In the Toxics Hot Spots Health Risk Assessment (HRA) process, the average annual emissions of the facility are used to calculate the cancer risk and the chronic hazard index. Maximum hourly emission rates are used to calculate the acute hazard index. See also response to comment DM-135.
DM-168	"This could explain the noxious plume and adverse health effects that residents, employees and owners of local businesses and school teachers from North Whittier, Hacienda Heights, City of Industry and Avocado Heights have reported over the last 40 years."	The comment is noted. As discussed in several of the previous responses, both the Department of Toxic Substances Control (DTSC) and the South Coast Air Quality Management District (SCAQMD) have evaluated potential health risks from potential short term (1 hour) exposures, and determined that emissions from the Quemetco facility are not expected to produce adverse health effects.
DM-169	"On what research does Quemetco rely upon to determine that the lead that they are releasing, is not causing the high number of birth defects and learning disabilities in local children that local residents and teachers have repeatedly reported (since at least 1996) to D.T.S.C., LACODHS, Quemetco representatives and other agencies involved in the permitting process?"	The Department of Toxic Substances Control (DTSC) does not conduct public health evaluations. This question involves whether or not there is a high number of birth defects and learning disabilities in local children and residents and teachers. This is not an area of South Coast Air Quality Management District's (SCAQMD) authority or expertise. These are the responsibility of other agencies such as the Los Angeles County Department of Health Services (LACDHS).  LACDHS has stated that one way to determine if lead is potentially causing developmental delays is to test children for elevated blood lead levels. An elevated blood lead level is defined as 10 micrograms per deciliter or higher.
DM-170	"Dr. Simon pediatrician from LACODHS said, "I would say that lead is sort of causing elevated rates of learning disabilities among children here."	The comment is noted.
DM-171	"What research concerning health effects on humans does Quemetco rely on to claim that no adverse health effects are occurring in	The Department of Toxic Substances Control (DTSC) does not conduct research on health effects of chemicals. The Health Risk Assessment (HRA) uses toxicity criteria (e.g. cancer potency

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	local areas from 1,3 Butadiene and it's byproducts when incinerated?"	factors and non-cancer inhalation RELs) developed from the available scientific literature by the United States Environmental Agency (U.S.EPA) and California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA). These criteria undergo an extensive external scientific review process before they are adopted for regulatory use.
DM-172	"What about chromium 6?"	See response to comment DM-171.
DM-173	"Has the toxicologist and anyone else involved in the Human Health Risk Assessment taken into consideration, in their calculations, that unknown concentrations (never measured) of a noxious, plastic-like smelling plume (never identified) is hitting local residents right in the face for periods ranging from 10-15 minutes to several solid hours."	The Department of Toxic Substances Control (DTSC) toxicologist (Dr. Michael Schum) did not conduct the human health risk assessment. The Health Risk Assessment (HRA) was prepared by a consultant hired by Quemetco, Kleinfelder, Inc., an environmental consulting firm. DTSC reviews these HRAs to insure they are accurate and complete and conform to State and Federal risk assessment guidelines before they are used for regulatory purposes. The HRA submitted by Quemetco evaluates only those chemicals which have actually been measured in the emissions source testing required by the South Coast Air Quality Management District (SCAQMD) as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion. The SCAQMD is responsible for identifying and measuring any types of emissions, including reported obnoxious odors, from the facility. They are well aware of the complaints received about these odors. However, until such time as they can positively identify the source of these odors, it is not possible to characterize them for risk assessment purposes. A key component of the final Permit is to require compliance with all applicable SCAQMD regulations and requirements.
DM-174	"The intensity is of choking proportions and is followed by headaches and nausea. This plume enters and lingers in our homes and despite repeated assurances from D.T.S.C. and AQMD personnel that it is not harmful to our families and our children <b>we firmly believe that this is not true!</b> "	The Department of Toxic Substances Control (DTSC) is not the primary agency with the appropriate scientific, medical and technical staff to investigate public health complaints. We rely on the results of the Health Risk Assessment (HRA) to determine if emissions from a facility may have the potential to cause harmful health effects and regulate a facility so that emissions do not pose an unacceptable health threat. Persons who may be experiencing health problems around a facility such as Quemetco should always consult their personal physician to determine the cause of their health problems. Community-wide issues such as a perceived cancer cluster, increased reporting of respiratory problems, etc. should be referred to the local county health authorities. DTSC has requested the assistance of the Los Angeles County Department of Health and Services (LACDHS) and they have conducted additional blood level testing in the area and determined that blood lead levels are not elevated in the community around Quemetco. LACDHS has also requested the assistance of the University of Southern California Cancer Surveillance Program which maintains the Los Angeles County Cancer Registry Program. Their analysis, comparing the incidence of specific cancer types which may be associated with lead smelter emissions in the census tracts around the Quemetco facility to LA County as a whole, reported that

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>although there was some excess risk of cancer in specific strata of the population, there was no elevated increase in cancer that they believed could specifically be attributable to emissions from Quemetco. The South Coast Air Quality Management District (SCAQMD) is still actively investigating complaints related to odor. See also response to comment DM-173.</p>
DM-175	<p>"Are the one hundred or so combustion products from 1, 3 Butadiene documented and has Quemetco's greatest discharge of them been tested for concentrate levels?"</p>	<p>In theory, combustion of 1,3-butadiene may result in hundreds of chemicals including aromatic hydrocarbons such as benzene as well as polycyclic aromatic hydrocarbons (PAHs). As shown in the attached sample test results, these compounds have been tested for and some were actually detected at concentrations above their minimum detection limits. The health risks associated with these compounds are included in the Toxics Hot Spots Health Risk Assessment (HRA).</p>
DM-176	<p>"Has LACDHS been notified that this situation exists?"</p>	<p>The Los Angeles County Department of Health Services is aware of health issues at this Facility. See response to comment DM-89 for example.</p>
DM-177	<p>"Dr. Simon of Los Angeles County Department of Health Services has promised a complete data base search to determine the existence of clusters of rare cancers in the area. He also gave his word that he would report those findings both to us and to DTSC within four weeks."</p>	<p>The University of Southern California (USC) Cancer Surveillance Program staff assessed cancer rates among persons residing in the census tract where Quemetco is located and in an adjacent census tract with a large resident population. The numbers of cancer cases (all cancer types combined) were examined for the period 1972-1999 for the total population in the two census tracts and were also broken out by gender, race/ethnicity, and socioeconomic status. Numbers of reported cases were compared with the numbers that would be expected based on cancer rates measured in the rest of the county. Separate analyses were also done for respiratory tract cancers and gastrointestinal cancers. Results were not provided for a given group if the number of cancers was too small (less than 10 cases) to provide reliable estimates.</p> <p>Overall, the number of reported cancer cases among men and women in the two census tracts was in the expected range based on cancer rates reported countywide. The number of cancer cases was slightly elevated among lower income white males and lower income white and Hispanic females. The numbers of cancers of the gastrointestinal tract was also slightly elevated in the total population and was attributable to a slightly higher than expected number of cases among lower income white males and females. The number of respiratory tract cancers was in the expected range for all groups.</p> <p>The USC researchers concluded that the results do not provide evidence of a causal link between cancer and residential proximity to the Quemetco facility. The slightly elevated number of cancers found in some groups in the population studied is not likely to be associated with Quemetco for the following reasons. First, a common environmental exposure would be expected to cause an increase in cancer among all those exposed, not an increase localized only to some groups as was found in this analysis.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		Second, slight excesses in cancer numbers as was found in this analysis are often found in populations as a result of clustering that occurs by chance alone. Third, mild elevations in cancer numbers found in populations are most often related to known risk factors (such as smoking, alcohol use, and diet) that exert a much stronger effect than potential exposures that would have occurred from the Quemetco facility.
DM-178	"This needs to be in the final draft as reports from local residents as to their existence are disturbing."	The comment is noted. See response to comment DM-177.
DM-179	"We respectfully request that the permit issued by SCAQMD for this practice of burning off synthetic rubber and plastic, be immediately suspended until such time that the source and content can be identified and documented."	See responses to other more specific comments.
DM-180	"In addition we request that Quemetco demonstrate that this practice is safe, not a public nuisance and not a violation of local peoples constitutional right (civil liberties) to be free from this type of potentially harmful intrusion."	See responses to other more specific comments.
DM-181	"AQMD, D.T.S.C. experts, Quemetco representatives and everyone present heard reports of this same complaint from numerous people at the November 1, 2001 public meeting. Similar complaints to DTSC and Quemetco are documented in the minutes from the 1996 scoping session. They range from local residents to shop stewards from the Volkswagen facility that is adjacent to the site. One woman described her child vomiting up his or her breakfast while another man from the Avocado Heights area described a noxious plume so great in intensity that he was forced to seal his windows to avoid his families exposure to it. Read the transcripts of your own meetings dating back to 1996."	The South Coast Air Quality Management District (SCAQMD) operates a 24-hour complaint line, 1-800-CUT-SMOG. Alleging Quemetco as the source, for 1999, the SCAQMD received approximately one odor complaint; for 2000, approximately five odor complaints and one visible emission complaint; for 2001, approximately 20 odor complaints and four visible emission complaints; and for 2002, approximately 97 odor complaints and two visible emission complaints. Odor is regulated through enforcement of California Health and Safety Code 41700 and SCAQMD Rule 402, both of which are nuisance codes. Pursuant to case law, the SCAQMD requires verification of complaints from six to ten households to establish a public nuisance based on odors that will result in a notice of violation to the facility. The SCAQMD has not been able to establish such a violation to date.
DM-182	"Then, pull out past reports concerning emissions from this facility to see that the record indicates this is a persistent problem that has continued to plague this and surrounding neighborhoods for nearly <b>40 years.</b> "	See responses to comments DM-169, DM-171, DM-173, DM-174 and DM-181.
DM-183	"Records or correspondence concerning this matter date back to the 1960's and I am requesting that this be admissible in future proceedings concerning this facility."	The comment is noted. However, whether these records are admissible in any administrative or legal proceeding depends on the applicable rules of evidence.
DM-184	"Is this a new process?"	See response to comment DM 140.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM-185	"When did this practice begin?"	See response to comment DM 140.
DM-186	"What specifically is the SCAQMD permit ID number for this burning off of synthetic rubber and/or plastic and are they permitted to carry on this practice under the authority of any agency other than SCAQMD?"	The South Coast Air Quality Management District (SCAQMD) Title V permit number for Quemetco is 332549. The reverberatory furnace is Device No. 8 (D8) on the permit. It is only legal to use the furnace to process any plastic or rubber material that is not separable from the metal battery components. DTSC's final Permit does not allow Quemetco to dispose of large quantities of synthetic rubber through incineration. See also responses to comments DM-135, DM-DM-138, DM-139, DM-140, DM-141, DM-143, DM-144, DM-145, DM-146, DM-147, DM-148, DM-149, DM-150, DM-151, and DM-152.
DM-187	"I have included on the following page recent information concerning the effects of this on human bronchial epithelial cells. The human health effects on local residents by Quemetco's practice of disposing of synthetic rubber and plastic by feeding it into their furnaces; must be immediately and seriously investigated."	See responses to comments DM-169, DM-171, DM-173 and DM-174.
DM-188	"While this is being done, I am requesting that the permits that authorize this practice to occur be immediately revoked until such time that the combustion products of 1,3 Butadiene and other poisonous substances associated with this practice be proven safe to inhale."	The final Permit has addressed these concerns. See the response to comment DM-179. See also the attached redline/strikeout version of the final Permit.
DM-189	"I also request that Quemetco submit a plan of corrective action that includes separating out any and all synthetic rubber and plastic from their furnace feeds and shipping it off site for proper disposal or recycling in a responsible manner."	Part V.B.1.c of the final Permit requires that the Permittee demonstrate best efforts to separate out rubber and plastic. See also the attached redline/strikeout version of the final Permit.
DM-190	"If you take the time to read the abstract of the research provided below you will see that <b>"Hundreds of aromatic hydrocarbons and polycyclic aromatic hydrocarbons with molecular mass as high as 1,000 atomic mass units were detected, including known and suspected human carcinogens."</b>	All organic chemicals emitted from Quemetco that are regulated by South Coast Air Quality Management District (SCAQMD) have been identified and characterized as required by the SCAQMD and the results have been used in the Health Risk Assessment (HRA) to evaluate risks.
DM-191	"I have included several other research abstracts and I request that they and the researches in their entirety be included as part of this response and admissible in any and all proceedings concerning this facility hereafter. suggest that all interested parties read them carefully as they contain not only health effect studies but procedure involved with the	See response to comment DM-183.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	permitting of facilities that discharge them."	
DM-192	"I would like to request that you extend the public input period for this permitting process so that Quemetco can <b>resubmit a realistic EIR.</b> "	See response to comment DM-10.
DM-193	"Then all of the people from the agencies involved in the permitting process and <b>the public input process can review it and have ample opportunity and a sufficient time period, to participate.</b> "	See response to comment DM-10.
DM-194	"The fact that AQMD, Department of Health Services and some DTSC personnel gave the appearance of acting in the capacity of a public relations firm contracted by Quemetco is inappropriate and misleading to the average participant in these proceedings".	The South Coast Air Quality Management District (SCAQMD) is the local government agency for air quality regulation. The SCAQMD enforces the air quality regulations passed by the SCAQMD Board pursuant to various state and federal air quality laws. The SCAQMD seeks the cooperation of regulated sources in achieving compliance but does not act as a spokesperson or as a consultant for the industry it regulates.
DM-195	"The inspector that is responsible for Quemetco's alleged "clean record" misrepresented the truth when she stated that no substantial violations exist in regard to this facility.	The South Coast Air Quality Management District (SCAQMD) states that its inspector did not misrepresent the truth. If the commenter is referring to the enforcement order issued to Quemetco after the public meeting, the enforcement order was confidential until issuance.  In April 1998, and April and May of 2000, and April of 2001, Quemetco violated SCAQMD Rule 1420 by exceeding the ambient average monthly lead concentration limit of 1.5 microgram per cubic meter. The SCAQMD issued Notices of Violation for these exceedances and subsequently reached settlements involving payments of fines and, for the 2000 and 2001 violations, requirements of additional monitoring and emission reduction actions by Quemetco. SCAQMD indicates that these additional monitoring and mitigation measures will be incorporated in an updated Rule 1420 Compliance Plan to further ensure long term compliance.
DM-196	"The record shows a continual pattern of understatement of the potential negative impacts of this proposed permit by all of the agencies officials."	The South Coast Air Quality Management District (SCAQMD)'s ability in assessing the negative air impacts for Quemetco is governed primarily by its rules and regulations that are applicable to Quemetco. This includes Regulation XIII – New Source Review, Regulation XX – Regional Clean Air Incentives Market (RECLAIM), and Rules, 1401 – New Source Review for Toxic Air Contaminants, 1402 – Control of Toxics from Existing Sources, 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-ferrous Metal Melting Operations, and 1420 – Emission Standards for Lead and the Toxics Hot Spots procedures. SCAQMD believes that the methods used to determine compliance with these rules have been correctly performed.
DM-197	"Why was the March 8, 1996 DTSC Report that I have included with this response not revealed at the scoping meeting 4-24-1996?"	The referenced Department of Toxic Substances Control (DTSC) report was the Compliance Monitoring Evaluation (CME) which is a compliance or enforcement report and had been only submitted

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		internally to DTSC's branch in charge of enforcement [now known as Statewide Compliance Branch]. At the time of the scoping meeting, April 24, 1996, the document was a confidential enforcement document. Even so, we believe that the report was cited at the meeting to assure the public that groundwater issues were being addressed.
DM-198	"The record reflects numerous "key misprints" in various public input literature that had the effect of inhibiting acquisition of information and public input in this matter."	DTSC believes that members of the public were not inhibited or prevented from acquiring information or having access to information or from providing input to DTSC.
DM-199	"Quemetco's own distorted Prop. 65-notification map shows boundaries from Ramona Blvd. in Baldwin Park to Durfee Ave. in South El Monte. The easterly boundary appears to be near Azusa Ave. and up to nearly West Covina to the north."	The comment is noted. However, DTSC is not responsible for the Prop-65 notification maps.
DM-200	"I would estimate that this affected area might be inhabited by up to 100,000 people yet only 13,000 notices were mailed out. Please explain why only around 13% of the affected local residents were notified of the upcoming very important meeting?"	<p>The Department of Toxic Substances Control (DTSC) scheduled a 60-day public review and comment period, which ran from June 29 to August 28, 2001 to allow the community to review the draft Permit and draft EIR and to comment on the permitting process:</p> <ul style="list-style-type: none"> <li>• A fact sheet/community survey was mailed on June 29, 2001, which provided background information on the draft Permit and draft EIR and also announced the public comment period and the time and location of the public hearing. By DTSC policy, the fact sheet was mailed to all addresses within 1/4 mile of Quemetco and to key contacts throughout the state, i.e. 757 addresses</li> <li>• Based on requests/input from the community (during community interviews), the mailing radius was expanded to 1/2 mile of Quemetco; the additional fact sheets were mailed on August 9, 2001 to 2,538 addresses</li> <li>• A radio announcement was aired on KFWB (audience approx. 38,400) in English on July 13, 2001 and on KBUE/KBUA (audience approx. 68,000) in Spanish on July 16, 2001 to notify the community of the public comment period and public hearing.</li> <li>• Public notices were placed in the Los Angeles Times, San Gabriel Valley Tribune (circulation approx. 53,000) and in La Opinión (circulation approx. 112,000) newspapers on July 29, 2001 to inform the community of the public comment period and public hearing.</li> <li>• DTSC conducted a public hearing on August 14, 2001 at Los</li> </ul>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<p>Altos High School. Approximately 70 community members attended the public hearing and several community members provided public comments. Because many community members remarked on the lack of notice about the hearing and the short timeframe to provide written comments, DTSC extended the public comment period for 90 days, from August 28, 2001 through November 27, 2001. DTSC also scheduled a community meeting for November 1, 2001.</p> <ul style="list-style-type: none"> <li>• A radio announcement of the public comment period extension and the November 1, 2001 community meeting was aired in English (KFWB) on September 14, 2001 and in Spanish (KBUE/KBUA) on Sept. 18, 2001.</li> <li>• Public notices of the public comment period extension and the November 1, 2001 community meeting were published in the San Gabriel Valley Tribune on September 21, 2001 and La Opinión on September 22, 2001. Due to inadvertent mistake in the Sept. 22 notice, the correct public notice was published in the October 13, 2001 edition of La Opinión.</li> <li>• Public notices of the public comment period extension and the November 1, 2001 community meeting were mailed to over 12,521 addresses. The mailing list included residents and businesses in the area roughly bounded by the 605 freeway to the west, Valley Boulevard to the north, Hacienda Boulevard to the east, and the boundary of La Habra Heights to the south. In addition, the mailing list also included key statewide and local contacts, as well as several schools located north of Valley Blvd. to Amar Road, and east of Hacienda Blvd. to Azusa Ave.</li> <li>• 750 copies of public notices announcing the extension of public comment period and meeting were given to the Workman Mill Association to be included in their mid or late October newsletter.</li> <li>• DTSC Public Participation Specialist attended the Hacienda Heights Improvement Association monthly meeting at the Hacienda/La Puente District Office on September 17, 2001 and provided information on the extension of public comment</li> </ul>
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		period and the community meeting.
DM-201	"In addition notifications that did not give local residents sufficient time to be involved in this process are prevalent throughout this case."	See response to comment DM-200.
DM-202	"Around 70% of the local population were overlooked when no Spanish translation of the EIR and reports are provided in Spanish."	As a matter of capability and economic resources DTSC does not provide translations of such large technical documents as the draft Environmental Impact Report (dEIR). The Public Participation Unit arranges to translate only the Public Notices and Fact Sheets.
DM-203	"Why is our significant local Asian population ignored in this process?"	Surveys, demographics and community interviews indicated that only translations of notification and fact sheet documents in Spanish were required.
DM-204	"No online or digital formats were available again hindering the public input on this matter."	The following are available on the DTSC web site: 1) Fact Sheet 2) Public Notices 3) Consent Order
DM-205	"The transcript of the 1996 meeting shows that DTSC promised that a copy of the Draft EIR would be available for public review within a year. Five years later DTSC notifies me on a Saturday evening two days prior a meeting with the deadline for public input looming around the corner. This kind of underhanded maneuvering is unacceptable!"	See response to comment DM-200.
DM-206	"How will DTSC notify the general public that a decision has been rendered in this matter?"	The public repositories will contain the Record of the Decision and everyone who provided comments will be individually notified of the decision.
DM-207	"How will DTSC safeguard that local residents will have ample time in which to file a Petition for Review (section 307 (b) (1) in this matter?"	Within thirty (30) days after final permit decision under California Code of Regulations, Title 22, section 66271.14, any person who filed comments on that draft permit or participated in the public hearing may petition the Department of Toxic Substances Control to review any conditions of the permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.
DM-208	"A map that truthfully identifies all of the public and private schools, all of the preschools as well as adult schools, daycare facilities and hospitals in the impacted area must be included in the revised EIR submitted by Quemetco. Maps that have been circulated to this point are misleading."	The Health Risk Assessment (HRA) provided mapping of the areas of potential impact that included schools, daycare facilities, and hospitals. This HRA was included by reference in the draft Environmental Impact Report (dEIR).
DM-209	"All of the questions were not answered at the November 1, 2001 public meeting as the quantity of questions outweighed the allotment of time. In my opinion the	The Department of Toxic Substances Control (DTSC) disagrees. Staff who participated in the public meeting did not mislead the public or mistate the facts.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	transcripts from the 1996, and both meetings in 2001 clearly show that many of the so-called expert panel speakers were either incapable of answering the question asked of them or the answers given were misleading or misstatement of fact."	
DM-210	"Experts from Los Angeles County Sanitation District and State and County Water Quality Control Authorities were not present and therefore local residents were unable to obtain answers to important questions."	The Department of Toxic Substances Control (DTSC) invited representatives from City of Industry Planning Department and other responsible agencies. Representative from City of Industry did not attend the meeting, however, representatives from Los Angeles County Department of Health Services (LACDHS), and South Coast Air Quality Management District (SCAQMD) did attend the meeting. The permit being discussed at the public meeting was a DTSC permit. Other permits issued by other agencies need to be discussed in their venue.
DM-211	"Representatives from Los Angeles Department of Regional Planning made themselves unavailable so that local residents could not obtain answers to serious questions regarding the legality of the conditional use permits and variances that permitted this facility to establish in 1959 and continue operations to this day."	See response to comment DM-210.
DM-212	"Why was normal procedure circumvented to provide safe haven for this facility?"	The Department of Toxic Substances Control (DTSC) disagrees. No normal procedure was circumvented.
DM-213	"Why was public input not a part of the use permit and variance issuance process?"	The Department of Toxic Substances Control (DTSC) disagrees. Public input has clearly been a part of this process which includes the Notice of Preparation and the associated public meeting and the public notice of the draft Environmental Impact Report (dEIR) and the draft Permit and the associated public meeting and hearing
DM-214	"In addition representatives from the Los Angeles County Board of Supervisors and the issuers of the conditional use permit must be present to defend their actions or non-actions in this matter."	The Department of Toxic Substances Control (DTSC) disagrees. The public meeting and hearing were held by DTSC for its proposed Permit. The County of Los Angeles was given the opportunity to participate through notification of the proposed Permit and draft Environmental Impact Report (dEIR). There is no state statute or regulation requiring them to participate at the public meeting or hearing. See also response to comment DM-210.
DM-215	"The published reports and verbal confirmation of the case involving the illegal dumping around 31,000,000 lbs. of hazardous waste in Mexico is particularly disturbing. Thirty-one million pounds would be around 775 truckloads at 40,000 lbs. per truck".	The Department of Toxic Substances Control (DTSC) believes that Mr. McKee is referring to the Alco Pacific Case. Quemetco and other lead smelters sent their spent slag to Alco Pacific for disposal. Alco Pacific illegally dumped the slag at a site in Mexico. Quemetco and the other parties who sent their slag to Alco Pacific, as well as Alco Pacific themselves, were fined millions of dollars and are paying for site clean-up. Not all 775 truckloads and thirty-one million pounds cited came from Quemetco.
DM-216	"Would you please explain how this hazardous waste was stored without detection by agencies in charge of	See response to comment DM-215.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	inspections and their overseers?"	
DM-217	"Can you please describe how these trucks were loaded, left the facility and entered Mexico without detection by the Lead Agency?"	See response to comment DM-215.
DM-218	"Was any of this waste from the notorious surface impoundment?"	The liner materials and contaminated soils from the surface impoundment excavation were disposed of at the U.S. Ecology facility in Beatty, Nevada.
DM-219	"In addition I hope that you consider some of the important points made so eloquently by Mrs. Avery. The item about a potential conflict of interest involving someone in EPA that is or was a contractor for Quemetco is especially interesting. In addition her experience in this matter of the blood lead comparative has validity."	The comment is noted. See also response to comment DM-114.
DM-220	"In section 1.6 page 1-3 of the EIR addresses only one area of concern and has failed to mention other areas of concern raised by the community at the 1996 scoping session. Issues not addressed include concern about potential for the abnormal number of birth defects and learning disabilities reported by local residents and teachers."	See response to comment DM-10.
DM-221	"It also fails to mention the numerous concerns raised about the toxic airborne plumes that are affecting local residents and employees of City of Industry businesses. This noxious plume has not been identified to this day."	<p>The South Coast Air Quality Management District (SCAQMD) has a responsive approach to complaints about air quality. The SCAQMD's 24-hour complaint hotline, 800-CUT-SMOG, is staffed during normal business hours from 7:00 AM – 5:30 PM, Tuesday – Friday. Also, some SCAQMD inspectors are working on Mondays and during the evenings. During off-hours, a complainant is referred to an automated menu to record their complaint. The system will automatically page an on-call supervisor with the complaint. The supervisor will then find an inspector available to respond. Although SCAQMD is not a first response agency (e.g. fire or police department) it has been able to effectively use the system and actively respond to almost all air quality complaints in a timely manner.</p> <p>SCAQMD Complaint Response Policy and Procedure provides guidelines regarding general field investigation procedures. The procedures, as described, direct the inspector to proceed to the area where the complainant is located to verify the alleged odor or emissions. Based on the wind conditions, the inspector tracks the emissions back to all potential sources until the actual source is located. The inspector then records any evidence as necessary and contacts the facility representative for further evaluation of the facility. This general guideline, however, does not preclude an experienced inspector with sufficient knowledge of the area to use his or her discretion in investigating a complaint.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		Regarding the date of November 19, 2001 when the commenter indicates that "Quemetco unleashed a particularly potent plume," the SCAQMD does not have a record of a complaint regarding Quemetco being received on that date. Responding to a separate complaint from an anonymous complainant alleging "very strong odors" from Quemetco, inspector Kim Bolander performed surveillance around Quemetco on 11/20/01 and 11/21/01 and reported that no odors were detected at Quemetco but a slight plastic odor was noted near Mercury Plastics. The SCAQMD has no record of Inspector Stu Muller investigating any Quemetco complaints on or around this date. Inspector Muller did inspect a complaint received on September 22, 2001. His report states, "On September 22, 2001 at 0845, I was called out by Supervisor Katsumi Keeler. At 0920, I arrived in the area of the complaint. The wind was from the East at 0-2 mph. No odors detected. From 0930 to 0950, I was at the complainant. No odors were detected. He [i.e. the complainant] stated the odors started at 0830 and was very strong for about 10 min. The odors were like burnt plastic. From 0955 to 1020, I was at Quemetco. There was not wind. Their steam plume was straight up. I was escorted by Assist Plant Mgr. Bernardo Buines. We inspected the perimeter of the plant and around the production area and detected no similar odors. I detected a acid type odor around the scrubber." See also responses to comments DM-10, DM-181 and DM-183.
DM-222	"AQMD is derelict in their duty to protect us from this onslaught. Monday November 19, 2001 Quemetco unleashed a particularly potent plume."	See response to comment DM 221.
DM-223	"When my neighbors and I called the AQMD number to report it we were greeted by an answer phone stating that the offices were closed on Mondays and no mechanism such as the ability to leave a message so we could be contacted was available. The time prior to that I reported the plastic-like noxious plume an investigator contacted me and stated he would be there in 30 minutes. Around one hour later he showed up at our home around 15 minutes after a subsequent burst. He stated that he had been driving around the neighborhood with his windows down and did not smell a thing. This is typical of the incompetence that local residents have experienced from this agency."	See response to comment DM 221.
DM-224	"Kimberly Bolander told me at the November 1, 2001 meeting that often they telephone Quemetco when there has been a complaint. She confirmed this in our November 20, 2001 phone conversation."	See response to comment DM 221.
DM-225	"What written policy states that this is an appropriate investigative technique? Please	See response to comment DM 221.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	provide me with a copy."	
DM-226	"She also confirmed what I suspected; that AQMD has never measured the stack emissions for the most potentially damaging chemicals released by Quemetco".	See response to comment DM 149.
DM-227	"Why has this not been accomplished?"	See response to comment DM 149.
DM-228	"Why was this not done prior to approval of a permit to dispose of synthetic rubber into their furnace?"	See response to comment DM 149.
DM-229	"Why are these measurements not a factor in the Human Health Risk Calculation?"	See response to comment DM-190.
DM-230	"Why is the combined capacity of all the chemicals discharged by Quemetco under real time conditions not a factor in Human Health Risk Calculation?"	The Health Risk Assessment (HRA) evaluated the cumulative risk from all chemicals measured by the South Coast Air Quality Management District (SCAQMD) from Quemetco routine operations as well as fugitive emissions from uncontrolled sources such as dust from vehicle traffic or wind erosion.
DM-231	"Why did Stu Muller not drive straight to Quemetco where he would likely have caught them in the act of disposing of large quantities of synthetic rubber and/or plastic in their furnace?"	See response to comment DM 221.
DM-232	"What measures has AQMD taken to identify the contents of and remedy this problem that has been repeatedly reported to them and their predecessors since the 1970s."	See response to comment DM 221.
DM-233	"Why has AQMD not taken action in this decades old problem?"	See response to comment DM 181.
DM-234	"What steps has AQMD taken since 1996 to insure that this problem is solved?"	See response to comment DM 181.
DM-235	Other issues that must be addressed are:  1. The area is within a seismically active zone. The Whittier Narrows Earthquake did serious damage in Whittier and surrounding areas. Many structures were jolted from their foundations".	The comment is noted. Quemetco did not report to the Department of Toxic Substances Control (DTSC) that any of its structures were "jolted" from the foundations. DTSC required Quemetco to address issue of seismicity in the permit application in accordance with the California Code of Regulations, title 22. It has also included specific conditions in the final Permit concerning seismicity.
DM-236	"Are all of the tanks that total nearly 2 million gallons of hazardous and/or contaminated water engineered to withstand serious seismic events such as or greater than the magnitude of the Whittier Narrows earthquake?"	It should be noted that these tanks did survive the Whittier earthquake. The Department of Toxic Substances Control (DTSC) has required Quemetco to perform additional geotechnical investigation to evaluate the structures, foundation, and seismic hazards in the final Permit.
DM-237	"Was this non-existent seismic engineering completed prior to or after the discovery of the Puente Basin Fault System that was not identified until 1998?"	Seismic evaluation was performed <b>previously to 1998</b> . See also response to comment DM-236.
DM-238	"What investigation has been done to determine the probability of a potentially disastrous incident happening in event of the	The Department of Toxic Substances Control (DTSC) understands that the area is within a seismically active zone. However, building permits for the buildings and structures are regulated by the City of

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<p>next local earthquake taking place after several days of steady rain when soils are at field capacity (saturated) and <b>soil liquefaction</b> occurred?"</p>	<p>Industry. The City of Industry was responsible for requiring the structures to be built in compliance with the Uniform Building Code in force at the time of their construction and now with the California Building Code. These certifications must be signed by a registered professional engineer. These certifications include evaluations and calculations for the connections, stability of the tanks for seismic events, seismic loading due to earthquake accelerations, sufficient secondary containment in case of leakage, leak detection, corrosion protection, and inspections for other criteria to assure safety.</p> <p>DTSC has examined excerpts from a seismic engineering strengthening report for the Quemetco Facility. Based on the report, Quemetco performed a seismic retrofitting of its warehouse building (approximately 50,000 square feet), maintenance building (approximately 14,000 square feet), and the structure contained on an adjacent property, which is not subject to the Hazardous Waste Facility Operating Permit. The seismic retrofit report was conducted in compliance with Chapter 95 of the Los Angeles County Building Code. Quemetco provided to DTSC copies of excerpts of a seismic engineering strengthening report, receipts for the building permits from the County of Los Angeles, and "signed-off" copies of the building inspection cards for the completed projects.</p>
DM-239	<p>"What is the force in pounds per square inch that the total combined weight of all of Quemetco's water treatment system exerts on the surface and is directly adjacent the San Jose Creek? Keep in mind that just the weight of the liquid can be around 16 million lbs. In addition the tanks and the concrete slabs constitute a considerable mass. What is the total mass of the water treatment system including concrete slabs when operating at full capacity?"</p>	<p>All tanks in Quemetco's wastewater treatment area are situated a minimum of 135 feet from the closest wall of San Jose Creek. The total liquid capacity of the nine tanks located within the northern containment walls of the treatment plant is reportedly 1,150,297 gallons. Hypothetically, if all these tanks were filled to capacity with water, the total weight contained within the tanks would be approximately 9,593,477 pounds. However, Quemetco indicates that based on the engineering and functional controls in operation at the Facility, the operational volume of these tanks is limited to capacities below the maximum noted above.</p>
DM-240	<p>"What is the approximate surface area of the water treatment area?"</p>	<p>The approximate surface area of that portion of the wastewater treatment plant held within secondary containment is reportedly 20,179 square feet. The approximate overall area of the entire active wastewater treatment plant is reportedly 35,180 square feet.</p>
DM-241	<p>"I did not see a proposal for in the EIR or recollect the construction of seismic and structural reinforcement of the south wall of the San Jose Creek. Will the complete details of this be a requirement in the final draft prior to permit approval?"</p>	<p>Seismic response and structural review of the construction of San Jose Creek channel walls are not included in the Environmental Impact Report (EIR) nor are they part of the final Permit. The U.S. Army Corps of Engineers and the County of Los Angeles Department of Public Works, Flood Control Division have oversight in these matters. Moreover, the City of Industry granted the building permits for all structures in the wastewater treatment system, which is referenced in this comment, at the Quemetco facility.</p>
DM-242	<p>"What were the findings of that investigation? Keep in mind that after a heavy rain these</p>	<p>See response to comment DM-241.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	tanks would likely be filled with runoff water waiting to be treated and discharged."	
DM-243	"What corrective measures will be required and completed prior to final approval of their permit that will guarantee that no contamination will enter surface or ground water when an event such as this occurs?"	In addition, On August 17, 1987, the Department of Health Services (DHS), (predecessor to the Department of Toxic Substances Control) issued to Quemetco a Remedial Action Order (RAO) to Quemetco. On January 4, 1988, U.S. Environmental Protection Agency (U.S. EPA) and Quemetco entered into a Consent Decree. Both enforcement orders required Quemetco to provide berms to prevent run-off to San Jose Creek from the battery storage and former surface impoundment areas.
DM-244	"Why has Quemetco's ISD not been suspended because of this lack of proper seismic engineering?"	See response to comment DM-242.
DM-245	"Why was Quemetco granted permission to construct these facilities given the proximity to the San Jose Creek?"	Quemetco has been at its location since 1959. The Department of Toxic Substances Control (DTSC) was not involved in granting permission for construction of the Facility. The City of Industry has responsibility over siting and construction of the Facility.
DM-246	"Why has this serious situation not been corrected as a condition to retention of the present temporary (nearly 20-year) status?"	The Department of Toxic Substances Control (DTSC) has required Quemetco to meet the applicable regulatory standards for secondary containment related to a variety of potential upset occurrences. These include risk of seismic induced upset. See also responses to comments DM-238 and 241.
DM-247	"Are there any cracks in foundations, drains or channels, asphalt or any other structures in and around the water treatment facility?"	During a 2001 inspection by the Department of Toxic Substances Control (DTSC), cracks were found in the base of the secondary containment in the tank area in the wastewater treatment system. The Facility signed a consent order to investigate and take remedial action with respect to any geotechnical or environmental issues. The investigative work has been completed and on June 28, 2005, DTSC conditionally approved a technical report submitted on January 2, 2005. The report demonstrated that waste solutions containing lead spilled in the secondary containment penetrated cracks in the containment and contaminated the underlying soils. Quemetco will be required to take actions to address the findings of the report.
DM-248	"Are there any cracks in foundations, drains or channels under the tanks themselves? This is a very important issue as the expansive soils at this site are notorious for cracking concrete structures."	As a part of the consent order the Facility has sampled and analyzed the underlying soil in the wastewater treatment system area. See also response to comment DM-247
DM-249	"Are there any cracks, fissures, or porous areas in and around the surface impoundment? Please explain."	Cracks fissures or porous areas in the area covering the surface impoundment have not been observed during inspections by the Department of Toxic Substances Control (DTSC).
DM-250	"What quantities of potentially harmful substances are entering the underlying soil?"	The approved Closure Plan for the surface impoundment contained a clean-up or closure performance standard for lead at a concentration less than 150 mg/kg and for arsenic at background levels. The uppermost soils in the surface impoundment area were excavated to approximately 20 feet below the ground surface and removed and the excavation backfilled with clean material. The final confirmation sampling yielded lead concentrations below 25 mg/kg. A multiple-layer of 40 mil of HDPE was installed

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		underneath. This was topped with 6-inch thick concrete cap. The post-closure care part of the final Permit requires Quemetco to perform weekly inspection of the surface impoundment area, repair any cracks observed, and provide groundwater monitoring. There is no evidence that any contamination is entering the underlying backfill through the HDPE and concrete.
DM-251	"What quantities of potentially harmful substances are entering the underlying groundwater and/or water table?"	Since there has been no requirement for vadose zone monitoring of pore-liquid, migration of any residual lead is unknown. Recent groundwater data suggest that harmful quantities of contaminants are not impacting ground water. However, additional monitoring and monitoring points are needed to confirm the existing data. See also response to comment 250.
DM-252	"At what rate is this occurring?"	See responses to comments DM-250 and DM-251.
DM-253	"What measures will be taken to insure that this does not occur?"	The Department of Toxic Substances Control (DTSC) has determined that releases of contaminants from the surface impoundment previously caused groundwater contamination above maximum contaminant levels. The post-closure care component of the final Permit requires continued groundwater monitoring to evaluate the past releases and to monitor for potential future releases.
DM-254	"I interviewed several local real-estate agents who informed me that they were required under full disclosure laws to reveal the fact that the property was within a zone that was affected by Quemetco's toxic plume."	The comment is speculative and does not provide enough information or data to suggest that activities associated with the proposed project would result in significant impacts. Also see response to comment DM-10.
DM-255	"What percentage less have property values increased in the last ten years in relation to comparable properties in an area not affected by Quemetco's plume?"	An examination of property values is not within the scope of this "project". Also see response to comment DM-10.
DM-256	"What is the estimated cost in lost revenue to real-estate agents when they lose a sale because the potential buyer decides to not subject his or her family to the risk presented by Quemetco's toxic emissions?"	See response to comment DM-255.
DM-257	"What is the incidental cost to taxpayers that are directly related to Quemetco? This must be in the EIR."	See response to comment DM-255.
DM-258	<p><u>"Dilution is the Solution to Pollution"</u></p> <p>The above phrase is a low-key joke told among big time polluters and refers to their ability to manipulate the various agencies entrusted to regulate them. By strategically manipulating the concentrations of "hazardous substances" through dilution processes they are often able to lower the concentration to conform to "allowable limits". For example, I was informed by several of my</p>	There is a monitoring well network currently operating which is in place to determine any further subsurface releases. The Department of Toxic Substances Control (DTSC) has required changes and additions to the groundwater monitoring network which will improve the ability of the network to detect further subsurface releases and to monitor the extent of past releases. Contaminants above maximum contaminant levels have been detected in groundwater over the history of the Facility. The DTSC requirements for the Facility for collecting groundwater samples are designed to minimize dilution during the collection and analysis of samples. It is DTSC's responsibility to assure the determination

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	colleagues that if I take 10 ml of a solution that tests at 1000 ppm (mg/L) mercury, 1000 ppm (mg/L) lead and 1000 ppm (mg/L) chromium 6 and add 990 ml of water the sample will test for each of these substances at around 10 ppm (mg/L) + whatever background levels of each of these substances, is already in the 990 ml of water."	of the nature and extent of these releases and to select applicable remedies during the corrective action process.
DM-259	"Do the experts at D.T.S.C. agree with this principle?"	It is not clear to what principle the commenter is referring.
DM-260	"This principal would apply regardless of the quantity, in gallons, of liquid waste. One way of looking at the above hypothetical situation is that you are taking 990 ml of "good water" and polluting it so it is a volume of 1,000 ml with a concentration of 10 ppm (mg/L) for each substance, mercury, lead and chromium 6."	The public will be notified once the extent of releases to ground water have been determined and public input will be solicited for the selection of the remedy for the contamination. The groundwater direction and groundwater flow rate is measured and analyzed quarterly to the Department of Toxic Substances Control (DTSC). The local water districts are required to periodically analyze drinking water to assure that the water meets the required standards for protection of public health. The fluctuations in groundwater direction, flow rate and groundwater contamination will continue to be monitored by DTSC and the water districts to assure that the water from drinking water wells does not exceed state maximum contaminant levels. DTSC has the authority to require immediate interim corrective measures if the contamination presents an immediate threat to public health or the environment. See also response to comment DM-259.
DM-261	"Does Quemetco add potable or reclaimed water to dilute the liquid waste to permitted concentrations, prior to discharge into the sewer system?"	No. All liquid wastes are treated at Quemetco's wastewater treatment plant to meet Los Angeles County Sanitation Districts discharge requirements.
DM-262	"Has the Los Angeles County Sanitation District in their permit process for this facility, documented whether this practice does or does not occur with regards to this project?"	Los Angeles County Sanitation Districts inspect the Quemetco facility several times a year. At this time, there is no reported violation.
DM-263	"If yes please provide me with a copy".	See response to comment DM-262.
DM-264	"If this practice occurs, it may be legal at this time; however the fact is that the same quantity of toxic substances are ultimately being discharged into the system and on into the environment and this practice should be considered unethical, not environmentally sound and unacceptable."	See response to comment DM-261.
DM-265	"Is this company permitted to take potable water (in the range of 45 million gallons per year), add liquid hazardous waste (scrubber water) to it and discharge it into the sewer system to be piped just downstream to be re-discharged into the surface waters of the San Jose Creek?"	The Department of Toxic Substances Control (DTSC) does not regulate discharge through the sewer system. All liquid hazardous wastes (including scrubber water) are treated at wastewater treatment plant before discharge in the sewer system. All liquid wastes must meet Los Angeles County Sanitation Districts' discharge requirements.
DM-266	"From here it flows on to the San Gabriel River where it recharges ground water in	See responses to comments DM-64 through DM-67.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	spreading grounds, supplies the Bird sanctuary and Wildlife Reserve (wetlands) and the accompanying lakes that make up the Whittier Narrows flood plain as well as flowing downstream to replenish the ecosystem."	
DM-267	"Is it a good idea to contaminate the ecosystem with these known toxic substances?"	The draft permit proposed by the Department of Toxic Substances Control (DTSC) contains requirements for the Facility to have a plan to sample and control surface water. Large groundwater elevation increases could cause potentially contaminated groundwater to flow into San Jose Creek. However, it is the responsibility of DTSC and the Los Angeles Regional Water Quality Control Board (LARWQCB) to monitor such potential releases and implement remedies to prevent contamination which might harm public health and the environment. See also responses to comments DM-64 through DM-67.
DM-268	"In my opinion this form of disposal of hazardous waste should not be tolerated by any of the governmental agencies that have allowed this practice to continue for so many years. <b>It's outrageous that this is occurring. I can smell Quemetco's Toxic Plume as I am writing this!</b> "	See response to comment DM 140.
DM-269	"In addition, water companies from Whittier Narrows to the Pacific Ocean rely on this valuable resource for drinking water supplies. It is in fact a matter of not only National Security but for the security of the Greater Los Angeles Region to protect this imperative resource. The majority of all potable water in the San Gabriel Valley is from groundwater. In event that MWD water supplies were interrupted these supplies become extremely important."	The Department of Toxic Substances Control (DTSC) agrees that the San Gabriel Valley and Puente Basins are valuable and important resources which must be protected. The post-closure care component of the final Permit requires continued groundwater monitoring to evaluate the past release and to monitor for potential future releases.
DM-270	"Do County and State Water Quality authorities or LACOSD allow Quemetco to dispose of hazardous waste by discharging into the sewer after it is diluted with potable and/or reclaimed water to conform to so called allowable limits?"	See responses to comments DM-132, DM-134, DM-261, and DM-262.
DM-271	"Is this "treatment" practice legal?"	See responses to comments DM-132, DM-134, DM-261, and DM-262.
DM-272	"Has any agency conducted inspections during the construction phase to insure that no old or alternate routes into the sewer system or San Jose Creek exist?"	Not to the knowledge of the Department of Toxic Substances Control (DTSC). Construction permits at the site are granted and overseen by the City of Industry, not DTSC.
DM-273	"What were the results of those inspections?"	See response to comment DM-272.
DM-274	"Is this documented?"	See response to comment DM-272.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM-275	"Why is runoff into the San Jose Creek and /or the contamination that exists in at least 40 locations at this site not a violation of the Clean Water Act?"	The Department of Toxic Substances Control (DTSC) is aware that surface water run-off from the facility may be discharged to San Jose Creek during rainy periods. However, it has not been demonstrated that surface water run-off into San Jose Creek is occurring in such a fashion as to discharge site-derived contaminants. The Facility is subject to a General Industrial Activities Storm Water Permit (General Permit) adopted by and overseen by the State Water Resources Control Board (SWRCB) which contains monitoring and reporting requirements that satisfy the requirements for the National Pollutant Discharge Elimination System Permit (NPDES) under the Clean Water Act.
DM-276	"Why runoff into the San Jose Creek and /or the contamination that exists in at least 40 locations at this site not a violation of the Porter Cologne Act?"	The Porter-Cologne Act includes the state requirements for the National Pollutant Discharge Elimination System Permit (NPDES). Violations are addressed by the State Water Resources Control Board (SWRCB) and Los Angeles Regional Water Quality Control Board (LARWQCB). See also response to comment DM-275.
DM-277	"Is scrubber water mixed with potable or reclaimed water prior to discharge to the Sanitation District?"	See responses to comments DM-262 and DM-265.
DM-278	"Is runoff into the San Jose Creek and /or the contamination that exists in at least 40 locations at this site a violation of any Federal, State or Local laws, guidelines, master plans or ordinances?"	See response to comment DM-275.
DM-279	"Is the ground water contamination at this site a violation of any Federal, State or Local laws, guidelines, master plans or ordinances?"	See responses to comments DM-22, DM-23, and DM-24.
DM-280	"What remedy has Quemetco proposed to clean up the ground water contamination that exists at this site?"	No remedy for the soil or groundwater contamination has been proposed or selected yet. There are several methods to mitigate the discharge and/or migration of contaminants in soils and groundwater. However, a long-term remedy can only be selected after the Resource Conservation and Recovery Act (RCRA) Facility Investigation (RFI) is completed. In order to remedy the situation, the Department of Toxic Substances Control (DTSC) must know where the contamination is concentrated and where it is not and to what degree. Before selecting a remedy, DTSC will require the Facility to perform the RFI under the corrective action process. DTSC is tasked with determining the nature and extent of these releases and selecting the appropriate remedies during the corrective action process. The public will be notified once the extent of these releases is determined and public input will be solicited in the selection of the remedy for the contamination.
DM-281	"What corrective action measure is Quemetco presently in the process of that will clean up the soil contamination that exists at this site?"	The Facility will be required to perform additional Resource Conservation and Recovery Act (RCRA) Facility Investigations under the corrective action process. The nature and extent of these releases must be determined before selecting the appropriate remedies during the corrective action process.
DM-282	"Why is the cleanup of ground water contamination not a condition of retention of	For the last 20 years, Quemetco has been required to conduct corrective action to address hazardous waste releases while it

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	their temporary operating permit (ISD)?"	continued to operate under Interim Status. The final Permit requires Quemetco to continue its corrective action process under DTSC's oversight pursuant to Health and Safety Code section 25200.10.
DM-283	"Who authorized Quemetco to not be required to remove any and all contamination at this site? Is this documented?"	No one has done so. In fact, contaminated soil has been removed from the Facility. Quemetco is required by the final Permit to take all necessary steps to investigate and clean-up any contamination found at the site.
DM-284	"Why have EPA, Cal EPA or State Water Quality Authorities not required Quemetco to remove the contaminated soil from this site?"	See the response to comment DM-282.
DM-285	"Why did the Los Angeles County Regional Water Quality Board issue a permit to build the surface impoundment given the proximity to the San Jose Creek?"	In the Facility's early years, Quemetco discharged cooling tower bleed-off, plant washdown, and rainfall run-off adjacent to San Jose Creek under the General Industrial Activities Storm Water Permit (General Permit) adopted by State Water Resources Control Board (SWRCB). In 1963 the facility wastewater system was connected to the county sewer system, and the National Pollutant Discharge Elimination System Permit (NPDES) discharge to San Jose Creek ceased in 1974. Quemetco constructed the surface impoundment in 1975 for collecting process wastewater and storm run-off with subsequent treatment and discharge into the county sewer system.
DM-286	"Why has the Los Angeles County Regional Water Quality Board not required ground water clean up at this site?"	The Department of Toxic Substances Control (DTSC) is the lead agency under SB1082 rather than the Los Angeles Regional Water Quality Control Board because the Facility was subject to the Resource Conservation and Recovery Act (RCRA) and the state hazardous waste management law.
DM-287	"To protect future ground water contamination should this be done? When?"	See response to comment DM-286.
DM-288	<u>Potential Civil Rights Violations and Criminal Convictions</u>  1. Many of the people affected by Quemetco's toxic emissions believe that this is an infringement on constitutionally guaranteed rights and a violation of our civil liberties."	The siting and permitting of a hazardous waste facility is governed by federal and state environmental statutes, and implementing regulations. These statutes and regulations take into account the constitutional due process and equal protection principles and the requirement of public participation, while ensuring adequate protection of the environment and public health. Federal and state environmental regulatory agencies are responsible to administer and enforce the statutes and regulations.
DM-289	"I am requesting that consultation with the U.S. Department of Justice and The American Civil Liberties Union (ACLU) be conducted as to whether this has any merit based on full disclosure of any and all known and newly discovered facts in this case."	See response to comment DM-288.
DM-290	"The Final Draft E.I.R. must include opinions from both of these consultants in this matter."	See response to comment DM-288.
DM-291	"Normally in cases where an organization repeatedly commits criminal activities associated with the operation of that organization it is labeled a <input type="checkbox"/> Continuing	Any concern regarding potential violations of the RICO act should be brought directly to the attention of the U.S. Attorney's office. It is not within the Department of Toxic Substances Control's jurisdiction to enforce this statute.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<p>Criminal Enterprise and prosecutions are based on the RICO Act. The U.S. Attorney will normally launch an investigation, often with the aid of State and Local agencies. If enough evidence is present to meet the burden of proof they will usually convene a Grand Jury and indictments are handed down. Has D.T.S.C., Cal EPA and U.S. EPA consulted with the Department of Justice and the U.S. Attorney to see if this is applicable in the case of Quemetco, RSR, all of it's subsidiaries and the private owners of these companies?"</p>	
DM-292	<p>"Who is responsible for permitting interstate transportation of hazardous waste in the case of material imported from out of state for processing?"</p>	<p>The regulations governing transportation of hazardous waste are in California Code of Regulations, Title, 22 and the Health and Safety Code. Transporters of hazardous waste on the roads and highways in the State of California are required to obtain registrations from the Department of Toxic Substances Control (DTSC).</p>
DM-293	<p>"This needs to be accomplished and the opinions from all the law enforcement agencies consulted along with an opinion from D.T.S.C. legal department must be included in the Final Draft that clears Quemetco's good name in this matter of past criminal activities in the operation of it's facilities."</p>	<p>This is not required by state statute or regulations governing the permitting process for a hazardous waste facility. The Department of Toxic Substances Control (DTSC) is following all the applicable statutory and regulatory requirements and criteria in its evaluation of Quemetco's permit application to ensure that the environment and public health are adequately protected.</p>
DM-294	<p>"We need to be certain that no criminal activities are involved in a matter as serious as the proposal that a permit be granted to discharge thousands of pounds of toxic material over the next twenty years, in residential areas, recreational areas, around schools, day-care centers, convalescent hospitals, places of employment and in a protected Conservancy with Wildlife Centers and Bird Sanctuaries."</p>	<p>See response to comment DM-293.</p>
DM-295	<p>"Is the present operation and future operation of this facility a good idea?"</p>	<p>It is a good idea to provide hazardous waste treatment and recycling facilities in California as long as the facilities, including Quemetco, comply with the applicable laws and regulations.</p>
DM-296	<p>"In addition I am concerned about reports of criminal convictions involving Quemetco/RSR employees in the operation of their business. I have included several with this response and call your attention to not only <b>Violation of the Clean Water Act</b> but equally disturbing a conviction concerning submitting a <b>False Certification. This is crucial as all the permitting agencies in the case of this facility rely on Quemetco and their</b></p>	<p>See response to comment DM-293.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<b>contractors for data."</b>	
DM-297	<p>"In addition, this little matter of the EPA Regional Administrator, Wayne Nastri, and his possible connection to Quemetco and/or their contractors that Mrs. Avery pointed out in the November 1, 2001 meeting, must be cleared up.</p> <p>What precisely is the connection to Quemetco that Mr. Nastri has and is this an improper relationship or conflict of interest in this case?"</p>	<p>The Department of Toxic Substances Control (DTSC) is responsible under the state law to make the decision to approve or disapprove Quemetco's permit application. Since Mr. Wayne Nastri is not involved in this decision-making process, any possible connection between Quemetco and Mr. Nastri is not relevant, nor is it an issue concerning a conflict of interest in this case. DTSC has been authorized by United States Environmental Protection Agency (U.S. EPA) under the federal Resource Conservation and Recovery Act (RCRA) to administer the State hazardous waste management program in lieu of the federal program. DTSC is the decision-making agency in this permit application process. DTSC is also the lead regulatory agency overseeing any required investigation and cleanup of any release of hazardous waste at or from the Quemetco facility into the environment. U.S. EPA audits DTSC in connection with the RCRA authorization, but it does not directly oversee Quemetco's permit application, facility operation or closure, corrective action for any hazardous waste releases.</p>
DM-298	<p>"Were permits issued to Quemetco during his service as a board member for SCAMD?"</p>	<p>Wayne Nastri was a Governor's appointee to the South Coast Air Quality Management District (SCAQMD) Governing Board and served one year from August of 1997 to August of 1998. The SCAQMD did not issue any permits to Quemetco during this time period. In fact, the bulk of Quemetco's current limits were imposed on permits issued in July of 1997 or earlier, before Mr. Nastri's service as a board member. Pending permit applications, however, may have been on file during his period of service. In dealing with Quemetco, the SCAQMD's permitting staff has no knowledge or recollection of Environmental Mediation, Inc. or Mr. Nastri being involved in, or having any influence on, the agency's decisions and actions with regards to the issuance of Quemetco's permits.</p>
DM-299	<p>"Did Environmental Mediation Inc. or he in his capacity at that company lobby regulators on behalf of Quemetco? When and in regards to what?"</p>	<p>See responses to comments DM-297 and DM-298.</p>
DM-300	<p>"Did Environmental Mediation Inc. or he in his capacity at that company advise Quemetco on regulations or permit issues? When and in regards to what?"</p>	<p>See responses to comments DM-297 and DM-298.</p>
DM-301	<p>"Does EPA oversee any or all of the agencies in the Quemetco case? What is the chain of jurisdiction?"</p>	<p>See response to comment DM-297.</p>
DM-302	<p>"Will his recent appointment as EPA's Chief of Western Region 9 expedite the long overdue closure and cleanup of this site that he is familiar with?"</p>	<p>See response to comment DM-297.</p>
DM-303	<p>"Has DTSC provided a copy of the Comprehensive Ground Water Report to USEPA?"</p>	<p>Yes, this 1996 Comprehensive Monitoring Evaluation was forwarded to U.S. EPA.</p>
DM-	<p>"What special protection does Quemetco,</p>	<p>This is a question that should be directed to the two local</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

304	enjoy by their location in the City of Industry as opposed to if they were located in an unincorporated area of Los Angeles County?"	agencies.
DM-305	"Will Mr. Nastri use his intimate knowledge of Quemetco and their contractors to expedite the inevitable clean up of this site?"	See response to comment DM-297.
DM-306	"When will this clean up be completed?"	The corrective action process is on-going under the Department of Toxic Substances Control's (DTSC) oversight. DTSC is responsible for setting timelines and requiring the Facility to perform a Resource Conservation and Recovery Act (RCRA) Facility Investigation under the corrective action process. DTSC is tasked with determining the nature and extent of these releases and selecting the appropriate remedies during the corrective action process. The public will be notified once the extent of these releases is determined and public input will be solicited in the selection of the appropriate remedy for the contamination.
DM-307	"What statutory requirement or written policy would require DTSC to overlook 30 years of a questionable record when deciding this case? Please provide a copy."	The Department of Toxic Substances Control (DTSC) is following all the applicable statutory and regulatory requirements and criteria in its evaluation of Quemetco's permit application to ensure that the environment and public health are adequately protected.
DM-308	"I would also like you to launch an inquiry that will discount the rumor circulating among local residents that the head of the Permitting Department for DTSC (sounds like Murkel?) and the inspectors responsible for Quemetco's alleged "clean record" over the last 4 years might be under the influence of Quemetco and their contractors."	The rumor is baseless. The Department of Toxic Substances Control (DTSC) does not believe any inquiry is necessary. DTSC is not under any influence of Quemetco or any of its contractors.
DM-309	"It is rumored that DTSC will attempt to base the permit review on only those 4 years instead of the entire history of this facility. Please clear up this false rumor."	See response to comment DM-307.
DM-310	" <u>Conclusion</u>  How could D.T.S.C. even consider issuing an operating permit based on an E.R.I. that is supposed to report the true impact on it's surroundings and fails to take into consideration a multitude of factors that are real and of genuine concern."	See response to comment DM-10.
DM-311	"Until such time that Quemetco can demonstrate to me that the poisons that they are distributing into the environment did not contribute to the rare carcinoid tumors that caused our Dear Mothers early demise then I have to ask the following question. What makes the effects of these chemicals discharged by Quemetco not hazardous and ok to release into the environment when the compelling body of evidence points to the	One cannot prove a negative (i.e. prove a chemical did not cause an observed effect). To evaluate potential health effects in a risk assessment, we rely on comparison of estimated human exposures to scientifically peer-reviewed toxicity criteria developed based on observed responses (dose-response relationships). For chemicals that may have the potential to cause cancer in humans, we assume that any exposure will increase the probability that an individual may have an increased risk of developing cancer during the course of their lifetime as a result of that exposure. Whether or not this risk is acceptable is a risk management decision that the

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	contrary?"	Department of Toxic Substances Control (DTSC) considers in all aspects of a permit decision. We agree that there is a "compelling body of evidence" that most industrial chemicals may be hazardous to your health if not properly managed. Based on the Health Risk Assessment (HRA), which uses the actual emission rates of all chemical known to be emitted from the facility submitted by Quemetco, we do not believe there will be any adverse noncancer health effects associated with routine operation of the facility as described in its Operation Plan. DTSC considers the HRA estimated upper-bound excess lifetime cancer risk at the maximum exposed actual resident of 2.4 in one hundred thousand based on an exposure duration of 30 years for the maximum exposed actual resident to be acceptable.
DM-312	"What makes the chemicals released by Quemetco any different?"	It is not clear what the commenter means by "different". The HRA uses peer-reviewed chemical-specific toxicity criteria to evaluate potential health risks. We do not make any distinction between toxicity of a chemical such as 1,3-butadiene or benzene, both common urban air contaminants, whether they are released by Quemetco, vehicle exhaust or tobacco smoke. See also response to comment DM-311.
DM-313	"Quemetco's claim that their facility comes under the "grand father clause" is preposterous!"	The draft Environmental Impact Report (dEIR) adequately analyzed and found that the siting of the Quemetco facility is consistent with both zoning and land use designations established by the City of Industry. The authority to establish zoning and land uses rests with the City of Industry. <del>authority under California Land Use Law and regulations. No additional analysis under California Environmental Quality Act (CEQA) is required in the final EIR as it relates to local land use consistency issues.</del> Also see response to comment DM-10.
DM-314	"The fact of the matter is that in the early years following the incorporation of the City of Industry the founding fathers made an error in judgment in their exuberance to attract businesses to the new city."	The comment is noted.
DM-315	This facility should never have been permitted to establish in such close proximity to surface waters, ground water aquifers and residential neighborhoods."	See response to comment DM-313.
DM-316	"In addition there are serious issues that must be addressed concerning the use permits and the subsequent variances that bring up a number of questions that must be answered prior to this project moving forward."	See response to comment DM-313.
DM-317	"What role did City of Industry officials or their associates play in the initial granting of and the retention of permit status? Please be specific."	The City of Industry and County of Los Angeles are not decision-makers in the issuance of this Permit.
DM-318	"Did any City of Industry official or affiliate serve on the Los Angeles County Department	The Department of Toxic Substances Control (DTSC) does not know whether any official of the City of Industry served in any role

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	of Regional Planning? Who, and did that person or persons play any role in the issuance of permits for this facility from 1957 until present?"	with the County of Los Angeles with respect to regional planning. Neither does DTSC know whether any such person played any role in the issuance of land-use permits for the Facility. Also see response to comment DM-313.
DM-319	"Will Los Angeles Department of Regional Planning be present at the next meeting and <b>will they be prepared</b> to answer questions concerning any and all of Quemetco and Western Lead's Permits? <b>Quemetco cannot claim exemption from proper regulation under the grandfather clause if they cannot prove the validity of Western Lead's supposed permits.</b> "	The Department of Toxic Substances Control (DTSC) does not know whether any representative of the County of Los Angeles Regional Planning Department will be present at any future meetings. See also response to comment DM-313.
DM-320	"Specifically what alleged permits did Western Lead establish itself with and what authority issued them. Please provide a copy of any and all of these permits and their variances along with copies of any supporting documentation."	Quemetco, Inc. has informed the Department of Toxic Substances Control (DTSC) that it never owned Western Lead and therefore does not have copies of any of Western Lead's permits. Quemetco has also informed DTSC that it had all the required permits to operate since its acquisition in 1970. To request copies of any permits or supporting documentation, please contact the City of Industry. See also response to comment DM-313.
DM-321	"The City of Industry has blossomed into a beautiful city that I personally am proud to be neighbor to. The new cleaner businesses that have replaced the old are an excellent addition to the community. They are well designed and nicely landscaped. Quemetco's airborne emissions resulting from continued operation pose a potential threat to the products that are manufactured by these businesses and the record clearly shows in the transcripts from 1996, that it also poses a potential threat to local residents and the employees of City of Industry businesses."	The comment is noted. See also responses to comments DM-311 and DM-312.
DM-322	"In addition the groundwater contamination must be addressed and I urge the City of Industry officials to act swiftly and decisively in this very serious issue to avoid future contamination of wells that the City itself uses to supply City of Industry Waterworks System."	The Department of Toxic Substances Control (DTSC) is addressing groundwater contamination. See also response to comment DM-21.
DM-323	"The city bears responsibility of safeguarding Puente Basin water as the above mentioned supply does not come under the jurisdiction of the San Gabriel Valley Water Master."	This ground water under the Quemetco Facility is managed by the San Gabriel Valley Watermaster. Water purveyors are required to collect and analyze samples from their drinking water production wells on a regular basis to assure that the water sent to consumers does not exceed regulatory thresholds. See also response to comment DM-322.
DM-324	"These water rights were long ago adjudicated prior to City Of Industry acquisition of the Cross-Water Company now known as City of Industry Water Works	See response to comment DM-323.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	System."	
DM-325	"We must protect these underground aquifers!"	See response to comment DM-322.
DM-326	"I urge City of Industry leaders to take a close look at the facts in this case and please use your influence to correct the error in judgment that allowed this facilities predecessors to establish and Quemetco's claim to grand fathered rights.	This comment should be directed to the City of Industry.
DM-327	"I have no desire to dig up old bones from the past and my only interest is the cessation of toxic airborne plums that regularly besiege our home and family, the local ecosystem and the water supply."	The comment is noted.
DM-328	"I feel it would be a public relations windfall for the city and for the good of the community to lift the veil of immunity that surrounds this facility and commence with the inevitable decontamination of this site."	The Department of Toxic Substances Control (DTSC) does not believe there is a "veil of immunity" in this case.
DM-329	"Please remove this thorn from the side of the City of Industry and allow the wounds that have festered for so many years to heal."	The project site and the surrounding area are located in zone "M" (Manufacturing) as designated by the City Zoning Code. A battery recycling facility is a permitted use in zone "M"; and is consistent with other types of uses, normally permitted under the "Industrial" general plan designation. The Planning Department of City of Industry approves the zone designation and change of zoning.
DM-330	"I am concerned to see that Quemetco is circulating a letter from City of Industry Mayor David Perez. I am certain that if he understood the facts surrounding this facility a person of his caliber would not lend his good name to this operation."	The comment is noted.
DM-331	"The facts are that this company has gone virtually unregulated in early days and during transitional times when DTSC and SCAQMD and were assuming regulatory responsibility from their predecessors."	The comment is noted. DTSC disagrees.
DM-332	"In addition this company has not been regulated in the same fashion as other known polluters (PRP) in the San Gabriel Valley."	The Department of Toxic Substances Control (DTSC) disagrees with the commenter.
DM-333	"At what concentrations does testing show the presence of Volatile Organic Compounds and other dangerous substances that are causing the multitude of problems to producers and consumers of ground water in the San Gabriel Valley?"	Testing of groundwater for post-closure care at the site is not routinely performed for specific volatile organic compounds (VOCs). Instead, the Facility typically analyzes for total organic halogens (TOX) which captures many of the VOCs but does not provide speciation. For example, in the May 2004 quarterly monitoring, TOX of 37 ppb was reported from monitoring well MW-10. All of the groundwater monitoring reports are available for review at DTSC's office in Glendale. The Department of Toxic Substances Control and Los Angeles Regional Water Quality

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		Control Board have also required that the Facility analyze soil and groundwater samples for specific VOCs in the course of various investigations across the site. For example, soil concentrations of perchloroethene have been reported as high as 27 micrograms per liter in gas-phase and 150 micrograms per kilogram in soil matrix samples.
DM-334	"In the period between 1972 and possibly into the 1990s laws existed on the books that may not have been adequately enforced."	Enforcement actions were taken during this period.
DM-335	"The DTSC Ground Water Report documents numerous instances of the "surface impoundment" overflowing directly into the San Jose Creek surface waters."	San Jose Creek received industrial waste discharges from Quemetco until 1975 when the Los Angeles Regional Water Quality Control Board (LARWQCB) ordered the practice terminated because the discharge exceeded effluent limitations on several occasions. The industrial waste had caused etching of the creek's lined wall at the point of discharge. At that time, wastes were discharged into a storm drain which subsequently fed into the San Jose Creek at Channel Station 158. Early records indicate that the creek was originally unlined.
DM-336	"Has DTSC considered the case in Texas involving Quemetco/RSR facilities of a similar nature that were closed because of the pollution problems and possible adverse health effects associated with it?"	The case cited is not relevant to this permit decision.
DM-337	"Why have Federal, State and Local authorities not taken action in this case?"	Necessary regulatory and enforcement actions have been taken to ensure that Quemetco is in compliance with applicable environmental laws and regulations.
DM-338	I am requesting that this response in its entirety along with all exhibits, researches and photographs be included so that the impact of it will not be lost in the haste to make a decision in this matter	All comments received during the public comment period and DTSC's responses are included in the permit decision package.
DM-339	"I am also requesting that this along with all responses from participants in this process and the transcripts from all of the meetings concerning this facility be admissible as evidence in any and all proceedings, including court, that pertain to the permitting of this facility."	The admissibility of any document in an administrative or legal proceeding is subject to the applicable rules of evidence.
DM-340	"This includes all transcripts from all meetings dating back to 1959."	See responses to comments DM-338 and 339.
DM-341	"In addition research and enforcement actions concerning all Quemetco/RSR facilities throughout the country should be included and considered when deciding this case."	See response to comment DM-293.
DM-342	"I would also like to request more time be granted to submit admissible pertinent information so subsequent analyses can	DTSC believes that ample time and opportunity were given to members of the public to provide relevant information to DTSC.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	corroborate the preliminary findings of an ongoing research on soil, water and plant tissue at one of the local universities."	
DM-343	"Again I request that Quemetco and their predecessor's entire record be considered prior to this project moving forward".	See response to comment DM-307.
DM-344	"This includes all conditional use permits and supporting documentation. If that is not agreeable with Quemetco the only other option even considered would for them to clean up existing contamination and submit to permitting as a <b>New Facility.</b> "	Quemetco is an existing facility operating under the Interim Status Document (ISD) and is not permitted as a new facility. Corrective action, which involves investigation and cleanup of any contamination, is required in Part VI of the Permit.
DM-345	"The Inspector herself admitted that she had not read the report that is the history of this facility and therefore she does not have the background information to adequately conduct inspections."	It is unclear as to what report Mr. McKee is referring to, but DTSC inspectors have enough background information to adequately conduct inspections at Quemetco.
DM-346	<b>"There is no way to bury the truth of this matter under a surface impoundment that should have never been permitted in the first place any longer"</b>	See responses to comments DM-9 and DM-22.
DM-347	"It is urgent to act swiftly in this matter regarding clean up of this site and minimizing additional groundwater contamination. In addition, it is crucial to stop the toxic airborne plumes that have been reported many times since 1959 that are victimizing local residents and many others in the area."	The comment is noted. DTSC is proceeding with corrective action activities. See responses to comments DM-9 and DM-22.
DM-348	"I am also suggesting that Quemetco be required to post a bond in an amount equal to the estimated <b>true cost</b> of clean up of this site that will insure that this enormous task is completed."	DTSC has required Quemetco to establish and maintain assurance of financial responsibility (AFR) for closure of the operating units and post-closure of the surface impoundment. DTSC has not required AFR for corrective action at this time. At such time as a corrective action remedy is selected, corrective action AFR will be required.
DM-349	"Bottom line is that there is insufficient data that is of questionable quality and no accurate conclusion can be made as to the safety of this facility."	Whether or not a facility is "safe" encompasses a number of different areas including adequate worker protection, controls and management practices to reduce or eliminate accidental chemical releases, fires, etc, and overall protection of human health and environment. With respect to protection of human health, DTSC believes that the results of the human health risk assessment which relies on source testing of actual emissions required by the South Coast Air Quality Management District (SCAQMD) show the Facility is safe to operate as described in the permit and that emissions from the Facility are not likely to cause adverse health effects.
DM-350	"It would be a far stretch in a logical progression of facts to jump from all that is known about this company to it is safe, beneficial to the community and in the best interest of the San Gabriel Valley and Puente	See response to comment DM-107.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	Basin to allow continued operation of this facility."	
DM-351	"We must focus first and foremost on eliminating any and all toxic air emissions, cleaning up the soil and groundwater contamination at this site and preventing additional contamination of San Gabriel Valley groundwater."	DTSC is working with Quemetco to address these concerns. See response to comment DM-9.
DM-352	"The gross contamination that exists and has existed for many years at this site must be cleaned up in an attempt to prevent future damage to the valuable water resources that underlie the entire area."	Some of the sources of groundwater contamination at the Quemetco facility have already been mitigated. Any corrective action necessary to remove contaminants from the soil and ground water will be conducted after final characterization of such contamination is completed and a remedy is chosen. See also responses to comments YH-1 and DM-251.
DM-353	"Quemetco themselves admit that <b>Non-Compliance with established water quality standards for groundwater resulting from continued operations at the Quemetco Facility is considered a significant impact. Impacts remain significant and unavoidable.</b> "	The Permit imposes a groundwater monitoring program for Quemetco which includes additional monitoring wells. See also response to comment DM-352.
DM-354	"The way that all agencies should approach this issue is. 1. Suspend all air emission permits issued by AQMD."	Quemetco is currently operating within the allowable limits of the South Coast Air Quality Management District (SCAQMD) rules and regulations and within the operating parameters under their permits. Thus, the SCAQMD has no cause to revoke or suspend Quemetco's permits. The SCAQMD will continue to monitor, inspect, and investigate the facility and the issues raised by community members. See also response to comment DM-353.
DM-355	"Enforce all applicable legislation such as the Clean Water Act and the Porter Cologne Act."	See response to comment DM-353.
DM-356	"Review all conditional use permits and variances issued by Los Angeles Department of Regional Planning and the circumstances surrounding the issuance of those permits."	See response to comment DM-353.
DM-357	"Require Water Quality Authorities to act to rectify that agency's history of gross negligence in its dealings with this facility."	See response to comment DM-353.
DM-358	Clean up all soil and groundwater contamination.	This ground water under the Quemetco Facility is managed for purposes of allocation by the San Gabriel Valley Watermaster. Water purveyors are required to collect and analyze samples from their drinking water production wells on a regular basis to assure that the water sent to consumers does not exceed regulatory thresholds. See also response to comment DM-352.
DM-359	"Calculate the total quantity of all substances to be discharged into the environment (including sub-sea burial) over the next 20 years. And then ask the question. Is this a good idea?"	The comment is noted.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

DM-360	<p>"When answering each question please be as specific as possible and I request that you do not use the strategy called "grouping" to obfuscate the issues in this case. This will help average citizens such as myself to understand the facts."</p>	<p>The Department of Toxic Substances Control (DTSC) has responded to the commenter's questions and concerns in a specific fashion.</p>
DM-361	<p>"Below is just a portion of the report that I am referring to and I have highlighted a small portion of pertinent facts. Unfortunately I am out of time. It appears that VOCs may have been detected and I think it says that there is no reason to believe that they did not overflow from the surface impoundment. Read page 56, 96 and 119 through at least page 130 of the DTSC Ground Water Report. It is outrageous!"</p>	<p>The comment is noted.</p>
DM-362	<p><b>[ATTACHMENT]</b></p> <p><b><u>"PETITION TO DTSC</u></b></p> <p><b>Re: Opposition to Quemetco Inc. /RSR Corporation – Application for Permanent Operating Permit at 720 s 7<sup>th</sup> Avenue, City of Industry, California.</b></p> <p>We, the undersigned, petition the Department of Toxic Substances Control (DTSC) to deny RSR/Quemetco's application for a permanent operating permit.</p> <p>In addition, we respectfully request that Quemetco's temporary status, by which they have been allowed by DTSC to emit toxic compounds for more than 20 years, be <b>revoked</b> immediately and that the inevitable clean up process of this site commence."</p>	<p>The comments are noted, but the appeal must be formally submitted after the permit decision is made pursuant to California Code of Regulations, title 22, section 66271.18.</p>
<p><b>Michael McKee</b>  <b>738 South Third Avenue</b>  <b>La Puente, CA 91746</b>  <b>[November 27, 2001]</b></p>		
MM-1	<p>Our family has lived at the above address for 54 years, only 4 blocks from the smelter. From the outset, this facility has polluted our neighborhood and, for 40 years, our family and neighbors have been forced to participate in one public process after another, attempting to protect ourselves from the poisons which are pumped into our environment on a daily basis.</p>	<p>The comment is noted. See responses to comments LA-11 and LA-16.</p>
MM-2	<p>We have documents from the late 1960's showing our opposition to this facility, yet we</p>	<p>The comment is noted. See response to comment LA-14.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	are still faced with lax enforcement by the government departments mandated to protect us.	
MM-3	Hopefully, after reviewing citizen's comments, you will conclude that this company should be shut down and site remediation should commence. If you grant their permit, it should be granted on very firm conditions including substantial mitigations. Imagine the cumulative effect of breathing, drinking, eating and absorbing the toxins for our entire lives, living only 4 blocks from this facility.	The comment is noted. See responses to comments DM-352, DM-353, and LA-16.
MM-4	If public input is truly desired, why was notice of the meeting sent to only 13,000 people when more than 100,000 people are directly affected by the pollution?	<p>DTSC scheduled a 60-day public review and comment period, which ran from June 29 to August 28, 2001 and allowed the community to review the draft Permit and draft EIR and to comment on the permitting process:</p> <ul style="list-style-type: none"> <li>• A fact sheet/community survey was mailed on June 29, 2001, which provided background information on the draft Permit and draft EIR and also announced the public comment period and the time and location of the public hearing. The fact sheet was mailed to all addresses within 1/4 mile (DTSC policy) of Quemetco and to key contacts throughout the state, i.e. 757 addresses</li> <li>• Based on requests/input from the community (during community interviews), the mailing radius was expanded to 1/2 mile of Quemetco; the additional fact sheets were mailed on August 9, 2001 to 2,538 addresses</li> <li>• A radio announcement was aired on KFWB (audience approx. 38,400) in English on July 13, 2001 and on KBUE/KBUA (audience approx. 68,000) in Spanish on July 16, 2001 to notify the community of the public comment period and public hearing.</li> <li>• Public notices were placed in the Los Angeles Times, San Gabriel Valley Tribune (circulation approx. 53,000) and in La Opinión (circulation approx. 112,000) newspapers on July 29, 2001 to inform the community of the public comment period and public hearing.</li> <li>• DTSC conducted a public hearing on August 14, 2001 at Los Altos High School. Approximately 70 community members attended the public hearing and several community</li> </ul>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<p>members provided public comments. Because many community members remarked on the lack of notice about the hearing and the short timeframe to provide written comments, DTSC extended the public comment period for 90 days, from August 28, 2001 through November 27, 2001. DTSC also scheduled a community meeting for November 1, 2001.</p> <ul style="list-style-type: none"> <li>• A radio announcement of the public comment period extension and the November 1, 2001 community meeting was aired in English (KFWB) on September 14, 2001 and in Spanish (KBUE/KBUA) on Sept. 18, 2001.</li> <li>• Public notices of the public comment period extension and the November 1, 2001 community meeting were published in the San Gabriel Valley Tribune on September 21, 2001 and La Opinión on September 22, 2001. Due to inadvertent mistake in the Sept. 22 notice, the correct public notice was published in the October 13, 2001 edition of La Opinión.</li> <li>• Public notices of the public comment period extension and the November 1, 2001 community meeting were mailed to over 12,521 addresses. The mailing list included residents and businesses in the area roughly bounded by the 605 freeway to the west, Valley Boulevard to the north, Hacienda Boulevard to the east, and the boundary of La Habra Heights to the south. In addition, the mailing list also included key statewide and local contacts, as well as several schools located north of Valley Blvd. to Amar Road, and east of Hacienda Blvd. to Azusa Ave.</li> <li>• 750 copies of public notices announcing the extension of public comment period and meeting were given to the Workman Mill Association to be included in their mid or late October newsletter.</li> <li>• DTSC Public Participation Specialist attended the Hacienda Heights Improvement Association monthly meeting at the Hacienda/La Puente District Office on September 17, 2001 and provided information on the extension of public comment period and the community meeting.</li> </ul>
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

MM-5	Did you solicit the participation of elected officials by informing them of the issues? Only one elected official attended – a congress woman. Surely, representatives from surrounding cities should play a substantial role in this process as it affects each of their residents.	<p>Fact Sheets, public notices were mailed/faxed to the elected officials. The following elected official were contacted, briefed, interviewed:</p> <p>July 25, 2001: Mayor David Perez, City of Industry</p> <p>July 25, 2001: Dr. Gary Matsumoto, Deputy Superintendent Hacienda La Puente Unified School District</p> <p>July 26, 2001: Chris Carlos, staff of Assemblyman Ed Chavez</p> <p>July 26, 2001: Tina Herzog, staff of Supervisor Gloria Molina</p> <p><b>Fact Sheets, public notices were mailed/faxed to:</b></p> <p>July 2001: Contacts were made with the Office of US Representative Grace Napolitano, fact sheet were faxed. Unavailable for interview.</p> <p>July 2001: Contacts were made with the Office of Sen. Gloria Romero.</p>
MM-6	Public attendees numbered approximately the same as government scientist, Quemetco experts, Quemetco lawyers and other government representatives. Do you agree that the attendance at the public meeting was inadequate to give the quality of input required for so complex an issue?	The Department of Toxic Substances Control disagrees. See response to comment MM-4
MM-7	Why did we have such short notice of the meeting, leaving little time and few resources to prepare ourselves? Surely, each person should not be expected to spend a day at the library reading the multitude of binders containing highly technical (and often outdated) information. An executive summary could have been prepared to give a basic overview of the issues. Why wasn't this done?	The public did not have short notice. See response to comment MM-4.
MM-8	As the Quemetco issue involves complex scientific and legal issues beyond the average person's ability, is there funding available to community groups to help defray the cost of expert assistance?	The Department of Toxic Substances Control (DTSC) has no such funds. At times, the State legislature has provided funds for citizen advisory groups such as at the Rocketdyne site.
MM-9	Could a DTSC employee be assigned as an advisor for an opposing community group?]	The Department of Toxic Substances Control (DTSC) has to remain neutral. DTSC's public participation staff already work with the community.
MM-10	DTSC has an internet site. What information concerning Quemetco/RSR can be found on your site? Would this have been an effective vehicle to give the public necessary information	<p>The following documents are posted on the web-site:</p> <ol style="list-style-type: none"> <li>1) Fact Sheet</li> <li>2) Public Notices</li> </ol>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	to understand the issues and to formulate an effective opposition?	After the final permit decision is made, additional information will be posted.
MM-11	Kennedy Court Reporters, Inc. was given the responsibility of making a transcript of the meeting. Why do many of the panel answers mask the names of the speakers on the transcript by being prefaced with Panel Member rather than the speaker's name in the transcript?	The following items respond to the specifics of the comment: 1) Names of Panelist were displayed on a big poster at the entrance. 2) Panelists had name tags. 3) Names of panelist were displayed on the table top sign identifying the Department/Agency and their title. 4) At the beginning of the meeting, every panel member was introduced. 5) A point of contact list was provided in the handouts folder 6) Panelists were requested to identify themselves prior to answering the questions. 7) When contacted by Kennedy Court Reporter, Public Participation Specialist provided the names of the Panelists.
MM-12	Who made the decision to deviate from the standard court reporting format of naming each speaker prior to the answer?	See response to comment MM-11.
MM-13	Why wasn't a head table "map" given to the participants (and perhaps the court reporter), giving the names, positions, agencies, contact information and seating position of the speakers? This would have made contact possible.	See response to comment MM-11.
MM-14	In contract to surrounding businesses, Quemetco's premises are amongst the most unsightly in the area. Can they be forced to improve the look of their premises? Even a fresh coat of paint and some landscaping would go a long way toward improving the optics. High hedges (neatly trimmed) might mask their unsightly installation from street view.	The Department of Toxic Substances Control (DTSC) is reviewing Quemetco's application for a Hazardous Waste Facility Permit. In considering the application, DTSC has no statutory authority to review or impose any landscaping or other beautification conditions at the Facility.
MM-15	What studies have been done in the impact to surrounding businesses such as the commercial bakery directly across the street, and the numerous food processors within 4 blocks? Are the huge air intake systems in the surrounding businesses specially filtered to remove all the pollutants pumped into the air, soil and water by Quemetco?	Numerous studies have been performed to determine the health risk to the local businesses and communities associated with Quemetco's emissions. For example, in the Spring of 2000, Quemetco submitted through a consulting firm called Kleinfelder, Inc., a four-volume health risk assessment (the "Kleinfelder HRA.") This assessment was specifically prepared to support Quemetco's application for a Hazardous Waste Facility Permit. The Kleinfelder HRA is available in the public repositories for public review, and has been available since the summer of 2001. In addition, Quemetco prepared another health risk assessment (the "AB2588 HRA") pursuant to the California Toxic Hot Spots Information and Assessment Law (also known as AB 2588). The AB 2588 HRA was approved by the South Coast Air Quality Management District in October 2002. Because Quemetco's emissions produce a cancer risk of 33.4 in one million, Quemetco

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		<p>must develop a risk reduction plan to bring the risk level to a point below 25 in one million. A risk reduction plan was filed in 2003. Finally, it should be noted that Quemetco is required under California's Proposition 65 to evaluate, each quarter, based on the most updated and reliable information, whether the emissions are at a level requiring Quemetco to publish a Proposition 65 notice. The notice is published four times a year (in English and Spanish) in a regional newspaper. Once a year, Quemetco is required to send a Proposition 65 Notice to all residents and businesses in the impacted area. The Proposition 65 Notices have been published and served since July 1993, for almost ten years.</p>
MM-16	<p>Have you notified the surrounding businesses of the potential hazards and assisted them in doing the necessary testing? If not, why not?</p>	<p>See response to comment MM-15.</p>
MM-17	<p>What measurements and studies have been done by DTSC in the elementary and high schools only a few blocks away? What are the results of those studies?</p>	<p>The Department of Toxic Substances Control (DTSC) has not conducted studies in the elementary and high schools near Quemetco, or any other plant. However, the Los Angeles County Department of Health Services performed blood lead testing in March 2002. The testing was available, free of charge for all elementary school children and their siblings and parents, if they so chose to participate. A total of 244 people were tested (75 adults and 169 children). Of all adults and children tested, 85% were below the detection limit. There were no children found with an elevated blood lead. Only one adult tested had a slightly elevated blood lead level. However, according to the County's report, that adult reported that he had been exposed to lead in his workplace. In addition, in 2002, the USC Cancer Surveillance Program reviewed the cancer incident rates in the area surrounding the plant and found no evidence of a causal link between cancer and proximity to the Quemetco facility.</p>
MM-18	<p>Have the schools been informed of the elevated risk of toxins in the air so they can take special steps to protect the students?</p>	<p>The Department of Toxic Substances Control (DTSC) was informed that all schools in the vicinity of Quemetco were specifically invited to attend a public meeting on January 29, 2003, at Sparks Middle School in La Puente, California to hear a report on the status of the AB 2588 Health Risk Assessment. This public meeting lasted over three hours. See also responses to comments MM-15 and MM-17.</p>
MM-19	<p>Most of the speakers at the public meeting mentioned foul smells including burning plastic being emitted from Quemetco. We regularly smell these discharges, especially at times when government inspectors are not working. While we were assured at the meeting that inspectors are available 24 hours per day, our last call was met with an answering machine stating that the office is closed. No alternate emergency number was given on the machine.</p>	<p>The South Coast Air Quality Management District (SCAQMD) has primary jurisdiction to enforce regulations prohibiting nuisances caused by odors (see, for example, SCAQMD Rule 401). The SCAQMD has a 24-hour number with a person who can respond to such complaints. The Department of Toxic Substances Control (DTSC) understands that SCAQMD inspectors have been on site numerous times and have not substantiated the complaints.</p>
MM-20	<p>What testing has DTSC done regarding the numerous foul odor complaints, and what were</p>	<p>The Department of Toxic Substances Control (DTSC) has not done any testing of potential odors from Quemetco, since odor</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	the results? When the tests conducted? Who conducted the tests? Please send me a copy if such a report has been conducted?	detection and control is not within the DTSC's regulatory jurisdiction. It is DTSC's understanding that the South Coast Air Quality Management District (SCAQMD) has conducted surveillance near Quemetco in the summer of 2002, and did not detect odors associated with the Facility. See response to comment MM-19
MM-21	A possible explanation of the burned plastic smell is that small pieces of lead are imbedded into the plastic when the battery is crushed. When the broken pieces go into the water tank, the plastic with imbedded lead sinks to the bottom with the lead and is put into the smelter. Have you and Quemetco considered this possible cause? Do you know of any other cause for the foul odors?	The Department of Toxic Substances Control (DTSC) cannot speculate as to the cause of the alleged odors. See responses to comments MM-19 and MM-20.
MM-22	Quemetco/RSR has a lengthy record of serious criminal convictions and multi-million dollar fines. Has DTSC done a comprehensive search in the U.S. and Mexico to uncover and document all convictions? If yes, please provide a copy of the report. If not, why not?	There was a case in 1988 against Quemetco for sending waste to Alco Pacific. Alco Pacific illegally disposed of lead slag in Mexico. All parties were fined millions of dollars and are paying for the site clean-up.
MM-23	If you have not done such a search, including discussions with your counterparts in all other states in which they operate, how can you say with certainty that they have an acceptable compliance record?	Based on the Department of Toxic Substances Control's (DTSC) records, Quemetco has had an acceptable compliance record for the past five years in California.
MM-24	I understand that DTSC intends to make a compliance decision based upon only 4 or 5 years of history. Is this correct? If so, what law or written policy states that you may ignore 25 of the past 30 years of non-compliance when making your decision?	The Department of Toxic Substances Control (DTSC) looks to whether the applicant has met the permit requirements. The comment implies that Quemetco has had 25 years of non-compliance. The DTSC's records do not reflect such a period of non-compliance. There have been a few notices of violations issued to Quemetco by DTSC in the past several years, and Quemetco corrected all such violations in a timely manner. DTSC has enforced its rules and regulations and has obtained penalties from Quemetco in addition to requiring prompt compliance.
MM-25	The full criminal and compliance record of Quemetco/RSR should be researched, not only for the industry plant, but also for their other locations. They have a poor record in other states and we see similar behavior in City of Industry. The record should weigh heavily in your decision making process.	The Department of Toxic Substances Control (DTSC) only has regulatory jurisdiction of Quemetco's City of Industry Facility. DTSC is aware that in June 1993, the Los Angeles County District Attorney's Office filed a misdemeanor complaint against Quemetco and its parent, RSR Corporation alleging three counts of unlawful transportation of hazardous waste in violation of section 25189.5 (c) of the Health & Safety Code. The complaint alleged that the companies transported lead wastes (slag) having toxic characteristics to a facility not permitted by DTSC and at an unauthorized point. The companies pleaded no contest to the misdemeanor complaint and judgment was entered on June 3, 1993. To resolve the matter, the companies paid a \$200,000 fine to the County, and paid \$2.3 million to clean up the facility in Mexico to which the slag was delivered. To the best of DTSC's knowledge, the case described above is the only criminal matter

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

		filed against Quemetco in California and was resolved almost ten years ago.
MM-26	The following are a few recent convictions and civil actions:	See response to comment MM-25.
MM-27	These are just few of the legal actions against Quemetco/RSR. Please advise me when you research their record. I would like a copy of the report.	See response to comment MM-25.
MM-28	People or companies with numerous felony convictions should not be relied upon to do their own testing, nor should they be allowed to continue the same pattern of misbehavior in Industry as they had demonstrated across the country and even Mexico. I am particularly disturbed by the conviction for submitting a false certification. Please obtain more details. Did this involve falsification of test records or a similar offense?	See response to comment MM-25.
MM-29	At the public meeting, I asked the panel if anyone knows the relationship Quemetco/RSR has with Eby, Bitner, Mobley and Summers. No one from Quemetco would give me an answer. Are these executives of the company? Please advise how these people are associated with Quemetco.	Their relationships to Quemetco are unknown to the Department of Toxic Substances Control (DTSC). See also responses to comments MM- 25 and MM-28.
MM-30	The convictions are of a very serious nature and should not be swept under the carpet by using a 4 or 5 year history rather than a lifetime record. In any event, the company has a number of newer actions against it.	In September 2000, the Department of Toxic Substances Control (DTSC) discovered some cracks and gaps in the secondary containment system for Quemetco's water treatment system in the northeast corner of the Facility. "Secondary containment" refers to the cement flooring and berm that provide protection in case there is a leak from one of the water treatment tanks. There was no evidence of leakage. Nevertheless, the secondary containment must be free of gaps and cracks so as to prevent a potential release to the environment. Quemetco settled the violation with DTSC upon payment of a fine of \$17,500 and entered into a Consent Order for the repair of the secondary containment. See also response to comment MM-24.
MM-31	At the public meeting, I asked Ruth Williams-Morehead, DTSC Hazardous Substances Scientist in charge of Quemetco about the compliance and enforcement record of Quemetco. She responded, "I've been inspecting Quemetco for the last four years since 1997. And to this day, I have not issued a major enforcement case against them. They've had minor violations, and they've been very responsive in correcting those violations. There have been some major cases against Quemetco in the past, the late 80's to mid-90's. In the late 80's, they were still operating the	See response to comment MM-30.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<p>service empanelment through the efforts of the DTSC. That service empanelment was closed, and Quemetco was cited and employ clean-up actions, which they did. The service empanelment has been closed, I believe, since the early 90's. They are continually doing monitoring of the site. Especially in that area, they're doing ground water monitoring. In '93, '94, they were cited again. This time we assessed fines as high as \$2.5 million. They were transporting hazardous wastes without manifest.</p>	
MM-32	<p>Early in the transcript, Ruth admitted that she has not read the CEPA/DTSC Comprehensive Ground Water Monitoring Evaluation Report (EPA ID No. CAD066233966), a 143-page document, dated March 8, 1996, by Andres Cano, Hazardous Substances Engineering Geologist, Geo-technical Services Unit Facility Management Branch. Ruth stated, "everything in this report is not a violation. I really haven't had a chance to look at it." We have found the time to read that document. Numerous serious deficiencies are noted. In addition, a number of polluted areas have been identified. The report is far too technical for me to comment on, but I strongly suggest that it be included as part of the evidence that you study. Ruth should read the report immediately as it will indicate areas of concern of which she is not aware. As the report is now 5 years old, and much of the work still has not been done, it should be acted upon without delay. Perhaps, Mr. Cano or someone of similar caliber should do an update to reflect current conditions. The situation may have worsened due to migration of lead-laden sol.</p>	<p>See response to comment DM-7.</p>
MM-33	<p>I also worry when Ruth says, "They are continually doing monitoring of the site." Shouldn't DTSC scientist be conducting the testing?</p>	<p>Facilities regulated by DTSC conduct the monitoring. DTSC reviews the monitoring reports generated by the facilities. DTSC, at times, may collect its own samples. Ms. Ruth Williams does not recall stating that the site should not be monitored.</p>
MM-34	<p>When was the last comprehensive testing done by DTSC, EPA or South Coast Air Personnel? Surely, we are not allowing Quemetco to give you the test results. Please advise what regime is in place for testing.</p>	<p>It is not clear which test the commenter is referring to. See responses to other more specific comments.</p>
MM-35	<p>Have you read the Survey of Storm Water Discharge from Quemetco, Inc.? This concerns their operation in Seattle. It is publication no. 71-e20 and can be ordered on-line</p>	<p>This is not relevant to the permit decision at this facility.</p>

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)  
 RESPONSES TO PUBLIC HEARING COMMENTS ON  
 QUEMETCO, INC.  
 DRAFT HAZARDOUS WASTE FACILITY PERMIT  
 PLANT OPERATION, POST-CLOSURE CARE AND ENVIRONMENTAL IMPACT REPORT**

	<a href="http://www.ecy.wa.gov/biblio/forms/program-order.asp">http://www.ecy.wa.gov/biblio/forms/program-order.asp</a>	
MM-36	This document should be included in your decision-making process. It surveys Quemetco's recent discharges into Julian Creek in Washington State. Recent data shows lead in creek sediment and elsewhere.	See response to comment MM-35.
MM-37	In 1998, Harvard University discovered the cause of the massive Whittier Narrows earthquake which killed 13, injured 200 and caused \$384,000,000 in property damage. A new Fault capable of a magnitude 7 quake has been discovered in our area. The new fault is named the Puente Hills Fault. There is no seismic engineering in the Quemetco facility. If (when) a major earthquake strikes, the <b>expansive soil</b> under Quemetco will cause <i>liquefaction</i> . Has a complete seismic study been completed? This facility was built prior to the discovery of the Puente Hills Fault.	See response to comment DM-238.
MM-38	In the event of an earthquake, the same magnitude as Whittier (m 5.9-6.0), what will happen to the 1.9 million gallons of toxins stored in Quemetco's tanks?	Process liquids properly contained in tanks should have adequate freeboard to account for sloshing caused by earthquakes. In addition, secondary containment is provided to prevent potential contamination of the environment that may result from leaks or spills. The Department of Toxic Substances Control (DTSC) has no knowledge of any spills or contamination at the Quemetco facility as a result of the many earthquakes that occurred in the area in the recent years.
MM-39	Whittier is only 2 miles away and the Puente Hills Fault discovered by Harvard directly affects the safety of this site.	The comment is noted.
MM-40	We submit that Quemetco's application should be denied and their 30-year "temporary status revoked. This is the wrong place for such a facility and the company's record has been abysmal.	See response to comments DM-6 and DM-343.
MM-41	The local regulators need to do an extensive on-site assessment to determine the current pollution levels and locations, then make plans to phase out this operation and commence detoxification of the land.	The Department of Toxic Substances Control (DTSC) conducts annual inspections of the Quemetco facility. In addition to extensive on-going environmental monitoring requirements, the permit includes a "post closure" permit that requires Quemetco to guarantee the availability of necessary resources to manage environmental cleanups should the facility close in the future. See also responses to comments MM-24 and MM-30.

**3.3 ORAL TRANSCRIPT**

The transcript from the August 14, 2001 public hearing is provided following this page.



BEFORE THE DEPARTMENT OF TOXIC SUBSTANCE CONTROL  
OF THE STATE OF CALIFORNIA

IN THE MATTER OF: )  
 )  
THE PUBLIC HEARING ON THE )  
MASTER SERVICE AGREEMENT ) NO. 5-00-99-91  
OF QUEMETCO BATTERY )  
RECYCLING FACILITY. )  
\_\_\_\_\_ )

TRANSCRIPT OF PROCEEDINGS,  
TAKEN AT 15325 EAST LOS ROBLES AVENUE,  
HACIENDA ROOM, HACIENDA HEIGHTS, CALIFORNIA,  
COMMENCING AT 7:02 P.M., ON TUESDAY,  
AUGUST 14, 2001, REPORTED BY TIFFANY C. KRAFT,  
CSR NO. 12277, A CERTIFIED SHORTHAND REPORTER  
IN AND FOR THE STATE OF CALIFORNIA.

APPEARANCES:

PUBLIC PARTICIPATION  
SPECIALIST:

MAYA AKULA

CHIEF, PERMITTING  
BRANCH:

JOSE KOU, P.E.

UNIT CHIEF,  
PERMITTING BRANCH:

PHILIP B. CHANDLER, R.G.

PROJECT MANAGER:

JAMSHID SHAHI

STAFF TOXICOLOGIST:

MIKE SCHUM, PH.D.

I N D E X

<u>SPEAKERS:</u>	<u>PAGE</u>
LILLIAN AVERY	5 29
B. TORRES	9
TROY VEILLEUX	10
MARY LORENZANA	12
RUDY ALMEIEA	14 31
LARRY GARCIA	16
SUSAN MORAN	20
TERRI MOLINA	22
YOLANDA HIRSCHT	23
MICHAEL HUGHES	24
MICHAEL BRYDGES	25
TOM ERICKSON	27

1 HACIENDA HEIGHTS, CALIFORNIA, TUESDAY, AUGUST 14, 2001

2 7:02 P.M.

3  
4 7:02 - INTRODUCTION BY MAYA AKULA

5 7:06 - ANNOUNCEMENT BY JOSE KOU

6 7:12 - PERMIT & CALIFORNIA ENVIRONMENTAL QUALITY  
7 ACT (CEQA) PROCESS BY PHILIP CHANDLER

8 7:22 - SITE BACKGROUND BY JAMSHID SHAHI

9 7:32 - CORRECTIVE ACTION PROGRAM BY PHILIP CHANDLER

10 7:46 - HEALTH RISK ASSESSMENT BY MICHAEL SCHUM

11 8:12 - PUBLIC PARTICIPATION BY MAYA AKULA

12 (RECESS)

13 MS. AKULA: IT IS NOW TIME TO BEGIN THE PUBLIC  
14 COMMENT PERIOD. IF YOU NEED A SPEAKER REQUEST CARD,  
15 PLEASE RAISE YOUR HAND, AND WE WILL GET ONE TO YOU.

16 WHEN I CALL YOUR NAME, PLEASE APPROACH THE  
17 MICROPHONE. PLEASE SPELL YOUR NAME FOR THE COURT REPORTER  
18 BEFORE STARTING. THE COURT REPORTER WILL THEN RECORD YOUR  
19 FORMAL QUESTION OR COMMENTS.

20 THE PUBLIC HEARING IS OFFICIALLY OPEN AT 8:31 ON  
21 AUGUST 14TH, 2001.

22 LILLIAN AVERY, PLEASE COME UP.

23 MS. AVERY: MY NAME IS LILLIAN AVERY. I HAVE LIVED  
24 IN HACIENDA HEIGHTS FOR 45 YEARS, SINCE 1956.

25 IN 1959 WESTERN LEAD PRODUCTS WAS PERMITTED BY

5

1 THE CITY OF INDUSTRY TO OPERATE A LEAD SMELTING PLANT AT  
2 720 SOUTH SEVENTH AVENUE IN PROPERTY ZONE M. AN  
3 INDUSTRIAL ZONE PERMITTED USES TO INCLUDE METAL  
4 FABRICATION, BATTERY MANUFACTURING AND RECYCLING, AND  
5 STORAGE OF CHEMICALS. IN 1970 QUEMETCO TOOK OVER THE  
6 OPERATION OF WESTERN LEAD.

7 HACIENDA HEIGHTS, AN UNINCORPORATED COMMUNITY  
8 BEGINNING 500 FEET FROM THE QUEMETCO FACILITY, HAS A  
9 COMMUNITY PLAN DEVELOPED BY THE LOS ANGELES COUNTY IN 1978  
10 WHICH ESTABLISHES A LAND-USE POLICY THAT PROHIBITS  
11 EXPANSION OF THE INDUSTRIAL AREA WITHIN THE COMMUNITY.

12 THE LAND-USE ELEMENT OF THE CITY OF INDUSTRY  
13 ESTABLISHES ITS PRIMARY GOAL AS CREATING AND MAINTAINING A  
14 SETTING FOR MANUFACTURING, DISTRIBUTION, AND INDUSTRIAL  
15 FACILITIES WITHIN THE CITY; BUT THAT, AND I QUOTE,  
16 "CREATING A SETTING THAT IS COMPLEMENTARY TO ITS NEIGHBORS  
17 IS EQUALLY IMPORTANT," END OF QUOTE.

18 THERE APPEARS TO BE A CONFLICT WITH APPLICABLE  
19 LAND-USE PLANS, SINCE QUEMETCO AND ITS OPERATIONS  
20 SERIOUSLY IMPACT THE COMMUNITY OF HACIENDA HEIGHTS WITH  
21 GENERATION AND DAILY DELIVERY OF OVER 50 TRUCK LOADS OF  
22 USED LEAD FIBERS AND HAZARDOUS MATERIALS; WITH THE  
23 INTRODUCTION OF HAZARDOUS WASTE AND MATERIALS ON SITE,  
24 WHICH COULD RESULT IN INJURY, FIRE, ACCIDENT, OR RELEASE  
25 OF AIR TOXIC EMISSIONS OR ACUTELY HAZARDOUS MATERIALS

1 POSING A THREAT TO PUBLIC HEALTH AND SAFETY. IN ADDITION,  
2 EMISSION OF AIR-TOXIC CONTAMINANTS AND POLLUTANTS  
3 INCLUDING LEAD, 1,3-BUTADIENE AND CARCINOGENS.

4 IT IS SIMPLY 500 FEET FROM THE QUEMETCO FACILITY  
5 ON SEVENTH AND CLARK, THERE ARE 100 UNFORMED HOMES AND  
6 504 MOBILE HOMES LOCATED IMMEDIATELY WEST OF SEVENTH  
7 AVENUE. THERE ARE 220 HOMES LOCATED EAST OF SEVENTH TO  
8 TERMINAL CANYON ROAD AND SOUTH TO GALE, THE AREA OF  
9 ISOPLETH, THE CONFIGURATION USED BY QUEMETCO TO IDENTIFY  
10 ITS AREA OF EMISSIONS. THE ISOPLETH IS NOT CONFINED TO  
11 THOSE HOMES, HOWEVER; THE ISOPLETH EXTENDS TO PAST SIMPSON  
12 AVENUE ON THE EAST AND ORANGE GROVE AVENUE ON THE SOUTH.

13 ON APRIL 24, 1996, I SPOKE AT A PUBLIC MEETING.  
14 MY CONCERN THEN WAS THE 24 HOURS PER DAY, 7 DAYS A WEEK,  
15 YEAR IN AND YEAR OUT OF EMISSIONS OF TOXIN CONTAMINANTS,  
16 INCLUDING LEAD, ARSENIC, AND BUTADIENE AND OTHER AIR  
17 POLLUTANTS AND CARCINOGENS EMITTED INTO THE AMBIENT AIR  
18 OVER HACIENDA HEIGHTS WITHOUT CEASING AND REQUIRING  
19 PERIODIC PROPOSITION 65 WARNING AND NOTIFICATION.

20 THESE EMISSIONS OF TOXIC PARTICLES AND  
21 CONTAMINANTS INTO THE AMBIENT AIR OVER HACIENDA HEIGHTS  
22 HAVE CONTINUED WITHOUT CEASING, DAY IN AND DAY OUT, FOR  
23 OVER 31 YEARS, FROM 1970 WHEN QUEMETCO TOOK OVER FROM  
24 WESTERN LEAD. THESE CHEMICALS, METALS, AND CONTAMINANTS  
25 ARE NOT JUST DISPERSED IN THE AIR. LIKE THE DEW, BUT NOT

1 THE GENTLE DEW, THEY SETTLE ON THE HOUSES AND GROUNDS, ON  
2 VEGETATION, IN PRODUCE GROWING IN GARDENS, AND ON  
3 CLOTHING. THEY ARE INHALED AND INGESTED, AND THEY ARE  
4 ABSORBED INTO THE SKIN. THERE ARE STRONG ODORS OF SULFUR  
5 AND METALS. THE CONSTANT BARRAGE OF EMISSIONS CAUSES  
6 ACRID AND OFFALIC TASTES, SORE THROATS, HEADACHES,  
7 NAUSEA, COUGHING, AND INHALATION AND RESPIRATORY PROBLEMS.  
8

9 THE DRAFT SAYS NOTHING ABOUT ELIMINATING AND/OR  
10 MITIGATING THE EMISSIONS OF CHEMICALS, POLLUTANTS, AND  
11 CONTAMINANTS INTO THE AIR. WHAT IS THE ESTIMATE OF  
12 PROBABILITY THAT AN INDIVIDUAL WILL DEVELOP CANCER AS A  
13 RESULT OF EXPOSURE TO CARCINOGEN EMISSIONS? WHAT IS THE  
14 ESTIMATE OF DAILY EXPOSURE LEVELS THAT CAUSE DELETERIOUS  
15 EFFECTS TO INDIVIDUALS EXPOSED OVER A LIFETIME? WHAT IS  
16 THE CUMULATIVE EFFECT THAT INHALATION AND INGESTION OF  
17 CONTINUOUS TOXIC EMISSIONS OVER 30 TO 40 YEARS OF  
18 CHEMICALS, METALS, AND CARCINOGENS SUCH AS CHROMIUM, LEAD,  
19 SULFUR, ARSENIC, BUTADIENE AND OTHER POLLUTANTS?

20 I HAVE REASON TO BE CONCERNED. MY HUSBAND DIED  
21 IN 1992 AFTER SUFFERING FOR THREE YEARS FROM MOUTH AND  
22 THROAT CANCER. WHAT QUEMETCO IS IS NOT AN NIMBY, NOT IN  
23 MY BACKYARD. CONCERN FOR HACIENDA HEIGHTS -- LET ME  
24 REPEAT THAT. QUEMETCO IS NOT A NIMBY CONCERN FOR HACIENDA  
25 HEIGHTS. QUEMETCO IS NOT ONLY IN OUR BACKYARDS, BUT IN

1 OUR FRONT YARDS TOO. ITS TOXIC EMISSIONS PENETRATE OUR  
2 SOIL, HOVER IN THE AIR OVER OUR HOMES, CHURCHES, AND  
3 SCHOOLS, AND REMAINS IN THE VERY AIR WE INHALE AND  
4 BREATHE. THE CITY OF INDUSTRY ERRED IN PERMITTING A  
5 LEAD-PROCESSING AND RECYCLING FACILITY SO CLOSE TO HOMES,  
6 BECAUSE OUR HOMES WERE HERE BEFORE WESTERN LEAD WAS THERE  
7 AND CERTAINLY BEFORE QUEMETCO WAS THERE.

8 THE APPLICATION FOR OPERATION OF THE HAZARDOUS  
9 WASTE FACILITY INCLUDES A CLOSURE PERMIT. THE CLOSURE  
10 PLANNING INCLUDES THE STEP NECESSARY TO COMPLETELY CLOSE  
11 THE FACILITY. ESTIMATE DATE -- ESTIMATED DATE FOR  
12 COMPLETE CLOSURE IS AUGUST 15, 2021, 20 YEARS FROM NOW.

13 WE ASK THE CALIFORNIA DEPARTMENT OF TOXIC  
14 SUBSTANCES CONTROL, DTSC, TO SERIOUSLY AND CAREFULLY  
15 CONSIDER THE REAL CONCERNS OF RESIDENTS OF HACIENDA  
16 HEIGHTS IN ESTABLISHING A CLOSING DATE FOR THE FACILITY  
17 THAT WILL MITIGATE OR ELIMINATE THE EFFECTS OF QUEMETCO ON  
18 THIS COMMUNITY IN THE NEXT FEW YEARS. THANK YOU.

19 MS. AKULA: THANK YOU, LILLIAN.

20 B. T-O-R-R-E-S.

21 MR. TORRES: THANK YOU, MAYA.

22 LISTEN, I'M CONCERNED ABOUT A NUMBER OF THINGS.  
23 NUMBER ONE IS THE LATE DATE WE GOT THE QUESTIONNAIRE  
24 INFORMATION. THE SECOND ONE IS THE UNDERWATER --  
25 UNDERWATER TREATMENT GOING ON. AND I CERTAINLY AGREE WITH

1 WHAT'S HER NAME'S COMMENTS -- LILLIAN'S COMMENTS ABOUT  
2 THE CLOSURE ACTUALLY OF THE QUEMETCO -- QUEMETCO. AND I'VE  
3 BEEN A PAST MEMBER FOR 20 YEARS OF HACIENDA LA PUENTE  
4 UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION, AND CERTAINLY  
5 I KNOW A LITTLE BIT ABOUT THE CLOSURE AND SO FORTH. SO I  
6 HEARTILY AGREE WITH LILLIAN.

7 AND THANK YOU. AND I'M CONCERNED.

8 MS. AKULA: THANK YOU, B.

9 STEVE R-A-M-I-R-E-Z.

10 MR. RAMIREZ: I'LL PASS FOR NOW.

11 MS. AKULA: LET THE RECORD SHOW THAT STEVE PASSED  
12 RIGHT NOW.

13 TROY V-E-I-L-L-E-U-X.

14 MR. VEILLEUX: LET ME BEGIN BY SAYING I REALLY DREAD  
15 THIS PUBLIC SPEAKING. ALWAYS MAKES ME EXTREMELY NERVOUS.  
16 BUT FIRST OF ALL, YOU KNOW, HATS OFF TO LILLIAN TO --  
17 BECAUSE SHE CAME PREPARED AND GAVE SOME FACTS TO US. AND  
18 ALSO HATS OFF TO THE PEOPLE HERE BECAUSE THEY GAVE US THE  
19 HIGH LEVEL, BUT WE REALLY GOT THE DETAILS. IT SEEMS LIKE  
20 FROM LILLIAN TO -- THANK YOU TO LILLIAN ONCE AGAIN. I  
21 DIDN'T COME PREPARED LIKE LILLIAN.

22 I ACTUALLY HEARD FROM MY NEIGHBOR LAST NIGHT  
23 THAT THIS MEETING WAS GOING TO OCCUR TONIGHT. AND IT  
24 SEEMS LIKE LIVING IN HACIENDA HEIGHTS HAS BECOME A  
25 FULL-TIME JOB. EVERY NIGHT WE GET A MEETING FOR -- WE'VE

1 GOT THE LANDFILL, THE DOUBLE-DECKER FREEWAY. AND YOU  
2 KNOW, REALLY UNFORTUNATELY FOR ALL OF US, WE HAVE  
3 QUEMETCO.

4 AND IT'S REALLY DISAPPOINTING TO WORK ALL DAY  
5 AND TRY TO PAY YOUR HOUSE PAYMENT AND COME HOME AND HEAR  
6 SOMETHING AS TERRIBLE LIKE A TOXIC WASTE FACILITY. HOW  
7 DISAPPOINTING IT IS TO GO TO WORK AND TELL THE PEOPLE YOU  
8 WORK WITH THAT "I HAVE A LANDFILL IN MY BACKYARD, AND I  
9 HAVE A TOXIC WASTE DUMP FACILITY" -- WHATEVER YOU WANT TO  
10 CALL IT. AND YOU REALLY FEEL HELPLESS AFTER A WHILE.

11 YOU COME AND TALK AND HEAR. EVERYTHING ON THE  
12 PRESENTATION TONIGHT, ALL I SAW IN THE PROCESS WAS  
13 APPROVAL. WELL, WHAT ABOUT THE OPPOSITE OF THAT? WHAT  
14 ABOUT VOTING IT DOWN? I DIDN'T SEE ON THE FORM WHERE IT  
15 SAID THAT THAT'S AN OPTION. AND I DON'T BELIEVE IT IS. I  
16 DON'T BELIEVE ANYTHING IN THIS TOWN GETS TURNED DOWN. IT  
17 HASN'T WITH THE LANDFILL. IT'S BEEN 20 YEARS. AND YOU  
18 KNOW, I WANT TO DO MY BEST TO FIGHT THIS. I ENCOURAGE  
19 EVERYBODY TO WRITE LETTERS.

20 I GREW UP IN A TOWN WITH AN OLD PAPER FACTORY  
21 THAT USED CHLORINE. AND CHLORINE DESTROYED THE FACTORY BY  
22 EATING AWAY AT ITS PIPES. AND THE ONLY THING THE FACTORY  
23 DID IS GET FINES. FOR THE SMALL FINES THEY GOT, IT WAS NO  
24 BIG DEAL. THEY CAN PAY THOSE FINES. I REALLY DOUBT THAT  
25 QUEMETCO WILL BE ANY DIFFERENT. THEY'LL DO WHAT THEY NEED

1 TO AND NO MORE, BASED ON FINES.

2 SO THERE IS NO COMPANY THAT HAS OUR BEST  
3 INTEREST IN MIND. THE COMPANIES YOU WORK FOR, THEIR BEST  
4 INTEREST IS MAKING MONEY. AND IT'S ABOUT MAKING MONEY FOR  
5 THE STOCKHOLDERS AND MAKING MONEY FOR THE OWNERS; BUT YOU  
6 KNOW, WE'RE JUST EMPLOYEES. WE'RE JUST THE LITTLE GUY.  
7 BUT THAT DOESN'T MEAN WE CAN'T WRITE LETTERS. AND ONCE  
8 AGAIN, I ENCOURAGE EVERYBODY TO WRITE LETTERS TO THOSE  
9 GUYS. LET THEM KNOW YOUR CONCERNS. IF YOU JUST FEEL  
10 YOU'RE BEING WALKED OVER, THEN WRITE THAT.

11 I ENCOURAGE YOU TO LOOK AT THE EIR. IF YOU  
12 LOOK AT THE LANDFILL, ONE, IT'S A MONSTER. I CAN ONLY  
13 IMAGINE WHAT THIS ONE LOOKS LIKE. I'LL LEAVE IT AT THAT.  
14 I'M CONCERNED, AND I REALLY DON'T WANT TO SEE THIS PERMIT  
15 OR LICENSE OR WHATEVER GET PUT IN PLACE. IT'S BEEN --  
16 SOUNDS LIKE ALMOST 20 YEARS THEY'VE HAD A PERMIT. YOU  
17 CAN'T EVEN DRIVE A CAR FOR SIX MONTHS WITH A PERMIT. I'M  
18 REALLY SURPRISED. THAT'S IT.

19 MS. AKULA: THANK YOU, TROY.

20 MARY L-O-R-E-N-Z-A-N-A.

21 MS. LORENZANA: THANK YOU, LILLIAN. YOU SAID  
22 EVERYTHING AND PUT IT IN A GOOD NUTSHELL.

23 THE ONLY THING IS, I WENT TO THE LIBRARY, AND I  
24 WAS READING. AND I BELIEVE YOU SAID THERE WAS A SURVEY  
25 THAT WAS TAKEN TO SEE HOW MUCH -- IN ONE IT HAD TO DO WITH

1 LEAD. AND IT HAD TO DO WITH THE CHILDREN ONE TO FIVE  
2 YEARS OLD OR SOMETHING. THAT YOU TOOK A SURVEY -- WELL,  
3 ANYWAY, I READ -- THIS IS FROM THE LIBRARY. AND LET ME  
4 READ THIS TO YOU.

5 "SOIL LEAD, AIR LEAD, AND DUST LEAD  
6 LEVELS IN HACIENDA HEIGHTS WERE HIGHER THAN  
7 THOSE IN WEST COVINA. ALTHOUGH THE SOIL LEAD  
8 CONCENTRATIONS WERE HIGHER IN HACIENDA HEIGHTS  
9 THAN WEST COVINA, CONCENTRATIONS ARE NOT  
10 UNLIKE SOIL LEAD IN OTHER PLACES. IT IS LIKELY  
11 THAT SOME OF THE LEAD IN THE SOIL IN  
12 RESIDENTIAL YARDS IN HACIENDA HEIGHTS IS FROM  
13 THE BATTERY RECYCLING FACILITY."

14 SO I'M ASSUMING THAT WHEN YOU TOOK THE STUDY OF  
15 THESE KIDS FROM ONE TO FIVE -- I HAD GONE TO THE  
16 NEIGHBORHOOD, AND I ASKED SOME OF THE PARENTS BECAUSE I  
17 NEVER WAS APPROACHED OR ANYTHING. AND I'VE BEEN THERE FOR  
18 35 YEARS.

19 THE PARENTS THAT WERE APPROACHED WERE THOSE  
20 PARENTS THAT JUST MOVED IN ABOUT FIVE YEARS PREVIOUS TO  
21 THIS. HERE IS THE LIST IN ABOUT THREE BLOCKS FROM MY  
22 HOUSE. I HAVE 13 -- 12 DEATHS LEADING TO SOME TYPE OF  
23 LEAD DISEASE. THESE PEOPLE HAVE HAD LIVED THERE OVER  
24 20 YEARS. NOW, YOU SAID HOW MANY? ONE IN FOUR GET CANCER  
25 OR SOMETHING LIKE THIS. THIS IS VERY HIGH. AND IF YOU

1 WANT, I CAN GIVE YOU THE NAMES WHENEVER YOU WANT, IF YOU  
2 WANT TO SEE THESE.

3 THAT'S ALL I HAVE TO SAY, BUT I'M CONCERNED.  
4 EVERY TIME I DRIVE IN THE EVENING, I SEE THE BIG SMOKE  
5 COMING UP. I HAVEN'T NOTICED THIS MUCH IN YEARS. AND  
6 LIKE I SAY, I'VE LIVED HERE OVER 30 YEARS. AND I DON'T  
7 KNOW. IT'S LIKE YOU SAID, WE HAVE THE DUMP. WE HAVE THE  
8 FREEWAY. NOW WE HAVE THIS. THAT IS ALL I HAVE TO SAY.  
9 BUT I JUST WANT YOU TO BE AWARE OF ALL THESE PEOPLE THAT  
10 HAVE DIED WITH SOME TYPE OF LEAD DISEASE. AND THAT'S  
11 WITHIN THE FOUR-RADIUS BLOCK IN MY NEIGHBORHOOD.

12 MS. AKULA: THANK YOU, MARY.

13 RUDY A-L-M-E-I-E-A.

14 MR. ALMEIEA: MY NAME IS RUDY ALMEIEA. I'VE BEEN  
15 HERE 41 YEARS. I LIVE WEST OF SEVENTH AVENUE. THERE ARE  
16 104 HOMES. AND I MIGHT BE REPEATING MYSELF.

17 QUEMETCO HAS BEEN OPERATING SINCE THE LATE 1970S  
18 UNDER A TEMPORARY OPERATING PERMIT UNTIL THE EPA COULD DO  
19 A MORE THOROUGH REVIEW OF THE OPERATION. DURING THAT TIME  
20 OUR COMMUNITY HAS SUFFERED ENVIRONMENTALLY AND HEALTHWISE  
21 FROM LATE-NIGHT SULFUR-SMELLING EMISSIONS FROM THEIR  
22 SMOKESTACKS, STREAMBED CONTAMINATION, DAMAGE TO THE FLOOD  
23 CONTROL CHANNEL, AND WHO KNOWS WHAT ELSE.

24 THE EPA HAS IDENTIFIED MORE THAN 40 YEARS OF  
25 CONTAMINATION ON THE PROPERTY. QUEMETCO HAS BEEN

1 INSPECTED NUMEROUS TIMES BY THE DEPARTMENT OF TOXIC  
2 SUBSTANCE CONTROL, COUNTY SANITATION DISTRICT, SOUTH COAST  
3 AIR QUALITY MANAGEMENT DISTRICT, AND PROBABLY OTHER  
4 REGULATORY AGENCIES; AND HAS HAD NUMEROUS VIOLATIONS AND  
5 RECEIVED CITATIONS AND FINES IN ALMOST ALL OF THESE CASES.  
6 IN 1993 QUEMETCO WAS FINED 2.5 MILLION TO HELP CLEAN UP 31  
7 MILLION POUNDS OF LEAD WASTE WHICH WAS ILLEGALLY DUMPED  
8 NEAR TIJUANA.

9 IN APRIL 1996 THE DEPARTMENT OF TOXIC SUBSTANCE  
10 CONTROL REQUIRED QUEMETCO TO PREPARE AN ENVIRONMENTAL  
11 IMPACT REPORT INCLUDING HEALTH RISK ASSESSMENT IN ORDER TO  
12 GET A PERMIT FROM THEIR DEPARTMENT. IT IS NOW 2001, AND  
13 THIS REPORT STILL HAS NOT BEEN FINALIZED. QUEMETCO HAS  
14 NOT BEEN A GOOD NEIGHBOR TO OUR WORKMAN MILL AND HACIENDA  
15 HEIGHTS COMMUNITIES, BUT THEY HAVE BEEN ALLOWED TO  
16 CONTINUE OPERATION UNDER A TEMPORARY PERMIT FOR OVER  
17 20 YEARS.

18 BY NOW, WE HAVE ALL READ THE WARNING NOTICES  
19 PUBLISHED IN THE PAPER REQUIRED UNDER PROPOSITION 65 FROM  
20 QUEMETCO INDICATING THAT THE PLANT EMITS HARMFUL LEAD INTO  
21 THE AIR. THEIR STUDIES SHOW THAT THE BLOOD LEAD LEVELS IN  
22 THE YOUNG CHILDREN IN THE AREA ARE WITHIN NORMAL LIMITS.  
23 SINCE LEAD HAS NO LONG-TERM CUMULATIVE EFFECT IN THE HUMAN  
24 BODY, WE WONDER WHY PEOPLE THAT LIVED IN THE AREA SINCE  
25 THE 1970S WEREN'T INCLUDED IN THIS TESTING.

1                   THIS EDITOR IN THE PAST YEAR HAS UNDERGONE  
2                   RADIATION AND CHEMOTHERAPY FOR CANCER AND HAS LOST FOUR  
3                   VERY DEAR, LONG-TIME NEIGHBORS DUE TO THE CANCER. WE'RE  
4                   SURE THAT THERE ARE MANY OTHERS LIVING IN THE AREA OF  
5                   INFLUENCE TO QUEMETCO THAT HAVE CANCER OR DIED FROM  
6                   CANCER. IS THERE A CORRELATION BETWEEN CANCER AND  
7                   QUEMETCO?

8                   MS. AKULA: THANK YOU, RUDY.

9                   LARRY G-A-R-C-I-A.

10                  MR. GARCIA: GOOD EVENING. MY NAME IS LARRY GARCIA.  
11                  AND LIKE MANY OF YOU, I RECEIVED A LETTER WHICH INDICATED  
12                  THAT WE HAD TO BE NOTIFIED THAT WE WERE BEING EXPOSED TO  
13                  SOMETHING. AND SO IN THIS LETTER THERE WAS A PHONE NUMBER  
14                  TO GET IN CONTACT WITH AN INDIVIDUAL IF YOU HAD QUESTIONS  
15                  OR CONCERNS, WHICH IS WHAT I DID.

16                  AND I RECEIVED THIS, (INDICATING) WHICH KIND  
17                  OF GAVE ME THE GENERAL OUTLINE OF WHAT WE HEARD FROM THE  
18                  PEOPLE HERE. BUT INCLUDED WAS ALSO A LETTER. AND I  
19                  BASICALLY HAD TWO QUESTIONS THAT I ASKED. AND IN THIS  
20                  LETTER NEITHER ONE OF THE TWO QUESTIONS WAS ADDRESSED.  
21                  AND WHEN I RECEIVE A LETTER THAT DOESN'T ADDRESS MY  
22                  QUESTIONS, THAT TO ME IS A RED FLAG.

23                  THE QUESTIONS THAT I HAVE IS THAT THE CHILDREN  
24                  WERE TESTED ONLY ONCE IN 1994. YET, QUEMETCO, I'M SURE,  
25                  IS MONITORED ON A YEARLY BASIS. WHY IS IT THAT CHILDREN

1 ARE ONLY TESTED ONCE? AND IF YOU TAKE A LOOK AT THOSE  
2 CHILDREN -- WHICH ONE OF THE QUESTIONS WAS, WHO WERE THESE  
3 CHILDREN AND WHERE WERE THEY LOCATED? WE HAVE A CONCERN  
4 BECAUSE CHILDREN MAY HAVE BEEN IN THE AREA OUTSIDE OF THE  
5 PLUME AREA.

6 BECAUSE ONE OF THE THINGS THAT I REQUESTED WAS A  
7 SERIES OF MAPS WHICH THEY GIVE TO US PUBLICLY, AND I  
8 WANTED TO SEE THE MAPS FOR THE LAST TEN YEARS. THEY  
9 SHOULD HAVE THEM ON FILE BECAUSE THEY SEND IT TO US IN THE  
10 MAIL. I RECEIVED NO MAPS. BUT FROM WHAT I RECALL, I  
11 REMEMBER THAT THE PLUME CONCENTRATION WAS BASICALLY IN THE  
12 AREA OF INDUSTRIAL AREA.

13 INDUSTRIAL PARK IS ON SIXTH STREET, SEVENTH  
14 STREET. AND IT ALSO ENCOMPASSED AREAS ALONG THE AREA  
15 WHERE THE DUMP IS LOCATED. MANY OF THE RESIDENTIAL AREAS  
16 WERE EXCLUDED. THE LAST ONE THAT I RECEIVED I SAW A  
17 SHIFT. AND THE SHIFT WAS NOW IN THE RESIDENTIAL AREA.  
18 THAT'S A RED FLAG.

19 CHILDREN IN CERTAIN AREAS, THE PARENTS LIVE FOR  
20 A SHORT PERIOD OF TIME IN A SCHOOL AREA, AND THEY MOVE ON  
21 TO ANOTHER AREA. THEY'RE CALLED "TRANSIENTS." THAT  
22 DOESN'T MEAN THEY LIVE IN THE STREETS. THAT MEANS  
23 PARENTS MOVE IN, RENT, AND THEY MOVE ON TO ANOTHER. IF  
24 YOU GO TO THE SCHOOLS IN THIS AREA, YOU WILL FIND THAT  
25 MANY OF THE STUDENTS ARE TRANSIENT STUDENTS. THEY'RE

1       HERE FOR A YEAR OR TWO, AND THEN THEY GO ON.

2               I ASKED THE RESIDENTS, THE SCHOOLS IN THE AREA  
3       THAT I LIVE, BECAUSE I LIVE IN EL DORADO HEIGHTS WHICH IS  
4       ABOUT HALF A MILE FROM QUEMETCO; AND I CHECKED WITH THE  
5       CHILD CENTER WHICH MY CHILDREN WENT TO, AND THEY WERE  
6       NEVER TESTED. I WENT TO DON JULIAN ELEMENTARY SCHOOL, AND  
7       I ASKED IF THEY HAD EVER BEEN TESTED; AND THE ANSWER WAS  
8       NO. I WENT TO ANDREWS ELEMENTARY SCHOOL, AND I ASKED IF  
9       ANY OF THE KIDS THERE HAD BEEN TESTED; AND THE ANSWER WAS  
10       NO. SO WHAT I'M THINKING ABOUT IS -- I'M THINKING,  
11       WOULDN'T IT HAVE BEEN WISE TO CHECK A LARGER AREA OF  
12       SCHOOLS OF KIDS THAT ARE IN THE AREA? WOULDN'T IT HAVE  
13       BEEN ADVANTAGEOUS TO CHECK ON THE KIDS WHO HAVE LIVED IN  
14       THE AREA FOR ALL THEIR LIVES?

15               ONE OF THE THINGS THAT BOTHERS ME IS THE  
16       DIFFICULTY WITH MONITORING PEOPLE WHO HAVE HAD CANCER.  
17       BECAUSE THE FACT IS MANY OF US MOVE INTO NEIGHBORHOODS,  
18       AND THE NEIGHBORHOODS THEMSELVES, MANY OF THE -- I WOULD  
19       SAY ELDERLY OR THE SENIOR MEMBERS, THEY DON'T LIVE THERE  
20       ANYMORE. THEY HAVE MOVED ON TO OTHER PLACES. THEY'VE  
21       RETIRED TO OTHER LOCATIONS. AND SO IT'S VERY DIFFICULT  
22       FOR SOMEONE LIKE ME TO COME INTO IT, SAY TELL ME ABOUT THE  
23       NEIGHBORS HERE THAT HAVE LIVED HERE FOR 10, 20, 30 YEARS.

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25               WELL, LAST NIGHT I WENT TO ONE OF MY NEIGHBORS

1 WHO HAS LIVED HERE FOR 30 YEARS -- OVER 30 YEARS. AND I  
2 ASKED HER -- I SAID, I'VE GOT A CURIOSITY ABOUT THESE  
3 NEIGHBORHOODS HERE. YOU'VE BEEN IN CONTACT WITH THEIR  
4 CHILDREN. YOU'VE BEEN IN CONTACT WITH THEIR  
5 GRANDCHILDREN. TELL ME SOMETHING ABOUT THE NEIGHBORHOOD.

6 AND WE PICKED ONE OF THE CUL-DE-SACS. THERE ARE  
7 TEN HOUSES ON THIS CUL-DE-SAC. AND AFTER I FINISHED THE  
8 CONVERSATION, I FOUND OUT THAT FIVE OF THE TEN ORIGINAL  
9 OWNERS HAD DIED OF CANCER. NOW, YOU MENTION ONE IN FOUR.  
10 WELL, IF THAT WAS THE RATE, YOU WOULD HAVE 2 -- MAYBE 2.2.  
11 BUT HERE YOU HAVE A RATIO OF FIVE OUT OF POSSIBLY TEN,  
12 WHICH TO ME IS A LOT MORE. I'M NOT A DOCTOR.

13 THE HOUSE THAT I LIVE IN, PERSON DIED OF CANCER  
14 WHO WAS A LONG-TERM RESIDENT. AND I JUST FOUND THAT OUT.  
15 I GUESS -- I GUESS OVERALL I'M JUST CONCERNED BECAUSE I  
16 HAVE TWO CHILDREN, AND ALL OF US HAVE CHILDREN AND  
17 GRANDCHILDREN WHO COME AND STAY WITH US AND LIVE WITH US.

18 AND I'M CONCERNED ABOUT LIVING WHERE I'M LIVING  
19 BECAUSE I WASN'T TOLD WHEN I BOUGHT MY HOME THAT THERE WAS  
20 THIS DANGER. BECAUSE THAT DEFINITELY WOULD HAVE BEEN  
21 SOMETHING OF IMPORTANCE TO ME IN MAKING THAT DECISION AS  
22 TO WHETHER OR NOT I WOULD HAVE BOUGHT MY PROPERTY. AND  
23 NOW I'M TOLD THAT IF I WERE TO SELL MY HOUSE, I WOULD HAVE  
24 TO TELL THE PROSPECTIVE PURCHASER THAT THEY ARE LIVING IN  
25 AN AREA THAT IS POTENTIALLY A DANGER TO THEIR HEALTH.

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THANK YOU.

MS. AKULA: THANK YOU, LARRY.

SUSAN M-O-R-A-N.

MS. MORAN: I'M SUSAN MORAN. I TEACH AT LOS ROBLES RIGHT DOWN THE STREET. I WANT TO KNOW, HOW DO WE KNOW THAT THIS IS AN EXHAUSTIVE REPRESENTATION? HOW DO WE KNOW THIS IS AN EXHAUSTIVE RESEARCH REPRESENTATION OF THE COMMUNITIES? I WORK AT LOS ROBLES RIGHT DOWN THE STREET. I LIVE ABOUT A MILE FROM HERE. I DIDN'T RECEIVE ANYTHING IN THE MAIL ABOUT THIS. I HAVE NEIGHBORS THAT LIVE FARTHER, AND THEY RECEIVED IT SO -- SO I WANT TO KNOW HOW WE KNOW THAT EVERYBODY IS BEING CONTACTED?

AND I FIND IT INTERESTING THAT WE'VE DONE -- THAT THIS RESEARCH AND THIS INFORMATION HAS COME OUT WHEN THE KIDS ARE NOT IN SCHOOL, WHEN INFORMATION CANNOT GO HOME THROUGH THE CHILDREN TO THE PARENTS, AND WHEN A LOT OF OUR FAMILIES ARE ON VACATION.

ONE OF THE OTHER QUESTIONS I HAD IS IF THIS INFORMATION IS NOT ACCEPTABLE TO THE COMMUNITY, WHAT RECOURSE DO WE HAVE? HOW DO WE STOP THE PROCESS? BECAUSE I THINK I HEARD ENOUGH PEOPLE SPEAK THAT THIS IS WHAT WE WANT TO DO. WE'VE HAD ENOUGH. THERE ARE ENOUGH THINGS THAT HACIENDA HEIGHTS HAS TO DEAL WITH.

I JUST WANT TO SHARE WITH YOU FOR A MINUTE. I'M A KINDERGARTEN TEACHER. I HAVE TAUGHT FOR 20 YEARS. THE

1 LAST SEVEN HAVE BEEN AT LOS ROBLES. THERE IS AN  
2 INCREASING NUMBER OF STUDENTS WHO HAVE LEARNING  
3 DISABILITIES, SPEECH DISORDERS, HYPERACTIVITY, ATTENTION  
4 DEFICITS, READING DISORDERS. AND THERE ARE SO MANY THAT  
5 OUR DISTRICT CANNOT SERVICE ALL OF THOSE CHILDREN.

6 NOW, YOU KNOW, AS A TEACHER AND A RESIDENT OF  
7 THIS COMMUNITY, IT'S MY RESPONSIBILITY TO HELP THOSE  
8 CHILDREN NOT ONLY IN TEACHING THEM, BUT IN EVERY WAY THAT  
9 I CAN. AND IF THEIR HEALTH IS NOT WHAT IT SHOULD BE, THEN  
10 THEIR LEARNING IS NOT WHAT IT SHOULD BE. AND I JUST THINK  
11 THIS IS REALLY UNFAIR. I THINK -- WE ALREADY HAVE THE  
12 DUMP TO CONTEND WITH AND THE FREEWAY. AND I SEE THIS  
13 CONSTANTLY IN THE CHILDREN THAT COME IN.

14 ONE OTHER THING IS I WANT TO KNOW WHO FROM THE  
15 ENVIRONMENTAL PROTECTION AGENCY AND WHEN WILL THEY MEET  
16 WITH THE COMMUNITY IN AN OPEN FORUM TO TELL US, IN LAYMAN  
17 TERMS, WHAT THE ASSESSMENT REPORT SAYS. I'M A STATE  
18 EMPLOYEE. I'M REQUIRED TO SHARE MY UNDERSTANDING -- MY  
19 LEVEL OF UNDERSTANDING AND MY KNOWLEDGE WITH MY STUDENTS  
20 AT THEIR LEVEL OF UNDERSTANDING. I'M AN EDUCATED PERSON  
21 WITH A MASTER'S. I DO NOT UNDERSTAND WHAT INFORMATION YOU  
22 HAVE BEEN SHARING WITH ME. I NEED TO KNOW IT IN LAYMAN  
23 TERMS, JUST AS I PROVIDE FOR MY STUDENTS. AND I THINK WE  
24 DESERVE THAT.

25 MS. AKULA: THANK YOU, SUSAN.

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TERRI M-O-L-I-N-A.

MS. MOLINA: HI. I'M TERRI MOLINA.

FIRST, I WOULD LIKE TO SAY THAT I CONSIDER ALL OF MY CHILDREN ONE IN A MILLION. AND SINCE I HAVE FIVE OF THEM, I HAVE A GREAT CONCERN HERE. I LIVE LESS THAN A HALF A MILE FROM QUEMETCO. I'M A NEIGHBOR OF MS. AVERY, AND MOST OF MY INFORMATION COMES FROM HER. AND I THANK HER FOR THAT.

IF THIS HAS BEEN A 60-DAY PUBLIC COMMENT, WHY HAS ALL THE INFORMATION COME IN THE LAST WEEK? AND I ALSO WANT TO THANK QUEMETCO. THEY WERE KIND ENOUGH TO MAIL ME THE INFORMATION. OF COURSE, I GOT IT LAST NIGHT WHEN I GOT HOME FROM WORK. WE NOW HAVE TEN DAYS TO GO AND REVIEW THE DOCUMENTS AND RESPOND. LIKE A LOT OF YOU, I WORK FULL TIME, AND I HAVE CHILDREN THAT HAVE OTHER THINGS TO DO.

I'VE SPENT MY TIME HERE UP UNTIL PUBLIC COMMENTS STARTED. I FELT LIKE I WASTED MY EVENING. I CAME HERE TONIGHT FOR THE DTSC TO GIVE US INFORMATION ON HOW THIS IS GOING TO AFFECT US AND HOW THIS IS GOING TO AFFECT OUR CHILDREN. I DON'T WANT TO KNOW HOW TO FILE A PERMIT BECAUSE I'M NOT GOING TO OPEN A HAZARDOUS WASTE DUMP IN YOUR AREA. I LIVE HERE WITH YOU. I'M A NEIGHBOR.

WHEN THE PRESENTATION WAS OVER, I FELT LIKE YOU COULD HAVE DROPPED THE POWERPOINT PRESENTATION IN THE MAIL TO MY HOUSE, AND I WOULD HAVE UNDERSTOOD IT MORE. HOWEVER,

1           AGAIN, THANKS TO THE PEOPLE WHO SPOKE BECAUSE I FEEL LIKE  
2           I KNOW A LOT MORE NOW.

3                   LASTLY, I WOULD LIKE TO SAY THAT I WILL NOT MAKE  
4           IT OVER THERE TO REVIEW THE DOCUMENTS BECAUSE I DON'T HAVE  
5           TIME TO DO SO. BUT I WILL SEND A LETTER TO THE DEPARTMENT  
6           REQUESTING THAT THEY GIVE US ANOTHER 60 DAYS AND ANOTHER  
7           60 DAYS AND ANOTHER 60 DAYS UNTIL WE HAVE ADEQUATE TIME TO  
8           GET THE INFORMATION TO SUSAN'S SCHOOL AND EVERY OTHER  
9           SCHOOL IN THIS AREA. AND I ENCOURAGE EVERYONE TO DO THE  
10          SAME.

11                   THANK YOU.

12                   MS. AKULA: THANK YOU, TERRI:

13                   YOLANDA H-I-R-S-C-H-T.

14                   MS. HIRSCHT: MY NAME IS YOLANDA HIRSCHT. I LIVE BY  
15          SEVENTH AND CLARK. WE'VE LIVED THERE FOR 72 YEARS --  
16          SINCE 1972. EXCUSE ME.

17                   MY COMMENT PERTAINS TO THE MAJOR GROUNDWATER  
18          PROBLEM WHICH I DON'T THINK HAS REALLY BEEN ADDRESSED TOO  
19          MUCH. BUT I UNDERSTAND THIS HAS A MAJOR, SIGNIFICANT  
20          IMPACT. CAN IT BE ESTIMATED AS TO THE MEASURE OF THE  
21          DEGREE OF THE PROBLEM? WE HAVEN'T BEEN TOLD MUCH OF THIS  
22          MAJOR GROUNDWATER PROBLEM. DTSC HAS DECIDED TO EXTEND THE  
23          PERMIT FOR FIVE YEARS INSTEAD OF TEN BECAUSE OF THE MAJOR  
24          WATER PROBLEM.

25                   WE HAVE TO THINK ABOUT OUR CHILDREN DRINKING THE

1 WATER. MOST OF OUR KIDS DO NOT DRINK FROM THE PURIFIED  
2 WATER, THEY DRINK FROM THE FAUCET OR WHEREVER. WE HAVE TO  
3 THINK ABOUT THIS. ALL OF MY CONCERNS WERE ADDRESSED  
4 ALREADY. AND I THANK LILLIAN, SHE COVERED EVERYTHING VERY  
5 WELL. WE DO HAVE TO THINK OF THE MAJOR GROUNDWATER  
6 PROBLEM. I'M SURE MOST OF US PROBABLY HAVE SEEN THE MOVIE  
7 "ERIN BROCKOVICH," AND THEY HAVE TO THINK ABOUT THOSE  
8 THINGS.

9 THANK YOU VERY MUCH.

10 MS. AKULA: THANK YOU, YOLANDA.

11 MICHAEL H-U-G-H-E-S.

12 MR. HUGHES: MY NAME IS MICHAEL HUGHES, AND I'M A  
13 RESIDENT OF HACIENDA HEIGHTS.

14 FIRST, I'D LIKE TO THANK LILLIAN AVERY FOR  
15 TAKING THE LEAD FOR OUR COMMUNITY IN FINDING OUT THE FACTS  
16 AND TELLING US THE FACTS A LOT MORE THAN WE FOUND OUT.  
17 THE FIRST HALF OF THIS PRESENTATION WAS FILLED WITH  
18 INFORMATION ON PROCESSES, MECHANISMS, BUT NOTHING SPECIFIC  
19 ABOUT QUEMETCO. I WAS VERY DISAPPOINTED THAT WE DIDN'T  
20 FIND OUT ANYTHING AT ALL ABOUT WHAT THEY HAD FOUND, MERELY  
21 THE MECHANISM BY WHICH THEY WERE FINDING IT.

22 I THINK WHAT WE'RE HEARING TONIGHT IS QUEMETCO  
23 DOES NOT BELONG IN A BEDROOM COMMUNITY. IT DOESN'T BELONG  
24 IN HACIENDA HEIGHTS. IT DOESN'T BELONG IN WEST COVINA.

25 WE NEED THESE TYPES OF OPERATIONS, WHAT THEY'RE

1 DOING IS VERY IMPORTANT. I'M SURE THERE ARE THOUSANDS OF  
2 ACRES SOMEWHERE OUT IN THE DESERT THAT WOULD BE AN  
3 APPROPRIATE PLACE. IF A TRUCK TIPS OVER, SPILLS ITS  
4 CONTENTS, IT DOESN'T POSE A THREAT TO THE COMMUNITY. THE  
5 TRUCKS, AS THEY GO DOWN THE STREET, STIR UP THE DUST.  
6 THEY DON'T POSE A THREAT TO OUR COMMUNITY.

7 THERE IS ONE THING THAT WAS NOT MENTIONED IN THE  
8 EIR DRAFT WHEN IT GOES TO THE FINAL EIR. IT WAS TWO YEARS  
9 AGO A RAIL UNDERPASS WAS PUT IN AT SEVENTH STREET. AT THAT  
10 TIME THE HHIA REQUESTED THAT THE SOIL SAMPLES BE TESTED AT  
11 DEPTH TO SEE IF THERE WAS ANY CONTAMINATION AT DEPTH AND  
12 ANY CONTAMINATION IN THE DUST BEING RAISED THROUGH THAT  
13 PROCESS OF PUTTING IN THE RAILING UNDERPASS. THE RESULTS  
14 OF THOSE TESTS, TO THE BEST OF MY KNOWLEDGE, NO ONE HAS  
15 EVER SEEN. AND I THINK THAT THEY SHOULD BE INCLUDED IN  
16 THE FINAL EIR IN CASE THEY HAVE SOMETHING OF IMPORTANCE TO  
17 THIS COMMUNITY.

18 THANK YOU.

19 MS. AKULA: THANK YOU, MICHAEL.

20 IS THERE ANYONE ELSE WHO HAS QUESTIONS OR  
21 COMMENTS?

22 MICHAEL B-R-Y-D-G-E-S.

23 MR. BRYDGES: MY NAME IS MICHAEL BRYDGES. I'VE BEEN  
24 A RESIDENT OF HACIENDA HEIGHTS FOR 30 YEARS AND A  
25 PART-TIME RESIDENT FOR 11 YEARS. MY MOM PASSED AWAY

1 AROUND SIX YEARS AGO, ALONG RIGHT BEFORE HER PENNY KENT  
2 (PHONETIC), YOKA NAUKAMORA (PHONETIC), AND SEVERAL OTHERS.  
3 I KNOW THAT MANY OF YOU OUT THERE ALSO KNOW PEOPLE. IT'S  
4 ALL WITHIN A ONE-MILE RADIUS OF WHERE YOU LIVE THAT YOU  
5 KNOW PEOPLE THAT ARE PASSING AWAY. AND IT'S JUST AMAZING  
6 TO KNOW THAT THAT'S OCCURRING SO QUICKLY AND IS SO  
7 COMMONPLACE WHERE WE LIVE.

8 THERE IS SOME CONCERNS THAT I HAVE AS I WAS  
9 LISTENING TO THE GENTLEMAN PRESENT THE INFORMATION. ONE,  
10 ON THE EIR REPORT OR THE REVIEW THAT IS LOCATED IN  
11 GLENDALE, WHY CAN'T WE MAKE THAT AVAILABLE AT THE HACIENDA  
12 HEIGHTS LIBRARY IF SOMEBODY WOULD LIKE TO REVIEW THAT TO  
13 MAKE IT ASSESSABLE TO HAVE?

14 UNIDENTIFIED SPEAKER: IT'S THERE.

15 MR. BRYDGES: OKAY.

16 SO IN ADDITION TO THAT, MY OTHER CONCERN WAS  
17 WHEN MIKE SCHUM CAME UP TO SPEAK ABOUT THE CONCERNS ABOUT  
18 THE LEVELS IN TERMS OF THAT PERHAPS QUEMETCO IS BEING  
19 WITHIN GUIDELINES FOR BEING DONE. WE'RE HEARING A REPEAT  
20 IN TERMS OF THE FREEWAY THAT'S LOCATED HERE AND ALSO THE  
21 CONCERNS WITH THE LAND DUMP.

22 AND MY QUESTION IS, WHEN THESE TESTS ARE DONE TO  
23 DETERMINE WHETHER THE LEVELS ASSOCIATED WITH TOXICITY FOR  
24 A GROUP OF PEOPLE, DOES THAT INCLUDE AN ACCUMULATED  
25 ACCOUNT OF NOT ONLY THE PLAN ITSELF, BUT ALSO OF THE

1 OFFRAMP THAT COMES FROM THE FREEWAYS AND ALSO THE DUMP  
2 THAT IS NEARBY? YOU WOULD HAVE TO BE INCLUSIVE OF THAT AS  
3 WELL.

4 THERE IS WITHIN A ONE-MILE RADIUS A DAY CARE  
5 CENTER THAT'S LOCATED ON PARK AVENUE THAT, I BELIEVE, IS  
6 STILL IN OPERATION. SO THOSE ARE SOME OF THE CONCERNS I  
7 HAVE. IT SEEMS TO ME IF THERE HAS BEEN SOME TYPE OF  
8 CONCERN WITHIN THE PUBLIC AND IF WE'RE LOOKING OUT TO  
9 THAT, WE WOULD BE ABLE TO TAKE THAT INTO ACCOUNT.  
10 LASTLY, I THINK MOST IMPORTANTLY, I THINK THE FORUM IN  
11 TERMS OF ANSWERING QUESTIONS OR LISTENING TO QUESTIONS  
12 THAT ARE BEING DONE IS VERY INADEQUATE. I CANNOT BELIEVE  
13 THAT EVERY TIME WE HAVE A HEARING LIKE THIS WE ARE PATIENT  
14 ENOUGH TO LISTEN TO ONE HOUR OF PEOPLE'S PRESENTATIONS,  
15 AND YET WE NEVER GET ANY OF OUR QUESTIONS ANSWERED. IT'S  
16 EXTREMELY UNFAIR FOR THAT. AND THERE IS A REAL CONCERN  
17 THAT IF YOU ARE NOT HIDING THINGS, THEN WHY AREN'T YOU  
18 ANSWERING THE QUESTIONS THAT WE HAVE?

19 MS. AKULA: THANK YOU, MICHAEL.

20 TOM E-R-I-C-K-S-O-N.

21 MR. ERICKSON: HELLO. MY NAME IS TOM ERICKSON. I'M  
22 A LONG-TIME RESIDENT OF THE AREA, 30 YEARS. AND I DON'T  
23 HAVE ANYTHING NEW TO ADD OTHER THAN I'M ALSO FRUSTRATED BY  
24 THE PROCESS WE'VE HEARD TONIGHT. A LOT OF QUESTIONS HAVE  
25 BEEN ASKED. WE HAVEN'T HAD ANY ANSWERS AS TO WHAT'S GOING

1 ON WITH QUEMETCO. IT SEEMS LIKE INSTEAD OF THEM ASKING  
2 HOW CAN WE EXPAND QUEMETCO, WE SHOULD BE ASKING HOW CAN  
3 WE LIMIT THEIR OPERATION AND SHUT IT DOWN AND RELOCATE IT.

4 I KNOW A LOT OF LOCAL PEOPLE ARE CONCERNED  
5 ABOUT THE GROUNDWATER, BUT WE'VE -- I'VE BEEN READING IN  
6 THE PAPER ABOUT FEDERAL PARK -- FEDERAL RIVER RESERVE THAT  
7 CONGRESSMAN SOLIS IS DOING WITH THE FEDERAL GOVERNMENT.  
8 SAN JOSE CREEK IS RIGHT NEXT DOOR TO QUEMETCO. HOW MUCH  
9 OF THE TOXIC WASTE FROM WATER RUNOFF RAIN GOES INTO SAN  
10 JOSE CREEK? WHAT ABOUT HOW MUCH TOXIC WASTE IS GOING TO  
11 GO INTO THE LOCAL LANDFILL? INTO THE GROUNDWATER? CAN  
12 THE LANDFILL DEAL WITH TOXIC WASTES?

13 THERE IS A LOT OF QUESTIONS WE DON'T -- HAS  
14 THERE BEEN A LONG-TERM STUDY OF CHILDREN IN THIS AREA AS  
15 FAR AS ENVIRONMENTAL EFFECTS? WE REALLY DON'T KNOW.  
16 WE'VE HAD TO DEAL WITH THE DUMP, WHICH HAS EXPANDED AND IS  
17 GOING TO CONTINUE TO EXPAND. WE HAVE HAD TO DEAL WITH  
18 QUEMETCO, WHICH HAS NOT BEEN A GOOD NEIGHBOR TO HACIENDA  
19 HEIGHTS OR THE 14,000 RESIDENTS IN THE MILL AREA. WE'VE  
20 HAD TO DEAL WITH INCREASING TRAFFIC AND CONGESTION ON THE  
21 FREEWAYS. WE'VE HAD A LOT OF SERIOUS ENVIRONMENTAL THINGS  
22 THAT ARE HAPPENING IN THIS AREA, BUT WE DON'T SEEM TO GET  
23 ANY ANSWERS.

24 I'M JUST FRUSTRATED AGAIN BY THE PROCESS. WE  
25 DON'T SEEM TO BE GETTING ANSWERS. AND I REQUEST OR PLEAD

1 TO ALL THE PEOPLE IN THIS AREA TO WRITE -- START WRITING  
2 LETTERS. START ASKING QUESTIONS.

3 AGAIN, TO REITERATE, I'M FRUSTRATED THAT WE ONLY  
4 GOT NOTICE OF THIS JUST A COUPLE OF DAYS AGO, AND THERE IS  
5 ONLY TEN MORE DAYS TO GO. I HAVE TO ASK MYSELF, WHY IS  
6 THAT?

7 AGAIN, THANK YOU FOR YOUR TIME.

8 MS. AKULA: THANK YOU, TOM.

9 DOES ANYONE ELSE HAVE QUESTIONS OR COMMENTS?

10 MS. AVERY: I'D LIKE TO ADD.

11 MS. AKULA: LILLIAN AVERY.

12 MS. AVERY: IT'S TRUE. I HAD NO IDEA THAT THERE WAS  
13 GOING TO BE A PROPOSAL -- PROPOSED HAZARDOUS WASTE  
14 FACILITY AND POST-CLOSURE PERMIT EIR UNTIL JAKE HUGHES  
15 (PHONETIC), PRESIDENT OF HHIA, MAILED IT TO ME ABOUT THE  
16 MIDDLE OF JULY. THAT WAS THE FIRST THAT I LEARNED OF THIS  
17 PROPOSAL. MANY OF MY NEIGHBORS AND MANY, MANY PEOPLE I  
18 TALKED TO IN THE COMMUNITY HAD NOT HEARD, HAD NO  
19 INDICATION THAT THERE WAS ANYTHING GOING ON OR THAT THIS  
20 PROPOSED TOXIC WASTE FACILITY OPERATION WAS UP FOR A  
21 HEARING AND FOR A DECISION.

22 I WOULD SUGGEST THAT NOT ONLY DTSC BUT QUEMETCO  
23 TAKE IT ON THEMSELVES TO NOTIFY THE PEOPLE IN HACIENDA  
24 HEIGHTS ABOUT ALL SITUATIONS AND CONCERNS THAT INVOLVE  
25 THEM. IT IS JUST NOT ENOUGH TO GET THE PROPOSITION 65

1 WARNING AND NOTIFICATION. THAT COMES UP PERIODICALLY  
2 PROBABLY TWO OR THREE TIMES A YEAR, AND IT'S ALSO  
3 PUBLISHED IN THE NEWSPAPER. BUT NEWS ABOUT SITUATIONS AND  
4 EVENTS THAT ARE PENDING AT QUEMETCO IS IMPORTANT TO US.

5 NOW, WITH RESPECT TO THE BLOOD LEAD STUDY  
6 MENTIONED THAT WAS DONE IN 1994, A DOCTOR, AMY WALL  
7 (PHONETIC) OF THE LOS ANGELES COUNTY DEPARTMENT OF HEALTH,  
8 WAS THE CHIEF RESEARCHER ON THAT STUDY. AT THAT TIME  
9 ALMOST, I WAS ON THE BOARD OF THE HACIENDA HEIGHTS  
10 IMPROVEMENT ASSOCIATION, AND MY ACTIVITY WAS  
11 ENVIRONMENTAL. SO I WORKED WITH HER AND -- NOT WORKED  
12 WITH HER, BUT WAS INFORMED BY HER ABOUT THE THINGS THAT  
13 WERE GOING ON IN THIS STUDY.

14 THE CHILDREN THAT WERE STUDIED WERE CHILDREN  
15 AGES ONE TO FIVE BECAUSE IT WAS SAID THAT THAT WAS THE AGE  
16 PERIOD IN WHICH THE BLOOD LEAD LEVELS WOULD APPEAR. THERE  
17 WAS A CONTROL GROUP IN WEST COVINA WHERE THE CHILDREN DID  
18 NOT LIVE NEAR A BATTERY PLANT SUCH AS OURS HERE. THE FINAL  
19 RESULT OF THAT STUDY WAS THAT THERE WAS NO SIGNIFICANT  
20 BLOOD LEAD LEVELS IN THE CHILDREN THAT WERE TESTED. I  
21 QUESTIONED THE STUDY THEN, AND I QUESTION IT NOW.

22 MY BACKGROUND IS OVER 25 YEARS OF OCCUPATIONAL  
23 ANALYSIS AND TEST DEVELOPMENT RESEARCH WHERE I HAVE  
24 COLLECTED SAMPLES, COLLECTED STUDIES, ANALYZED DATA, AND  
25 WRITTEN TECHNICAL REPORTS. THAT WAS FOR THE DEPARTMENT OF

1 LABOR. AND THESE REPORTS ARE PUBLISHED. I QUESTION THIS  
2 STUDY BECAUSE AMY WALL IS A VERY TALENTED AND FINE  
3 RESEARCHER, BUT AT THE TIME SHE WAS NOT ABLE TO CONDUCT  
4 THE STUDY EVERY DAY. SHE WAS PREGNANT AND HAVING  
5 PROBLEMS. THE RESEARCH WAS TURNED OVER TO AN ASSISTANT  
6 WHO WAS NOT QUITE AS EXPERT. SO I DO QUESTION THE RESULTS  
7 OF THAT STUDY. BUT THE STUDY -- INFORMATION ABOUT THE  
8 STUDY IS AVAILABLE IN THE HACIENDA HEIGHTS LIBRARY.

9 MY QUESTION TO YOU FOLKS IS, UNDER THE  
10 CIRCUMSTANCES WHEN WE'RE DEALING WITH EMISSIONS AND HEALTH  
11 STUDIES, WHY THERE WASN'T A REPRESENTATIVE OF THE  
12 DEPARTMENT OF HEALTH HERE AND WHY SOMEBODY FROM A.Q.M.B.  
13 WAS NOT HERE? IT WOULD SEEM THAT A PUBLIC HEARING SUCH AS  
14 YOURS IS SO IMPORTANT TO THIS COMMUNITY THAT YOU WOULD  
15 INVITE EVERY AGENCY THAT WOULD HAVE SOME RESPONSIBILITY  
16 FOR SOME ASPECT OF THE PROBLEM.

17 THANK YOU.

18 MS. AKULA: THANK YOU, LILLIAN.

19 IF THERE ARE NO MORE COMMENTS -- ANYBODY HAVE  
20 ANY COMMENTS OR QUESTIONS?

21 MR. ALMEIEA: I HAVE A COMMENT.

22 MS. AKULA: RUDY.

23 MR. ALMEIEA: I WENT TO THE LIBRARY AND I LOOKED AT  
24 THE EIR. MADE IT TO THE LIBRARY, SPENT ABOUT FOUR HOURS  
25 LOOKING AT THE EIR. I COULD HAVE SPENT ANOTHER TWO, THREE

1 DAYS. AND I FOUND A NOTICE OF PREPARATION DOCUMENT REPORT  
2 THE QUALITY ACCUSATION OF ITEM 5, ANY SIGNIFICANT EFFECT  
3 ON THE ENVIRONMENT? THE ANSWER, DEPARTMENT OF EFFECT  
4 CONTROL ORGANIZATION SAID THAT THE PROJECT WOULD NOT HAVE  
5 ANY SIGNIFICANT EFFECT ON THE ENVIRONMENT. THE STATEMENT  
6 IS FALSE.

7 MS. AKULA: THANK YOU, RUDY.

8 ANY OTHER COMMENTS OR QUESTIONS? IF THERE ARE  
9 NO MORE COMMENTS, LET THE RECORD SHOW THAT THE PUBLIC  
10 HEARING FOR THE DRAFT PERMIT AND THE DRAFT EIR ON THE  
11 QUEMETCO FACILITY IS CLOSED AT 9:20 ON AUGUST 14TH, 2001.

12 THIS CONCLUDES OUR QUESTIONS AND COMMENTS  
13 PORTION OF THE PUBLIC HEARING.

14 (HEARING CONCLUDED AT 9:20 P.M.)

15  
16  
17  
18  
19  
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21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

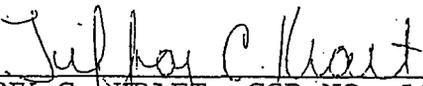
I, TIFFANY C. KRAFT, CSR NO. 12277, A CERTIFIED SHORTHAND REPORTER FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT OF PROCEEDINGS WAS TAKEN BEFORE ME ON TUESDAY, AUGUST 14TH, 2001, AT THE TIME AND PLACE THEREIN SET FORTH, AND WAS TAKEN DOWN BY ME IN SHORTHAND, AND THEREAFTER TRANSCRIBED INTO TYPEWRITING UNDER MY DIRECTION AND SUPERVISION;

AND I HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT OF PROCEEDINGS IS A FULL, TRUE AND CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANYWISE INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 5TH DAY OF SEPTEMBER, 2001.

  
\_\_\_\_\_  
TIFFANY C. KRAFT, CSR NO. 12277  
CERTIFIED SHORTHAND REPORTER  
FOR THE STATE OF CALIFORNIA

**3.4 COMMENT LETTERS**

Comments letters received during the public review period follow this page.

**DEPARTMENT OF TRANSPORTATION**  
OFFICE OF REGIONAL PLANNING  
DISTRICT 7, IGR/CEQA 1-10C  
120 SO. SPRING ST.  
LOS ANGELES, CA 90012  
TEL: (213) 897-6696 ATSS: 8- 647-6696  
FAX: (213) 897-6317



July 24, 2001

DEPARTMENT OF TOXIC SUBSTANCE CONTROL  
SOUTHERN CALIFORNIA REGION

IGR/CEQA/cs/010753  
DEIR  
City of Industry

AUG 03 2001

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Hazardous Waste Management Operation  
and Post Closure Permit for QUEMETCO  
720 S. 7<sup>th</sup> Ave.  
LA-5/2/101/405  
SCH # 1996041042

Mr. Jamshid Shahi  
Department of Toxic Substances Control  
1011 N. Grandview Ave.  
Glendale, CA 91201

Dear Mr. Shahi:

Thank you for including the California Department of Transportation in the environmental review process for the above-mentioned project. Based on the information received, we have the following comments:

We recommend that construction and project related truck trips on State highways be limited to off-peak commute periods.

If you have any questions regarding our response, refer to our internal IGR/CEQA Record # cs/010753, and please do not hesitate to contact me at (213) 897-4429.

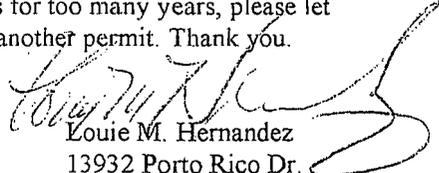
Sincerely,

STEPHEN BUSWELL  
IGR/CEQA Program Manager

cc: Mr. Scott Morgan, State Clearinghouse

**Dear Jamshid Shahi**

I have been a nearby resident of Quemetco for 16 years and have a 6 and 13 year old And I'm very concerned about the Health Hazards they produce in my neighborhood. I also belong to the neighborhood homeowner association, and we have been trying to get Quemetco to give a environmental impact report but can't get them to finalize it. They have not been a good neighbor to us by polluting our air and ground (which we get our drinking water from). We dealt with this for too many years, please let them leave, after they clean up what they have polluted. Don't give them another permit. Thank you.



Louie M. Hernandez  
13932 Porto Rico Dr.  
Avocado Hts, Ca.  
91746

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 17 2011

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DTSC PUBLIC HEARING ON PROPOSED HAZARDOUS WASTE FACILITY  
OPERATION PERMIT AND EIR. TUESDAY, AUGUST 14, 2001

MY NAME IS LILLIAN AVERY. I HAVE LIVED ON HEDGE PATH AVENUE IN  
HACIENDA HEIGHTS FOR 45 YEARS, SINCE 1956.

In 1959, WESTERN LEAD PRODUCTS WAS PERMITTED BY THE CITY OF  
INDUSTRY TO OPERATE A LEAD SMELTING PLANT AT 720 SO. 7<sup>TH</sup> AVE. IN  
PROPERTY ZONE M, AN INDUSTRIAL ZONE. PERMITTED USES INCLUDE  
METAL FABRICATION, BATTERY MANUFACTURING AND RECYCLING AND  
STORAGE OF CHEMICALS. In 1970 QUEMETCO TOOK OVER THE OPERATION  
OF WESTERN LEAD.

HACIENDA HEIGHTS, AN UNINCORPORATED COMMUNITY BEGINNING 500  
FEET FROM THE QUEMETCO FACILITY, HAS A COMMUNITY PLAN  
DEVELOPED BY LOS ANGELES COUNTY IN 1978, WHICH ESTABLISHES A  
LAND USE POLICY THAT PROHIBITS THE EXPANSION OF THE INDUSTRIAL  
AREA WITHIN THE COMMUNITY.

THE LAND USE ELEMENT OF THE CITY OF INDUSTRY ESTABLISHES ITS  
PRIMARY GOAL AS CREATING AND MAINTAINING A SETTING FOR  
MANUFACTURING, DISTRIBUTION AND INDUSTRIAL FACILITIES WITHIN  
THE CITY, BUT THAT ' -CREATING A SETTING THAT IS COMPLIMENTARY  
TO ITS NEIGHBORS IS EQUALLY IMPORTANT.'

THERE APPEARS TO BE A CONFLICT WITH APPLICABLE LAND USE PLANS  
SINCE QUEMETCO AND ITS OPERATIONS SERIOUSLY IMPACT THE  
COMMUNITY OF HACIENDA HEIGHTS WITH THE GENERATION AND *DAILY*  
DELIVERY OF OVER 50 TRUCKLOADS OF USED LEAD BATTERIES AND  
HAZARDOUS MATERIALS, ~~A DAY~~; INTRODUCTION OF HAZARDOUS WASTE  
AND MATERIALS ON SITE WHICH COULD RESULT IN INJURY; FIRE,  
ACCIDENTAL RELEASE OF AIR TOXIC EMISSIONS OR ACUTELY  
HAZARDOUS MATERIALS. POSING A THREAT TO PUBLIC HEALTH AND  
SAFETY; EMISSIONS OF AIR TOXIC CONTAMINENTS, AND POLLUTANTS  
INCLUDING LEAD, 1,3 BUTADIENE, AND CARCINOGENS.

IT IS APPROXIMATELY 500 FEET FROM THE QUEMETCO FACILITY TO 7<sup>TH</sup>  
AND CLARK. THERE ARE 104 HOMES AND 504 MOBILE HOMES LOCATED  
IMMEDIATELY WEST OF 7<sup>TH</sup> AVENUE; THERE ARE 220 HOMES LOCATED  
EAST OF 7<sup>TH</sup> TO TURNBULL CANYON ROAD, AND SOUTH TO GALE..

THE AREA OF THE ISOPLETH IS NOT CONFINED TO THESE HOMES HOWEVER. THE ISOPLETH EXTENDS TO PAST STIMSON AVENUE ON THE EAST, AND TO ABOUT ORANGE GROVE AVENUE ON THE SOUTH.

ON APRIL 24, 1996, I SPOKE AT YOUR PUBLIC SCOPING MEETING. MY CONCERN THEN WAS THE 24 HOURS PER DAY, 7 DAYS A WEEK, YEAR IN AND YEAR OUT, OF EMISSIONS OF TOXIC CONTAMINENTS, INCLUDING LEAD, ARSENIC, 1,3 BUTADIENE AND OTHER AIR POLLUTANTS AND CARCINOGENS EMITTED INTO THE AMBIENT AIR OVER HACIENDA HEIGHTS, WITHOUT CEASING, AND REQUIRING PERIODIC PROPOSITION 65 WARNING AND NOTIFICATION.

THESE EMISSIONS OF TOXIC PARTICLES AND CONTAMINENTS INTO THE AMBIENT AIR OVER HACIENDA HEIGHTS, HAVE CONTINUED WITHOUT CEASING, DAY IN AND DAY OUT, FOR OVER 31 YEARS FROM 1970 WHEN QUEMETCO TOOK OVER FROM WESTERN LEAD.

THESE CHEMICALS, METALS AND CONTAMINENTS ARE NOT JUST DISPERSED IN THE AIR. LIKE THE DEW, THEY SETTLE ON THE HOUSES AND GROUNDS, ON VEGETATION AND PRODUCE GROWING IN GARDENS, AND ON CLOTHING. THEY ARE INHALED AND INGESTED. AND THEY ARE ABSORBED INTO THE SKIN.

THERE ARE STRONG ODORS OF SULFUR AND METALS. THE CONSTANT BARRAGE OF EMISSIONS CAUSE ACRID METALLIC TASTES, SORE THROATS, HEADACHES, NAUSEA, COUGHING, AND INHALATION AND RESPIRATORY PROBLEMS.

THE DRAFT EIIR SAYS NOTHING ABOUT ELIMINATING AND/OR MITIGATING THE EMISSIONS OF CHEMICALS, POLLUTANTS AND CONTAMINENTS INTO THE AIR.

WHAT IS THE ESTIMATE OF PROBABILITY THAT AN INDIVIDUAL WILL DEVELOP CANCER AS A RESULT OF EXPOSURE TO CARCINOGEN EMISSIONS? WHAT IS THE ESTIMATE OF DAILY EXPOSURE LEVELS THAT CAUSE DELETERIOUS EFFECTS TO INDIVIDUALS EXPOSED OVER A LIFETIME?

WHAT IS THE CUMULATIVE EFFECT OF INHALATION AND INGESTION OF

CONTINUOUS TOXIC EMISSIONS OVER 30 TO 40 YEARS, OF CHEMICALS, METALS, AND CARCINOGENS SUCH AS CHROMIUM, LEAD MANGANESE, SULFUR, ARSENIC 1,3 BUTADIENE, AND OTHER POLLUTANTS,

I HAVE REASON TO BE CONCERNED. MY HUSBAND DIED IN 1992 AFTER SUFFERING FOR THREE YEARS FROM MOUTH AND THROAT CANCER.

QUEMETCO IS NOT A NIMBY - 'NOT IN MY BACKYARD' - CONCERN FOR HACIOENDA HEIGHTS. QUEMETCO IS NOT ONLY IN OUR BACKYARDS, BUT IN OUR FRONT YARDS TOO. ITS TOXIC EMISSIONS PENETRATE OUR SOIL, HOVER IN THE AIR OVER OUR HOMES, CHURCHES, AND SCHOOLS AND REMAINS IN THE VERY AIR WE INHALE AND BREATHE

THE CITY OF INDUSGTRY ERRED IN PERMITTING A LEAD PROCESSING AND RECYCLING FACILITY SO CLOSE TO EXISTING HOMES.

THE APPLICATION FOR OPERATION OF A HAZARDOUS WASTE FACILITY INCLUDES A CLOSURE PERMIT. THE CLOSURE PLAN INCLUDES THE STEPS NECESSARY TO COMPLETELY CLOSE THE FACILITY. ESTIMATED DATE FOR COMPLETE CLOSURE IS AUGUST 15, 2021, 20 YEARS FROM NOW.

WE ASK THE CALIFORNIA DEPT. OF TOXIC SUB STANCES CONTROL (DTSC) TO SERIOUSLY AND CAREFULLY CONSIDER THE REAL CONCERNS OF RESIDENTS OF HACIENDA HEIGHTS, IN ESTABLISHING A CLOSING DATE THAT WILL MITIGATE OR ELIMINATE THE EFFECTS OF QUEMETCO ON THIS COMMUNITY IN THE NEXT FEW YEARS.

\*\*\*\*\*

8/14/01

Dear Mr. Flechi,

Aug. 17, 01

regard to the August 14, 2001 hearing at Los Altos Highschool in Hacienda Heights re Quemetco, INC. hazardous waste facility I would like to express the following:

*for public comments*

1. It seems unconscionable to set an August 20 deadline to grant a permit when most of the inhabitants of Hacienda Heights had not even HEARD of this meeting ALL residents in a certain distance from the plant SHOULD HAVE BEEN TIMELY INFORMED ABOUT THE HEARING!
2. I object that various members of the EPA group dwelled on the process of draft permits- but practically nothing was said about the possible hazards having a lead smelter so close to our residential area.!
3. Results obtained in 1994 by testing a group of little children does not necessarily mean that ADULTS who lived in the vicinity of the plant since before the lead recovery was started in 1970 are not adversely affected by the hazardous waste facility
4. Thorough evaluation of water ( surface, SAn Jose creek and ground waters) should be done prior to even thinking of giving a final permit.
5. Air testing during peak process hours should be performed and results made public.
6. Information given by several residents at the hearing regarding increase of cancer deaths of people who had lived in the vicinity of the plant should be investigated and publicly discussed.

I think It would be better to have Quemetco facility displaced into i.e. a desert area, than to possibly expose local residents to health risks now or in the future!

As a longtime resident of Hacienda Heights <sup>we</sup> strongly urge NOT to give a final permit to this project.

Hildegard WECK, 1339 S. 7th Ave, Hac. Heights CA 91745  
 Shirley Lee, 1339 S. RIDLEY AVE HAC HIGTS CA 91745  
 Richard P. Lee, 1339 S. RIDLEY AVE HAC HIGTS CA 91745

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 21 2001

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# Air Resources Board



Winston H. Hickox  
Agency Secretary

Alan C. Lloyd, Ph.D.  
Chairman

1001 I Street • P.O. Box 2815 • Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



Gray Davis  
Governor

August 20, 2001

Mr. Jamshid Shahi  
California Environmental Protection Agency  
Department of Toxic Substances Control  
1011 N. Grandview Avenue  
Los Angeles, California 91201

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 23 2001

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Dear Mr. Shahi:

We have reviewed the Air Quality and Human Health and Safety Sections of the Draft Environmental Impact Report (DEIR) for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc., submitted to the Department of Toxic Substances Control Division (DTSC). The information in the Human Health and Safety Section of the DEIR was extracted from the "Human Health Risk Assessment in Support of the Resource Conservation Recovery Act (RCRA) Part B Permit for Quemetco, Inc., City of Industry" document developed by Kleinfelder consultants. This document provides an assessment of the potential cancer and chronic noncancer health risks due to toxics emitted as part of the facility operations. To enable an adequate analysis of the potential health risks, we recommend that the Air Quality and the Human Health and Safety Sections of the DEIR contain the following information:

## 1. Criteria Air Pollutant Evaluation

Table 3.4-2 does not include the Federal 8-hour ozone standard and the Federal and State PM<sub>2.5</sub> standard. These standards should be a part of the table showing Federal and State criteria pollutant ambient air quality standards.

## 2. Air Toxic Dispersion Modeling

Although the report refers to the dispersion modeling used to estimate health risks, no dispersion modeling results were included with the report. To provide a comprehensive analysis of this report and the dispersion modeling results, this information would need to be provided.

## 3. Neurodevelopmental Health Risks Due to Elevated Blood Lead Levels

Maximum blood lead levels were estimated using the DTSC LEADSPREAD model. Maximum blood lead levels due to emissions of lead from the facility were estimated to be less than 10 µg/dL, the "level of concern" identified by the Centers for Disease Control and Prevention. Although the LEADSPREAD model was recommended for DTSC's analysis of health impacts, the Air Resources Board and the Office of

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Mr. Jamshid Shahi  
August 20, 2001  
Page 2

Environmental Health Hazard Assessment (OEHHA) feel that it would be more appropriate to use the aggregate blood lead/air lead slope values published as part of the technical support document for the identification of lead as a toxic air contaminant<sup>1</sup> or the Integrated Exposure Uptake Biokinetic (IEUBK) model developed by the United States Environmental Protection Agency. This analysis to predict blood lead levels should follow the protocol given in the ARB Lead Risk Management Guidelines<sup>2</sup>. The Guidelines are available on the ARB website at <http://www.arb.ca.gov/toxics/lead/lead.htm>.

#### 4. Cancer and Noncancer Health Risks Due to Toxic Air Contaminants

The document addresses chronic cancer and noncancer risks, but acute noncancer effects were not addressed, and the report does not indicate the reason for this omission. The reason for this omission should be made clear.

This report shows chronic cancer and noncancer health effects for hypothetical and actual resident child and adult receptors. The report does not show the differences in breathing rates and body weights used in this risk assessment for the child and adult receptors. The child and adult breathing rates and body weights used in this assessment as well as the source of these values should be provided to complete an analysis of the risk assessment results.

#### 5. General Health Risk Assessment Comment

Only the Executive Summary plates and tables from the Kleinfelder report were included in the Appendix, plates and tables for the remainder of the report were not included. These plates and tables are needed to complete an analysis of the results of the air health risk assessment.

We would also like to point out that the local air pollution control district may have jurisdiction over air impacts of any proposed project and should have the opportunity to comment on material contained in the DEIR. In the case of this proposed facility, the South Coast Air Quality Management District should have an opportunity to comment.

---

<sup>1</sup> "Technical Support Document, Propose Identification of Inorganic Lead as a Toxic Air Contaminant, Part B Health Assessment", Air Resources Board, March 1997

<sup>2</sup> "Risk Management Guidelines for New, Modified, and Existing Sources of Lead", Air Resources Board, March 2001.

Mr. Jamshid Shahi  
August 20, 2001  
Page 3

We hope that a thorough discussion of the items listed in this letter will provide a better understanding of the potential health risk aspects of the proposed project and contribute to an effective Environmental Impact Report process. Thank you for the opportunity to participate in the assessment of this DEIR. If you have any questions regarding our comments, please contact Mr. Tony Andreoni at (916) 324-6021.

Sincerely,



Daniel E. Donohue, Chief  
Emissions Assessment Branch

cc: Mr. Tony Andreoni, Manager  
Process Evaluation Section  
Air Resources Board

Mr. Bart Ostro, PhD, Chief  
Air Pollution Epidemiology Unit  
Office of Environmental Health Hazard Assessment

Mr. Mohan Nagavedu  
Supervising Air Quality Inspector  
South Coast Air Quality Management District

23  
8- -2001  
Subj. Draft EIR  
State Clearinghouse  
1996041042

DEPART  
S  
CONTROL  
RE

AUG 24 2001  
RECEIVED

Philip Chandler  
DTSC Unit Chief  
Glendale, CA 91201

Dear Sir,

These are my comments on the Draft EIR for the permit to operate the battery Recycling facility by Quemetco.

General

As a resident of Hacienda Heights, my concern is the health of the children, Residents and workers in this area. Based on information provided by Quemetco And articles in the SGV Tribune, children in schools have been tested for lead in their System. It is my understanding the levels of lead in the children had not risen. If that information is accurate, issuing a permit to operate the facility for ten years Seems reasonable. This assumes that Federal and State laws, regulations, etc. are met.

Draft EIR

1. Pg 1-2; 1.4 Project Objectives

This section does not cover reconstruction of the operating system, say because Of new technology, or the expansion of the operation on the existing property. Due to The proximity of Palm Elem and Hudson schools, the El Encanto Sanitarium and The day-care center on Clark Ave., neither of these cases shall be allowed under this Permit. If they plan for either one, they should have to relocate.

Please cover these cases in the Final EIR.

2. Pg 2-1; 2.2 Facility History

On the issue of who was here first, check with LA County. Around 1960, One of the products at that time was brake-shoes for railroad cars.

3. Summary

Does the Region of Exposure include all wind conditions? It should.

Test the school children for lead in their system at least every five years AND WHEN there is a malfunction that allows a significant amount of hazardous Material to escape or be discharged.

*Earl L. Thomas*  
14647 Palm Ar.  
Hac. Hgts., CA 91745-1943

DATE: 8/22/01

TO: Philip B. Chandler, Unit Chief DTSC

FR: Troy Veilleux

RE: Quemetco Battery Recycling Facility, City of Industry, California

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 27 2001

RECEIVED

Mr. Chandler,

On August 14<sup>th</sup>, 2001 I attended the public hearing at Los Altos High School in Hacienda Heights, California. I went to hear what was going on regarding the Quemetco hazardous waste storage and treatment facility (which I learned is also a hazardous waste generator). While I and the residents I spoke to after the hearing appreciated the time you and the other members of the DTSC took to meet with us, we were disappointed that we weren't given the opportunity to ask you and the other DTSC folks specific questions about the Quemetco facility and its operations. Besides that, we were disappointed that the majority of time spent by the DTSC was spent providing us with the permit process that explained how the Quemetco permit would be approved. We were all left with the feeling that the decision to grant the permit regardless of our legitimate concerns had already been made.

As I stated during my opportunity to speak at the hearing, I am very disappointed that we the citizens of Hacienda Heights (H.H.) are having to bear yet another burden for the County of Los Angeles. As if it weren't enough to have the largest landfill (the Puente Hills Landfill) in North America located directly in front of my house, which is also going for a 10 year extension to its operations, I and my young family have to deal with the combined effects of this facility. That leads to some of my questions that are questions that were asked by other H.H. citizens who were at this hearing.

- 1) Have any studies been performed to examine the impact on air quality from the combined operations of the La Puente Hills landfill, the Quemetco Facility and the 60 freeway?
- 2) Why is it that several of the senior people at the hearing that have lived in H.H. for 25 or more years within the immediate vicinity of the Quemetco facility don't know a single child who was supposedly tested for elevated levels of lead in their blood? Also, at least two citizens stated having survey ALL of the surrounding schools and day care centers and finding no one that was aware that testing had ever been done.

I was very alarmed to learn that Quemetco is already affecting our local environment adversely by allowing waste such as iron, sulfate, and selenium in excess of groundwater quality standards. And my understanding is that Quemetco is responsible for monitoring the groundwater. If that is true, I would expect them to be reporting doctored data that is probably doctored to make things look better than they are, which still looks bad! And if Quemetco can't contain waste in a solid or liquid form, which I would expect to be the

easiest to control, then how can they be keeping waste in the form of gases within the limits of clean air standards? I suspect that they are probably "policing" (read policing to be monitoring) this themselves too. Isn't this monitoring policy equivalent to giving an alcoholic a bottle of alcohol and asking him/her not to drink it?

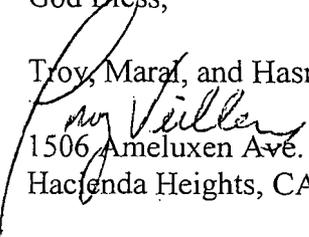
I am sure that you and the group of DTSC employees who met with us know what is really the impact of Quemetco to all of us living here in H.H. You know what Quemetco isn't reporting, you know what they aren't doing to keep us safe, you know that a facility built in 1959 can't possibly meet environmental health standards for those 1400+ people living immediately around the facility. I'm sure Quemetco is promising to be a very responsible company, but what have they done to improve their operational impact on our environment without first being mandated to do so by the DTSC or the U.S. EPA?

In closing, I beg you and the other DTSC people involved in granting or denying the permit to Quemetco to consider Quemetco's impact to our environment and to the lives of us and our children. Please put yourselves in our shoes for just a few moments and think if you would grant this permit if you lived with your families here in Hacienda Heights. Would you vote for the granting of this permit if you already had a mammoth landfill to deal with? Would you vote to continue allowing a facility to excessively pollute your local ground water? Would you vote to continue having the risk of your children developing high levels of lead in their blood? Of course you wouldn't. Who would ever vote to put their loved ones in any kind of risk? PLEASE do not vote to put us at risk.

Please take what I have written seriously. Please be considerate and help us in our attempt to stop Quemetco by voting "No" and urging your colleagues to do the same. Please help us as you have the power to do so.

God Bless,

Troy, Maral, and Hasmig Veilleux

  
1506 Ameluxen Ave.  
Hacienda Heights, CA 91745

Regarding Quemetco Battery  
Recycling Facility, City of Industry

DTSC:

I am a local resident concerned  
about toxic poisoning.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 29 2001

RECEIVED

Please know that there are many  
children in this area who would not want  
to be tortured by the ravenging effects  
of cancer and numurous other illnesses  
we all know are caused by toxic  
substances.

Thank you,

Rathy Brown

14630 Mountain Spring St.  
Hacienda Heights, CA 91744

(626) 961-9107

David Lee Blagg  
14039 Lomitas Ave.  
Avocado Heights, Ca. 91746

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

8/28/01

AUG 29 2001

RECEIVED

Department of Toxic Substances Control  
Attn: Jamshid Shahi, Project Manager

1011 North Grandview Ave.  
Glendale, Ca. 91201

This letter is to register our opposition to the proposed permit that your department is in the process of approving for Quemetco battery recycling facility located at 720 S. 7<sup>th</sup> Avenue in the City of Industry, California.

As your department is well aware Quemetco and the previous owners have not been the good neighbor that they and your department proclaim that they have been, since the facility opened in 1959. From that time until present they have not only spewed toxic substances into the air that we breath; but they have actually discharged liquid waste containing lead, arsenic and other toxic substances directly into the San Jose Creek, which is a source of recreation, habitat for many plant and animal species and an important source for ground and drinking water.

Below are just a portion of the numerous reasons that the permit should be denied and Quemetco should be mandated by your department to cease spewing known toxic substances into the air that we currently breath.

1. Quemetco regularly discharges into the air a toxic plume (sulfurous, plastic smell) that literally causes me to gag and occasionally vomit when a westerly (offshore) breeze carries the fumes to our home approximately 1 mile as the crow flies from Quemetco's stacks. This toxic plume enters and lingers in the house. Your toxicologist, Mike Shum, actually had the nerve to tell me that the levels emitted by Quemetco on a daily basis were not dangerous to my children, my family, neighbors and myself. Are the levels that I described the effects of above, dangerous when breathed over a 20-year period? I personally believe that Quemetco uses a strategy of release to avoid detection such as late night or early Saturday morning

releases when AQMD inspectors are less likely to be working. 7:30 AM: Saturday and Sunday mornings as well as nights and evenings are typical times that my neighbors and I smell this toxic plume on a regular basis. Therefore Quemetco violates the portion of statute that states that they must be "complementary with their neighbors."

2. I personally feel that the data and the collection and supervision of the sampling is erroneous and demand that additional accurate testing under the supervision of unbiased persons independent from Quemetco and DTSC personal be carried out. The fact that the same two people (Philip B. Chandler and Mike Shum) are in charge of Quemetco's permitting process with no independent oversight and that they have repeatedly erroneously assured us that the toxins emitted by Quemetco pose no health threat to us is appalling. Common sense tells us that they are providing false assurances and protecting this vile operation at the expense of thousands of residents in the afflicted area. At the August 14 meeting I personally witnessed Mr. Chandler reading and Mr. Shum smirking as one Hacienda Heights woman, while crying, displayed a list of and told how 10 or so people in a 2 square ---block area in her neighborhood had died in recent years of cancer. In the past three years in a 1 square block area directly surrounding our home three deaths from cancer and two recently diagnosed cases have resulted. This far exceeds the 1 in 3 average mentioned by Mr. Shum and warrants further investigation.
3. No testing of longtime residents who have been exposed to Quemetco's toxins has ever been done and no data has ever been compiled that would prove or disprove the theory that long-term exposure to the toxins emitted by Quemetco has adverse health effects. Records from a multitude of local hospitals and doctors would need to be examined to prove or disprove this theory. The DTSC representatives totally dismissed any link without looking at any of the evidence.
4. Testing on blood lead levels in local children was not accurate and needs to be redone using a truthful sampling of children who have lived in the

area and been exposed to these toxic compounds for an extended period of time. This was not done and in order to get accurate results these tests must be carefully redone.

5. The fact that Quemetco has in the past and undoubtedly will continue to violate the law by illegal emissions and illegal dumping of toxic waste is inexcusable and we demand that they cease operations immediately. Quemetco has on numerous occasions violated the law at the health expense of thousands of people where fines have become a minor business expense (cost of doing business) to them.
6. The fact that residents, including myself, were not given adequate notification of proceedings in this convoluted permitting process should be illegal if it is not already and should be grounds for at minimum a delay in the process. I was notified by mail at 4:00 PM. August 11, of the impending meeting August the 14. This strategy eliminated and hindered local residents from participating.
7. The entire permitting process is inherently flawed and in no way accurately reflects the actual health risk to local residents and people exposed to Quemetco's toxic emissions.
8. The convoluted process by which the toxicologist has used to determine that no health risk exists in no way reflects the actual measurements and toxic substance levels that Quemetco is releasing on the surrounding residents and employees of companies in the area.
9. There are numerous schools (Los Robles, Palm, Los Altos, Hill Grove, Orange Grove, Don Julian, La Puente, Edgewood, Dibble, Willow, North Whittier etc.) as well as a multitude of preschools, day-care centers and adult schools in the area engulfed by Quemetco's toxic plume. No comprehensive sampling, testing or studies have ever been done to determine if Quemetco's toxic emissions are adversely affecting the health of the children and adults that attend and work at these schools. These studies need to be done by responsible people with no vested interest in Quemetco's ability to operate!

10. Several bakeries, food processing and food manufacturing businesses (Golden State Foods, El Mexicano, La Victoria, Pachinos and others) are located within a ¼ mile radius of this lead smelting facility where fumes and fallout from Quemetco's toxic emissions inevitably enter the food supply. Have any studies as to at what levels these toxic substances emitted by Quemetco occur in the food products produced by these companies been undertaken?
11. No Department of Health Services, AQMD, EPA or other public agencies entrusted to protect the public health personal were at the meetings and to the best of my knowledge have conducted tests other than the flawed blood- lead level test in the early 1990s.
12. Is DTCS aware of the pollution problems and the negative health effects caused by similar lead smelting facilities in Texas, owned by Quemetco's parent company RSR? DTSC should immediately look at the data from these now closed facilities so that they can avoid a similar catastrophe in this case.

Therefore we demand that DTSC stop protecting and defending Quemetco, step up to the plate and do the right thing by rejecting Quemetco's application for a permanent operating permit and protect the welfare of the people in the area. In addition we respectfully request that Quemetco's temporary status by which they have been allowed by your department to continue to poison local residents and neighborhoods be immediately revoked and that the inevitable cleanup process of this site commence.

Sincerely

  
David Lee Blagg

Duncan McKee  
738 S. 3rd Avenue  
Avocado Heights, Ca. 91746

8/28/01

Department of Toxic Substances Control  
Attn: Jamshid Shahi, Project Manager  
1011 North Grandview Ave.  
Glendale, Ca. 91201

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 29 2001

RECEIVED

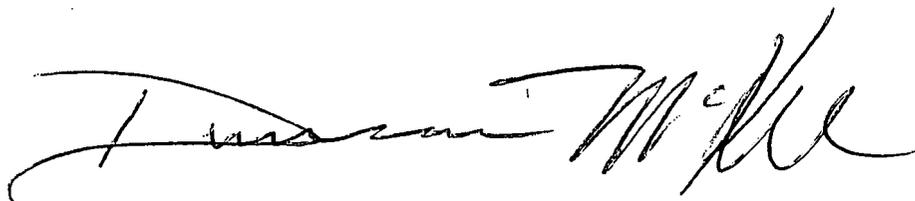
Dear Jamshid Shahi:

Due to our decades long concern for our family's health and the health of our neighbors and friends we stand in complete opposition to Quemetco's proposed Hazardous Waste Facility Operation and Post-Closure permit.

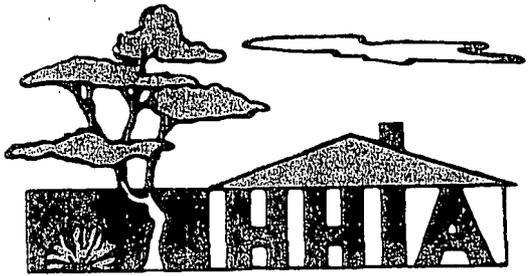
We also oppose Quemetco's current temporary operating permit and do hereby request that any and all such permission to operate be revoked immediately.

Sincerely

  
David McKee



Duncan McKee



HACIENDA HEIGHTS IMPROVEMENT ASSOCIATION, INC.

POST OFFICE BOX 5235 • HACIENDA HEIGHTS, CA 91745

Department of Toxic Substance Control  
Attn: Mr. Jamshid Shahi, Project Manager  
1011 N Grandview Ave.  
Glendale, CA 91202

August 27, 2001  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 29 2001

RECEIVED

Dear Mr. Shahi,

The Hacienda Heights Improvement Association has reviewed the Environmental Impact Report prepared for continued operation of the Quemetco Battery Recycling Facility in the City of Industry. This plant operates within 600 feet of residences in Hacienda Heights which pre-date its operation, and the area of coverage for Proposition 65 warnings for Quemetco blanket a very large percentage of the homes in Hacienda Heights. Thus most of the potential impacts of operating this plant, which releases lead, antimony and other dangerous chemicals are directly borne by our residents.

Hacienda Heights is an unincorporated community covered by a community general plan established in 1978 by Los Angeles County with substantial input from a citizens group from the community. Although this general plan does not cover the nearby Quemetco site, it clearly establishes the desire to keep Hacienda Heights as a residential/commercial area by restricting industrial facilities within the area. This provision, coupled with goals of the land use plan of the City of Industry for, "creating a setting that is complimentary to its (Industry's) neighbors," would certainly call into question the siting next to a residential community of a facility which releases dangerous chemicals in quantities sufficient to generate Proposition 65 notices to a large number of our residents.

The Quemetco plant is approximately 600 feet from the intersection of Clark and Seventh Avenues. The community immediately west of this intersection contains 104 homes and 504 mobile homes, while 220 single family homes are located to the immediate east of Seventh Avenue between Clark and Gale Avenues. The population of this area is predominately Latino, with a mixture of white, Asian, and black making up the remaining residents. Many seniors live in the area, and income levels are classified as low- to middle-income range.

We recognize that this facility has existed for a long time at this site, expanding significantly since 1970 when it was purchased by Quemetco. However, we also understand that this EIR reflects the first time this operation is being reviewed formally through the CEQA process. We request that DTSC address the appropriateness of this use adjacent to a largely residential neighborhood in the same context as it would a formal site review for a new facility. We believe potential safety concerns associated with this facility are of such importance that previous operation should not be a factor in determining the absolute level of risk to its neighbors. In addition, those risks should include the cumulative impacts of the expanded Puente Hills Landfill immediately adjacent to this same area on the west and the substantial

Mr. Jamshid Shahi  
August 27, 2001  
Page Two

increase in diesel truck traffic on the Pomona Freeway. In addition to operation of the facility, it generates more than 50 truckloads per day of used lead batteries and other hazardous materials, which travel through these neighborhoods on Seventh Avenue.

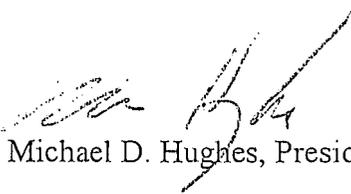
Operation at Quemetco, which occurs 24 hours per day, seven days per week, results in emissions of lead, antimony, arsenic, 1,3 butadiene, and other carcinogenic materials. Hazardous materials are stored on site which could result in fires, injuries, or toxic releases. Operation of this facility has occurred around the clock for the last 31 years, producing emissions that travel beyond the perimeter monitoring system to settle in the neighborhoods surrounding the plant. They are capable of contaminating soil, vegetation, gardens, and surfaces in the homes. Air-borne materials are inhaled, ingested, and even absorbed through the skin. The draft EIR does not discuss eliminating or mitigating these emissions.

Residents who live near the Quemetco facility report strong odors of sulfur and metals, and experience metallic tastes, sore throats, nausea, coughing, and respiratory problems. These concerns should be thoroughly evaluated by State or County health agencies before a final permit is issued to this facility, particularly to evaluate long term health impacts of inhaling and ingesting these pollutants over a long-term period of residency in the area. Daily exposure levels and cumulative exposures and their effects should be assessed and health impacts determined.

We believe the original permit issued by the City of Industry to Western Lead, Quemetco's predecessor, did not adequately address these concerns, and probably should not have been issued. We request that DTSC seriously and carefully weigh all of these impacts and establish conditions that will eliminate the effects of emissions from Quemetco on our community, or define a near-term closure date that will require this facility to relocate to a site further removed from residences.

Enclosed is a list of detailed EIR comments prepared by Ms. Lillian Avery, former HHIA Environmental Chair and neighbor to the Quemetco facility. If you have questions or need clarification of our concerns, please contact our current Environmental Chair, Mr. Jeff Yann, at (626) 968-4572.

Sincerely yours,



Michael D. Hughes, President

cc: Senator Gloria Romero  
Supervisor Don Knabe  
Ms. Lillian Avery

Assemblymember Ed Chavez  
Ms. Angie Valenzuela

Attachment to Letter dated August 27, 2001 from the Hacienda Heights Improvement Association to the Department of Toxic Substances Control, Attention: Jamshid Shahi, Project Manager, Re the Quemetco Environmental Impact Report..

On June 29, 2001, the California Environmental Protection Agency, Department of Toxic Substances Control, issued a proposed Hazardous Waste Facility Operation and Post-Closure Permit, and draft Environmental Impact Report (EIR), for Quemetco, Inc., a battery recycling facility located at 720 So. Seventh Avenue, City of Industry, California.

The EIR is deficient. The Hacienda Heights Improvement Association response to the EIR and related comments is listed below:

1.2 Project Setting: Repeatedly, the EIR cites the distance to Hacienda Heights, an unincorporated residential community of Los Angeles County, as ¼ mile (1320 feet). The boundary of Hacienda Heights at the corner of Seventh Avenue and Clark is about 500 feet from the Quemetco facility.

1.3: Proposed Project: DTSC is considering Quemetco's Part B application to continue operations involving treatment, storage, and transfer of hazardous materials and wastes. These operations and processes have been operating and permitted for over 30 years with little change and/or mitigation. They seriously impact the community of Hacienda Heights with the generation and daily delivery of over 50 truckloads of used lead batteries and hazardous materials; the introduction of hazardous materials and wastes on site, the daily transport of 25 truckloads of lead products and/or hazardous wastes, and the continuous release of air toxic emissions.

Table 1.5: Significant environmental impacts include Water Resources and Water Quality. Non-compliance with established water quality standards for ground water is a significant impact, requiring corrective action and continued monitoring of water quality. The EIR states the impacts are significant and unavoidable, and that no mitigation is available. Why are there no mitigation actions, beyond those already implemented, available?

Table 1.5.1: Environmental Impacts: Air Quality; Human Health and Safety.. The EIR states no significant impacts to Air Quality and to Human Health and Safety were identified, and that no mitigation measures are required. .

The EIR dismissed the reported experiences and complaints of residents of Hacienda Heights and neighboring communities of Wildwood Mobile Home Park and Avocado Heights concerning air quality and continuous air toxic emissions of pollutants, contaminants and carcinogens, including lead, hexavalent chromium, manganese, 1,3 Butadiene, sulfur, arsenic, and others. These impacts to air quality and human health and safety are significant and residual. Mitigation measures are required.

1.6 Areas of Controversy. Elevated areas of lead toxicity have been found in Hacienda Heights..

1.7. Alternatives to Proposed Project. Three alternatives are discussed.

No Project Alternative consists of denial of the RCRA Part B Permit by DTSC resulting in the closure of Quemetco and the transferring of battery recycling activities to other facilities.

Since Hacienda Heights and neighboring communities have borne the impacts of the 30-year operation of Quemetco, the time it would take to transfer battery recycling operations, and transfer lead batteries and hazardous wastes under strict control to facilities away from residential areas would constitute an acceptable alternative to the continued operation of Quemetco for years to come

Onsite Alternative, There are significant unmitigated and residual impacts to air quality and Human Health and Safety. A revised application and limitations on operations and life of the facility could reduce the capacity and impact of the facility.

Offsite Alternatives: Significant and continuous environmental impacts on air quality and human health and safety in Hacienda Heights and neighboring communities have existed for over 30 years. The implications of a complete relocation and/or closure of Quemetco is basically considered by the EIR only in terms of economic implications for Quemetco and the battery recycling industry itself. Proximity to residences, air quality, human health and safety, public services, and traffic and transportation, are critical and significant considerations that override justification for the continuation of existing conditions.

Figure 2.1: Regional Location Map. Boundaries of Hacienda Heights are not correctly identified.

Figure 2.2: Project Vicinity Map. Misleading. Identifies Hacienda Heights as starting south of the Pomona (60) Freeway.

2.4.2 Air Toxics Hot Spots Information/Assessment Act of 1987: The act requires that Pollution Control Districts prioritize and categorize pollutant emitting facilities as either a "high", "intermediate", or "low" priority, for health risk assessment (HRA). In what category has Quemetco been placed? Is Quemetco "currently embarking on a series of source tests to update its HRA?" Has its pollutant emitting facilities been categorized as "high" priority?

2, 6. Project Characteristics: The facility operates 24 hours a day, 365 days a year. Its activities involve manufacturing lead battery recycling; treatment-abatement processes, hazardous materials and wastes storage activities, traffic, trucking and transportation, shipping and receiving, waste water treatment. Activities continually emit waste water effluents; fugitive dust emissions; and air toxic contaminants and pollutants.

Land Use and Planning. The Community of Hacienda Heights is 500 feet from Quemetco. It is not as far away as 1/4 mile (1320) feet from the facility.

Development in Hacienda Heights (formerly known as North Whittier Heights) had its beginning in a 1924 real estate development. In 1954, real development began, and by 1956, the area bound by 5<sup>th</sup> Avenue on the west, Turnbull Canyon on the east, Clark Avenue on the north, and Gale Avenue on the south, was fully developed with over 324 homes.

The City of Industry was incorporated in 1957, and two years later permitted Western Lead Products, to operate a lead battery recycling facility under Zone M, an industrial zone, despite the fact that many residences were located 500 feet from the battery recycling facility.

The City of Industry Land Use Element specifies that "creating a setting that is complimentary to its neighboring communities is equally important"

The Hacienda Heights Community General Plan, developed in 1978 by the County of Los Angeles, with input from citizens of Hacienda Heights, establishes a land use policy that restricts industrial uses in residential areas.

Siting and permitting a battery recycling plant, not ¼ mile away, but approximately 500 feet from the nearest residence, raises a land use compatibility issue, and constitutes a conflict with applicable land use plans.

Table 3.1.1 Consistency Analysis<sup>1</sup> of City of Industry General Plan Objectives: Six objectives are named. The first objective is to "Maintain and further develop an employment base in the San Gabriel Valley and Los Angeles Metropolitan Area. The proposed project supports this objective. However, the proposed project does not support and/or is not directly related to the five remaining general plan objectives.

3.1.3 Environmental Impact: The battery recycling facility has been at its present location since 1959. Contrary to statements in the EIR, it is not surrounded on all sides by industrial and manufacturing uses, but is located next to a residential community that was in existence before the City of Industry was incorporated, and before battery recycling operations were permitted.

3.3.1.2 Groundwater. In February, 2000, groundwater samples from 12 wells exceeded maximum contaminant levels (MCLs). Types of exceedance included iron manganese, nitrates, selenium and sulfates. Water quality protection standards (WQPS) should be met. Continuation of current operations at the facility would result in violations of groundwater quality standards and would constitute a significant impact. Corrective action is required.

3.7.1.2 Environment Setting; Exposure Assessment: Correction: Hacienda Heights is located to the south, east, and west of Quemetco.

3.7.1.2: Exposure Pathways

### 3.7.1.2 Exposure Pathways

Residents of Hacienda Heights are directly exposed to airborne pollutants emitted from Quemetco, 24 hours a day, 365 days a year, through three primary exposure pathways: inhalation, ingestion, and dermal absorption.

In the public scoping meeting on the Notice of Preparation of an EIR for Quemetco, held 4/24/96 in Hacienda Heights, residents described their experiences with and reactions to toxic air emissions, the odors, the acrid metallic tastes, sore throats, nausea, coughing allergies, and inhalation and respiratory problems. The EIR does not respond to these concerns.

At the 8/14/01 hearing in Hacienda Heights, on the proposed Hazardous Waste Operation and Post-Closure Permit, and EIR, several persons, (other than those reporting earlier on 4/24/96) reported like reactions and their concerns over the continuous 30-year exposure to a wide variety of over 25 chemicals, including antimony, arsenic, benzene, cadmium, hexavalent chromium, copper, manganese, lead, and other carcinogens.

What is the cumulative effect of this constant barrage of toxic emissions and pollutants on the cardiovascular or blood system; nervous system; kidney and gastrointestinal system; reproductive system; respiratory system? For Children? For Adults?

What is the cumulative effect of these years-long chemical emissions into the ambient air, when coupled with the emissions over Hacienda Heights from the LaPuente Landfill on its citizens, children and adults?

At the hearing of 4/26/96, and again at the hearing of 8/14/01, persons identifying themselves as Special Education teachers, described increased numbers of children in their classes who had difficulty learning had health problems, cognitive impairments, are easily agitated, and live in the vicinity near Quemetco.

A study entitled "The Influence of Lead Exposure and Toxicity to Children's Neurological Development and School Performance", by Sarah L. Kenball, Austin, Texas, March, 1994, states that over 50% of students in Special Education classes were lead poisoning victims.

The 1993-94 study of blood lead levels in Hacienda Heights children, ages 0 to 5 years, did not address blood lead levels of school age children older than 5 years who had been born and/or raised in Hacienda Heights,

Given that these problems with Special Education students were reported to you in 1996 and again in 2001, by qualified individuals, why has not the Los Angeles Dept. of Health, the EPA, the AQMD, and the DTSC consulted with each other over this condition, and carried out an investigation or research study to determine whether Special Education students living in the vicinity of Quemetco are lead poisoning victims.

At both the 4/26/96 and 8/14/01 hearings it was reported that an unusual number of cancer cases were found in Hacienda Heights, close to Quemetco. . .

The probability of developing cancer as a result of exposure to a single carcinogen increases with dose, and will also increase if exposure to other carcinogens occurs. Appendix C of the EIR provides assessment of cancer risk estimated by Kleinfelder 2000 using a mathematical model and assuming the existence of a hypothetical resident child, and a hypothetical resident adult.

Why rely on a mathematical model for estimating cancer risk Given the reports by residents of Hacienda Heights of apparent increased incidences of cancer, why has not the Los Angeles County Dept of Health, the EPA, the DTSC, and the AQMD consulted with each other concerning these reports and conducted or considered conducting a survey of residents living west of 7<sup>th</sup> Avenue including the Wildwood Mobile Home Park and residences east of 7<sup>th</sup> to Turnbull Canyon Road and south to Palm Avenue, to determine, using factual data, if there are an unusual number of cancers or cancer-related deaths over the past 20 years.

The EIR is deficient because

- 1) It dismisses complaints concerning emissions of toxic air contaminants, including lead chromium, arsenic, 1,3 Butadiene, and other pollutants and carcinogens emitted into the air over Hacienda Heights, for the past 30 years, and requiring periodic Proposition 65 warning and notification.
- 2) It does not address the impact on the community of Hacienda Heights with the generation and daily delivery of over 50 truckloads of used lead batteries and hazardous waste materials, and the daily transport of 25 truckloads of lead products and hazardous wastes from the facility. Trucks travel 7<sup>th</sup> Avenue, Clark Avenue, Turnbull Canyon Road, and Gale Avenue.
- 3) It does not adequately address the impacts on Hacienda Heights homes beginning 500 feet from the facility.
- 4) It does not adequately address the groundwater treatment, monitoring, sampling and the safeguards to monitor San Jose Creek.

- 5) It does not explain why Quemetco has been permitted since 1970 to conduct a hazardous waste facility operation
  - 6) It does not explain why Quemetco is permitted to operate a lead battery recycling facility operation just 500 feet from residents in Hacienda Heights.
  - 6) It dismisses alternatives that could reduce impacts on Hacienda Heights.
  - 7) It dismisses the environment and issues of public health and safety.
  - 8) It does not consider that Hacienda Heights is unfairly affected.

### 2.6.5: Closure and Post Closure Plans

The EIR provides estimated date of August 15, 2021 to completely close the Quemetco facility, and a post-closure date of August 2051.

Quemetco now owns the property immediately adjoining its original eastern boundary on Salt Lake Avenue, thus increasing the amount of its original property acreage. This additional property is now used for storage, maintenance, and employee training programs.

Quemetco is located in California, in a state, regional geographic area, and a city devoted to increased world trade, primarily with Mexico and the Asian Pacific Rim.

The extended 20 year closure date and the additional usable property, along with the increased and favorable trade/economic climate, provides Quemetco with the opportunity for desirable expansion involving increased lead battery recycling activities and processes.

The EIR does not restrict plant expansion by Quemetco, and it does not address the likelihood of plant expansion.

Given the fact that Quemetco has seriously impacted Hacienda Heights and neighboring communities for over 30 years, a near-term closing date that will require this facility to relocate to a site further removed from residences is requested.

\*\*\*\*\*

August 27, 2001

Department of Toxic Substances Control  
Attn: Jamshid Shahi, Project Manager

1011 North Grandview Ave.  
Glendale, Ca. 91201

Dear Jamshid

My family has lived in hacienda for fifteen years . weekly we smell strong oder  
comeing from Quemetcos factorey

Its been a long time concern for our family's health and the health of our  
neighbors and friends we stand in complete opposition to Quemetco's proposed  
Hazardous Waste Facility Operation and Post-Closure permit.

We also oppose Quemetco's current temporary operating permit and do herby  
request that any and all such permission to operate be revoked immediately.

Dave & Linda samarin

home 14502 cabinda dr hac hts 626 330 2606

work 15044 proctor av ind ca 626 369 1616

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA REGION

AUG 30 2001

RECEIVED

DEPT OF TOXIC SUBSTANCES CONTROL  
1011 N GRANDVIEW AVE  
GLENDALE, CA 91201

ATTN: JAMSHID SHAHI  
PROJECT MGR.

DEAR MR. SHAHI

SINCE I'M UNABLE TO ATTEND THE NOV 12<sup>TH</sup> HEARING, I'M WRITING THIS AS AN OPPORTUNITY TO VOICE MY OPINION AND CONCERN ABOUT THE OPERATION OF QUENETCO CLOSE TO RESIDENTIAL AREAS. IT SURELY IS A HEALTH HAZARD. 20 YRS OF TEMPORARY PERMIT IS TOO LONG AFEAY.

EVERYTIME I PASS THROUGH 7<sup>TH</sup> AVE I COULD SEE THAT HIGH THICK SMOKE & KEPT ME WONDERING WHY THIS IS BEING ALLOWED. WE ALREADY SUFFERED ENVIRONMENTALLY AND ALLOWING THIS TO WORK AROUND HERE WILL JEOPARDIZE OUR HEALTH FOR ONE AND WORSEN ALL THOSE WHO ARE ALREADY SICK & SUFFERING.

OFFICE OF THE ATTORNEY GENERAL  
SOUTHERN CALIFORNIA DISTRICT

RECEIVED

YOU NEED TO RELOCATE QUENHETCO  
TO A MORE DISTANT UNPOPULATED LOCATIONS,  
FOR FAIRNESS TO ALL THE RESIDENTS  
IN THE VICINITY.

THE DEPT OF TOXIC SUBSTANCE  
CONTROL SHOULD NOT LET ~~OPERATE~~ <sup>OPERATE</sup> CONTINUE  
TO OPERATE HERE ANYMORE. MONEY TALKS  
LIKE THE TOBACCO INDUSTRY BUT I  
FOR ONE HAS GREAT CONFIDENCE IN  
THE GOVERNMENT PERSONNEL'S HONEST  
OPINIONS & DECISIONS & THANK YOU FOR  
A FAVORABLE ONE.

SINCERELY,  
MILAGROS NAVARRETE  
14039 TRAILSIDE DR  
AVOCADO HIGHTS, CA 911  
10/21/01

1015 Hedgepath Avenue  
Hacienda Heights, California 91745  
November 1, 2001

Department of Toxic Substances Control  
Attn: Jamshid Shahi  
1011 North Grandview Avenue  
Glendale, CA 91201

Dear Mr. Shahi:

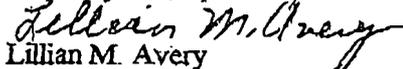
I understand that Mr. Wayne H. Nastri, President of Environmental Mediation, Inc., 4695 MacArthur Court, Suite 1250, Newport Beach, California 92660, has been appointed by President Bush as Administrator of the United States Environmental Agency, Region IX, 75 Hawthorne Street, San Francisco.

Mr Nastri and his firm, Environmental Mediation, Inc. have been serving for the past two years or more as consultant on behalf of Quemetco, Inc. He has been personally involved in activities and meetings relating to the proposed Hazardous Waste Facility Operation and Post-Closure Permit, and the draft EIR. In the course of his work as consultant to Quemetco, he has developed correspondence and strategies designed to overcome criticisms and complaints concerning Quemetco operations. He has also accompanied the DTSC representative conducting interviews with local residents concerning their experiences in living in the areas affected by Quemetco operations and emissions.

I understand that Mr. Nastri's firm, Environmental Mediation, Inc., continues to serve as active consultant to Quemetco.

I congratulate Mr. Nastri on his appointment as Administrator of the United States Environmental Agency, Region IX. However, I am concerned that his experience as consultant to Quemetco, along with his firm's continued service as consultant to Quemetco, and his new position as Administrator of the federal government agency over the California Environmental Protection Agency and the Dept. of Toxic Substances Control, raises serious questions of conflict of interest, particularly with respect to decisions regarding approval of the proposed Hazardous Waste Facility Operation and Post-Closure Permit, and draft EIR for Quemetco.

Sincerely Yours,

  
Lillian M. Avery

cc: Michael D. Hughes, President, HHIA  
Jeff Yann, Environmental Chair, HHIA

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA PERMITTING BRANCH

NOV 01 2001

**RECEIVED**

DTSC PUBLIC WORKSHOP RE PROPOSED HAZARDOUS WASTE FACILITY  
OPERATION PERMIT AND DRAFT EIR FOR QUEMETCO, INC.  
THURSDAY, NOVEMBER 1, 2001

MY NAME IS LILLIAN AVERY. I AM A 45-YEAR RESIDENT OF HACIENDA  
HEIGHTS, HAVING LIVED HERE SINCE 1956.

ON JUNE 29, 2001, THE CALIFORNIA ENVIRONMENTAL PROTECTION  
AGENCY, DEPT. OF TOXIC SUBSTANCES CONTROL, ISSUED A PROPOSED  
HAZARDOUS WASTE FACILITY OPERATION AND POST CLOSURE PERMIT  
AND DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR QUEMETCO, INC.,  
A LEAD BATTERY RECYCLING FACILITY LOCATED AT 720 So. 7<sup>th</sup> AVENUE,  
CITY OF INDUSTRY, CALIFORNIA.

QUEMETCO OPERATES WITHIN 500 FEET OF RESIDENCES IN HACIENDA  
HEIGHTS THESE RESIDENCES NOT ONLY PREDATE THE OPERATION OF  
QUEMETCO, BUT ALSO THE INCORPORATION OF THE CITY OF INDUSTRY  
(1957) WHICH INITIALLY PERMITTED THE OPERATION OF A LEAD SMELTER  
PLANT AT THAT LOCATION IN 1959.

THE IMPACT OF OPERATING QUEMETCO, WHICH RELEASES A WIDE  
VARIETY OF CHEMICALS AND POLLUTANTS , SUCH AS ANTIMONY,  
ARSENIC, HEXAVALENT CHROMIUM, 1,3 BUTADIENE , AND LEAD INTO THE  
AMBIENT AIR, 24 HOURS A DAY, 7 DAYS A WEEK, 365 DAYS A YEAR IS  
DIRECTLY BORNE BY RESIDENTS OF HACIENDA HEIGHTS AND REQUIRES  
PERIODIC PROPOSITION 65 WARNINGS. THE AREA OF COVERAGE FOR  
PROPOSITION 65 WARNINGS BLANKET A VERY LARGE PERCENTAGE OF  
RESIDENCES, SCHOOLS, CHURCHES, AND FACILITIES IN HACIE NDA  
HEIGHTS.

THE QUEMETCO FACILITY IS APPROXIMATELY 500 FEET FROM THE  
INTERSECTION OF 7<sup>TH</sup> AVENUE AND CLARK,. THE COMMUNITY WEST OF  
THIS INTERSECTION CONTAINS 104 HOMES AND 504 MOBILE HOMES; 220  
ADDITIONAL HOMES ARE LOCATED IN THE AREA BOUNDED BY 7<sup>TH</sup>  
AVENUE, CLARK, TURNBULL CANYON ROAD AND GALE AVENUE. THE  
POPULATION IN THIS AREA IS PREDOMINATELY LATINO, WITH A MIXTURE  
OF WHITE, ASIAN AND BLACK RESIDNTS MAKING UP THE REMAINDER  
THERE IS A LARGE NUMBER OF CHILDREN, AGES 0 - 18, AS WELL AS A  
LARGE NUMBER OF SENIORS LIVING IN THE AREA. INCOME LEVELS ARE  
CLASSIFIED AS LOW TO MIDDLE INCOME.

THIS AREA INCLUDES A DISABLED CHILDREN'S CARE FACILITY; TWO  
PUBLIC SCHOOLS, A CHURCH SCHOOL ON GALE AVENUE, A CATHOLIC

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA PERMITTING BRANCH

NOV 01 2001

RECEIVED

CHURCH AND A MORMON CHURCH, BOTH OF WHICH SERVE LARGE CONGREGATIONS WITH DAILY RELIGIOUS SERVICES AND EDUCATION CLASSES, AND A VARIETY OF MINISTRY AND ORGANIZATION FUNCTIONS.

THERE IS REAL CONCERN WHEN CONSIDERING HOW THIS HACIENDA HEIGHTS RESIDENTIAL COMMUNITY AND QUEMETCO, A TOXIC POLLUTER, CAME TO INHABIT THE SAME NEIGHBORHOOD. IT APPEARS THAT WESTERN LEAD, WHICH PRECEDED QUEMETCO, WITH ENCOURAGEMENT AND PERMITTING BY THE CITY OF INDUSTRY, LOCATED THE LEAD RECYCLING PLANT WHERE RESIDENTS OF THE NEARBY UNINCORPORATED COMMUNITY HAVE LITTLE POLITICAL CLOUT AND WERE EITHER DISMISSED BY THE CITY OF INDUSTRY OR WERE NOT HEARD.

OVER THE YEARS, LITTLE HAS BEEN DONE BY AQMD TO IDENTIFY AND CORRECT TOXIC AIR EMISSIONS AND ENVIRONMENTAL HAZARDS GENERATED BY THE 24 HOURS PER DAY, 7 DAYS A WEEK, 365 DAYS A YEAR OPERATION OF QUEMETCO, WHICH DISPROPORTIONATLY AFFECTS THE HACIENDA HEIGHTS COMMUNITY.

THE IMPACT ON THE COMMUNITY OF HACIENDA HEIGHTS IS FURTHER EXACERBATED BY THE GENERATION AND DAILY DELIVERY OF OVER 50 TRUCKLOADS OF USED LEAD BATTERIS AND HAZARDOUS WASTE MATERIALS, AND THE DAILY TRANSPORT OF OVER 25 TRUCKLOADS OF LEAD PRODUCTS AND HAZARDOUS WASTES FROM THE FACILITY. THESE DIESEL TRUCKS TRAVEL THROUGH THE HACIENDA HEIGHTS COMMUNITY ON HACIENDA BOULEVARD, GALE AVENUE, TURNBULL CANYON ROAD, CLARK AVENUE, AND 7<sup>TH</sup> AVENUE.

TWO TRIPS, TO AND FROM THE FACILITY FOR EACH INCOMING AND OUTGOING TRUCKLOAD, RESULTS IN AN ESTIMATED 150 DIESEL TRUCK TRIPS PER DAY.

WHAT STEPS HAVE BEEN TAKEN BY QUEMETCO, THE CALIFORNIA AIR RESOURCES BOARD, THE METROPOLITAN TRANSPORTATION AUTHORITY, AND THE AQMD TO REPLACE THESE DIESEL VEHICLES OR USE CLEANER ALTERNATIVES?

THE EIR DOES NOT ADDRESS THE ISSUE OF REPLACEMENT OF DIESEL VEHICLES, THAT DAILY TRANSPORT USED LEAD BATTERIES, HAZARDOUS WASTE MATERIALS AND LEAD PRODUCTS TOAND FROM QUEMETCO, OR THE USE OF CLEANER ALTERNATIVES.

*Approval of*

IT IS REQUESTED THAT DTSC APPROACH THIS PERMIT ON THE BASIS OF A PROPOSAL FOR A NEW LEAD RECYCLING FACILITY AT 720 SOUTH 7<sup>TH</sup> AVENUE, CITY OF INDUSTRY, CALIFORNIA.

ALTHOUGH THIS LEAD RECYCLING FACILITY STARTED OPERATION AS WESTERN LEAD PRODUCTS IN 1959, AND WAS EXPANDED TO ITS CURRENT SIZE BY QUEMETCO WHO PURCHASED IT IN 1970, IT HAS NEVER HAD A STATE PERMIT.

A FORMAL CEQA REVIEW FOR THE QUEMETCO FACILITY HAS NEVER BEEN CONDUCTED. THERE HAVE BEEN INADEQUATE ENVIRONMENTAL REVIEWS AND INADEQUATE DISSEMINATION OF INFORMATION TO THE COMMUNITY.

APPROVAL BY THE CALIFORNIA STATE DEPARTMENT OF TOXIC SUBSTANCES CONTROL TO ISSUE A HAZARDOUS WASTE FACILITY OPERATION AND POST CLOSURE PERMIT AT THIS TIME EXPOSES RESIDENTS OF A VULNERABLE COMMUNITY TO CONTINUOUS AND UNCONTROLLED TOXIC AIR POLLUTION AND ENVIRONMENTAL HAZARDS.

THE PROPOSAL TO OPERATE A HAZARDOUS WASTE FACILITY SHOULD BE EVALUATED SOLELY ON THE ISSUE OF ENVIRONMENTAL JUSTICE, ON ISSUES THAT DISPROPORTIONATELY AFFECT THE COMMUNITY OF HACIENDA HEIGHTS.

THOSE ISSUES AND RISKS SHOULD INCLUDE THE CUMULATIVE EFFECTS OF THE CONTINUOUS OVER 30-YEAR EXPOSURE OF HACIENDA HEIGHTS RESIDENTS TO TOXIC AIR EMISSIONS AND CHEMICAL POLLUTANTS ON THE CARDIOVASCULAR OR BLOOD SYSTEMS, THE NERVOUS SYSTEM, GASTROINTESTINAL SYSTEM, REPRODUCTIVE SYSTEM, AND RESPIRATORY SYSTEM. IN ADDITION, SERIOUS CONSIDERATION AND STUDY SHOULD BE GIVEN TO THE SERIOUS PROBLEMS OF CHILDREN LIVING IN THE VICINITY NEAR QUEMETCO, WHO HAVE LEARNING DIFFICULTIES, COGNITIVE IMPAIRMENT, AND OTHER HEALTH PROBLEMS. THESE PROBLEMS HAVE BEEN BROUGHT TO THE ATTENTION OF DTSC AND QUEMETCO ON SEVERAL OCCASIONS, AND ARE HIGHLIGHTED IN THE WRITTEN RESPONSE TO THE PROPOSAL AND EIR DATED AUGUST 27, 2001.

SIGNIFICANT AND CONTINUOUS ENVIRONMENTAL IMPACTS ON AIR QUALITY AND HUMAN HEALTH AND SAFETY IN HACIENDA HEIGHTS AND NEIGHBORING COMMUNITIES HAVE EXISTED WITHOUT MITIGATION FOR OVER 30 YEARS. THE IMPLICATION OF A COMPLETE RELOCATION

*in the EIR*

AND/OR CLOSURE OF QUEMETCO IS CONSIDERED ~~ONLY~~ IN TERMS OF ECONOMIC IMPLICATIONS FOR QUEMETCO AND THE BATTERY RECYCLING INDUSTRY ITSELF.

ENVIRONMENTAL JUSTICE INVOLVING ISSUES OF PROXIMITY TO RESIDENTS, AIR QUALITY, HUMAN HEALTH AND SAFETY, PUBLIC SERVICES, AND TRAFFIC AND TRANSPORTATION ARE CRITICAL, IMPORTANT, AND SIGNIFICANT CONSIDERATIONS THAT OVER-RIDE ECONOMIC JUSTIFICATION FOR THE CONTINUATION OF EXISTING CONDITIONS.

I CALL TO THE ATTENTION OF DTSC THE ORAL AND WRITTEN COMMENTS SUBMITTED BY COMMUNITY RESIDENTS AT THE PUBLIC HEARING OF AUGUST 14, 2001, AND THE FORMAL WRITTEN RESPONSE OF THE HACIENDA HEIGHTS IMPROVEMENT ASSOCIATION TO THE EIR DATED AUGUST 27, 2001. THE ORAL AND WRITTEN COMMENTS OF AUGUST 14, AND THE COMMENTS IN THE WRITTEN RESPONSE TO THE EIR ARE REITERATED

IT IS REQUESTED THAT THE PROPOSED HAZARDOUS WASTE FACILITY OPERATION AND POST-CLOSURE PERMIT AND DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) BE DENIED, AND THAT A NEAR-TERM CLOSURE DATE THAT WILL REQUIRE THE QUEMETCO FACILITY TO RELOCATE TO A SITE FURTHER REMOVED FROM RESIDENCES BE DEFINED.

I'm writing this letter in reference to the Quemetco Inc. Battery Recycling Center on 720 So. 7<sup>th</sup> Ave. City of Industry. I could not make the meetings do to my very busy schedule, but like to express my concerns on this subject. These people have had a TEMPORARY permit for too long, and I think somebody in the County has let them continue like this for too long. During this time they have violated number of air quality restrictions. This is about our neighborhoods children, which will have the long-term effects of this pollution from this business. This business has not been neighbor friendly, and by the way they bring their Attorneys to the meetings, they want to intimidate residents not to fight this issue. I belong to the local neighborhood homeowners association and it doesn't look good for us little people. Please do not allow this business to harm our air, water, and ground with this lead. Please put yourself in our place.

Jo Terhume  
164 South Ramada Ave.  
La Puente, Ca. 91746-1803

0190

Mrs. Margery Windle  
13712 Benbrook Dr.  
La Puente, CA 91746

TSC Regional Records Office  
1011 N. Glendale Ave.  
Glendale, CA 91201

Attention Mr. Jamshid Shahi:

I am writing this letter in regards to the hazardous waste facility, Quemetco, Inc. at 720 S. 7th Ave. in the City of Industry. As you can see, our residence is only blocks away from this facility. I was out of town and unable to attend the meeting that was held on November 1.

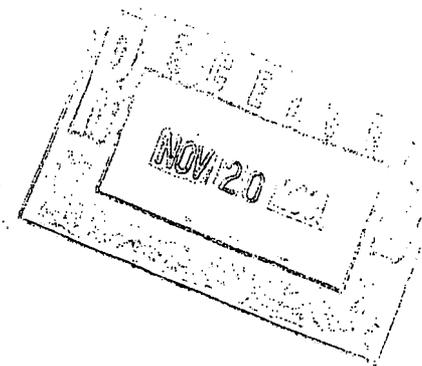
My husband and I have lived at the above address for almost 28 years. New neighbors have moved into the homes on our street. What concerns me is that a very high percentage of our original neighbors have died of cancer. On our street there are only 11 homes. Across the street from our house, Mr. and Mrs. Ryan both died of cancer as did Mr. Sandoval who lived next door to them. My next door neighbor, Ella Franco, died of cancer recently as did Cora Shields who lives two doors down from me. The neighbor next door to her was diagnosed with breast cancer. I understand that there is a high rate of cancer in our whole area, but I can speak only for my street.

When I received the toxic substance report from Quemetco, I called them and they told me that they can emit toxic waste as long as they tell us about it. I realize that life style and heredity play a part in cancer, but I would like you to look into this matter before Quemetco is allowed to continue to pollute our air.

I find myself in a bad situation. I can move, but do I sell to people with young children who may be damaged or will the new owners have a greater risk of getting cancer? I need to know these answers as does the Environmental Protection Agency.

Sincerely,  
*Margery Windle*  
Margery Windle

**LILLIAN M. AVERY**  
1015 Hedgepath Avenue  
Hacienda Heights, California 91745



November 15, 2001

Mr. James Marxen, Chief  
Public Participation Unit  
Dept. of Toxic Substances Control  
1001 I Street  
Sacramento, CA 95812-2828

Dear Mr. Marxen:

On November 1, 2001, Ms. Maya Akula, Public Participation Specialist, So. California Regional Office, organized a workshop in Hacienda Heights to provide residents with an opportunity to express concerns about the proposed permitting of a hazardous waste facility at Quemetco, Inc., and to obtain answers to their questions.

Ms. Akula arranged for critical agencies, such as SCAQMD, Los Angeles Dept. of Health Services, Los Angeles Sanitation District, and DTSC to participate and provide information about their activities, and to respond to concerns of residents regarding the environmental impact of Quemetco on Hacienda Heights and surrounding communities. Corporate representatives of Quemetco were also present.

Significant and continuous environmental impacts by Quemetco on air quality and human health and safety in Hacienda Heights have existed without mitigation for over 30 years. The impact of operating Quemetco is directly borne by residents of Hacienda Heights and surrounding communities, and requires periodic Proposition 65 warnings.

I have been active in Hacienda Heights for many years, and represent the Hacienda Heights Improvement Association (HHIA) with respect to its concerns about Quemetco.

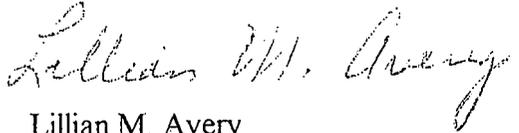
The public workshop of November 1, 2001, organized by Ms. Akula is the first workshop of its kind, providing residents with the opportunity to get information and answers directly from critical involved agencies, that I have experienced. Although public attendance was less than expected, those attending were certainly able to express their concerns and get answers or explanations.

I wish to express my sincere appreciation to your agency for the time and effort spent

by Ms. Akula in setting up and arranging this workshop. The time and effort of participating agencies is also appreciated.

Please convey our gratitude to all involved.

Sincerely yours,



Lillian M. Avery

CC: Maya Akula, So. Reg. DTSC  
Jose Kou, So. Reg. DTSC  
Jamshid Shahi, So. Reg. DTSC ✓  
Mike Hughes, President HHIA  
Jeff Yann, Environmental Chair, HHIA



# WORKMAN MILL ASSOCIATION, INC.

POST OFFICE BOX 2146  
LA PUENTE, CALIFORNIA 91746

November 21, 2001

Department of Toxic Substances Control  
Attn: Jamshid Shahi, Project Manager  
1011 N. Grandview Avenue  
Glendale, CA 91201

Dear Jamshid Shahi:

## Quemetco

The Workman Mill Association is strongly against granting a permit to continue operating in our area. We have suffered for over 30 years from the effects of Quemetco's operating practices. Many of us as long time residents are sick and dying of cancer, which we believe is a direct result of Quemetco's discharging carcinogens into the air, into the wash and into the ground.

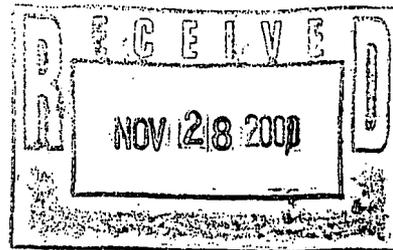
Quemetco has been found in violation of illegal and unsafe disposal of its hazardous waste by-products numerous times over the past three decades and DTSC still allows them to operate. It is difficult to understand why DTSC shows no concern for the health of thousands of residents. You are well aware of the serious health problems we, in Quemetco's sphere of influence, continue to battle to no avail. Please consider our plight and close down Quemetco.

Sincerely,

Ruth Wash

RW:lac

David Joel McKee  
738 S. 3rd. Ave.  
La Puente, Ca. 91746



11/26/01  
DTSC  
Regional Records Office  
Attention: Jamshid Shahi,  
Project Manager Southern California Permitting Branch  
1011 N. Glendale Ave.  
Glendale, Ca. 91201

Dear Mr. Jamshid Shahi and DTSC Staff:

The purpose of this letter is to inform you of my absolute opposition to the issuance of any operating permit to Quemetco, now or in the future. Quemetco has a documented history dating from the late 1950's to the present time of polluting the air, water table, soil and nearby San Jose Creek with lead, arsenic and other toxic substances.

Anyone who lives downwind of this company in the Bassett, La Puente, North Whittier or Hacienda Heights areas can attest to the foul odors which emit from Quemetco on a weekly and sometimes daily basis.

A toxic substance recycler such as Quemetco has no place in a residential community so close to schools, residences and food processing factories, all of which depend on well water which has been subject to Quemetco's toxic contamination for about 45 years now.

I strongly urge you to do your civic duty and shut Quemetco down for good as soon as possible.  
Thank you for your prompt attention to this serious matter.

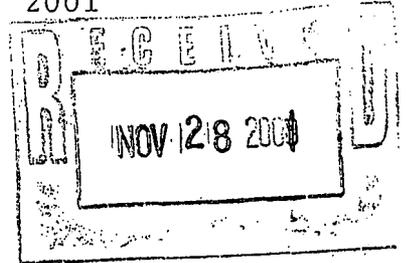
Sincerely,

David Joel McKee

A handwritten signature in black ink, appearing to read "David Joel McKee", written in a cursive style.

November 25, 2001

DTSC  
Regional Records Office  
1011 N. Glendale Avenue  
Glendale, CA 91201



Attn: Jamshid Shahi, Project Manager  
So. Calif. Permitting Branch

Re: Quemetco, Inc. battery recycling facility in  
City of Industry, Calif.

We all know Quemetco pollutes the air, water and soil. The question, apparently, is by how much. When a little bit gets into our air, our food, our water and our ground, it's no longer a "little bit". It seems we and our children are being used as medical guinea pigs to see just how much toxin, over how long a period, the human body can tolerate.

In the past Quemetco and its' parent, RSR Corp., have incurred jail terms and millions of dollars in fines for violations of clean air and water laws. Infractions in April and May of 2000 are not considered violations because the notices are still being processed by the Prosecutors office! Asthma, cancer, emphysema, leukemia...maybe we can't prove Quemetco is causing them, but can Quemetco prove it is not?

Besides human consequences, shouldn't the EIR consider effects on local flora and fauna? The U.S. Wildlife Service and the Calif. Dept. of Fish and Game, for instance, should be asked to consider the results of Quemetco effluent on the endangered Coastal Live Oaks in the area and the small wild animals and reptiles. For instance, doesn't 1,3 Butadiene cause excessive leukemia and tumors in rats and mice and also have adverse reproductive and developmental effects?

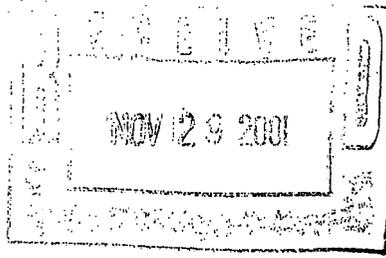
Southern California has been charged with cleaning up the smog-filled air. DTSC can easily clean up this area. After 40 years of 'temporary' polluting, 'enough is too much'. Please shut down or relocate Quemetco.

Thank you for your consideration.

Sincerely,

*Priscilla Lohff*  
Mrs. Priscilla Lohff  
Vice-President, WMA  
508 S. 4th Avenue  
La Puente, CA 91746

cc: Workmanmill Homeowners Assn.  
Gloria Romero, State Senator



November 26, 2001

15107 El Selinda Dr.  
Hacienda Hts., CA 91745

Jamshid Shahi  
1011 N. Grandview Avenue  
Glendale CA 91201

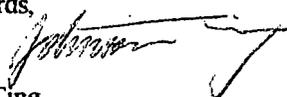
Attention: Jamshid Shahi

To Whom It May Concern:  
Subject: Comment on draft Permit and EIR for Quemetco Inc

First of all, thank you for extending the public comment period as I was on a business trip and was not able to comment on this matter regarding Quemetco, Inc. Battery Recycling Facility. This is a very serious issue as it affects the community as a whole and its members' health. Hacienda Heights and its surrounding areas are rapidly developing communities with thousands of people living and working here and calling this area their home. With these many people residing here, we cannot afford to have an industrial facility that will be emitting toxic fumes into the air in such close proximity to our residential community. This could potentially lead to higher incidences of cancer, congenitally malformed babies, or other medical conditions. Quemetco is good at testing children around this area to monitor the toxic level in their blood. However, we cannot say for sure the test being conducted by Quemetco are conclusive and impartial. The most the test can prove is that at present time, no toxic level has been detected in these children. With no long term study, who is confident enough to say that in 10 or 15 years down the line, everybody who lives in this vicinity or the babies from whom used to live in this area will not be affected by this toxic fume. No body knows, only time will tell. But if we wait until then to take action, it is too late. The bottom line is that the data that we have right now does not guarantee anything in the future and breathing toxic fume will potentially lead to severely harmful effect. Nobody would love to play, work, or even live here if they know that the air they breathe every minute is contaminated with some toxic substance. It is with this great concern, I urge you to deny the permit for Quemetco.

Another comment that I would like to bring to your attention is that majority of the people who live in Hacienda Heights are also Chinese-speaking. Some of them do not read English and therefore would not know what the purpose of this issue. They may not or cannot comment with the existence of their language barrier, but this does not mean that they are not concern at all at this matter. Please also take this into consideration. Thank you for your time.

Best regards,

  
Johnson Ting

Duncan McKee  
738 S. 3<sup>rd</sup> Avenue  
La Puente, Ca. 91746

11/25/01  
DTSC  
Regional Records Office  
Attention: Jamshid Shahi,  
Project Manager Southern California Permitting Branch  
1011 N. Grandview Avenue  
Glendale, California 91201

Dear Mr. Jamshid Shahi and DTSC Personnel:

This letter is to voice our input on Quemetco's permit and E.I.R. and to ask for the help from all public agencies involved in the process. Our family has lived in the Avocado Heights area since 1947. Our family has protected and maintained habitat for most of the species that I have mentioned in this response. Quemetco claims that they have "grand fathered" in the "right" to operate and pollute the local area but; the fact is, that local residents have opposed this operation for nearly 40 years. Many of us feel that we have grand fathered in the right to not be assaulted in our own homes by the toxic emissions that regularly bombard us from this facility.

**The facts are that this facility has increased in size and volume of material processed and is many times what it was when Quemetco acquired this site.** To apply the grandfather principal in this case would be like acquiring an existing single family dwelling, building an apartment complex and disco tech, and claiming that it was legal to operate because the original structure existed previously. I am concerned to see that they are requesting in the permit application to be permitted to "Modify manufacturing processes to increase productivity."<sup>1</sup>

1. Will this increase emissions and discharges from this facility?
2. Will increases in the volume or scope of Quemetco's operation occur in the future?
3. Will this involve **new activities that were not operational at the point of acquisition by Quemetco of this facility?**

I am formally requesting that the permitting review process for this facility take into consideration Quemetco and their predecessor's performance record from 1959 until present and not the last 5 years as has been suggested. It would be gross negligence and incompetence by the Lead Agency if this occurs in this case.

I have taken the liberty to include a copy (hard and digital) of a report called the Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, California EPA ID No. CAD066233966, March 8, 1996. This is DTSC's own well-written account of the state of affairs surrounding this operation. I am formally requesting that this document in its entirety be admissible in any and all present and future proceedings (including court) concerning this facility. Special thanks to Ruth and Jamshid for providing us with this information and encouragement to participate in the public input phase.

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<sup>1</sup> Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, page 1-2

I encourage all DTSC inspectors and those involved in the permitting process to read it carefully so they will have an idea as to the extent of the problems with this facility and it's continued operations. In this report are literally hundreds of violations, failures to comply or evidences of hazardous soil and water concentrations as well as documentation of verbal agreements, special permissions and questionable deals on serious issues concerning permits to discharge dangerous substances.

I strongly encourage DTSC to be meticulous in their scrutiny of **all** the serious issues discussed in this report and to act swiftly to insure that the contamination that exists at this site is **immediately addressed** to prevent further pollution of ground water in the area.

The Draft E.I.R. presented by Quemetco has many shortcomings, over simplifications, omissions, false statements, misleading interpretations of data and erroneous conclusions. In addition, lack of data and questions concerning questionable comparative study test procedures and test results leave much room for improvement. For example, on page 1-2 it states "No significant adverse land use impacts were identified. No mitigation measures are required."<sup>2</sup> The truth is that significant adverse land use issues do exist but the Chambers Group in this grossly inept EIR did not identify them. The E.I.R. states that "The project site is located within an urbanized area in the City Of Industry that's supports industrial and manufacturing facilities. The project is not located within a Habitat Conservation Plan or Natural Community Conservation Plan Area."<sup>3</sup> **This is not true.** The fact is that numerous, large **food** manufacturing and **food** processing companies (Golden State Foods, El Mexicano, La Victoria, Pachinos and several others are all located within blocks of Quemetco. Fresh Start Bakeries who I was told bake the buns for McDonalds is located just across the street from the facility within several hundred feet of Quemetco's stacks.

1. Where are these food-producing companies (except Golden State Foods) mentioned in the E.I.R.?
2. The Food and Drug Administration has guidelines that dictate how much of certain substances specific food products can contain including 1,3 Butadiene, Arsenic, Chromium 6 and Mercury. What levels do these hamburger buns contain of each of the toxic substances released by Quemetco? What about the cheese produced at El Mexicano?
3. What special measures has Quemetco provided to safeguard the food products produced at these facilities from contamination by stack and dust emissions from this facility?
4. What about short bursts when the pollutants might exceed safe exposure limits?
5. Do hepa filters contain VOCs and other hazardous chemicals such as 1, 3 Butadiene?

The E.I.R. states that the facility is not located near any drinking water reservoirs. **This is not true.** In fact City Of Industry Water Works System has a reservoir located just over 3 blocks

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<sup>2</sup> Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, 1-2

<sup>3</sup> Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, 3.1-6

from the Quemetco facility on Lomitas between 4<sup>th</sup> and 3<sup>rd</sup> Avenue. This reservoir serves the drinking water needs of the entire area including much of City of Industry. The wells themselves are located 3 blocks North towards Valley Boulevard and around 10 blocks West toward the 605 Freeway, near the duck farm, which may soon be preserved as part of a bigger Natural Community Conservation Plan. **It is conceivable because of the dendritic nature of subterranean watercourses and the variability in direction of transmission due to fluctuations in ground and soil-water conditions, that contamination of ground water that exists on the site today could contaminate those wells in the future. It is likely that contamination from the area surrounding this facility has already done irreparable damage to the underground aquifer system in the area surrounding the site and may be migrating at an unknown rate.** Keep in mind that ground water contamination quite possibly means that under certain conditions ground water under the facility **could enter the surface water in the San Jose Creek** through the valves located at 500 foot intervals in the channel. **Why has the Porter-Cologne Act not been enforced in this case?**

"Existing downgradient wells (MW-2 and MW-3) were not at the limit of the regulated unit (surface impoundment). These wells were 600 feet from the impoundment, making it possible for subsurface releases from the impoundment to be undetected. **Lead, selenium, barium, chromium, cadmium, copper, iron, and mercury concentrations in groundwater samples exceeded Maximum Contaminant Levels (MCLs).**"<sup>4</sup>

The E.I.R. states that the nearest residence to the west is ½ mile from the site.<sup>5</sup> **Not true.** Residents occupy homes 1 block west from the site on 6<sup>th</sup> Ave and the Latin American Bible Institute has an apartment complex (high density) between 6<sup>th</sup> & 5<sup>th</sup> Avenues while the west side of 5<sup>th</sup> Ave. is lined with homes. So there may be several hundred residents within a few blocks of the facility. In addition the equestrian facility and park are on Don Julian, just several blocks west of Quemetco. This needs to be corrected.

Serious consideration of real and important existing environmental issues is missing from the Draft EIR and must be included in the Final EIR. Below are just some of them.

#### Environmental Impact

1. Complete failure to identify and document the fact that several nesting pairs of threatened or endangered owls (with babies) are located 4 blocks from Quemetco in the 700 block of 3<sup>rd</sup> Ave. directly west from Quemetco. This is documented.
2. In addition threatened hawks that play an important role in the stability of the ecosystem inhabit the area surrounding Quemetco (3 or more species) again within 4 blocks of Quemetco.
3. What is the effect of the multitude of pollutants emitted by Quemetco on the native species such as Quercus agrifolia (Coast Live Oak) which exist throughout the

<sup>4</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 page 16

<sup>5</sup> Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, page 3.1-2

surrounding area, are on a Protected Species List and some of which are hundreds of years old?

4. According to testimony at the 1996 scoping session and included in the Draft Environmental Impact Report, Quemetco and their predecessors discharged lead waste as well as numerous other toxins and poisons directly and indirectly into the San Jose Creek until 1975. This undoubtedly may have caused damage to the fragile riparian ecosystem that is now part of the San Gabriel River Conservancy. Are the authors of the E.I.R. not aware of the bill introduced by Senator Solis and co-authored by Assembly members Calderon, Ackerman, Romero and Gallegos that creates the San Gabriel River and Mountain Conservancy? According to the bill; **“the legislature hereby finds and declares that the San Gabriel and its tributaries and watershed, and the San Gabriel Mountains, Puente Hills and San Jose Hills constitute a unique and important open-space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust for the enjoyment of, and appreciation by, present and future generations”**.<sup>6</sup>  
“According to Appendix G of the CEQA Guidelines, a project would normally have a **significant adverse impact related to land use and planning** if it would: conflict with any applicable habitat conservation plan or natural community conservation plan”.<sup>7</sup>  
According to Quemetco’s proposition 65 notification their toxic plume potentially adversely affects all of these areas except for the San Gabriel Mountains. I am formally requesting that input from each one of the authors and co-authors of this bill and the conservancy; be incorporated into the final draft in the form of letters of approval stating how Quemetco’s continued operations fits into the long term plan for this valuable resource.
5. How does Quemetco’s release of massive quantities of various serious toxic substances (Chromium 6, Mercury, Lead, Arsenic, 1,3 Butadiene, Dioxin, etc.) into the environment, benefit and not conflict with the already endangered ecosystem?
6. Is continued discharge (over the next 20+ years) of these above named and other substances into the local environment **complimentary** to the long-term plan for this area?
7. Thousands of native frogs inhabited the area and toxicity may well be responsible for their demise. The estimated quantities of toxic and hazardous compounds released directly and or indirectly into the environment could easily be calculated by taking production records from 1959 to present and comparing them to the quantities that are removed through treatment processes and estimates that are available. This will give an estimated amount that they may have discharged into the environment. What environmental mitigation measures has Quemetco proposed to attempt to mitigate the inevitable damage to the ecosystem that these elements and compounds undeniably cause?
8. Quemetco must include a **detailed realistic plan** as to how they are going to **remove all of these potentially damaging substances from the environment**, in the upgraded version of their E.I.R.

<sup>6</sup> <http://www.sen.ca.gov/leginfo/bill/Current/SB/FROM0200//SB0216/T990317.TXT>

<sup>7</sup> Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, page 3.1.2

9. Quemetco must also include a **detailed realistic plan** that outlines their future plan of how they are going to **stop discharging poisonous substances into the air, ecosystem and waters.**
10. Has input from the recently created San Gabriel River Conservancy been incorporated into the EIR?
11. There is talk of incorporating the San Gabriel River and all of its tributaries (San Jose Creek) into the National Park system. Has the **National Park Service** been consulted in this matter? This must be done prior to this project moving forward.
12. The E. I. R. fails to mention the critical **Wild Life Corridor** that allows numerous species such as the endangered mountain lion to range from Whittier Narrows to the Cleveland National Forest and maintain genetic diversity. This very important issue needs to be addressed and feedback from the conservancy that facilitates this must be in the final draft.
13. 1,3 Butadiene appears to be extremely damaging to life forms in small amounts for short durations. What effect will this substance have on native flora and fauna in the surrounding area, in particular the several mentioned above?
14. At what concentration levels have any of the agencies entrusted to protect public health and the ecosystem measured this compound?
15. No mention of the potential effects on the multitude of microorganisms that are an **integral component and the backbone of most ecosystems.** Has any data been compiled in regards to this project as to the potential for this type of damage? This needs to be addressed in detail in the E.I.R including research as to the potential adverse (and/or beneficial) effects that Hexavalent Chromium, Arsenic, Barium, Cadmium, Lead, 1,3-Butadiene, Mercury and all other known and unknown potentially hazardous substances that escape beyond Quemetco's perimeter have on microorganisms.
16. What is the effect of these hazardous substances on mycorrhizae and their symbiotic relationships with native plants in the area? "Hackaylo(1972) has suggested that without mycorrhizal associations most plants would not be able to survive in the competitive communities found in natural soil habitats."<sup>8</sup> A complete study must be incorporated that details the deleterious effect that any and all of these chemicals, **in their combined capacity,** are known to have on these types of organisms.
17. How do Quemetco's toxic discharges fit in with current long term plans to restore native plant material to the region?
18. The EIR did not identify the Museums, Historical Structures, Plant Conservatories or Botanical Gardens that exist in the area and this must be included in the Final Draft. How will noxious air emissions from Quemetco affect the senior citizen groups and school children that visit these facilities?

None of the above mentioned issues were considered in the EIR and no reference of long overdue environmental mitigation measures are even suggested!

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<sup>8</sup> Alexopoulos, C.J., Mims, C.W., Introductory Mycology, John Wiley and Sons, New York 1979, page 450

19. I have included a photo taken in November 2001 less than 4 blocks from Quemetco that shows a mating pair of what appear to be "turkey buzzards". These are an important component of the local, already fragile, ecosystem. What species is this in scientific terms and why were these not documented along with possible negative (or positive) impacts on them, in the E.I.R.?



**Figure 1 Mating Pair of Indigenous Vultures or Buzzards Roosting Less than 4 Blocks from Quemetco**

20. Species of migratory waterfowl (geese, duck, etc) frequent the San Jose Creek and come under the jurisdiction of the **United States Wildlife Service** and the **California Department of Fish and Game**. Have these agencies been consulted and informed of the research that indicates potential damage that may occur, due to exposure to the known and possibly unknown, toxins and substances discharged by Quemetco into the air and water?
21. Who bears the responsibility of obtaining input from these agencies? Have these species been identified and documented in the E.I.R.?
22. In addition skunk, raccoon, opossum, weasel, mole, bats, deer, reptiles (gopher snake, king snake, rattlesnake, alligator lizard, blue belly lizard, etc.), hundreds of bird species, and numerous species of insects and other wildlife are indigenous to the local area surrounding Quemetco. **What measures has Quemetco implemented to insure their welfare?**

23. What research does the E.I.R. rely on to draw a conclusion that these pollutants are not adversely affecting the threatened local inhabitants? This is especially important since many of the numerous pollutants are gaseous in nature.
24. The Wildlife and Nature Center as well as a Bird Sanctuary and Wetlands are located just downstream and downwind from Quemetco. I believe that the consulting firm that Quemetco hired to prepare the E.I.R. may have inadvertently overlooked this fact. Will a complete research be forthcoming and included in the final draft, prior to D.T.S.C. approval of a permanent-operating permit? Will D.T.S.C. use available animal research such as that included with this response to determine a risk assessment for the above mentioned life forms?
25. Future plans include restoring populations of steelhead trout that once spawned in the San Gabriel River and likely it's tributaries. How will Quemetco waste discharges to the Los Angeles County Sanitation District and their ultimate discharge into surface waters leading into Whittier Narrows affect this project, the steelhead trout specifically?
26. Has the Audubon Society, Ducks Unlimited, Green Peace, Sierra Club or any other environmental group been consulted as to how harmful these toxins may or may not be and what effect they may have on the environment? If they have, will you please include their opinion in the final draft?

#### Toxic Substances and Flawed Tests

1,3 Butadiene is not adequately addressed in the EIR and may be the most dangerous chemical Quemetco releases. Small amounts for short duration have shown "clear evidence" to cause severe health problems. Below is just a minute portion of the large volume of available research into the effects of 1,3 Butadiene.

"This risk assessment of 1,3-butadiene, a gas used commercially in the production of various resins and plastics, concludes that 1,3-butadiene is a known human carcinogen, based on three types of evidence: 1) excess leukemias in workers occupationally exposed to 1,3-butadiene (by inhalation), 2) occurrence of a variety of tumors in mice and rats by inhalation, and 3) evidence in animals and humans that 1,3-butadiene is metabolized into genotoxic metabolites".

"The best estimate of human lifetime extra cancer risk from chronic exposure to 1,3-butadiene is  $9 \times 10^{-3}$  per ppm based on a linear extrapolation of the increased leukemia risks observed in occupationally exposed workers. The corresponding estimate of the chronic exposure level of 1,3-butadiene resulting in an extra cancer risk of  $10^{-6}$  (i.e., one in a million) is 0.1 ppb".

"1,3-Butadiene also causes a variety of reproductive and developmental effects in mice and rats; no human data on these effects are available. There are insufficient data from which to draw any conclusions on potentially sensitive subpopulations".<sup>9</sup>

1. Soil sample test data may not accurately reflect the actual concentrations of lead and other toxic substances contained in and on surfaces where exposure and uptake are most likely to occur. For example, lead concentrations in soil tend to be greater in the upper most layer (approximately 1/4") where runoff and fallout from stack emissions as well as dust and particulate matter settle (accumulate). As lead is highly immobile in a system such as soil, one would expect to find the highest concentration from industrial sources to be found in the uppermost portion and samples should be collected accordingly. According to the EIR, "composite" soil samples were used in the testing that Quemetco is basing their conclusion that soil lead levels are not elevated in either Hacienda Heights or La Puente in their soil lead comparative study. Hypothetically speaking if one were to obtain a 1000 gram soil sample and the portion closest to the surface (1/4" most likely to give an accurate picture of lead deposits) weighed 10 grams and contained 10,000 ppm lead and the remaining 990 grams contained 0 ppm. When the various layers are blended and tested the concentration theoretically should be somewhere around 100 ppm.
2. By definition, composite soil samples would not be an appropriate protocol to use when collecting samples for research used to determine a risk factor. Can you guarantee that the research that Quemetco has based their assertion that soil lead levels in the areas surrounding the site are not elevated, gives an accurate depiction of possible lead concentrations in surrounding soils?
3. It is my opinion that to obtain a factual representation of actual soil lead concentrations used to calculate an accurate Health Risk Assessment, samples need to be taken from areas that would be most likely to contain the highest concentrations and not "watered down" (diluted) prior to analysis. D.T.S.C. expert, Mr. Chandler, indicated in his November 1, 2001 testimony that he agreed when presented with a similar scenario. He said, "I won't run through the math with you, but I will tell you that if you take a hot sample, you take 10,000 parts per million and mix it down, essentially, by taking the other samples of considerably lessor than your average value for that composite sample, it would be low". "This is one of the reasons why, typically, when we're doing both closure work that we do and the corrective action work trying to clean up sites, **we typically don't like to take or allow the facility's consultant to take composite samples**".<sup>10</sup> Has the D.T.S.C contacted Los Angeles County Department of Health Services and communicated to them this potential inherent flaw in the soil-lead study that Quemetco is basing their assertion that soil lead levels are not elevated?
4. How does this substantially change the Human Health Risk Assessment calculations?
5. In addition, extraction protocols that are used can significantly impact the concentration of substances that are detected in test results using the same analytical equipment. To obtain accurate test results to be used in a Human Health Risk Assessment; protocols that

<sup>9</sup> <http://www.epa.gov/ncea/butadien.htm>

<sup>10</sup> Ort, Lisa M. Transcript of Proceedings Hacienda Heights, California Thursday, November 1, 2001  
Kennedy Court Reporting Inc. CSR NO. 11682, JOB NO. TOXI376

are most likely to produce an accurate depiction of actual concentrations of toxins in soil must be utilized. We must be certain that toxins that are free, absorbed or adhered to parent material, clay and organic-matter components of the soil are contained in the test solution.

6. Specifically what protocols were used in the soil tests that Quemetco relies upon to conclude that their facility does not pose a pollution problem in the area?
7. Do these protocols insure that substances are made available in solution, for detection when tested?
8. In addition to the protocols used to obtain samples and extracts, the locations chosen for the comparative studies are questionable. West Covina is bisected by the San Bernardino Freeway, which precludes by many years the more recent Pomona Freeway. This could potentially raise the lead concentrations from leaded gas emissions in West Covina soils thus reducing the likelihood of accuracy in any comparative study. This would include a blood lead concentration study as well. According to Dr. Simon of LACODHS, "there was a situation in Bell Gardens at an elementary school next to a similar type of industry" that had a lead pollution problem of their own. If this is correct, Bell Gardens would not be a viable candidate for a comparative blood or soil lead concentration study either.<sup>11</sup>
9. Data on soil concentrations of other toxic substances such arsenic, chromium 6, cadmium, barium, mercury and all others is conspicuously absent from the E.I.R. and must be included to accurately depict a risk assessment. Has this research been done? Were "composite" soil samples used in these tests?

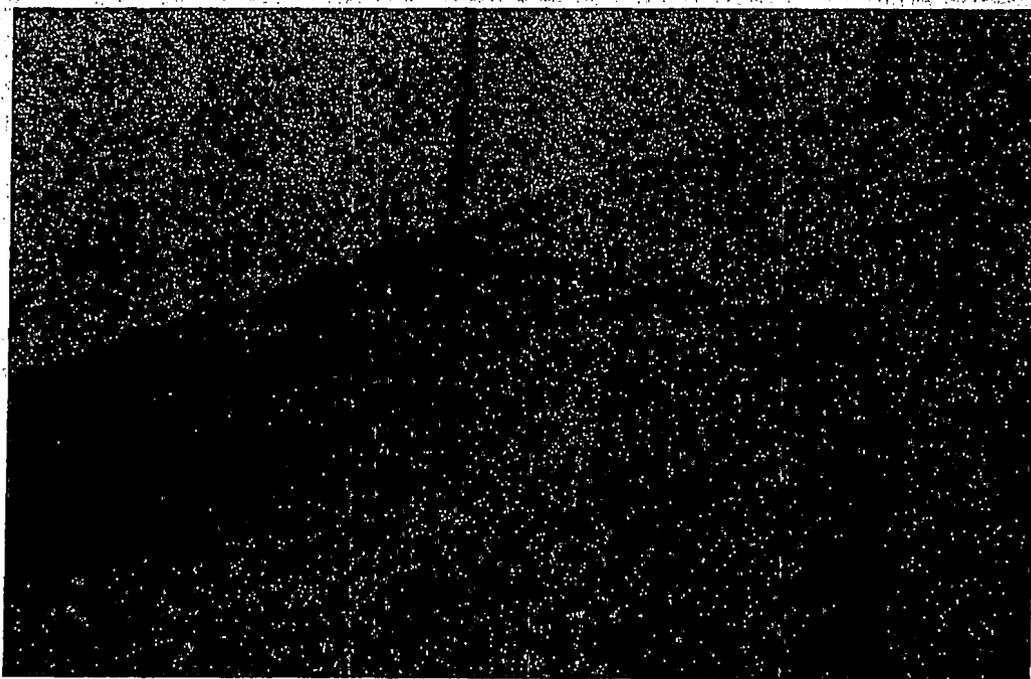
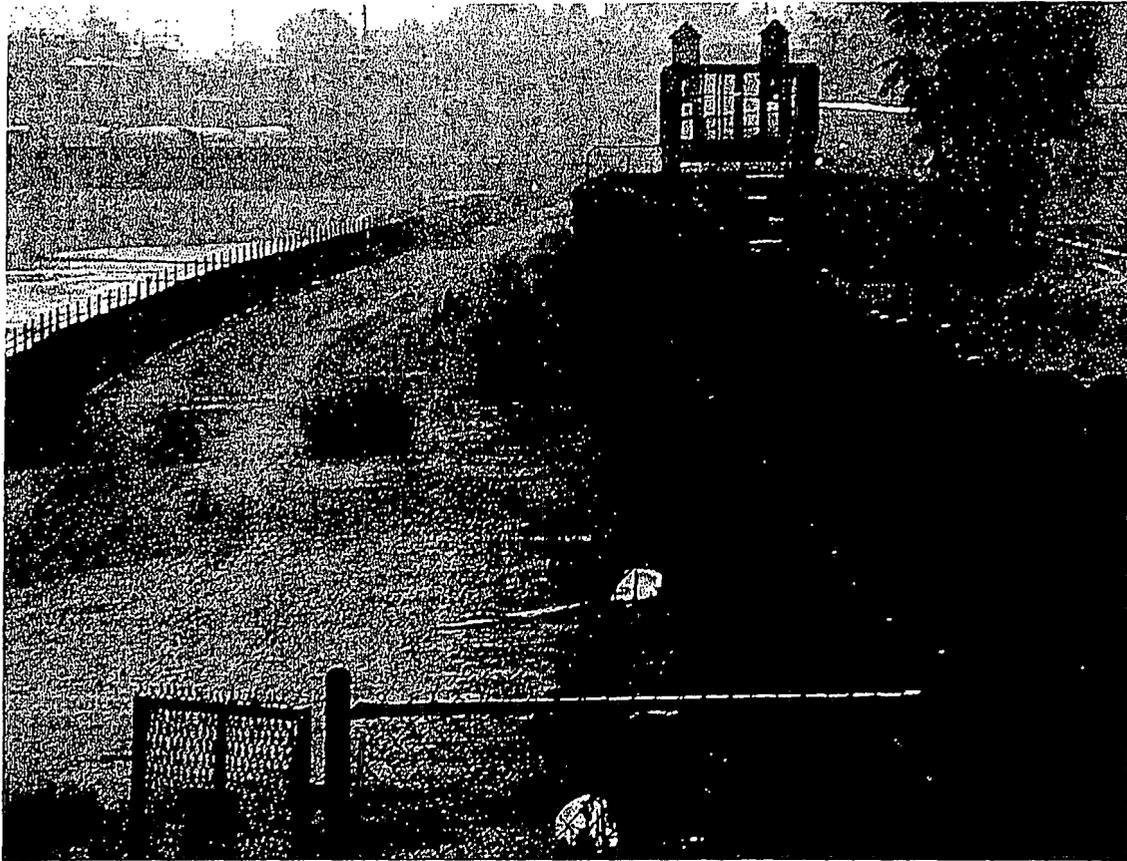


Figure 2 Runoff from Quemetco into the San Jose Creek 11/24/2001

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<sup>11</sup> Ort, Lisa M., Public Meeting Transcript of the Proceedings, Kennedy Court Reporters, Inc. Los Angeles, Ca. CSR number 11682, Job NO. TOXI376, Page 30

## Unresolved Water Quality and Runoff Issues



**Figure 3 Looking East from 7<sup>th</sup> Ave. San Jose Creek on the Left and Quemetco Facility on the Right. Photo 11/1/2001**

If my memory serves me correctly contamination in soil and water exist at depths of at least 68 feet at the Quemetco facility. This must be arrested and cleaned up before it migrates a greater distance than it already has and continues to do irreparable damage to the ground water system. How does Quemetco propose to dig down 68 feet, pump and treat all the contaminated water, remove and replace all of the contaminated soil and remove the toxins before they migrate and do additional damage?

In the words of D.T.S.C themselves: "There is no point in proposing a different hydrostratigraphic model just because the site is being regulated under RCRA. Uppermost saturated horizons in the San Gabriel/Puente Basins mostly connect to each other and to underlying saturated units."<sup>12</sup>

<sup>12</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966, Page 41

1. Do Quemetco's releases exceed California's new standard for inhalation of Chromium 6?
2. What is California's new standard for Chromium 6 in potable water?
3. Do Quemetco airborne emissions or water contamination levels exceed this limit?

The facts indicate that there has been gross incompetence at every point in the history of this facility. The closure of this facility should have occurred in 1972 or shortly after the enactment of the Clean Water Act. The record shows the history of this facility is dubious at best and production practices have been sloppy. The record illustrates practices that in my opinion amount to environmental genocide that have been "paved over" and to this day not addressed.

I am puzzled by DTSC's failure to act on documented evidence of a nature so gross that the only environmentally responsible action in this matter requires interdepartmental cooperation and assistance by Federal Prosecutors. It appears in DTSC's own reports that they are intimidated by the prospect of a lengthy court battle involving regulatory agencies and the attorneys from this company. In my opinion the method by which this company has operated is a misuse of the RCRA status that they attempt to hide behind. The facts are that the act was designed to reduce contamination of the environment and not to disperse the contamination from millions of batteries in low concentrations over a wide spread area. Quemetco practices dilution and disbursement rather than collection and concentration as the act was originally intended.

**"In order to meet this criteria for "clean closure" there has to be a determination that no releases that have affected ground water have occurred or are continuing to occur and that the Facility once "closed" will not be a threat to ground water. Such a determination is unlikely, based on the following facts and previous determinations to the contrary."**

"The closure plan did not satisfactorily consider that ground water beneath the Facility has already been determined to be contaminated by lead, cadmium, mercury, and chromium as supported by groundwater monitoring analytical data from 1982-1987 (monitoring wells MW-1, MW-2, MW-3 and MW-4). These data indicate that lead and other metals had, at that time, contaminated ground water across the entire boundaries."<sup>13</sup>

The fact of the matter is that it would be irresponsible to not immediately institute cleanup of the toxicity that exists beneath this site. It would be careless to overlook this problem. In the DTSC Report it indicates that lower contaminant concentrations that Quemetco claims, are likely a result of contamination moving offsite and into the local aquifers when ground water fluctuations occur. In addition the paving over of the surface impoundment and the arrangements to do so by the consulting firm that Wayne Natri was affiliated with means that he may have intimate knowledge as to the true state of affairs concerning this facility.

I am requesting that he, in his new capacity as EPA Chief of Western Region 9, exercise his authority and initiate closure and cleanup of this site.

Both Quemetco in their literature and LACODHS personnel in their interaction with the public have disguised the results of the comparative blood-lead level testing by comparing them to a national average. The data in Table 2 and Table 20 clearly shows and Dr. Simon finally admitted that West Covina and Bell Gardens had a greater number of people tested that had low (<5ug/dl) blood lead levels than Hacienda Heights and La Puente respectively. In addition the

<sup>13</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966, Page 93

same tables show in the 5-9 ug/dl group La Puente had 37 compared to 27 in Bell Gardens and Hacienda Heights had 45 compared to 28 in West Covina. The numbers speak for themselves.

1. Why is a proposal for a remedy to this critically important issue, not in the E.I.R.? Is this not far more important than acquiring a permit to continue with environmentally irresponsible practices for the next 20+ years?
2. Did Quemetco submit a proposal in their Post Closure Plan that would insure that there would be no contamination left on the property after their abandonment of that property? **"Previous boring logs indicate that the soils around this "background" monitoring well are reported to be contaminated to depths of up to 68 feet bgs with up to 1800 mg/kg of lead."**<sup>14</sup>
3. Will this include removing any and all toxic substances down to the depths that they have been detected?
4. Figure 3 is a photo taken recently that shows the north perimeter of the Quemetco facility. According to the E.I.R. no significant runoff occurs. From this photo it is clear that this is not true. What quantity in billions of gallons has entered the San Jose Creek through runoff from this facility since 1959?
5. Will those research results be forthcoming in the final draft of the E.I.R.? What quantity (in tons) of each of the identified substances has Quemetco discharged into the environment, since this facility began operations in 1959? A full research must be included in the Final Draft for each known, suspected and unknown potential pollutant and chemical associated with this facility.
6. When was the last time that personnel from D.T.S.C., or any public agency collected samples of runoff and tested them for the long list of toxic substances associated with this facility, immediately following the onset of a rainstorm subsequent a period of non precipitation?
7. What were the results of those tests?
8. What corrective measures will be required to stop runoff from entering the San Jose Creek?
9. Is testing for Volatile Organic Compounds done? If not, why not?

"Quemetco representatives state that all water and rainwater on the Facility goes through the treatment unit before being released into the sewer system. They stated that **composite samples** are taken every six days and sent to a private lab for testing. Quemetco representatives informed DTSC staff that the effluent levels presently met all standards and that there were no problems with their wastewater process."<sup>15</sup> The facts are that all rainwater is not captured and treated. I draw your attention to the statement that composite samples are used in the testing to determine if discharges into the sewer meet standards. The same principle applies here where samples of lesser concentrations may be mixed with samples with high concentrations to dilute the sample to allowable concentrations. In this case we are relying on Quemetco to collect and analyze the samples.

1. Is a **composite sample** an appropriate protocol to use in this case?

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<sup>14</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 section 4.4

<sup>15</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 page 6

2. Could the use of a composite water sample have the effect of masking potential high contaminant concentrations if one of the components had a high contaminant concentration and the others had a very low concentration of contaminants?

### Air Born Assault

Prior to this project proceeding, the matter of identifying, analyzing the contents of and compiling data as to the health effects of the to this point elusive, noxious plastic-like smelling plume that engulfs our neighborhoods and our homes must be accomplished. This has been reported to Air Pollution Control District as far back as the 1970s. Both AQMD and D.T.S.C. were informed of this fact in 1996 at the scoping session and to this day it has not been adequately addressed. My colleagues and I have come up with two theories. The first one is that plastic is adhering to lead in the crushing process, is dropping out in the float tanks and is burned off in the furnace. An even more likely source of the plastic-like smell is when synthetic rubber casing material is fed into the furnace for disposal into the atmosphere through stack emissions. It appears that  
"May 28, 1992"

"A letter by Quemetco was sent **intending to confirm DTSC verbal approval by phone to allow the processing of hard rubber case batteries if SCAQMD would approve the air permit.** A description of the polypropylene plastic recovery system and flow diagram was also sent to the DTSC."<sup>16</sup>

1. How many years was synthetic rubber disposed of in the furnaces prior to this date without a permit?
2. Did this facility feed synthetic rubber into any of their furnaces between May 28, 1992 and the date that they obtained a permit from SCAQMD and D.T.S.C. to do so?
3. What year did this practice begin?

According to the Draft E.I.R. "Hard rubber case batteries are fed to the battery wrecker with regular lead acid batteries, but the rubber cases are not separated as with plastic cases. The hard rubber comprises a very small amount of the total feed volume, typically, one to three percent. Based on this amount, Quemetco calculates how much is fed to the reverberatory furnace each day in conformance with its SCAQMD operating requirements."<sup>17</sup>

1. How is the plastic separated from the rubber?
2. Does plastic get fed into the furnace along with lead?
3. What quantity (in pounds) of plastic is burned off in the furnace in a typical year of operations?
4. What quantity (in pounds) of synthetic rubber is disposed of into the furnace in a typical year of operations?
5. Is this legal?

<sup>16</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966, Page 41

<sup>17</sup> Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, page 2-20

6. What concentrations do the long list of toxins emerge from Quemetco's stacks during the peak operating periods? Specifically when they are disposing of large quantities of synthetic rubber into the atmosphere through incineration.

This is a very serious issue that must be addressed and rectified immediately. This matter should receive the immediate attention of all the agencies involved prior to approval of this permit. Synthetic rubber and certain plastics are known to contain not only 1,3 Butadiene and other recognized carcinogens but according to recent researches it's byproducts, when incinerated, have shown even greater potential for harmful effects. In addition according to information that I have included with this response metabolites of 1,3 Butadiene have shown genotoxic properties. I have included the abstract with this response and I hope that the toxicologist in charge of this project and all of his colleagues will take it seriously. In addition the LACODHS must be made aware of this potential problem with the safety of this facility. I am also requesting that DTSC exercise their authority as Lead Agency and require SCAMD to investigate and report as to the possibility that the Avocado Heights and surrounding communities are in a "Toxic Hot Spot" zone. The local topography creates a semi-closed basin that when inundated with diesel fumes from hundreds of trucks waiting in line at the Puente Hills Landfill, thousands of automobiles on the Pomona Freeway and Quemetco operating at full capacity, the air is barely breathable. On overcast days and during our frequent foggy weather the air is so laden with contaminants that it is clear that during these times the air quality is unhealthful. This immediate area is a likely candidate for this designation due to its unique microclimate and I urge that this is investigated and **all** the factors that affect the quality of the air that we breathe are considered. **Not just a single source!** It addition, it should be noted that the wind blows through the trough created by the Puente Hills and the hilly Avocado Heights area in both offshore (towards the west) and onshore (towards the east) directions, often in the same day.

1. According to recent research 1,3 Butadiene evaporates quickly from soil, air and water; however on cool, overcast and foggy days only  $\frac{1}{2}$  evaporates each day leaving lingering contaminant loads in the system that may not be taken into consideration in Health Risk Assessment models. If Quemetco releases 5 lbs. per day and that translates to .04mg/cm<sup>3</sup> what would the concentration be after 2 weeks of consecutive cool foggy days?
2. What would that change the current 4 in 1 million lifetime extra cancer risk for 1,3 Butadiene only too?
3. Using the answer from question 2, what would the probability be of a person developing rare carcinoid tumors that normally occur at a rate of 1 in one hundred thousand with this as yet uncalculated additional 1,3 Butadiene load? Please be specific.
4. What is the sum of the answer to question 3 when combined with the cancer risk load from all of the other substances emitted into the air by Quemetco and the contaminant load already contained in local air?
5. Were all these factors taken into account in the Human Health Risk Assessment calculations?
6. When a permit such as the one issued by SCAMD to burn off synthetic rubber and plastic is based on average air emissions over a set time period such as 24 hours. Is it possible that toxic substance concentration levels can exceed "safe levels" during peak production periods and still not exceed the average maximum levels required to meet the permit conditions over the set time period? This could explain the noxious plume and adverse health effects that residents, employees and owners of local businesses and school teachers from North

Whittier, Hacienda Heights, City of Industry and Avocado Heights have reported over the last 40 years.

7. On what research does Quemetco rely upon to determine that the lead that they are releasing, is not causing the high number of birth defects and learning disabilities in local children that local residents and teachers have repeatedly reported (since at least 1996) to D.T.S.C., LACODHS, Quemetco representatives and other agencies involved in the permitting process?
8. Dr. Simon pediatrician from LACODHS said, "I would say that lead is sort of causing elevated rates of learning disabilities among children here."<sup>18</sup>
9. What research concerning health effects on humans does Quemetco rely on to claim that no adverse health effects are occurring in local areas from 1,3 Butadiene and it's byproducts when incinerated? What about chromium 6?
10. Has the toxicologist and anyone else involved in the Human Health Risk Assessment taken into consideration, in their calculations, that unknown concentrations (never measured) of a noxious, plastic-like smelling plume (never identified) is hitting local residents right in the face for periods ranging from 10-15 minutes to several solid hours. The intensity is of choking proportions and is followed by headaches and nausea. This plume enters and lingers in our homes and despite repeated assurances from D.T.S.C. and AQMD personnel that it is not harmful to our families and our children **we firmly believe that this is not true!**
11. Are the one hundred or so combustion products from 1, 3 Butadiene documented and has Quemetco's greatest discharge of them been tested for concentrate levels?
12. Has LACODHS been notified that this situation exists?
13. Dr. Simon of Los Angeles County Department of Health Services has promised a complete data base search to determine the existence of clusters of rare cancers in the area. He also gave his word that he would report those findings both to us and to DTSC within four weeks. This needs to be in the final draft as reports from local residents as to their existence are disturbing.

We respectfully request that the permit issued by SCAQMD for this practice of burning off synthetic rubber and plastic, be immediately suspended until such time that the source and content can be identified and documented. In addition we request that Quemetco demonstrate that this practice is safe, not a **public nuisance** and not a violation of local peoples constitutional right (civil liberties) to be free from this type of potentially harmful intrusion.

14. AQMD, D.T.S.C. experts, Quemetco representatives and everyone present heard reports of this same complaint from numerous people at the November 1, 2001 public meeting. Similar complaints to DTSC and Quemetco are documented in the minutes from the 1996 scoping session. They range from local residents to shop stewards from the Volkswagen facility that is adjacent to the site. One woman described her child vomiting up his or her breakfast while another man from the Avocado Heights area described a noxious plume so great in intensity that he was forced to seal his windows to avoid his families exposure to it. Read the transcripts of your own meetings dating back to 1996. Then, pull out past reports concerning emissions from this facility to see that the record indicates this is a persistent problem that has continued to plague this and surrounding neighborhoods for nearly **40 years**. Records of

<sup>18</sup> Ort, Lisa M., Public Meeting Transcript of the Proceedings, Kennedy Court Reporters, Inc. Los Angeles, Ca. CSR number 11682, Job NO. TOXI376, Page 26-27

correspondence concerning this matter exist that date back to the 1960s and I am requesting that it be admissible in future proceedings concerning this facility.

15. Is this a new process? When did this practice begin?
16. What specifically is the SCAQMD permit ID number for this burning off of synthetic rubber and/or plastic and are they permitted to carry on this practice under the authority of any agency other than SCAQMD?

I have included on the following page recent information concerning the effects of this on human bronchial epithelial cells. The human health effects on local residents by Quemetco's practice of disposing of synthetic rubber and plastic by feeding it into their furnaces; must be immediately and seriously investigated. While this is being done, I am requesting that the permits that authorize this practice to occur be immediately revoked until such time that the combustion products of 1,3 Butadiene and other poisonous substances associated with this practice be proven safe to inhale. I also request that Quemetco submit a plan of corrective action that includes separating out any and all synthetic rubber and plastic from their furnace feeds and shipping it off site for proper disposal or recycling in a responsible manner. If you take the time to read the abstract of the research provided below you will see that **"Hundreds of aromatic hydrocarbons and polycyclic aromatic hydrocarbons with molecular mass as high as 1,000 atomic mass units were detected, including known and suspected human carcinogens."**

I have included several other research abstracts and I request that they and the researches in their entirety be included as part of this response and admissible in any and all proceedings concerning this facility hereafter. I suggest that all interested parties read them carefully as they contain not only health effect studies but procedure involved with the permitting of facilities that discharge them.

I would like to request that you extend the public input period for this permitting process so that Quemetco can **resubmit a realistic EIR**. Then all of the people from the agencies involved in the permitting process and **the public input process can review it and have ample opportunity and a sufficient time period, to participate.**

The fact that AQMD, Department of Health Services and some DTSC personnel gave the appearance of acting in the capacity of a public relations firm contracted by Quemetco is inappropriate and misleading to the average participant in these proceedings. The inspector that is responsible for Quemetco's alleged "clean record" misrepresented the truth when she stated that no substantial violations exist in regard to this facility. The record shows a continual pattern of understatement of the potential negative impacts of this proposed permit by all of the agencies officials.

1. Why was the March 8, 1996 DTSC Report that I have included with this response not revealed at the scoping meeting 4-24-1996?
2. The record reflects numerous "key misprints" in various public input literature that had the effect of inhibiting acquisition of information and public input in this matter.
3. Quemetco's own distorted Prop. 65-notification map shows boundaries from Ramona Blvd. in Baldwin Park to Durfee Ave. in South El Monte. The easterly boundary appears to be near Azusa Ave. and up to nearly West Covina to the north. I would estimate that this affected area might be inhabited by up to 100,000 people yet only

- 13,000 notices were mailed out. Please explain why only around 13% of the affected local residents were notified of the upcoming very important meeting?
4. In addition notifications that did not give local residents sufficient time to be involved in this process are prevalent throughout this case.
  5. Around 70% of the local population were overlooked when no Spanish translation of the EIR and reports are provided in Spanish.
  6. Why is our significant local Asian population ignored in this process?
  7. No online or digital formats were available again hindering the public input on this matter.
  8. The transcript of the 1996 meeting shows that DTSC promised that a copy of the Draft EIR would be available for public review within a year. Five years later DTSC notifies me on a Saturday evening two days prior a meeting with the deadline for public input looming around the corner. This kind of underhanded maneuvering is unacceptable!
  9. How will DTSC notify the general public that a decision has been rendered in this matter?
  10. How will DTSC safeguard that local residents will have ample time in which to file a Petition for Review (section 307 (b) (1) in this matter?
  11. A map that truthfully identifies all of the public and private schools, all of the preschools as well as adult schools, daycare facilities and hospitals in the impacted area must be included in the revised EIR submitted by Quemetco. Maps that have been circulated to this point are misleading.
  12. All of the questions were not answered at the November 1, 2001 public meeting as the quantity of questions outweighed the allotment of time. In my opinion the transcripts from the 1996, and both meetings in 2001 clearly show that many of the so-called expert panel speakers were either incapable of answering the question asked of them or the answers given were misleading or misstatement of fact.
  13. Experts from Los Angeles County Sanitation District and State and County Water Quality Control Authorities were not present and therefore local residents were unable to obtain answers to important questions.
  14. Representatives from Los Angeles Department of Regional Planning made themselves unavailable so that local residents could not obtain answers to serious questions regarding the legality of the conditional use permits and variances that permitted this facility to establish in 1959 and continue operations to this day.
  15. Why was normal procedure circumvented to provide safe haven for this facility?
  16. Why was public input not a part of the use permit and variance issuance process?
  17. In addition representatives from the Los Angeles County Board of Supervisors and the issuers of the conditional use permit must be present to defend their actions or non-actions in this matter.

The published reports and verbal conformation of the case involving the illegal dumping around 31,000,000 lbs. of hazardous waste in Mexico is particularly disturbing. Thirty-one million pounds would be around 775 truckloads at 40,000 lbs. per truck.

1. Would you please explain how this hazardous waste was stored without detection by agencies in charge of inspections and their overseers?

2. Can you please describe how these trucks were loaded, left the facility and entered Mexico without detection by the Lead Agency?
3. Was any of this waste from the notorious surface impoundment?

In addition I hope that you consider some of the important points made so eloquently by Mrs. Avery. The item about a potential conflict of interest involving someone in EPA that is or was a contractor for Quemetco is especially interesting. In addition her experience in this matter of the blood lead comparative has validity.

In section 1.6 page 1-3 of the EIR addresses only one area of concern and has failed to mention other areas of concern raised by the community at the 1996 scoping session. Issues not addressed include concern about potential for the abnormal number of birth defects and learning disabilities reported by local residents and teachers. It also fails to mention the numerous concerns raised about the toxic airborne plumes that are affecting local residents and employees of City of Industry businesses. This noxious plume has not been identified to this day. AQMD is derelict in their duty to protect us from this onslaught. Monday November 19, 2001 Quemetco unleashed a particularly potent plume. When my neighbors and I called the AQMD number to report it we were greeted by an answer phone stating that the offices were closed on Mondays and no mechanism such as the ability to leave a message so we could be contacted was available. The time prior to that I reported the plastic-like noxious plume an investigator contacted me and stated he would "be there in 30 minutes". Around one hour later he showed up at our home around 15 minutes after a subsequent burst. He stated that he had been driving around the neighborhood with his windows down and did not smell a thing. This is typical of the incompetence that local residents have experienced from this agency.

1. Kimberly Bolander told me at the November 1, 2001 meeting that often they telephone Quemetco when there has been a complaint. She confirmed this in our November 20, 2001 phone conversation.
2. What written policy states that this is an appropriate investigative technique? Please provide me with a copy.
3. She also confirmed what I suspected; that AQMD has never measured the stack emissions for the most potentially damaging chemicals released by Quemetco.
4. Why has this not been accomplished?
5. Why was this not done prior to approval of a permit to dispose of synthetic rubber into their furnace?
6. Why are these measurements not a factor in the Human Health Risk Calculation?
7. Why is the combined capacity of all the chemicals discharged by Quemetco under real time conditions not a factor in Human Health Risk Calculation?
8. Why did Stu Muller not drive straight to Quemetco where he would likely have caught them in the act of disposing of large quantities of synthetic rubber and/or plastic in their furnace?
9. What measures has AQMD taken to identify the contents of and remedy this problem that has been repeatedly reported to them and their predecessors since the 1970s.
10. Why has AQMD not taken action in this decades old problem?
11. What steps has AQMD taken since 1996 to insure that this problem is solved?



Search  
 109-9 Table of Contents  
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Articles

Environmental Health Perspectives Volume 109, Number 9, September 2001

**Combustion Products of 1,3-Butadiene are Cytotoxic and Genotoxic to Human Bronchial Epithelial Cells**

W. James Catallo,<sup>1</sup> Christopher H. Kennedy,<sup>1,2</sup> William Henk,<sup>1</sup> Steven A. Barker,<sup>1</sup> Stephen C. Grace,<sup>3,4</sup> and Arthur Penn<sup>1</sup>

<sup>1</sup>Department of Comparative Biomedical Sciences, School of Veterinary Medicine, Louisiana State University, Baton Rouge, Louisiana, USA; <sup>2</sup>National Cancer Institute, Division of Cancer Prevention, Bethesda, Maryland, USA; <sup>3</sup>Biodynamics Institute, Louisiana State University, Baton Rouge, Louisiana, USA; <sup>4</sup>Department of Biology, University of Arkansas, Little Rock, Arkansas, USA

Full Article  
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**Abstract**

Adverse health effects of airborne toxicants, especially small respirable particles and their associated adsorbed chemicals, are of growing concern to health professionals, governmental agencies, and the general public. Areas rich in petrochemical processing facilities (e.g., eastern Texas and southern California) chronically have poor air quality. Atmospheric releases of products of incomplete combustion (e.g., soot) from these facilities are not subject to rigorous regulatory enforcement. Although soot can include respirable particles and carcinogens, the toxicologic and epidemiologic consequences of exposure to environmentally relevant complex soots have not been well investigated. Here we continue our physico-chemical analysis of butadiene soot and report effects of exposure to this soot on putative targets, normal human bronchial epithelial (NHBE) cells. We examined organic extracts of butadiene soot by gas chromatography-mass spectrometry (GC-MS), probe distillation MS, and liquid chromatography (LC)-MS-MS. Hundreds of aromatic hydrocarbons and polycyclic aromatic hydrocarbons with molecular mass as high as 1,000 atomic mass units were detected, including known and suspected human carcinogens (e.g., benzo(a)pyrene). Butadiene soot particles also had strong, solid-state free-radical character in electron spin resonance analysis. Spin-trapping studies indicated that fresh butadiene soot in a buffered aqueous solution containing dimethylsulfoxide (DMSO) oxidized the DMSO, leading to  $\text{CH}_3^\bullet$  radical formation. Butadiene soot DMSO extract (BSDE)-exposed NHBE cells displayed extranuclear fluorescence within 4 hr of exposure. BSDE was cytotoxic to > 20% of the cells at 72 hr. Morphologic alterations, including cell swelling and membrane blebbing, were apparent within 24 hr of exposure. These alterations are characteristic of oncosis, an ischemia-induced form of cell death. BSDE treatment also produced significant genotoxicity, as indicated by binucleated cell formation. The combination of moderate cytotoxicity and genotoxicity, as occurred here, can be

pro-carcinogenic. **Key words:** blebbing, BSDE, butadiene soot, fluorescence, free radicals, human bronchial epithelial cells, PAHs. *Environ Health Perspect* 109:965-971 (2001). [Online 12 September 2001]

<http://ehpnet1.niehs.nih.gov/docs/2001/109p965-971catalogo/abstract.html>

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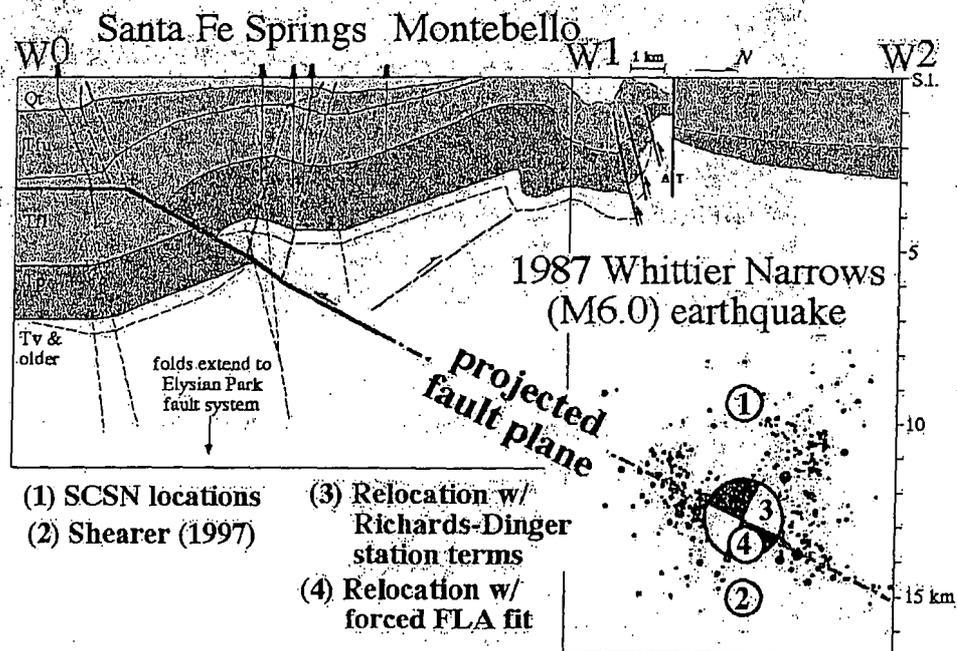
#### Other Issues

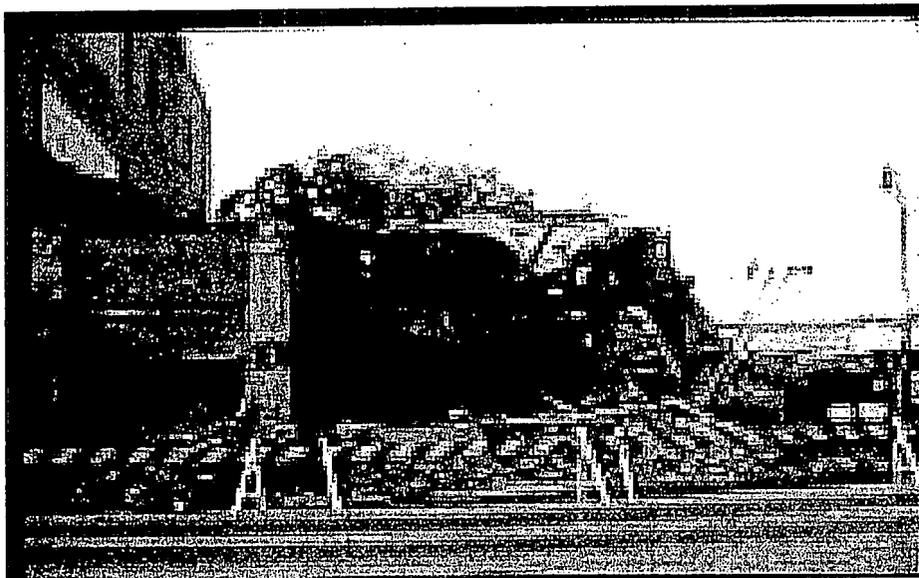
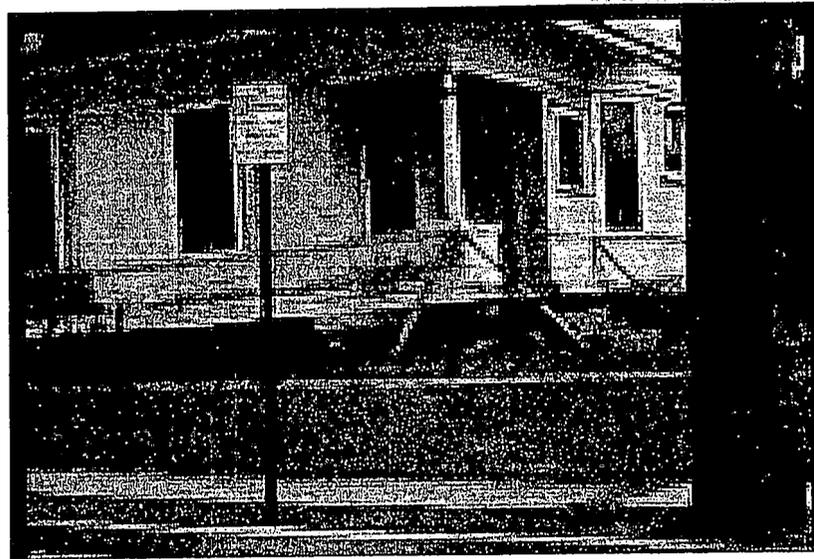
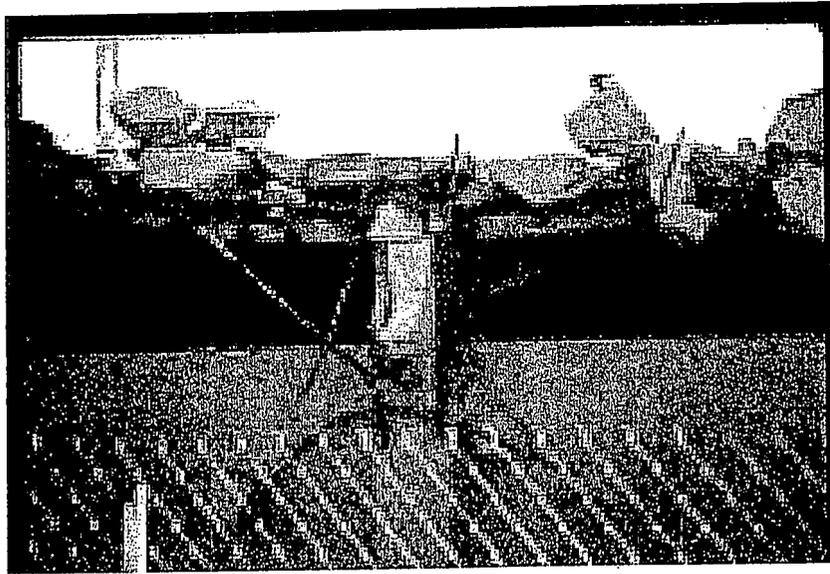
Other issues that must be addressed are:

1. The area is within a seismically active zone. The Whittier Narrows Earthquake did serious damage in Whittier and surrounding areas. Many structures were jolted from their foundations. Are all of the tanks that total nearly 2 million gallons of hazardous and/or contaminated water engineered to withstand serious seismic events such as or greater than the magnitude of the Whittier Narrows earthquake?
2. Was this non-existent seismic engineering completed prior to or after the discovery of the Puente Basin Fault System that was not identified until 1998?<sup>19</sup>
3. What investigation has been done to determine the probability of a potentially disastrous incident happening in event of the next local earthquake taking place after several days of steady rain when soils are at field capacity (saturated) and **soil liquefaction** occurred?
4. What is the force in pounds per square inch that the total combined weight of all of Quemetco's water treatment system exerts on the surface and is directly adjacent the San Jose Creek? Keep in mind that just the weight of the liquid can be around 16 million lbs. In addition the tanks and the concrete slabs constitute a considerable mass. What is the total mass of the water treatment system including concrete slabs when operating at full capacity?
5. What is the approximate surface area of the water treatment area?
6. I did not see a proposal for in the EIR or recollect the construction of seismic and structural reinforcement of the south wall of the San Jose Creek. Will the complete details of this be a requirement in the final draft prior to permit approval?
7. What were the findings of that investigation? Keep in mind that after a heavy rain these tanks would likely be filled with runoff water waiting to be treated and discharged.

<sup>19</sup> Harvard Study included in Michael McKee's response.

8. What corrective measures will be required and completed prior to final approval of their permit that will guarantee that no contamination will enter surface or ground water when an event such as this occurs?
9. Why has Quemetco's ISD not been suspended because of this lack of proper seismic engineering?
10. Why was Quemetco granted permission to construct these facilities given the proximity to the San Jose Creek?
11. Why has this serious situation not been corrected as a condition to retention of the present temporary (nearly 20-year) status?
12. Are there any cracks in foundations, drains or channels, asphalt or any other structures in and around the water treatment facility?
13. Are there any cracks in foundations, drains or channels under the tanks themselves? This is a very important issue as the expansive soils at this site are notorious for cracking concrete structures.
14. Are there any cracks, fissures, or porous areas in and around the surface impoundment? Please explain.
15. What quantities of potentially harmful substances are entering the underlying soil?
16. What quantities of potentially harmful substances are entering the underlying groundwater and/or water table?
17. At what rate is this occurring?
18. What measures will be taken to insure that this does not occur?







**Figure 4 Whittier Shopping Center after 1987 Earthquake**

I interviewed several local real-estate agents who informed me that they were required under full disclosure laws to reveal the fact that the property was within a zone that was affected by Quemetco's toxic plume.

1. What percentage less have property values increased in the last ten years in relation to comparable properties in an area not affected by Quemetco's plume?
2. What is the estimated cost in lost revenue to real-estate agents when they lose a sale because the potential buyer decides to not subject his or her family to the risk presented by Quemetco's toxic emissions?
3. What is the incidental cost to taxpayers that are directly related to Quemetco?  
This must be in the EIR.

### Dilution is the Solution to Pollution

The above phrase is a low-key joke told among big time polluters and refers to their ability to manipulate the various agencies entrusted to regulate them. By strategically manipulating the concentrations of "hazardous substances" through dilution processes they are often able to lower the concentration to conform to "allowable limits". For example, I was informed by several of my colleagues that if I take 10 ml of a solution that tests at 1000 ppm (mg/L) mercury, 1000 ppm (mg/L) lead and 1000 ppm (mg/L) chromium 6 and add 990 ml of water the sample will test for each of these substances at around 10 ppm (mg/L) + whatever background levels of each of these substances, is already in the 990 ml of water.

1. Do the experts at D.T.S.C. agree with this principle? This principal would apply regardless of the quantity, in gallons, of liquid waste. One way of looking at the above hypothetical situation is that you are taking 990 ml of "good water" and polluting it so it is a volume of 1,000 ml with a concentration of 10 ppm (mg/L) for each substance, mercury, lead and chromium 6.
2. Does Quemetco add potable or reclaimed water to dilute the liquid waste to permitted concentrations, prior to discharge into the sewer system?
3. Has the Los Angeles County Sanitation District in their permit process for this facility, documented whether this practice does or does not occur with regards to this project? If yes please provide me with a copy. If this practice occurs, it may be legal at this time; however the fact is that the same quantity of toxic substances are ultimately being discharged into the system and on into the environment and this practice should be considered unethical, not environmentally sound and unacceptable.
4. Is this company permitted to take potable water (in the range of 45 million gallons per year), add liquid hazardous waste (scrubber water) to it and discharge it into the sewer system to be piped just downstream to be re-discharged into the surface waters of the San Jose Creek?

From here it flows on to the San Gabriel River where it recharges ground water in spreading grounds, supplies the Bird sanctuary and Wildlife Reserve (wetlands) and the accompanying lakes that make up the Whittier Narrows flood plain as well as flowing downstream to replenish the ecosystem. Is it a good idea to contaminate the ecosystem with these known toxic substances? In my opinion this form of disposal of hazardous waste should not be tolerated by any of the governmental agencies that have allowed this practice to continue for so many years. **It's outrageous that this is occurring. I can smell Quemetco's Toxic Plume as I am writing this!**

In addition, water companies from Whittier Narrows to the Pacific Ocean rely on this valuable resource for drinking water supplies. It is in fact a matter of not only National Security but for the security of the Greater Los Angeles Region to protect this imperative resource. The majority of all potable water in the San Gabriel Valley is from groundwater. In event that MWD water supplies were interrupted these supplies become extremely important.

5. Do County and State Water Quality authorities or LACOSD allow Quemetco to dispose of hazardous waste by discharging into the sewer after it is diluted with potable and/or reclaimed water to conform to so called allowable limits?
6. Is this "treatment" practice legal?

7. Has any agency conducted inspections during the construction phase to insure that no old or alternate routes into the sewer system or San Jose Creek exist? What were the results of those inspections? Is this documented?
8. Why is runoff into the San Jose Creek and /or the contamination that exists in at least 40 locations at this site not a violation of the Clean Water Act?
9. Why runoff into the San Jose Creek and /or the contamination that exists in at least 40 locations at this site not a violation of the Porter Cologne Act?
10. Is scrubber water mixed with potable or reclaimed water prior to discharge to the Sanitation District?
11. Is runoff into the San Jose Creek and /or the contamination that exists in at least 40 locations at this site a violation of any Federal, State or Local laws, guidelines, master plans or ordinances?
12. Is the ground water contamination at this site a violation of any Federal, State or Local laws, guidelines, master plans or ordinances?
13. What remedy has Quemetco proposed to clean up the ground water contamination that exists at this site?
14. What corrective action measure is Quemetco presently in the process of that will clean up the soil contamination that exists at this site?
15. Why is the cleanup of ground water contamination not a condition of retention of their temporary operating permit (ISD)?
16. Who authorized Quemetco to not be required to remove any and all contamination at this site? Is this documented?
17. Why have EPA, Cal EPA or State Water Quality Authorities not required Quemetco to remove the contaminated soil from this site?
18. Why did the Los Angeles County Regional Water Quality Board issue a permit to build the surface impoundment given the proximity to the San Jose Creek?
19. Why has the Los Angeles County Regional Water Quality Board not required ground water clean up at this site?
20. To protect future ground water contamination should this be done? When?

#### Potential Civil Rights Violations and Criminal Convictions

1. Many of the people affected by Quemetco's toxic emissions believe that this an infringement on constitutionally guaranteed rights and a violation of our civil liberties.<sup>20</sup> I am requesting that consultation with the U.S. Department of Justice and The American Civil Liberties Union (ACLU) be conducted as to whether this has any merit based on full disclosure of any and all known and newly discovered facts in this case. The Final Draft E.I.R. must include opinions from both of these consultants in this matter.
2. Normally in cases where an organization repeatedly commits criminal activities associated with the operation of that organization it is labeled a "Continuing Criminal Enterprise" and

<sup>20</sup> Ort, Lisa M., Public Meeting Transcript of the Proceedings, Kennedy Court Reporters, Inc. Los Angeles, Ca. CSR number 11682, Job NO. TOXI376, page 14-16

prosecutions are based on the RICO Act.<sup>21</sup> The U.S. Attorney will normally launch an investigation, often with the aid of State and Local agencies. If enough evidence is present to meet the burden of proof they will usually convene a Grand Jury and indictments are handed down. Has D.T.S.C., Cal EPA and U.S. EPA consulted with the Department of Justice and the U.S. Attorney to see if this is applicable in the case of Quemetco, RSR, all of it's subsidiaries and the private owners of these companies?

3. Who is responsible for permitting interstate transportation of hazardous waste in the case of material imported from out of state for processing?
4. This needs to be accomplished and the opinions from all the law enforcement agencies consulted along with an opinion from D.T.S.C. legal department must be included in the Final Draft that clears Quemetco's good name in this matter of past criminal activities in the operation of it's facilities. We need to be certain that no criminal activities are involved in a matter as serious as the proposal that a permit be granted to discharge thousands of pounds of toxic material, over the next twenty years, in residential areas, recreational areas, around schools, day-care centers, convalescent hospitals, places of employment and in a protected Conservancy with Wildlife Centers and Bird Sanctuaries. Is the present operation and future operation of this facility a good idea?

In addition I am concerned about reports of criminal convictions involving Quemetco/RSR employees in the operation of their business. I have included several with this response and call your attention to not only **Violation of the Clean Water Act** but equally disturbing a conviction concerning submitting a **False Certification**. **This is crucial as all the permitting agencies in the case of this facility rely on Quemetco and their contractors for data.**

In addition, this little matter of the EPA Regional Administrator, Wayne Nastri, and his possible connection to Quemetco and/or their contractors that Mrs. Avery pointed out in the November 1, 2001 meeting, must be cleared up.

1. What precisely is the connection to Quemetco that Mr. Nastri has and is this an improper relationship or conflict of interest in this case?
2. Were permits issued to Quemetco during his service as a board member for SCAMD?
3. Did Environmental Mediation Inc. or he in his capacity at that company lobby regulators on behalf of Quemetco? When and in regards to what?
4. Did Environmental Mediation Inc. or he in his capacity at that company advise Quemetco on regulations or permit issues? When and in regards to what?
5. Does EPA oversee any or all of the agencies in the Quemetco case? What is the chain of jurisdiction?
6. Will his recent appointment as EPA's Chief of Western Region 9 expedite the long overdue closure and cleanup of this site that he is familiar with?
7. Has DTSC provided a copy of the Comprehensive Ground Water Report to USEPA?
8. What special protection does Quemetco, enjoy by their location in the City of Industry as opposed to if they were located in an unincorporated area of Los Angeles County?
9. Will Mr. Nastri use his intimate knowledge of Quemetco and their contractors to expedite the inevitable clean up of this site?

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<sup>21</sup>Office of Criminal Investigations. Indiana Department of Environmental Management, Quemetco, Inc. <http://www.ai.org/idem/oci/dispositions/quemetco.html>

10. When will this clean up be completed?

11. What statutory requirement or written policy would require DTSC to overlook 30 years of a questionable record when deciding this case? Please provide a copy.

I would also like you to launch an inquiry that will discount the rumor circulating among local residents that the head of the Permitting Department for DTSC (sounds like Murkel?) and the inspectors responsible for Quemetco's alleged "clean record" over the last 4 years might be under the influence of Quemetco and their contractors. It is rumored that DTSC will attempt to base the permit review on only those 4 years instead of the entire history of this facility. Please clear up this false rumor.

#### Conclusion

How could D.T.S.C. even consider issuing an operating permit based on an E.R.I. that is supposed to report the true impact on it's surroundings and fails to take into consideration a multitude of factors that are real and of genuine concern. Until such time that Quemetco can demonstrate to me that the poisons that they are distributing into the environment did not contribute to the rare carcinoid tumors that caused our Dear Mothers early demise then I have to ask the following question. What makes the effects of these chemicals discharged by Quemetco not hazardous and ok to release into the environment when the compelling body of evidence points to the contrary? What makes the chemicals released by Quemetco any different?

Quemetco's claim that their facility comes under the "grand father clause" is preposterous! The fact of the matter is that in the early years following the incorporation of the City of Industry the founding fathers made an error in judgement in their exuberance to attract businesses to the new city. This facility should never have been permitted to establish in such close proximity to surface waters, ground water aquifers and residential neighborhoods. In addition there are serious issues that must be addressed concerning the use permits and the subsequent variances that bring up a number of questions that must be answered prior to this project moving forward.

1. What role did City of Industry officials or their associates play in the initial granting of and the retention of permit status? Please be specific.
2. Did any City of Industry official or affiliate serve on the Los Angeles County Department of Regional Planning? Who, and did that person or persons play any role in the issuance of permits for this facility from 1957 until present?
3. Will Los Angeles Department of Regional Planning be present at the next meeting and **will they be prepared to answer questions concerning any and all of Quemetco and Western Lead's Permits? Quemetco cannot claim exemption from proper regulation under the grandfather clause if they cannot prove the validity of Western Lead's supposed permits.**
4. Specifically what alleged permits did Western Lead establish itself with and what authority issued them. Please provide a copy of any and all of these permits and their variances along with copies of any supporting documentation.

The City of Industry has blossomed into a beautiful city that I personally am proud to be neighbor to. The new cleaner businesses that have replaced the old are an excellent addition to the community. They are well designed and nicely landscaped. Quemetco's airborne emissions resulting from continued operation pose a potential threat to the products that are manufactured by these businesses and the record clearly shows in the transcripts from 1996, that it also poses a potential threat to local residents and the employees of City of Industry businesses.

In addition the groundwater contamination must be addressed and I urge the City of Industry officials to act swiftly and decisively in this very serious issue to avoid future contamination of wells that the City itself uses to supply City of Industry Waterworks System. The city bears responsibility of safeguarding Puente Basin water as the above mentioned supply does not come under the jurisdiction of the San Gabriel Valley Water Master. These water rights were long ago adjudicated prior to City Of Industry acquisition of the Cross-Water Company now known as City of Industry Water Works System. We must protect these underground aquifers!

I urge City of Industry leaders to take a close look at the facts in this case and please use your influence to correct the error in judgement that allowed this facilities predecessors to establish and Quemetco's claim to grand fathered rights. I have no desire to dig up old bones from the past and my only interest is the cessation of toxic airborne plums that regularly besiege our home and family, the local ecosystem and the water supply. I feel it would be a public relations windfall for the city and for the good of the community to lift the veil of immunity that surrounds this facility and commence with the inevitable decontamination of this site. Please remove this thorn from the side of the City of Industry and allow the wounds that have festered for so many years to heal.

I am concerned to see that Quemetco is circulating a letter from City of Industry Mayor David Perez. I am certain that if he understood the facts surrounding this facility a person of his caliber would not lend his good name to this operation.

The facts are that this company has gone virtually unregulated in early days and during transitional times when DTSC and SCAQMD and were assuming regulatory responsibility from their predecessors. In addition this company has not been regulated in the same fashion as other known polluters (PRP) in the San Gabriel Valley. No testing that I am aware of has been done to determine concentration levels of Volatile Organic Compounds and other dangerous substances that are causing the multitude of problems to producers and consumers of ground water in the San Gabriel Valley. In the period between 1972 and possibly into the 1990s laws existed on the books that may not have been adequately enforced. The DTSC Ground Water Report documents numerous instances of the "surface impoundment" overflowing directly into the San Jose Creek surface waters.

Has DTSC considered the case in Texas involving Quemetco/RSR facilities of a similar nature that were closed because of the pollution problems and possible adverse health effects associated with it?

1. Why have Federal, State and Local authorities not taken action in this case?

I am requesting that this response in its entirety along with all exhibits, researches and photographs be included so that the impact of it will not be lost in the haste to make a decision in this matter. I am also requesting that this along with all responses from participants in this process and the transcripts from all of the meetings concerning this facility be admissible as

evidence in any and all proceedings, including court, that pertain to the permitting of this facility. This includes all transcripts from all meetings dating back to 1959. In addition research and enforcement actions concerning all Quemetco/RSR facilities throughout the country should be included and considered when deciding this case.

I would also like to request more time be granted to submit admissible pertinent information so subsequent analyses can corroborate the preliminary findings of an ongoing research on soil, water and plant tissue at one of the local universities.

Again I request that Quemetco and their predecessor's entire record be considered prior to this project moving forward. This includes all conditional use permits and supporting documentation. If that is not agreeable with Quemetco the only other option even considered would for them to clean up existing contamination and submit to permitting as a "New Facility."

The Inspector herself admitted that she had not read the report that is the history of this facility and therefore she does not have the background information to adequately conduct inspections. **There is no way to bury the truth of this matter under a surface impoundment that should have never been permitted in the first place any longer.** It is urgent to act swiftly in this matter regarding clean up of this site and minimizing additional groundwater contamination. In addition, it is crucial to stop the toxic airborne plumes that have been reported many times since 1959 that are victimizing local residents and many others in the area.

I am also suggesting that Quemetco be required to post a bond in an amount equal to the estimated **true cost** of clean up of this site that will insure that this enormous task is completed. Bottom line is that there is insufficient data that is of questionable quality and no accurate conclusion can be made as to the safety of this facility. It would be a far stretch in a logical progression of facts to jump from all that is known about this company to it is safe, beneficial to the community and in the best interest of the San Gabriel Valley and Puente Basin to allow continued operation of this facility. We must focus first and foremost on eliminating any and all toxic air emissions, cleaning up the soil and groundwater contamination at this site and preventing additional contamination of San Gabriel Valley groundwater. The gross contamination that exists and has existed for many years at this site must be cleaned up in an attempt to prevent future damage to the valuable water resources that underlie the entire area.

Quemetco themselves admit that **"Non-Compliance with established water quality standards for groundwater resulting from continued operations at the Quemetco Facility is considered a significant impact. Impacts remain significant and unavoidable."**<sup>22</sup>

The way that all agencies should approach this issue is.

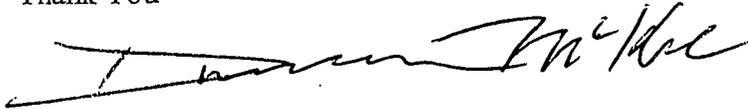
1. Suspend all air emission permits issued by AQMD.
2. Enforce all applicable legislation such as the Clean Water Act and the Porter Cologne Act.
3. Review all conditional use permits and variances issued by Los Angeles Department of Regional Planning and the circumstances surrounding the issuance of those permits.
4. Require Water Quality Authorities to act to rectify that agency's history of gross negligence in its dealings with this facility.
5. Clean up all soil and groundwater contamination.
6. Calculate the total quantity of all substances to be discharged into the environment (including sub-sea burial) over the next 20 years. And then ask the question. Is this a good idea?

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<sup>22</sup>Chambers Group, Inc. Draft Environmental Impact Report for the Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc. June 2001, page 1-2

When answering each question please be as specific as possible and I request that you do not use the strategy called "grouping" to obfuscate the issues in this case. This will help average citizens such as myself to understand the facts.

Thank You

A handwritten signature in black ink, appearing to read "Duncan McKee". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Duncan McKee

P.S. Below is just a portion of the report that I am referring to and I have highlighted a small portion of pertinent facts. Unfortunately I am out of time.

#### **4.3 DTSC Review of Phase 2 Groundwater Monitoring Plan (GMP)**

This Phase 2 GMP, prepared by ESC, October 20, 1993, revised on January 10, 1994, and February 14, 1994, still contains some flaws in the procedures and protocols. However, it is the

1. In the GMP Introduction, page 1, Quemetco states that it developed this, "...sampling and analysis plan for a groundwater detection monitoring program." to comply with Code of Federal Regulations (CFR), Title 40, Part 265, Subpart F, Section 265.92 and with California Code of Regulations (CCR), Title 22, Chapter 15, Article 6. **In fact, repetitive citations are made throughout the GMP, that it is relying upon Chapter 15. At the same time however, the GMP does not meet many of DTSC's regulatory requirements under Chapter 15. For example, the GMP does not meet the requirements under Chapter 15 with respect to vadose zone and surface-water monitoring, despite indications that lead has been reported from surface water adjacent to the site and that a flood control channel subdrain offers a significant downstream pathway to the surface waters of that channel. In addition to the natural lateral stratigraphic variations, the former impoundment is situated next to San Jose Creek which has been artificially straightened, lined and underlain with a subdrain. The purpose of this subdrain is to prevent high ground water from literally floating the concrete lining upward. Approximately every 500 feet there is a one-way valve arrangement which allows underflow water to enter the creek. Water discharged to ground from the former impoundment, together with whatever chemical burden it contained, would not necessarily be precluded by any demonstrated means from moving laterally atop low-permeability horizons and encountering this subdrain system. If the subdrain crossed another channel sand body, another means of connecting to lower-lying aquifer units would occur when that channel sand eventually interwove, off-site and downgradient. In other words a very significant contaminant migration pathway exists next to the site which has not been factored into the GMP.**
  
2. **Quemetco's statement that it has developed a, "... sampling and analysis plan for a groundwater detection monitoring program." is extremely problematic. Instead, the data clearly reveal that Quemetco needs to be performing both evaluation (assessment) and detection monitoring because it has had past lead releases to ground water from the regulated unit. Section 66265.91(d) indicates that, "[i]n conjunction with an evaluation monitoring program the owner or operator shall continue to conduct a detection monitoring program under Section 66265.98 as necessary to provide the best assurance of the detection of subsequent releases from the regulated unit." Despite DTSC having accepted a soil clean-up level of 150 mg/kg as "clean closure," this means that there is residual lead in the vadose zone underlying the regulated unit with potential for future impact to ground water.**

**Evidence of lead at an order of magnitude above the MCLs was detected in ground water from early monitoring wells. Quemetco never subsequently met the requirement in CCR Title 22 Chapter 15 Article 6 Section 66265.98 (1)(7)(B) to demonstrate "...that a source other than the regulated unit caused the evidence, or that the evidence resulted from an error in sampling, analysis or evaluation, or from natural variation in groundwater..."**

**Quemetco has neither invalidated that data nor otherwise proven that its regulated unit was not responsible for the lead contaminant burden.**

3. The GMP is described as being for the purpose of detection monitoring, but detection monitoring implies no previous release. There has been continuing controversy as whether or not a release from the regulated unit has occurred. **It appears that the GMP is worded in such away that suggests that the Facility is attempting to gain explicit approval from the U.S. EPA and DTSC for its position that no release had previously occurred.** Quemetco has repeatedly asserted and continues to imply throughout the GMP that no release from the regulated unit has occurred.

**It is the opinion of the GSU that a release from the regulated unit has occurred which has impacted ground water.**

The uppermost aquifer unit or saturated horizon at Quemetco has changed through time as a result of re-charge and withdrawal effects over an extended period of drought. **From the outset of groundwater monitoring, lead was been reported in the uppermost saturated horizon, which is now partially unsaturated,** from a series of shallow monitoring wells which Quemetco established to monitor its impoundment. These shallow wells functioned from 1982 to the point when the uppermost saturated zone of the aquifer became mostly unsaturated. Additional wells have subsequently been established in the next deeper saturated zone of the aquifer, as the shallower wells became dry over the protracted drought interval from the mid-80's to early 90's. **Based upon general fluvial hydrostratigraphy of the San Gabriel and Puente Basins, the upper saturated zone is most likely hydraulically interconnected to the lower zone, even though the deeper wells display significant variations in flow direction from the earlier shallow measurements, and even if such interconnections occur off-site. It should also be noted that the deeper aquifer unit has also continued to indicate the presence of lead, albeit at lesser concentrations than the shallower unit.**

4. Detection Monitoring Programs (DMP) are described in detail within Section 66265.98 but are defined in Section 66265.97 (b)(1)(B) as being intended to "... represent the quality of groundwater passing the point of compliance and to allow for the detection of a release from the regulated unit." Evaluation Monitoring Programs (EMP) are also described in Section 66265.98 with the purpose being defined in Section 66265.97 (b)(1)(C) as being "... to yield groundwater samples from the uppermost aquifer that represent the quality of groundwater passing the point of compliance, and at other locations in the uppermost aquifer as necessary, to provide the data needed to evaluate changes in water quality due to release from the regulated unit..." The groundwater monitoring system at this Facility does not allow for the detection of a release from the regulated unit because it also does not yield groundwater samples from the uppermost aquifer. **The**

groundwater monitoring system at this facility does not allow for the evaluation of the past detected evidence of releases in the upper saturated zone.

5. The groundwater monitoring system discussed in the GMP consisted of only five wells, MW-9 through MW-13. These wells are screened in what is actually a deeper aquifer unit than first monitored by the sequence of wells installed in 1982. The early wells are left out of the GMP. Under Section 66265.97 (b)(1)(B)(3), a sufficient number of monitoring points and background monitoring points are to be installed such that they will provide "...best assurance of the earliest possible detection of a release from the regulated unit..." Unless leakage from the former impoundment was the sole source for saturation of the uppermost unit, there is every possibility that it could be resaturated, and the GMP proposed monitoring system would fail to provide "earliest" detection in the resaturated uppermost aquifer unit. In point of fact, the uppermost unit is currently undergoing resaturation.
6. The statement on page 4 of the GMP that, "...these five wells screen a water table aquifer at a depth of approximately 50 to 80 feet below ground surface." is at odds with earlier information from this and other sites in the general area. Quemetco's dismissal of the ground water monitored by these earlier wells as so-called "perched" zone water and assertions that the upper saturated zone is hydraulically isolated from underlying aquifers and that therefore any site-derived contamination could not make it to the "true" aquifer is not acceptable. This is an argument which has been made to the LARWQCB many times over the past 8 years for individual sites within the Puente Valley Operable Unit (OU), within which the Quemetco Facility is located. Despite such arguments, public drinking water wells have been contaminated by sites in the OU, thereby demonstrating some form of connectivity. Otherwise solvents that were discharged at the surface would not be found in public drinking water wells at 400 feet below ground surface.

Quemetco and its consultants, have not considered two likely sources of so-called "perched" water in the upper saturated zone, specifically, prior leakage from the former impoundment operations or discharges from the waste water treatment plant.

Quemetco is situated amongst 80 to 120 other sites which were and are being carefully investigated by the U.S. EPA in conjunction with the LARWQCB for solvent contamination. There is no point in proposing a different hydrostratigraphic model just because the site is being regulated under RCRA. Uppermost saturated horizons in the San Gabriel/Puente Basins mostly connect to each other and to underlying saturated units.

7. **Quemetco has not considered in its GMP the facts of fluvial geomorphology, that string or channel sands anastomose or interweave in three dimensional space thereby interconnecting, sometimes downgradient of a site. At the BDP site, some 2 miles to the east and further "up-basin", interconnected sand units to 70 feet bgs were demonstrable from comparison of the boring logs. Quemetco has not demonstrated, even with its pump tests, that the upper and lower saturated units underlying its site are not interconnected.**
8. A 10-foot screen was used for MW-9 and 20-foot screens were used for MW-11, MW-12, and MW-13. This is a **mismatch which may in fact maximize upgradient contamination and minimize or dilute downgradient effects, thereby equalizing measured concentrations in the network.** Screen lengths should have been the same in all wells and the sections of the aquifer unit monitored should be the same to enable comparisons from which valid conclusions may be drawn. **Prior to selecting the sections of the aquifer unit to be screened for a monitoring program, an investigation should have been made as to vertical distribution of contaminants.** Short staggered screens should have been utilized to match the putative sections of the saturated zones.
9. **Quemetco proposes on page 4 of the GMP that, "Background water quality data will be collected from MW-9 and MW-10." Nowhere in the GMP is there justification that water from these locations would represent background. Highly elevated lead contamination from soil samples has been reported from within the boring for MW-10 (1800 mg/kg at 69 ft. bgs<sup>23</sup>). In the DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubuizu, it was noted that of all the soil samples taken to that point in time, only soil samples from MW-8 were not found to contain lead and that in some of the borings, lead was encountered to the full vertical extent of the borings. Quemetco failed to justify its selection of the background well location with respect to their being away from any lead-contaminated soils. Note that lead is not present in significant concentrations in other shallow monitoring wells of most other sites in the area. If Quemetco wishes to provide an accurate picture of normal lead burden (true background) for shallow ground water in the area, the Facility needs to survey up- and down-gradient monitoring wells at other sites.**
10. **There is a second major factor in the background well issue. Given the likelihood that discharge from Quemetco's impoundment was responsible for at least a portion of the shallow saturation encountered by early wells and that various elevation data suggested flow directions 180 degrees out of phase**

<sup>23</sup> -

Environmental Strategies Corporation, July 9, 1991, Supplemental Soil and Groundwater Investigations, Quemetco, Inc. Facility, City of Industry, California.

with that indicated by the current deeper wells, it is also possible that lead-contaminated shallow ground water moved to the south for a number of years. This would place site-derived lead-contaminated ground water physically upgradient of those wells that Quemetco wishes to have considered as the GMP upgradient wells. There has been no demonstration, in fact no discussion, by Quemetco that an upgradient connection does not exist between the uppermost and next lower aquifer units, arguments concerning on-site isolation of the uppermost unit notwithstanding. Finally, it is noted that Quemetco has purchased the former Richardson Battery site which adjoins the Quemetco Facility which is upgradient with regard to the lower saturated zone. Therefore, it has the opportunity to easily expand its upgradient investigations and to possibly to achieve proper upgradient monitoring:

11. It is stated on page 4 of the GMP that, "[D]ata from downgradient wells MW-11, MW-12, and MW-15 will be compared to background levels to determine whether contamination is present." This is not acceptable, even if the purported upgradient wells are ultimately demonstrated to represent upgradient conditions in the lower aquifer unit, since lead contamination has already been detected in the upper saturated zone. As stated in the DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubuizu, lead was confirmed, "...in ground water during the first sampling event as well as during various sampling events until the [then, 1989] present time." In July 1982, groundwater samples from monitoring wells MW-1, MW-2, MW-3 and MW-4 showed that, "...lead was detected during regular ground water analyses..." and that, "...all samples contain lead above both the Primary Drinking Water Standard and the Maximum Concentration Limit (0.05 ppm)." Contamination has clearly been present in ground water at the site for a long time. Quemetco has failed to perform full assessment monitoring. Groundwater assessment monitoring must be performed under post-closure to evaluate the fate of past releases and the extent of contaminated ground water. Detection monitoring must also be instituted with regard to possible additional releases to the already-contaminated ground water from residual soil contamination left behind as a result of the closure process decisions.
12. **The Phase 2 GMP fails to deal with the crucial issue of where the lead contaminated ground water, being monitored in the early (1982-1987) shallow wells of the uppermost saturated horizon, has migrated. This water did not evaporate nor was it pumped out by Quemetco. It did not simply and inexplicably vanish from the Puente/San Gabriel Basins. Given knowledge of interwoven channel sands at those other sites in the area involved in San Gabriel Valley National Priority List site investigations, water levels in the upper sand units may have dropped in response to drinking water pumping centers and drought reduced recharge. As the water level drops, individual parcels of water in such upper sand units retreat to the hydraulic connections with underlying units. Such cross connections are apparent in boring logs at other**

sites. For example, at the former BDP site two miles upgradient to the east, some 70 wells have been installed while tracking a tetrachloroethylene (PCE) plume off-site. **In contrast, Quemetco has yet to deal with even the possibility of off-site migration of its own groundwater pollution.**

13. **The Phase 2 GMP states on page 6 that, "... the monitoring of surface water and the unsaturated zone is not part of the Facility's sampling and analysis program." Yet in the line immediately above it also states that the GMP elements were, "...developed in accordance with the requirements of 22 CCR, Chapter 15, Article 6..." These two lines represent a fundamental incompatibility. Both surface water monitoring and vadose monitoring are mandated under Chapter 15.**
14. Quemetco describes on page 6 of the Phase 2 GMP, installation of two additional wells to, "...complete the groundwater monitoring system." **As stated earlier, it is clear that the GMP is not satisfactory in this regard, but moreover the mechanism of well installation yields other clues.** A conductor casing was set into the top of a "...fine-grained stratum..." which "...varied from 30 (MW-13) to 30.5 (MW-12) feet bgs." There has been no apparent attempt to map the top of this fine-grained unit to determine the direction in which lead-bearing water would have flowed along it upon discharge from the impoundment.
15. **The proposed abandonment of wells MW-1 through MW-5, MW-7 and MW-8 is wholly inappropriate. Indeed, the abandonment of what may have been the former uppermost saturated zone's near-field upgradient well MW-6, "...due to vehicular damage." may have also been inappropriate. The arguments presented are inconsistent with what is known about the aquifer system in the area of the Facility, which is primarily fluvial in depositional environment and not alluvial. There is generally no main unit amongst co-equal saturated horizons which ultimately interconnect. The units must be ultimately interconnected, because the uppermost unit water would have had to drain somewhere, otherwise it would not have gone dry. Although DTSC believes there is a need for wells at the positions of MW-14 and MW-15, their abandonment appears to be part of a pre-arrangement with U.S. EPA. This issue of near-field monitoring at the what was formerly called a waste pile and is now called the former "raw materials storage area," should be revisited during Corrective Action and a well or wells re-established near-field to the unit.**
16. Page 10 of the Phase 2 GMP states that, "Surface water monitoring (San Jose Creek) is not to be part of the monitoring program because previous quarterly monitoring of San Jose Creek by Canonic Environmental revealed no constituents of concern at concentrations above the MCLs." This is a significant error, since October 1, 1987, data cited in the DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubuizu, revealed 120 µg/l of lead in the surface water of San Jose Creek, clearly above the MCL.

17. Section 66265.97(d)(5) allows an owner/operator only to omit unsaturated zone monitoring from the monitoring program if it submits "...evidence that either there is no unsaturated zone monitoring device or method designed to operate under the subsurface conditions existing at that waste management unit..." The reasoning on page 10 of the Phase 2 GMP to justify not including vadose monitoring is inaccurate, and not approaching a level to meet these regulatory requirements. Quemetco states that, "Metals are generally not volatile under normal temperature conditions and will not migrate in the vapor phase. Hence unsaturated zone (vapor) monitoring is not warranted for the Quemetco site." DTSC has never suggested vapor monitoring for metals at the Quemetco Facility, which has been used successfully to our knowledge only with respect to mercury. Quemetco has not recognized that there are many forms of contaminant transport across the vadose zone and that the most common means for monitoring metals (dissolved phase) transport in pore water is through devices such as lysimeters. Section 66265.99 (d)(4) discusses optional methodologies.

Furthermore, it is also a point of debate as to whether vapor migration of volatile organic compounds (VOCs) needs to be considered with respect to both ground water and the vadose zone at Quemetco. Recently, DTSC collected samples from seepage pits in the vadose zone and groundwater samples from on-site wells which indicate the presence of VOCs in the waste streams which entered the seepage pits and probable releases of VOCs to ground water. Therefore it is reasonable to conclude that such compounds were also discharged to the former impoundment. Earlier groundwater measurements of total organic halogens revealed a concentration gradient between wells MW-5 and MW-6. Hence, vapor phase monitoring might need to be considered at Quemetco for volatile organic compounds, but not for metals.

18. The Phase 2 GMP on page 8 argues that only monitoring well MW-1 of all of the shallow wells, "...consistently contained water during the monitoring period; the other shallow wells are generally dry." This is erroneous since the shallow wells contained water for a considerably longer time than the one year 1993/1994 monitoring "period" required for the Phase 2 GMP. Moreover, analytical results from sampling from some of these wells repeatedly showed lead contamination at levels above the MCLs.
19. Quemetco and its consultants have not fully examined the site stratigraphy and have not placed it in the setting of the San Gabriel/Puente Valley-San Jose Creek fluvial stratigraphy and associated hydrostratigraphy. Reams of basic material, such as case histories, are available by contacting Phil Ramsey, project manager for the Puente Valley OU at U.S. EPA Region IX at (415) 744-2258. Contaminants from many facilities in the same general area have managed to navigate the various vertical and lateral shallow sand unit interconnections (as well as through so-called barrier units) in sufficient quantities to cause shut-down of public wells and for water supply companies to rely on blending to achieve

sufficient reductions in order to continue purveying the ground water to the public.

20. Section 66265.97 (d) requires that adequate unsaturated or vadose zone monitoring be performed at ISD sites with a surface impoundment, waste pile, land treatment unit or landfill. The GMP indicates that no vadose monitoring is to be performed. Therefore despite Quemetco's repetitive statements, such as on page 1, that the GMP was designed to comply with the groundwater monitoring requirements of CCR 22 Chapter 15 Article 6, it clearly fails to meet fundamental elements of those regulations.
21. Section 66265.97 (c) requires that adequate surface water monitoring be performed at ISD sites with a surface impoundment, waste pile, land treatment unit or landfill, whether it is in an evaluation or a detection monitoring program. Section 66265.97 (c) (1) states "...[t]he owner operator shall establish a surface water monitoring system to monitor each surface water body that could be affected by a release from the regulated unit." The Phase 2 GMP indicates that Quemetco will not perform any surface water monitoring at its former impoundment despite the proximity of San Jose Creek and earlier analytical results showing lead occurring above the MCL in its surface waters. Therefore, the Phase 2 GMP is not in compliance with the regulations.
22. The Phase 2 GMP indicates that virtually all shallow wells associated with the impoundment are to be abandoned. Given that these wells monitored contamination in the uppermost saturated horizon for years 1982 to 1986, despite "perched zone" designation by Quemetco, and that this aquifer unit(s) would be first affected by any further discharge through the residual vadose zone contamination at the former impoundment, Quemetco has no basis for their elimination, unless they are replaced on a one for one basis, by multi-level nested wells of superior design and construction. Even if the former uppermost saturated aquifer unit had truly been "perched," which DTSC has long asserted that it was not and which by comparison to other facilities in the Puente/San Gabriel Basin area it is demonstrably not, CCR Title 22 Chapter 15 Article 6 Section 66265.97 (b)(1)(B)(3.) states that it is required to have "...a sufficient number of monitoring points and background monitoring points installed at appropriate locations and depths to yield groundwater samples from other aquifers, low-yielding saturated zones and **from zones of perched water** as necessary to provide best assurance of the earliest possible detection of a release from the regulated unit..." (emphasis added). Therefore the Phase 2 GMP again clearly fails to meet the requirements of DTSC regulations.
23. Leaving aside the question of detection and/or evaluation monitoring in the Phase 2 GMP, the list of detection monitoring analytes is not adequate. Although Table 1 in Section 66265.97(f) indicates groundwater monitoring parameters that must be included in the list of detection monitoring analytes, these are to be in addition

to those required to be developed under (e). In particular, continued use of total organic halogens is not acceptable as the sole measure of halogenated VOCs since individual species have already been detected in both the soils and ground water at the site:

24. Under both detection and evaluation monitoring there are requirements to perform sampling to determine whether constituents in the list of Appendix IX to Chapter 14 are present in the ground water. Under detection monitoring under Section 66265.98 (1)(2), Appendix IX sampling is triggered when there is, "...statistically significant evidence of release from the regulated unit or if the owner or operator does not resample pursuant to subsection (k)(2) of this section...". The earliest evidences of release from the regulated unit were never resampled according to (k)(2) which would have required Quemetco to "...**immediately** initiate a procedure to verify that there is statistically significant evidence of a release from the regulated unit..." Routine quarterly groundwater monitoring over the succeeding years does not classify as an "immediate" resampling procedure. With respect to evaluation monitoring, under Section 66265.99 (d)(6), Quemetco would be required to "...analyze samples from all monitoring points in the affected medium...for all constituents contained in the Appendix IX to Chapter 14 at least annually..." The GSU staff holds that Quemetco needs to implement **both** detection and evaluation monitoring, thus Quemetco needs to include Appendix IX sampling in its Phase 2 GMP. Moreover, all of the contingent actions that would be required of Quemetco should the sampling reveal any Appendix IX constituents, need to be covered in the Phase 2 GMP.
25. Quemetco states on page 11 of the Phase 2 GMP that, "These elements of the water quality protection guidelines were developed in accordance with...22 CCR, Chapter 15; Article 6..." Article 6, Section 66265.92 (a) indicates that the water quality protection standard "...shall consist of the list of constituents of concern under section 66265.93, the concentration limits under section 66265.94 and the point of compliance and all monitoring points under section 66265.95." It is not seen that Quemetco has defined its list of constituents of concern in accordance with the regulations.
26. Quemetco states on page 11 of the Phase 2 GMP that, "MCLs established as drinking water standards by the California Department of Health Services provide the water quality protection standards for the Quemetco, Inc. Facility." These MCLs do not in fact protect ground water nor are they water quality protection standards for ground water. They are merely limits at which water may be used for drinking purposes. Senate Bill 1082, enacted by the legislature with the intent of eliminating regulatory duplication, requires the Department to include the equivalent of Waste Discharge Requirements (WDR) in the hazardous waste facility permits. WDRs require that discharge and subsequent degradation of the water body at any level should be minimized. Use of the MCL is not necessarily

minimization if the basin plan developed by the LARWQCB uses lower levels as water quality objectives.

Section 66265.93 indicates that the constituents of concern need to include "...waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in the regulated unit." Chlorinated VOCs were previously reported from groundwater analyses and have now been reported in soil analyses. A clearly defined list of constituents of concern based on the above criteria and data must be provided in the Phase 2 GMP. In its section on Monitoring Parameters and Constituents of Concern on page 11, Quemetco has not included that it has apparently released chlorinated volatile organic compounds to seepage pits and to ground water. It may be reasonably concluded that such VOCs were also discharged to the former surface impoundment. Therefore, the monitoring parameters and analytical methods cited in Table 2 are incomplete and VOCs must be added to the list of required analytes.

Section 66265.94 requires that for each medium, Quemetco specify concentration limits for each constituent of concern, and such limits must be set at, "... a concentration limit not to exceed background value of that constituent as determined..." Background concentrations for ground water have not been properly established.

Section 66265.95 indicates that point of compliance with the groundwater monitoring standard and that "...additional monitoring points at locations pursuant to section 66265.97 of this article..." may be included. It is of concern to the GSU that no such points have been established to determine the fate of lead-polluted ground water measured from 1982 to the point in time when the on-site shallow wells went dry.

On page 13 there is a section entitled "Monitoring Frequency for Initial Conditions," which implies that initial conditions are when the Phase 2 GMP monitoring began, while in reality true initial conditions date back to 1982 when a lead release was documented. The Water Quality Protection Standard must take into account that a release occurred and in that effort set concentrations, points of compliance and monitoring frequency to evaluate the extent of that release to groundwater.

27. Quemetco indicates on page 13 of the GMP that if waste is left in place, a Post-closure permit will be applied for. In other documents it was anticipated at that time in the closure plan that waste would be left in place. Closure activities have concluded and contamination is indeed being left in place. The GMP should have reflected the intent to leave contamination in place and should now be revised to reflect the fact.

28. Although Quemetco cites 22 CCR, Chapter 15, Article 6, as a basis for constituents of concern, there appears to be no mention of the requirement to perform Appendix IX sampling on a regular basis. In fact there is no indication that such sampling has ever been performed in the past. Moreover, there is no understanding communicated that the constituents of concern are not merely defined a priori but are to be modifiable based upon Appendix IX results.
29. The subsection in the Phase 2 GMP on monitoring points and points of compliance, page 11, indicates that the water quality protection standard will apply and monitoring will be conducted at the intersection of a vertical extension of the former surface impoundment and the uppermost aquifer. The monitoring wells selected as monitoring points all lie within a second saturated horizon not the first. Even though the first aquifer unit may have been unsaturated when the Phase 2 GMP was being prepared, historical saturation should be used to define points of compliance. In reality, Quemetco would have to monitor multiple aquifer units to be in compliance with the regulations and to provide a realistic detection monitoring system.
30. Appraisal of its waste discharge impacts is not included in this Phase 2 GMP by Quemetco. No reference is made to any further groundwater evaluation with respect to past discharge. By whatever regulatory means, whether it is during Corrective Action, under a Post-closure Permit, or as part of the Phase 2 GMP, Quemetco must come to grips with the issue of the fate of the lead, sulphate and any other contaminants discharged from the site and which may have since migrated beyond the property line. It is preferred that this issue be incorporated into the Phase 2 GMP.
31. In the future, soil cleanup criteria at Quemetco should not be based solely upon direct exposure from the soil but should consider also that ground water is a primary environmental receptor. Therefore, cleanup of the vadose zone should proceed to the point such that ground water is not further threatened by continued waste discharge of residual site-derived contaminants.

Evaluation of groundwater contamination based on distance of existing public wells from the subject site and citation that they are not now severely polluted by a given contaminant is not acceptable. The separate regulatory levels of the various constituents of interest are not cited. Several problems exist with this. Any discharge to ground water, whether exceeding a regulatory number such as an MCL or not at a well miles away from the site, constitutes pollution. Thirdly, the issue under "clean-up goals" is not whether any putative site discharge represents pollution but what number would represent no further discharge to ground water or would be acceptable under WDR's incorporated into the Hazardous Waste Facility Permit as per Senate Bill 1082.

Residual threat of contamination should be indicated by the cumulative hazard index of all contaminants measured in the near-field downgradient monitoring well not exceeding 1.

Use of cumulative hazard, engendered by multiple chemical species, has been discussed in U.S. EPA documents and specifically referred to in State Water Resources Control Board requirements. Quemetco should include it in the methodology for developing any future cleanup objectives for the vadose zone.

32. The statements on page 14, "...that concentration levels of the constituents of concern (arsenic, cadmium, and lead) are relatively consistent across the site at levels below or slightly above the method detection limit..." and on page 18, "...the relatively consistent contaminant levels present at the site." are misleading. These both imply that there may not be a concentration gradient across the site and one implies that there are only three constituents of concern. There does appear to be a concentration gradient for lead and there are other constituents of concern.
33. It is not understood why hydrographs for wells MW-9 and MW-11 were the only ones proposed in the Phase 2 GMP. All wells should have been so treated. Moreover, in order to determine seasonal minima and maxima, monthly gaging of all wells should have been proposed. There is no evidence in the Phase 2 GMP that Quemetco actually knows the timing of seasonal effects since it has only monitored selected lower saturated zone wells on a quarterly basis.
34. Even though Quemetco correctly assesses the problems with stagnant water trapped in blank casing sections, there are some problems with the discussion on well purging in the Phase 2 GMP. Purging to eliminate stagnant water should never result in a well being considered "dry." Quemetco's discussion on page 17, seems to indicate the opposite, that purging would result in the well being, "...considered dry and no sample will be collected." even if the well recovers from that purging after 24 hours. A procedure which artificially dewater a well and then arbitrarily declares it "dry" is wholly unacceptable as part of the Phase 2 GMP.
35. When VOCs are added to the constituents of concern, the purging protocols of the Phase 2 GMP must be re-written, e.g. "[F]or wells that can be pumped to dryness before yielding three well volumes, sufficient recovery of water in the well will be allowed before sampling." For VOCs, the wells may not be pumped to dryness. Cascading water, vigorous or not, is unacceptable under such circumstances. Moreover, Quemetco fails to state how they will determine "vigorously". Purging should be performed so that there is no extreme drawdown to induce cascading conditions; alternative sampling protocols may also be considered, e.g. depth-specific devices.

36. When a determination would be made that poor recharge was due to siltation of the well, Quemetco indicated in the Phase 2 GMP that, "...arrangements will be made to redevelop the well before the next quarterly sampling event." This implies that data would not be obtained from that well for a given event and that annual cycle of quarterly monitoring would not be completed for that well. Such a circumstance is unsatisfactory and an alternative procedure needs to be included in the Phase 2 GMP before it can be approved for continuation.
37. Calculation for a casing volume of water is indeed based on the "...length of the column of water in the well casing...". The methodology described in the Phase 2 GMP includes the screen length as well casing. It errs in that "... (total well depth minus depth to groundwater)..." may neglect siltation if the constructed well depth is used instead of the depth measured that particular day. For sake of accuracy, this minor point needs to be clarified.
38. The sample collection protocols discussed on page 18 of the Phase 2 GMP do not indicate whether a bottom-emptying device will be used with the bailer. Before approving the Phase 2 GMP for any further sampling, this point should be clarified and such a device required.
39. An entire section of the Phase 2 GMP describes how quality assurance/quality control (QA/QC) will be performed but says nothing regarding corrective steps nor proper reacquisition of data for a given quarter if QA/QC problems are identified. This implies that whether a quarter's data is acceptable or not, it will count as having met the monitoring requirements. This is not a satisfactory. A procedure must be in place to expeditiously trigger re-sampling if the QA/QC review so indicates.
40. Detection of groundwater contamination is meant to trigger assessment monitoring in that it compares current concentrations to those established during the first year of detection monitoring. As was concluded in 1989 by DTSC staff, "...lead was detected in all four monitoring wells repeatedly during the first year of 'detection' monitoring. This should have triggered evaluation monitoring."
41. The discussion on page 29 of the Phase 2 GMP implies that in 1994 Quemetco will "...determine if there is statistically significant evidence of a release from the inactive surface impoundment." as if there were no earlier evidences. The impoundment has been inactive for 9 years, since 1986. When it was "newly" inactive, evidence of a release was determined. Now that it is "older", there is no need for Quemetco to re-determine this. The purpose of monitoring with respect to this impoundment should be to evaluate what is occurring with past discharges as well as to detect any potential discharge from contaminants left in place as a result of closure decisions. Assessment monitoring must be established for past releases and detection monitoring must be continued to detect subsequent releases from waste being left in place.

42. The DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubuizu indicated a similar problem in that "Quemetco indicates that they are currently in the detection phase of 40 CFR 265 groundwater monitoring requirements." The staff response was that "...groundwater analysis results indicate that Quemetco should have been in assessment monitoring since 1982 and should still be in assessment monitoring." Nothing has been presented to current DTSC staff which changes that 1989 conclusion.
43. Other Problem Issues:
- o The monitoring well construction diagram for MW-10 is missing.
  - o The lithologic logs for wells MW-9, MW-10 and MW-11 are not presented. The logs for all the wells in the proposed network should be included in the Phase 2 GMP.
  - o The logs indicate that a five-foot sampler was used but fail to provide any discrete core information, blow counts or specific sample depths. It should be determined if these logs are true representations of the field logs or if they simplified and "cleaned up" revisions. The raw field logs need to be included in the Phase 2 GMP.

#### 4.4 Well Decommissioning

The 1986 CME by the LARWQCB, indicates that the groundwater monitoring system in place prior to 1986 consisting of wells MW-1 to MW-4 was inadequate because the wells were improperly constructed and located only within the uppermost zone of the aquifer (LARWQCB, 1986). A later well (MW-6) was decommissioned subsequent to a vehicular collision by one account; by another it was said to have been removed because it interfered with site operations. Well decommissioning data for monitoring well MW-6 is not presented in this CME because no records were found by DTSC which document Quemetco's actual decommissioning of this well.

Representatives of Quemetco have submitted recent requests to decommission monitoring wells MW-1 through MW-8 in the Phase 2 GMP currently under review and also made separate requests for the decommissioning of MW-3 and MW-10. The rationale is that monitoring wells MW-1 through MW-8 are inadequate and are not constructed to current standards. The separate request for decommissioning of MW-3 and MW-10 are based on adjacent road construction by the City of Industry and the construction of a stormwater holding tank.

Although the filter pack, screened interval placement and annular seal are inadequate at wells MW-1 through MW-8, these wells have made significant contributions of data. These data are considered estimates of the contaminant load which may have been in place at any point in time. The well construction deficiencies do not nullify historical analytical data nor do they invalidate

the data as low estimates of contamination. DTSC would prefer to have properly designed and constructed wells in place but, this request to eliminate all the shallow wells (MW-1 through MW-8) will not be accepted. The upper zone has resaturated and again represents the uppermost ground water. These upper zone wells also have produced important water level data. All further decommissioning requests will be denied unless these wells are replaced on a one for one basis with multi-level nested wells monitoring upper and lower aquifer units. The existing or replacement wells should be monitored quarterly along with the rest of the monitoring wells in the deeper aquifer unit.

Monitoring wells MW-14 and MW-15, which were recently abandoned with the approval of U.S. EPA, represent a loss to the overall groundwater monitoring network. Analytical results for groundwater samples from MW-14 exceeded the MCL for lead (0.05 mg/l) twice in two consecutive quarters (0.14 mg/l on November 18, 1993, and 0.053 mg/l on February 23, 1994). Analytical results from MW-15 were within the same order of magnitude as the MCL for lead on for three consecutive quarters (0.016 mg/l in August 1993, 0.048 mg/l in November 1993, 0.016 in February 1994). These wells are located within the area of the former "raw materials storage area" which is one of several areas at the site with a high probability of contributing to groundwater contamination. Dust suppression sprinklers were operated which could have resulted in infiltration of water and lead waste materials through the poorly maintained asphalt cover and then through the vadose zone.

Quemetco also requested permission to abandon and then construct a replacement for monitoring well MW-10, so that a stormwater holding tank in that location could be constructed. DTSC has indicated that it will not approve this action until the soils in the areas where the tanks will be constructed are characterized as to the nature and vertical and lateral extent of all contamination. This is because previous boring logs indicate that the soils around this "background" monitoring well are reported to be contaminated to depths of up to 68 feet bgs with up to 1800 mg/kg of lead.

## 5.0 COMPREHENSIVE GROUNDWATER MONITORING EVALUATION INSPECTION

During May 16, 17, and 18, 1994, DTSC staff observed ESC personnel purge and sample ground water from most of the then-existing fourteen monitoring wells. DTSC staff also reviewed Facility records prior to the inspection. On June 14, 1994, DTSC staff met with the Facility representatives to discuss the hydrogeology of the Facility and conduct a close-out meeting.

### 5.1 May 16, 1994, Activities

Alfredo Aviles, the Quemetco Environmental Manager, provided permission to conduct the inspection. It was indicated that the CME inspection would consist of the following activities: 1) observation of the Facility obtaining water level measurements, 2) review of the Facility records, 3) observation of groundwater sampling, and 4) combined discussion of the hydrogeology and potential violations at a close-out meeting.

On May 16, 1994, DTSC staff observed Environmental Strategies Corporation (ESC) personnel collect groundwater elevation data at all of the Facility's monitoring wells but no well head inspection data was observed to be collected by the consultant at any time during the inspection.

At approximately 1100 on May 16, 1994, DTSC staff arrived at the Facility and underwent the Facility health and safety training, required for all personnel who enter the processing areas of the site. The health and safety plan was read and then signed acknowledging attendance of this training. Level C personal protective equipment was donned by DTSC staff, as required by the Facility (steel toe and shank boots, overalls or tyvek, hardhat, gloves, safety glasses, earplugs, safety vest).

ESC personnel indicated that the Sampling and Analysis Plan (SAP) used at the Quemetco Facility to conduct groundwater monitoring was the unapproved Phase 2 GMP (Final), Quemetco, Inc., Facility, City of Industry California, prepared by Environmental Strategies Corporation on October 20, 1993, and revised January 10, 1994, and February 14, 1994.

#### **5.1.1 Decontamination Procedures**

At 1323 hours DTSC staff walked around the process areas to the waste water treatment plant where a decontamination area was being set up. Staff witnessed decontamination of the submersible pump. The exterior of the pump was not steam cleaned as called for as the first decontamination step in the SAP. One 55-gallon drum was filled with a mixture of tap water andalconox detergent, a second was filled with a clean tap water, and a third barrel held commercially available (Sparkletts) distilled water. Immediately after undergoing decontamination, the submersible pump was placed on an uncovered truck bed which had not been observed to have been decontaminated. The area where the decontaminated pump was placed should have been covered with clean plastic.

Sampling containers were prepared by labeling and by pre-chilling with ice in the ice chests. The prepared sample containers were placed in bubble packs with a temperature blank for each ice chest. ESC personnel wore clean disposable gloves during all decontamination and sample container preparation procedures.

Decontamination of the electronic water level indicator was conducted after extraction from each well following measurements with sprayed deionized water and clean paper towels. It was noted that clean gloves were worn by ESC staff person, Jeff Benson, at each well but not by ESC staff person, Bob Bealkowski, who retained the same gloves throughout all of the water level measurements. He stated that he only touched the paper towels and the water bottle which held deionized water and had no direct contact with ground water or wells.

#### **4.3 DTSC Review of Phase 2 Groundwater Monitoring Plan (GMP)**

This Phase 2 GMP, prepared by ESC, October 20, 1993, revised on January 10, 1994, and February 14, 1994, still contains some flaws in the procedures and protocols. However, it is the

implications of numerous conclusory-type statements in the body of the document that provide the most serious causes for concern. An early Geological Support Unit (GSU) memorandum in 1989 by David Schwartzbart (see Records Review Section 5.5) conflicts sharply with many of these statements. This memorandum raised a number of serious issues which have not been settled through the Phase 2 GMP.

1. In the GMP Introduction, page 1, Quemetco states that it developed this, "...sampling and analysis plan for a groundwater detection monitoring program." to comply with Code of Federal Regulations (CFR), Title 40, Part 265, Subpart F, Section 265.92 and with California Code of Regulations (CCR), Title 22, Chapter 15, Article 6. In fact, repetitive citations are made throughout the GMP, that it is relying upon Chapter 15. At the same time however, the GMP does not meet many of DTSC's regulatory requirements under Chapter 15. For example, the GMP does not meet the requirements under Chapter 15 with respect to vadose zone and surface-water monitoring, despite indications that lead has been reported from surface water adjacent to the site and that a flood control channel subdrain offers a significant downstream pathway to the surface waters of that channel. In addition to the natural lateral stratigraphic variations, the former impoundment is situated next to San Jose Creek which has been artificially straightened, lined and underlain with a subdrain. The purpose of this subdrain is to prevent high ground water from literally floating the concrete lining upward. Approximately every 500 feet there is a one-way valve arrangement which allows underflow water to enter the creek. Water discharged to ground from the former impoundment, together with whatever chemical burden it contained, would not necessarily be precluded by any demonstrated means from moving laterally atop low-permeability horizons and encountering this subdrain system. If the subdrain crossed another channel sand body, another means of connecting to lower-lying aquifer units would occur when that channel sand eventually interwove, off-site and downgradient. In other words a very significant contaminant migration pathway exists next to the site which has not been factored into the GMP.
2. Quemetco's statement that it has developed a, "... sampling and analysis plan for a groundwater detection monitoring program." is extremely problematic. Instead, the data clearly reveal that Quemetco needs to be performing both evaluation (assessment) and detection monitoring because it has had past lead releases to ground water from the regulated unit. Section 66265.91(d) indicates that, "[i]n conjunction with an evaluation monitoring program the owner or operator shall continue to conduct a detection monitoring program under Section 66265.98 as necessary to provide the best assurance of the detection of subsequent releases from the regulated unit." Despite DTSC having accepted a soil clean-up level of 150 mg/kg as "clean closure," this means that there is residual lead in the vadose zone underlying the regulated unit with potential for future impact to ground water.

Evidence of lead at an order of magnitude above the MCLs was detected in ground water from early monitoring wells. Quemetco never subsequently met the requirement in CCR Title 22 Chapter 15 Article 6 Section 66265.98 (l)(7)(B) to demonstrate "...that a source other than the regulated unit caused the evidence, or that the evidence resulted from an error in sampling, analysis or evaluation, or from natural variation in groundwater..." Quemetco has neither invalidated that data nor otherwise proven that its regulated unit was not responsible for the lead contaminant burden.

3. The GMP is described as being for the purpose of detection monitoring, but detection monitoring implies no previous release. There has been continuing controversy as whether or not a release from the regulated unit has occurred. It appears that the GMP is worded in such away that suggests that the Facility is attempting to gain explicit approval from the U.S. EPA and DTSC for its position that no release had previously occurred. Quemetco has repeatedly asserted and continues to imply throughout the GMP that no release from the regulated unit has occurred.

It is the opinion of the GSU that a release from the regulated unit has occurred which has impacted ground water.

The uppermost aquifer unit or saturated horizon at Quemetco has changed through time as a result of re-charge and withdrawal effects over an extended period of drought. From the outset of groundwater monitoring, lead was been reported in the uppermost saturated horizon, which is now partially unsaturated, from a series of shallow monitoring wells which Quemetco established to monitor its impoundment. These shallow wells functioned from 1982 to the point when the uppermost saturated zone of the aquifer became mostly unsaturated. Additional wells have subsequently been established in the next deeper saturated zone of the aquifer, as the shallower wells became dry over the protracted drought interval from the mid-80's to early 90's. Based upon general fluvial hydrostratigraphy of the San Gabriel and Puente Basins, the upper saturated zone is most likely hydraulically interconnected to the lower zone, even though the deeper wells display significant variations in flow direction from the earlier shallow measurements, and even if such interconnections occur off-site. It should also be noted that the deeper aquifer unit has also continued to indicate the presence of lead, albeit at lesser concentrations than the shallower unit.

4. Detection Monitoring Programs (DMP) are described in detail within Section 66265.98 but are defined in Section 66265.97 (b)(1)(B) as being intended to "... represent the quality of groundwater passing the point of compliance and to allow for the detection of a release from the regulated unit." Evaluation Monitoring Programs (EMP) are also described in Section 66265.98 with the purpose being defined in Section 66265.97 (b)(1)(C) as being "... to yield groundwater samples from the uppermost aquifer that represent the quality of groundwater passing the

point of compliance, and at other locations in the uppermost aquifer as necessary, to provide the data needed to evaluate changes in water quality due to release from the regulated unit..." The groundwater monitoring system at this Facility does not allow for the detection of a release from the regulated unit because it also does not yield groundwater samples from the uppermost aquifer. The groundwater monitoring system at this facility does not allow for the evaluation of the past detected evidence of releases in the upper saturated zone.

5. The groundwater monitoring system discussed in the GMP consisted of only five wells, MW-9 through MW-13. These wells are screened in what is actually a deeper aquifer unit than first monitored by the sequence of wells installed in 1982. The early wells are left out of the GMP. Under Section 66265.97 (b)(1)(B)(3), a sufficient number of monitoring points and background monitoring points are to be installed such that they will provide "...best assurance of the earliest possible detection of a release from the regulated unit..." Unless leakage from the former impoundment was the sole source for saturation of the uppermost unit, there is every possibility that it could be resaturated, and the GMP proposed monitoring system would fail to provide "earliest" detection in the resaturated uppermost aquifer unit. In point of fact, the uppermost unit is currently undergoing resaturation.
6. The statement on page 4 of the GMP that, "...these five wells screen a water table aquifer at a depth of approximately 50 to 80 feet below ground surface." is at odds with earlier information from this and other sites in the general area. Quemetco's dismissal of the ground water monitored by these earlier wells as so-called "perched" zone water and assertions that the upper saturated zone is hydraulically isolated from underlying aquifers and that therefore any site-derived contamination could not make it to the "true" aquifer is not acceptable. This is an argument which has been made to the LARWQCB many times over the past 8 years for individual sites within the Puente Valley Operable Unit (OU), within which the Quemetco Facility is located. Despite such arguments, public drinking water wells have been contaminated by sites in the OU, thereby demonstrating some form of connectivity. Otherwise solvents that were discharged at the surface would not be found in public drinking water wells at 400 feet below ground surface.

Quemetco and its consultants, have not considered two likely sources of so-called "perched" water in the upper saturated zone, specifically, prior leakage from the former impoundment operations or discharges from the waste water treatment plant.

Quemetco is situated amongst 80 to 120 other sites which were and are being carefully investigated by the U.S. EPA in conjunction with the LARWQCB for solvent contamination. There is no point in proposing a different hydrostratigraphic model just because the site is being regulated under RCRA.

Uppermost saturated horizons in the San Gabriel/Puente Basins mostly connect to each other and to underlying saturated units.

7. Quemetco has not considered in its GMP the facts of fluvial geomorphology, that string or channel sands anastomose or interweave in three dimensional space thereby interconnecting, sometimes downgradient of a site. At the BDP site, some 2 miles to the east and further "up-basin", interconnected sand units to 70 feet bgs were demonstrable from comparison of the boring logs. Quemetco has not demonstrated, even with its pump tests, that the upper and lower saturated units underlying its site are not interconnected.
8. A 10-foot screen was used for MW-9 and 20-foot screens were used for MW-11, MW-12, and MW-13. This is a mismatch which may in fact maximize upgradient contamination and minimize or dilute downgradient effects, thereby equalizing measured concentrations in the network. Screen lengths should have been the same in all wells and the sections of the aquifer unit monitored should be the same to enable comparisons from which valid conclusions may be drawn. Prior to selecting the sections of the aquifer unit to be screened for a monitoring program, an investigation should have been made as to vertical distribution of contaminants. Short staggered screens should have been utilized to match the putative sections of the saturated zones.
9. Quemetco proposes on page 4 of the GMP that, "Background water quality data will be collected from MW-9 and MW-10." Nowhere in the GMP is there justification that water from these locations would represent background. Highly elevated lead contamination from soil samples has been reported from within the boring for MW-10 (1800 mg/kg at 69 ft. bgs<sup>24</sup>). In the DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubuizu, it was noted that of all the soil samples taken to that point in time, only soil samples from MW-8 were not found to contain lead and that in some of the borings, lead was encountered to the full vertical extent of the borings. Quemetco failed to justify its selection of the background well location with respect to their being away from any lead-contaminated soils. Note that lead is not present in significant concentrations in other shallow monitoring wells of most other sites in the area. If Quemetco wishes to provide an accurate picture of normal lead burden (true background) for shallow ground water in the area, the Facility needs to survey up- and down-gradient monitoring wells at other sites.
10. There is a second major factor in the background well issue. Given the likelihood that discharge from Quemetco's impoundment was responsible for at least a

<sup>24</sup> -

Environmental Strategies Corporation, July 9, 1991, Supplemental Soil and Groundwater Investigations, Quemetco, Inc. Facility, City of Industry, California

portion of the shallow saturation encountered by early wells and that various elevation data suggested flow directions 180 degrees out of phase with that indicated by the current deeper wells, it is also possible that lead-contaminated shallow ground water moved to the south for a number of years. This would place site-derived lead-contaminated ground water physically upgradient of those wells that Quemetco wishes to have considered as the GMP upgradient wells. There has been no demonstration, in fact no discussion, by Quemetco that an upgradient connection does not exist between the uppermost and next lower aquifer units, arguments concerning on-site isolation of the uppermost unit notwithstanding. Finally, it is noted that Quemetco has purchased the former Richardson Battery site which adjoins the Quemetco Facility which is upgradient with regard to the lower saturated zone. Therefore, it has the opportunity to easily expand its upgradient investigations and to possibly to achieve proper upgradient monitoring.

11. It is stated on page 4 of the GMP that, "[D]ata from downgradient wells MW-11, MW-12, and MW-15 will be compared to background levels to determine whether contamination is present." This is not acceptable, even if the purported upgradient wells are ultimately demonstrated to represent upgradient conditions in the lower aquifer unit, since lead contamination has already been detected in the upper saturated zone. As stated in the DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubizu, lead was confirmed, "...in ground water during the first sampling event as well as during various sampling events until the [then, 1989] present time." In July 1982, groundwater samples from monitoring wells MW-1, MW-2, MW-3 and MW-4 showed that, "...lead was detected during regular ground water analyses..." and that, "...all samples contain lead above both the Primary Drinking Water Standard and the Maximum Concentration Limit (0.05 ppm)." Contamination has clearly been present in ground water at the site for a long time. Quemetco has failed to perform full assessment monitoring. Groundwater assessment monitoring must be performed under post-closure to evaluate the fate of past releases and the extent of contaminated ground water. Detection monitoring must also be instituted with regard to possible additional releases to the already-contaminated ground water from residual soil contamination left behind as a result of the closure process decisions.
12. The Phase 2 GMP fails to deal with the crucial issue of where the lead contaminated ground water, being monitored in the early (1982-1987) shallow wells of the uppermost saturated horizon, has migrated. This water did not evaporate nor was it pumped out by Quemetco. It did not simply and inexplicably vanish from the Puente/San Gabriel Basins. Given knowledge of interwoven channel sands at those other sites in the area involved in San Gabriel Valley National Priority List site investigations, water levels in the upper sand units may have dropped in response to drinking water pumping centers and drought reduced recharge. As the water level drops, individual parcels of water in such upper sand

units retreat to the hydraulic connections with underlying units. Such cross connections are apparent in boring logs at other sites. For example, at the former BDP site two miles upgradient to the east, some 70 wells have been installed while tracking a tetrachloroethylene (PCE) plume off-site. In contrast, Quemetco has yet to deal with even the possibility of off-site migration of its own groundwater pollution.

13. The Phase 2 GMP states on page 6 that, "... the monitoring of surface water and the unsaturated zone is not part of the Facility's sampling and analysis program." Yet in the line immediately above it also states that the GMP elements were, "...developed in accordance with the requirements of 22 CCR, Chapter 15, Article 6..." These two lines represent a fundamental incompatibility. Both surface water monitoring and vadose monitoring are mandated under Chapter 15.
14. Quemetco describes on page 6 of the Phase 2 GMP, installation of two additional wells to, "...complete the groundwater monitoring system." As stated earlier, it is clear that the GMP is not satisfactory in this regard, but moreover the mechanism of well installation yields other clues. A conductor casing was set into the top of a "...fine-grained stratum..." which "...varied from 30 (MW-13) to 30.5 (MW-12) feet bgs." There has been no apparent attempt to map the top of this fine-grained unit to determine the direction in which lead-bearing water would have flowed along it upon discharge from the impoundment.
15. The proposed abandonment of wells MW-1 through MW-5, MW-7 and MW-8 is wholly inappropriate. Indeed, the abandonment of what may have been the former uppermost saturated zone's near-field upgradient well MW-6, "...due to vehicular damage." may have also been inappropriate. The arguments presented are inconsistent with what is known about the aquifer system in the area of the Facility, which is primarily fluvial in depositional environment and not alluvial. There is generally no main unit amongst co-equal saturated horizons which ultimately interconnect. The units must be ultimately interconnected, because the uppermost unit water would have had to drain somewhere, otherwise it would not have gone dry. Although DTSC believes there is a need for wells at the positions of MW-14 and MW-15, their abandonment appears to be part of a pre-arrangement with U.S. EPA. This issue of near-field monitoring at the what was formerly called a waste pile and is now called the former "raw materials storage area," should be revisited during Corrective Action and a well or wells re-established near-field to the unit.
16. Page 10 of the Phase 2 GMP states that, "Surface water monitoring (San Jose Creek) is not to be part of the monitoring program because previous quarterly monitoring of San Jose Creek by Canonie Environmental revealed no constituents of concern at concentrations above the MCLs." This is a significant error, since October 1, 1987, data cited in the DTSC Internal Memorandum, June 7, 1989,

prepared by David Schwartzbart (GSU) to Willie Ndubizu, revealed 120 µg/l of lead in the surface water of San Jose Creek, clearly above the MCL.

17. Section 66265.97(d)(5) allows an owner/operator only to omit unsaturated zone monitoring from the monitoring program if it submits "...evidence that either there is no unsaturated zone monitoring device or method designed to operate under the subsurface conditions existing at that waste management unit..." The reasoning on page 10 of the Phase 2 GMP to justify not including vadose monitoring is inaccurate, and not approaching a level to meet these regulatory requirements. Quemetco states that, "Metals are generally not volatile under normal temperature conditions and will not migrate in the vapor phase, Hence unsaturated zone (vapor) monitoring is not warranted for the Quemetco site." DTSC has never suggested vapor monitoring for metals at the Quemetco Facility, which has been used successfully to our knowledge only with respect to mercury. Quemetco has not recognized that there are many forms of contaminant transport across the vadose zone and that the most common means for monitoring metals (dissolved phase) transport in pore water is through devices such as lysimeters. Section 66265.99 (d)(4) discusses optional methodologies.

Furthermore, it is also a point of debate as to whether vapor migration of volatile organic compounds (VOCs) needs to be considered with respect to both ground water and the vadose zone at Quemetco. Recently, DTSC collected samples from seepage pits in the vadose zone and groundwater samples from on-site wells which indicate the presence of VOCs in the waste streams which entered the seepage pits and probable releases of VOCs to ground water. Therefore it is reasonable to conclude that such compounds were also discharged to the former impoundment. Earlier groundwater measurements of total organic halogens revealed a concentration gradient between wells MW-5 and MW-6. Hence, vapor phase monitoring might need to be considered at Quemetco for volatile organic compounds, but not for metals.

18. The Phase 2 GMP on page 8 argues that only monitoring well MW-1 of all of the shallow wells, "...consistently contained water during the monitoring period; the other shallow wells are generally dry." This is erroneous since the shallow wells contained water for a considerably longer time than the one year 1993/1994 monitoring "period" required for the Phase 2 GMP. Moreover, analytical results from sampling from some of these wells repeatedly showed lead contamination at levels above the MCLs.
19. Quemetco and its consultants have not fully examined the site stratigraphy and have not placed it in the setting of the San Gabriel/Puente Valley-San Jose Creek fluvial stratigraphy and associated hydrostratigraphy. Reams of basic material, such as case histories, are available by contacting Phil Ramsey, project manager for the Puente Valley OU at U.S. EPA Region IX at (415) 744-2258. Contaminants from many facilities in the same general area have managed to navigate the various vertical and lateral shallow sand unit interconnections (as

well as through so-called barrier units) in sufficient quantities to cause shut-down of public wells and for water supply companies to rely on blending to achieve sufficient reductions in order to continue purveying the ground water to the public.

20. Section 66265.97 (d) requires that adequate unsaturated or vadose zone monitoring be performed at ISD sites with a surface impoundment, waste pile, land treatment unit or landfill. The GMP indicates that no vadose monitoring is to be performed. Therefore despite Quemetco's repetitive statements, such as on page 1, that the GMP was designed to comply with the groundwater monitoring requirements of CCR 22 Chapter 15 Article 6, it clearly fails to meet fundamental elements of those regulations.
21. Section 66265.97 (c) requires that adequate surface water monitoring be performed at ISD sites with a surface impoundment, waste pile, land treatment unit or landfill, whether it is in an evaluation or a detection monitoring program. Section 66265.97 (c) (1) states "...[t]he owner operator shall establish a surface water monitoring system to monitor each surface water body that could be affected by a release from the regulated unit." The Phase 2 GMP indicates that Quemetco will not perform any surface water monitoring at its former impoundment despite the proximity of San Jose Creek and earlier analytical results showing lead occurring above the MCL in its surface waters. Therefore, the Phase 2 GMP is not in compliance with the regulations.
22. The Phase 2 GMP indicates that virtually all shallow wells associated with the impoundment are to be abandoned. Given that these wells monitored contamination in the uppermost saturated horizon for years 1982 to 1986, despite "perched zone" designation by Quemetco, and that this aquifer unit(s) would be first affected by any further discharge through the residual vadose zone contamination at the former impoundment, Quemetco has no basis for their elimination, unless they are replaced on a one for one basis, by multi-level nested wells of superior design and construction. Even if the former uppermost saturated aquifer unit had truly been "perched," which DTSC has long asserted that it was not and which by comparison to other facilities in the Puente/San Gabriel Basin area it is demonstrably not, CCR Title 22 Chapter 15 Article 6 Section 66265.97 (b)(1)(B)(3.) states that it is required to have "...a sufficient number of monitoring points and background monitoring points installed at appropriate locations and depths to yield groundwater samples from other aquifers, low-yielding saturated zones and **from zones of perched water** as necessary to provide best assurance of the earliest possible detection of a release from the regulated unit..." (emphasis added). Therefore the Phase 2 GMP again clearly fails to meet the requirements of DTSC regulations.
23. Leaving aside the question of detection and/or evaluation monitoring in the Phase 2 GMP, the list of detection monitoring analytes is not adequate. Although Table

- 1 in Section 66265.97(f) indicates groundwater monitoring parameters that must be included in the list of detection monitoring analytes, these are to be in addition to those required to be developed under (e). In particular, continued use of total organic halogens is not acceptable as the sole measure of halogenated VOCs since individual species have already been detected in both the soils and ground water at the site.
24. Under both detection and evaluation monitoring there are requirements to perform sampling to determine whether constituents in the list of Appendix IX to Chapter 14 are present in the ground water. Under detection monitoring under Section 66265.98 (1)(2), Appendix IX sampling is triggered when there is, "...statistically significant evidence of release from the regulated unit or if the owner or operator does not resample pursuant to subsection (k)(2) of this section..". The earliest evidences of release from the regulated unit were never resampled according to (k)(2) which would have required Quemetco to "...**immediately** initiate a procedure to verify that there is statistically significant evidence of a release from the regulated unit..." Routine quarterly groundwater monitoring over the succeeding years does not classify as an "immediate" resampling procedure. With respect to evaluation monitoring, under Section 66265.99 (d)(6), Quemetco would be required to "...analyze samples from all monitoring points in the affected medium....for all constituents contained in the Appendix IX to Chapter 14 at least annually...". The GSU staff holds that Quemetco needs to implement **both** detection and evaluation monitoring, thus Quemetco needs to include Appendix IX sampling in its Phase 2 GMP. Moreover, all of the contingent actions that would be required of Quemetco should the sampling reveal any Appendix IX constituents, need to be covered in the Phase 2 GMP.
25. Quemetco states on page 11 of the Phase 2 GMP that, "These elements of the water quality protection guidelines were developed in accordance with...22 CCR, Chapter 15, Article 6...", Article 6, Section 66265.92 (a) indicates that the water quality protection standard "...shall consist of the list of constituents of concern under section 66265.93, the concentration limits under section 66265.94 and the point of compliance and all monitoring points under section 66265.95." It is not seen that Quemetco has defined its list of constituents of concern in accordance with the regulations.
26. Quemetco states on page 11 of the Phase 2 GMP that, "MCLs established as drinking water standards by the California Department of Health Services provide the water quality protection standards for the Quemetco, Inc. Facility." These MCLs do not in fact protect ground water nor are they water quality protection standards for ground water. They are merely limits at which water may be used for drinking purposes. Senate Bill 1082, enacted by the legislature with the intent of eliminating regulatory duplication, requires the Department to include the equivalent of Waste Discharge Requirements (WDR) in the hazardous waste facility permits. WDRs require that discharge and subsequent degradation of the

water body at any level should be minimized. Use of the MCL is not necessarily minimization if the basin plan developed by the LARWQCB uses lower levels as water quality objectives.

Section 66265.93 indicates that the constituents of concern need to include "...waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in the regulated unit." Chlorinated VOCs were previously reported from groundwater analyses and have now been reported in soil analyses. A clearly defined list of constituents of concern based on the above criteria and data must be provided in the Phase 2 GMP. In its section on Monitoring Parameters and Constituents of Concern on page 11, Quemetco has not included that it has apparently released chlorinated volatile organic compounds to seepage pits and to ground water. It may be reasonably concluded that such VOCs were also discharged to the former surface impoundment. Therefore, the monitoring parameters and analytical methods cited in Table 2 are incomplete and VOCs must be added to the list of required analytes.

Section 66265.94 requires that for each medium, Quemetco specify concentration limits for each constituent of concern, and such limits must be set at, "... a concentration limit not to exceed background value of that constituent as determined..." Background concentrations for ground water have not been properly established.

Section 66265.95 indicates that point of compliance with the groundwater monitoring standard and that "...additional monitoring points at locations pursuant to section 66265.97 of this article..." may be included. It is of concern to the GSU that no such points have been established to determine the fate of lead-polluted ground water measured from 1982 to the point in time when the on-site shallow wells went dry.

On page 13 there is a section entitled "Monitoring Frequency for Initial Conditions," which implies that initial conditions are when the Phase 2 GMP monitoring began, while in reality true initial conditions date back to 1982 when a lead release was documented. The Water Quality Protection Standard must take into account that a release occurred and in that effort set concentrations, points of compliance and monitoring frequency to evaluate the extent of that release to groundwater.

27. Quemetco indicates on page 13 of the GMP that if waste is left in place, a Post-closure permit will be applied for. In other documents it was anticipated at that time in the closure plan that waste would be left in place. Closure activities have concluded and contamination is indeed being left in place. The GMP should have reflected the intent to leave contamination in place and should now be revised to reflect the fact.

28. Although Quemetco cites 22 CCR, Chapter 15, Article 6, as a basis for constituents of concern, there appears to be no mention of the requirement to perform Appendix IX sampling on a regular basis. In fact there is no indication that such sampling has ever been performed in the past. Moreover, there is no understanding communicated that the constituents of concern are not merely defined a priori but are to be modifiable based upon Appendix IX results.
29. The subsection in the Phase 2 GMP on monitoring points and points of compliance, page 11, indicates that the water quality protection standard will apply and monitoring will be conducted at the intersection of a vertical extension of the former surface impoundment and the uppermost aquifer. The monitoring wells selected as monitoring points all lie within a second saturated horizon not the first. Even though the first aquifer unit may have been unsaturated when the Phase 2 GMP was being prepared, historical saturation should be used to define points of compliance. In reality, Quemetco would have to monitor multiple aquifer units to be in compliance with the regulations and to provide a realistic detection monitoring system.
30. Appraisal of its waste discharge impacts is not included in this Phase 2 GMP by Quemetco. No reference is made to any further groundwater evaluation with respect to past discharge. By whatever regulatory means, whether it is during Corrective Action, under a Post-closure Permit, or as part of the Phase 2 GMP, Quemetco must come to grips with the issue of the fate of the lead, sulphate and any other contaminants discharged from the site and which may have since migrated beyond the property line. It is preferred that this issue be incorporated into the Phase 2 GMP.
31. In the future, soil cleanup criteria at Quemetco should not be based solely upon direct exposure from the soil but should consider also that ground water is a primary environmental receptor. Therefore, cleanup of the vadose zone should proceed to the point such that ground water is not further threatened by continued waste discharge of residual site-derived contaminants.

Evaluation of groundwater contamination based on distance of existing public wells from the subject site and citation that they are not now severely polluted by a given contaminant is not acceptable. The separate regulatory levels of the various constituents of interest are not cited. Several problems exist with this. Any discharge to ground water, whether exceeding a regulatory number such as an MCL or not at a well miles away from the site, constitutes pollution. Thirdly, the issue under "clean-up goals" is not whether any putative site discharge represents pollution but what number would represent no further discharge to ground water or would be acceptable under WDR's incorporated into the Hazardous Waste Facility Permit as per Senate Bill 1082.

Residual threat of contamination should be indicated by the cumulative hazard index of all contaminants measured in the near-field downgradient monitoring well not exceeding 1.

Use of cumulative hazard, engendered by multiple chemical species, has been discussed in U.S. EPA documents and specifically referred to in State Water Resources Control Board requirements. Quemetco should include it in the methodology for developing any future cleanup objectives for the vadose zone.

32. The statements on page 14, "...that concentration levels of the constituents of concern (arsenic, cadmium, and lead) are relatively consistent across the site at levels below or slightly above the method detection limit..." and on page 18, "...the relatively consistent contaminant levels present at the site." are misleading. These both imply that there may not be a concentration gradient across the site and one implies that there are only three constituents of concern. There does appear to be a concentration gradient for lead and there are other constituents of concern.
33. It is not understood why hydrographs for wells MW-9 and MW-11 were the only ones proposed in the Phase 2 GMP. All wells should have been so treated. Moreover, in order to determine seasonal minima and maxima, monthly gaging of all wells should have been proposed. There is no evidence in the Phase 2 GMP that Quemetco actually knows the timing of seasonal effects since it has only monitored selected lower saturated zone wells on a quarterly basis.
34. Even though Quemetco correctly assesses the problems with stagnant water trapped in blank casing sections, there are some problems with the discussion on well purging in the Phase 2 GMP. Purging to eliminate stagnant water should never result in a well being considered "dry." Quemetco's discussion on page 17, seems to indicate the opposite, that purging would result in the well being, "...considered dry and no sample will be collected." even if the well recovers from that purging after 24 hours. A procedure which artificially dewateres a well and then arbitrarily declares it "dry" is wholly unacceptable as part of the Phase 2 GMP.
35. When VOCs are added to the constituents of concern, the purging protocols of the Phase 2 GMP must be re-written, e.g. "[F]or wells that can be pumped to dryness before yielding three well volumes, sufficient recovery of water in the well will be allowed before sampling." For VOCs, the wells may not be pumped to dryness. Cascading water, vigorous or not, is unacceptable under such circumstances. Moreover, Quemetco fails to state how they will determine "vigorously". Purging should be performed so that there is no extreme drawdown to induce cascading conditions; alternative sampling protocols may also be considered, e.g. depth-specific devices.

36. When a determination would be made that poor recharge was due to siltation of the well, Quemetco indicated in the Phase 2 GMP that, "...arrangements will be made to redevelop the well before the next quarterly sampling event." This implies that data would not be obtained from that well for a given event and that annual cycle of quarterly monitoring would not be completed for that well. Such a circumstance is unsatisfactory and an alternative procedure needs to be included in the Phase 2 GMP before it can be approved for continuation.
37. Calculation for a casing volume of water is indeed based on the "...length of the column of water in the well casing...". The methodology described in the Phase 2 GMP includes the screen length as well casing. It errs in that "... (total well depth minus depth to groundwater)..." may neglect siltation if the constructed well depth is used instead of the depth measured that particular day. For sake of accuracy, this minor point needs to be clarified.
38. The sample collection protocols discussed on page 18 of the Phase 2 GMP do not indicate whether a bottom-emptying device will be used with the bailer. Before approving the Phase 2 GMP for any further sampling, this point should be clarified and such a device required.
39. An entire section of the Phase 2 GMP describes how quality assurance/quality control (QA/QC) will be performed but says nothing regarding corrective steps nor proper reacquisition of data for a given quarter if QA/QC problems are identified. This implies that whether a quarter's data is acceptable or not, it will count as having met the monitoring requirements. This is not a satisfactory. A procedure must be in place to expeditiously trigger re-sampling if the QA/QC review so indicates.
40. Detection of groundwater contamination is meant to trigger assessment monitoring in that it compares current concentrations to those established during the first year of detection monitoring. As was concluded in 1989 by DTSC staff, "...lead was detected in all four monitoring wells repeatedly during the first year of 'detection' monitoring. This should have triggered evaluation monitoring."
41. The discussion on page 29 of the Phase 2 GMP implies that in 1994 Quemetco will "...determine if there is statistically significant evidence of a release from the inactive surface impoundment." as if there were no earlier evidences. The impoundment has been inactive for 9 years, since 1986. When it was "newly" inactive, evidence of a release was determined. Now that it is "older", there is no need for Quemetco to re-determine this. The purpose of monitoring with respect to this impoundment should be to evaluate what is occurring with past discharges as well as to detect any potential discharge from contaminants left in place as a result of closure decisions. Assessment monitoring must be established for past releases and detection monitoring must be continued to detect subsequent releases from waste being left in place.

42. The DTSC Internal Memorandum, June 7, 1989, prepared by David Schwartzbart (GSU) to Willie Ndubuizu indicated a similar problem in that "Quemetco indicates that they are currently in the detection phase of 40 CFR 265 groundwater monitoring requirements." **The staff response was that "...groundwater analysis results indicate that Quemetco should have been in assessment monitoring since 1982 and should still be in assessment monitoring." Nothing has been presented to current DTSC staff which changes that 1989 conclusion.**
43. Other Problem Issues:
- o The monitoring well construction diagram for MW-10 is missing.
  - o The lithologic logs for wells MW-9, MW-10 and MW-11 are not presented. The logs for all the wells in the proposed network should be included in the Phase 2 GMP.
  - o The logs indicate that a five-foot sampler was used but fail to provide any discrete core information, blow counts or specific sample depths. It should be determined if these logs are true representations of the field logs or if they simplified and "cleaned up" revisions. The raw field logs need to be included in the Phase 2 GMP.

#### 4.4 Well Decommissioning

The 1986 CME by the LARWQCB, indicates that the groundwater monitoring system in place prior to 1986 consisting of wells MW-1 to MW-4 was inadequate because the wells were improperly constructed and located only within the uppermost zone of the aquifer (LARWQCB, 1986). A later well (MW-6) was decommissioned subsequent to a vehicular collision by one account; by another it was said to have been removed because it interfered with site operations. **Well decommissioning data for monitoring well MW-6 is not presented in this CME because no records were found by DTSC which document Quemetco's actual decommissioning of this well.**

Representatives of Quemetco have submitted recent requests to decommission monitoring wells MW-1 through MW-8 in the Phase 2 GMP currently under review and also made separate requests for the decommissioning of MW-3 and MW-10. The rationale is that monitoring wells MW-1 through MW-8 are inadequate and are not constructed to current standards. The separate request for decommissioning of MW-3 and MW-10 are based on adjacent road construction by the City of Industry and the construction of a stormwater holding tank.

Although the filter pack, screened interval placement and annular seal are inadequate at wells MW-1 through MW-8, these wells have made significant contributions of data. These data are considered estimates of the contaminant load which may have been in place at any point in time. The well construction deficiencies do not nullify historical analytical data nor do they invalidate the data as low estimates of contamination. DTSC would prefer to have properly designed and constructed wells in place but, this request to eliminate all the shallow wells (MW-1 through MW-8) will not be accepted. The upper zone has resaturated and again represents the uppermost ground water. These upper zone wells also have produced important water level data. All further decommissioning requests will be denied unless these wells are replaced on a one for one basis with multi-level nested wells monitoring upper and lower aquifer units. The existing or replacement wells should be monitored quarterly along with the rest of the monitoring wells in the deeper aquifer unit.

**Monitoring wells MW-14 and MW-15, which were recently abandoned with the approval of U.S. EPA, represent a loss to the overall groundwater monitoring network.** Analytical results for groundwater samples from MW-14 exceeded the MCL for lead (0.05 mg/l) twice in two consecutive quarters (0.14 mg/l on November 18, 1993, and 0.053 mg/l on February 23, 1994). Analytical results from MW-15 were within the same order of magnitude as the MCL for lead on for three consecutive quarters (0.016 mg/l in August 1993, 0.048 mg/l in November 1993, 0.016 in February 1994). These wells are located within the area of the former "raw materials storage area" which is one of several areas at the site with a high probability of contributing to groundwater contamination. Dust suppression sprinklers were operated which could have resulted in infiltration of water and lead waste materials through the poorly maintained asphalt cover and then through the vadose zone.

Quemetco also requested permission to abandon and then construct a replacement for monitoring well MW-10, so that a stormwater holding tank in that location could be constructed. DTSC has indicated that it will not approve this action until the soils in the areas where the tanks will be constructed are characterized as to the nature and vertical and lateral extent of all contamination. This is because previous boring logs indicate that the soils around this "background" monitoring well are reported to be contaminated to depths of up to 68 feet bgs with up to 1800 mg/kg of lead.

During May 16, 17, and 18, 1994, DTSC staff observed ESC personnel purge and sample ground water from most of the then-existing fourteen monitoring wells. DTSC staff also reviewed Facility records prior to the inspection. On June 14, 1994, DTSC staff met with the Facility representatives to discuss the hydrogeology of the Facility and conduct a close-out meeting.

### **5.1 May 16, 1994, Activities**

Alfredo Aviles, the Quemetco Environmental Manager, provided permission to conduct the inspection. It was indicated that the CME inspection would consist of the following

activities: 1) observation of the Facility obtaining water level measurements, 2) review of the Facility records, 3) observation of groundwater sampling, and 4) combined discussion of the hydrogeology and potential violations at a close-out meeting.

On May 16, 1994, DTSC staff observed Environmental Strategies Corporation (ESC) personnel collect groundwater elevation data at all of the Facility's monitoring wells **but no well head inspection data was observed to be collected by the consultant at any time during the inspection.**

At approximately 1100 on May 16, 1994, DTSC staff arrived at the Facility and underwent the Facility health and safety training, required for all personnel who enter the processing areas of the site. The health and safety plan was read and then signed acknowledging attendance of this training. Level C personal protective equipment was donned by DTSC staff, as required by the Facility (steel toe and shank boots, overalls or tyvek, hardhat, gloves, safety glasses, earplugs, safety vest).

ESC personnel indicated that the Sampling and Analysis Plan (SAP) used at the Quemetco Facility to conduct groundwater monitoring was the unapproved Phase 2 GMP (Final), Quemetco, Inc., Facility, City of Industry California, prepared by Environmental Strategies Corporation on October 20, 1993, and revised January 10, 1994, and February 14, 1994.



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## Articles

Environmental Health Perspectives Volume 109, Number 9, September 2001

### Combustion Products of 1,3-Butadiene are Cytotoxic and Genotoxic to Human Bronchial Epithelial Cells

W. James Catallo,<sup>1</sup> Christopher H. Kennedy,<sup>1,2</sup> William Henk,<sup>1</sup> Steven A. Barker,<sup>1</sup> Stephen C. Grace,<sup>3,4</sup> and Arthur Penn<sup>1</sup>

<sup>1</sup>Department of Comparative Biomedical Sciences, School of Veterinary Medicine, Louisiana State University, Baton Rouge, Louisiana, USA; <sup>2</sup>National Cancer Institute, Division of Cancer Prevention, Bethesda, Maryland, USA; <sup>3</sup>Biodynamics Institute, Louisiana State University, Baton Rouge, Louisiana, USA; <sup>4</sup>Department of Biology, University of Arkansas, Little Rock, Arkansas, USA

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#### Abstract

Adverse health effects of airborne toxicants, especially small respirable particles and their associated adsorbed chemicals, are of growing concern to health professionals, governmental agencies, and the general public. Areas rich in petrochemical processing facilities (e.g., eastern Texas and southern California) chronically have poor air quality. Atmospheric releases of products of incomplete combustion (e.g., soot) from these facilities are not subject to rigorous regulatory enforcement. Although soot can include respirable particles and carcinogens, the toxicologic and epidemiologic consequences of exposure to environmentally relevant complex soots have not been well investigated. Here we continue our physico-chemical analysis of butadiene soot and report effects of exposure to this soot on putative targets, normal human bronchial epithelial (NHBE) cells. We examined organic extracts of butadiene soot by gas chromatography-mass spectrometry (GC-MS), probe distillation MS, and liquid chromatography (LC)-MS-MS. Hundreds of aromatic hydrocarbons and polycyclic aromatic hydrocarbons with molecular mass as high as 1,000 atomic mass units were detected, including known and suspected human carcinogens (e.g., benzo(a)pyrene). Butadiene soot particles also had strong, solid-state free-radical character in electron spin resonance analysis. Spin-trapping studies indicated that fresh butadiene soot in a buffered aqueous solution containing dimethylsulfoxide (DMSO) oxidized the DMSO, leading to  $\text{CH}_3^\bullet$  radical formation. Butadiene soot DMSO extract (BSDE)-exposed NHBE cells displayed extranuclear fluorescence within 4 hr of exposure. BSDE was cytotoxic to > 20% of the cells at 72 hr. Morphologic alterations, including cell swelling and membrane blebbing, were apparent within 24 hr of exposure. These alterations are characteristic of oncosis, an ischemia-induced form of cell death. BSDE treatment also produced significant genotoxicity, as indicated by binucleated cell formation. The combination of moderate cytotoxicity and genotoxicity, as occurred here, can be

pro-carcinogenic. **Key words:** blebbing, BSDE, butadiene soot, fluorescence, free radicals, human bronchial epithelial cells, PAHs. **Environ Health Perspect** 109:965-971 (2001). [Online 12 September 2001]

<http://ehpnet1.niehs.nih.gov/docs/2001/109p965-971catallo/abstract.html>

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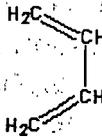
This work was supported in part by a Grant-in-Aid from the American Heart Association.

Received 18 January 2001; accepted 18 March 2001.

Last Updated: September 12, 2001

## TR-434

# Toxicology and Carcinogenesis Studies of 1,3-Butadiene (CAS No. 106-99-0) in B6C3F<sub>1</sub> Mice (Inhalation Studies)



Chemical Formula: C<sub>4</sub>H<sub>6</sub>

3D Structure

1,3-Butadiene is produced in large volumes for use in the manufacture of synthetic rubber and of thermoplastic resins. In previous inhalation studies conducted by the NTP (NTP, 1984) there was clear evidence of multiple organ carcinogenicity in male and female mice exposed to 625 or 1,250 ppm 1,3-butadiene for 60 or 61 weeks. To better characterize exposure-response relationships for neoplasms and nonneoplastic lesions, toxicology and carcinogenesis studies were conducted by exposing groups of male and female B6C3F<sub>1</sub> mice to air containing 1,3-butadiene (greater than 99% pure) for up to 2 years. An additional study in male B6C3F<sub>1</sub> mice, in which exposure to 1,3-butadiene was stopped after limited exposure periods (13, 26, 40, or 52 weeks), was performed to assess the effects of varying concentration and duration of exposure on the incidences of 1,3-butadiene-induced neoplasms. In vitro genetic toxicology studies were conducted in *Salmonella typhimurium* and mouse lymphoma cells. In vivo genetic effects were assayed in germ cells of male *Drosophila melanogaster* and in bone marrow and peripheral blood cells of B6C3F<sub>1</sub> mice.

### 2-Year Studies:

Groups of 70 male and 70 female mice were exposed to air containing 0, 6.25, 20, 62.5, or 200 ppm 1,3-butadiene for 6 hours per day, 5 days per week for up to 2 years; groups of 90 male and 90 female mice were exposed to 625 ppm 1,3-butadiene on the same schedule. Up to 10 animals from each group were examined after 9 and 15 months of exposure.

### Survival and Body Weight in the 2-Year Studies:

Two-year survival was decreased for males and females exposed to concentrations of 20 ppm or above, primarily due to the development of chemical-related malignant neoplasms. No female mice exposed to 200 or 625 ppm or males exposed to 625 ppm survived to the end of the studies (males: 35/50, 39/50, 24/50, 22/50, 4/50, 0/70; females: 37/50, 33/50, 24/50, 11/50, 0/50, 0/70). Mean body weights of exposed male and female mice were similar to those of the

controls.

### **Hematologic Effects in the 2-Year Studies:**

Hematologic parameters were evaluated after 9 and 15 months of exposure. At 9 months, decreases in erythrocyte counts, hemoglobin concentration, and packed red cell volume were observed in male mice exposed to 62.5 ppm or above and in female mice exposed to 200 or 625 ppm. Mean erythrocyte volume was increased in male mice exposed to 625 ppm and in females exposed to 200 or 625 ppm. At 15 months, decreases in erythrocyte counts, hemoglobin concentration, and packed red cell volume and increases in mean erythrocyte volume were observed in male and female mice exposed to 625 ppm.

### **Neoplasms and Nonneoplastic Lesions in the 2-Year Studies:**

Exposure of mice to 1,3-butadiene induced benign and malignant neoplasms at multiple sites. Statistically significant increases in the incidences of neoplasms at one or more sites were seen at concentrations of 20 ppm and higher in males and 6.25 ppm and higher in females. There was no exposure level in this study at which a significant carcinogenic response was not observed. Statistically significant increases occurred in the incidences of malignant lymphoma; histiocytic sarcoma; cardiac hemangiosarcoma; harderian gland adenoma; hepatocellular adenoma and carcinoma; alveolar/bronchiolar adenoma and carcinoma; mammary gland carcinoma, adenoacanthoma, and malignant mixed tumor (females only); benign and malignant ovarian granulosa cell tumor; and forestomach squamous cell papilloma and carcinoma.

Low incidences of uncommon neoplasms also occurred in exposed male and female mice, including intestinal carcinomas in males, renal tubule adenomas in males and females, skin sarcomas (all types combined) in females, and Zymbal's gland adenomas and carcinomas in females.

Lymphocytic lymphomas appeared as early as week 23 and were the principal cause of death of male and female mice exposed to 625 ppm 1,3-butadiene. The early and extensive development of lethal lymphocytic lymphomas in mice exposed to 625 ppm resulted in a reduced number of mice at risk for neoplasms developing later at other sites. Exposure-response relationships for 1,3-butadiene-induced neoplasms were more clearly characterized at concentrations below 625 ppm and after adjustment for intercurrent mortality.

Increased incidences of nonneoplastic lesions in exposed mice included bone marrow atrophy; testicular atrophy; ovarian atrophy, angiectasis, germinal epithelial hyperplasia, and granulosa cell hyperplasia; uterine atrophy; cardiac endothelial hyperplasia and mineralization; alveolar epithelial hyperplasia; forestomach epithelial hyperplasia; and harderian gland hyperplasia.

### **Stop-Exposure Study:**

<http://ntp-server.niehs.nih.gov/htdocs/LT-studies/tr434.html>

10/26/01

The stop-exposure study consisted of groups of 50 male mice exposed to 1,3-butadiene at concentrations of 200 ppm for 40 weeks, 625 ppm for 13 weeks, 312 ppm for 52 weeks, or 625 ppm for 26 weeks. After the exposures were completed, these groups were placed in control chambers for the remainder of the 2-year study. The total exposure of 1,3-butadiene (concentration times duration of exposure) of the 13- and 40-week stop-exposure groups was approximately 8,000 ppm-weeks, while that of the 26- and 52-week stop-exposure groups was approximately 16,000 ppm-weeks.

The survival of all stop-exposure groups was markedly lower than that of the controls. The incidences of lymphocytic lymphoma, histiocytic sarcoma, cardiac hemangiosarcoma, alveolar/bronchiolar adenoma and carcinoma, forestomach squamous cell papilloma and carcinoma, hepatocellular adenoma, Harderian gland adenoma and adenocarcinoma, and preputial gland carcinoma were significantly increased. Neoplasms were induced at most of these sites after only 13 weeks of exposure to 1,3-butadiene. Additionally, low numbers of malignant gliomas and neuroblastomas of the brain and Zymbal's gland carcinomas occurred in one or more stop-exposure groups.

At similar total exposures, the incidence of lymphocytic lymphoma was greater with exposure to a higher concentration of 1,3-butadiene for a short time compared with exposure to a lower concentration for an extended period (34% at 625 ppm for 13 weeks versus 12% at 200 ppm for 40 weeks; 60% at 625 ppm for 26 weeks versus 8% at 312 ppm for 52 weeks).

#### **Genetic Toxicology:**

1,3-Butadiene has been tested both in vitro and in vivo for mutagenic activity. In vitro, positive results were obtained in the Salmonella typhimurium gene mutation assay with strain TA1535; mutagenic activity was not observed in other S. typhimurium strains (TA100, TA97, and TA98). 1,3-Butadiene was negative in the mouse lymphoma assay for induction of trifluorothymidine resistance in L5178Y cells with and without S9.

In vivo, 1,3-butadiene did not induce sex-linked recessive lethal mutations in germ cells of male Drosophila melanogaster; however, it did induce significant increases in chromosomal aberrations and sister chromatid exchanges in bone marrow cells of mice exposed for 2 weeks by inhalation. In addition, significant increases in micronucleated erythrocytes were observed in peripheral blood samples obtained from male and female mice exposed to 1,3-butadiene for 2 or 13 weeks or 15 months by inhalation.

#### **Conclusions:**

The previous inhalation studies of 1,3-butadiene (**TR-288**) in male and female B6C3F<sub>1</sub> mice provided clear evidence of carcinogenicity at exposure concentrations

of 625 or 1,250 ppm. The present inhalation studies - 2-year exposures of 6.25, 20, 62.5, 200, or 625 ppm or shorter duration exposures of 200, 312, or 625 ppm - provide a better characterization of the concentration-dependent responses for 1,3-butadiene-induced neoplasms and nonneoplastic lesions. The present studies confirmed the ***clear evidence of carcinogenicity*** of 1,3-butadiene in male B6C3F<sub>1</sub> mice based on increased incidences of neoplasms in the hematopoietic system, heart, lung, forestomach, liver, harderian gland, preputial gland, brain, and kidney. There was ***clear evidence of carcinogenicity*** of 1,3-butadiene in female B6C3F<sub>1</sub> mice based on increased incidences of neoplasms in the hematopoietic system, heart, lung, forestomach, liver, harderian gland, ovary, and mammary gland.

Low incidences of intestinal carcinomas in male mice, Zymbal's gland carcinomas in male and female mice, and renal tubule adenomas and skin sarcomas in female mice may also have been related to administration of 1,3-butadiene.

Synonyms: alpha,gamma-Butadiene; bivinyll; divinyl; erythrene; vinylethylene; biethylene; pyrrolylene

### **Pathology Tables, Survival and Growth Curves from NTP 2-year Studies**

### **Target Organs & Incidences from 2-year Studies**

Report Date: May 1993

**NTIS# PB94-101631**

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### **Return to Long Term Abstracts**

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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF CRIMINAL INVESTIGATIONS

Name: Quemetco, Inc., Marion County

Charges Filed: 3/10/95

Court: U.S. District Court - Southern District of Indiana

Defendant(s):  
RSR Corporation

Charges:  
Count I:  
-Vio. of U.S. Code,  
Title 18, Section 371 & 2  
(Felony conspiracy to  
violate the Clean Water  
Act)

Disposition: 6/23/95  
-Pled Guilty  
-\$500,000.00 fine  
-\$200.00 Special Assessmer

Quemetco, Inc.

Count I:  
-Vio. of U.S. Code,  
Title 18, Section 371 & 2  
(Felony conspiracy to  
violate the Clean Water  
Act)

-Pled Guilty  
-\$500,000.00 fine for each C  
-\$200.00 Special Assessmer

Count II:  
-Vio. of U.S. Code,  
Title 33, Section  
1319(c)(4)  
(Submitting a false  
certification)

Charges Filed: 3/13/95  
Donald Jack Eby

Count I:  
-Vio. of Title 18, U.S.  
Code, Section 371 & 2  
(Felony Conspiracy to  
violate the Clean Water  
Act)

-Pled Guilty  
-Sentenced to 1 year and 1 d  
-\$15,000.00 fine

Charges Filed: 3/15/95  
James Stephen Bitner

Count I:  
-Vio. of Title 18, U.S.  
Code, Section 371 & 2  
(Felony Conspiracy to  
violate the Clean Water  
Act)

-Pled Guilty  
-Sentenced to 1 year and 1 d  
-\$10,000.00 fine

William Sylvester Mobley

Count I:  
-Vio. of Title 18, U.S.  
Code, Section 4  
(Failure to report a

-Pled Guilty  
-2 years probation, first 60 d  
to consist of home detention  
-\$1,000.00 fine

Stephen Ray Summers

known crime)  
Count I:  
-Misdemeanor Vio. of  
Title 33, U.S. Code,  
Sections 1311 and  
1319(c)(1)(a)

-150 hours of community se  
-Pled Guilty  
-1 year probation  
-\$200.00 fine

**SEATTLE POST-INTELLIGENCER**

<http://seattlep-i.nwsourc.com/local/fedz24.shtml>

**EPA files civil complaint against plant's co-owner**

Wednesday, May 24, 2000

By **SAM SKOLNIK**

SEATTLE POST-INTELLIGENCER REPORTER

The federal government yesterday filed a civil complaint against one of the companies that owned and operated the Harbor Island lead-processing plant that allegedly caused much of the soil contamination at a federal Superfund site in Seattle.

The U.S. Environmental Protection Agency is suing Dallas-based RSR Corp. and two subsidiaries, Quemetco Inc. and Quemetco Realty Inc., for the \$10 million the agency says it cost to investigate the Harbor Island site.

Quemetco purchased the lead smelter in 1969. Three years later, Quemetco became a subsidiary of RSR, and the two jointly operated the smelter until it closed in 1980. Quemetco Realty had owned the property on which the smelter was located.

According to the complaint, it was during that period when hazardous substances -- including lead -- were improperly released into the soil and groundwater.

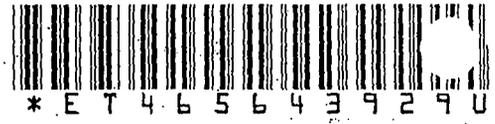
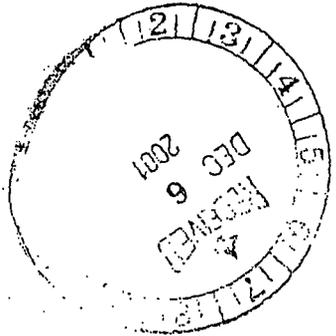
A cleanup agreement was reached in 1995 between the EPA and other businesses on the island that were partly at fault for the contamination -- a pact that RSR and Quemetco were not part of. After years of unsuccessful settlement talks, the government filed suit.

"They owned the smelter that caused a lot of the contamination," said Seattle-based EPA attorney Robert Hartman. "We finally decided we needed to recover our costs."

Seattle attorney Theodore Millan, who represents RSR, said the company "was one of many operators of the lead smelter" over the years.

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From: Duncan McKel  
738 S. 3<sup>rd</sup> Ave  
Avocado Hgts, Ca.  
91746



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ZIP + 4 <input type="checkbox"/> <input type="checkbox"/>	

Subj: <b>Q COMPLAINT LETTER</b> Date: 11/27/01 6:02:39 AM Pacific Standard Time From: gonetothelake@home.com (Mike McKee) To: MCKEEPALMS@aol.com
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**Michael McKee**  
 738 South Third Avenue  
 La Puente, California, 91746

October 26, 2001

Department of Toxic Substances Control  
 Regional Records Office  
 1011 North Grandview Avenue  
 Glendale, California, 91201

Attention: Jamshid Shahi

Dear Sir:

Re: Opposition to Quemetco Application

Our family has lived at the above address for 54 years, only 4 blocks from the smelter. From the outset, this facility has polluted our neighborhood and, for 40 years, our family and neighbors have been forced to participate in one public process after another, attempting to protect ourselves from the poisons which are pumped into our environment on a daily basis.

We have documents from the late 1960's showing our opposition to this facility, yet we are still faced with lax enforcement by the government departments mandated to protect us. Hopefully, after reviewing citizens' comments, you will conclude that this company should be shut down and site remediation should commence. If you grant their permit, it should be granted on very firm conditions including substantial mitigations. Imagine the cumulative effect of breathing, drinking, eating and absorbing the toxins for our entire lives, living only 4 blocks from this facility.

The following are a few of my concerns. As other submissions will cover the scientific case for denial of this application, most of my questions and comments will address the criminal record of the company and several individuals, lax enforcement and the flawed public hearing process.

1. If public input is truly desired, why was notice of the meeting sent to only 13,000 people when more than 100,000 people are directly affected by the pollution?

a) Did you solicit the participation of elected officials by informing them of the issues? Only one elected official attended – a congress woman. Surely representatives from surrounding cities should play a substantial role in this process as it affects each of their residents.

b) Public attendees numbered approximately the same as government scientists, Quemetco experts, Quemetco lawyers and other government representatives. Do you agree that the attendance at the public meeting was inadequate to give the quality of input required for so complex an issue?

c) Why did we have such short notice of the meeting, leaving little time and few resources to prepare ourselves. Surely each person should not be expected to spend a day at the library reading the multitude of binders containing highly technical (and often outdated) information. An executive summary could have been prepared to give a basic overview of the issues. Why wasn't this done?

d) As the Quemetco issue involves complex scientific and legal issues beyond the average person's ability, is there funding available to community groups to help defray the cost of expert assistance? Could a DTSC employee be assigned as an advisor for an opposing community group?

2. DTSC has an internet site. What information concerning Quemetco / RSR can be found on your site? Would this have been an effective vehicle to give the public necessary information to understand the issues and to formulate an effective opposition?

3. Kennedy Court Reporters, Inc. was given the responsibility of making a transcript of the meeting. Why do many of the panel answers mask the names of the speakers on the transcript by being prefaced with *Panel Member* rather than the speaker's name in the transcript?

a) Who made the decision to deviate from the standard court reporting format of naming each speaker prior to the answer?

Without the name of the speaker, public input and interaction is more difficult. Most participants did not know how to contact the speakers, nor did they know which departments they represented.

b) Why wasn't a head table "map" given to the participants (and perhaps the court reporter), giving the names, positions, agencies, contact information and seating position of the speakers? This would have made contact possible.

4. In contrast to surrounding businesses, Quemetco's premises are amongst the most unsightly in the area. Can they be forced to improve the look of their premises? Even a

fresh coat of paint and some landscaping would go a long way toward improving the optics. High hedges (neatly trimmed) might mask their unsightly installation from street view.

5. What studies have been done in the impact to surrounding businesses such as the commercial bakery directly across the street and the numerous food processors within 4 blocks? Are the huge air intake systems in the surrounding businesses specially filtered to remove *all* the pollutants pumped into the air, soil and water by Quemetco?

- a) Have you notified the surrounding businesses of the potential hazards and assisted them in doing the necessary testing? If not, why not?

6. What measurements and studies have been done by DTSC in the elementary and high schools only a few blocks away? What are the results of those studies?

- a) Have the schools been informed of the elevated risk of toxins in the air so they can take special steps to protect the students?

7. Most of the speakers at the public meeting mentioned foul smells including burning plastic being emitted from Quemetco. We regularly smell these discharges, especially at times when government inspectors are not working. While we were assured at the meeting that inspectors are available 24 hours per day, our last call was met with an answering machine stating that the office is closed. No alternate emergency number was given on the machine.

It was a Monday morning and it appears the office is only open 4 days per week. If this is the case, how do you expect to catch Quemetco "in the act"? They often discharge the plastic smells in the early morning or on week-ends. You can not know the facts if you are unavailable to run tests when the problem exists. I suspect that Quemetco does releases when the inspectors are unavailable. What steps do citizens need to take to get immediate "911" type testing?

- a) What testing has DTSC done regarding the numerous foul odor complaints and what were the results? When were the tests conducted? Who conducted the tests? Please send me a copy if such a report has been conducted.

8. A possible explanation for the burned plastic smell is that small pieces of lead are imbedded into the plastic when the battery is crushed. When the broken pieces go into the water tank, the plastic with imbedded lead sinks to the bottom with the lead and is put into the smelter. Have you and Quemetco considered this possible cause? Do you know of any other cause for the foul odors?

9. Quemetco / RSR has a lengthy record of serious criminal convictions and multi-million dollar fines. Has DTSC done a comprehensive search in the U.S. and Mexico to uncover and document *all* convictions? If yes, please provide a copy of the report. If not, why not?

- a) If you have not done such a search, including discussions with your counterparts in all other states in which they operate, how can you say with certainty that they have an acceptable compliance record?

10. I understand that DTSC intends to make a compliance decision based upon only 4 or 5 years of history. Is this correct? If so, what law or **written** policy states that you may ignore 25 of the past 30 years of non-compliance when making your decision?

The full criminal and compliance record of Quemetco / RSR should be researched, not only for the Industry plant, but also for their other locations. They have a poor record in other states and we see similar behavior in City of Industry. The record should weigh heavily in your decision making process.

11. The following are a few recent convictions and civil actions:

The Indiana Department of Environmental Management, Office of Criminal Investigations reports that Quemetco Inc. and RSR Corporation were convicted of the following charges, filed on March 10, 1995 in U.S. District Court:

RSR – Violation of U.S. Code Title 18, Sections 371 & 2 – **Felony Conspiracy to Violate the Clean Water Act**. RSR plead guilty and was assessed a fine of \$500,000 + a \$200 Special Assessment.

Quemetco Inc. - Violation of U.S. Code Title 18, Sections 371 & 2 – **Felony Conspiracy to Violate the Clean Water Act**. Quemetco plead guilty and was Fined \$500,000 + a \$200 Special Assessment

Quemetco Inc. – Violation of U. S. Code Title 33 Section 1319(c)(4) – **Submitting a False Certification**. Quemetco again plead guilty and was fined a further \$500,000 + a \$200 Special Assessment.

On March 13 & 15, 1995, these individuals were charged with the following crimes:

Donald Jack Eby – Violation of Title 18, U.S. Code, Section 371 & 2 - **Felony Conspiracy to Violate the Clean Water Act**. Mr. Eby plead guilty and was sentenced to one year plus a day in prison. In addition he was **fined \$15,000**.

James Stephen Bitner – Violation of Title 18, U.S. Code, Section 371 & 2 **Felony Conspiracy to Violate the Clean Water Act**. Mr. Bitner plead guilty and was sentenced to one year plus a day in prison. In addition he was **fined \$10,000**.

Willaim Sylvester Mobley – Violation of Title 18, U.S. Code, Section 4 – **Failure to Report a Known Crime**. Mr. Mobley was sentenced to **150 hours of community service** (toxic waste clean up? – Just kidding!)

Stephen Ray Summers – **Misdemeanor Violation of Title 33 U.S. Code Sections 1311 and 1319(c)(1)(a)**. Mr. Summers plead guilty and was sentenced to **one year of probation and a \$200 fine**.

On November 18, 1996, Justice Charles Horan approved the use of \$2,000,000 of another **2.5 million dollar fine** paid by Quemetco / RSR to clean up somewhere between 23,000 & 30,000 cubic metres of lead-contaminated waste, most of which had been illegally dumped in Tijuana, Mexico.

An action was filed with the International Court of Environmental Arbitration and Conciliation on August 17, 1998 asking the International Court to decide if the **lead-contaminated waste must be returned to the U.S.**

On April 9, 2001, a Notice of Lodging of consent decrees Pursuant to the **Comprehensive Environmental Response, Compensation and Liability Act** was started by the U.S. Department of Justice.

This action was to recover civil claims of the United States for recovery of un-reimbursed past response costs under Section 107 of the aforementioned act. The action was lodged with the U.S. District Court, Southern District of Indiana in connection with the **Avanti Superfund site** in Indianapolis, Indiana.

On June 24, 2000, the U.S. Federal Government filed a civil complaint which included as defendants, not only Quemetco Inc. and RSR, but also Quemetco Realty. They were **fined \$10,000**. This action concerned pollution left from one of their smelters from 1969 to 1980 when it closed. An agreement to clean up the site was reached in 1995. 15 years is a long time to leave a toxic site unremediated. How long will it take to clean up the Industry site and the surrounding area?

There is also a case in New York wherein Quemetco was **fined \$1,500,000 for Conspiracy to Violate the Clean Water Act.**

The United Steel Workers of America discovered damaging documents concerning the Los Angeles RSR operation. The California EPA is investigated. They found lead smelters accountable for some serious problems.

The EPA proposes a **\$9,000,000 clean up cost** for RSR's operation in Dallas, Texas.

A further Record of Decision was granted for **\$6,000,000** in connection with the Dallas operation. An R.O.D. has been issued regarding **contaminated soil and demolition of all buildings** at the RSR site in Dallas.

May 24, 2000 – U.S. EPA filed a **\$10,000,000 lawsuit** against RSR Corp, Quemetco Inc. and Quemetco Realty for the cost of **investigating the Harbor Island site** in Washington State.

12. These are just a few of the legal actions against Quemetco / RSR. Please advise me when you research their record. I would like a copy of the report.
13. People or companies with numerous felony convictions should not be relied upon to do their own testing, nor should they be allowed to continue the same pattern of misbehavior in Industry as they has demonstrated across the country and even in Mexico. I am particularly disturbed by the conviction for **submitting a false certification**. Please obtain more details. Did this involve falsification of test records or a similar offense?
14. At the public meeting, I asked the panel if anyone knows the relationship Quemetco / RSR has with Eby, Bitner, Mobley and Summers. No one from Quemetco would give me an answer. Are these executives of the company? Please advise how these people are associated with Quemetco.

a) The convictions are of a very serious nature and should not be swept under the carpet by using a 4 or 5 year history rather than a lifetime record. In any event, the company has a number of newer legal actions against it.

15. At the public meeting, I asked Ruth Williams-Morehead, DTSC Hazardous Substances Scientist in charge of Quemetco about the compliance and enforcement record of Quemetco. She responded, "I've been inspecting Quemetco for the last four years, since 1997. And to this day, I have not issued a major enforcement case against them. They've had minor violations and they've been very responsive in correcting those violations. There has been some major cases against Quemetco in the past, the late 80's to the mid-90's. In the late 80's they were still operating the service empanelment through the efforts of the DTSC. That service empanelment was closed and Quemetco was cited a pretty hefty fine for not operating it correcting. They also had to characterize the site and employ clean-up actions, which they did. The service empanelment has been closed, I believe, since the early 90's. **They** are continually doing monitoring of the site. Especially in that area, they're doing ground water monitoring. In '93, '94 they were cited again. This time we assessed fines as high as **\$2.5 million**. **They were transporting hazardous wastes without a manifest.**"

a) Early in the transcript, Ruth admitted that she has not read the CEPA / DTSC *Comprehensive Ground Water Monitoring Evaluation Report* (EPA ID No. CAD066233966), a 143 page document, dated March 8, 1996, by Andres Cano, Hazardous Substances Engineering Geologist, Geo-technical Services Unit, Facility Management Branch. Ruth stated, "everything in this report is not a violation. **I really haven't had a chance to look at it.**" We have found the time to read that document. Numerous serious deficiencies are noted. In addition a number of polluted areas have been identified. The report is far too technical for me to comment on, but I strongly suggest that it be included as part of the evidence that you study. Ruth should read the report immediately as it will indicate areas of concern of which she is not aware. As the report is now 5 years old and much of the work still has not been done, it should be acted upon without delay. Perhaps Mr. Cano or someone of similar caliber should do an update to reflect current conditions. The situation may have worsened due to migration of lead-laden soil.

b) I also worry when Ruth says, "**They** are continually doing monitoring of the site." Shouldn't DTSC scientists be conducting the testing?

c) When was the last comprehensive testing done by DTSC, EPA or South Coast Air personnel. Surely we are not allowing Quemetco to give you their test results. Please advise what regime is in place for testing.

d) Have you read the *Survey of Storm Water discharge from Quemetco Inc.*? This concerns their operation in Seattle. It is publication no. 71-e20 and can be ordered on-line <http://www.ecy.wa.gov/biblio/forms/program-order.asp>

This document should be included in your decision-making process. It surveys Quemetco's recent discharges into Julian Creek in Washington State. Recent data shows **lead in creek sediment** and elsewhere.

16. In 1998, Harvard University discovered the cause of the massive Whittier Narrows earth quake which killed 13, injured 200 and caused \$384,000,000 in property damage. A new

fault capable of a magnitude 7 quake has been discovered in our area. The new fault is named the **Puente Hills Fault**. There is no seismic engineering in the Quemetco facility. If (when) a major earth quake strikes, the *expansive soil* under Quemetco will cause *liquefaction*. Has a complete seismic study been completed? This facility was built prior to the discovery of the Puente Hills Fault.

17. In the event of an earthquake the same magnitude as Whittier (m 5.9-6.0), what will happen to the 1.9 million gallons of toxins stored in Quemetco's tanks?

Whittier is only 2 miles away and the Puente Hills Fault discovered by Harvard directly affects the safety of this site.

18. Our family has lived on our land for more than half a century. We have been good stewards of our property, notwithstanding 40 years of toxins being deposited upon it. We submit that Quemetco's application should be denied and their 30 year "temporary" status revoked. This is the wrong place for such a facility and the company's record has been abysmal. The local regulators need to do an extensive on-site assessment to determine the current pollution levels and locations, then make plans to phase out this operation and commence detoxification of the land.

Yours truly,

Michael McKee

----- Headers -----

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Received: from rly-xe04.mx.aol.com (rly-xe04.mail.aol.com [172.20.105.196]) by air-xe04.mail.aol.com (v82.22) with ESMTTP id MAILINXE41-1127090239; Tue, 27 Nov 2001 09:02:39 -0500

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Message-ID: <000501c1774b\$ab7e05a0\$45314718@vp.shawcable.net>

From: "Mike McKee" <gonetothelake@home.com>

To: <MCKEEPALMS@aol.com>

Subject: Q COMPLAINT LETTER

Date: Tue, 27 Nov 2001 05:58:55 -0800

MIME-Version: 1.0

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X-MSMail-Priority: High

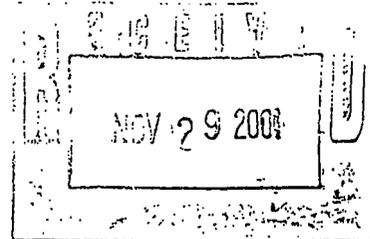
X-Mailer: Microsoft Outlook Express 5.50.4133.2400

X-MimeOLE: Produced By Microsoft MimeOLE V5.50.4133.2400

Enclosed is a hard copy of the letter that you and Maya Akula received from me via email prior to the 11/27/ deadline.

Yours Truly

Michael McKee



#### SECTION 4.0 – MITIGATION MONITORING AND REPORTING PROGRAM

As the Lead Agency under the CEQA, the DTSC is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures for this project, if it is approved, to ensure that the adopted mitigation measures are implemented as defined in this EIR. This Lead Agency responsibility originates in Public Resources Code Section 21081.6(a) (Findings), and CEQA Guidelines Sections 15091(d) (Findings) and 15097 (Mitigation Monitoring and Reporting).

The purpose of a Mitigation Monitoring, Compliance, and Reporting Program (MMCRP) is to ensure that measures adopted to mitigate or avoid significant impacts are implemented. A MMCRP can be a working guide to facilitate not only the implementation of mitigation measures by the project proponent, but also the monitoring, compliance and reporting activities of the DTSC and any monitors it may designate.

The DTSC may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as deemed necessary. The DTSC, as the Lead Agency under the CEQA, is required to adopt a program for reporting or monitoring regarding the implementation of mitigation measures for this project, if it is approved, to ensure that the adopted mitigation measures are implemented as defined in this EIR. This Lead Agency responsibility originates in Public Resources Code Section 21081.6(a) (Findings), and CEQA Guidelines Sections 15091(d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

The following Mitigation Monitoring and Reporting table applies to the project.

**Hazardous Waste Management Operation and Post Closure Permit for Quemetco, Inc.  
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	Monitoring/ Reporting Action	Effectiveness Criteria	Responsible Agency	Timing
<p>Non compliance with established water quality standards for groundwater from continued operations are a significant impact.</p>	<p>Quemetco is regulated by the EPA/DTSC and the LACSD and SWRCB. Quemetco is in the "Evaluation Monitoring Program" required under 22 CCR 66264-99 and shall remain so until such time that all WQPS are met in accordance with permit conditions.</p>	<p>DTSC monitor to observe the Quemetco meets the requirements under the regulations.</p>	<p>Compliance with the regulations will improve Quemetco's groundwater quality to levels that comply with state requirements. As such, water quality would improve to levels that would be less than significant, since the water quality standards would be met.</p>	<p>DTSC</p>	<p>As per conditions established with the permit.</p>