

## Comment Letter #102

10/18/2022

Duncan McKee  
738 S. 3<sup>rd</sup> Avenue  
Avocado Heights, CA 91746  
Tele: (626) 330-5123

SCAQMD  
Kevin Ni (c/o CEQA)  
21865 Copley Drive  
Diamond Bar, CA 91765

Dear SCAQMD Staff:

On behalf of the residents and business owners in Avocado Heights, Bassett, City of Industry, Hacienda Heights, La Puente and North Whittier, thank you for the opportunity to provide comments on the AQMP. We formally request that a proposal be included in the AQMP to work with private industry to build hazardous waste disposal facilities that recycle lead acid and other types of batteries and that they be constructed outside of the South Coast Basin. It is irresponsible to rely on one company, Quemetco/RSR/Ecobat, to process batteries from the entire western United States and batteries and other lead bearing hazardous waste imported from all over the world. This is currently occurring in close proximity to numerous schools, parks, residences and businesses. SCAQMD has documented serious health issues potentially attributable to this facility for years. SCAQMD has no plan to deal with this hazardous waste if the critical emission control equipment blows up and burns or if the facility is forced to cease operation for months because the roof over the 8 refining kettles is so corroded that it is in danger of collapse. This occurred in the recent past and SCAQMD has no contingency plan. The fact that Wayne Nastri who is the current Executive Officer, worked for Quemetco when he was with Environmental Mediation, E4 Strategic Solutions and other companies should not be a reason for SCAQMD as the leading Air District (perhaps in the world) to give Quemetco/RSR/ Ecobat and their owners, special consideration when approving a Federal Title V Permit modification with as many serious unresolved impacts as there are. Thomas Lohff and I served many years ago on the SCAQMD Pilot Environmental Justice Council spearheaded by Dr. William Burke and Barry Wallerstein. In 2010 to 2016 we served on the working group along with Susan Nakamura, Michael Morris, Philip Fine Ph.D. and Ian MacMillan to write and implement Rule 1420.1 and PAR 1420.1. Wayne Nastri and his partner Howard Berman attended the meetings and worked very hard developing the strategy that former Governing Board Member, the Honorable Mayor Yates, described as "the nail in Exide's coffin". Dr. Wallerstein cautioned to be careful that the batteries processed at Exide did not come to Quemetco. We served in good faith and never in our wildest dreams could have envisioned the day when the very person whose company along with Quemetco's attorneys, developed the strategy and delivered the SCAQMD connections to position Quemetco/RSR/ Ecobat and their owners to corner the market on the processing of lead acid batteries, would be the Executive Officer of SCAQMD. Mr. Nastri should do the right thing and work with his friends and former employers at Ecobat/Quemetco/RSR to facilitate the construction of additional

facilities in a less populated location to process these batteries coming in from all over the world. A five year plan should be included in this AQMP that outlines a phasing out of the current City of Industry location so that the inevitable cleanup of the documented contaminated in the community and environment can commence.

I have included with this input submissions on the 2003 AQMP documenting outrageous practices facilitated and permitted by SCAQMD. SCAQMD has still not adequately addressed the issues raised so we are hoping that they will take the opportunity to do so in their response and stop protecting this big polluter.

Thank you.

Duncan McKee



Critical emission control equipment on fire at Quemetco that forced the extended closure of the hazardous waste disposal site.

Duncan McKee  
738 S. 3<sup>rd</sup> Avenue  
Avocado Heights, Ca. 91746

5/22/03

Mr. Michael Krause c/o  
CEQA Section,  
Planning, Rules Development and  
Area Sources  
21865 E. Copley Drive,  
Diamond Bar CA. 91765-4182

Dear Mr. Michael Kruse:

This letter is to voice comments and ask questions on behalf of residents of Avocado Heights, La Puente, North Whittier, Bassett, Hacienda Heights and employees and business owners in the City of Industry, concerning the Draft Program Environmental Impact Report titled the Proposed Draft Air Quality Plan recently released by SCAQMD. SCAQMD staff has done an excellent job compiling data, developing models and patting themselves on the back; however we are extremely concerned regarding shortfalls, oversights and fundamental problems in the EIR. We find it hard to swallow that many of the most important issues are not addressed as well as the fact that some of the proposals will exacerbate air quality problems in these and surrounding communities.

For example, SCAQMD is proposing the replacement of many propane-powered forklifts with battery-powered forklifts. Does SCAQMD propose that the additional batteries that will be required end up at Quemetco/RSR Inc. in the City of Industry for "recycling" of the lead and disposal of hazardous waste into the local community through the process of incineration and wastewater discharge to LACOSD? I have included with this response a previous letter to your department that contains information regarding this outrageous practice and SCAQMD involvement in it. To avoid duplication please answer the unanswered questions as part of this document as well. We expect that you will need to include a solution to this problem in your long-term plan to attempt to come close to meeting Federal Clean Air Standards. Both SCAQMD and CARB have not tackled some of the most important issues that must be taken seriously to address the task of improving air quality in this region. When major projects such as the recent granting of the Conditional Use Permit for the Puente Hills Landfill are based on false sworn testimony before the LACO Planning Commission regarding the permits issued by SCAQMD we have major problems that SCAQMD needs to confront and not hide from.

The Draft EIR fails to address the fact that permits issued by SCAQMD currently stand in the way of long term goals of groundwater, surface water and soil cleanup in various areas of the basin. For example DTSC has identified that soil and groundwater underlying the area in and around Quemetco/RSR in the City of Industry contain unsafe levels of various contaminants. DTSC reports "**Lead, selenium, barium, chromium,**



**cadmium, copper, iron, and mercury concentrations in groundwater samples exceeded Maximum Contaminant Levels (MCLs).<sup>1</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. According to DTSC scientists "The agencies have attributed this shift from relatively high lead concentrations in the first year of monitoring to progressively lower lead levels to contaminant plume migration. Based on the above-mentioned trends, it is likely that a plume of contaminated ground water has moved from the WMA [Waste Management Area] toward downgradient points."<sup>2</sup>

In addition, "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>3</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."<sup>4</sup> DTSC additionally reports that "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>5</sup>

Surface water appears to be threatened as well as DTSC reports that contaminated groundwater underlying this facility is potentially entering the surface waters of the San Jose Creek at a estimated rate of 3 cubic feet per second which is 22.441 gallons per second or over **80,789 gallons per hour!**

"Some of the following findings are of significance with regard to Quemetco, Inc.

" ... EPA has identified the San Jose Creek (channel and subdrain structure) as a potential contaminant pathway to downstream areas. Between 1980 and 1988, potentiometric contours appear to intersect the lined San Jose Creek channel along a reach in the City of Industry. Between 1980 and 1984, average groundwater discharge to the creek was estimated to be approximately 3 cubic feet per second (cfs) (EPA, 1992).

<sup>1</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>2</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966, Page 98

<sup>3</sup> -Environmental Strategies Corporation, July 9, 1991, Supplemental Soil and Groundwater Investigations, Quemetco, Inc. Facility, City of Industry, California. Page 115

<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 42

<sup>5</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 56

Surface and subdrain discharge water sampling results have indicated the presence of VOCs."

"Surface water samplings previously performed for the Quemetco Facility investigation, have not included sampling of the subdrain structure beneath San Jose Creek. This structure has the potential to have been or still being a major contaminant pathway from this site since it has an influence on ground water chemistry and since lead contaminate wastes had been routinely discharged to the creek by Quemetco for almost two decades.

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 monitored at the site. Those concentrations appear to have decreased over time, possibly due to lead contamination in ground water precipitating out and/or ~~sorbing~~ sorbing to aquifer materials as stable lead compounds which are not soluble under non-acidic conditions, or most probably due to migration of lead contamination off-site and downgradient. The latter hypothesis for the fate of previously detected contamination is proposed since detection of lead contamination has been irregular in recent years of groundwater monitoring results and Quemetco has never performed off-site investigation to determine what was happening with the earlier detected contamination.

Quemetco has failed to [determined](#) specifically which regulated unit or solid waste management unit or combinations of these was responsible for the reported lead contamination. Without such a determination it must be taken that the surface impoundment contributed to groundwater contamination. This is made likely by the fact that: it was the collection point for all contaminated fluids generated from the drainage of batteries, run-on and run-off from the waste piles containing scrap lead, plastic and hard rubber battery case chips; and contained a significant depth of liquid to generate a hydraulic head to support downward migration. The following facts further support a determination that Quemetco's regulated unit has contributed to groundwater contamination:

- ! Historic and contemporary concentrations at this site of sulfate compounds (1200 - 250 mg/l) from five to twenty times the Puente Basin water quality goals (50 mg/l), probably indicate that a release of sulfuric acid occurred and may be continuing to impact groundwater quality.

! Historical records indicate the surface impoundment held extremely high concentrations of lead compounds in sulfuric acid solutions with pH as low as 0 to 4. Samples from the surface impoundment liner contained concentrations of total lead exceeding 10,000 mg/kg.”<sup>6</sup>

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>7</sup>

I have included the above referenced report so that you will have an idea as to the extent of this problem and as a guide to development of plans to assist with the relocation of this facility so that the inevitable clean up of this mess can commence. This report indicates that Quemetco is also using rubber and plastic as “fuel” and/or “reducing agents” in their reverberatory furnace.<sup>8</sup>

Will SCAQMD please explain how facilitating this company’s continued expansion of operations will expedite the clean up of this site? I have also included several examples of hundreds of reports to SCAQMD regarding adverse effects from the toxic plumes from this facility. Why has SCAQMD ignored these and similar reports to them and continued to permit this company to increase production? Why would SCAQMD not consider that the Best Available Control Technology (BACT) is to not feed hazardous waste rubber and plastic to the furnace in the first place? I have provided you with several petitions, with hundreds of signatures, formally requesting revocation of the current permit that permits this company to burn plastic and rubber. We request that Quemetco submit a plan of corrective action that includes separating out any and all rubber and plastic from their furnace feeds and shipping it off site for proper disposal or recycling in a responsible manner. SCAQMD current plans for risk reduction at this facility are entirely inadequate. Will SCAQMD require Quemetco to replace contaminated soil prior to paving over it?

<sup>6</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966, Page 93-94

<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 1-2

<sup>8</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966, Page 17& 86

Duncan McKee  
738 S. 3<sup>rd</sup> Avenue  
Avocado Heights, Ca. 91746

3/27/03  
Zorik Pirveysian  
Planning and Rules Manager  
SCAQMD  
21865 E. Copley Dr., Diamond Bar, Ca.

91765-4182

Dear Zorik Pirveysian and SCAQMD personnel:

This letter is to voice public input concerning SCAQMDs AQMP on behalf of residents and businesses in the Avocado Heights, La Puente, North Whittier, Bassett, Hacienda Heights and City of Industry areas. We are concerned that both CARB and SCAQMD have not addressed some of the most important issues concerning this region. The facts are that the air quality in these areas has decreased significantly over the past 10 years due to the loss of nearly all landfills in Los Angeles County except for Puente Hills and one other, the increase in industrial emissions from new development and new activities of existing companies in the City of Industry.

In 1993 when SCAQMD was devising plans to attempt to comply with federal clean air standards SCAQMD issued a permit that permitted Quemetco/RSR Inc. to engage in the practice of charging over 12,000 lbs./day of plastic and rubber to their furnaces where it is incinerated. This occurred in spite of repeated reports of adverse health effects resulting from exposure to toxic fumes discharged from this facility. In 1997 to reward local residents and businesses for their repeated reports of headaches, nausea, sore throats and even more serious problems after exposure to noxious plumes from this facility, SCAQMD issued a permit that permitted this company to increase the quantity of previously separated plastic and rubber charged to the furnace, to 25,200 lbs./day. Additionally, DTSC reports that rubber is "used as fuel in the reverberatory furnaces. These materials were contaminated with acid or lead particulates".<sup>9</sup> Could SCAQMD please explain to us how allowing a company to incinerate hazardous waste that previously was required to either be recycled or land filled at a certified hazardous waste landfill, fits in to the long-term plan for improving the air quality in the Greater Los Angeles Region? Why would SCAQMD ignore hundreds of reports of adverse effects from this disposal method and the fact that under the terms and conditions of Quemetco's TSD (Interim Status) DTSC prohibits them from engaging in disposal practices, and permit this company to incinerate hazardous waste rather than dealing with it in a responsible manner? Is using plastic and rubber as fuel and "reducing agents" in a

<sup>9</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 page 86



manufacturing process a responsible practice in the South Coast Basin? <sup>10</sup> I have included a recent letter to DTSC that contains information regarding the quantities of plastic and rubber incinerated in the Quemetco furnace and it appears the amount may total over **27,594,000 lbs. each year**. Please review this information for accuracy to determine whether it would be prudent to immediately address this “little problem”.

In addition, the documented inaccurate information provided to both the public and elected officials by SCAQMD Compliance personnel regarding this matter is overwhelming. Recently a LACOSD representative gave sworn testimony before the LACO Planning Commission, based on less than accurate information (provided by SCAQMD and/or Quemetco), that SCAQMD did not permit Quemetco to incinerate 25,000 lbs. of plastic and rubber/day. She testified that the plastic miraculously “passes thru the furnace and is recycled”. It is imperative that the facts be known so that decisions can be based on accurate information when planning major projects such as the Puente Hills Landfill. We find it extremely hard to believe that SCAQMD Engineering and Compliance Division for over a decade has been unable to definitively track the burning plastic-like plumes back to their source. Children in this area less than 10 years old, using the exact same techniques as SCAQMD inspectors, have eliminated other potential sources and determined the source of the elusive noxious plumes. 85-year-old dear little old ladies know where the terrible clouds originate so we are suggesting that enforcement in this case leaves much room for improvement. The fact that to this day SCAQMD has never taken a sample for analysis let alone walked around and experienced the burning plastic-like smelling plumes firsthand prior to issuance of this permit is inexcusable. In this case it appears that SCAQMD issued a permit to engage in practices that they are either unwilling or unable to regulate. Why was this facility not required to re-permit as a “new facility” after the “loss of interim status” and “an U.S. EPA Cessation of Operations and Corrective Action Compliance Order, ”?<sup>11</sup>

We hope that SCAQMD will seriously plan to enlist the assistance from numerous sources to aid in the relocation of this facility rather than facilitate Quemetco’s publicly stated plan to remain in operation for 20+ years at this location. This will allow the inevitable decontamination of the site to commence avoiding further damage to ground and surface water in the area. Common sense tells us that it is not good planning to bake McDonalds buns within hundreds of feet of a facility that admits to having released 7121 lbs. of lead from it’s stacks and fugitive dust emissions between 1995 and 1999.<sup>12</sup> That’s an average of 11.12 lbs./acre in 1 square mile around that facility. We think that most people will agree that the large quantities of arsenic, chromium 6, cadmium, mercury, benzene, 1,3-butadiene, etc. released by this company into the community are probably not a good idea either. USEPA lists this company as the number one releaser of toxic chemicals into the environment in California in 1997 ahead of Exxon/Mobile and Chevron refineries at 2.6 million lbs. released.<sup>13</sup> Certainly this is not a

<sup>10</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 page 17

<sup>11</sup> Comprehensive Ground Water Monitoring Evaluation Report, Quemetco Inc., RSR Corporation, City of Industry, Ca. March 8, 1996 EPA ID No. CADO66233966 page 78

<sup>12</sup> <http://www.Envirofacts%20TRI%20Report.htm> page 5

<sup>13</sup> <http://www.lfr.com/news/regupdate/regupdate009.htm>



good idea with numerous large food-manufacturing facilities in such close proximity and schools with thousands of children affected. We urge SCAQMD planners to rectify past blunders such as this which have undoubtedly added to the so called “black box” that represents emissions that need to be cut; but we do not have a current plan to do so.

Another area where we must take serious action is the “little matter” of emission test smart chips in diesel trucks. The Department of Justice and USEPA are derelict in their duty to allow the responsible parties off the hook with no criminal convictions and immediate corrective action in this matter. I urge both SCAQMD and the Air Resource Board to enlist support from lawmakers to require the manufacture to immediately re-chip these trucks as a requirement for licensing. This dirty trick has set this region back decades in the effort to reduce diesel emissions. Our particular area is severely impacted by this foul up as colossal numbers of trucks pass through on the 605 and 60 freeways as well as travel in and out of City of Industry and the Puente Hills Landfill. In addition, several large trucking companies such as Viking Freight are located in this vicinity.

We are also concerned that we are not adequately considering the rate of development and the potential for increases in emissions in relation to the projected decreases. For example, City of Industry is considering building a power generating facility in close proximity to neighborhoods in Hacienda Heights. City of Industry also currently has extensive plans for future “redevelopment” and new additions. If this occurs it will be an additional major source of air emissions in an already overburdened semi-closed basin. Will SCAQMD permit City of Industry to burn Quemetco’s excess plastic and rubber as fuel in furnaces?

Thank you for the opportunity to participate.

Duncan McKee

Duncan McKee  
 738 S. 3<sup>rd</sup> Ave.  
 Avocado Heights, Ca. 91746  
 Tele: (626) 330-5123

3/23/03

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:

It has come to our attention that SCAQMD has granted a permit that according to the engineer (Marco Polo) who actually wrote it permits our self-proclaimed "good neighbors" in the City of Industry (Quemetco/RSR Inc.) to "incinerate hazardous waste".<sup>14</sup> It is my understanding that under the terms and conditions of Quemetco's TSDF, DTSC strictly prohibits Quemetco from engaging in disposal processes. DTSC themselves state "Quemetco is both a hazardous waste treatment Facility and a generator of hazardous waste, **but it is not permitted to serve as a disposal site.**"<sup>15</sup> It appears that SCAQMD may have overstepped its bounds and usurped DTSC authority in this matter. We formally request that as the Lead Agency you exercise your influence to halt this outrageous practice. I have provided you with a copy of the 1997 permit that was issued despite repeated reports of adverse health effects from these toxic plumes to DTSC, SCAQMD, LACODHS and Quemetco in 1996. SCAQMD has to this day, never sampled and analyzed air to determine MCGL (Maximum Concentration at Ground Level) during times when large quantities (tractor scoops full) of plastic and rubber are fed to the furnace. MCGL has only been calculated based on annual averages that have a tendency to mask high concentrations during periods of peak production and outdated wind data from a weather station located on the opposite side of the Puente Hills. I have provided you with a document (Figure 3) that documents SCAQMD inability to regulate the furnace feeds and therefore the true and accurate cancer risk resulting from combustion of this material. It appears (Figure 1) that according to "confidential" SCAQMD documents the quantity of "additional plastic and rubber" is over 25,200 lbs./day. Do the math. This is 9,198,000 lbs./year! I have provided a copy of two documents so that you can verify this. You will need to combine information from the two documents (Figure 1&2) and do a little simple math (34,080 lbs./day-8, 880 lbs calcined carbon coke/day=25,200 lbs. plastic and rubber/day) to arrive at the quantity of "additional plastic and rubber" that is according to "confidential" SCAQMD documents, initially separated, transported by screw conveyor to what would normally be considered a "hazardous waste" pile and then charged back into the furnace by the tractor scoop full.

<sup>14</sup> December meeting with Senior Engineer, Tom Liebel and Marco Polo, Air Quality Engineer II. At SCAQMD 21865 E. Copley Dr. Diamond Bar, Ca. 91765

<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 5

Keep in mind that acid; lead other substances contaminate this material. Even SCAQMD Engineering and Compliance personnel indicate that there are serious problems with this method of “weighing” as the document below indicates (Figure 3). In addition to the 25,200 lbs./day of plastic and rubber SCAQMD engineer, Marco Polo, stated to us that “2/3 of the rubber and plastic cannot be separated” using Quemetco’s outdated system and is therefore fed to the furnace.<sup>16</sup> This would be an additional 50,400 lbs./day or an additional 18,396,000-lbs./yr. that condition 5 permits Quemetco to feed directly to the furnace where it is incinerated. This is not counting the amount that may or may not be land filled or recycled. Below is a simplification of the math:

34,080 lbs./day calcined carbon coke and “additional plastic and rubber”- 8,880 lbs./day calcined carbon coke= 25,880 lbs./day “additional plastic and rubber” charged to the furnace. Then we must add the 50,400 lbs./day plastic and rubber that is not separated during the crushing process (covered in condition 5) which brings us to a total of 75,600 lbs./day or 27,594,000 lbs./yr. plastic and rubber permitted to be potentially incinerated, burned, combusted, cremated, disposed of or however you want to say it, in the Quemetco furnace. Keep in mind that we still have not taken into account the plastic that is recycled or the rubber that may or may not be land filled and factored it into the equation. For example, if the figure is 80,000 lbs./mo. then that would add an additional 640,000 lbs./yr. plastic and/or rubber that is incinerated. Please call Marco Polo Air Quality Engineer II, who actually wrote this permit, so that you can verify this information. His number is (909) 396-2633.

In addition, it appears that the waste water permits issued by LACOSD may have been issued prior to commencement of the practice of disposing of hazardous waste rubber and plastic by incineration and the substances tested do not appear to include the long list of VOCs and aromatic compounds associated with this practice. For example, if Quemetco’s scrubbers are 99+% effective and they release 6.9 lbs/day of 1,3-butadiene, this would mean that nearly 100 Xs that amount is contained in the scrubber water. This applies to benzene and all VOCs and other aromatic compounds that might be escaping detection both onsite and also between Quemetco’s discharge to the sewer and LACOSD’s ultimate disposition of the water. It appears that SCAQMD exempts the wastewater treatment facility as a closed system despite compelling evidence that the system may not be a “closed system”. If this is true, huge amounts of toxic chemicals are not taken into account in the HHRA or reported to USEPA.

Dr. Barry Wallerstein, Executive Director SCAQMD, indicated he would not be opposed to interdepartmental cooperation to coordinate simultaneous testing by LACOSD and/or DTSC of wastewater during up coming air stack source testing. This will help to determine whether this company can actually operate according to permit limitations and if their permit needs to be modified to include chemicals not presently required to be tested for. We urge that DTSC take advantage of this unprecedented

<sup>16</sup> December meeting with Senior Engineer, Tom ~~Lisbel~~ and Marco Polo, Air Quality Engineer II. At SCAQMD 21865 E. Copley Dr. Diamond Bar, Ca. 91765



opportunity and require this to occur. His phone number is (909) 396-2100 so that you can make the arrangements.

You mentioned that you were meeting with CEQA people and we would like you to point out to them that this particular site is located adjacent to the San Jose Creek, a tributary to the San Gabriel River, is within the Conservancy and subject to CEQA guidelines. In addition, I have provided a copy of two of many CEQA 400 forms submitted by Quemetco that contain inaccurate information and effectively allow them to circumvent normal CEQA guidelines. This is unheard of in a case of this magnitude and we request that DTSC give this immediate attention or enlist the appropriate authorities to do so.

Quemetco's claim to grand fathered rights in this matter is absurd and does not apply as this is a "new" practice and until 1992 this material was either recycled or sent offsite to a certified hazardous waste landfill. In addition, Quemetco's claim that grand fathered rights allows them to construct new facilities, engage in new processes, increase production and do whatever they so choose is a misuse and a perversion of the "grandfather principle".

We hope that DTSC will exercise its authority and initiate immediate corrective action that would include new technologies to separate out this material so it can be dealt with in a responsible manner and the cessation of the practice of adding back to the furnace, material that has already been separated. We realize that this will cost Quemetco more for cleaner fuel in their furnaces such as natural gas and fees to transport and landfill the hazardous waste. We are certain that the cost to the community if your immediate action in this matter does not occur by far out weighs any financial burden that this might incur to Quemetco. Please feel free to contact me if you require additional information and/or if any of the information that I have provided you is not accurate, so that I can remain informed in this case.

Thank you for your immediate action in this matter.

Duncan McKee

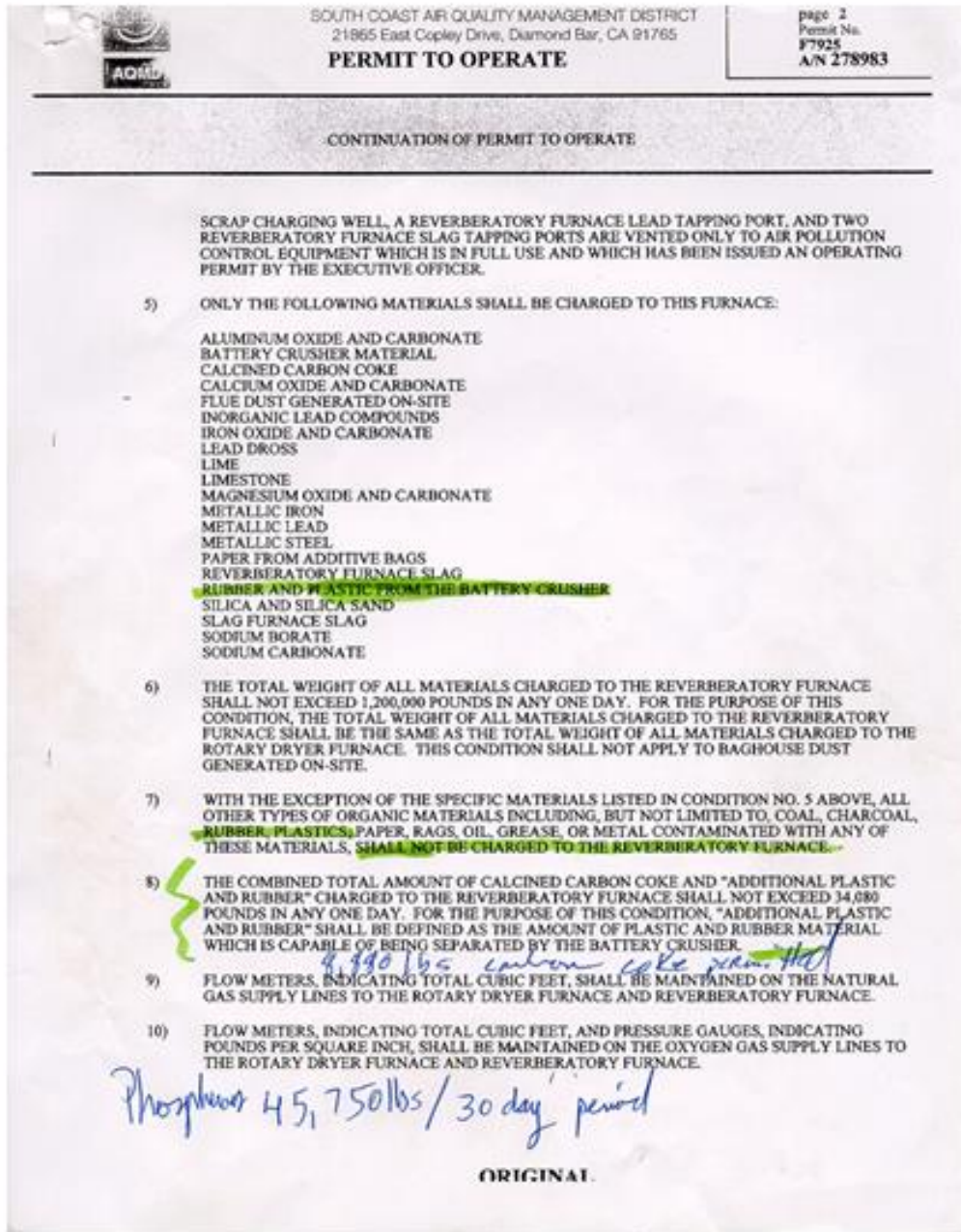


Figure 1 This and the following SCAQMD documents took over 90 days of wrestling between AQMD and Quemetco attorneys to release. Quemetco representatives made 2 trips to AQMD to attempt to stop the release. Condition 5 permits Quemetco to feed to the furnace "some" rubber and plastic from the battery crusher that is not easily separated. According to Marco Polo from SCAQMD 2/3 (50,400+ lbs) cannot be separated because of outdated technology and is fed to the furnace where it is incinerated. In addition to condition 5 (50,400 lbs/day), condition 8 appears to permit Quemetco to charge an additional 25,200 lbs./day of rubber and plastic that is capable of being separated to the furnace, where it burns, combusts, incinerates, is cremated or however you want to say it!

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

MEMORANDUM

DATE: April 4, 1997  
TO: File  
FROM: Marco A. Polo, Air Quality Engineer II  
SUBJECT: T/C

4-2-97, approximately 7:30 am to 8:00 am, T/C to Steve Reynolds  
214-583-0244

I outlined the proposed permit conditions that I have been able to complete so far. I mentioned that the following limits will apply:

1,200,000 lbs/day total reverb feed limit  
feed composition record keeping requirement  
8,880 lbs/day carbon coke limit  
56 % minimum O<sub>2</sub> enrichment in reverb  
82 % maximum O<sub>2</sub> enrichment in reverb  
7.77 x 10<sup>5</sup> SCF/day natural gas limit in reverb  
2.29 x 10<sup>5</sup> SCF/day natural gas limit in dryer  
8,510 gallons/day propane limit in reverb  
2,500 gallons/day propane limit in dryer  
average minimum lead temp limit of 1,300 °F in reverb  
measure lead temp every two hours

For record keeping cycle definition, the applicant should talk to the facility inspector.

4-4-97, 1:14 PM, T/C from Steve Reynolds

I discussed the status of the current permit evaluation. I indicated that the Toxics group had met with the RECLAIM Administration group and that resolution on existing policy issues was not fully achieved in this initial meeting. It was clear that more discussion, probably at the management level, would be required to fully resolve all outstanding issues. Some of the options that were discussed were converting NOx sources to "Major"

(cont. next page)

Figure 2 Calcined Carbon Coke limitation. The 8,880 lbs. calcined carbon coke must be subtracted from the 34,080 lbs. in condition 8 of the permit above to arrive at the 25,200 lbs./day "additional plastic and rubber".



Quemetco Inc. Page 2 of 3 April 10, 1997  
Office Conference

The issue of record keeping was discussed, with regards to the rubber usage. Mr. Dumas indicated that currently, Quemetco does not quantify rubber usage directly. Rubber batteries are segregated and run separately in the battery wrecker. The rubber chips are sink-floated and separated into a different pile for processing.

The method for material weighing at Quemetco currently is through the use of skip loader buckets. (The skip loader buckets are calibrated on a weigh scale and a weight factor is calculated.) Mohan Balagopalan indicated that "bucket loads" are not verifiable. The AQMD has concerns about feed record keeping.

Mr. Dumas indicated, with relation to the record keeping for the coke usage, that purchase records can be used to verify the amount of coke being used.

Mohan Balagopalan indicated that improvements are needed in the method used for record keeping of feed materials at this facility.

The writer discussed the matter of record keeping of lead tapping

Figure 3 This documents SCAQMD concerns with the practice of feeding tractor scoops of material to the furnace and would explain the concentrated bursts that we are currently subjected to. SCAQMD has never sampled or analyzed these toxic plumes despite over 100 complaints to them of this last year alone.

Quemetco, Inc., -2- March 14, 1997  
T/C

3-14-97, 10:46 am to 10:58 am, T/C to Tuesday Winget, Kleinfelder, 510-484-1700

I indicated that I am returning her call. I indicated that Quemetco was required to use only the specific multi-pathway adjustment factors stated in Rule 1401, unless a policy decision is made by Planning Division regarding this matter. If there is any question regarding this policy, Yi Huang should be contacted. Ms. Winget indicated that she has talked to Mohan Balagopalan and Yi Huang, and it was confirmed that the standard multipathway factors did not have to be used, as stated in Rule 1401, when the ACE2588 program is used. This program performs a detailed calculation procedure, in place of the standard factors, to estimate the risk from the secondary non-inhalation pathways in addition to the primary inhalation pathway.

We also discussed the previously stated requirement to calculate the maximum hourly emission concentrations. I indicated that one reason for this requirement was probably for quality control purposes and another was for Regulation XIII purposes with regards to CO emissions. However, at this point in time it has been determined that the maximum hourly emission rate is not required for Reg XIII purposes. She indicated that Mohan Balagopalan had indicated that the maximum hourly concentration was not required. Only the maximum annual average concentration was required. I indicated that she should verify that the maximum hourly concentration is not required with Yi Huang.

Figure 4 This appears to document verbal permission to use average annual concentrations rather than the normal maximum hourly concentration. In addition the first paragraph appears to document some sort of "policy decision" made by planning division to allow Quemetco to use factors other than those required by Rule 1401.



documents. In addition the fact that Quemetco is using these materials as fuel in furnaces and does not list that fact in Section IIA #5 is dangerously deceptive and must be corrected.


 South Coast Air Quality Management District 21865 East Copley Drive Diamond Bar, CA 91765 (909) 396-2000		<b>CALIFORNIA ENVIRONMENTAL QUALITY ACT                  (CEQA) APPLICABILITY                  FORM 400 - CEQA</b>	
The SCAQMD is required by state law, the California Environmental Quality Act (CEQA), to review discretionary permit project applications for potential air quality and other environmental impacts. This form is a screening tool to assist the SCAQMD in clarifying whether or not the project has the potential to generate significant adverse environmental impacts that might require preparation of a CEQA document [CEQA Guidelines §15060(a)]. Refer to the attached instructions for guidance in completing this form. For each Form 400-A application, also complete and submit one Form 400-CEQA. If submitting multiple Form 400-A applications for the same project, only one 400-CEQA form is necessary for the entire project. If you need assistance completing this form, contact Lori Inga at (909) 396-3109.			
<b>FACILITY INFORMATION</b>			
Facility Name: <u>Quemetco, Inc.</u>		Facility ID (6-Digit): <u>008547</u>	
Project Description: <u>Permit two new refinery pots and modify the refinery baghouse.</u>			
<b>REVIEW FOR EXEMPTION FROM FURTHER CEQA ACTION</b>			
Check "Yes" or "No" as applicable			
	Yes	No	
A.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A request for a change of permittee only (without equipment modifications)?
B.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Equipment certification or equipment registration?
C.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A CEQA and/or NEPA document previously or currently prepared that specifically evaluates this project? If yes, a permit cannot be issued until a Final CEQA document and Notice of Determination is submitted.
D.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Equipment damaged as a result of a disaster during state of emergency?
E.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Title V permit renewal (without equipment modifications)?
F.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Title V administrative permit revision?
G.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The conversion of an existing permit into an initial Title V permit?
H.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A functionally identical permit unit replacement with no increase in rating or emissions?
I.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A change of daily VOC permit limit to a monthly VOC permit limit?
If "Yes" is checked for any question above, your application does not require additional evaluation for CEQA applicability. Skip to page 2, "SIGNATURES" and sign and date this form.			
<b>REVIEW OF IMPACTS WHICH MAY TRIGGER CEQA</b>			
Complete Sections I-V by checking "Yes" or "No" as applicable. To avoid delays in processing your application(s), explain all "Yes" responses on a separate sheet and attach it to this form.			
	Yes	No	
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Has this project generated any known public controversy regarding potential adverse impacts that may be generated by the project? Controversy may be construed as concerns raised by local groups at public meetings; adverse media attention such as negative articles in newspapers or other periodical publications, local news programs, environmental justice issues, etc.
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this project part of a larger project?
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will there be any demolition, excavating, and/or grading construction activities that encompass an area exceeding 20,000 square feet?
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does this project include the open outdoor storage of dry bulk solid materials that could generate dust? If Yes, include a plot plan with the application package.
1. A "project" means the whole of an action which has a potential for resulting in physical change to the environment, including construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit. For example, a project might include installation of a new, or modification of an existing internal combustion engine, dry-cleaning facility, boiler, gas turbine, spray coating booth, solvent cleaning tank, etc. 2. To download the CEQA guidelines, visit <a href="http://www.scaqmd.org/ceqa.html">http://www.scaqmd.org/ceqa.html</a> . 3. To download this form and the instructions, visit <a href="http://www.scaqmd.org/ceqa">http://www.scaqmd.org/ceqa</a> .			

Figure 6 Another CEQA 400 form for new construction containing inaccurate statements (1.) by Quemetco that was approved by SCAQMD. The effect is that the regulatory agencies have allowed Quemetco to circumvent normal CEQA review. Could SCAQMD please explain why these gross errors escaped detection when they reviewed and approved these documents?



**CONFIDENTIAL**

Table V

**Figure 7 One example of hundreds of pages of confidential data that directly pertains to the Health Risk Assessment.**