MFASC

STA

November 22, 2006

Via Facsimile and Mail and e-Mail

Ms. Carla Takemoto
California Air Resources Board
P. O. Box 2815
Sacramento, CA 95812

Dear Ms. Takemoto:

We are writing in follow-up to the conference call on November 20, 2006 regarding the further revisions to the draft proposed and amended Air Toxics Control Measure ("PAATCM") dated November 17, 2006. Please note that the comments provided herein are just our preliminary thoughts based on that conversation. We are still concerned over the significant economic impact of the changes you proposed. We expect to make further substantive comments on the proposal, especially since you mentioned that further changes are still forthcoming.

1. Use of Fume Suppressants.

We strongly support allowing shops with operations under 20,000 ampere-hours per year ("AH/Y") to use certified fume suppressants. We also support the draft wording in Table 93102.4 that allows shops greater than 330 feet from a sensitive receptor and with less than 50,000 AH/Y operation to use certified fume suppressants.

A third category that should be allowed to use certified fume suppressants are those shops with less than $1000,000/year revenue and located more than 330 feet from a sensitive receptor. According to the Initial Statement of Reasons ("Staff Report"), 38% of the industry has less than $1,000,000 revenue and 57% of the industry is greater than 330 feet from a sensitive receptor. Also consistent with that Staff Report, a facility at 330 feet from a sensitive receptor operating at 200,000 AH/Y would create a Maximum Incidence of Cancer Risk ("MICR") of only 1: 1 Million. This value, when coupled to the acknowledged risk of less than 1:1 Million for 20,000 AH/Y, is confirmed at Page 72 of the Staff Report, where the emission decreases tenfold from its highest assumed point. Almost all of the shops with less than $1,000,000 revenue would have production below 200,000 AH/Y, so health would be protected and the small businesses could stay in business. Otherwise, they may be forced to close their business by the cost of add-on control systems.

2. Proposed BACT Standard of 0.0011 vs. 0.0015 mg/AH.

We support the use of 0.0015 mg/AH as the emission limitation equivalent to best available control technology ("BACT") for Table 93102.4 when 1:1 Million cannot be achieved through the use of chemical fume suppressants. We do not think the 0.0011 mg/AH was meant to be used for all operations. The 0.0011 mg/AH value was based on the SCAQMD proposal for new facilities and where emissions from existing facilities were estimated to exceed 15 grams per year (equivalent to 10 million AH/Y). For facilities less than 15 grams per year, SCAQMD proposed equivalency by all using in-tank or add-on control technologies. The SCAQMD-

referenced seven source tests averaged 0.0011 mg/AH, so some test results were higher and some lower. Furthermore, the proposal document did not make clear what in-tank or add-on control technologies were used in the seven referenced tests. If the 0.0011 mg/AH continues in any form in the PAATCM, we request to review copies of the source tests before a final decision is reached.

Also, we believe that BACT should refer to an emission rate and not to a particular item of equipment or combination of equipment types. Use of a performance standard is consistent with the public policy against prescriptive standards.

3. Distance Measurement Procedure.

We recommend for distance measurements (93102.4(b)(2)(A)) that the PAATCM identify the stack or centroid of stacks as the source of emission from point sources, and the tank location or centroid of that part of the building housing the tank for volume sources. This procedure is consistent with modeling procedures and most districts' regulations.

4. Move-in Provision.

We believe this provision (93102.4(b)(2)(A)1. and 2.) should be deleted. It represents the taking of another's property and is totally unfair to a plating shop owner.

5. Certified Fume Suppressants.

The draft PAATCM at page 29 (Table 93102.8) lists three of the five fume suppressants SCAQMD certified through a rigorous and professional testing procedure. Each sponsoring fume suppressant manufacturer paid for the time, chemicals, travel and shipping costs of their staff to arrange and observe the testing, which took several days. Each of the five were certified as meeting or besting the 0.01 mg/AH. In fact, most results were in the 0.0025 mg/AH range. Enthone Zero Mist and F-140 with Dismist NP have essentially been outlawed by their omission from the CARB-approved chemical fume suppressants. Such an action is unfair to these two manufacturers and is unreasonable for the users of these products.

The stated reason for the omission is the concern that the foam blanket will not always be present under some operating scenarios. Our reasons for inclusion of all five fume suppressants are as follows:

a. The Source Test Guidance document prepared by David Todd includes the potential time that the foam blanket is thin or non-existent. Thus, any emission while the blanket is forming is also considered in its emission rate. We strongly urge CARB to review its understanding of this fact, since there are several statements to the contrary at the September hearing.

b. Permits to Operate/Permits to Construct always have conditions on operating procedures. They can easily require the foam blanket to cover 95% of the surface at one inch depth of foam during all operating conditions unique to that company

c. Robert Fletcher testified at the Sacramento hearing that CARB would approve DisMist NP so long as it was used with Fumetrol 140. This is the way DisMist NP was certified in the first place. Specifically, Fumetrol 140, which is certified in its own right, must be used and the application thereafter of the foam blanket in combination with the certified fume suppressant is acceptable (September 28, 2006 Hearing Transcript at Page 138).

d. All fume suppressants rely on the foaming action, in addition to the lowered surface tension, to reduce emissions from chrome plating/chromic acid anodizing.

CARB should discuss this issue with users and manufacturers before disallowing the use of fume suppressants that have been certified by the SCAQMD.

6. Emission Rate Equivalency Proof.

The proposed equivalency procedure requires each company to prove the efficacy of an alternative control technology if they do not wish to install add-on equipment to meet the BACT standard. Such proof is expensive ($10,000 or more if a variance is required) and very time-consuming (six months plus another two-three years for agencies' approvals). This time frame is not hypothetical but was experienced by four hard chrome platers when they requested using fume suppressants to comply with local, state and USEPA chromium regulations.

We are concerned the latest PAATCM does not offer a viable alternative if agency concurrence is not already assured. We request CARB and MFASC/STA jointly sponsor a demonstration project, to be completed within one year of the adoption of the revised PAATCM, to certify combinations of in-tank control technologies such as use of fume suppressants, foam blankets and polyballs. Such a project would be much more cost-effective to the industry and would enhance the universal acceptance and approval by USEPA of these technologies.

7. Health Risk Equivalency Proof.

One requirement for facilities demonstrating compliance by an alternative method or methods considers that the alternative compliance method achieve an equal or greater reduction in risk than would be achieved by direct compliance with the proposed prescriptive requirements of section 93102.4(b)(2). The requirement is further described in Appendix 9 of the PAATCM.

We recommend that the PAATCM contain language such as follows:

> "This requirement may be met by using a screening risk assessment procedure such as Tier 2 of "Risk Assessment Procedures for Rules 1401 and 212, Version 7, 2005 published by SCAQMD".

The proposed method provides reasonable certainty of a methodology for risk to be analyzed. Otherwise, the proof of equivalent health risk can become so onerous, costly and time-consuming that it, in effect, eliminates any chance of gaining approval of an alternative control technology. As we described in our call, information is entirely lacking concerning the placement of hypothetical stacks, stack heights, and other criteria necessary to fabricate a point source to compare the actual data obtained from the volume source. The certainty of a measurement standard will help the user and should be an aid to the districts charged with review of the alternative.

Overall, we strongly support the concept of a technology equivalency. Our chief concern, as discussed in numbers 6 and 7, above, is that the offer of equivalency cannot be translated into reality and that equivalency as proposed is nothing more than a "paper offer." This issue is very important to our members. The PAATCM dictates a much more stringent standard that could seriously cripple our industry and the industries it supplies, without the flexibility to attain the standard in a technology neutral way.

8. Timing.

From the conversation, we understood that the revised PAATCM is still be proposed to be heard at the December 7 CARB hearing. Based on the current schedule, we do not see how we or any other members of the public will have adequate time to fully respond to any further changes you will be making to the PAATCM since the period for written comment closes December 6, 2006 at noon and we still have not seen the revisions in writing. We suggest that the final draft of the PAATCM be issued and the proposal be set for the January CARB meeting so that there would be sufficient time for our industry and the public to review the proposal and to provide written comment.

Thank you again for your time on the call. If you have any questions about our comments, please give me a call.

Very truly yours,

Daniel A. Cunningham
MFASC Executive Director
STA Executive Director