

**ENVIRONMENTAL HEALTH COALITION
COMMUNITIES FOR A BETTER ENVIRONMENT
CALIFORNIA ENVIRONMENTAL RIGHTS ALLIANCE
CALIFORNIA SAFE SCHOOLS
COALITION FOR CLEAN AIR
NATURAL RESOURCES DEFENSE COUNCIL
PHYSICIANS FOR SOCIAL RESPONSIBILITY
SOCIETY FOR POSITIVE ACTION
SILICON VALLEY TOXICS COALITION
CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
DEL AMO ACTION COMMITTEE
COALITION FOR A SAFE ENVIRONMENT
ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFROM NOW
CALIFORNIA COMMUNITIES AGAINST TOXICS**

September 21, 2006

Chairman Sawyer and Members of the Board
California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812

Via Electronic Mail

Re: Proposed Revisions to the Air Toxic Control Measure (ATCM) for Chrome Plating and Chromic Acid Anodizing Facilities

Dear Chairman Sawyer and Board Members:

We are writing to express our concerns about the Proposed Revisions to the Air Toxic Control Measure (ATCM) for Chrome Plating and Chromic Acid Anodizing Facilities. We appreciate the considerable work that ARB staff has put into these proposed revisions, and feel that the ATCM, as proposed, is much more health protective than either the existing ATCM, or South Coast Air Quality Management District Rule 1469. However, we are concerned that the proposed rule revision does not go far enough to protect public health.

Our concerns stem from our work with families who are exposed on a daily basis to hexavalent chromium emissions from chrome plating operations. As was noted in the staff report, Master Plating, a small decorative plating facility with average annual ampere-hours of less than 50,000, was found in 2001 to pose an unacceptable health risk to its neighbors in Barrio Logan, a low-income, predominantly Latino community of San Diego. Despite reported yearly emissions of only .081 pounds per year of hexavalent chromium, and compliance with fume suppressant requirements that was documented by state and local authorities, Master Plating was found to pose a health risk of 114 cancers per million to the families living only a few feet away. Prior estimates by the local Air

Pollution Control District had estimated Master Plating's potential health risk to be less than one per million.

Similarly, in many communities of color throughout the South Coast Air Basin, chrome plating shops are located adjacent to or within very close proximity to residents, schools, or other sensitive receptors. In many cases, they also represent a cumulative effect to residents that are exposed to emissions from a wide variety of sources in their community. One tragic example of this is Suva School in Bell Gardens, which was located next to Chrome Crankshaft and J&S Chrome Plating companies. These facilities had been discharging hexavalent chromium for 30 years and were in compliance with AQMD rules and regulations, yet more extensive monitoring and sampling by the district, as a result of a community campaign, pointed to extremely high hexavalent chromium concentrations in the air. Samples as high as 430 nanograms per cubic meter were detected, which corresponds to a cancer risk of 64,500 in a million or one in sixteen people. Although that was the highest recording, the air sample from the playground was at 290 nanograms per cubic meter or a cancer risk of 43,500 in a million or one in twenty-three.

These are but two examples of the many situations across the state where chrome plating shops were located next to sensitive receptors in low-income communities of color. For these reasons, this ATCM is a critical issue of environmental justice in the State of California, and the staff proposal to amend the ATCM should be adopted, with the two following amendments:

- 1. HEPA Filtration systems, or equivalent add-on pollution control devices, are the Best Available Control Technology and should be required for all chrome platers in the State of California that are located within 1000 feet of a sensitive receptor.**

The ARB's Air Quality and Land Use Handbook urges planners to avoid siting new sensitive receptors within 1000 feet of an existing chrome plater. This recommended distance separation was developed based upon numerous studies conducted by ARB, and was designed to be health protective. The Handbook notes that the distance recommendation was suggested due to the intense potency of hexavalent chromium, as well as the possibility of fugitive dust emissions from chrome platers. We recognize that fugitive dust control measures have been incorporated into this rule. However, the efficacy of these measures has not been tested, nor is there a mechanism to test their effectiveness after the rule has been implemented. Thus, neither of these factors has changed since the completion of the Handbook. A precautionary approach should be taken in this ATCM, as it was in the Handbook, to ensure the health of those living near chrome platers. Accordingly, 1000 feet should be used as the required distance separation for purposes of the ATCM as well. We have been informed by ARB staff that they will propose to amend the draft staff recommendation to prohibit the location of a new chrome plater within 1000 feet of a residence or area zoned residential. We applaud this proposed amendment.

However, there is still a major inconsistency between the requirements for controls on new facilities and existing facilities. New facilities of any size, as mentioned above, will

be prohibited from locating within 1000 feet of a sensitive receptor, and will be required to install a HEPA filter or equivalent add-on control system. By contrast, existing facilities, which can remain within 1000 feet of a sensitive receptor, are not treated differently based upon their proximity to sensitive receptors, and will not necessarily be required to install HEPA filtration. Instead, the proposed rule will allow many existing facilities to operate using only fume suppressants. As noted in the staff report, many of the existing facilities are located within low-income communities and communities of color. Residents in these communities, who live next to existing plating companies, deserve the same protections afforded by the restrictions placed upon new facilities. Furthermore, failure to adopt this requirement will undermine the credibility of the Air Quality and Land Use Handbook, as it will call into question the necessity of a 1000 foot separation distance, if even ARB's own rule will not require the most stringent controls for existing facilities within that distance.

Additionally, fume suppressants simply do not provide the same level of protection to community residents as would the installation of add-on controls. As noted in the staff report, the SCAQMD and ARB testing of these fume suppressants was under carefully controlled conditions, the purpose of which was "to determine parameters that yielded optimum emission reductions." Staff Report at ES-6. However, on a day-to-day operational basis, maintenance of this emission limit is much more difficult than maintenance of an add-on control device.

For the above reasons, we would suggest that the proposal be amended to require that all existing facilities within 1000 feet of a sensitive or residential receptor be required to install HEPA filtration or equivalent add-on controls. At a minimum, those facilities that are in the intermediate category (20,000-200,000 annual ampere-hours), and that are within 1000 feet of a sensitive receptor, must not be allowed to use fume suppressants instead of an add-on control device.

2. If sensitive receptors move to within 1000 feet of a chrome plater that does not have an add-on control device, that facility must be required to install controls within two years.

In addition to amendment suggested above, residents that are located in the future next to an existing chrome plater must be protected to the same degree as existing residents. Good land use decisions should prevent this from happening. However, experience has shown the land use planners can be quite ignorant of the risks posed by locating housing next to incompatible land uses such as chrome plating. In any event, the newly located residents must be protected to the same degree as if the plating shop moved next to them. Accordingly, we would suggest that the rule also be amended to provide that if a sensitive receptor moves to within 1000 feet of a chrome plating or chromic acid anodizing operation, that facility must install HEPA or equivalent add-on controls within two years.

Essentially, we are arguing for internal consistency in the rule, as well as consistency with the Air Quality and Land Use Handbook, so as to protect any residents within 1000 feet of a chrome plating operation with the most health protective technology available.

Furthermore, we ask the Board to direct the staff to report back every six months on the progress and feasibility of using cleaner technologies such as chromium III in decorative plating or other innovative control technologies available for plating operations. Staff should also amend this ATCM upon completion of cumulative impact criteria, which ARB has committed to incorporate into its regulatory framework under their Environmental Justice Program. Thank you for your consideration.

Sincerely,

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