



October 20, 2023

Via electronic submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Hon. Steven S. Cliff, Ph.D., Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re Third Notice of Public Availability of Modified Text - Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations

Executive Officer Dr. Cliff:

The Metal Finishing Association of Northern California [MFANC], Metal Finishing Association of Southern California [MFASC] and National Association of Surface Finishers [NASF] have the following comments regarding the Third Notice of Public Availability of Modified Text on the Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations [ATCM].

1. The modified text is a substantive revision to the update.

There are five distinct provisions within the current version of the proposed update to the ATCM that define “enclosed plating tanks,” exclude them from the ban dates, and establish an emission limit for them of 0.015 mg/dscm:

- Section 93102.3(a)(34): “Enclosed Hexavalent Chromium Plating Tank” means a Chrome Plating Tank using a Hexavalent Chromium solution that is equipped with an enclosing hood and ventilated as specified by the manufacturer.
- Section 93102.4: This section sets forth requirements that apply to all Facilities using Hexavalent Chromium for Chrome Plating Operations, except for those Facilities that only operate Enclosed Hexavalent Chromium Plating Tanks.
- Section 93102.6: Requirements for Tri-Chrome Plating or Hex Chrome Plating in Enclosed Tanks
- Section 93102.6 (b)(1): establishes an emission limit of 0.015 mg/dscm per tank, as measured through the add-on pollution control device or compliance with two alternatives: chemical fume suppressants or a mass emission rate limit.
- Appendix 6: Mass Emission Rate Calculation Procedure.

2. The modifications remove enclosed tank provisions that draft update regulatory language has identified and addressed since the first draft in May of 2021.

The first draft of the regulatory language on May 26, 2021: <https://ww2.arb.ca.gov/sites/default/files/classic/toxics/chrome/draftlanguage.pdf>.

3. The modifications remove provisions that plating facilities have been relying upon.

Plating facilities have invested time and resources over the past 2.5 years to develop, purchase, install and utilize enclosed tanks in

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accordance with this provision.

3. Enclosed hoods are a Best Available Control Technology [BACT].

Plating tanks with hoods eliminate fugitive emissions, capture 100% of the hexavalent chromium emissions from those hoods, are reliable, measureable, and enforceable.

4. The modifications remove enclosed tanks with hoods as a BACT.

The rulemaking record clearly dismisses available and effective BACTs including the following in the ISOR:

“For this ATCM, CARB staff have evaluated all feasible substitutes (e.g., conversion to trivalent chromium plating) and emission reduction and monitoring strategies (e.g., use of fume suppressants, increased testing and recordkeeping, and fugitive emission control strategies) to reduce emissions of hexavalent chromium from chrome plating facilities in California. Since there is no safe threshold exposure level identified for hexavalent chromium, due to the location of many of these facilities within communities and near sensitive receptors, and since less toxic alternative technology is available or is under development, CARB staff is proposing to eliminate usage of hexavalent chromium by the chrome plating industry in order to protect public health.”

5. The failure of the modifications to consider enclosed plating tanks with hoods, and other BACTs, is contrary to the requirements of state law:

Health and Safety Code [HSC] Section 39666[c] requires the ATCM for toxic air contaminants [TACs] with no identified safe level of exposure to reduce emissions to the lowest level achievable through application of the best available control technology or a more effective control method, in consideration of the factors specified in HSC Section 39665[b]. These factors include health risks, availability and technological feasibility, costs, and the availability, suitability, and relative efficacy of less hazardous substitute compounds.

HSC Section 39666[c] requires the ATCM “to reduce emissions to the lowest level achievable through application of the best available control technology or a more effective control method.” The proposed draft CrVI ATCM not only fails to identify or analyze the best available control technology [BACT] or more effective control methods, it purposefully eliminates one.

This clear error is compounded by the fact that the South Coast Air Quality Management District [SCAQMD]’s updated Rule 1469, a rule in which CARB was engaged, includes BACT requirements.

Further, HSC Section 39666[c] does not state that the ATCM may include two of the key provisions of the draft update: [i] chemical bans; and [ii] requirements to substitute trivalent and other yet-to-be-determined substitutions for CrVI.

For each of these reasons, the associations request that CARB revise the modifications to allow for the use of enclosed tanks that will obtain the desired objective of zero emissions of hexavalent chromium emissions from plating tanks.

Sincerely,

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