

Felicia Marcus, Chair  
C/o Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA. 95814



*February 14, 2018*

**RE: Addressing Air Toxics in Industrial General Permit Amendments**

Dear Ms. Marcus,

We are writing to you today concerned about the pollution of our state's waters. While we are concerned about the pollution of all of our state's waters, we are contacting you today regarding the revision of the Industrial General Permit. We believe that the State Water Resources Control Board must revise the Permit to include an explicit requirement that all industrial facilities have the duty to test their stormwater for all potential pollutants that a facility could reasonably discharge in its stormwater, specifically including pollutants for which they have an air permit.

Stormwater is an amazing resource for our society. Stormwater can be used to recharge depleted aquifers. It can be captured and used to water landscaping, and of course be discharged into our rivers providing natural habitats for natural and human communities. However, none of this can happen if our stormwater is not free from dangerous levels of industrial contaminants.

Extensive research by one of our organizations has highlighted just how insufficient our stormwater testing requirements are. We looked at four air toxic source categories of industrial facilities in the Los Angeles basin: chrome-plating facilities, forging facilities, major lead emitters, and minor lead emitters. What we discovered shocked us. Here are some of the most telling findings from the investigation.

Forging Facilities

The Air District developed Rule 1430 ("Control of Emissions from Metal Grinding Operations at Metal Forging Facilities") in response to the ongoing public health crisis in Paramount related to widespread hexavalent chromium contamination. Monitoring, sampling & site inspections revealed that these unregulated sources (metal grinding and metal cutting operations at forges) had significant particulate emissions and toxic air contaminants. Rule 1430 targets toxic particulate and emissions from metal grinding/cutting operations at forging facilities, including titanium, nickel and hexavalent chromium.

1. 80% of are not analyzing stormwater for chromium. This means that out of 20 known chromium emitters (for which we have data), more than 16 have not sampled for this carcinogenic pollutant in their stormwater in the last 5 years.
2. 100% of the facilities that did collect and analyze stormwater for chromium in the last 5 years report exceedances of EPA limits.
3. 80% of the facilities failed to include the word "chrome" (or any variant) in their core stormwater planning documents; and 0% completed the assessment of hexavalent chrome sources that are required by the Permit.

4. 85% of the facilities failed to mention the words “emission” or “fugitive” in their core stormwater planning documents, which means that the owners of these facilities utter fail to account for the well-documented relationship between air and water pollution.

### Chrome Plating Facilities

The Air District is amending Rule 1469 (“Hexavalent Chromium Emissions from Chromium Electroplating and Chromic Acid Anodizing Operations”) to augment existing requirements to address fugitive emissions from hexavalent chrome plating and anodizing operations. The rule covers 275 facilities with emissions of hexavalent chromium, titanium, nickel and other toxic metals. Our research focused on 10 of these facilities from the heavily impacted communities of Santa Fe Springs, Gardena, Sun Valley, Compton, Vernon and Bell Gardens.

1. 30% of the chromium emitting facilities operate under a Non-Exposure Certification from the Los Angeles Regional Water Quality Control Board, indicating that the facilities and the Regional Board believe no industrial activities are not exposed to stormwater.
2. Of the three facilities with sampling data, two have not tested for chromium in the last 5 years.
3. One facility with chromium concentrations in its storm water data of 0.43 mg/L (12/15/15) and 0.39 mg/L (12/21/15) and 0.23 mg/L (1/5/16) filed a Notice of Termination in 2017 claiming that the facility had not discharged stormwater since 2004.

### Major Lead Emitters

The Air District designed Rule 1420.2 (“Emission Standards for Lead from Metal Melting Facilities”) to regulate toxic emissions from metal melting facilities that the agency determined were major sources of lead. The rule applies to the 13 of the region’s 15 largest largest lead emitters, each one with an annual throughput of at least 100 tons of lead. Cumulatively facilities subject to Rule 1420.2 melt more than 50,000 tons of lead annually.

Perhaps most surprising was that 1 of the facilities was given a Non-Exposure Certification by the Los Angeles Regional Water Quality Control Board, which essentially constitutes a determination that industrial activities pose no potential threat to surface waters. Another facility does not appear to participate in the Permit program, which leaves 11 facilities that have permits to emit lead and to discharge stormwater to local surface waters.

1. 100% of the facilities have discharged stormwater with lead concentrations in excess of the CTR and EPA Benchmark limits (0.0025 mg/L & 0.0816 mg/L respectively), i.e. not a single one of the region’s largest lead air emitters have developed and implemented effective BMPs to prevent/limit dangerous lead pollution. 7 of 11 facilities have, in each of the last 5 years, reported discharges with lead concentrations that exceed EPA’s Benchmark limit.
2. 100% of the lead emitting facilities discharge to a water body that is impaired for lead. Although this only establishes a correlation, it seems likely that the causal mechanism works in only one direction.
3. Among the worst actors are U.S. Battery and Trojan Battery. U.S. Battery’s analysis of stormwater for lead in 3 of the last 5 years found concentrations exceeding EPA’s benchmark limit by 6500% (2012-13), 12,000% (2014-15) and 4200% (2016-17). Trojan Battery Co. on

Anne Street in Santa Fe Springs has an average exceedance over 1500% of EPA's Benchmark for lead in its stormwater during the last 5 storm water years.

4. 0% of the facilities have been subject to a formal enforcement action by the Regional or State Board in any of the last 5 years.

### Minor Lead Emitters

The Air District crafted Rule 1420 ("Emission Standard for Lead") in response to U.S. EPA's decision to lower the ambient air limit for lead because data demonstrate that the devastating impacts of lead poisoning, especially among children, manifest at much lower levels than previously understood. The rule covers facilities that emit lead in smaller amounts than the major lead emitters otherwise regulated by Rules 1420.1 and 1420.2. Of the 121 facilities subject to Rule 1420, the Air District identified 15 facilities as the largest lead sources in the inventory.

1. Only 30% (3 of 10) reference the word "lead" in stormwater planning documents. 70% of these known lead-emitting facilities are not disclosing/assessing lead as pollutant with the potential to contaminate stormwater.
2. While 70% of the facilities disclose and assess baghouse(s) (i.e. primary air pollution control equipment) as potential pollutant source, the vast majority of facilities fail to include the corresponding disclosure and assessment of fugitive emissions. Compare the approach of Arrowhead Brass Plumbing to Aircraft Foundry Co. Arrowhead mentions "baghouse" more than 15 times (as well as "emissions" and "fugitive"), and specifically includes a BMP to vacuum the baghouse area after each "dust handling event." Aircraft Foundry, on the other hand, mentions "baghouse" only once, to claim that it has no potential impact on stormwater. Aircraft also explicitly notes the potential for metal "build up" on roofs, but fails to develop a BMP to address this acknowledged pollutant source.
3. At least 50% of these lead-emitting facilities are not analyzing stormwater samples for lead; and 100% of those that have are consistently violating EPA's lead benchmark.
4. 100% of facilities (for which there is stormwater data) also report exceedances of numeric limits for aluminum, zinc, copper and/or iron.

We are attaching additional documents as Appendices A, B, C, D, E and F, all of which provide additional information regarding the details of the investigation and proposed solutions.

In conclusion, we are asking that the State Water Resources Control Board make clear in the issuance of its new Industrial General Stormwater Permit that testing for all industrial contaminants for which a facility has knowledge of requires both stormwater testing and public reporting, including pollutants that a facility emits into the air. Please do not hesitate to contact us with any questions or concerns regarding these comments.

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