



October 4, 2019

Via Email

Min Sue	msue@aqmd.gov
Dan Garcia	dgarcia@aqmd.gov
Susan Nakamura	snakamura@aqmd.gov
Neil Fujiwara	nfujiwara@aqmd.gov

South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, CA 91765

RE: Proposed Rule 1480 –Toxic Metal Air Emission Monitoring [Updated Comments]

Dear Min, Dan, Susan and Neil -

Following up on Wednesday's Public Workshop, and in advance of the Working Group Meeting #9 that will be held next Tuesday, October 8, the Metal Finishing Association of California [MFASC] would like to provide additional written comments highlighting the key issues of concern with Proposed Rule [PR] 1480, Air Toxic Metals Monitoring. As we continue to engage in a meaningful dialogue concerning the Rule, MFASC continues to have significant concerns with PR 1480.

The association members and representatives have raised these concerns in the working group meetings and the public workshop, and MFASC submitted substantive comment letters on March 22 and August 14. We appreciate the revisions that have been made to date as the rule has been developed, but the work is far from done.

First and most significantly, the costs associated with the efforts of facilities to comply with the new rule are quite strenuous and would cause many businesses to close their operations with a detrimental impact to their communities including the loss of jobs to the thousands of local residents they employ.

Based on information recently provided by the District, the estimated annual cost for each impacted facility would be approximately \$300,000. For the many businesses that have annual gross revenues in the range of \$1 million to \$2 million, this impact would be a death knell.

It is also important to note the costs and burdens associated with proposed new Rule 1480 are in addition to the significant costs and impacts of the recently-adopted revisions to Rule 1469 that address the same air emissions from our facilities. Metal finishing businesses are devoting significant financial resources and efforts to implement the numerous mandates of that rule. The negative impacts of revised Rule 1469 will easily exceed the District's estimates that impacted facilities will cease operations and significant jobs will be lost. The work and the jobs will move outside of this state.

Proposed Rule 1480 presents several additional concerns and challenges. These include:

- The rule would impose requirements on metal finishing facilities that are out of proportion to the contributions that an individual facility makes to the emissions of toxic air contaminants.
 - For example, we contribute less than 1/3 of 1% of the emissions of hexavalent chromium.
 - There are numerous other sources of emissions that are not permitted by the District and would not be subject to this rule – yet the rule would only impose expensive monitoring and sampling requirements on the permitted facilities.
- The rule would impose requirements on facilities regardless of either the amount of their emissions or the proportion of their contribution to an exceedance of a significant risk level for a toxic air contaminant.
 - Any contribution would trigger a Notice of Findings and a designation that a facility is a Metal TAC Monitoring Facility – with the resulting costs and burdens.
- The rule would establish timeframes that are unreasonably short and would provide insufficient time for affected facilities to provide meaningful responses. These include:
 - *Two hours* - to report a failed sample to the District.
 - *Twenty-four hours* - to report three consecutive exceedances and provide information that they are not attributable to a facility.
 - *Fourteen days* – to respond to a District Notification of Findings and request a meeting.
 - *Thirty days* – to develop and provide a response to a denial of a draft monitoring and sampling plan.
 - *Sixty days* – to develop and provide information challenging the Notice of Findings.
- The rule would unfairly place challenging if not impossible burdens on facilities to develop and provide evidence proving negatives:
 - That they are not contributing to an exceedance of a significant risk level for a toxic air contaminant; and
 - That the emissions are not attributable to that specific facility.
- The rule would fail to recognize, with regard to facilities subject to Rule 1469, that significant efforts are being made to comply with the rule with the result that emissions have been significantly reduced.
- The rule would fail to provide a sensible process for facilities to work together with the District to identify and implement measures that prevent the facility from being designated as a Metal

TAC Monitoring Facility and incurring the significant expenses and undergoing the significant monitoring and sampling burdens.

We urge the district to address and resolve these issues prior to the presentation of the rule to the district Governing Board for adoption. MFASC will continue to be engaged. Until the issues are resolved, MFASC is not in a position to support the new rule.

Thank you for the consideration of these and the other issues that our association and its members are raising in this rulemaking. MFASC and our representatives look forward to continued discussions on the PR 1480 with the District.

Sincerely,

Justin Guzman

Justin Guzman, MFASC Executive Officer

Jerry Desmond

Jerry Desmond, MFASC Advocate