**Responses by RSR Corporation, Department of Toxic Substance Control and the Regional Water Quality Control Board**

**RSR Corporation:**

Over the last ten years, Quemetco and DTSC have addressed every condition in the 2005 permit.  The status of all conditions and requirements contained in Quemetco’s 2005 permit as well as associated documentation is compiled and maintained by the DTSC and is available to the public upon request.

Quemetco works closely with local, state, and federal regulators to conduct sampling to ensure compliance with the law. Any testing from 1992 did not determine the source of any lead detected and no order or request was issued by regulators to take any action beyond what was done.  It should be noted that in 1992, vehicles were still using leaded gasoline and the use of leaded paint was of grave concern to regulators. In 2008, the company voluntarily installed a WESP -- which was and continues to be state of the art pollution control technology for emissions. With the installation of this equipment, lead emissions were almost eliminated.

The facility is designed to stop processing batteries in the event the WESP were to completely shut down. Most recent shutdowns of the WESP have been caused by either an external power disruption or from internal systems which monitor the WESP to assure that it is operating as designed. The WESP system is designed with multiple redundancies to ensure continuous operations, but if the WESP has an unplanned shut down, the facility stops processing batteries until the WESP is operational. Quemetco will continue to utilize rigorous procedures and operational protocols for the WESP once its throughput request is approved.

**Department of Toxic Substance Control:**

Jordan Down:

Normal precautionary measures have been taken and have proven successful on this site. DTSC is also conducting some additional monitoring, including more monitoring stations and collecting samples every hour.

Before field work began, we implemented a community health and safety plan, which the community had an opportunity to review and comment on, and dust suppression measures that include:

Fencing with windscreens were put in place for reducing potential migration of dust and for site security

Vehicles adhere to slow speed while in construction zones

Work areas are being sprayed with water regularly to control dust generation during excavations

Trucks are going through a metal shaker to remove soil and dust from tires

Soil carried by trucks is being covered before leaving the site

Street sweeper sweeps the street and the site entrance daily after the trucking is completed. This is an additional precaution taken to minimize dust on the street.

Air monitoring is being conducted regularly (samples collected every hour) during work hours, and additional measures when dust levels exceed the action level (very few times, around 3%) limits.

All these mitigation measures have had great success. The monitoring reports show that 307 out of the 317 (about 97%) dust samples taken were below the action level of 50 micrograms per cubic meter. Usually when the dust action level is exceeded you take additional dust suppression measures. For example, after exceedances, DTSC did request additional measures, for example water spraying was increased and stricter controls were put on large equipment moving dirt during windy days. The contaminants of concern (Lead and Arsenic) were not detected in any of the air samples. The monitoring reports are available on our EnviroStor website.

The meeting you are referring to was called by the Housing Authority of the City of Los Angeles (HACLA). We take proactive steps to involve the community early and throughout the process. For example we have attended several HACLA community meetings, two City of Los Angeles meetings, and a meeting with the Black Community Health Task Force to update the community on the remedial action and to inform them of upcoming steps. Community input is important, and we take it seriously when we make decisions that affect residents. In response to community concerns, we requested installation of an additional fence cover on Alameda St., an increase of monitoring stations, increased dust control measures and increased street sweeping. As pointed out above, our oversight of the mitigation measures has successfully reduced risks to the surrounding community during this important cleanup.

Several meetings with the public have been held since the start of the remediation, the first being held about two weeks after remediation began. DTSC has attended about seven or eight community meetings since remediation started. DTSC also met with community advocates who expressed some concerns and we followed up on community concerns, responded to clarify issues and have taken action to enhance safeguards during this cleanup DTSC has been overseeing the remedial action work very closely and the monitoring reports reflect the success in applying public health safeguards during this cleanup work.

**Regional Water Quality Control Board:**

The Industrial General Permit for Stormwater Discharges Associated with Industrial Activities Order No. 97-03-DWQ (General Permit) regulates industrial storm water discharges and authorized non-storm water discharges from industrial facilities in California. The Industrial General Permit is called a general permit because many industrial facilities are covered by the same permit, but comply with its requirements at their individual industrial facilities. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (collectively, the Water Boards) implement and enforce the Industrial General Permit.

Quemetco enrolled in the General Permit, in 2000. This statewide permit was in effect from 1997 – 2014.

The Permit in effect from 1997 – 2014 was a best management practices-based permit. Best management practices (BMPs) are techniques, measures, or structural controls such as good housekeeping practices, use of overhead coverage, and employee training used to manage the quantity and improve the quality of storm water runoff from a facility.

Enrolees are required to evaluate the quality of their stormwater and meet benchmark values for pollutants to measure the adequacy of their BMPs. If an enrollee exceeds these benchmark values it shows that the facility needs to improve their BMPs.

Order No. 97-03-DWQ expired on June 30, 2015 and was replaced by a new General Permit, Industrial General Permit for Storm Water Associated with Industrial Activities, Order No. 2014- 0057-DWQ (new General Permit). The permit is available on our website at http://www.waterboards.ca.gov/losangeles/water\_issues/programs/stormwater/sw\_news.sht ml. The new General Permit now contains numeric action levels (NALs) which are similar to benchmark values in the expired General Permit. Quemetco subsequently enrolled in the new General Permit.

In enforcing the General Permit, the Los Angeles Water Board issued Quemetco letters in 2010 and 2015 for exceeding the benchmark values for lead, zinc, pH and specific conductance and directed the facility to improve their BMPs and document them in their storm water pollution prevention plan (SWPPP). The SWPPP is a document that lays out how an industrial facility will meet the permit’s requirements and achieve the goal of keeping storm water clean, and is a requirement under the permit.

In response, Quemetco improved their BMPs, including increasing the frequency of sweeping paved surfaces at the facility, cleaning roofs and gutters, and installing new fences.

The Los Angeles Water Board has recently required Quemetco to apply for an individual permit for the facility. The Los Angeles Water Board believes an individual permit, which contains effluent limits is more appropriate for the discharge from the facility. Exceeding effluent limits, unlike the exceedance of benchmark values, is a violation of the permit and could result in the facility receiving minimum mandatory penalties.

Until that permit has been adopted, Quemetco is regulated by the new General Permit. This permit has several requirements including the development of a SWPPP, increased monitoring, and implementation of BMPs.

Under this permit, Los Angeles Water Board staff will evaluate Quemetco’s annual report when it is received by July 1, 2016, and make a determination if NALs were exceeded. The new General Permit requires enrollees to evaluate and revise its BMPs and submit a report, to the Regional Board NALs are exceeded for the first time. If the enrollee continues to exceed the NALs then the new General Permit requires that the enrollee treat its stormwater using an effective advanced treatment system.