

From: [Phil Chandler](#)
To: DTSCPublicMeeting@DTSC
Cc: Singh, Mike@DTSC
Subject: FORMER ALCO P[ACIFIC INC.
Date: Tuesday, October 11, 2016 12:42:13 PM
Attachments: [ALCO PRA Oct 2016.pdf](#)

Attached is a copy of a Public Records Act request regarding a "Ghost Smelter" that probably also released radioactive cesium 137 from its smelting operation. DTSC has stabilized the former facility but I want to obtain any records that might demonstrate that at the same time DTSC addressed the issue of off-site deposition/accumulation of lead, other heavy metals, incineration products such as dioxins and furans, and cesium 137. I would like the IRP to assure DTSC attention to the request. Enforcement sampling in 1993 demonstrated presence of off-site lead. Phil

Department of Toxic Substances Control
Attn: Legal Office, HQ PRA Coordinator
1001 I Street, MS 23A
Sacramento, CA 95814

RE: CALIFORNIA PUBLIC RECORDS ACT REQUEST - FORMER ALCO PACIFIC, INC. FACILITY AT 16914 SOUTH BROADWAY, CARSON, CALIFORNIA – DATA ON POSSIBLE OFF-SITE AIRBORNE DEPOSITION/ACCUMULATION OF HAZARDOUS CONSTITUENTS (ESPECIALLY LEAD) HISTORICALLY EMITTED BY A “GHOST FACTORY” [EPA ID NO. CAD 008 387 250]

To Public Records Officer:

Dr. Nancy Steele, formerly of the Department of Toxic Substances ("DTSC") Enforcement Program, prepared a report on performance of off-site sampling for lead in January 19, 1993, (report dated February 19 1993) at and around the former Alco Pacific, Inc. facility. A partial copy of the report of this work is available on DTSC's Envirostor as part of the "Remedial Investigation Report, Alco Pacific Site, Carson, California", dated January 24, 2003, and prepared by Tetra Tech, Inc. for DTSC's former Site Mitigation Program (SMP). The full report of this work, including photographs and analytical data is NOT posted on Envirostor.

During removal actions in November 1993 and April 1994, fifty-two of the drums contained bag house dust that was a "mixed waste" dust were identified on-site. Bag house dust is normally considered to be a "toxic" waste because of the levels of lead and cadmium. By adding the additional radioactive constituent of cesium 137, the waste stream became what is known as a "mixed waste". On June 27, 1998, an initial site-wide radiation survey was "completed" and on July 16 1998 the Los Angeles County Department of Health Services (LACDHS) conducted a "radiation seep" of the site. Nothing was reported regarding evaluation of the cesium 137 that might have been emitted from the bag-house emissions and deposited off-site. Neither does it appear that the issue of emission products of rubber and plastics that were probably charged to the furnaces, as was permitted by the South Coast Air Quality District (SCAQMD) at Quemetco Incorporated (Quemetco) and Exide Technologies, Inc. (Exide), burned (actually "incinerated") was addressed. This practice of "incineration" was discontinued at Exide and Quemetco only in the early 2000's when DTSC became aware that SCAQMD was allowing the incineration of hazardous waste in its own permits for the two smelters. Combustion products at Exide and Quemetco included dioxin which was found in samples off-site of Quemetco.

Between 1990 and 2003, the DTSC and its contractors performed at least four site investigations to: 1) characterize the impacts of historical materials and waste handling

operations at the former facility on soil, soil gas, and ground water; and 2) evaluate the health risks that were associated with the extant "site" conditions. I am concerned that DTSC did not apparently evaluate the off-site lateral extent of potential airborne and/or surface water-borne deposition/accumulation of site hazardous waste constituents from Alco's smelter emissions. The potential clearly exists for historical or residual airborne emission deposition/accumulation due forty years of operations at Alco Pacific

Therefore, pursuant to the provisions of the California Public Records Act ("Act"), Government Code § 6250 *et seq.*, and Article I, section 3(b) of the California Constitution, I hereby request that the Department of Toxic Substances ("DTSC") provide the following for inspection at DTSC's Chatsworth Office or on DTSC's website:

- A full copy of the original February 19, 1993, report with all associated photographs, sketch maps of sample locations, and laboratory data.
- Any records of specific internal interchange on the off-site airborne potential of the cesium 237 and any consideration of deposition/accumulation of cesium 137.
- Any records of specific external consideration of the off-site impact of the cesium 237.
- Any records that demonstrate that DTSC considered the combustion products of battery casings in its selection of constituents to be analyzed.
- Any records of specific internal interchange on the off-site airborne potential of combustion products and any consideration of deposition/accumulation of combustion products such as dioxin.

The California Constitution provides that "[t]he people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Cal. Const., Art. I, sec. 3(b)(1). The Act requires that public records be open to inspection at all times, and that documents should be provided promptly. See Cal. Gov't Code § 6253(a). The requested documents are public records under the California Constitution and as defined by the Act. Please note that records existing in electronic storage, back-up, or retrieval systems, either local or centralized, as well as records residing on individual computers, should be provided for inspection as well.

In addressing this request, please keep in mind that the California Constitution expressly requires you to broadly construe all provisions that further the public's right of access, and to apply any limitations on access as narrowly as possible. Cal. Const., Art. 1, sec. 3(b)(2). The Act recognizes "no limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure." Cal. Gov't Code § 6257.5. If, for some reason, you contend that the documents requested herein are not subject to disclosure, you must promptly notify

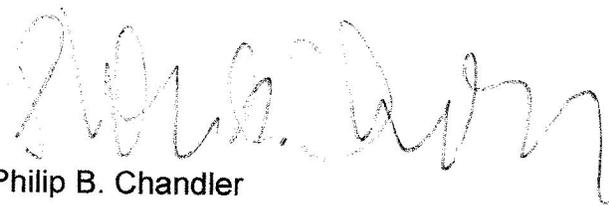
us of your determination, the names and titles of the persons responsible for that determination, and the reasons therefor. Cal. Gov't Code § 6253(c). Such notification must be provided no later than ten (10) days from your receipt of this request, and no extension of this time is permitted except in the limited, unusual circumstances specified by the Act. Cal. Gov't Code § 6253(c). In addition, you must provide us me with any reasonably segregable portion of any record that you believe contains information not subject to disclosure. Cal. Gov't Code § 6253(a).

The Act prohibits using any provision of the Public Records Act "to delay the access for purposes of inspecting public records." Cal. Gov't Code § 6253(d). In addition, the Act requires public agencies and officials to assist the public in making a focused and effective request by: (1) identifying records and information responsive to the request; (2) describing the information technology and physical location in which the records exist; and (3) providing suggestions for overcoming any practical basis for denying access to the records or information sought. Cal. Gov't Code § 6253.1.

I will pay for the reasonable and direct costs of duplicating the documents that, after inspection, I wish copies of. See Cal. Gov't Code § 6253(b). Please note that the direct costs of duplication include ONLY the cost of making copies, and do not include the retrieval, inspection, or handling of the file from which the copy is extracted. *North County Parents v. Dept. of Education*, 23 Cal. App. 4th 144, 148(1994).

By way of disclosure, I work in DTSC's Brownfields and Environmental Restoration Program (BERP) at Chatsworth. However, this letter to you is written as a concerned member of the public not as a State of California employee.

Thank you for your prompt attention to this request. If you do not understand any aspect of this request or would like clarification, please contact the undersigned by e-mail or by any of the cited phone numbers, EXCEPT to work phone, and I will make every effort to address your concerns.



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Mr. Mike Vizzier, Vice Chair,

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