Please in the record during the February 8, 2017 IRP Meeting. Thank you. Phil Chandler

February 7, 2017

Independent Review Panel
Mr. Gideon Kracov, J.D., Chair
Mr. Mike Vizzier, Vice Chair,
Ms. Arezoo Campbell, PhD.
Department of Toxic Substances Control
1001 “I” Street, 25th Floor
P.O. Box 806
Sacramento, California 95812-0806

Dear Independent Review Panel Members:

FAILURE TO ADDRESS AIRBORNE EMISSION DEPOSITION /ACCUMULATION OF DIOXINS/FURANS

As much as Department of Toxic Substances Control (DTSC) has historically disliked addressing airborne emission and deposition/accumulation pathways at its facilities/sites, it probably dislikes addressing dioxins/furans [polychlorinated di-benzo-p-dioxin/polychlorinated dibenzofuran (PCDD/PCDF)] more. Combine the two things and DTSC’s discomfort level increases exponentially. Stack emissions testing at Exide and Quemetco demonstrated the dioxins/furans were being emitted, mostly because for a number of years battery casings were routinely being incinerated as “coking material” allowed by South Coast Air Quality Management District (SCAQMD) permit until DTSC pointed out by letter that this was considered disposal of hazardous waste which neither smelter was authorized to do under RCRA. Both facilities were still allowed to “burn” incidental battery casing material that “could not be separated” from the lead. Still, for example, DTSC analyzed samples of sediment off-site of Quemetco and along with the lead found collocated dioxins/furans. Some at the agency seemed unhappy that such analyses even occurred. Dioxins/furans are problematic in a number of ways, including that the analyses are exceedingly expensive and that the soil screening levels for soil and water are damnably low.

At Amvac Chemical Corporation on East Washington Blvd. in Los Angeles, a pesticide manufacturing facility not too far from Exide, DTSC oversaw a RCRA permit for management of hazardous waste, oversaw RCRA closure, oversees RCRA corrective action, and is responsible for seeing that the various Government Performance Review Act (GPARA) environmental indicators are met. Pesticides appear to have been formulated there since 1945. A 1997 “Screening Health Risk Assessment” revealed dioxin/furan risk at 10 x 10^-6 isopleths to 250 meters and 1x 10^-6 to 1300 meters south of the facility but DTSC has never required surface soil sampling in the dispersion footprint even though dioxins/furans were reported in 1991 from a solid waste management unit associated with the site.

In 1996, a RCRA Facility Assessment was performed by DTSC for the U.S. Environmental Protection Agency which identified eighty six (86) Solid Waste Management Units (SWMUs). Among the SWMUs listed were the “Off-gas Afterburner Stack” (SWMU-4), “Scrubber for Incinerator” (SWM-3) which was installed in 1987, “Pentachloronitrobenzene (PCNB) Stack” (SWM-44), “Dryer” (SWMU-77), and “Railroad Right-of-Way” (SWMU-85)

http://www.envirostor.dtsc.ca.gov/public/deliverable_documents/5787122428/AMVAC%20-
Page 10 of the RFA describes an incinerator (later identified as a John Zink Incinerator) being used to burn methyl chloride off-gas from the production of dimethyldichlorovinylphosphate (DDVP) or Dichlorvos and Mevinphos under permit from the SCAQMD. It is stated that the gases from the incinerator are used to produce hydrochloric acid then sold as “useable material”. Prior to the RFA, the California Air Resources Board (CARB) “conducted a screening source test on the incinerator to determine if the presence polychlorinated di-benzo-p-dioxin/polychlorinated dibenzo furan (PCDD/PCDF)” That quote is assumed to mean if PCDD/PCDF were present in the incinerator emissions. Sure enough, the March 1996 report revealed that “The qualitative results indicated that there was evidence of significant releases of PCDD/PCDF”. The report resulted in a Proposition 65 “disclosure report” being made public. DTSC’s somewhat incomprehensible conclusion was merely that “Need further investigation to determine if the incineration system defect(s) has been fixed and the hazard removed.” SWMU-44 (“PCNB Stack”) is associated in the RFA write-up with a baghouse, wet scrubber and “carbon adsorber” and the CARB report information on incineration is repeated there with the same cryptic conclusion. There was no recommendation for off-site surface soil investigation of deposition/accumulation of dioxin/furan emissions. Interestingly, DTSC had sampled SWMU-85 (“Railroad Right-of-Way”) and determined that portions of it were highly contaminated which precipitated a cleanup. Among the compounds encountered in the 1991 soil samples were “Several congeners of polychlorinated di-benzo-p-dioxins and dibenzofurans...” aka dioxins/furans.

In 2013, DTSC made a “Current Human Exposures Under Control” Environmental Indicator (EI) determination that in: (a) Section 1 stated that all available known and reasonably suspected information on releases had been considered in the EI determination; (b) in Section 2 described surface soil contamination with major constituents that did not include dioxins/furans. It further described the cleanup in SWMU-85 (“Railroad Right-of-Way”) and for some undisclosed reason re-designated the units described in earlier RCRA documents as twelve (12) Areas of Concern (AOCs) ----not 86 SWMUs.

The SWMUs related to incineration, such as SWMU-44 (“PCNB Stack”) vanished from the scene; and (3) described site paving, fencing, etc. as rationale for control. Off-site deposition over the fence and far away was not apparently a consideration—despite other information in the files and in an earlier 1999 Draft Interim EI determination which had listed the SWMU’s and used the frightening word ---incinerator---and cited it as having “entered service in 1987”. That EI document likewise failed to address the dioxin/furan issue but did list as a reference the CARB report. In the DTSC public files was a further evaluation of dioxin/furan emissions, entitled Screening Health Risk Assessment for dioxin/furan emissions from PCNB Dryer and MeCl Incinerator, final draft, dated January 1997. It was labeled privileged and confidential but DTSC apparently did not acknowledge this confidentiality and placed the document in the public file anyway. This document described the risk isopleths cited above. It was not used as a reference in either the 2013 EI or the 1997 version of an EI. So dioxins/furans were found in soil right at the site in 1991 and dioxins/furans risk isopleths extend a fair distance off-site in 1997 but DTSC does not evaluate dioxins/furans in the dispersion footprint suggested by the modeling and then signs off on human exposure under control because the site itself is paved.

I ask the Independent Review Panel (IRP) to make a recommendation that this current DTSC Director put in place a DTSC policy that the deposition/accumulation of emissions of dioxins/furans be evaluated whenever such material is known or reasonably suspected to be formed and emitted. I further request that sites where DTSC has failed to consistently do this be re-evaluated under whatever mechanism is most expeditious. By way of disclosure, I work in DTSC’s Brownfields and Environmental Restoration Program (BERP) at Chatsworth. However, this letter is written as a member of the concerned public and not as a State of California employee.

Sincerely,

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Attachment

cc:

The Honorable Kevin De Leon
State Senator and Speaker pro Tempore
State Capitol, Room 205
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The Honorable Hanna-Beth Jackson
State Senator
State Capitol, Room 2032
Sacramento, CA 95814