



**Clean Air Coalition of
North Whittier and Avocado Heights**
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RE: Barbara Lee's Sept. 20, 2016 Report to the IRP re: People's Senate sites of interest

QUEMETCO, INC., City of Industry

The summary of DTSC's work at the Quemetco site provided in this report is not very helpful to the members of the IRP.

Soil Sampling

While there is discussion of DTSC's residential sampling and public engagement efforts over the past year or so, there is no mention of how many commercial properties have actually signed access agreements and what DTSC's plan is to get samples from the over 50% of residential and over 60% of commercial properties that have not agreed to access. The CAC offered on Aug. 29 at a meeting with DTSC staff in Chatsworth to help contact neighbors and encourage them to sign access agreements but our help was declined, even though there was already a precedent set earlier in the Exide case: DTSC worked with East Yard Communities for Environmental Justice to get access agreements signed in the neighborhoods around Exide.

While soil samples are being tested for the presence of 22 metals, DTSC continues to focus reports only on lead and, sometimes, arsenic. CAC, working with USC scientist Jill Johnston this past summer, tested soil samples from homes around Quemetco but outside the ¼ mile circle around the facility and found very high levels of antimony, cadmium, and arsenic in scattered locations.

The IRP needs to know that the "Plan for Source of Lead Study (Fingerprinting)" will determine which metal or metals "matter." Quemetco will make every attempt to avoid blame for contamination by focusing the fingerprinting study on as narrow a range of metals as possible to determine their provenance from the facility (their initial proposal was to focus only on bismuth, for example, which is a metal that is emitted in *very* small amounts from the stacks).

Enforcement Actions

This discussion in the summary is woefully inadequate. In an Aug. 16, 2016 letter to State Senator Ed Hernandez, Terri Hardy, DTSC's Interim Legislative Director, lays out in helpful detail all the enforcement troubles at Quemetco **that have a direct bearing on the facility's permit renewal application**. We include quotations below from this letter:

1. Inadequate Groundwater and Surface Water Monitoring System. "The company has failed to provide consistent laboratory tests from all 19 wells." "Quemetco's monitoring network is defective, an issue we have attempted to get the company to fix." "If Quemetco continues to fail to provide the state with useful groundwater monitoring data...this could negatively impact their pending permit renewal application."
2. Inadequate Containment Building, Non-Functioning Leak Detection System. We know that Quemetco filed an appeal of the Enforcement Order issued on July 25, 2016. But we do not know if DTSC has requested an administrative hearing to consider the appeal. When we asked Robert Kou on Aug. 31, 2016 if DTSC had requested this hearing he said he could not answer questions about an open legal case. Meanwhile, the appeal stays all enforcement compliance that would force Quemetco to remove all stored hazardous waste and prohibit it from putting more hazardous waste into the containment building. And yet Ms. Hardy writes that "if Quemetco fails to comply with our recent order to install and maintain a functioning leak detection system in the Containment Building, then this failure may impact its pending application to renew its operating permit." What is going on? Why did it take until this summer for DTSC to act on this problem? Is there enforcement or isn't there enforcement?

Site Specific Requests

1. A thorough and extensive sampling of the total area within the ¼ mile radius around Quemetco.
2. A full reporting of all metals found at high levels in soil samples taken from residences.
3. Clear and scientifically rigorous criteria for determining a "stepping out" of the sampling area from the initial ¼ mile radius around Quemetco.
4. Clear and scientifically rigorous criteria for determining that Quemetco is not the source of metals contamination in surrounding residences.
5. Enforcement: DTSC's Enforcement Division is letting Quemetco get away with multiple violations for years and years. As the People's Senate has repeatedly argued, this is an institutional weakness that needs to be remedied at the highest levels of the agency.