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BEFORE THE HEARING BOARD OF THE
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT,

Petitioner,

v.

AEROCRAFT HEAT TREATING CO., INC.
[Facility ID No. 23752];
ANAPLEX CORP.
Facility ID No. 16951]; and
DOES 1-100

Respondents.

CASE NO. 6066-1

**FINDINGS AND DECISION FOR AN
ORDER FOR ABATEMENT
(STIPULATED)**

Health & Saf. Code § 41700
District Rule 402

Date: December 14, 15, and 16, 2016
Time: 9:00 a.m.
Place: 21865 Copley Drive
Diamond Bar, CA 91765

This petition for a Stipulated Order for Abatement was heard on December 16, 2016, pursuant to notice and in accordance with the provisions of California Health & Safety Code § 40823 and District Rule 812.

The following members of the Hearing Board were present on December 14, 2016: Edward Camarena, Chair, Julie Prussack, Vice Chair, Roger L. Lerner, M.D., Patricia Byrd and the Honorable Nate Holden. However, on December 15 and 16, 2016, only the following members of the Hearing Board were present: Edward Camarena, Chair, Julie Prussack, Vice Chair, Roger L. Lerner, M.D., and Patricia Byrd.

1 Petitioner, Executive Officer, was represented by William B. Wong, Principal Deputy
2 District Counsel for the South Coast Air Quality Management District. Respondent
3 AEROCRAFT HEAT TREATING CO., INC. (hereinafter AEROCRAFT or Respondent) was
4 represented by Ivan Tether of Tether Law.

5 The public was given the opportunity to testify, evidence was received and the matter was
6 submitted.

7 The parties stipulate to the following facts:

8 **STIPULATED FACTS**

9 1. Petitioner is a body corporate and politic established and existing pursuant to
10 Health & Safety Code §§ 40000, et seq., and §§ 40400 et seq., and is the sole and exclusive local
11 agency with the responsibility for comprehensive air pollution control in the South Coast Air
12 Basin.

13 2. Respondent, AEROCRAFT, is a business located at 15701 Minnesota Ave.,
14 Paramount, CA 90723. It is in the business of heat treating steel, titanium and high temperature
15 metals. As part of that operation, AEROCRAFT heats, cools, cuts and grinds metal alloys, some
16 of which contain chromium. Some of the metal dust emitted from AEROCRAFT's operations
17 contains hexavalent chromium.

18 3. The facility is located within the District's jurisdiction and is subject to the
19 District's regulations

20 4. **California Health & Safety Code § 41700** provides, in pertinent part, that except
21 as provided in § 41705, "no person shall discharge from any source whatsoever such quantities of
22 air contaminants or other material which cause injury, detriment, nuisance or annoyance to any
23 considerable number of persons or to the public, or which cause, or have a natural tendency to
24 cause, injury or damage to business or property."

25 5. **District Rule 402** provides as follows "A person shall not discharge from any
26 source whatsoever such quantities of air contaminants or other material which cause injury,
27 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or
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1 which endanger the comfort, repose, health or safety of any such persons or the public, or which
2 cause, or have a natural tendency to cause, injury or damage to business or property. The
3 provisions of this rule shall not apply to odors emanating from agricultural operations necessary
4 for the growing of crops or the raising of fowl or animals.”

5 6. In October 2016, the District placed ambient hexavalent chromium monitors in the
6 vicinity of the AEROCRAFT facility that registered values far exceeding background values for
7 Paramount. Measurements from the District’s monitors may vary according to a facility’s
8 operations and environmental conditions such as prevailing wind direction or rain on the day the
9 measurement is taken. The District believes that AEROCRAFT contributes to the elevated
10 concentration of hexavalent chromium in the ambient air in Paramount.

11 7. In October 2016, the District expanded monitoring efforts in the largely industrial
12 area of the city of Paramount to identify potential sources of hexavalent chromium (“Cr 6”). More
13 specifically, the District began ambient air monitoring for Cr 6 in different parts of Paramount. The
14 monitors in close proximity to AEROCRAFT registered Cr 6 emissions substantially greater than
15 typical background levels, which based on recent District’s MATES study, is about 0.06
16 nanograms/cubic meter (“ng/m³”) of Cr 6.

17 8. Measurements from the District’s monitors may vary according to a facility’s
18 operations, extant environmental conditions such as prevailing wind direction or rain on the day
19 the measurement is taken. Based upon knowledge and observations of the facility’s operations,
20 housekeeping, monitored levels of Cr 6, prevailing wind directions, screening source test results
21 and other environmental conditions, the District believes that AEROCRAFT significantly
22 contributes to the high levels of ambient Cr 6 concentrations in the industrial area of Paramount.
23 In addition, the District believes that these high levels result in causing elevated ambient
24 concentrations of Cr 6 to a considerable number of surrounding residents.

25 9. The District conducted screening source tests within AEROCRAFT of likely
26 sources of Cr 6 on November 17, 2016. The District also observed very dusty conditions at the
27 facility and found that the dust contained levels of Cr 6, which requires at a minimum appropriate
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1 housekeeping measures that avoids further spreading of the dust. In addition, AEROCRAFT uses
2 three methods of cooling for its heated metal forging operations: air, water, and oil. For its air
3 quenching, AEROCRAFT blows air to cool the heated metal, which has the potential to disturb Cr
4 6 laden dust. The blown air is believed to be captured by the District's monitor, which is located in
5 the open space between AEROCRAFT's two buildings, which creates a wind tunnel effect. The
6 District also tested the water used to quench the heated metal and that is passed through cooling
7 towers that create a mist. The water was contaminated with Cr 6, and is believed to have been
8 released into the atmosphere via the mist, transported away by the prevailing wind, and captured
9 by the air monitor. Finally, heated metal is immersed in oil, which combusts at the surface, creating
10 visible emissions. This emission source may have the potential to contribute to the emissions of
11 Cr 6.

12 10. District observations and monitoring results on Thanksgiving Day has further
13 indicated AEROCRAFT to be a source of elevated Cr 6 emissions. On that day, the District
14 collected samples from the ambient air monitors adjacent to ANAPLEX and AEROCRAFT.
15 ANAPLEX was shut down for the holiday and monitored levels of Cr 6 from the monitors located
16 adjacent to ANAPLEX had dropped significantly to about 0.1 ng/m³. However, AEROCRAFT
17 was still operating that day, and the air monitor near its facility showed continued elevated levels
18 of Cr 6.

19 11. On November 29, 2016, Petitioner filed a Petition for Order for Abatement
20 alleging that AEROCRAFT was operating in violation of Health & Safety Code § 41700 and
21 District Rule 402 due to Cr 6 emissions emitted from its operations causing a potential risk of
22 cancer to members of the public.

23 12. The District issued a Notice of Violation to Respondent on December 1, 2016
24 alleging that Respondent was emitting air contaminants, specifically Cr 6, which "endanger the
25 health of the public." Respondent denies the alleged violation and expressly neither admits nor
26 denies the conclusions stated above, but has agreed to issuance of the Stipulated Order for
27 Abatement contained herein.
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1 13. AEROCRAFT has taken and continues to implement significant actions to identify
2 potential sources of hexavalent chromium emissions and to rectify the alleged violations,
3 including, but not limited to:

- 4 a. Shutting down heat treat operations starting on December 4th followed by
5 a phased startup to assess potential emission sources.
- 6 b. Draining and cleaning of water quench tank systems to eliminate potential
7 emission sources.
- 8 c. Ceasing operation of the plasma cutting system until completion of an
9 engineering assessment to optimize collection of emissions being routed to
10 baghouse/HEPA controls.
- 11 d. Enclosing metal grinding operations so that all metal grinding occurs
12 within a total enclosure and optimization of collection system routing
13 emissions to baghouse controls.
- 14 e. Adding of HEPA level filtration rated at 99.97% or more at 0.3 microns to
15 existing baghouse system controlling emissions from hand grind
16 operations. As part of installation, an industry professional shall inspect
17 the baghouse and ensure that the device is operating properly including
18 making repairs, if required.
- 19 f. Performing wet cleaning or cleaning with a HEPA vacuum inside the
20 grinding enclosure and within 40 feet of each entry or exit point from the
21 grinding enclosure after each operating shift where grinding took place.
- 22 g. Marking floor of grinding enclosure to clearly indicate optimal placement
23 of grinding racks so as to ensure optimal collection of grind dust by the
24 existing collection and filtration system.
- 25 h. Implement monthly inspections of grinding enclosure to identify any
26 possible sources of fugitive metal dust emissions. Any sources identified
27 are to be addressed within 72 hours unless materials needed for repair are
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1 not readily available in which case repairs will be performed as soon as
2 reasonably feasible.

- 3 i. Utilization of a mobile wet sweeper to minimize potential for fugitive
4 metal dust emissions by performing daily cleanings.
- 5 j. Performing daily cleanings with a HEPA vacuum of areas where scale or
6 metal dust have the potential to accumulate but that cannot be reached by
7 the mobile wet sweeper.
- 8 k. Installation and maintenance of a meteorological station at the
9 AEROCRAFT facility capable of recording wind speed and direction data.
- 10 l. Training of all employees as to importance of minimizing fugitive metal
11 dust emissions including the prohibition of the use of compressed air or
12 brooms for cleaning in any area where scale or metal dust have the
13 potential to accumulate.
- 14 m. Requiring wet or HEPA vacuum cleaning within one hour of completion of
15 any maintenance or repair activity to a furnace, heat treating equipment,
16 grinding enclosure (or associated emission control equipment) or the
17 plasma cutting system (or associated emission control equipment).
18 Cleaning to, at a minimum, cover the floor area within 20 feet of where the
19 maintenance or repair activity took place, where reasonably and safely
20 accessible.
- 21 n. Ensuring that any maintenance or repair activity with a significant potential
22 to generate fugitive metal dust emissions takes place within an enclosure
23 (temporary or permanent). Maintenance or repair activity may take place
24 without an enclosure where enclosure is not reasonably possible or where
25 failure to immediately implement the maintenance or repair would result in
26 fugitive metal dust emissions.
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- o. Wet cleaning or HEPA vacuuming of all equipment and materials used for maintenance or repairs and potentially contaminated with metal dust immediately after completion of the work in a manner intended to minimize the creation of fugitive dust.
- p. Maintaining continuous pressure drop monitors on existing grinding enclosure and plasma cutting baghouses.
- q. Installing baghouse leak detection device on the grinding enclosure baghouse as part of the installation of HEPA level filters.
- r. Installing baghouse leak detection device on the plasma cutting baghouse prior to operating plasma cutter.
- s. Performing quarterly smoke tests on the grinding enclosure and plasma cutting baghouses during any calendar quarter where the controlled process occurs.
- t. Performing emission tests of representative furnace vents.
- u. Performing employee exposure monitoring to ensure that employees are adequately protected from metal dust.
- v. Continuing to work cooperatively with District staff to identify and address sources of metal dust emissions that pose a threat to public health.

14. By complying with the conditions set forth in this Order, AEROCRAFT will avoid violating Health & Safety Code § 41700 or District Rule 402. Therefore, operations in accordance with the terms of this Stipulated Order for Abatement will not result in a violation of § 41700 or District Rule 402.

CONCLUSIONS

15. AEROCRAFT is proceeding pursuant to Health & Safety Code § 42451(b) under which the Hearing Board may issue an Order for Abatement upon the stipulation of the air pollution control officer and the person accused of violation Section 41700 or a district rule, without making a finding of violation. By stipulating to this Order, AEROCRAFT neither admits

1 nor denies the stipulated facts nor does AEROCRAFT admit that there are or were any violations
2 of state law or District regulations at its facility.

3 16. The issuance of this Stipulated Order for Abatement on terms acceptable to
4 AEROCRAFT will not constitute the arbitrary or unreasonable taking of property or the practical
5 closing and elimination of a lawful business. This Stipulated Order for Abatement is not intended
6 to and shall not have the effect of allowing a variance from the District Rules or state law.

7 17. The implementation of the conditions set forth in the Order is likely to result in
8 operations by Respondent that are compliant with District Rule 402 and Health & Safety Code §
9 41700.

10 **ORDER**

11 THEREFORE, subject to the above Findings and Conclusions and good cause appearing,
12 the Hearings Board hereby orders Respondent AEROCRAFT to immediately cease and desist
13 from the alleged violations of District Rule 402 and Health & Safety Code § 41700, and to either
14 immediately cease and desist from operating the heat treating furnaces, cooling operations, metal
15 grinding and plasma cutting operations or, in the alternative, comply with the following
16 conditions and increments of progress:

17 **CONDITIONS AND INCREMENTS OF PROGRESS**

18 1. AEROCRAFT shall not operate any process or piece of equipment capable of
19 generating Cr 6 emissions if the average of the air monitoring results measured at the District
20 monitor most representative of AEROCRAFT's emissions (the "AEROCRAFT Monitor")
21 exceeds 1.0 ng/m³ of Cr 6 for the most recent 3 samples. If a valid sample is not collected on any
22 monitoring day, the most recent previous valid samples available shall be used to determine the
23 average. In the first 7 days that this Order for Abatement is in effect, AEROCRAFT shall not
24 operate any process or piece of equipment capable of generating Cr 6 emissions if a single sample
25 exceeds 3.3 ng/m³. Notwithstanding the foregoing, the District may authorize AEROCRAFT to
26 operate all or some of the processes or pieces of equipment (i) upon a showing by AEROCRAFT,
27 to the satisfaction of the District, that the cause or causes of the exceedance have been identified
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1 and remediated, or (ii) if the offsite monitoring results are determined by the District to not have
2 been caused by AEROCRAFT. In addition, the District may, by written notification, remove
3 specific processes or pieces of equipment from the list of equipment required to be shut down
4 under this condition if emissions from the equipment are tested under conditions representing
5 normal and expected operation and it is shown to the satisfaction of the District that the processes
6 or pieces of equipment do not or would not materially contribute to an exceedance of the 1.0
7 ng/m³ Cr 6 action level at the AEROCRAFT monitor.

8 2. AEROCRAFT may, at its discretion, maintain and operate ambient Cr 6
9 monitor(s) consistent with a District approved Sampling and Analysis Plan. The District will
10 review AEROCRAFT's Sampling and Analysis Plan within 7 days of submittal and either
11 approve, conditionally approve or reject the Plan. Prior to the District's decision on
12 AEROCRAFT's Sampling and Analysis Plan, AEROCRAFT will operate consistent with its
13 proposed Plan. AEROCRAFT may present evidence to the District consisting of data from
14 ambient monitors operated consistent with the Sampling and Analysis Plan, AEROCRAFT's
15 meteorological station and other credible sources justifying the reduction of any particular day's
16 monitoring result to better reflect AEROCRAFT's contribution to ambient concentrations in the
17 community. The District shall consider AEROCRAFT's evidence in concluding whether the 1.0
18 ng/m³ action level has been exceeded and its determination may be appealed.

19 3. If the District determines that the most recent 3-sample average, as calculated
20 above, has exceeded the 1.0 ng/m³ action level, then the District shall send written notice by 3:30
21 p.m. to AEROCRAFT via email to the person or persons designated by AEROCRAFT to receive
22 curtailment notices. On the same day that the curtailment notice is provided, the District shall
23 initiate a telephone call at 5:30 p.m. with the person or persons designated by AEROCRAFT.
24 AEROCRAFT shall have until midnight of the day when the curtailment notice is received to
25 wrap up operations. Notwithstanding the foregoing, if any parts were introduced to furnaces prior
26 to the time when the curtailment notice is received, AEROCRAFT may finish those heat treating
27 process steps consistent with customer specifications for such parts. If it is possible for
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1 AEROCRAFT to cease the heat treating process without harm to the part, then the process must
2 be terminated by midnight of the day the curtailment notice was received. AEROCRAFT must
3 provide the District, upon request, with written documentation of the specifications that require
4 continuation of the heat treating process beyond midnight of the day that the curtailment notice is
5 received. Such specifications will be managed as confidential business information by the
6 District.

7 4. AEROCRAFT may resume operation of any processes and equipment shut down
8 as the result of a Cr 6 action level exceedance when it receives notice from the District that the
9 most recent 3-sample average, as calculated above, measured at the AEROCRAFT monitor is less
10 than or equal to 1.0 ng/m³.

11 5. AEROCRAFT shall provide access to District staff to conduct sampling,
12 monitoring and testing during all normal facility operating hours.

13 6. Within 30 days of the Order, AEROCRAFT shall submit a written report to the
14 District documenting completion of implementation of the wet or HEPA cleaning procedures in
15 the heat treat buildings, grinding enclosure and maintenance building housing the plasma cutter,
16 and housekeeping measures in outdoor areas.

17 7. Within 30 days of the Order, AEROCRAFT shall meet with the District staff to
18 discuss potential amendments to the permit(s) for the grinding enclosure, as may be necessary, to
19 ensure adequate collection efficiency within the enclosure and for upgrading of the baghouse
20 system to, at a minimum, include HEPA filtration. AEROCRAFT shall also discuss with District
21 staff any permit amendments necessary for other commitments memorialized in this Order.
22 Within 30 days of agreeing upon needed amendments, if any, AEROCRAFT shall submit
23 applications to amend the permit(s) accordingly. AEROCRAFT shall upgrade the grinding
24 enclosure collection system to a total enclosure and add HEPA filtration to the baghouse as
25 expeditiously as practicable. The District shall provide expedited processing of AEROCRAFT's
26 permit applications, upon payment of expedited permit processing fees, to enable installation of
27 upgrades as quickly as possible consistent with the District's regulations.
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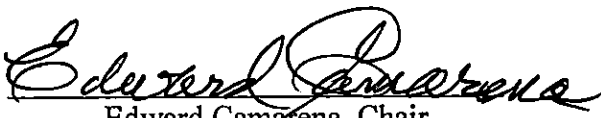
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8. AEROCRAFT shall expeditiously implement the measures identified in Paragraph 13 of the Facts section of this Order. Respondent shall maintain documentation of the implementation of A through U and make available upon request to the District.

9. The Hearing Board shall retain jurisdiction over this matter until December 31 2018, or until Respondent has met all of the Conditions and Increments of Progress hereunder, whichever occurs first, unless this Order is amended or modified.

10. The Hearing Board may modify this Order for Abatement without the stipulation of the parties upon a showing of good cause therefore, and upon making the findings required by Health & Safety Code § 42451(a) and District Rule 806(a). Any modification of the Order shall be made only at a public hearing held upon 10 days published notice and appropriate written notice to the Respondent.

11. This Order for Abatement is not and does not act as a variance, and Respondent is subject to all Rules and Regulations of the District, and to all applicable provisions of California law. Nothing herein shall be deemed or construed to limit the authority of the District to issue Notices of Violation, or to seek civil penalties, criminal penalties, or injunctive relief, or to seek further orders for abatement, or other administrative or legal relief.

BOARD MEMBER: 
Edward Camafena, Chair

DATED: 12/21/16