



Henk J. van der Meyden, PG
Sr. Environmental Consultant
Arconic, Inc.
henk.vandermeyden@arconic.com
+1 843 296 3359 Mobile

October 21, 2019

Min Sue
Planning, Rule Development and Area Sources
SCAQMD
21865 Copley Drive
Diamond Bar, CA 91765

via e-mail - msue@aqmd.gov

RE: Comments on SCAQMD Proposed Rule 1480: Ambient Monitoring and Sampling of Metal Toxic Air Contaminants

Dear Mr. Sue:

Arconic Inc. (Arconic) is pleased to submit the following comments on the September 20, 2019 proposed draft rule language of South Coast Air Quality Management District's (SCAQMD) Proposed Rule 1480 - Ambient Monitoring and Sampling of Metal Toxic Air Contaminants (Proposed Rule 1480). Our California operations include several facilities¹ located in the SCAQMD that potentially could be impacted by Proposed Rule 1480.

Arconic (NYSE: ARNC) creates breakthrough products that shape industries. Working in close partnership with our customers, we solve complex engineering challenges to transform the way we fly, drive, build and power. Through the ingenuity of our people and cutting-edge advanced manufacturing techniques, we deliver these products at a quality and efficiency that ensure customer success and shareholder value.

Arconic is generally supportive of the SCAQMD's effort to develop regulations in order to ensure that ambient air concentrations of toxic metals remain protective of human health and the environment. We appreciate SCAQMD's continued interest in developing sound regulations that protect public health and the environment while minimizing unnecessary regulatory burdens on industry and offer the following comments to the SCAQMD for its consideration into the final Rule 1480.

1.0 Arconic supports further clarification of the criteria for designating a facility as a Metal TAC Monitoring Facility.

During Working Group Meeting #9, SCAQMD staff presented information on stakeholder comments received since the September 20, 2019 version of Proposed Rule 1480². Several comments were directed at the words "contributing" and "contributions" in proposed paragraphs (d)(3), (d)(6), (d)(8) and

¹ Forged Metals, Inc. in Fontana, CA; Schlosser Forge Company in Rancho Cucamonga, CA; and Valley-Todeco, Inc. in Sylmar, CA

² Proposed Rule 1480 – Ambient Monitoring and Sampling of Metal Toxic Air Contaminants, Working Group Meeting #9, October 8, 2019, http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1480/pr1480_wg9_100619.pdf?sfvrsn=8, (accessed October 16, 2019).

(d)(9), and the ambiguity that these words bring to the process of designating a facility as a Metal TAC Monitoring Facility. SCAQMD staff acknowledged in the presentation made during Working Group Meeting #9 that they are looking at possibly revising the wording in these paragraphs to clarify the intent. Arconic shares the stakeholder concerns that have been raised with the use of the words “contributing” and “contribution” and supports the efforts by the SCAQMD to revise the wording.

During Working Group Meeting #9, SCAQMD staff also clarified that the designation of a facility as a Metal TAC Monitoring Facility under Proposed Rule 1480 will be based on the results of air dispersion modeling of Metal TAC emission(s) from an individual facility that indicate that the significant risk level has been met or exceeded at any sensitive receptor. Arconic appreciates this clarification that SCAQMD staff made and looks forward to this being further clarified in section (d) of the Proposed Rule 1480.

Therefore, Arconic recommends that the draft language of several subparagraphs in Proposed Rule 1480(d) be revised to read as follows:

- (d)(3)(C) Findings that demonstrate the facility emissions of Metal TAC(s) are the sole source causing is contributing to ambient levels of the Metal TAC(s) identified in subparagraph (d)(3)(A) to be met or exceed the Significant Risk Level at any Sensitive Receptor; and...
- (d)(6)(A) Additional data to substantiate that some or all Metal TAC emissions from equipment or processes at the individual facility of the owner or operator are not the sole source cause of contributing to the ambient monitors or meeting or exceeding the Significant Risk Level at any Sensitive Receptor;...
- (d)(8)(C) Based on the Metal TAC emissions, the Executive Officer finds that the Significant Risk Level has been met or exceeded for any Sensitive Receptor using air dispersion modeling and the Risk Assessment Procedures referenced in Rule 1401 and the facility’s emissions were the individual sole source that caused contributed to the Significant Risk Level to be met or exceeded, taking into account the following to the extent available:
 - (i) Results of Metal TAC emissions testing and sampling analyses;
 - (ii) Results of Monitoring and Sampling;
 - (iii) Records of Metal TAC material usages, manifests, and other records;
 - (iv) Information provided in paragraphs (d)(3), (d)(5), (d)(6), and (d)(7);
 - (v) Background concentrations ~~and contributions from other sources;~~ and
 - (vi) Other information available to the Executive Officer.
- (d)(9)(D) The facility equipment and processes are the individual sole source causing contributing to meeting or exceeding the Significant Risk Level to be met or exceeded at the Sensitive Receptors; and

2.0 The ability to reduce the monitoring and sampling frequency and/or number of monitors should only be based on estimated health risk below Reduced Risk Level and implementation of Early Action Reduction Plan measures or Enforceable Measures

The requirements for reduced monitoring and sampling and/or number of monitors are contained in section (h) of Proposed Rule 1480. It is Arconic’s understanding that the ability to obtain approval for reduced monitoring is a one-time deal based on the criteria of paragraph (h)(1) which includes reference

to subparagraphs (e)(5)(A through (e)(5)(C). Specifically, subparagraph (e)(5)(C) stipulates that a draft Reduced Monitoring and Sampling Plan ("Plan") cannot be approved if a Metal TAC Monitoring Facility ("Facility") previously had an approved Plan in place. Under paragraph (h)(3), once a Facility is found to have exceeded the Benchmark Concentration in its approved Plan by 10X for three consecutive Valid Samples, the Facility must revert to monitoring at a frequency of one Valid Sample every three days at each site and can never obtain approval of a subsequent Plan. Even in the extreme case where a Facility subsequently implemented additional work practices, installed additional pollution control equipment, etc., and was consistently achieving monitoring results that were at levels below the Benchmark Concentration that was included in the approved initial Plan, the Facility would not be eligible to submit a new Plan for approval.

While Arconic agrees that a Facility operating under an approved Plan must take the necessary steps to ensure that the Benchmark Concentration is never exceeded by 10X, it is possible that this could occur. The criteria for the initial approval of a Plan are specified in subparagraphs (e)(5)(A) and (e)(5)(B), and Arconic believes that the ability to obtain approval of a Plan should be based on a Facility these criteria:

- (A) The estimated health risk associated with the facility's Metal TAC emissions are below the Reduced Risk Level for any Sensitive Receptor;
- (B) The measures identified in an approved Early Action Reduction Plan pursuant to Rule 1402 – Control of Toxic Air Contaminants from Existing Sources or Enforceable Measures have been implemented; and...

Arconic also believes that the SCAQMD should not be burdened with ongoing review of Plans from Facilities that are not capable of staying below the 10X Benchmark concentration on a consistent basis.

Therefore, Arconic recommends that the draft language of Proposed Rule 1480(e)(5)(C) be revised to read as follows:

(e)(5)(C) The owner or operator of a Metal TAC Facility has not been notified in the last 90 days by the Executive Director under paragraph (h)(3) or paragraph (h)(6). ~~did not previously have an approved Reduced Monitoring and Sampling Plan.~~

3.0 The contents of the Executive Officer's response to a request to discontinue monitoring and sampling need to be defined in Rule 1480(j)(3).

Proposed Rule 1480(j)(3) currently requires that the Executive Officer will notify the owner or operator of a Metal TAC Monitoring Facility ("facility") in writing of the status of the Monitoring and Sampling Relief Plan ("Plan") review within 90 days after receiving the Plan. Per proposed Rule 1480(j)(1), the submittal of a Plan is required to request discontinuing sampling and monitoring.

Arconic is concerned that the proposed language of Rule 1480(j)(3) does not require the Executive Director to render a decision regarding the approval or denial of a request to discontinue monitoring and sampling. In fact, once the Executive Director has satisfied the notification of the status of the Plan review under Proposed Rule 1480(j)(3), there is no clear driver to get to the approval under Proposed Rule 1480(j)(4). Given the high costs associated with continued monitoring and sampling for a facility, Arconic believes that a timely review of a Plan for completeness with the requirements of Proposed Rule 1480(j)(1) and 1480(j)(2) and a decision to approve or deny a Plan are in the interest of both a facility

and the SCAQMD.

Therefore, Arconic recommends that the draft language of Proposed Rule 1480(j)(3) be revised to read as follows:

- (3) No later than 90 days after receiving the Monitoring and Sampling Relief Plan, the Executive Officer will notify an owner or operator of a Metal TAC Monitoring Facility in writing whether of the status of the Monitoring and Sampling Relief Plan is approved~~review~~.
- (A) If the Monitoring and Sampling Relief Plan is not approved, the notification letter will specify all deficiencies with the requirements of paragraphs (j)(1) and (j)(2) that kept the Executive Director from approving the Monitoring and Sampling Relief Plan.
- (B) Within 30 days of receiving a notification letter that states that a Monitoring and Sampling Relief Plan is not approved, the owner or operator of a Metal TAC Monitoring Facility shall submit a revised Monitoring and Sampling Relief Plan.
- (C) The review and approval of revised Monitoring and Sampling Relief Plan shall follow the requirements of paragraph (j)(3).
- (D) If 90 days elapse with no action by the Executive Officer, such inaction shall be deemed a final appealable agency action.

Conclusion

Arconic appreciates the opportunity to comment on Proposed Rule 1480. We are hopeful that our comments will help SCAQMD to further improve the proposed rule and create a final rule which incorporates flexible and cost-effective compliance provisions for our facilities and other potentially affected facilities.

Should you require clarification or further discussion of our comments, please contact me.

Sincerely,



Henk van der Meyden, PG
Sr. Environmental Consultant
Arconic, Inc.

cc.:

Philip M. Fine, Ph.D., Deputy Executive Officer Planning, Rule Development and Area Sources, SCAQMD

Susan Nakamura, Assistant Deputy Executive Officer Planning, Rule Development and Area Sources, SCAQMD

Jillian Wong, Ph.D., Planning and Rules Manager Planning, Rule Development and Area Sources, SCAQMD

Neil Fujiwara, Air Quality Specialist, SCAQMD

Yunnie Osias, Air Quality Specialist, SCAQMD