



South Coast Air Quality Management District

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Office of the Executive Officer
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December 6, 2006

Ms. Catherine Witherspoon
Executive Officer
California Air Resources Board
1001 I Street
Sacramento CA 95812

Re: Proposed Amendments to the Hexavalent Chromium Airborne Toxic Control Measure (ATCM) for Chrome Plating and Chromic Acid Anodizing Operations

Dear Ms. Witherspoon:

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the State's revised Proposed Amendments to the Hexavalent Chromium Airborne Toxic Control Measure (ATCM) for Chrome Plating and Chromic Acid Anodizing Operations.

SCAQMD staff appreciates the work that CARB staff has done since the September public hearing to develop changes to the proposal that implement the CARB Board direction. Many positive changes have been developed and incorporated into the revised ATCM, which SCAQMD staff supports.

There are two recommendations that SCAQMD staff would like to highlight for CARB staff and the Board's consideration. SCAQMD staff recommends an addition to the resolution to clarify responsibility for approval of alternative methods. SCAQMD staff also supports CARB staff's position to minimize multi-agency review. These two aspects will significantly streamline the review process for alternative compliance options pursuant to section 93102.4 (b)(3).

Proposed Addition to the Resolution

To clearly reflect the requirements of Health and Safety Code Section 39666 (f), SCAQMD staff requests that the following paragraph be added to the adopting resolution:

THEREFORE, BE IT FURTHER RESOLVED that local air districts have the responsibility for approving alternative methods for demonstrating compliance with the ATCM pursuant to Section 93102.4 (b)(3) and Appendix 9.

Streamline Review of Alternative Compliance Requests

The ATCM draft released on November 30, 2006 has EPA review on all aspects of the rule (section 93102.14 (f), Table 93102.14). CARB staff has indicated that at the public hearing, revised language will be introduced to reduce the areas where EPA and CARB approval would be necessary for a facility seeking equivalency. In addition, EPA Region IX has indicated that they will abide by a June 19, 1998 Memorandum of Agreement between Region IX and CARB that EPA staff will review alternative compliance requests within 45 days of receipt.

While these are positive improvements, SCAQMD staff has concerns about multi-agency reviews. Even with commitments to expedited reviews, facilities may face a cumbersome multi-agency review process that may not yield resolution before the ATCM compliance deadlines. The NESHAP had a 5-year compliance schedule. The proposed ATCM has 2, 3, or 4 years for adding controls. Previous experience with equivalency requests for NESHAP requirements for three South Coast facilities took four years.

If CARB or EPA must be in the review process, this should be minimized to the greatest extent possible. Table 93102.14 should be left as is for the existing NESHAP requirements still in effect and another similar table produced for only the minimum areas of additional review for new requirements that are more stringent than the NESHAP.

Thank you, again, for the hard work of CARB staff, the positive changes made to address the issues raised at the September public hearing and throughout the ensuing discussions, and considering these recommendations to further improve the rule. If you have any questions or would like to discuss this further, please call me at (909) 396-3131.

Sincerely,



Barry R. Wallerstein, D.Env.
Executive Officer

BRW:EC:JW

cc: CARB Board Members

Jill Whynot
06-8-3

Proposed Amendments to the Hexavalent Chromium ATCM

SCAQMD Staff Comments at
CARB Public Hearing

December 7, 2006

Significant Progress Made Since September Public Hearing

- Appreciate work of CARB staff
- Many positive changes
- SCAQMD staff supports the current proposal
- Offering 2 recommendations

Recommendation #1 – Add Clarifying Resolution Language

THEREFORE, BE IT FURTHER RESOLVED that the local air districts have the responsibility for approving alternative methods for demonstrating compliance with the ATCM pursuant to Section 93102.4(b)(3) and Appendix 9.

Recommendation #2 – Minimize Multi-Agency Reviews

- Health & Safety Code 39666(f) specifies local agencies for review and approval of alternative methods
- EPA concurrence should be limited to NESHAP provisions, not more stringent ATCM requirements

Conclusion

- SCAQMD staff supports the proposed ATCM
- Support minimizing additional review of alternatives
- Request adoption of resolution language