

**RESPONSE TO COMMENTS**  
**on the**  
**DRAFT ENVIRONMENTAL ANALYSIS**

**Prepared for the**  
**Proposed Amendments to the Airborne Toxic**  
**Control Measure for Chromium Plating and**  
**Chromic Acid Anodizing Operations**

**California Air Resources Board**  
**1001 I Street**  
**Sacramento, California, 95814**

**Released May 19, 2023**  
**to be considered at the**  
**May 25, 2023 Board Hearing**

This page intentionally left blank

**TABLE OF CONTENTS**

**1.0 INTRODUCTION.....1**

    A. Requirements for Responses to Comments ..... 1

    B. Comments Requiring Substantive Responses ..... 4

**2.0 RESPONSES TO COMMENTS.....6**

    A. Master Responses..... 7

    B. Individual Comments and Responses on the Draft Environmental  
        Analysis..... 11

**Tables**

Table 2-1: List of Comment Letters Receiving Responses for CEQA Purposes..... 6

**ACRONYMS AND ABBREVIATIONS**

|          |                                      |
|----------|--------------------------------------|
| CARB     | California Air Resources Board       |
| Draft EA | Draft Environmental Analysis         |
| CEQA     | California Environmental Quality Act |

## 1.0 INTRODUCTION

The California Air Resources Board (CARB) released a Draft Environmental Analysis (Draft EA) for the proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations, herein referred to as the Proposed Amendments (i.e., the proposed project under the California Environmental Quality Act (CEQA)) on December 2, 2022, for a 45-day public review and comment period that closed on January 18, 2023. In addition, verbal and written comments were accepted at a public hearing on January 27, 2023. Staff released 15-day changes to the Proposed Amendments on March 27, 2023, and the comment period for the proposed 15-day changes closed at the end of April 11, 2023. Staff released a second 15-day change on the Proposed Amendments on April 26, 2023, and the comment period ended on May 11, 2023. CARB staff will be returning to the Board on May 25, 2023, for a final vote on the Proposed Project. All written comment letters received are provided on CARB's website at [https://www.arb.ca.gov/lispub/comm/iframe\\_bccommlog.php?listname=chromeatcm2023](https://www.arb.ca.gov/lispub/comm/iframe_bccommlog.php?listname=chromeatcm2023).

CARB staff carefully reviewed all comment letters received into the rulemaking record during the 45-day comment period and both subsequent 15-day comment periods as well as at the public hearing on January 27, 2023, to determine which ones raised significant environmental issues related to the analysis in the Draft EA and require a written response under CARB's certified regulatory program implementing CEQA. This document includes CARB staff's written responses to that subset of comments and will be provided to the Board for consideration prior to it taking final action on the Proposed Amendments, as amended through public input.

Although this document includes written responses only to those comments related to the Draft EA, all other comments received will be responded to in the Final Statement of Reasons for the Proposed Amendments. The public hearing notice and related rulemaking materials (i.e., Staff Report, Statement of Reason, and EA) for the Proposed Amendments are provided on CARB's website at <https://ww2.arb.ca.gov/rulemaking/2023/chromeatcm2023>.

### **A. Requirements for Responses to Comments**

These written responses to public comments on the Draft EA are prepared in accordance with CARB's certified regulatory program to comply with CEQA. CARB's certified regulations state, in pertinent part:

*California Code of Regulations, title 17, section 60004.2(b)(3). Response to Public Comment*

*CARB shall evaluate comments on environmental issues received during the noticed comment period and shall respond as follows:*

- (A) Comments received during the noticed public comment period regarding environmental impacts that may result from the proposed project shall be considered, and a written response shall be prepared where required by section 15088 of title 14 of the California Code of Regulations.*
- (B) CARB may, but is not required to, respond to late comments made outside the noticed comment period.*
- (C) When responding to a comment raising significant environmental impacts from a public agency, a written proposed response shall be provided to that agency at least 10 days prior to certifying an Environmental Impact Analysis.*
- (D) The response to comment may be prepared in the form of (1) a revision to the draft Environmental Impact Analysis, (2) a separate section in or attachment to the Final Environmental Impact Analysis, or (3) a separate response to comments document.*
- (E) The response to comment shall include the following:*
  - 1. Comments and recommendations concerning significant environmental issues received during the noticed public review period on the draft Environmental Impact Analysis, either verbatim or in summary;*
  - 2. A list of persons, organizations, and public agencies commenting on the draft Environmental Impact Analysis during the noticed public review period; and*
  - 3. The responses to significant environmental issues raised during the noticed public review period.*

Public Resources Code section 21091 also provides guidance on reviewing and responding to public comments in compliance with CEQA. While this section refers to environmental impact reports, proposed negative declarations, and mitigated negative declarations, rather than an EA, it contains useful guidance for preparing a thorough and meaningful response to comments.

Public Resources Code section 21091, subdivision (d) states:

*(1) The lead agency shall consider comments it receives if those comments are received within the public review period.*

*(2) (A) With respect to the consideration of comments received, the lead agency shall evaluate any comments on environmental issues that are received from persons who have reviewed the draft and shall prepare a written response pursuant to subparagraph*

*(B) The lead agency may also respond to comments that are received after the close of the public review period.*

*(B) The written response shall describe the disposition of each significant environmental issue that is raised by commenters. The responses shall be prepared consistent with section 15088 of Title 14 of the California Code of Regulations.*

California Code of Regulations, title 14, section 15088 (CEQA Guidelines) also includes useful information and guidance for preparing a thorough and meaningful response to comments. It states, in relevant part, that specific comments and suggestions about the environmental analysis that are at variance from the lead agency's position must be addressed in detail with reasons why specific comments and suggestions were not accepted. Responses must reflect a good faith, reasoned analysis of the comments.

California Code of Regulations, title 14, section 15088 (a)–(c) states:

*(a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.*

*(b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.*

*(c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments*

*must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.*

## **B. Comments Requiring Substantive Responses**

In compliance with CEQA, CARB is required to prepare written responses to those comments that raise “significant environmental issues” associated with the proposed action, as outlined in California Code of Regulations, title 17, section 60004.2(b)(3). A total of 81 comments were submitted electronically on or before January 18, 2023, to the comment docket set up for the Proposed Amendments and its appendices, including the Draft EA. In addition, a total of 15 electronically submitted comment letters and 82 verbal comments were received at the January 27, 2023, Board hearing. Out of the 178 total comments received, 11 comment letters/verbal comments were determined to include comments raising significant environmental issues related to the Draft EA and requiring a written response under CARB’s certified regulatory program and CEQA. A total of 38 comment letters were received during the public review period for the two 15-day changes. 10 of the comments received during the 15-day comment periods purported to raise environmental issues with the Proposed Amendments, which were submitted outside the 45-day CEQA comment period. Comments related to the Proposed Amendments environmental impacts submitted after the 45-day CEQA comment period are untimely and do not require a response. (17 Cal. Code Regs., § 60004.2(b)(2).) Nevertheless, while it is not required to do so, CARB provided responses to these comments in section 2.C below for transparency. CARB staff was conservative and inclusive in determining which comments warranted a written response and even included comments that did not mention the analysis included in the Draft EA but did raise an issue related to potential adverse impacts related to the Proposed Amendments.

This document provides responses to the comments that CARB staff determined raise significant environmental issues related to the Draft EA. All other comments received will be responded to in the Final Statement of Reasons for the Proposed Amendments and all comments were taken into consideration when CARB staff returned to the Board for their final consideration at the May 25, 2023, Board hearing. All comment letters received, including those not responded to in this document are located at: [https://www.arb.ca.gov/lispub/comm/iframe\\_bccommlog.php?listname=chromeatcm2023](https://www.arb.ca.gov/lispub/comm/iframe_bccommlog.php?listname=chromeatcm2023).

CARB acknowledges that a majority of the comments received were related to the economic impact the Proposed Amendment would have on existing Chrome Plating operations. The Draft EA is not meant to address economic, social, or financial issues



associated with the Proposed Amendments. Rather, the purpose of CEQA and the Draft EA is to fully analyze and mitigate the Proposed Amendment's potentially significant physical impacts on the environment. As such, comments related to economic or financial concerns are outside of the scope of the Draft EA and not addressed in this response to comments document. However, these comments are acknowledged for the record and have been reviewed by CARB staff prior to returning to the Board for final consideration. CARB staff will be responding to all comments received to date, including those received at the second Board Hearing, in the Final Statement of Reasons.

## 2.0 RESPONSES TO COMMENTS

The comment letters responded to in this document were coded by the order in which they were received, in the order listed on the comment docket opened for the Proposed Amendments. As stated above, a list of all the comment letters received, including those not responded to in this document are located at:

[https://www.arb.ca.gov/lispub/comm/iframe\\_bccommlog.php?listname=chromeatcm2023](https://www.arb.ca.gov/lispub/comm/iframe_bccommlog.php?listname=chromeatcm2023).

Table 2-1 provides the list of comment letters that contain substantive environmental comments. Responses are provided in this document to the comments that CARB staff determined raise significant environmental issues related to the Draft EA. As previously explained, CARB staff was conservative and inclusive in determining which comments warranted a written response and even included comments that did not mention the analysis included in the Draft EA but did raise an issue related to potential adverse impacts related to the Proposed Amendments. Verbatim excerpts of the comments and responses to these comments are provided below.

**Table 2-1: List of Comment Letters Receiving Responses for CEQA Purposes**

| Comment Number | Date       | Name                       | Affiliation   |
|----------------|------------|----------------------------|---|
| 6              | 12/12/2022 | Art Holman                 | Sherm's Custom Plating  |
| 7              | 12/12/2022 | Eric Soiland               | none  |
| 9              | 12/13/2022 | Rodger Lee                 | none  |
| 10             | 12/13/22   | Christopher Moore          | none  |
| 13             | 12/13/22   | Bryan Leiker               | Metal Finishing Association of Southern California (MFASC), the Metal Finishing Association of Northern California (MFANC), and the National Association for Surface Finishing (NASF) |
| 17             | 12/19/2022 | Eric Svenson Jr.           | Plating Resources   |
| 24             | 12/29/22   | Bobbi Burns                | none  |
| 25             | 12/30/2022 | Art Holman                 | Sherm's Custom Plating  |
| 35             | 1/11/2023  | Zain Yahya                 | none  |
| 36             | 1/12/2023  | Aaron Plechaty             | none  |
| 40             | 1/14/2023  | James Goehring,<br>Manager | Roll Technology West  |
| 47             | 1/16/2023  | Matt Theobald              | none  |

Chrome Plating Amendments  
Response to Comments

| Comment Number          | Date      | Name                                | Affiliation  |
|-------------------------|-----------|-------------------------------------|--|
| 49                      | 1/16/2023 | Bobbi Burns,<br>President           | MFANC  |
|                         |           | Vince Noonan,<br>President          | MFASC  |
|                         |           | Bryan Leiker,<br>Executive Director | MFANC & MFASC  |
|                         |           | Jeff Brassard,<br>President         | NASF   |
| 59                      | 1/17/2023 | James Simonelli                     | California Metals<br>Coalition   |
| 78                      | 1/17/2023 | Michael Lanes                       | none   |
| 79                      | 1/17/2023 | Brad Kerr                           | none   |
| 80                      | 1/17/2023 | Ed Appleton                         | none   |
| 84                      | 1/27/2023 | Scott Henningsen                    | none   |
| 85                      | 1/27/2023 | Jeffery S. Hannapel                 | The Policy Group On<br>Behalf of NASF  |
| 97-Verbal<br>Comment    | 1/27/2023 | Art Holman                          | none   |
| 99 – Verbal<br>Comment  | 1/27/2023 | Jim Newton                          | none   |
| 101 – Verbal<br>Comment | 1/27/2023 | Frank Grana                         | none   |
| 115 – Verbal<br>Comment | 1/27/2023 | Bobbi Burns                         | MFANC  |
| 126 – Verbal<br>Comment | 1/27/2023 | Matt Mcquone                        | none   |
| 188                     | 4/10/2023 | Terence McGuinness                  | none   |
| 189                     | 4/10/2023 | Aaron Plechaty                      | none   |
| 190                     | 4/10/2023 | Tracey Coss                         | none   |
| 192                     | 4/10/2023 | Steve Oliveira                      | none   |
| 196                     | 4/11/2023 | James Simonelli                     | California Metals<br>Coalition   |
| 197                     | 4/11/2023 | Charles H. Pomeroy                  | Stiles Pomeroy LLP, on<br>behalf of Metal Finishing<br>Association of Northern<br>California |

Chrome Plating Amendments  
Response to Comments

| Comment Number | Date      | Name               | Affiliation   |
|----------------|-----------|--------------------|---|
| 202            | 4/27/2023 | Jim Meyer          | none  |
| 211            | 5/10/2023 | Charles H. Pomeroy | Stiles Pomeroy LLP, on behalf of Metal Finishing Association of Northern California |
| 212            | 5/10/2023 | Tracey Coss        | none  |
| 213            | 5/10/2023 | Jerry Desmond      | MFANC, MFASC, NASF  |
| 216            | 5/23/2023 | Jim Meyer          |   |

**A. Master Responses**

The following Master Responses address recurring themes within the comments listed in Table 2-1. Master Responses are also cross-referenced within the individual responses, where applicable.

**1. Master Response 1:**

**Comment:**

Some commenters expressed concern that compliance with the Proposed Amendments would result in the relocation of business activities from California to other states in the United States or other countries that do not follow the same strict environmental laws as California. Therefore, commenters claim that implementing the Proposed Amendments would result in an increase in emissions due to Chrome Plating manufacturing outside the State or country. Additionally, the leakage of businesses would increase tail pipe emissions and fuel consumption due to customers in California transporting hexavalent chromium goods in from other states where it is still legal.

**Response:**

As stated on Page 2 of the Draft EA in paragraph 4 of the Scope of Analysis and Assumptions section: "Implementation of the Proposed Amendments may result in some chromium electroplating and chromic acid anodizing operations (collectively referred to as "chrome plating") moving outside of California, but the extent to which businesses would move and the general locations where these operations would occur outside of California are unknown. Attempting to predict decisions by entities regarding the specific location and design of future facilities outside of California, or whether those operations occur outside of the State, in response to implementation of

## Chrome Plating Amendments Response to Comments

the Proposed Amendments would require speculation (and may be impossible) at this early stage, given the influence of other business and market considerations in those decisions.” Additionally, page 9 of the Draft EA states, because hexavalent chromium is presently allowed within all other states in the U.S. and a majority of countries, it is possible that owners or operators of facilities would consider relocating their operations to other states rather than transition to an alternative such as trivalent chromium. This scenario was identified as a reasonably foreseeable compliance response. The implementation of the Proposed Amendments has the potential to result in a decline in demand for decorative plating from California chrome platers that convert to trivalent chromium following the phase out and an increase in demand for parts plated out-of-state by facilities still using hexavalent chromium.

Staff have determined that the effects (and the magnitude of those effects), including leakage, increased tailpipe emissions, and consumption of fuel due to shipping, or relocation of operations out of state are too speculative for any further evaluation; therefore, these effects are not included in the analysis in the Draft EA. These considerations may include the cost of shipping parts to out-of-state chrome plating facilities to be plated with hexavalent chromium, cost of land or real estate, presence of skilled labor, client retention, establishing the business in a new market, moving costs, as well as personnel factors such as replacing employees who do not relocate and personal factors such as whether the owner or operator is willing to move their own residence.

CEQA does not require evaluation of speculative impacts (Cal. Code of Regs., tit. 14, § 15145). An environmental document is not required to speculate about the environmental consequences of future development that is unspecified or uncertain or where the design and siting details have not yet been established. Section I.B. on pages 10 and 11 and Section 4 on page 22 of the Draft EA explains why it would be too speculative to analyze the impacts of certain compliance responses related to the potential for some chrome plating operations to move out of the State.

As stated above, due to a potential increase in demand for out-of-state hexavalent chromium plated parts in California, there could be an increase in the number of heavy-duty trucks and train trips transporting parts out of the State to be plated with hexavalent chromium and back to customers in California. However, it is too speculative to predict to what extent owners or operators may choose to move facilities out of the state as a result of the Proposed Amendments or to predict where they would relocate, nor estimate the potential environmental effects (e.g., air pollution and greenhouse gas (GHG) emissions) of such movement. CEQA requires lead agencies to consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes which may

## Chrome Plating Amendments Response to Comments

be caused by the project. (Cal. Code Regs., tit. 14, Sections 15064(d)(3), 15358(a)(2).) An environmental impact that is speculative or unlikely to occur is not reasonably foreseeable. (Cal. Code Regs., tit. 14 Section 15064(d)(3).)

Furthermore, the level of detail of impact analysis is necessarily and appropriately general because the Proposed Amendments are programmatic. The analysis is based on reasonably foreseeable compliance responses that are based on a set of reasonable assumptions. While the compliance responses described in this Draft EA are not the only conceivable ones, they are the reasonably foreseeable ones; thus, they provide a credible basis for impact conclusions that are consistent with available evidence. Reasonably foreseeable compliance responses are analyzed in a programmatic manner for several reasons: (1) any individual action or activity would be carried out under the same program; (2) the reasonably foreseeable compliance response would result in generally similar environmental effects that can be mitigated in similar ways; and (3) while the types of foreseeable compliance responses can be reasonably predicted, the specific location, design, and setting of the potential actions are unknown at this time (Cal. Code Regs., tit.14, § 15168(a));.

Additionally, “a general response may be appropriate when a comment does not contain or specifically refer to readily available information....” (Cal. Code Regs., tit. 14, § 15088(c)). The commenters make generalized claims about emission increases and additional impacts out-of-state as a result of the Proposed Amendments, but they do not present readily available information that would better inform the analysis of impacts associated with the Proposed Amendments. The commenters did not provide specific information or data where there is no uncertainty as to the scope, siting, and design of the projects, all of which are bare minimum details for a proper evaluation of a project’s impacts on the environment. CARB also does not have those details, without which CARB cannot conduct site-specific impact analyses. Therefore, a general response to these claims, which lack readily available information to better perform the impact analysis, is appropriate.

## B. Individual Comments and Responses on the Draft Environmental Analysis

### Comment Letter 6

12/12/2022

Art Holman

Sherm's Custom Plating

**6-1:** The commenter states, "When decorative chrome isn't available in Ca. customers will simply ship there products out of state to be plated, adding more chrome emissions due to transportation than the original chrome plating would have produced under our current regulations."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 7**

12/12/2022

Eric Soiland

**7-1:** The commenter states, “supply chains and consumers will have to find sources outside of the State of California. Other States that do not have the regulations and controls that California shops have in place.”

**Response:** Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

**7-2:** The commenter states, “When an entire industry is gone and CARB still has 99% Hex Chrome in the air emissions who will be targeted next? Banning Chrome in the State does not make the demand go away; it only creates more pollution from mobile emission sources such as trucks and cars. Why ban Hex Chrome in a State that has it under control?”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.



Chrome Plating Amendments  
Response to Comments

**Comment Letter 9**

12/13/2022

Rodger Lee

**9-1:** The commenter states, "If you outlaw the hexavalent chromium I would be forced to send our work to another state or risk being not competitive with other builders who send their chrome work to other chrome shops outside of CA. ... If all my work is going to be shipped across the country what is the real gain in your proposed legislation. Does the pollution not travel across state lines?"

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 10**

12/13/2022

Christopher Moore

**10-1:** The commenter states, "If all of California's chrome plating is going to be shipped across the country what is the real gain in your proposed legislation? If this legislation is passed you are now causing more pollution. You are doing this because the chrome plating is not going to just stop. It will continue but it will have to be shipped out of CA and then back to CA. Do you think that pollution will not cross state lines?"

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 13**

12/13/2022

Bryan Leiker

Metal Finishing Association of Southern California (MFASC)  
Metal Finishing Association of Northern California (MFANC),  
and the National Association for Surface Finishing (NASF)

**13-1:** The commenter states, "The bans do not change what the market requires, but will simply export these operations to other states and countries where there are less if any controls and will result in an increase in emissions."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 17**

12/19/2022

Eric Svenson Jr.  
Plating Resources Inc.

**17-1:** The commenter states, "If CARB implements the proposed ban on hexavalent chrome, the work that Boeing and other aerospace and defense companies require will be sent out of the state of California. There is also a real possibility that the current hexavalent chrome shops will relocate to neighboring states. California would lose additional citizens and further erode its tax revenue. An additional consequence would be the added cost and emissions due to additional transportation mileage. It seems that the negative impact to banning hexavalent chrome in the state of California far out ways any perceived benefit when current technologies are available to mitigate its inherent risks."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 24**

12/29/2022

Bobbi Burns

**24-1:** The commenter states, “The proposed ban on Decorative Chrome in the upcoming amendments to the ATCM simply doesn’t make sense. Banning the Decorative Chrome process here does not make the demand for the finish go away. There are countless manufacturing and restoration companies here in this State that will have to close or ship parts to other States, other States that have little to no control on the process, creating a new wave of problems. The technology used today to prevent pollution is superior to what was used decades ago.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 25**

12/30/2022

Art Holman

Sherm's Custom Plating

**25-1:** The commenter states, "Before any decision on a new ATCM is reached the board really needs to look at facts, the overwhelming majority of platers all have amp/hr meters and source test documentation that proves the chrome plating industry as a whole is not the problem with hexavalent chrome emissions.

Ships, Rail, Concrete, and mobile sources are huge contributors, and this new rule will do nothing to change that it will only drive chrome platers out of state where they are not regulated as tightly as here in California."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 35**

1/11/2023

Zain Yahya

**35-1:** The commenter states, “Businesses will be forced to close, thousands of jobs will be lost, supply chains and consumers will have to find sources outside of the state of California (this impact cannot be overlooked). Other states that do not have the regulations and controls that California shops have in place.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 36**

1/12/2023

Aaron Plechaty

**36-1:** The commenter states, "By attacking the smallest group, you will be shutting down small businesses in the state, and forcing jobs out of state - because people will not suddenly stop wanting chrome, they will just have to get it from other places (who most likely have lesser emissions standards and thus affect even more people)."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.



Chrome Plating Amendments  
Response to Comments

**Comment Letter 40**

1/14/2023

James Goehring, Manager  
Roll Technology West

**40-1:** The commenter states, "Should hexavalent chrome be banned the consumer demand will not go away. Then the risk is from more products being shipped from out of state or the emergence of an underground industry, both leading to increased air pollution for all Californian's."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 47**

1/16/2023

Matt Theobald

**47-1:** The commenter states, "Please consider the facts regarding going after the decorative chrome plating industry, the impact of moving the business out of the state is just moving the problem.

I work in industries where challenging chemistry is often a problem, I would rather see the business and process stay in a state where people are motivated to operate and control them safely, rather than have the shipped outside where others might not operate so safely.

The need for decorative chrome will remain, please keep it in a state where there is motivation to operate it safely."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 49**

1/16/2023

Bobbi Burns, President - MFANC

Vince Noonan, President - MFASC

Bryan Leiker, Executive Director - MFANC & MFASC

Jeff Brassard, President – NASF

**49-1:** The commenter states, “As documented by numerous verbal and written comments made and submitted throughout the workshops that have been held in the development of the updated ATCM, the bans will not change what the market requires. The bans will simply export these operations to other states and countries where there are less if any controls and will result in an increase in emissions. These bans will leak significant businesses and associated jobs away from California.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 59**

1/17/2023

James Simonelli  
California Metals Coalition

**59-1:** The commenter states, “CMC questions whether CARB staff has considered the overall increase in congested warehousing, or even the increase in trucking/transportation based on its proposals. This analysis should quantify the pollution from localized warehousing, trucks, trains, planes, or ports—which includes hexavalent chromium.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

**59-2:** The commenter states, “A metal part that is manufactured in California will see an increased travel route if the part must be shipped out of state for chromium electroplating and chromic acid anodizing—and then back into the state. CMC questions whether CARB staff has considered the overall increase in transportation routes (ex: trucks, train, ships, plans) to get the product out of California—and back into California—rather than utilizing in-state commerce. This comparative analysis should quantify the increased pollution—which includes hexavalent chromium.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 78**

1/17/2023

Michael Lanes

**78-1:** The commenter states: "Chromium plating is necessary for the defence of the United States of America. There are currently no substitutes for this technology. The best and most responsible place on the planet earth is to plate Chromium in the state of California where the regulations are the most strict. Preventing Chromium plating in California will lead to greater pollution and impact on the environment by moving the process to countries and locations that will be subject to less regulations and responsible service providers."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 79**

1/17/2023

Brad Kerr

**79-1:** The commenter states, “The demise of decorative hexavalent chrome plating will impact our manufacturing industry and actually create other forms of pollution. Just consider the cost of companies to send parts across our border to other States and Mexico. The pollution created to transport the parts is likely worse.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 80**

1/17/2023

Ed Appleton

**80-1:** The commenter states, "Banning hexavalent chrome in California will not protect the environment, it will actually increase the overall environmental damage due to looser environmental standards in other states."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 84**

1/27/2023

Scott Henningsen

**84-1:** The commenter states, "The shipping to further distances will burn more fuel and cause unnecessary transportation and a waste of resources."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.



Chrome Plating Amendments  
Response to Comments

**Comment Letter 85**

1/27/2023

Jeffery S. Hannapel  
The Policy Group On Behalf of NASF

**85-1:** The commenter states, "Banning decorative hexavalent chromium plating in California will cause not only unnecessary facility closures and job losses, but it will also export hexavalent chromium emissions and environmental justice concerns to communities outside of California. This export will likely result in increased overall hexavalent chromium emissions from decorative hexavalent chromium processes in those jurisdictions with less stringent regulatory controls and increased truck and rail traffic to ship products in need of decorative hexavalent chromium plating to and from customers in California."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Verbal Comment 97**

1/26/2023 Art Holman

**97-1:** The verbal comment states, "The plating that I do at my facility will be moved out of state and we will incur transportation diesel exhaust particulate matter that-

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Verbal Comment 99**

1/27/2023

Jim Newton

**99-1:** The commenter states, "The proposed action before the Board is advocated by some as promoting environmental justice. While I hope everyone here is in favor of environmental justice, this action does nothing to advance that cause. In fact, it is anything but environmental justice. I think everyone would agree that simply shifting the environmental burden associated with any industrial activity from one disadvantaged California community to another disadvantaged California community does not serve as environmental justice."

It is difficult then to imagine how anyone could attempt to argue that shifting the same burden to disadvantaged communities in other states or other countries, while continuing to enjoy the benefits of products of that industrial activity here in California could constitute environmental justice either. Just as the state of California rightly condemns the practice of busing immigrants from Texas and other border states to New York or Washington D.C. or Martha's Vineyard with no thought or consideration given to the welfare of those immigrants or the impact on the receiving communities, passing the buck for the sake of political theater rather than working cooperatively to solve the immigration problem, so too must we resist the temptation to pass the buck on the issue of hexavalent chromium, rather than allowing government and industry to work together to come up with solutions here in California with its proven track record of environmental progress and unrivaled innovation."

**Response:** While environmental justice is not an issue required to be analyzed in the EA, please refer to Master Response 1 related to comments related to the issue of out-of-state operations. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Verbal Comment 101**

1/26/2023            Frank Grana

**101-1:** The verbal comment states, "And they're not going to have controls that we do here in California, therefore polluting more out of state than we have here in California."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Verbal Comment 115**

1/27/2023

Bobbi Burns

Metal Finishing Associations of Northern California

**115-1:** The commenter states, "I'm here today to urge CARB to provide a uniform emission-based rule for all of the processes in the ACTM and not phase out hex chrome. Banning chrome plating does not make the demand for it go away. It will drive the customers to get the work done out of state, creating more mobile emissions while other states don't have the strict regulations that we have followed in the past 30 years. Decorative is not just for aesthetics. It's also used for functional purposes on machine parts, including medical parts for its protection against corrosion and wear resistance.

It's worth noting that the decorative process has the smallest emissions and the least amp hours. We have the same chemistry and same controls as hard chrome, but the process time is second not hours. It's not a hundred percent chromic acid and it's not boiling.

We have an air scrubber and industrial drapes on the openings. This was not a requirement for me at the time, but it was my decision. I also scrub my shop floor weekly and maintain the housekeeping and best management practices that I feel are important. Eliminating chrome will not save the -- will not solve the hex chrome emission issues in this or any other state. We are less than one percent of the total stationary sources, not including mobile sources."

**Response:** Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Verbal Comment 126**

1/26/2023 Matt Mcquone

**126-1:** The verbal comment states, "Why are we going to ban something that all of you guys use in your daily lives. You probably don't realize how much plating is done that's in your car that you drive here, in coffee maker that you're typing on right now, the gold plating, the nickel plating that is needed in those products that we provide here in this state that you're going to outsource somewhere else where there's no controls at all or less, if that."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

**C. Individual Comments and Responses on the Draft Environmental Analysis from the 15-day comment period.**

On March 27, 2023, CARB released a Notice of Public Availability of Modified Text and Additional Documents, pursuant to Government Code section 11347.1, proposing to modify the regulatory text as well as add additional references to the rulemaking record, and providing a comment period of at least 15 days (15-Day Notice). Additionally, on April 26 CARB released a second Notice of Public Availability of Modified Text and Additional Documents proposing to correct an error in one of the tables released with the previous 15-Day Notice. During these comment periods, CARB received 10 comment letters that purported to raise environmental issues related to the Proposed Amendments. Because the comments related to the Proposed Amendments environmental impacts were submitted after the 45-day CEQA comment period which started on September 2, 2022, and ended on October 17, 2022, they are untimely submitted and do not require a response. (17 Cal. Code Regs., § 60004.2(b)(2).)

Nevertheless, while it is not required to do so, CARB provides the responses below for transparency. Many of the environmental comments submitted during the 15-Day comment period raised similar issues to those received during the 45-day comment period, for which CARB already provided comprehensive responses to in section 2.B above. To the extent those comments have already been addressed, responses will refer to answers already provided by CARB staff.

**Comment Letter 188**

4/10/2023 Terence McGuinness

**188-1:** The commenter states, "Please don't think that this ban is going to stop Chrome Plating. It will simply just go underground with no environmental controls."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 189**

4/10/2023 Aaron Plechaty

**189-1:** The commenter states, "Shutting these shops down may reduce a tiny bit of the emissions, but that work will go to the states with less restrictions and just amplify the nations emissions."

**Response:** The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. No further response is required.



Chrome Plating Amendments  
Response to Comments

**Comment Letter 190**

4/10/2023 Tracey Coss

**190-1:** The commenter states, "The proposed ban on CrVI plating fails to acknowledge the importance of this segment of manufacturing in California, the significant emission reductions the industry has achieved to date and can obtain through further emission reduction efforts, and the increase in emission (from commercial trucks transporting products for CrVI plating) that will result from plating operations moving to other states and countries with less, if any, emission requirements. Further, bans will leak significant business and associated jobs away from California!

CrVI plating facility emissions have been significantly reduced over the years to the extent that chrome metal finishing comprises significantly less than 1% of total annual CrVI emissions for the entire state. No other state or county has CrVI emission limits anywhere near the level of protections already established in California. CARB should acknowledge that protection of the environment is best achieved in California by working WITH industry."

**Response:** With regards to the portions of the comment related to emissions, please refer to Master Response 1. The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. Other aspects of this comment will be responded to in the Final Statement of Reasons. No further response is required.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 192**

4/10/2023 Steve Oliveira

**192-1:** The commenter states, "Our customer, our employees, our fellow platers urge CARB to reconsider the bans on decorative hexavalent chromium plating, hard hexavalent chromium plating, and chromic acid anodizing. The bans would provide little, if any, environmental benefits, will not decrease customer demands for hexavalent chromium plating and anodizing, will impose undue economic hardships on California plating shops, and will likely result in a new increase in hexavalent chromium emissions."

**Response:** With regards to the portions of the comment related to environmental benefits, please refer to Master Response 1. The commenter's claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. The comment does not raise issues related to the adequacy of the environmental analysis and no edits to the Draft EA are required in response to this comment. Other aspects of this comment will be responded to in the Final Statement of Reasons. No further response is required.

## Comment Letter 196

4/11/2023 James Simonelli, California Metal Coalition

**196-1:** The commenter states, “Eliminating local sources of chromium electroplating and/or acid anodizing in California will break a link in California’s manufacturing chain. Currently, parts are manufactured and kept at the same facilities prior to finishing. Without a local source of plating in California, keeping up with customer demand may lead to increased use of warehousing as the parts wait for interstate, or international, metal finishing.”

California has seen a boom in warehouses, and trucks that carry the products to and from warehouses. This has resulted in an increase in pollution and rulemaking related to warehouse activities. In December 2021, SupplyChainDive published 7 charts show Southern California’s warehousing crunch. According to the article, the increase in warehousing has resulted in “Stakeholders are attempting to provide relief in several ways, such as filling parking lots with drop trailers, (and) securing warehouse space outside port markets.”

CMC questions whether CARB staff has considered the overall increase in congested warehousing, or even the increase in trucking/transportation based on its proposals. This analysis should quantify the pollution from localized warehousing, trucks, trains, planes, or ports—which includes hexavalent chromium.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1 and responses to comments 197-3, 197-4 and 197-5. No edits to the Draft EA are required in response to this comment.

**196-2:** The commenter states, “The maximum total vehicle weight for a commercial truck in California is 80,000 lbs. Of all the different products shipped across the state, metal parts are heavy and can quickly hit the capacity limit of trucks on California’s roads. Rules that further the distance of trucks traveling on our roads is a concern to CMC as it impacts local, regional and statewide health.”

A metal part that is manufactured in California will see an increased travel route if the part must be shipped out of state for chromium electroplating and chromic acid anodizing—and then back into the state. CMC questions whether CARB staff has considered the overall increase in transportation routes (ex: trucks, train, ships, plans) to get the product out of California—and back into California—rather than utilizing in-state commerce. This comparative analysis should quantify the increased pollution—which includes hexavalent chromium.

Chrome Plating Amendments  
Response to Comments

It should also be noted that the relationship between a local manufacturer of metal parts, and the local finisher of metal parts, occurs because very often individual parts must first be tested and accepted prior to placing a full order.

Without a local chromium electroplating and/or acid anodizing facility, even 1 or 2 parts that are being cleared for initial approval must travel much longer distances out of California—and then back into California.”

**Response:** The commenter’s claims are too speculative to be analyzed as reasonably foreseeable compliance responses within the Draft EA. Please refer to Master Response 1 and responses to comments 197-3, 197-4 and 197-5. No edits to the Draft EA are required in response to this comment. No further response is required.

## Comment Letter 197

4/11/2023 Charles H. Pomeroy, Stiles Pomeroy LLP

**197-1:** The commenter states, "What is probably more troubling about this new information found in the Supplemental Notice is the failure to re-evaluate and correct the entire Record to reflect this fundamental change that alters every understanding of the risk and exposure found in the Record, from the original ISOR and subsequent CARB staff testimony, to the California Environmental Quality Assessment ("CEQA") determinations and the Standardized Regulatory Impact Assessment ("SRIA") evaluation. Without a complete and thorough re-evaluation and correction, it is impossible for the CARB decisionmakers to make a knowledgeable determination and decision on the Proposed Amendments. Any subsequent court action for abuse of discretion under a "substantial evidence" standard would by necessity consider this fundamental change carefully when reviewing a fatally flawed record."

**Response:** With regards to the portion of the comment related to CEQA, the new data in the Supplemental Information is included and thoroughly assessed in the Final EA. The commenter only makes a generalized comment here and does not point to any particular aspect of the analysis that is allegedly incomplete. No revisions to the conclusions of the EA were made as a result of the new data. No edits to the Draft EA are required in response to this comment. No further response is required. Other aspects of this comment will be responded to in the Final Statement of Reasons.

**197-2:** The commenter states, "CEQA requires that CARB have prepared a document to determine whether a project is a discretionary action. See generally, Public Resources Code Sections 21000 et seq.; Title 14 CCR Sections 15000 et seq (the "CEQA Guidelines"). The statute and the CEQA Guidelines provide a framework for agencies to tier from a "program" EIR prepared for a program, plan, policy, or ordinance (PRC Sections 21093, 21094; CEQA Guidelines Sections 15168, 15152). The program EIR will cover "general matters and environmental effects" for the overarching program, plan, policy, or ordinance, and the agency will prepare "narrower or site-specific [EIRs] which incorporate by reference the discussion" in the program EIR (PRC Section 21068.5). The document may also take the form of an Environmental Assessment ("EA"), as it did in this Record."

**Response:** The comment is summarizing the requirements of CEQA. CARB prepared the EA in compliance with CEQA. No further response is necessary.

**197-3:** The commenter states, "The data reported in revised Table VI.1. identifies the latest compiled information of actual annual emissions of hexavalent chromium from chrome plating facilities equaling 0.19 pounds, which when converted to grams (453.6

## Chrome Plating Amendments Response to Comments

grams per pound) amounts to 86.2 grams for the entire state. As discussed herein, *infra*, the total universe of hexavalent chromium emissions in California is 550 pounds annually (i.e., 249,480 grams).

The EA describes the increase of transportation resulting from the ban of hexavalent chromium use by chrome plating facilities.<sup>1</sup> There is a general discussion about diesel particulate material (“DPM”) emissions and a conclusion that this impact is significant and cannot be mitigated for construction purposes. CITE

It is well known and recognized that DPM, along with brake dust and tire wear from trucks used in intrastate and interstate commerce all contribute hexavalent chromium into the California environment. A prior document produced for CARB staff for consideration in these Proposed Amendments identified the amount of hexavalent chromium emissions that would be attributed to a single roundtrip in a diesel-equipped truck (at 7.5 miles per gallon) to the nearest out-of-state location (from Los Angeles), Mojave Valley, AZ (260 total miles one way).<sup>2</sup> That total is 3.14 grams of hexavalent chromium emitted for the one roundtrip. While a single trip is not consequential, many of the same roundtrip trips (only about 28 or more) would result in hexavalent chromium emissions increasing in the state as a result of the proposed action! For purposes of this simplified assessment, known sources of DPM criteria for toxic air contaminants were identified from public agency records at the SCAQMD.

The following calculation provides the number of miles necessary for the hexavalent chromium emissions annually from trucking mobile sources only to exceed the actual amount emitted by all chrome plating facilities in the state:

$$86,200 \text{ mg} * 0.006048 \text{ mg hexavalent chromium /mile}^3 = 14,253 \text{ miles}$$

If just one excess trip is made daily due to the Proposed Amendments, the amount of annual hexavalent chromium emissions increases in California as follows:

---

1 The EA suggests that there is an as yet undetermined amount of transportation occurring presently as a result of hexavalent chromium plating activities. EA at page 19. While there may be a minimal amount, the principal reason for the concentration of these chrome plating facilities in California is the close distance to their customers in various manufacturing industries.

2 Attachment 3 - Increased Hexavalent Chromium Emissions from Mobile Sources. The information is based upon DPM only, not brake and tire wear. Supporting agency weblinks are found within Attachment 3.

3 See Attachment 3.

## Chrome Plating Amendments Response to Comments

$(3,140 \text{ mg/trip} \times 365 \text{ days}) - 86,200 \text{ mg (all chrome plating activities)} = 1,146,100 \text{ mg} - 86,200 \text{ mg} = 1,059,900 \text{ mg} / 1,000 \text{ mg/g} / 453.6 \text{ g/lb}$

= 2.337 pounds increase of hexavalent chromium in California

The number of miles identified as needing to occur (14,253 miles) is dramatically lower than what would otherwise transpire with the loss of hexavalent chromium plated parts in California, which, as the CEQA document acknowledges, represents an issue that will increase transportation. EA at page 10.<sup>4</sup> The increase in mileage will also result in increases statewide of emissions for many other toxic air contaminants including, benzene, formaldehyde, arsenic, cadmium and nickel, among others. None of the increases of these toxic air contaminants nor their cumulative detriment to the state was considered in the EA.”

**Response:** CARB Staff disagrees with the commenter’s calculations comparing emissions of hexavalent chromium from diesel truck trips to statewide emissions of hexavalent chromium from chrome plating operations. The comment incorrectly calculated these emissions by using incorrect units, the incorrect emission factor, and an incorrect equation. Further, the estimated emission values used in the comment letter have been updated by staff via the second 15-day notice. Due to these errors, the commenter’s calculated diesel truck miles traveled that equals statewide hexavalent chromium emissions from chrome plating operations are off by three orders of magnitude.

First, the commenter used incorrect units while calculating emissions of hexavalent chromium from excess truck trips. The commenter states, “that total is 3.14 grams (g) of hexavalent chromium emitted for the one roundtrip.” The commenter used the estimated 3.14 g as the basis of his excess emission calculation; however, according to the commenters own supporting data in Attachment 2 of the comment letter, one round trip of trucks traveling 520 miles is 3.14 mg, not 3.14 g. By using incorrect units, the commenter’s estimated excess pounds of emissions from diesel-powered trucks were three orders of magnitude higher than the value if the commenter had used the correct units.

Second, the commenter used an incorrect emission factor in their calculation. The commenter used an emission factor for stationary diesel engines instead of mobile diesel engines to estimate emissions of hexavalent chromium from truck trips. In Attachment 2, the commenter showed that there was a 0.006048 mg per mile of

---

<sup>4</sup> The EA also references the use of trains trips. For simplicity purposes, the comment herein has focused on truck trips; however, train trips will also result in the additional emission of hexavalent chromium, which was not evaluated in the EA.

## Chrome Plating Amendments Response to Comments

hexavalent chromium emitted in diesel truck trips, which is not an appropriate emission factor to be used for mobile sources such as diesel trucks. The commenter should have used an emission factor of 0.00072 mg per mile for heavy duty trucks, 0.0008 mg per mile for medium duty trucks, and 0.001 mg per mile for delivery trucks which were derived from CARB's Emissions Estimator Model (EMFAC). By using the 0.006048 mg per mile stationary source emission factor, the commenter overestimated the mobile emissions in their letter.

Third, the commenter used an incorrect formula. While deriving this vehicle miles estimate, the commenter multiplied the estimated 86,200 mg statewide hexavalent chromium emissions by the stationary source emission factor of 0.006048 mg hexavalent chromium/mile. These two values should have been divided, not multiplied together. To calculate the truck vehicle miles traveled from total statewide hexavalent chromium emissions, the total statewide emissions must be divided by the mobile emission factor in order to cancel out the mg units to get a value in units of miles. The calculation performed by the commenter results in units of mg<sup>2</sup> per mile, which is not a measure of vehicle miles traveled. The equation should have been as follows:

Vehicle miles traveled (miles) = Emissions (mg) / emission factor (mg/mile)

Finally, it is important to note that CARB has subsequently revised the estimated emissions that the commenter used to calculate the statewide emissions in his letter. The commenter based their emissions on the 0.19 pounds of hexavalent chromium value, which staff subsequently corrected to 1.05 pounds of hexavalent chromium via a second 15-day change notice.

Based on the errors identified above, the calculated truck miles traveled by the commenter is incorrect by three orders of magnitude, which undermines the commenter's conclusions.

With respect to the claims regarding increased transportation as a result of the Proposed Amendments, please refer to Master Response 1. As discussed in Master Response 1, such increases in transportation are too speculative for analysis. The comment also claims that the movement of chrome plating outside of the state would result in increased emissions of TACs, including diesel particulate matter (diesel PM), benzene, formaldehyde, arsenic, cadmium, and nickel. On-road truck movement and fueling are not a typical action that produces formaldehyde. While the fueling and burning of gasoline and diesel fuels are sources of diesel PM, benzene, arsenic, cadmium, and nickel, the increase in the generation of these TACs would not be substantially greater than what is already occurring from California's interstate economy, which already supports a high volume of on-road truck freight activity.



## Chrome Plating Amendments Response to Comments

It is also important to note that the transportation emissions would be spread over a wide area rather than concentrated within communities like the emissions from chrome plating facilities. No edits to the Draft EA are required in response to this comment. No further response is required.

**197-4:** The commenter states, "The EA is based entirely is upon the following assumption: "the Proposed Amendments are meant to reduce toxic air emissions associated with hexavalent chromium." EA at page102. If the newly described actual emissions of 0.19 pounds per year are equitably compared with the increases in transportation use (and their concurrent and substantial increase in hexavalent chromium emissions) that will directly flow from the Proposed Amendments, then the EA evaluation is wrong at its core.

The CEQA document does not analyze the direct increase of hexavalent chromium emissions across the state. It merely notes air quality impacts for construction, but not for transport. For Air Quality, the EA concludes: "Therefore, the Proposed Amendments would result in a cumulatively beneficial contribution to reducing air toxic emissions during operations." EA at page 90."

**Response:** Please refer to Master Response 1 and response to comment 197-3. The comment indicates that with implementation of the Proposed Amendments, emissions of hexavalent chromium would increase within the state. This is incorrect. The Proposed Amendments would reduce emissions of hexavalent chromium through air toxic control measures. As discussed above, in response to comment 197-3 and in Master Response 1, although implementation of the Proposed Amendments could result in some increased transportation into and out of the state, the degree to which this could occur is highly speculative. Emissions from chrome plating outside of the state is not within CARB's authority to regulate, and, as shown in Table 3-6 of the Draft EA, in-state emissions of hexavalent chromium would be significantly reduced with implementation of the Proposed Amendments. As discussed above, the 0.19 pounds per year value was corrected via the second 15-day notice. No edits to the Draft EA are required in response to this comment. No further response is required.

**197-5:** The commenter states, "The EA fails to discuss the ambient hexavalent chromium conditions throughout the state and the relative health exposure resulting from these ambient conditions. See discussion in this letter, *infra*. It does not account for the increase in hexavalent chromium emissions resulting from the increased transportation that will necessarily result from the increased truck and rail traffic. It also

## Chrome Plating Amendments Response to Comments

does not account for increases in fuel, brake and tire emissions at California's ports that may result from the increased importation of hexavalent chromium parts.<sup>5</sup>"

**Response:** Please refer to Master Response 1, response to comment 197-3, and response to comment 197-4. The comment states that the EA does not consider ambient hexavalent chromium within the state. As discussed in Impact 3-2: Long-Term Operational-Related Impacts on Air Quality, the efficacy of the Proposed Amendments are measured against a 2022 existing conditions baseline year. Table 3-6 of the Draft EA demonstrates the estimated reductions that would be achieved through implementation of the Proposed Amendments.

Although emissions from chrome plating outside of the state is not within CARB's authority to regulate, CARB Staff hopes that CARB's lead in reducing the harmful impacts of hexavalent chromium emissions will be followed by other agencies. CARB is charged with the responsibility to protect the health and well-being of Californians, which the Proposed Amendments are designed to achieve.

No edits to the Draft EA are required in response to this comment. No further response is required.

**197-6:** The commenter states, "The cumulative detrimental contribution of hexavalent chromium that will result, if the Proposed Amendments are adopted, could be avoided by an alternative that was not considered in the EA. That alternative would allow the continued operation of chrome plating facilities in California, which would provide a cumulatively beneficial contribution to statewide hexavalent chromium emissions by reducing the amount of truck and rail traffic. The failure to properly consider such a reasonable and obvious alternative is a further defect in the EA."

**Response:** The alternative proposed in this comment does not provide an adequate level of detail for consideration. Notably, the EA analyzed two alternatives, including a "No Project Alternative" on page 115 and a "No Phase Out Alternative" on page 116, which both allow continued use of hexavalent chromium at chrome plating facilities in California. These alternatives disclose that they would not result in an increase in the amount of truck and rail traffic compared to current conditions, meaning that truck and rail traffic would remain at current conditions as a result of these alternatives. While the commenter claims that their alternative "would provide a cumulatively beneficial contribution to statewide hexavalent chromium emissions by reducing the

---

<sup>5</sup> As the Proposed Amendments note, 91 percent of the hexavalent chromium emissions in the state are from mobile sources that would include interstate transportation, which is outside the state's ability to directly regulate. As discussed herein, emissions from these same and (significantly greater) hexavalent chromium mobile sources will increase further with the ban of chrome plating facilities.

Chrome Plating Amendments  
Response to Comments

amount of truck and rail traffic” they include no explanation as to how their alternative would result in truck and rail traffic below the current conditions.

Additionally, the Alternatives Analysis in Section 7.0 of the EA provides a discussion of whether and how each alternative meets the Proposed Amendments’ objectives, and an analysis of each alternative’s potentially significant environmental impacts. The purpose of the alternatives analysis is to determine whether different approaches to or variations of the project would reduce or eliminate significant project impacts, within the basic framework of the objectives, a principle that is consistent with CARB’s certified regulatory program requirements. The range of alternatives is governed by the “rule of reason,” which requires evaluation of only those alternatives “necessary to permit a reasoned choice” (Cal. Code of Regs. tit. 14, § 15126.6(f)).

The EA evaluates a reasonable range of alternatives to the Proposed Amendments that could reduce or eliminate the project’s significant effects on the environment while meeting most of the basic project objectives (Cal. Code of Regs., tit. 14 § 15126.6(a)). Pursuant to CARB’s certified regulatory program, the EA also contains an analysis of each alternative’s feasibility and the likelihood that it would substantially reduce any significant adverse environmental impacts identified in the impact analysis.

Regarding the portion of the comment about reduced truck and train traffic, please refer to Master Response 1, which discusses how CEQA addresses speculation and why an analysis is not required in the EA.

Further, the commenter’s claim that the alternative would allow the continued operation of chrome plating facilities is inapposite given that the Proposed Amendments would not discontinue the operation of chrome plating facilities in California; it would simply phase out hexavalent chromium use in chrome plating operations.

No edits to the Draft EA are required in response to this comment. No further response is required.

**197-7:** The commenter states, “The costs and consequences of the removal of PFOS are under-reported and lack a level of understanding concerning the existence of PFOS throughout a chrome plating facility. As known by users, PFOS remains in operational equipment well beyond the equipment exclusively used with hexavalent chromium, which is contrary to the comments suggested in the Record. With that affect, there is a need to remove much more equipment than was considered in the CEQA and SRIA analysis if the intended outcome is to remove PFOS entirely. The costs of disposal for the equipment are based upon their contamination with hexavalent chromium, not PFOS, and the additional costs associated with the disposal of PFOS-contaminated equipment have not been analyzed. Even the removal of tanks and pipes that contain PFOS materials is known to not result in a total removal of

Chrome Plating Amendments  
Response to Comments

PFOS, leaving legacy issues. Thus, these environmental and financial impacts have not been adequately or completely considered in the Record.”

**Response:** The use of PFOS containing fume suppressants was phased out in California in 2016 because the United States Environmental Protection Agency (U.S. EPA) developed specific regulations banning the use of perfluorooctane sulfonic acid (PFOS). However, the use of per- and poly-fluoroalkyl substances (PFAS) at hexavalent chrome plating facilities have the potential to result in the release of these substances, which can impact groundwater or drinking water wells. Because only hexavalent chromium plating processes use PFAS as a fume suppressant (trivalent chromium processes use non-PFAS fume suppressants), the Proposed Amendments are expected to result in the elimination of the need for PFAS chemical fume suppressants as hexavalent chromium is phased out. Although the PFAS used in the hexavalent chromium plating process may have accumulated on equipment (e.g., chrome baths, pipes, etc.) over time at chrome plating facilities, the implementation of the Proposed Amendments would not result in the increased use or accumulation of PFAS on equipment over baseline levels. Consequently, water quality near existing chrome plating facilities may improve as the Proposed Amendments are fully implemented. No edits to the Draft EA are required in response to this comment. No further response is required.

## Comment Letter 202

4/27/2023 Jim Meyer

**Comment 202-1:** The commenter states, "In the Environmental Analysis section of the document released last night, CARB staff states, DIRECT QUOTE 'Since these values were not used in the evaluation of the environmental impacts in the Draft EA, staff has determined that these changes would not require new or modified compliance responses and would not result in any new reasonably foreseeable significant environmental impacts or substantially increase the severity of an already identified environmental impact in the Draft EA'

Wow, we are talking about CARB's estimate of ACTUAL emission levels. Not baseline emission levels, not permitted emission level, we are talking about CARB's estimate of ACTUAL emission level so keep that in mind and re-read the quote above.

CARB is saying that they don't need to change the environmental analysis due to a change in ACTUAL emissions 'since these values were not used in the evaluation of environmental impacts in the Draft EA' in the first place!

Did you know that the State can ignore actual current environmental conditions when preparing an Environmental Analysis? I didn't. But CARB admits here that they paid no attention to ACTUAL emissions when they prepared the Draft Environmental Analysis so they don't have to react when the estimate of ACTUAL emissions changes (in this case by 50%)!..."

**Response:** Staff disagrees with the commenter's assertions.

While the commenter claimed to be taking a direct quote from the April 2023 15-day notice ("15-day notice"), the full quote in the notice is as follows: "These 15-day changes do not change the implementation of the regulation in a way that affects the impact conclusions identified in the Draft Environmental Analysis (EA) included as Appendix D of the Staff Report. As described above, the second 15-day changes to the Proposed Amendments consist of correcting an error in Table 1 of Attachment 2 to the 15-day notice dated March 27, 2023, and correcting the corresponding values in Table III.1 and Table VI.1 and the narrative of Attachment 2. Since these values were not used in the evaluation of environmental impacts in the Draft EA, staff has determined that these changes would not require new or modified compliance responses and would not result in any new reasonably foreseeable significant environmental impacts or substantially increase the severity of an already identified environmental impact in the Draft EA. Therefore, no additional environmental analysis or recirculation of the Draft EA is required."

## Chrome Plating Amendments Response to Comments

The Draft EA used the appropriate current environmental conditions baseline (2022 baseline) based on potential to emit that existed at the time CARB filed the notice of preparation (NOP) for the Draft EA, which occurred in January 2022. The particular values referenced in the comment were not included in the Draft EA because those values correspond to 2019 numbers, and the EA appropriately determined the baseline year for analysis to be 2022. At the time of the analysis, 2022 source test emissions were not available; therefore, staff used the potential to emit values to estimate emissions in the EA. As presented in Figure 3-1 of the EA, future statewide hexavalent chromium emissions were then projected into future years based on projected emission reductions as hexavalent chromium is gradually phased out in California as described under the Proposed Amendments.

While the 15-day notice includes corrected values in the "2019 Emissions based on Source-Tested Emission Factors (lb/year) (calculated)" column, these updates did not change the impact conclusions in the Draft EA because the overall environmental benefits from the Proposed Amendments bring statewide hexavalent chromium emissions from chrome plating facilities down to zero, a 100 percent reduction from existing emission levels. Therefore, even if CARB Staff had used the values in the "2019 Emissions based on Source Tested Emission Factors (lb/year) (calculated)" column, and updated those values following the 15-day changes, the impact conclusions would have remained the same because there is an overall benefit due to the emission reductions as a result of the Proposed Amendments. Therefore, the 15-day notice would not result in any changes to the significant impact conclusions already disclosed in Chapter 4.3-2 of the Draft EA.

See Master Response 1 regarding the speculative nature of potential increases in truck, rail, and other transportation emissions. No edits to the Draft EA are required in response to this comment. No further response is required.

## Comment Letter 211

5/10/2023 Charles H. Pomeroy, Stiles Pomeroy LLP

**Comment 211-1:** The commenter states, "Second, because the newly reported actual hexavalent chromium emissions from chrome plating facilities are much lower than what was analyzed in the ISOR, the Proposed Amendments, if adopted, will *increase* the existing amount of hexavalent chromium emissions in California, endangering public health."

**Response:** CARB staff disagrees with the commenter's claims. Chapter 4.2-3 of the Draft EA provides extensive analysis which determines that the Proposed Amendments would result in hexavalent chromium emission reductions and thus a beneficial long-term impact on air quality. Please also refer to Master Response 1 and responses to comments 197-3, 197-4, 197-5 and 202-1. No edits to the Draft EA are required in response to this comment. No further response is required.

**Comment 211-2:** The commenter states, "CEQA Still Not Analyzed

The SSN states:

These 15-day changes do not change the implementation of the regulation in a way that affects the impact conclusions identified in the Draft Environmental Analysis (EA) included as Appendix D of the Staff Report. As described above, the second 15-day changes to the Proposed Amendments consist of correcting an error in Table 1 of Attachment 2 to the 15-day notice dated March 27, 2023, and correcting the corresponding values in Table III.1 and Table VI.1 and the narrative of Attachment 2. Since these values were not used in the evaluation of environmental impacts in the Draft EA, staff has determined that these changes would not require new or modified compliance responses and would not result in any new reasonably foreseeable significant environmental impacts or substantially increase the severity of an already identified environmental impact in the Draft EA. Therefore, no additional environmental analysis or recirculation of the Draft EA is required. (Emphasis added). SSN at pages 21-22.

The statement itself would suggest that a completely re-issued and corrected table has no significance; however, the comment that "these values were not used in the evaluation of environmental impacts in the Draft EA," is troubling.

**Response:** Please refer to response to comment 202-1. To clarify, the Draft EA evaluated the impacts of the Proposed Amendments relative to the 2022 baseline. The Draft EA did not evaluate impacts based on the values in the "2019 Emissions based on Source Tested Emission Factors (lb/year) (calculated)" column, which were updated in the second 15-day notice. However, as discussed in comment 202-1, the long-term air quality significance conclusions would have been the same if the

Chrome Plating Amendments  
Response to Comments

evaluation had been related to a baseline derived from the "2019 Emissions based on Source Tested Emission Factors (lb/year) (calculated)" column because the Proposed Amendments reduce hexavalent chromium emissions from chrome plating operations in California to zero, which would result in an air quality benefit. No edits to the Draft EA are required in response to this comment. No further response is required.

**Comment 211-3:** The commenter states, "As set forth in my April Letter, the Draft EA entirely missed the issue of the *increase* of hexavalent chromium emissions in California that would result from adoption of the Proposed Amendment due to the necessary increase of diesel truck traffic in and out of the state to ship parts that could no longer be produced in California."

**Response:** Please refer to Master Response 1 and responses to comments 197-3, 197-4 and 197-5. No edits to the Draft EA are required in response to this comment. No further response is required.

**Comment 211-4:** The commenter states, "A direct comparison of actual emissions from all sources including chrome plating facilities, as produced in the ISOR, as revised in the FSN, and then revised in the SSN, is absolutely imperative for the decisionmaker to understand and properly compare how an affirmative or negative decision on this ATCM will affect human health and the environment in California going forward. If we look to the Draft EA, one of the project's primary objective states:

It is the public policy of the State that emissions of toxic air contaminants should be controlled to levels which prevent harm to the public health. (Health & Saf. Code § 39650). Draft EA at page 9.

The admission made in this SSN that the Draft EA failed to use this information in its evaluation represents a fundamental flaw that cannot be ignored by decisionmakers, particularly in light of the project objective and statutory requirement."

**Response:** Please refer to responses to comments 197-3, 197-4, 197-5 and 202-1. No edits to the Draft EA are required in response to this comment. No further response is required.



Chrome Plating Amendments  
Response to Comments

**Comment Letter 212**

5/10/2023 Tracey Coss

**Comment 212-1:** The commenter states, "CARB has only addressed the decimal placements error for Hard Chrome in this second 15-day comment period. The emission numbers after the decimal correction are STILL WRONG. Modifications and additional environmental analysis are necessary and required. CARB is proposing to ban a chemistry/process without good data or real evidence of emission problems. The emissions data remain flawed, inaccurate and inconsistent in the record as originally presented, in the first 15-day Notice of proposed changes, and in this second 15-day Notice of proposed changes. Without correct information, the conclusions drawn by CARB are based on flawed assumptions, which will potentially lead to legal challenges."

**Response:** With regards to the portions of this comment related to the environmental analysis, please refer to response to comment 202-1. No edits to the Draft EA are required in response to this comment. No further response is required. Other aspects of this comment will be responded to in the Final Statement of Reasons.

Chrome Plating Amendments  
Response to Comments

**Comment Letter 213**

5/10/2023 Jerry Desmond, MFANC, MFASC, NASF

**Comment 213-1:** The commenter states, "CARB's rulemaking process is fatally flawed because it has failed to recalculate the environmental impact analysis with the revised emissions data."

**Response:** Please refer to response to comment 202-1. No edits to the Draft EA are required in response to this comment. No further response is needed.

Chrome Plating Amendments  
Response to Comments

The following comments were submitted outside of a formal comment period for the Proposed Amendments, therefore they are untimely submitted and do not require a response. (17 Cal. Code Regs., § 60004.2(b)(2).) Nevertheless, while it is not required to do so, CARB provides the responses below for transparency.

**Comment Letter 216**

5/23/2023 Jim Meyer

**Comment 216-1:** The commenter states, “Regarding my public comment about the environmental analysis which is referred to as Comment Letter 202 in the environmental documents released May 19.

The Staff response claims that my direct quote of the April 2023 15-day notice was not accurate. Staff then submits what they claim was in the April 2023 15-day notice.

I invite you to go see for yourselves. Compare my quote with the posted document and then examine the quote that staff states is the quote from the posted document. Go ahead, better to find out now than when some judge checks it out later. You really may want to do this on your own as it appears that anything that goes to staff may get twisted.

The key point is this. My quote is 100% accurate. Staff has added the following in their quote: “Since the summary of emission data presented in Table 1 was not used in the evaluation of environmental impacts in the Draft EA, staff...” which they have used to replace this “Since these values were not used in the evaluation of environmental impacts in the Draft EA, staff...”.

Why the deception? It must be important to twist the meaning to “summary of emission data” from “these values”. Hmmm.

Apparently staff is trying to damage my credibility so an uncaring reader will quickly pass by. Is this how CARB makes regulations? Is this how CARB leadership wants CARB to make regulations?”

**Response:** CARB staff inadvertently edited the quote in our response; the correct full quote has been updated in response to comment 202-1.

The full quote was included for context as the commenter only picked out one portion of the relevant environmental analysis language in the 15-day notice. Including the full quote adds context to the determinations.

Chrome Plating Amendments  
Response to Comments

**Comment 216-2:** The commenter states, “The staff then goes on to claim that the environmental analysis is using 2022 potential emission data and not the 2019 potential emission data. Pshaw. We all know what CARB is using as the baseline. It is 2019 potential emissions. The 2019 potential emission number is one of the uncorrected values that we have been complaining about all along. It includes permit values from platers that went out of business even before 2019. They did not re-appear in 2022.”

**Response:** Emissions data for 2022 was not available at the time staff conducted the environmental analysis. Therefore, staff estimated the 2022 baseline for the EA using permitted throughput data, as provided by the Districts in California that have chrome plating facilities in their jurisdictions, and the emission limits from the 2007 ATCM. However, for a small number of facilities where permitted throughput was not available from the Districts, staff used the 2019 facility reported throughput to calculate the potential to emit. Permitted throughput data is established at the time of permit issuance, and remains the same from year to year unless the permit is amended. Further, the 2007 ATCM emission limits have not changed since the adoption of the 2007 ATCM.

In late 2021 and early 2022, CARB staff reached out to the Districts requesting updated information regarding the emissions inventory related to chrome plating facilities that used hexavalent chromium. Based on the Districts’ responses, CARB removed numerous facilities that had gone out of business since the initial inventory was developed in 2019. Originally, CARB’s inventory had over 140 chrome plating facilities that used hexavalent chromium. Based on the updates received from the Districts in 2022, the facility list was reduced to 113 chrome plating facilities that used hexavalent chromium. Staff believes that the inventory accurately represents facilities that were operating in 2022 based on the data provided by the Districts at that time. While it is possible that facilities ceased operating after CARB updated its emission inventory or that the District or industry did not alert CARB to specific businesses that may have closed, the comment does not provide any information regarding which facilities in CARB’s inventory have gone out of business.

Further, using alternative methodologies for estimating the 2022 baseline values would not change the significance conclusion of a beneficial impact on air quality from the Proposed Amendments, which would still result in an overall reduction in emissions of hexavalent chromium from chrome plating facilities.

**Comment 216-3:** The commenter states, “Staff goes on in the May 19 environmental analysis to refer to this comment (Comment letter #202) as a response to other comments in the draft. So many flaws....”

Chrome Plating Amendments  
Response to Comments

**Response:** CARB staff is unsure why the commenter claims that using the response to comment 202-1 to also respond to other commenters who submitted similar claims is flawed. This is a widely used practice to avoid repeating language that has already been provided.