

MOTION BY SUPERVISORS HILDA L. SOLIS AND
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February 19, 2019

Oppose the Proposed Expansion of Quemetco's Operations

Quemetco, Inc. (Quemetco) is a battery recycling facility which has been in operation since 1972 in the City of Industry. Quemetco crushes and melts 600 tons of used lead-acid batteries per day to reclaim lead and other recyclable materials. The facility also stores hazardous wastes, including partially-processed lead-containing materials. The State of California has enacted a comprehensive statutory and regulatory framework for the generation, handling, treatment, transport and disposal of hazardous waste. Quemetco has repeatedly violated state laws in handling toxic substances, including lead, endangering the health and safety of their workers and residents in neighboring communities.

In March 2015, prior to Quemetco's operating permits expiring, the facility submitted a permit renewal application to the Department of Toxic Substances Control (DTSC). DTSC has been reviewing that application and has not yet made a decision on renewal. In addition to its permit renewal application, Quemetco has applied to the

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South Coast Air Quality Management District (SCAQMD) for approval to significantly expand its operations and to switch to petroleum coke, a more polluting fuel source, as a smelting reagent.

In November 2018, DTSC on behalf of the State of California sued Quemetco for 29 violations of state hazardous waste laws and regulations. On November 16, 2018, DTSC also issued a Corrective Action Order to Quemetco related to the release of hazardous waste from its facility. Quemetco's operations emit lead, arsenic, benzene and other chemicals. Quemetco has received four Notices of Violations (NOVs) from the SCAQMD since July 2017, including two NOVs for exceeding the level of permitted arsenic emissions.

Quemetco's violations of state environmental laws have allowed hazardous waste and toxic air pollution to be released into the community. The community near Quemetco has been identified by CalEPA as a "Disadvantaged Community" pursuant to SB 535. The population burdened the most by Quemetco are predominantly low-income, communities of color. Consequently, there are serious environmental justice concerns raised by Quemetco's operation, and proposed expansion.

The full extent of Quemetco's lead contamination in the community remains unknown. In December 2018, DTSC announced that modeling and analysis show that Quemetco's operations may have deposited lead up to 1.6 miles away from the facility. As a result, DTSC has ordered Quemetco to conduct additional sampling, and to expand the sampling area up to 1.6 miles away from the facility to determine the extent of the lead contamination. The Quemetco sampling should be completed as quickly as

possible so that existing lead contamination can be identified and cleaned up immediately.

It is premature for regulators to consider the expansion of Quemetco's operations until all violations of state law are remedied and the contamination caused by Quemetco is cleaned up. Los Angeles County (County) opposes Quemetco's proposed expansion which would increase hazardous waste, air pollution, including lead and arsenic emissions, water quality issues, traffic, and public health impacts in a community that is already disproportionately impacted by environmental and health risks. By opposing Quemetco's expansion and permit renewal until current contamination is cleaned up, the County is supporting constituents directly impacted by Quemetco's pollution and urging DTSC and SCAQMD to ensure that Quemetco complies with all environmental laws and eliminates the pollution it has released into our communities.

In addition, DTSC's new permitting regulations, which are applicable to Quemetco and became effective on January 1, 2019, establish criteria to be used for the issuance of a hazardous waste facility permit or a permit modification. The regulations require that DTSC evaluate a facility's compliance history and consider the past 10 years of violations when making permitting decisions. Moreover, DTSC must create a violation score of "acceptable," "conditionally acceptable" or "unacceptable" annually for each facility. An unacceptable score requires DTSC to begin a process to revoke a facility's permit. Before DTSC makes a determination on Quemetco's permit renewal, DTSC should comply with its new regulations and evaluate Quemetco's compliance history. The County urges DTSC to deny permit renewal or modification requests from Quemetco unless Quemetco has implemented enforceable

improvements to its facility operations, processes and equipment that will prevent future violations; and there are substantial and overriding benefits to the people of the State of California resulting from the continued operation of the facility.

WE, THEREFORE, MOVE that the Board of Supervisors send a five-signature letter to the Department of Toxic Substances Control (DTSC) and the South Coast Air Quality Management District (SCAQMD) that:

1. Expresses the County's opposition to the proposed expansion of Quemetco operations;
2. Urges DTSC to apply its new permitting regulations to Quemetco's permit renewal application, including evaluating Quemetco's compliance history and considering the past 10 years of violations when making permitting decisions;
3. Urges DTSC to require that the additional sampling necessary to determine the full extent of the lead contamination caused by Quemetco be completed as soon as possible and the results shared with the public;

WE FURTHER MOVE that copies of the letter be sent to Governor Gavin Newsom, CalEPA Director Jared Blumenfeld, and the Los Angeles County Legislative Delegation.

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