Message

From: Erin Ganahl [Erin.Ganahl@doj.ca.gov]
Sent: 4/18/2022 4:26:04 PM
To: Brahmbhatt, Roshni (she/her) [brahmbhatt.Roshni@epa.gov]
Subject: RE: Discussion with EPA R9 and Kim Konte

Hi Roshni!

Thank you so much for sending this, and for sending the other information last week. I was out of the office for my daughter's spring break and am just now catching up. I have a few fires to put out today/tomorrow but will circle back with you late tomorrow or possibly Wednesday on this.

Thank you again, I really appreciate it!
Erin

From: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>
Sent: Wednesday, April 13, 2022 6:00 PM
To: Erin Ganahl <Erin.Ganahl@doj.ca.gov>
Subject: FW: Discussion with EPA R9 and Kim Konte

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Hi Erin,

I've received the following email from Kim Konte, and wanted to follow up in case you still wanted to meet to discuss.

Thanks,
Roshni

Roshni Brahmbhatt | Pronouns: she/her
Manager, Air Enforcement Office (ENF 2-1)
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
Email: Brahmbhatt.Roshni@EPA.gov
Work Phone: 415-972-3995
Cell Phone: 415-697-5673

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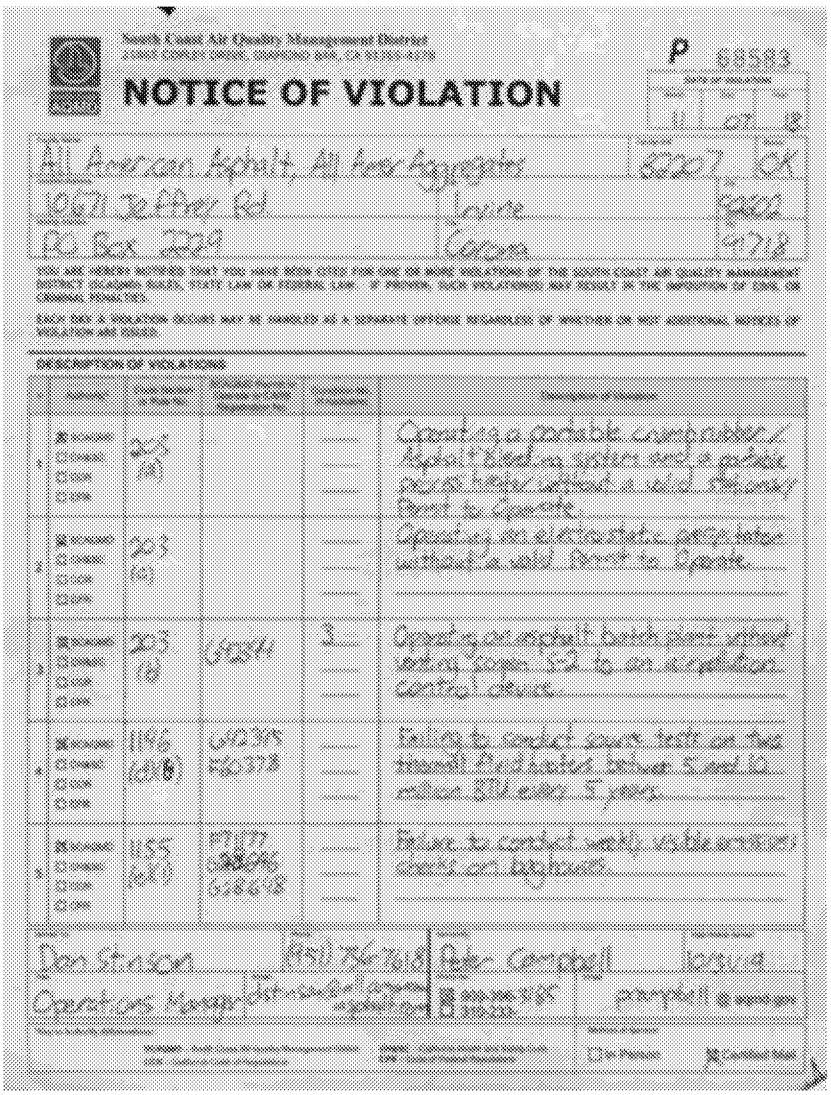
From: Kim Konte <kim@nontoxicneighborhoods.org>
Sent: Wednesday, April 13, 2022 5:53 PM
To: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>
Cc: Chan, Janice <Chan.Janice@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Lesley Tan <stop.asphalt.pollutants@gmail.com>; Kevin Lien <Ex. 6 Personal Privacy (PP)>; Dennis Lo <Ex. 6 Personal Privacy (PP)> Advisors <advisors@nontoxicneighborhoods.org>; Rios, Gerardo (he/him) <Rios.Gerardo@epa.gov>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>
Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Roshni,

Thank you for your email and update. Can you please share with Gerardo - that All American Asphalt expanded its operations greatly without the permits to do so as seen in this short video
- https://vimeo.com/646280296



North Coast Air Quality Management District

P 68583

NOTICE OF VIOLATION

All American Asphalt, All American Aggregates — 92207 CA
1890 Dillon Rd — Lovelock
PO Box 229 — Cocoa

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE NORTH COAST AIR QUALITY MANAGEMENT DISTRICT, LOCAL, STATE LAW OR FEDERAL LAW. IF PROVEN, SUCH VIOLATION(S) MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE CHARGED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

☐ WARNING ☐ CITATION ☐ CIVIL ☐ CRIM	203 (b)			Operating a portable compressor / Asphalt Batch plant and a portable pump have caused a wild dissipy fight to Sparks.
☐ WARNING ☐ CITATION ☐ CIVIL ☐ CRIM	203 (b)			Operating an electrostatic precipitator without a wild Sparks to Sparks.
☐ WARNING ☐ CITATION ☐ CIVIL ☐ CRIM	203 (b)	Gasoline	3	Operating an asphalt batch plant without having Form 53 to an approved control device.
☐ WARNING ☐ CITATION ☐ CIVIL ☐ CRIM	1196 (a)(6)	66395 / 66378		Failing to conduct source test on the overall Pollutant between 5 and 10 million BTU after 5 years.
☐ WARNING ☐ CITATION ☐ CIVIL ☐ CRIM	1155 (a)(1)	67177 / 66395 / 66378		Failure to conduct weekly visible emission checks on baghouse.

Don Stinson — (530) 756-7618 — Peter Campbell — Lovelock
Operations Manager — Interviewed Person — Signature — Campbell

We are in need of an emergency injunction to get this ancient facility and polluter at a very minimum compliant with AB 2588, Prop 65, and the Clean Air Act. We are being robbed of the ability to take action against AAA as it's still not listed as a Title V Facility.

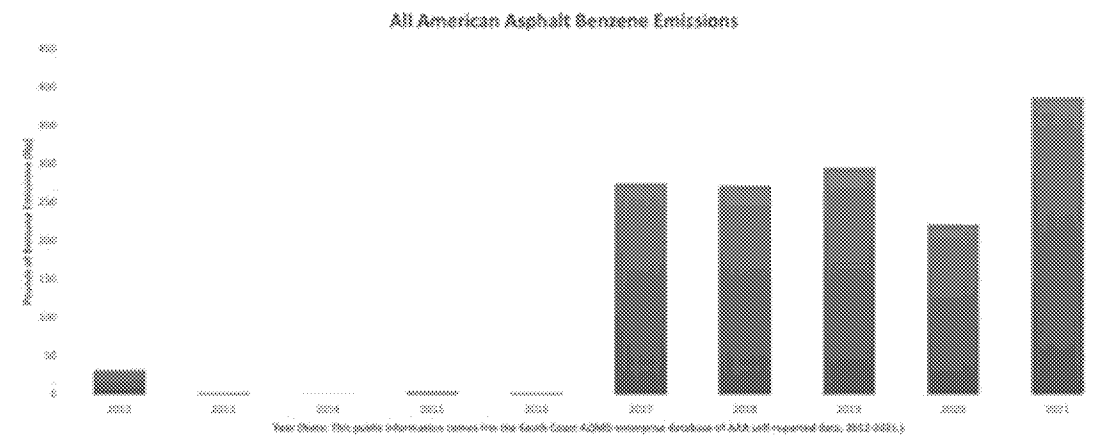
Please understand that our community has been promised support from elected officials to agencies for over three years now, and unfortunately they all follow the same pattern. It always starts out solid and then the power of the Irvine Company and the folks they appoint to **every** agency, waterboard, city council, BOS on up prevents any support from happening. The power they have to get what they want is honestly scary.

Thankfully an SCAQMD-appointed hearing board member stood up for our community and now he is no longer with SCAQMD. He recently reached out to us and provided us with this powerful and depressing call to action for SCAQMD:

"SCAQMD is responsible for identifying and correcting these violations. SCAQMD is aware of the source of the contributors of these chemical compounds that are polluting the environment in North Irvine. If SCAQMD fails to correct this problem for a period of time, more people will become sick and some will die from the exposure. Unfortunately, SCAQMD's lack of action will be contributing to this illness and death. The hearing board members must revisit this issue and order SCAQMD to cite All American Asphalt for non-compliance. It is SCAQMD's responsibility to avoid a health crisis and prevent any further deaths." - California State Senator, Ret. Nate Holden

CARB also helped our community more in 1 meeting than SCAQMD has in over two years. Mena Shah hosted a zoom with some of the team that wrote AB 2588 and they were honestly shocked to see the HAPs emission levels with the proximity of the receptor locations. CARB was who shared that it was clear SCAQMD failed to reprioritize AAA based on the encroaching receptors and their massive increase in emissions. From 2016 to 2017 there was a 10,911% increase in benzene! Mena connected us with Courtney Grahm who was also lovely to work with but unfortunately, she had to go on medical leave. It was at this point that her co-worker thomas.andrews@arb.ca.gov stepped in and this is the point we think the Irvine Company got to him. Please reach out to Courtney(courtney.graham@arb.ca.gov) who understands **ALL** about this AAA issue from a permitting standpoint and was again so helpful until she had to go on leave. She knows about things that we do not want to include in an email.

We hope you or your team can find out what drastically changed in 2017. Was it the crumb rubber, change in aggregate(RAP), and or throughput increase? 2017 is also when residents started submitting complaints when residents finally found out about the plant that was not disclosed to home buyers and on ANY city of Irvine map until we brought that to light in 2018.



Isn't the City of Irvine liable for protecting a business whose not compliant with the local, county, and state environmental regulations and policies? We know the City of Irvine's city attorney is controlled by the Irvine Company. He is also on the fatally flawed AAA EIR. Isn't it a conflict of interest for him to advise on AAA-related issues?

Working on pesticide policy and leg is a cakewalk compared to this ongoing public health crisis impacting children.

In Gratitude!

Kim Konte
NON TOXIC NEIGHBORHOODS | OUR WORK
IG: @nontoxicneighborhoods | FB: nontoxicneighborhoods I M: 843-816-3085

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On Wed, Apr 13, 2022 at 4:22 PM Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov> wrote:

Hi Kim,

Thanks for your email and the email from earlier this week. My team is looking into this facility, and we have been following up with SCAQMD as well.

I have also reached out to my counterpart Gerardo Rios, who is the Air Permitting Manager in EPA Region 9, in case he has any insights on your permitting concerns.

Sincerely,

Roshni

Roshni Brahmbhatt | Pronouns: she/her

Manager, Air Enforcement Office (ENF 2-1)

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Email: Brahmbhatt.Roshni@EPA.gov

Work Phone: 415-972-3995

Cell Phone: 415-697-5673

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From: Kim Konte <kim@nontoxicneighborhoods.org>
Sent: Wednesday, April 13, 2022 4:16 PM
To: Brahmbhatt, Roshni (she/her) <brahmbhatt.Roshni@epa.gov>
Cc: Chan, Janice <Chan.Janice@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>; Lesley Tan <stop.asphalt.pollutants@gmail.com>; Kevin Lien <Ex. 6 Personal Privacy (PP)>; Dennis Lo <Ex. 6 Personal Privacy (PP)>; NTN Advisors <advisors@nontoxicneighborhoods.org>; Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>
Subject: Re: Discussion with EPA R9 and Kim Konte

Hi Roshni,

We wanted to loop back with you on this ongoing public health crisis. We need your help and hope that you and your team can take the action needed to protect our kids from this massive and non-compliant polluter in your region.

We have been asking for help from SCAQMD, CARB, and now your team at the EPA and we are still without any safeguards. Who is responsible for allowing AAA to operate with impunity and without consequence other than to our community? Please notice the dramatic increase of HAPs when receptors are only 2,000 ft from the plant:

In 2020 AAA was already the largest emitter of benzene in the city by 40 times the amount of the second-largest emitter - B. Bruan Medical.

SCAQMD Monitored "Large" Facilities in Irvine – 2020 Facility Emissions

Facility	VOCs (tons)	Benzene (lbs)	Chromium, Hexavalent (lbs)	Formaldehyde (lbs)
All American Asphalt	**7.9**	**221.6**	**0.27**	**1,781.0**
Bowerman Power	9.0	0	0	1.3
Maruchan	6.4	2.5	0	5.2
Allergan	2.1	2.4	0	17.0
Braun Medical	30.2	10.0	0	440.0
UC Irvine	1.0	0	0	1.3

Source: SCAQMD Facility INformation Detail (F.I.N.D.) Tool

This plant is dictating the air our children breathe at their open-air designed schools, sports practice and games, and at home, so respectfully if you can't help please just let us know so we can focus our time elsewhere as we don't have time to waste.

In Gratitude,

Kim Konte

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On Mon, Apr 11, 2022 at 10:17 AM Kim Konte <kim@nontoxicneighborhoods.org> wrote:

Hi Roshni,

I hope you had a nice weekend. We are trying to understand how All American Asphalt(AAA) is still operating without consequence. How are they allowed to continue to profit at our expense when AAA is years late in being compliant with AB 2588 and or the Clean Air Act? EPA's Region 8 has been able to take health-protective action against a polluter impacting a community in CO. We want to try and understand why you can't do the same? Is it because AAA is still not listed as a Title V Facility? We are hopeful you can take action as the emissions have dramatically increased and again AAA is only 2,000 feet from receptors.

Environmental Justice and Win Against A Major Corporate Polluter

The EPA issued a letter objecting to Colorado state's permit renewal request for the Suncor Refinery. The plant "raises significant environmental justice concerns, as illustrated by the severity of pollution and described health impacts facing the communities living in proximity to the Suncor site."

Residents should not have been responsible for appealing the permit South Coast AQMD awarded AAA in Irvine for the crumb rubber blending system - #2147-10 3d Party Appeal – All American Asphalt. The permit approval was defective as a result of numerous flaws in SC AQMD's permit evaluation, including in the sufficiency of the AAA source testing. These breaches include:

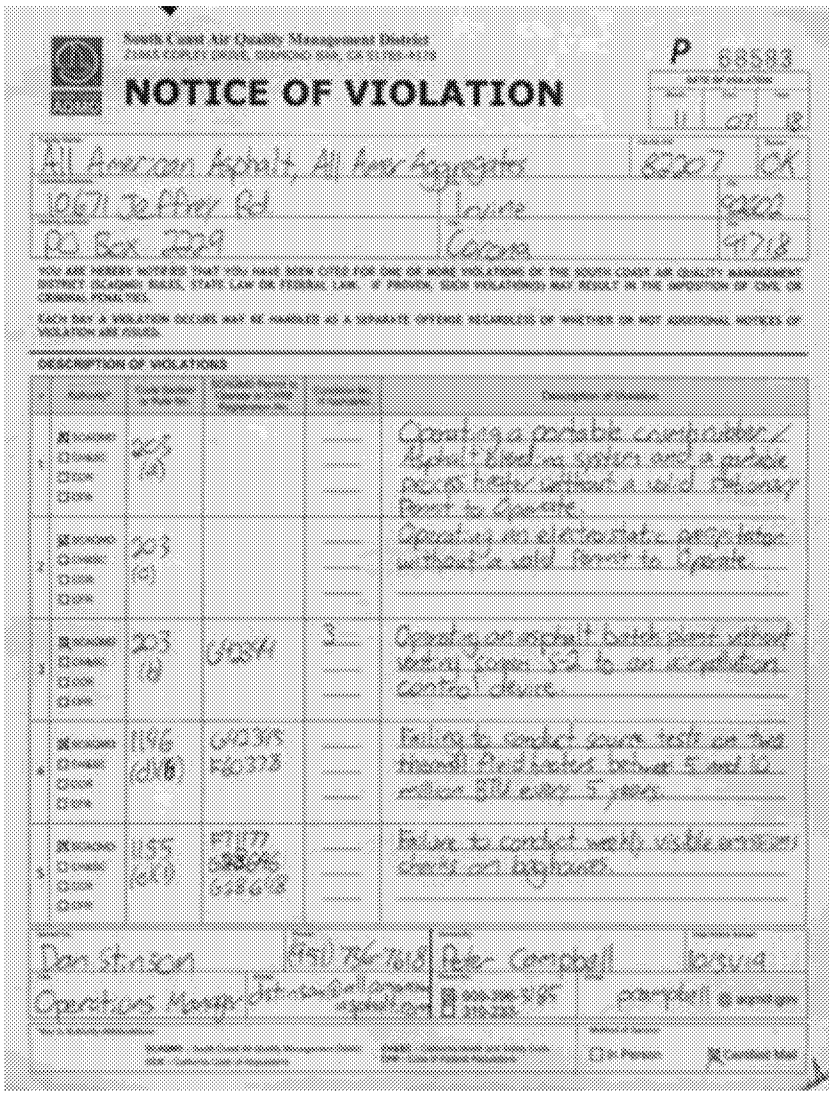
• Failure to source test and evaluate AAA operations at full capacity of production, given the Carbon Adsorber remediation system designed for a much lower capacity,
• Failure to test and measure numerous other sources of fugitive emissions, such as outside storage and conveyance systems
• Failure to evaluate the undersized carbon adsorption system for emissions during start-up and shut-down processes and for protections from malfunction emissions;
• Failure to fully evaluate all constituents of toxic emissions (H.C., VOCs, sulfurous compounds, PM2.5, metals).
• Failure to properly consider the impact of so-called short-term but continuous emissions on sensitive populations like children based on the locations of the receptors. Receptors(homes) that are only 2,000 feet from AAA.
• Failure to be compliant with rule 3001 of the Clean Air Act and follow the Clean Air Act's permitting process.

Title V Permitting

Based on the facility's self-reported emissions through the South Coast AQMD's Annual Emissions Reporting program, the reported emissions in 2018 and 2019 may have triggered Title V applicability. Therefore, on Feb 4, 2021, AAA was notified to submit an Initial Title V permit application, which was submitted on May 5, 2021. South Coast AQMD is currently reviewing the Title V permit application to determine if the facility will be brought into the Title V permitting program. The status of all permit applications can be accessed through the South Coast AQMD FIND using Facility ID 88207. If the facility is brought into the Title V program, the permit will be made available on the website and will be required to be renewed every five years using the same public noticing process. **How can AAA continue to be in violation of rule 3001 of the Clean Air Act?**

Can your team find out why SCAQMD has failed to hit AAA with penalties for their gross negligence and failures to be compliant with both the "Hot Spots" Act as well as the Clean Air Act? ***"Depending on the violation, civil penalties range from $500 to $25,000 for each day the infraction remains uncorrected. SB 1731 also penalizes for noncompliance.*** *It specifies that the facility operator is subject to civil penalties for failure to submit a complete audit and plan or failure to implement the measures set forth in the plan."*

All American Asphalt has been caught underreporting their heavy metal emissions and also expanded their operations without the permits to do so as seen in this short video
- https://vimeo.com/646280296



South Coast Air Quality Management District

NOTICE OF VIOLATION

P 68593

All American Asphalt, All Year Aggregates		62207	CA
1071 Jeffrey Rd	Irvine		92602
PO Box 2209	Corona		92718

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN CITED FOR ONE OR MORE VIOLATIONS OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT CLEANING RULES, STATE LAW OR FEDERAL LAW. IF PERSISTENT, SUCH VIOLATIONS MAY RESULT IN THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES.

EACH DAY A VIOLATION OCCURS MAY BE CHARGED AS A SEPARATE OFFENSE REGARDLESS OF WHETHER OR NOT ADDITIONAL NOTICES OF VIOLATION ARE ISSUED.

DESCRIPTION OF VIOLATIONS

Status	Rule	Section	Count	Description
☒ Violation ☐ Cited ☐ Cleared ☐ Other	203 (a)			Operating a portable conveyor/ Asphalt Plant on a paten and a portable paver/ paver without a valid Permit to Operate.
☒ Violation ☐ Cited ☐ Cleared ☐ Other	203 (a)			Operating an electrostatic paver without a valid Permit to Operate.
☒ Violation ☐ Cited ☐ Cleared ☐ Other	203 (b)	6604	2	Operating an asphalt batch plant without using Tanks 5-2 to an emission control device.
☒ Violation ☐ Cited ☐ Cleared ☐ Other	1146 (d)(6)	6403 F6313		Failing to conduct source tests on the month Pod located between 5 and 10 million BTU each. 5 years.
☒ Violation ☐ Cited ☐ Cleared ☐ Other	1155 (a)(1)	F1177 [illegible] [illegible]		Failure to conduct weekly visible emission observations logbook.

Don Stinson	(951) 736-7618	Peter Campbell	Issued
Operations Manager	[illegible]	8 [illegible]	campbell@[illegible]

☒ Certified Mail

Our kids need protection from the largest non-compliant polluter in Irvine and we look forward to hearing from you.

In Gratitude,

Kim Konte

NON TOXIC NEIGHBORHOODS | OUR WORK

IG: @nontoxicneighborhoods | FB: nontoxicneighborhoods I M: 843-816-3085

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On Wed, Mar 9, 2022 at 9:23 AM Gill, Sonam <Gill.Sonam@epa.gov> wrote:

Microsoft Teams meeting

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Click here to join the meeting

Join with a video conferencing device

sip:teams@video.epa.gov

Video Conference ID: Ex. 6 Personal Privacy (PP)

Alternate VTC instructions

Or call in (audio only)

Ex. 6 Personal Privacy (PP) United States, San Diego

Phone Conference ID: Ex. 6 Personal Privacy (PP)

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