Message

From: R9Tips [R9Tips@epa.gov]
Sent: 5/5/2022 3:59:54 PM
To: Brahmbhatt, Roshni (she/her) [brahmbhatt.Roshni@epa.gov]
Subject: FW: (CAA - FY22-245845-3714-CV) Regional Tip and/or Complaint - California

The following tip is from the US EPA National Tips Database. This information is being provided to you for whatever action you deem appropriate. Please follow up or forward to the appropriate agency.

-----Original Message-----

5/4/2022 4:06 PM

HQ LEAD NUMBER: FY22-245845-3714-CV

SUBJECT: Regional Tip and/or Complaint - California

FROM: Ex. 6 Personal Privacy (PP)

TO:

Name: Thinh Luu

Phone: Ex. 6 Personal Privacy (PP)

Alleged Violator's Name: ALL AMERICAN ASPHALT INC

Alleged Violator's Address: 10671 JEFFREY RD

Alleged Violator's City: IRVINE

Alleged Violator's State: California

Alleged Violator's Zip: 92602

Alleged Violator's Latitude / Longitude: 33.734200 / -117.726160

Alleged Violator's FRS ID: 110070089285

Tip or Complaint: Hundreds of asphalt odor complaints from surrounding residents per year. A facility being modified to increase its emissions in a nonattainment area is subject to the New Source Review standard that is based on both federal and state law. See Title 42 U.S.C Section 7503; SC AQMD Reg XIII; SC AQMD Rule 1301(b)(1). The analysis requires evaluation of the worst-case emissions unless there is a limitation set forth in the permit. AB 2588 - Based on the receptor locations and AAA's 2016 emissions SCAQMD should have reprioritized the site and failed to(per CARB). Clean Air Act - Knowing Failure to Notify or Report Is An Initial Title V Permit Application Required? In general, a facility's actual emissions determine if a Title V permit application is required. Actual emissions are the sum of each criteria pollutant or HAP emissions from both permitted and un-permitted (AQMD Rule 219) equipment. If it is

determined that a facilities total emissions are above the thresholds for Title V applicability, submittal of a complete initial Title V permit application and appropriate fess are required within 180 days of the determination. Whenever possible, the AQMD will notify facilities with reported emissions that exceed the emissions thresholds in Table 2-2 that they are required to submit an initial Title V permit application to the AQMD. However, it is always the source's responsibility to determine Title V applicability and to submit an initial Title V permit application within 180 days of meeting applicability criteria as defined in Rule 3001. PERMANENT INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF: Unlawful acts under the statute include any act that is unlawful and that is conducted as part of business activity, and therefore include violations of Proposition 65. Section I 7206(a) provides that any person violating Section 17200 "shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California." Under section 17205, these penalties are "cumulative to each other and to the remedies or penalties available under all other laws of this state." All American Asphalt(AAA) has failed to provide a clear and reasonable warning to persons outside the premises of the plant that they are being exposed to hexavalent chromium caused by AAA's operations. AAA received an NOV for underreporting hexavalent chromium and other heavy metals. By committing the acts above, AAA has, in the course of doing business, knowingly and intentionally exposed individuals to chemicals known to the state of California to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individuals, within the meaning of Health and Safety Code section 25249.6. Pursuant to Health and Safety Code section 25249.7 and Business and Professions Code section 17203, enter such temporary restraining orders, preliminary injunctions, permanent injunctions, or other orders prohibiting AAA from exposing persons to hexavalent chromium without providing clear and reasonable warnings. Proposition 65 requires companies to provide warnings about significant exposures to such cancer-causing chemicals. AAA violated state law by not warning nearby communities that the facility is emitting hexavalent chromium, a chemical that can cause lung and other forms of cancer, and is in violation of underreporting hexavalent chromium and its other heavy metal emissions. All American Asphalt, All American Aggregates (ID 82207) – Irvine23(AAA's should have been brought into AB 2588 in 2016! So why did SCAQMD wait until 2020???) All American Asphalt is an asphalt plant located in Irvine (AAA Irvine). The facility blends various ingredients to manufacture hot mix asphalt, also known as asphaltic concrete. This asphalt is then transported out of the facility to support construction projects. On February 20, 2020, South Coast AQMD staff sent a letter requesting AAA Irvine to prepare an ATIR due to the facility having a priority score greater than 10 based on its 2016 annual emissions with polycyclic aromatic hydrocarbons (PAHs) being the main air toxic contributor to the high priority score. PAH emissions are primarily from the operation of the rotary dryer at the facility. On July 21, 2020, AAA Irvine submitted an ATIR. South Coast AQMD staff reviewed the submittal and has had an ongoing discussion with the facility representatives and follow-up questions regarding the accuracy of emission calculations. AAA Irvine staff used default emission factors to estimate their emissions, so in order to provide a more accurate emission estimate, on December 10, 2020, South Coast AQMD staff asked AAA Irvine to conduct site-specific source testing to develop a more accurate emissions profile that could be used in their ATIR. All American Asphalt provided an initial response with additional information on December 24, 2020. South Coast AQMD will continue to ensure AAA Irvine follows all the requirements of the AB 2588 process in 2021.

Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? No