



# West Berkeley Alliance for Clean Air and Safe Jobs

## Position on Pollution

The deals made between the Bay Area Air Quality Management District (BAAQMD) and Pacific Steel Casting Company (PSC), without inviting East Bay community members to be equal stakeholders, don't address the problem (PSC's air pollution) fully and effectively. The Health Risk Assessment, Settlement Agreement, and Odor Control Plan pursued by the BAAQMD and PSC are supposed to address the health risk and odor nuisance, as explained below.

### Health Risk Assessment

The Health Risk Assessment (HRA) protocols, for which the BAAQMD solicited public comments but did not require a redesign with full public participation, don't satisfactorily address various HRA flaws. The flaws include: PSC selects and pays the contractors who conduct all of the HRA; some HRA statistics are supposed to come from outdated 1989 data rather than from tests of the actual facility; the source tests at the facility are scheduled for PSC; some basic data necessary for independent experts to evaluate the HRA is unavailable; some HRA statistics are supposed to be in the AP-42 science reference series but no page numbers are cited; the statistical models are oriented toward assessing health risk for healthy adult men over a 70 year period rather than pregnant women, babies, children, elders and the infirm; and the HRA does not take into account the interactions and cumulative impact of all chemicals from each part of PSC's facility as well as from other sources around the community. Historically, the HRA process has revealed findings favorable to the sponsors of the HRA and has been used by regulatory agencies to delay taking more effective action. An HRA is not the best way to address the problem. Reducing the toxic chemicals before they're even used in PSC's operations via a comprehensive *Toxics Use Reduction (TUR)* approach would likely remove the hazardous chemicals that cause the odor, as well as other chemicals that can pose a health risk. PSC briefly experimented with replacing a few toxic chemicals, but the replacement chemicals were unsuitable and nothing more came of this opportunity. PSC never had an incentive to fully overhaul operations using TUR.

### Settlement Agreement

In response to nine separate notices of violation issued to PSC by BAAQMD in 2005, the Settlement Agreement between PSC and BAAQMD was negotiated, without any public participation or even public knowledge. When it was already signed into a binding contract, it was released to the public. The Alliance protested the way this back room settlement agreement invited PSC to request an increase in allowable pollution from one source and exempted PSC from similar future violations of the relevant restrictions, because PSC stated it could not avoid violating permitted levels of Precursor Organic Compound (POC) pollution. The settlement agreement mandated minimal fines, required the finalization of an odor control plan and failed to address health risks.

### Odor Control Plan

The Odor Control Plan was already drafted months before the Settlement Agreement was signed, and the BAAQMD agreed to include it in the BAAQMD-PSC settlement agreement. This happened despite the Alliance's protests that the Odor Control Plan would perfume and dilute the dangerous pollution rather than preventing it. While the Odor Control Plan does require simple improvements (like closing some doors to prevent some fugitive emissions and other good housekeeping measures that the public has long been demanding) it requires installation of a carbon adsorption device to supposedly reduce odors and the plan does nothing to address toxics. Note that, in 1997 while PSC was using carbon adsorption devices on Plants 1 & 2 and Plant 3 was used minimally, PSC was the second most significant cancer threat of all reporting TRI facilities in the Bay Area. The Alliance has suggested the need for, at minimum, *Continuous Emission Monitors (CEMs)* to determine how the carbon device is positively or negatively affecting emissions. Unfortunately, this kind of basic precaution was ignored, data about whether and how the carbon system will address each of the odorous and non-odorous pollutants is absent, and PSC has not even disclosed an updated emissions inventory report. The Odor Control Plan, the Settlement Agreement that required the plan, and the HRA are not proper solutions. **They confuse many people into believing all is well while failing to address the odor and health problem sufficiently.**

When the Berkeley Zoning Adjustments Board was lobbied by PSC's PR firm to speed through PSC's Odor Control Plan carbon adsorption proposal at 2:00 AM, some Alliance members were there to demand full transparency, full public inclusion in the process at easily accessible times and places in west Berkeley, and full consideration of environmental health impacts under the California Environmental Quality Act.

### Conclusions

The HRA, Settlement Agreement, and Odor Control Plan avoided real public participation and did not provide real solutions. The Alliance's position is that TUR, CEMs and the Alliance's *independent community testing* proposal hold much greater possibilities by allowing for full public participation and addressing the root of the pollution problem (that is, both odorous and odorless emissions). With so much secrecy and back room dealing, there was minimal political will to heed community members' public comments that clearly and **repeatedly demanded the reduction of toxics, comprehensive public participation, complete government transparency, and full disclosure of PSC's emissions and operating data.** This explanation justifies why the Alliance cannot fully trust BAAQMD-PSC proposals which fail to sufficiently address toxic/odorous emissions, and why the Alliance demands full transparency and public involvement in all planning and decision-making.