



**VIA ELECTRONIC MAIL**

August 18, 2020

Meredith Williams, Director  
California Department of Toxic Substances Control  
1001 I Street  
Sacramento, CA 95814-2828  
Meredith.Williams@dtsc.ca.gov

Subject: **Response to Los Angeles County Board of Supervisors Letter  
Quemetco - City of Industry, California**

Dear Ms. Williams:

We are writing in response to the August 4, 2020 “five signature” letter (“Letter”) you received from the Los Angeles County Board of Supervisors (“County”) urging the Department of Toxic Substances Control (“DTSC”) to halt further consideration of Quemetco’s permit renewal application. The letter contains factual errors that Quemetco strongly believes should be corrected for the record.

As discussed below, the County’s Letter is premised on the County’s misunderstanding or distortion of the facts and applicable law. While we have sought to present the County with facts and to address their concerns related to Quemetco’s operations, to-date, and particularly in the lead-up to the delivery of the Letter, the County largely ignored the information we presented. As such, we are proud to provide factual information below to correct the record, and to ensure that the County’s mischaracterization of Quemetco’s operations and factual misstatements do not lead to further delays in the review of Quemetco’s renewal application.

As a preliminary matter, to the extent that the County is demanding that DTSC ensure Quemetco’s compliance with all applicable environmental laws and regulations as a condition of issuing a renewed permit, *Quemetco does not object*. As DTSC is aware, Quemetco has engaged in extensive discussions with DTSC’s enforcement and permitting teams to ensure that Quemetco’s operations are fully compliant with environmental laws and regulations, and that Quemetco’s new permit contain conditions to ensure on-going compliance with the same. The County has not been involved in these discussions, and to the extent the Letter implies that Quemetco seeks a new permit under different terms, that position is ignorant of the facts.

The conditions sought by the County prior to further consideration of Quemetco’s permit renewal application are similarly misguided.

➤ ***Condition #1: Resolution of all outstanding violations of law***

The County demands that Quemetco’s “outstanding violations of law” be addressed before further consideration of Quemetco’s permit application. As DTSC is aware, this statement is

highly misleading. Quemetco has already addressed the vast majority of DTSC's alleged violations. A small number of violations (those related to the facility's Containment Building and groundwater monitoring of the closed units) remain outstanding. These alleged violations have been the subject of extensive discussions between Quemetco and DTSC, and DTSC is currently reviewing proposals submitted by Quemetco to implement operational changes to address all of DTSC's concerns. Currently, Quemetco awaits DTSC's approval of these proposals prior to implementation of any final remedial actions. Regardless, we anticipate that final approval of any remedial actions will be completed prior to, or will be incorporated as a condition in Quemetco's new permit. For the County to imply that significant violations of law remain unresolved is misleading at best, and certainly does not justify further delay in the consideration of Quemetco's renewal application.

➤ ***Condition #2 – Completion of soil investigation and cleanup***

The County also demands that consideration of Quemetco's renewal application halt pending completion of its soil investigation and clean-up in the areas surrounding Quemetco's City of Industry facility ("Facility"). Again, this demand is misleading. As DTSC is aware, Quemetco voluntarily agreed to conduct soil removal and replacement in those areas adjacent to the Facility. Quemetco has completed this work at every location where it has been granted access. To-date, the only areas not subject to soil removal and replacement are a single commercial property and a road *controlled by the County*. It is disingenuous that the County has not permitted access to the property it controls, and at the same time takes issue with the lack of soil removal and replacement on property under their control.

Even more troubling, both DTSC and Quemetco have sought assistance from the County in receiving access to this County property, but the County has done nothing to accelerate this process.

Similarly, and despite the fact that Quemetco remains confident that the result of the extensive soil investigation conducted in 2015 and 2016 in the area within ¼-mile of the Facility ("PIA") conclusively demonstrate no impacts from Quemetco's operations, Quemetco has agreed to conduct additional sampling outside of the PIA to address concerns from the public regarding the need for further sampling outside of the PIA. Given the results of the investigation within the PIA, we are quite confident that this additional study will further support our conclusion and put to rest any concerns over Quemetco's impacts on its neighbors.

➤ ***Condition #3 – Completion of DTSC's VSP process***

The County further seeks to halt DTSC's review of Quemetco's renewal application until "DTSC's VSP process is completed". As DTSC is aware, this condition is impossible to meet in that the VSP process is updated every year and therefore is never "completed", rendering the County's demand circular, and rooted in a fundamental misunderstanding of the VSP regulations. Quemetco remains in compliance with all VSP regulatory requirements, and there is no reason to further delay the review of Quemetco's renewal application on any basis related to the VSP regulations.

➤ **Condition #4 – Completion of rigorous CEQA environmental review**

By strongly implying that DTSC is not undergoing a rigorous CEQA review related to Quemetco's renewal application, the County further seeks to delay DTSC's decision on Quemetco's application until such an environmental review occurs. This claim is completely without merit. As we are confident that you are aware, DTSC's permitting staff are in the process of conducting an environmental review in full compliance with CEQA as part of Quemetco's renewal application. The County's claim to the contrary is false and misleading. Quemetco looks forward to the outcome of that review and will continue to cooperate in every way.

Finally, the County's letter asserts that Quemetco's operations do not provide "substantial and overriding benefits to the people of the State of California." By any measure, this is a false assertion. Quemetco is proud that it operates the cleanest lead acid battery recycling facility in the world, recycling approximately 10 million batteries per year, resulting in the production of 120,000 tons per year of lead, a critical lead supply supporting California's (and the Nation's) power storage capabilities – power storage vital to numerous essential business sectors, including healthcare, emergency services, communications, transportation, energy, and defense industrial base.

Indeed, Quemetco is the sole lead-acid battery recycler not only in California, but also west of the Rocky Mountains. And Quemetco plays a critical role for the State of California to fulfill its policies under the California Lead-Acid Battery Recycling Act, which mandates the recycling of lead-acid batteries. See Cal. Health & Safety Code § 25215, et seq.

We thank you for allowing Quemetco to correct the false and misleading statements in the August 4, 2020 "five signature" letter from Los Angeles County.

Sincerely,



Craig Clark  
President of Lead Operations  
Quemetco, Inc.



Chris Griswold  
Secretary Treasurer  
Teamsters Local 986



Carl Raycroft  
Vice President of EHS  
Quemetco, Inc.

cc:

Los Angeles County Board of Supervisors

Hon. Hilda Solis, Supervisor – District 1 ([firstdistrict@bos.lacounty.gov](mailto:firstdistrict@bos.lacounty.gov))

Hon. Mark Ridley-Thomas, Supervisor – District 2 ([markridley-thomas@bos.lacounty.gov](mailto:markridley-thomas@bos.lacounty.gov))

Hon. Sheila Kuehl, Supervisor – District 3 ([sheila@bos.lacounty.gov](mailto:sheila@bos.lacounty.gov))

Hon. Janice Hahn, Supervisor – District 4 ([FourthDistrict@bos.lacounty.gov](mailto:FourthDistrict@bos.lacounty.gov))

Hon. Kathryn Barger, Supervisor – District 5 ([kathryn@bos.lacounty.gov](mailto:kathryn@bos.lacounty.gov))

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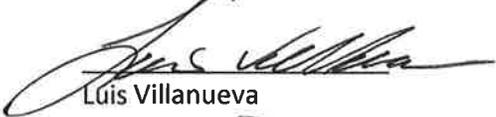
Rudy Ramos



Jose Silva-Escamilla



Victor Valles, Sr



Luis Villanueva



Javier Zavala



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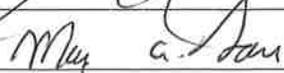
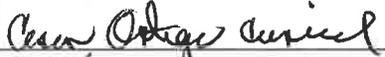
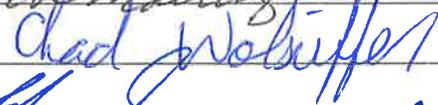
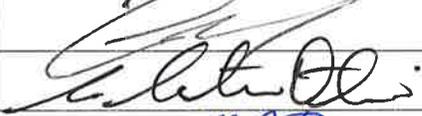
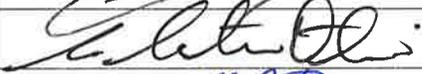
Print Name	Signature
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MOISES GARIBAY	moises garibay
Renato Romo	Renato Romo
Andres Hernandez	Andres Hernandez
Felipe Godina Jr.	Felipe Godina Jr.
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