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EPA ID Number: CAR 000 156 125
Lighting Resources, LLC
Permit Number: 2021/22-HWM-11

Request for review/appeal pursuant to the California Code of Regulations, title 22, section 66271.18.

1. Comments were timely filed on the draft Permit for Lighting Resources by Susan Richard.
2. Findings of facts and/or conclusion of law which are clearly erroneous as noted below.
3. Also, an important policy consideration which DTSC should review.

Lighting Resources originally filed a timely Renewal Application December 29, 2016. The first NOD (Notice of Deficiency) was received October 12, 2018. Lighting Resources responded timely on February 15, 2019. The second NOD was received on March 5, 2020, and Lighting Resources responded timely on March 28, 2020. We were then advised that rather than another NOD to clear up any remaining issues, Phil Blum, P.E. Chief, Chatsworth Permitting Unit Permitting Division of DTSC was informed by Wayne Lorentzen, P.E. Permitting Division Chief Hazardous Waste Management Program that they were required to go to draft. This meant that no more changes could be requested by Lighting Resources and the DTSC would control the balance of the permit decisions.

Because DTSC moved directly to draft, Lighting Resources had no input or knowledge of their decisions until we received the final permit AND the response to our comments. Therefore, in order to be heard we are filing this review.

We were not contacted from 2020 until we received the draft Permit in May of 2022. We then responded with comments. Although we had advised the equipment had been removed and or changed, they had not made any of those changes. (We had even provided documentation that the new equipment was permitted by AQMD along with a complete description of the new emissions system (Baghouse).

We were also told that they would not accept modifications from us to make the changes while the permit was in process (2 more years). We were also told NOT to modify the old permit. Yet, in hind site that is what we should have gone ahead and done. We will move forward to make the modifications to the old permit to be in compliance.

Now with the receipt of the new Permit, we find that the changes were not made, additional errors are included, and we are required to make additional Modifications to correct these errors or omissions at additional costs.

An **important policy consideration** is that the new Lighting Resources is now subject to the requirements of 66261.9(a) and (b): , “Unless specified otherwise in section 66273.60, universal wastes shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division upon arrival at a destination facility.” Why this additional requirement now applies to Universal Waste spent lamps is not clear. A review of our competitor’s permit shows that they are not subject to this requirement. There needs to be clarification on this point determine the policy going forward. Lighting Resources should not be held to a different standard than our competitors.

Findings of facts are itemized in the attach chart show all of the s expected modifications that will be required. It is a huge list and will take additional time and effort by both the DTSC and Lighting Resources. If there had been an 3rd NOD this would have cleared most all of the items. If there had been an open dialogue during the process between the permit writer, Paulette Penton, Environmental Scientist Hazardous Waste Management Program Permitting Division and Lighting Resources, it would have been a much more effective process and easier for all.

We have requested this review to show exactly what is still necessary to complete this permit to adequately reflect the current operations. Lighting Resources strives to follow all the rules and the permit, but the Permit shows enforcement what should be happening. As of today, every modification is needed to correct and/or clarify the permit for the DTSC and Lighting Resources. We look to active support from the DTSC to clear up all these remaining issues with appropriate modifications at little or no cost and in a very timely manner.

Regards,



Susan Richard
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Attachments: 1) New Permit under Review 2) Open Items Under Review Excel File

#	Page	Open Items Regarding the Permit	Reason	Mod	Permit States	Actual	To Resolve
1	Page 5	The address of 1919 Williams Street for owner and operator have been changed in RCRAInfo to 805 East Francis St. effective 2021.	Move	Class 1	Old Address for owner and operator	New Address updated on RCRA Info	Modification Needed
2	Page 6	The entire baghouse system was replaced at the request of enforcement. It is Permitted by SCAQMD. Phil Blum advised that DTSC treats the AQMD permit as the authority not DTSC.	Baghouse Installation	Class 1*	Old Emission system is still in place	New Baghouse installed in July of 2021	Modification Needed
3	Page 6	Reference to the filter room - no longer exists.	Baghouse Installation	Class 1*	Filter Room listed	Filter Room Removed	Modification Needed
4	Page 6	Two HID glove boxes paragraph is no longer applicable. They were removed when the new system was installed. DTSC was advised.	Baghouse Installation	Class 1*	Glove Boxes still in place	Glove Boxes removed May 2022	Modification Needed
5	Page 21-1	The new baghouse system is very very effective as demonstrated by the Mercury Vapor Readings have only been above .011 about 3 times since it was installed. On average they run .006. We requested a reduction in the readings as the every two hours was based on the old machine. The current readings show that every two hours should not be required as the readings are way below the .025 on a regular basis.	Baghouse Installation	Class 1*	Vapor Readings still at every 2 hours	Requested Vapor Readings once per shift.	Modification Needed
6	Page 22 a	The permit states that the respirators are required in the lamp room, but OSHA regulations state that respirators are only required above the .025. Again our job is to protect our employees and follow the CAL OSHA rules.	Baghouse Installation	Class 1*	Respirators required in lamp room	Per OSHA respirators only required when readings are at or above .025 PEL	Modification Needed
7		A new fence has been added to the property that is from the sidewalk to the building on the east and the fence on the west. This means that the entire lot including sorting areas, parking spaces and unloading space is now available and secure 24/7.	Improvement	Class 1	N/A	New property Fence Installed	Modification Needed
8	Page 14 - 2	The aisles are spaced 30 inches apart and provide access all the way to the lot lines. The additional requirement for the four feet only applies to the egress of the building (805).	Improvement	Class 1	Requires 4 feet egress on lot lines	Meant to say 4 feet only applies to egress of 805 building	Modification Needed
9	page 14-3	Spent fluorescent lamps are universal waste and may be store either in the trailers or outside the trailers on the asphalt. Trailers are not fixed locations; they come and go.	Universal Waste			Universal waste may be on asphalt or in trailers	Modification Needed
10	page 14-4	With in 30 days - this has substantially increased the Unit 2 area that was not part of the original application. It has also added the burden of requiring a modification to the permit for building which should not be part of the permit process. It appears that this increase in Unit 2 was to placate the Ontario-Montclair School District.	DTSC added Requirement		DTSC added this at the request of the school district.	This will be done at time of decision of review	Modification Needed

#	Page	Open Items Regarding the Permit	Reason	Mod	Permit States	Actual	To Resolve
11	page 14-5	No hazardous waste other than spent fluorescent lamps, etc. Again, intact fluorescent lamps are not hazardous and are universal waste.	Universal Waste			Any Universal waste may be on asphalt or in trailers	Modification Needed
12	page 14-6	This reference is for closure 66264.178. Intact Lamps are universal waste and as such decontamination is not required.	Universal Waste		Requires decontamination of trailers	Universal Waste does not require decontamination	Modification Needed
13	page -15	DOT 17C and 17 H drums are no long approved for shipping hazardous materials. This coding has been replaced with much more specific labeling system. Packing Groups include I, II, III depending on the type of material shipped.	DOT - PHMSA		This reference is outdated and need to be replaced	Replace with updated drum marking information	Modification Needed
13	page -15	For example, both PCB lighting ballasts and mercury containing phosphor powder are Misc. Hazards (hazardous waste) and are, therefore, D009 and Packing Group III (Minor Danger). The container marking may be X, Y, Z as all three Cover Packing Group III. In additional, buckets are often used for PCB ballasts . The same markings apply.	DOT - PHMSA				
14	page 16	Over the 10 years since the original application was provided, PCB ballasts have reduced by approximately 80%. Therefore, the total Containers of 20 is unrealistic and should be reduced to 8.	Inventory	Class 1*	Inventory PCB 20	Reduce to 8	Modification Needed
15	page 16	The facility no longer processes mercury devices but transships them to out Indiana facility.	Inventory	Class 1*	Mercury device processing	N/A	Modification Needed
16	page 20	Description of the demanufacturing process - changed to new bag house system.	Baghouse Installation	Class 1*	Old Emission system is still in place	New Baghouse installed in July of 2021	Modification Needed
17	page 21	Maximum Capacity of the machine based on the current system is set by SCAQMD at 2,496,000 lamps per per month	Baghouse Installation	Class 1*	No reference to AQMD lamps	Add AQMD and add reference of lamps to pounds	Modification Needed
18	page 21	This equates to 32,000 lamps per shift or 4,000 per hour.	Correction	Class 1*			
19	page 22 b	When stack emissions..... This is not an accurate method to solve the problem. The machine should be assessed to determine the cause and the appropriate repairs made.	Correction	Class 1*	This statement is not a correct method to solve the problem.	The machine readings determine what are appropriate repairs	Modification Needed
20	page 24	The unit was removed with the installation of the new baghouse. DTSC notified previously.	Baghouse Installation	Class 1*	Glove Boxes still in place	Glove Boxes removed May 2022	Modification Needed
21	page 24	Delete all reference to Unit 6	Baghouse Installation	Class 1*	Unit 6 ...	N/a	Modification Needed

#	Page	Open Items Regarding the Permit	Reason	Mod	Permit States	Actual	To Resolve
22	Page 29	Unit 8 is the new building that may still be built but on a lesser scale and will not include a new Balcan machine. Currently the main purpose will be to provide a roof and a/c for the workers for receiving and sorting.	Correction	Class 1*	Unit 8 ...	N/A	Modification Needed
23	Page 32	Unit 9 will no longer be installed in Ontario. The number of years to get to this point has made it no longer feasible.	Correction	Class 1*	Unit 9	N/A	Modification Needed
24	Page 36 - 1	Again this statement is overreaching. Make any changes to the existing building?? Does this include plumbing, roofing, etc. What modification would it be labeled and would be the cost. We prefer to modify this permit to reflect what is happening today not 5 years ago.	1	shall not make changes to the existing building	Over reaching does this include roof, walls, plumbing	Modification Needed
25	Page 36 -2	The only hazardous waste at the facility is mercury containing phosphor powder and PCB ballasts or transformers. These items will continue to be stored in the Hazardous Waste area of the original building.	2		The Permittee...	N/a	Modification Needed
26	Page 36 -3	Any new structure will not change the old operations methods and storage.	3		The Permittee...	Any new structure will not encroach on the 805 building	Modification Needed
27	Page 38 -16	The Permittee shall collect ALL rainwater within the units. This is an impossible request. The stormwater permit provides all rules and regulations with regard to collection methods and testing.	Correction	Class 1*	DTSC has agreed to changes to match NPDES	NPDES rules will be followed.	Modification Needed
28	Page 38-20	A drum is nearly 36 inches high x 2 = 72 plus pallets (7 feet at least)	Correction	Class 1*	DTSC has agreed to 7 feet	DTSC has agreed to 7 feet	Modification Needed
29	Page 38-24	Is this report not automatically available to any agency?	Correction	Class 1	DTSC has agreed to access the report online.	This report is submitted on line and available to all DTSC	Modification Needed
30	Page 39-29	This shall be a sign posted at the receiving door showing approved truck route and anyone calling for directions will be advised to use Grove to Francis.	Correction	Class 1	The Permittee...	A sign will also be added near receiving.	Modification Needed
		Discussions need to continue with Permitting to resolve these issues or complete necessary modifications prior to the effective date of the new permit.				Total Mods Required	30