



NEWS

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Bay Area Air District Files Lawsuit Against Pacific Steel Casting of Berkeley

The Bay Area Air Quality Management District (Air District) has filed a lawsuit in Alameda County Superior Court against Pacific Steel Casting Company (PSC) of Berkeley, CA. The lawsuit charges the company with failure to meet statutory deadlines for reporting air emissions, and for violating the schedule contained in a recent settlement agreement designed to resolve an ongoing series of air quality complaints.

"We have been working with Pacific Steel Casting for more than a year to address air quality concerns, culminating in last year's settlement agreement," said Jack P. Broadbent, the Air District's Executive Officer. "Unfortunately, PSC's inability to meet their agreed-upon deadlines forces us take this measure," Broadbent added. "We have to ensure that they will take seriously their responsibility to protect the well-being of community residents."

In December 2005, the Air District entered into a settlement agreement with PSC to resolve the citations by payment of a \$17,500 penalty. The settlement also required PSC to adopt an odor management plan, and mandated the installation of a carbon adsorption abatement system on PSC's Plant 3—which the Air District had identified as the source of most complaints—to control odor-causing organic compound emissions.

District Counsel Brian C. Bunger said: "The Air District entered into the settlement with PSC with the expectation that it would deliver benefits to the community. This lawsuit is intended to ensure that those benefits are delivered."

In the interim, the December 2005 settlement agreement required PSC to pay an immediate penalty of \$3,000 for any day that the Air District confirmed five odor complaints, in order to encourage swift and timely installation of the odor abatement equipment. To date, the Air District has issued seven Notices of Violation for alleged public nuisance violations, and PSC has paid penalties in accordance with that agreement.

The Air District's lawsuit alleges that PSC failed to obtain timely governmental approvals from the City of Berkeley and the District for installation of the odor abatement system as called for in the settlement agreement. This delayed the installation and operation of the abatement system, which is expected to significantly reduce odors. The suit also charges PSC with failure to meet its May deadline under the state Air Toxics "Hot Spots" Act of 1987 for submitting an updated emissions inventory report. This stalled a planned health risk assessment intended to identify potential localized health impacts from toxic air emissions at the facility.

The lawsuit asks the court to impose civil penalties of up to \$10,000 for each day that the emissions inventory is not submitted, and to require PSC to install the carbon adsorption system as originally scheduled.

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