JOHN J. SANSONE, County Counsel, County of San Diego
By TIMOTHY M. BARRY, Senior Deputy (State Bar No. 89019)
RODNEY F. LORANG, Senior Deputy (State Bar No. 93078)
LAURIE J. ORANGE, Senior Deputy (State Bar No. 115134)
1600 Pacific Highway, Room 355
San Diego, California 92101-2469
Telephone: (619) 531-6259 Facsimile (619) 531-6005

Attorneys for Plaintiffs People of the
State of California ex rel. County of San Diego
Air Pollution Control District and the San
Diego County Department of Environmental Health

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

PEOPLE OF THE STATE OF CALIFORNIA ex rel. COUNTY OF SAN DIEGO AIR POLLUTION CONTROL DISTRICT; and the SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH Plaintiffs v. MOHAMED AFCARI, individually and doing business as Master Plating; and DOES 1 through 20, inclusive, Defendants.	No. GIC784868 Action Filed: March 18, 2002 DECLARATION OF LINDA MURCHISON IN SUPPORT OF PLAINTIFFS' REQUEST FOR TEMPORARY RESTRAINING ORDER; PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION DATE: March 25, 2002 TIME: 8:15 a.m. Dept: 73 ICJ: Hon. S. Charles Wickersham Trial: None Set

I, Linda Murchison, declare as follows:

1. I make this declaration based upon my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters, I believe them to be true, and if called upon to testify herein, I could and would competently testify to the facts contained herein.

2. I am employed as the Assistant Division Chief for the Planning and Technical Support Division for the California Air Resources Board ("ARB"). I have held this position since August 1, 2000, and have worked at the ARB for close to 20 years. I graduated from Louisiana State University in 1971 with a degree in Physical Geography. I received a Masters from Louisiana State University in 1974 in Physical Geography with an emphasis on coastal

geomorphology. I thereafter received a Ph.D. from University of California, Los Angeles in 1980 in Physical Geography with an emphasis on coastal marsh plant species distribution. A copy of my resume that more fully sets forth my qualifications and educational background is attached to the Notice of Lodgment submitted herewith as Exhibit "41."

3. The Planning and Technical Support Division is responsible for the development of emission inventories, air quality modeling, air quality data analysis, State Implementation Plans, and coordination of environmental justice and community health activities. My specific role is to direct the Division's environmental justice and community health assessments programs and to implement the commitments contained in the Environmental Justice Policies and Actions that the ARB adopted in December 2001. These commitments include working with local agencies on land use and cumulative air impact issues. In addition, I have the general responsibility for directing the many community assessments currently underway in the State such as Barrio Logan, Wilmington, and Sacramento; as well as for the development of the report on the monitoring network adequacy pursuant to the Children's Environmental Health Protection Program (SB 25), and the ongoing data analysis and reporting of air quality data from the six monitoring sites in Barrio Logan in accordance with the requirements of SB 25.

4. Previously, I served as the Chief of the Emission Inventory Branch for the ARB for 10 years supervising multi-disciplinary staff responsible for the inventory of air emissions in California, and prior to that as Manager of the Toxics Emission Inventory Section and Inventory Development Section.

5. From December 3, 2001, through December 17, 2001, the ARB conducted air monitoring near two chrome plating facilities located on Newton Avenue located in the Barrio Logan region of San Diego (the "December Study"). The purpose of the monitoring was to test for ambient hexavalent chromium, a highly toxic air contaminant.

6. The two chrome plating operations of concern were Carlson & Beauloye located at 2141 Newton Avenue, and Master Plating located at 2109 Newton Avenue.

7. During the December Study, ARB staff obtained 87 samples from six sampling sites (one site was equipped with two samplers for quality assurance purposes) located generally

within two hundred feet or closer from the chrome plating facilities. A map of the sampling sites is attached to the Notice of Lodgment submitted herewith as Exhibit "29."

8. Samples are measured in nanograms per cubic meter of air. Of the 87 samples obtained during the December Study, 29 samples were at or above detection levels. One of the samples from the December Study resulted in a value tied with the highest concentration level of hexavalent chromium observed by the ARB in ambient air monitoring in the State over the last ten years, and twice as high as the next measured value in the State during that period.

9. The concentration detected by the sample can be used to estimate potential Cancer Risk ("Cancer Risk"). ARB staff estimated the potential Cancer Risk using established ARB procedures for estimating such risks and cancer potency factors established by the Office of Environmental Health Hazard Assessment. These procedures used the average concentrations at each of the six locations monitored and assume that a person would be continuously exposed to those levels for 24 hours a day for 70 years.

10. The results from the December Study indicate that the potential Cancer Risk from a lifetime exposure to the levels of hexavalent chromium detected was estimated to be approximately 150 chances in a million when averaged over all six of the sampling sites.

11. The data obtained from the individual sampling sites yielded an average estimated potential Cancer Risk ranging from 36 to 418 chances in a million for those six sites. The estimates for each of the sampling sites are presented in the Table attached to the Notice of Lodgment submitted herewith as Exhibit "30."

12. During the December Study, the highest estimated potential Cancer Risk based on an average of all 24 hour samples at an individual site was 418 chances in a million, registered at Sampling Site No. 5, which is located in the alley directly behind the Martinez residence located at 2121 Newton Avenue and immediately next door to Master Plating. The second highest estimated potential Cancer Risk based on an average of all 24 hour samples at an individual site was 216 chances in a million, registered at Sampling Site No. 1, which is located in the front yard of the Martinez residence.

13. By way of perspective, the annual average potential cancer risk from monitored

levels of hexavalent chromium in large urban areas typically ranges from about 15 to 30 chances in a million.

14. From February 5, 2002, through February 22, 2002, the ARB and the San Diego County Air Pollution Control District ("APCD") conducted additional air monitoring utilizing the same six locations where 24-hour samples were taken in December 2001 as well as additional ambient air samples for indoor monitoring at Master Plating and for 12-hour sampling (the "February Study").

15. Additional ambient air samplers were also used for indoor monitoring at Master Plating and for 12-hour outdoor sampling.

16. Of the 124 (24-hour) samples obtained from the six outside sampling sites during the February Study, 39 samples were at or above detection levels.

17. ARB staff again estimated the potential Cancer Risk in the vicinity by using the average monitoring results at each of the six sampling sites and by assuming that a person would be continuously exposed to those levels for 24 hours a day for 70 years.

18. The 24-hour sampling results from the individual sampling sites had an average estimated potential Cancer Risk ranging from 21 to 90 chances in a million. These risk estimates were calculated using the above described procedure and the sampling values presented in the Table attached to the Notice of Lodgment submitted herewith as Exhibit "31."

19. The site with the highest average of 24-hour samples, which indicated an estimated potential Cancer Risk of 90 chances in a million, was registered at Sampling Site No. 1, which is located in the front yard of the Martinez residence.

20. In addition to the testing of the outside ambient air, the ARB also set up monitoring inside Master Plating. A total of nine samples were taken from inside Master Plating, all of which were above detection level. What is significant about the results of the ambient air testing inside Master Plating is that there is a good correlation between the days when Master Plating performed chrome plating operations with high concentrations of hexavalent chromium inside Master Plating; also on these same days elevated concentrations of hexavalent chromium were detected outside Master Plating's facility, specifically at the

Martinez residence adjacent to Master Plating located at 2121 Newton.

21. The ARB also collected and analyzed meteorological data during the period when ambient hexavalent chromium sampling was conducted. Generally speaking, on most days when elevated levels of hexavalent chromium were detected, the meteorological conditions suggest that the hexavalent chromium levels observed were predominately influenced by sources close to the air monitoring locations.

22. The sampling sites where the highest outside concentrations were measured and the greatest percentage of time when hexavalent chromium was detected during this sampling period was at Sampling Site No. 1, located in the front yard of the Martinez residence, and Sampling Site No. 5, the alley directly behind the Martinez residence.

23. The highest concentrations of hexavalent chromium were usually measured toward the end of the week when Master Plating was actively plating chrome. It is my understanding that Master Plating usually conducts plating on Wednesday, Thursday, and Friday. Readings of electrical amphere-hour meter data from Master Plating confirms this schedule.

24. The emissions from Master Plating appear to be a significant contributor to elevated ambient levels of hexavalent chromium for at least Sampling Site No. 1.

25. The ARB is continuing with its monitoring of the ambient air near Master Plating in order to further refine its findings regarding Master Plating's contribution to the elevated concentrations of hexavalent chromium detected in outdoor monitoring. The ARB has committed a substantial amount of its special monitoring resources to the monitoring efforts in Barrio Logan. To date, the ARB has expended $350,000 in laboratory resources alone to conduct these monitoring efforts.

26. As the days get longer and warmer, the meteorology that influences the sampling results will change. In order to obtain data comparable to our December and February studies we believe that it is important to obtain additional monitoring information without delay.

27. In order to further evaluate Master Plating's contribution to the levels of hexavalent chromium that have been detected in our sampling efforts and to protect the public

from potential exposure to carcinogenic compounds, we must be able to monitor inside and outside when Master Plating is completely shut down for at least 30 days. This would allow the ARB and the APCD to conduct further sampling without the influence of the operations of Master Plating while the meteorological and atmospheric conditions most closely resemble the conditions that existed during the December and February studies. At the conclusion of this 30-day period, the facility could be allowed to begin to phase in non-chrome plating operations over a two-week period while we continue to monitor inside and outside to determine the impacts of activities other than plating on the hexavalent chromium levels. The facility should not be allowed to restart operation of the chrome plating activity or any other activities resulting in hexavalent chromium emissions until the high levels of hexavalent chromium emitted into the outside air are addressed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15 day of March 2002, at Sacramento, California.

Linda Murchison

LINDA MURCHISON