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State of California ex rel. County of San Diego
6 Air Pollution Control District and the San
Diego County Department of Environmental Health
7

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO**

10 PEOPLE OF THE STATE OF CALIFORNIA) ex rel. COUNTY OF SAN DIEGO AIR) 11 POLLUTION CONTROL DISTRICT; and) the SAN DIEGO COUNTY DEPARTMENT) 12 OF ENVIRONMENTAL HEALTH,) 13 Plaintiffs)	No. GIC784868 Action Filed: March 18, 2002 DECLARATION OF JEFFREY COOK IN SUPPORT OF PLAINTIFFS' REQUEST FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION
14 v.)	
15 MOHAMED AFCARI, individually and) doing business as Master Plating; and DOES) 16 1 through 20, inclusive,) 17 Defendants.)	DATE: March 25, 2002 TIME: 8:15 a.m. Dept: 73 ICJ: Hon. S. Charles Wickersham Trial: None Set

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19 I, Jeffrey P. Cook, declare as follows:
20 1. I make this declaration based upon my own personal knowledge, except for
21 matters set forth herein on information and belief, and as to those matters, I believe them to be
22 true, and if called upon to testify herein, I could and would competently testify to the facts
23 contained herein.
24 2. I am employed as the chief of the Quality Management Branch within the
25 Monitoring and Laboratory Division of the California Air Resources Board ("ARB"). I have
26 been in this position for 10 years, and been with the ARB for over 26 years. I have served in a
27 variety of program areas and managed several different sections in different divisions at the
28 ARB. These include enforcement, air quality and program planning, data management, and data

1 analyses. I graduated from California State University in Hayward in 1975 with a bachelor's
2 degree in Biological Sciences/Biogeography. I am also a recent graduate of the California
3 Leadership Institute, an affiliate of the University of Southern California.

4 3. In addition to my duties as chief of the Quality Management Branch within the
5 Monitoring and Laboratory Division, I also serve as the Quality Assurance Officer for the state's
6 ambient air quality data. I oversee the implementation of various neighborhood monitoring
7 projects and programs in California. The projects support the Children's Environmental Health
8 Protection program, environmental justice assessments, model and regulatory monitoring, and
9 specialty monitoring for air toxics, asbestos, pesticides, and dioxin.

10 4. From December 3, 2001, through December 17, 2001, the ARB conducted air
11 monitoring near two chrome plating facilities located on Newton Avenue located in the Barrio
12 Logan region of San Diego (the "December Study"). The purpose of the monitoring was to test
13 for ambient hexavalent chromium at residences and places residents spend time.

14 5. The two chrome plating operations of concern were Carlson & Beauloye located at
15 2141 Newton Avenue, and Master Plating located at 2109 Newton Avenue.

16 6. I was, and continue to be, responsible for coordinating and planning the air
17 monitoring sampling sites, as well as the analysis of the samples.

18 7. During the December Study, ARB staff obtained 87 samples from the six
19 sampling sites (one site was equipped with two samplers for quality assurance purposes) located
20 generally within two hundred feet or closer from the chrome plating facilities. A meteorological
21 station was established at one of the sampling sites that measured wind speed, wind direction,
22 temperature and relative humidity. A map of the sampling sites is attached to the Notice of
23 Lodgment submitted herewith as Exhibit "29."

24 8. Each sample was taken for a 24-hour period and the analysis of the samples used
25 an ion chromatograph (ARB Method 39).

26 9. Samples are reported in nanograms per cubic meter of air. Of the 87 (24 hour)
27 samples obtained during the December Study from the six sampling sites, 29 samples were at or
28 above the detection levels for hexavalent chromium.

1 10. Unusually high levels of hexavalent chromium were detected at some of the
2 sampling sites during the December Study.

3 11. Because the results from the December Study included repeated occurrences of
4 unusually high levels of hexavalent chromium, the ARB and the County of San Diego Air
5 Pollution Control District ("APCD") conducted additional air monitoring from February 5,
6 2002, through February 22, 2002 (the "February Study"), utilizing the same six locations where
7 24-hour samples were taken in December 2001. Additional sampling took place that included
8 indoor monitoring at Master Plating and supplemented the outdoor monitoring to include short
9 interval (12-hour) samples to understand better the cause of the high December readings.

10 12. Of the 124 (24-hour) samples obtained from the six outdoor sampling sites during
11 the February Study, 39 samples were at or above detection levels and the levels detected at 2121
12 Newton Avenue were again notably elevated.

13 13. In addition to the testing of the outdoor ambient air, the ARB and APCD also set
14 up monitoring inside Master Plating near the point the air exited the building. A total of nine
15 daytime samples were taken at this location. My preliminary analysis of the data collected
16 during the February Study shows a close connection between Master Plating's chrome plating
17 operations, high concentrations of hexavalent chromium inside Master Plating, and elevated
18 concentrations of hexavalent chromium detected outdoors near Master Plating's facility,
19 specifically at the Martinez residence directly next door to Master Plating located at 2121
20 Newton. A Table setting forth the relationship between Master Plating's operations, indoor
21 hexavalent chromium levels and 12-hour levels detected outdoors near Master Plating's facility
22 is attached to the Notice of Lodgment submitted herewith as Exhibit "36."

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

25 15. The ARB is continuing to monitor ambient air near Master Plating to refine further
26 its findings regarding Master Plating's contribution to the elevated levels of hexavalent
27 chromium detected in outdoor monitoring.

28 16. Comparison of the data on Master Plating's operations with the indoor air data

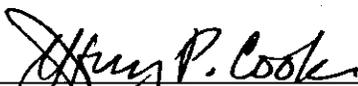
1 obtained inside Master Plating and the outdoor air monitoring results near Master Plating
2 strongly suggests that high concentrations of hexavalent chromium inside Master Plating after
3 chrome plating operations can persist for extended periods during the day. Comparison of that
4 data raises the possibility that other operations inside Master Plating, activities not recorded by
5 the amp hour meter, such as walking inside the building on a floor that may contain hexavalent
6 chrome dust, agitating the plating tank, or opening the building after weekends, may cause
7 elevated concentrations of hexavalent chromium in the outdoor air.

8 17. Monitoring should be continued both inside Master Plating and outdoors at the
9 nearby monitoring sites when no operations or activities are occurring at Master Plating as well
10 as when non-chrome plating activity only is occurring. This would allow the ARB and the
11 APCD to determine more accurately the relationship of emissions from Master Plating to the
12 elevated levels of hexavalent chromium detected at the outdoor sampling sites.

13 18. In order to complete this monitoring, Master Plating must immediately cease all
14 operations including all indoor activities in their entirety for a minimum of 30 days. This would
15 allow the ARB and the APCD to conduct further sampling without the influence of the
16 operations of Master Plating while the meteorological and atmospheric conditions most closely
17 resemble the conditions that existed during the December and February studies. At the
18 conclusion of this 30-day period, the data would be analyzed and a determination made whether
19 the facility could begin to phase in non-chrome plating operations over a two-week period. The
20 air samples will be analyzed expeditiously, and should be available on a weekly basis two weeks
21 after each week's sampling.

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

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

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26 
27 JEFFREY P. COOK
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