



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
915 WILSHIRE BLVD. STE 930
LOS ANGELES, CALIFORNIA 90017

January 06, 2014

Ms. Rebecca Overmyer-Velázquez
Clean Air Coalition of North Whittier and Avocado Heights
843 Caraway Drive
Whittier, California 90601

Dear Ms. Overmyer-Velázquez:

I am responding to your December 9, 2014 letter, concerning the proposed expansion of the Quemetco Battery Recycling Facility located within the City of Industry. You have requested the U.S. Army Corps of Engineers (Corps) investigate the soil and water of San Jose Creek and the San Gabriel River in order to determine whether these waterways are safe and free from toxic contaminants potentially released by Quemetco Inc.

My agency has responsibility for regulating discharges of dredged or fill material under Section 404 of the Clean Water Act of 1972, as amended. Department of Army (DA) authorization, in the form of a Corps permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands. Examples include, but are not limited to the following activities:

- a. Creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
- b. Mechanized land clearing and grading which involve filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the U.S.;
- c. Allowing runoff or overflow from a dredged material placement site re-enter a water of the U.S.; and
- d. Placing pilings when such placement has or would have the effect of a discharge of fill material.

When a Corps Section 404 permit is required in California, an applicant also must obtain water quality certification pursuant to Section 401 of the Clean Water Act from the state or the local Regional Water Quality Control Board (RWQCB).

At this time, we do not have a pending application from Quemetco Inc. for a Corps permit to discharge fill into waters of the U.S. If you have information regarding such an application under another applicant name, my staff can verify the status of such an application. However, while I appreciate your concerns regarding potential soil and water contamination, the Corps would not be the appropriate agency to address those issues. For water quality issues, I suggest you contact the Los Angeles RQWCB. For soil contamination issues, I suggest you contact the California Department of Toxic Substances Control (CDTSC) and also the U.S. Environmental Protection Agency (EPA) Region 9.

If you have any questions, please contact Mr. David Castanon, Chief of my Regulatory Division, at 805-585-2141 or at David.J.Castanon@usace.army.mil. A copy of this letter is being furnished to Los Angeles RWQCB Attn: Ms. L.B. Nye at 320 West Fourth Street, Suite 200, Los Angeles, California 90013; DTSC Attn: Mr. Philip Chandler at 9211 Oakdale Avenue, Chatsworth, California 91311, and EPA Attn: Ms. Sarvy Mahdavi at 75 Hawthorne Street, WTR-1, San Francisco, California 94105-3901.

Sincerely,

A handwritten signature in cursive script that reads "David J. Castanon". The signature is written in black ink and is positioned above the typed name and title.

David J. Castanon
Chief, Regulatory Division

Enclosures