

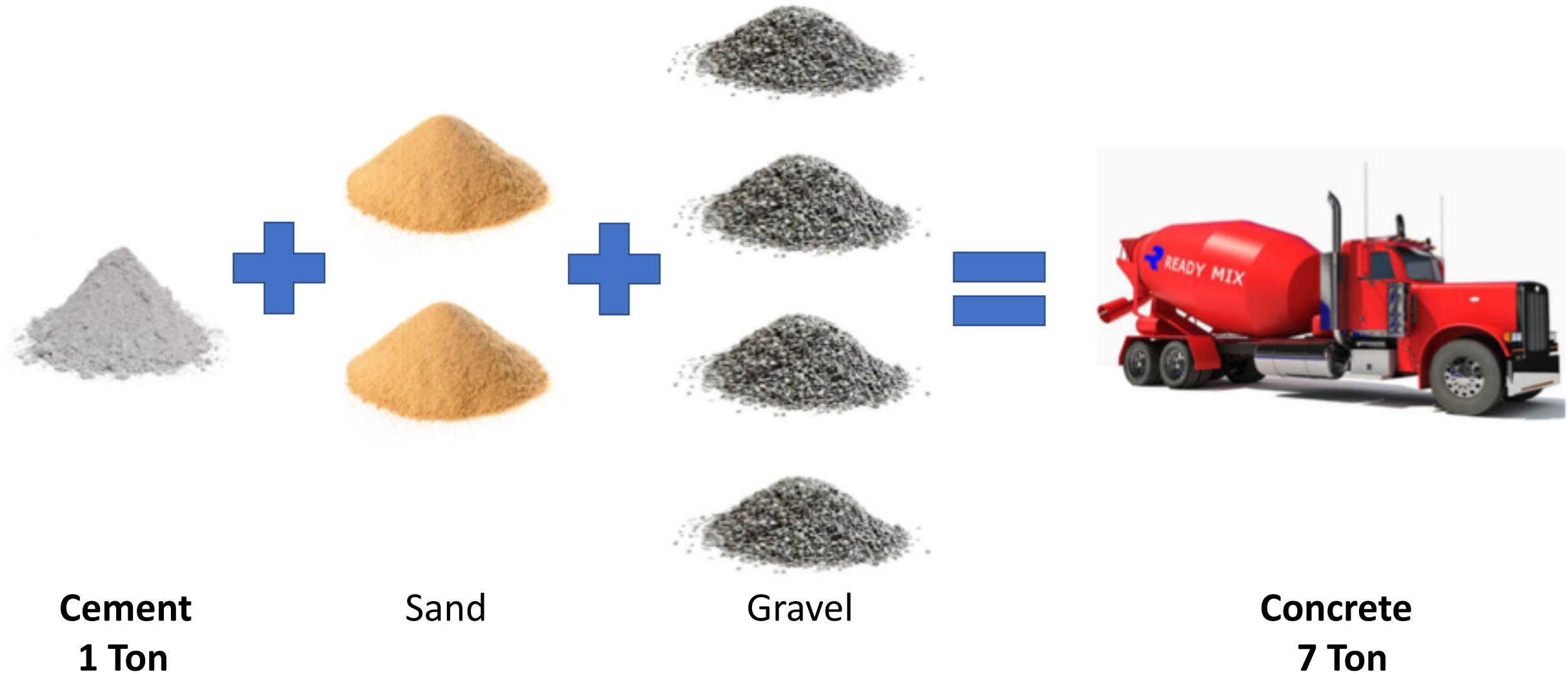
# Tri-City Rock's Emission 300x Higher Than Reported

## Significant Health Risks at 3 Schools

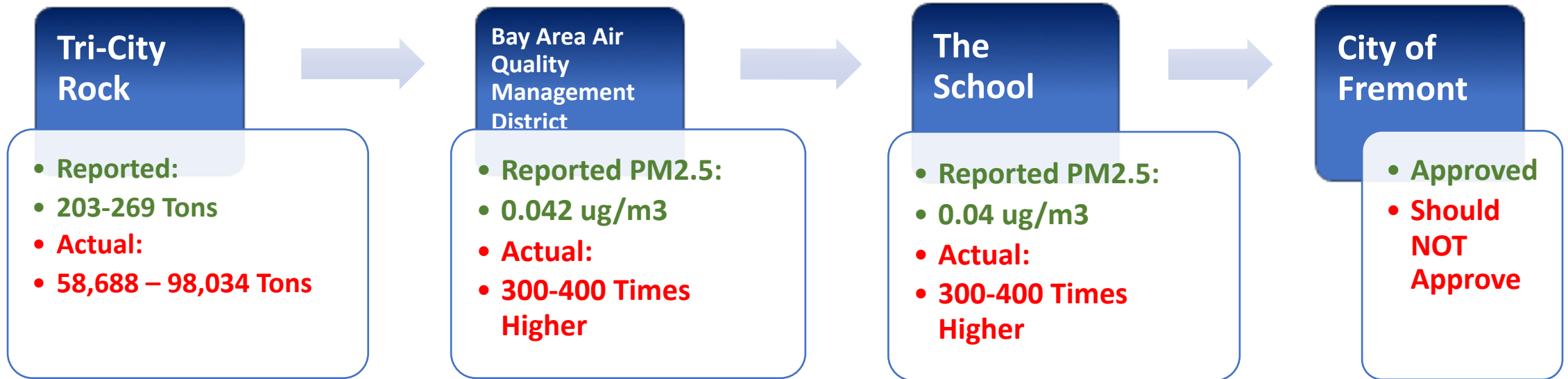
Parents and Families of Stratford School at Osgood and Grimmer  
Elementary School in Fremont

December 2018

# Cement and Concrete (e.g. for a Driveway)



# The Chain of Events



# TCR 2016 Renewal of 80,000 Tons of Concrete

MAR 8, 2016

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

6378-1

Tri-City Rock, Inc  
43157 Osgood Road  
Fremont, CA 94539

RECEIVED

2016 APR 19 AM 8:55

DATA UPDATE FORM

S# 1 CEMENT SILO - LOADING \*\*\*\*\*  
BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

Concrete (1-G4029083)

12-month throughput, tons . . . . . 7917 TONS

For period ending (date) . . . . . 1/1/15 - 12/31/15  
Max throughput rate: 1497 tons/hr

Actual Flow rate of exhaust gases (wet), cfm . . . . .

Complete Form X, Part 2, for any other material used in this source

S# 2 CONCRETE BATCH PLANT - LOADING \*\*\*\*\*

Concrete (2-G4029083)

12-month throughput, tons . . . . . 202.50 TON

For period ending (date) . . . . . 1/1/15 - 12/31/15  
Max throughput rate: 230 tons/hr

Actual Flow rate of exhaust gases (wet), cfm . . . . .

Complete Form X, Part 2, for any other material used in this source.

Cement is 13.49% of  
Concrete (2017 TCR data).  
Actual Concrete 58,688  
Tons. **Error = 290 Times**

# TCR 2017 Renewal of 80,000 Tons of Concrete

MAR 9, 2017

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

6378-1

Tri-City Rock, Inc  
43157 Osgood Road  
Fremont, CA 94539

RECEIVED

2017 APR 19 PM 2:42

DATA UPDATE FORM

S# 1 CEMENT SILO - LOADING \*\*\*\*\*

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

RECEIVED  
4/20/17

Concrete

(1-G4029083)

12-month throughput, tons . . . . . 9943.32

For period ending (date) . . . . . 1/1/2016-12/31/2016

Max throughput rate: 1497 tons/hr

Actual Flow rate of exhaust gases (wet), cfm . . . . .

Complete Form X, Part 2, for any other material used in this source.

Cement is 13.49% of  
Concrete (2017 TCR data).  
Actual Concrete 73,709  
Tons. **Error = 338 Times**

S# 2 CONCRETE BATCH PLANT - LOADING \*\*\*\*\*

Concrete

(2-G4029083)

12-month throughput, tons . . . . . 218.21

For period ending (date) . . . . . 1/1/2016-12/31/2016

Max throughput rate: 230 tons/hr

Actual Flow rate of exhaust gases (wet), cfm . . . . .

Complete Form X, Part 2, for any other material used in this source.

# TCR 2018 Renewal of 80,000 Tons of Concrete

MAR 10, 2018

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

6378-1

Tri-City Rock, Inc  
43157 Osgood Road  
Fremont, CA 94539

DATA UPDATE FORM

S# 1 CEMENT SILO - LOADING \*\*\*\*\*

Concrete (1-G4029083)

12-month throughput, tons . . . . . 11812.27

For period ending (date) . . . . . \_\_\_\_\_

Max throughput rate: 1497 tons/hr

Actual Flow rate of exhaust gases (wet), cfm . . . \_\_\_\_\_

Complete Form X, Part 2, for any other material used in this source.

S# 2 CONCRETE BATCH PLANT - LOADING \*\*\*\*\*

Concrete (2-G4029083)

12-month throughput, tons . . . . . 268.80

For period ending (date) . . . . . \_\_\_\_\_

Max throughput rate: 230 tons/hr


Actual Flow rate of exhaust gases (wet), cfm . . . \_\_\_\_\_

Complete Form X, Part 2, for any other material used in this source.

Cement is 13.49% of  
Concrete (2017 TCR data)  
Actual Concrete 87,581  
Tons. **Error = 325 Times**

# TCR Permit Issued by BAAQMD on Aug 29, 2018

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 BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

**PERMIT  
TO OPERATE**

This document does not permit the holder to violate any BAAQMD regulation or any other law.

PERMIT EXPIRATION DATE  
JUL 1, 2019

Plant# 6378

Tri-City Rock, Inc  
43157 Osgood Road  
Fremont, CA 94539

Bay Area Air Quality Management District SOURCE EMISSIONS PLANT # 6378  
Aug 29, 2018

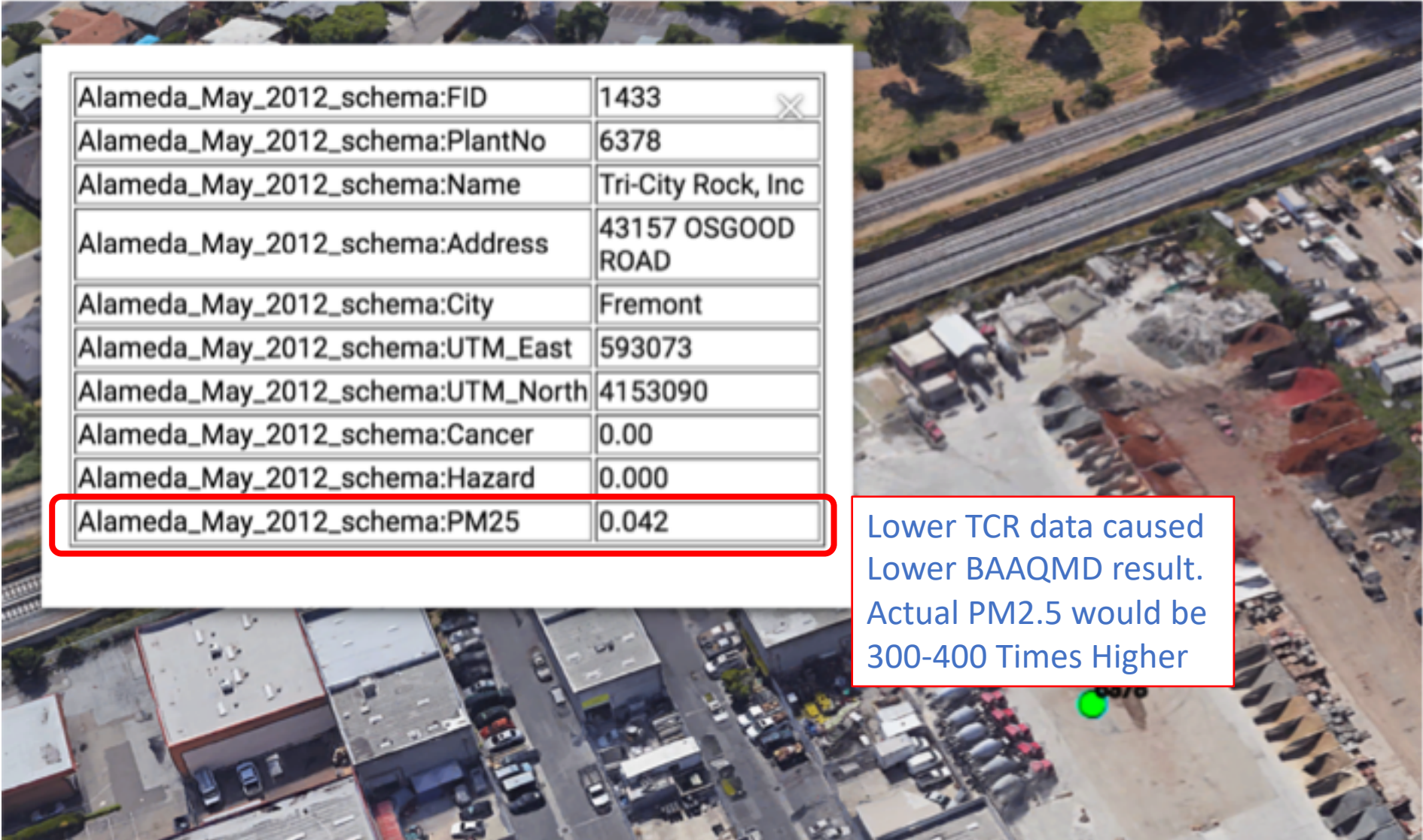
| S#     | Source Description             | Annual Average lbs/day |     |     |     |    |
|--------|--------------------------------|------------------------|-----|-----|-----|----|
|        |                                | PART                   | ORG | NOx | SO2 | CO |
| 1      | Cement Silo - Loading          | -                      | -   | -   | -   | -  |
| 2      | Concrete Batch Plant - Loading | .01                    | -   | -   | -   | -  |
| TOTALS |                                | .02                    |     |     |     |    |

Permitted to Emit PM: 0.02 lb/day => Concrete: 269 Tons/Year

Permitted to Emit PM: 0.02 lb/day => PM2.5: 0.042 ug/m3



# BAAQMD Calculated TCR Pollution (in ug/m3)

An aerial photograph of an industrial facility, likely a quarry or processing plant, with a large parking lot filled with vehicles and a multi-lane highway running parallel to the facility. A data table is overlaid on the left side of the image, and a red box highlights the PM2.5 value.

|                                   |                    |
|-----------------------------------|--------------------|
| Alameda_May_2012_schema:FID       | 1433               |
| Alameda_May_2012_schema:PlantNo   | 6378               |
| Alameda_May_2012_schema:Name      | Tri-City Rock, Inc |
| Alameda_May_2012_schema:Address   | 43157 OSGOOD ROAD  |
| Alameda_May_2012_schema:City      | Fremont            |
| Alameda_May_2012_schema:UTM_East  | 593073             |
| Alameda_May_2012_schema:UTM_North | 4153090            |
| Alameda_May_2012_schema:Cancer    | 0.00               |
| Alameda_May_2012_schema:Hazard    | 0.000              |
| Alameda_May_2012_schema:PM25      | 0.042              |

Lower TCR data caused  
Lower BAAQMD result.  
Actual PM2.5 would be  
300-400 Times Higher



# Illingworth & Rodkin 2017 Toxic Air Report for Stratford School

**Table 2. Combined Community TAC Levels**

| Source   | Cancer Risk<br>(per million) | Annual PM <sub>2.5</sub><br>( $\mu\text{g}/\text{m}^3$ ) | Acute or<br>Chronic<br>Hazard Index |
|--|------------------------------|--|-------------------------------------|
| I-680  | 47.8                         | 0.2  | 0.03                                |
| Plant 6378 – Tri-City Rock, Inc., 43157<br>Osgood Road | --                           | 0.04   | --                                  |
| UPRR   | 5.6                          | 0.02   | <0.01                               |
| Combined Sources                                       | 53.4                         | <0.3   | <0.04                               |
| <i>Fremont Combined Source Threshold</i>               | <i>100.0</i>                 | <i>0.8</i>   | <i>10.0</i>                         |

Lower BAAQMD result  
caused I&R Report Error  
Actual PM<sub>2.5</sub> would be  
300-400 Times Higher

# City of Fremont Zoning Administrator Approval



## **ZONING ADMINISTRATOR PERMIT STAFF REPORT April 10, 2017**

**Project:**

**STRATFORD SCHOOL – 43055 and 43077 Osgood Road –  
PLN2017-00205** - To consider a request for approval of a Zoning Administrator Permit, Discretionary Design Review Permit and a Finding to allow a Floor Area Ratio increase in order to allow the construction of a new 57,441-square-foot private school for up to 660 children ages preschool through eighth grade on a 3.92-acre site in the Irvington Community Center. The project will consider a Mitigated Negative Declaration for the project in accordance with the California Environmental Quality Act (CEQA).

Wrong Environmental Report Misled City.  
The City's Approval Was in Error.  
This Application Should Not Be Approved

**Recommendation:**

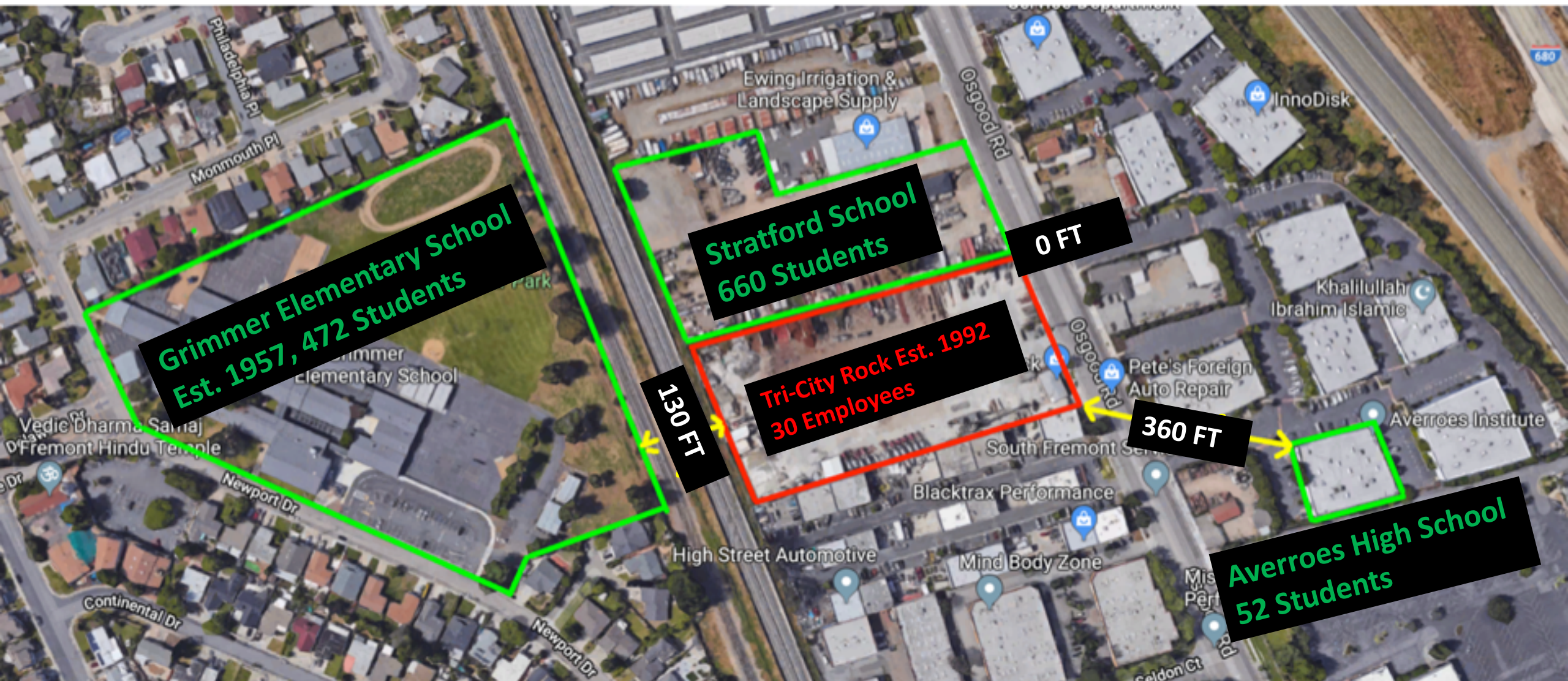
Approve, based on findings and subject to conditions.

**Location:**

43055 and 43077 Osgood Road, Fremont, CA 94539  
APNs: 525-0331-025-00 and 525-0331-012-04  
(See aerial photo next page)



TCR of 98K Throughput is 0, 130, & 360 ft from 3 Schools










# At School



# Reported vs Actual

| 12 Months<br>Throughput       | Tri-City<br>Rock, Inc   | BAAQMD<br>PM2.5 Tool   | BAAQMD<br>Permit  | Schools   | City  |
|-------------------------------|---|--|---|---|---|
| Original<br>Document          |  |  |  |  |  |
| Reported<br>203-269<br>Tons   | Submitted,<br>Application<br>Approved   | Approved,<br>Published in<br>PM2.5 Tool  | Allowed to<br>Emit Based<br>on 269 Tons   | Used in School<br>Environmental<br>Report   | Used in<br>Approval of<br>School Site   |
| Actual<br>58688-98043<br>Tons | Not<br>Submitted<br>in Renewals   | Not Used in<br>PM2.5<br>Calculation  | Not Allowed<br>to Emit over<br>269 Tons   | Not Used in<br>Environmental<br>Report  | Not Used in<br>School Site<br>Review  |

# TCR Reported vs Actual Emission

- Reported Concrete Throughput : 203-269 Tons Yearly (2015-2017 TCR)
- Actual Throughput : 98,034 Tons Yearly (2017/09-2018/08 TCR 12 mo)
- Actual Emission : 300-400 Times Higher Than BAAQMD Allowed
- Impossible for 3 Schools to Safely Co-Exist With TCR



# Measurement and Compliance?

- This is not a measurement issue
  - Impossible to separate TCR pollution from ambient pollution
- This is not a compliance issue
  - Pollution is 300-400 times higher even when TCR is in compliance

# Duty, Breach & Causation

|           | TCR                             | BAAQMD                       | Schools                              | City                              |
|-----------|---------------------------------|------------------------------|--------------------------------------|-----------------------------------|
| Duty      | Submit Accurate Production Data | Generate Accurate PM2.5 Data | Select Safe School Site              | Approve Suitable School Site      |
| Breach    | Submitted Lower Production Data | Generated Lower PM2.5 Data   | Failed to Validate / Common Sense    | Failed to Question / Common Sense |
| Causation | Fed BAAQMD Lower Data           | Fed Public Lower PM2.5 Data  | Submitted Hazardous Site Application | Approved Hazardous School Site    |

# Liabilities & Actions

|                | TCR                                    | BAAQMD                                  | Schools                       | City                                    |
|----------------|--|---|-------------------------------|---|
| Liability      | Make TCR Safe for Neighbors            | Make TCR Safe for Environment           | Make School Safe for Students | Make Area Safe for Schools              |
| Actions Needed | Reduce TCR Throughput to 269 Tons/Year | Enforce TCR Throughput to 269 Tons/Year | Operate Schools on Safe Sites | Enforce TCR Throughput to 269 Tons/Year |

# Actions

- BAAQMD: Immediately limit TCR's TOTAL particle emission to 0.02 lb/day, as required by the Permit to Operate issued by BAAQMD to TCR on August 29, 2018
- City of Fremont: Immediately Revoke TCR's Permit to Operate Over 269 Tons of Concrete per Year. The school was approved based on a number similar to 269 Tons per Year
- To develop an Industrial/Service Zone, the City should have relocated the cement factory before approving a school permit application. Now it's time.

Thank You