

13-0630

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the South Coast Air Quality Management District (SCAQMD) recently found that the Exide battery recycling plant in Vernon has been releasing emissions with high arsenic levels that significantly increase the cancer risk of those at and around the plant; and

WHEREAS, Exide's own Health Risk Assessment indicated that residents of the City of Los Angeles living in Boyle Heights faced the highest risks of any of the affected residents; and

WHEREAS, these risk levels require Exide to prepare a Risk Reduction Plan, overseen by the SCAQMD; and

WHEREAS, the cancer risk associated with the emissions is affecting as many as 110,000 people who live in an area that extends from Boyle Heights to Maywood and Huntington Park; and

WHEREAS, upon learning of the increased risk levels, the Energy and the Environment Committee held a hearing at which it requested the City Attorney, Bureau of Sanitation, and Chief Legislative Analyst to report back on what remedies – legal and otherwise – the City has against Exide in this matter; and

WHEREAS, the State Department of Toxic Substances Control (DTSC) has since shut down operations at the plant due to unsafe conditions related to deteriorated systems for the handling and disposal of contaminated wastewater; and

WHEREAS, the facility had operated on an interim permit from DTSC since December 1981; and

WHEREAS, the health risks associated with air and water pollution from Exide's plant are real, severe, and unacceptable to workers and residents, and it is of the highest importance that those risks are eliminated to the fullest extent possible before any operations at the plant resume; and

WHEREAS, those communities that have been affected by the unhealthy emissions and contamination at the plant deserve the opportunity to weigh in on operations at the plant and be fully briefed on the practices that have led to those health risks and what is being done to eliminate them now and in the future;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby URGES the South Coast Air Quality Management District to ensure that the most stringent risk reduction plan to harmful



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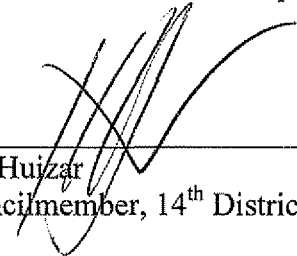
emissions of lead, arsenic and other toxins be put in place before the Exide Battery Recycling Plant is permitted to resume operations; and

BE IT FURTHER RESOLVED, the City of Los Angeles urges the DTSC to ensure Exide meets all applicable permit requirements, completes a full remediation plan, and gives the public ample assurance that wastewater systems are upgraded to the highest environmental standards before the facility is permitted to resume operations; and

BE IT FURTHER RESOLVED, the City of Los Angeles urges the DTSC and the State Legislature to conduct a full investigation to determine how a plant with known pollution problems had been allowed to operate for 31 years on a temporary permit.

BE IT FURTHER RESOLVED, that the City Attorney consider options for the City of Los Angeles, including possible legal action regarding the above violations as well as potential Prop 65 violations.

PRESENTED BY:



Jose Huizar
Councilmember, 14th District

SECONDED BY:



MAY 21 2008