

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: September 26, 2014

TO: Honorable Felipe Fuentes, Chair
Honorable Bob Blumenfield, Vice Chair
Honorable Tom LaBonge, Member
Honorable Jose Huizar, Member
Honorable Paul Koretz, Member
Energy and Environment Committee

FROM: Enrique C. Zaldivar, Director
LA Sanitation

SUBJECT: CF# 14-0162 - CITY'S HAZARDOUS WASTE OPERATORS / HAZARDOUS WASTE FACILITIES OPERATING WITHIN CITY LIMITS

This communication is in response to City Council Motion 14-0162 (Parks – O’Farrell) that instructs LA Sanitation to report regarding the City’s hazardous waste operators, including an inventory of hazardous waste facilities currently operating within City limits.

INTRODUCTION

Hazardous waste operators within the City of Los Angeles (City) are regulated by various local hazardous materials and environmental compliance agencies. The three agencies that regulate businesses and industries for the use, storage, handling and disposal of hazardous materials and hazardous wastes are the City’s Bureau of Sanitation (LASAN), the Los Angeles Fire Department (LAFD), and the County of Los Angeles Fire Department (CLAFD). Provided below is a description of each of these local agencies and inventory of hazardous waste facility and disposal practices currently operating in the City. (The hazardous waste program, under the Resource Conservation and Recovery Act (RCRA) Subtitle C, establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal — in effect, from “cradle to grave.” The U.S. Environmental Protection Agency (U.S. EPA) authorizes Department of Toxic Substance Control (DTSC) to carry out the RCRA program in California).

LASAN RESIDENTIAL SPECIAL MATERIAL (RSM) AND CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR (CESQG) COLLECTION PROGRAMS

The LASAN Solid Resources Citywide Recycling Division (SRCRD) administers the City’s Residential Special Material (RSM) and Conditionally Exempt Small Quantity Generator (CESQG) Collection Programs. RSM, such as paint, waxes, cleaners, glues, solvents, oils, pesticides, fertilizers, pool chemicals, e-waste, and sharps is considered hazardous and State regulated making it illegal to dispose in the trash, down storm drains or onto the ground. In addition, State and Federal laws require all businesses that generate or accumulate hazardous waste to comply with regulations for proper disposal of these wastes. However, the State has a provision that exempts LASAN’s Solid Resources

Citywide Recycling Division's CESQG Program to allow businesses that generate small quantities of hazardous waste (as defined by the State), a legal and affordable solution to hazardous waste disposal. To this end, the SRCRD maintains seven permanent collection facilities, also known as S.A.F.E. centers. (S.A.F.E is an acronym for the collection of Solvents, Automotive, Flammables and Electronics). S.A.F.E. Centers have responded to continuously increasing demand by offering residents and businesses more convenient and consistent opportunities to dispose of and recycle their hazardous waste. Since the inception of the program, the amount of material collected and the level of resident participation has steadily increased and the annual RSM tonnage collected has increased over 270%. In 2013, LASAN collected over 8 million pounds of RSM, provided service to over 90,000 residents, and serviced approximately 300 small businesses. The LASAN SRCRD is authorized under Permit by Rule issued by the local CUPA (i.e., the LAFD and CLAFD) to collect RSM from City and County residents and small businesses on a regular basis at the S.A.F.E. centers.

LASAN ABANDONED HAZARDOUS WASTE PICK-UPS

LASAN's pick up of hazardous waste abandoned in the public right away has existed over 28 years. Currently, the LASAN Watershed Protection Division (WPD) manages the pick-up of hazardous waste abandoned in the public right away. The WPD has contractual services for pick-up and disposal of hazardous waste. From January 2013 until June 11, 2014, 902 cases of abandoned waste have been picked up by these contractual services.

LASAN PRETREATMENT PROGRAM

The LASAN Industrial Waste Management Division (IWMD) administers the City's Pretreatment Program which is responsible for regulating and controlling the discharge of industrial wastewater from manufacturing and commercial facilities into the City's sewer collection system with the objective to protect public health and safety, sewer collection system, treatment plants, recycled water, and biosolids quality. Currently, there are 15,836 permitted industrial users of which 221 are significant industrial users (SIUs) subject to national pretreatment standards and 15,615 subject to local limits and prohibitions.

LASAN INSPECTION OF FACILITIES

Environmental Compliance Inspectors (inspectors) conduct site visits of each industrial user from one to four times each year depending on its classification. The purpose of the inspection is to verify if there have been any substantial changes in the type of raw materials used and products produced, operations that generate industrial wastewater, removal or placement of new or existing equipment as it relates to process lines and the pretreatment system, and quality of wastewater through a sampling program to ensure compliance with permit discharge limitations. Additionally, inspectors audit facilities to observe the handling, storage, and disposal practices of RCRA and California hazardous wastes. Included in their audit is the review of facility spill control and toxic organic management plans, manifests and records for the offsite transportation of wastes, and the observation of sufficient secondary containment, labeling and storage time of drums and tanks. Any observed violation of the pretreatment program legal authority is enforced while other potential violations outside the legal authority are referred to the appropriate agency.

LASAN ENFORCEMENT

When an Industrial User violates any permit requirement or condition, the IWMD initiates the use of progressive administrative enforcement actions ranging from the issuance of Notices of Violation to

Administrative Orders. These actions and procedures are established in the City's Enforcement Response Plan (ERP). Since January 2013, IWMD has issued 184 Notices of Violation and 20 Administrative Orders to industrial users for the violation of permit discharge standards. As a result, all violators of permit discharge standards have taken necessary corrective actions to achieve compliance or are in interim compliance under an enforcement order taking necessary measures to obtain permanent compliance.

LASAN SURVEILLANCE MONITORING AND ENVIRONMENTAL CRIMES TASK FORCE

Surveillance monitoring is performed by inspectors specifically trained to investigate suspected illegal discharges from facilities into the sewer collection system. Information or tips may come from the public, a business employee(s), or referral from other municipal agencies. Inspectors perform field investigations and sampling to support an Environmental Crimes Strike Force that takes legal action to deter illegal discharges.

IWMD has been an active participant in the U.S. Environmental Protection Agency (USEPA), Los Angeles Area Environmental Crimes Task Force since 1994. The purpose of this group is to identify, investigate and take legal action against serious violators of Federal, State and Local Environmental laws. Among its members are the Los Angeles City Attorney Office, County District Attorney Office, and the U.S. E.P.A. Criminal Investigations Division. Other agency members that participate are the Regional Water Quality Control Board (Los Angeles Region), South Coast Air Quality Management District, and California Department of Toxic Substances Control. Since January 2013, there have been no major violators of hazardous waste discharge control laws.

LASAN HAZARDOUS WASTE GENERATING SITES

The LASAN is responsible for the operation and proper management of hazardous wastes generated at numerous facilities within the City. The facilities include wastewater (2) and water reclamation treatment plants (2), landfills (2), recycling (1) and S.A.F.E centers (7), fleet repair facilities (7), and wastewater collection facility (1). Each facility has received appropriate permits to operate and in permanent compliance.

LAFD AND CLAFD HAZARDOUS MATERIALS MANAGEMENT

The Hazardous Materials Disclosure Program was implemented in 1985 to identify hazardous materials used, stored and processed by City businesses. Subsequent State legislation created the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) and the LAFD became the City's Certified Unified Program Agency (CUPA) in 1997. The LAFD CUPA program elements include: 1) hazardous Materials Disclosure and Business Plan, 2) Underground Storage Tank program, 3) Above Ground Storage Tank Spill Prevention Control and Counter-measure (SPCC plan), 4) the Hazardous Waste Generator program, and 5) California Accidental Release Prevention. In 1996, the LAFD entered into an agreement with the CLAFD to perform the Hazardous Waste component of its CUPA program. This agreement allows CLAFD's Health and Hazardous Materials Division (HHMD) to permit and routinely inspect the City's and Los Angeles County's hazardous material handling and hazardous waste operators or facilities every three years. This is performed to ensure compliance with federal, state and local laws and regulations regarding the use and storage of hazardous materials and the proper handling, treatment, transportation and disposal of hazardous wastes. As of September

2013, CLAFD's inventory shows 6183 hazardous waste generators in the City (Please see attachment #1) and 2407 inspections have been conducted to date. Additional inspections on 109 RCRA large quantity generators, 156 onsite hazardous waste treatment facilities, and 2 household hazardous wastes were also conducted. The percent of routine inspections with Class I or II violations that returned to compliance is > 90% for all groups and 100 % for Household hazardous wastes. (Please see the table in attachment #2 for inspections and compliance status.)

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

In California, DTSC tracks and monitors hazardous waste from its generation to ultimate disposal primarily under the authority of the federal Resource Conservation and Recovery Act subtitle C of 1976. The subtitle C of the Act has resulted in comprehensive regulations that identify the criteria to determine which solid wastes are hazardous and then establish various requirements for the three categories of hazardous waste handlers which are a) generators, b) transporters and c) treatment, storage and disposal facilities (TSDFs). In addition, the Subtitle C regulations set technical standards for the design and safe operation of TSDFs. These standards are designed to minimize the release of hazardous waste into the environment. The regulations for TSDFs serve as a basis for developing and issuing the permits required by the Act for each facility. The State of California assumes primary responsibility for implementing a hazardous waste program through authority specified in the California Code of Regulations and Health and Safety Code. DTSC has permitted more than 130 major commercial facilities to treat, store and dispose of hazardous waste. DTSC also oversees the clean-up of an estimated 90,000 properties throughout California (including former industrial properties, school sites, military bases, small businesses and landfills) that are contaminated, or believed contaminated, with some level of toxic substances. Through a tiered permitting process, DTSC regulates 5,000 businesses that perform lower-risk treatment, waste generation, transportation and recycling. DTSC conducts roughly 200 inspections a year, resulting in as many as 30 new enforcement cases. DTSC investigators provide technical and investigative support to federal prosecutors and district attorneys prosecuting environmental crimes. DTSC investigators and inspectors respond to nearly 1,000 citizen complaints about hazardous waste each year. They refer most of these complaints to local governments. DTSC also oversees the implementation of the hazardous waste generator and onsite treatment program under the Unified Program. Seventy CUPAs, which are generally part of the local agency i.e. Fire Department or Environmental Health Department, have the authority to enforce regulations, conduct inspections, administer penalties, and hold hearings. DTSC participates in the triennial review of the CUPAs to ensure their programs are consistent statewide, conform to standards, and deliver quality environmental protection at the local level. DTSC provides technical assistance and training to the CUPAs.

CONCLUSION

LASAN, LAFD and CLAFD regulate businesses and industries' storage, use, handling and disposal of hazardous materials and hazardous wastes. The LASAN SRCRD's CESQG Program has effectively controlled small generators hazardous waste material and the LASAN pick up of hazardous wastes abandoned in the public right away has been an effective program that currently services the City. The LASAN Industrial Users have been classified and properly permitted with correct pretreatment standards and are in control of their wastewater discharge to the City's sewer collection system. All LASAN facilities are in permanent compliance with Federal, State, and Local hazardous waste control laws and regulations. All potential violators of National or State hazardous waste control laws have been referred to their appropriate agency or Environmental Crimes Strike

Force for investigation. The LAFD and CLAFD CUPA programs have been successful in maintaining control through permit and inspection of hazardous waste operators and facilities for consistent compliance with Federal, State and local regulations. In California, DTSC ensures that the hazardous waste handlers i.e. generators, transporters and TSDFs meet regulatory standards.

If you have any questions or require further information, please contact me at (213) 485-2210 or Mr. Michael Simpson of the Industrial Waste Management Division at (323) 342-6047.

ECZ:MS:mr

cc: Greg Good, Mayor's Office
Barbara Romero, BPW
Michael Simpson, LA-Sanitation
LASAN Executive Team

**UNIFIED PROGRAM
ANNUAL INSPECTION SUMMARY REPORT**

Completed By: Teresa Quiaoit, LA County Fire

27 CCR § 15290

Fiscal Year: 2012-2013Date Submitted: September 13, 2013Telephone: Number: 323-890-4113CUPA Name: Los Angeles City Fire Department

PROGRAM ELEMENTS	1 No. of Regulated Businesses in each Program Element	2 No. of Regulated Businesses Inspected in each Program Element	3 Number of Routine Inspections	4 % of Routine Inspections w/Class I or II violation that RTC w/in 90 Days	5 Number of Other Inspections
Hazardous Waste Generators					
Generators (ALL)	6,183	2407	1977	>90%*	1493
RCRA Large Quantity Generators	109	41	31	>90%*	27
Onsite Hazardous Waste Treatment (PBR, CA, CE)	156	59	44	>90%*	27
Household HW (HHW)	7	2	2	100%	

*Estimated value. This number will have greater accuracy after the pending upgrade to Envision Connect 4.9.

Note: TP counts are included in the Generator (ALL) row totals even though their generator program was already included.
Table has been reformatted to conform with BOS report.