

ENERGY AND ENVIRONMENT COMMITTEE REPORT relative to the City's hazardous waste operations and hazardous waste facilities operating within the City limits.

Recommendation for Council action, as initiated by Motion (Parks - O'Farrell):

NOTE and FILE the September 26, 2014 Bureau of Sanitation (BOS) report relative to the City's hazardous waste operations and hazardous waste facilities operating within the City limits.

Fiscal Impact Statement: Not applicable.

Community Impact Statement: None submitted.

Summary:

On February 4, 2014, Council initiated a Motion (Parks - O'Farrell) relative to the City's hazardous waste operations and hazardous waste facilities operating within the City limits. According to the Motion, on January 15, 2014, the California State Senate's Environmental Quality Committee held a hearing in Sacramento on the Department of Toxic Substances Control's (DTSC) oversight of hazardous waste operations in California. The hearing was called in efforts to address a wide range of concerns regarding DTSC's oversight of hazardous waste operations, including but not limited to the agency's permitting of hazardous waste operations, its enforcement record and its tracking of 1.7 million tons of hazardous waste shipped for disposal each year.

According to various media reports, DTSC's oversight efforts have been largely defined by glaring failures in recent years, including the failure of its tracking system to account for 174,000 tons of hazardous material shipped for disposal in the last five years, as well as reports suggesting that DTSC has been slow to act and ineffectual in its regulation of hazardous waste operations. The agency also reportedly failed to recover \$140 million in remediation costs, or costs to clean contaminated land, from several hundred different companies from 1987 to 2012. Given the recent aforementioned difficulties facing DTSC, it is imperative that the City of Los Angeles take inventory of its own efforts with respect to citywide oversight of hazardous waste operations. Finally, the Motion called for the BOS to report in regard to the City's hazardous waste operators to include an inventory of hazardous waste facilities operating within the City limits.

On March 18, 2015, the Energy and Environment Committee considered a September 26, 2014 BOS report in response to the above Motion. According to the BOS, hazardous waste operators within the 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 BOS, the Los Angeles Fire Department (LAFD), and the County of Los Angeles Fire Department (CLAFD).

Additionally, BOS noted that 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 US Environmental Protection Agency (US EPA) authorizes DTSC to carry out the RCRA program in California. The BOS then provided an overview of local agencies and inventory of hazardous waste facility and disposal practices currently operating in the City.

The BOS then stated that it, the LAFD and CLAFD regulate businesses and industries' storage, use, handling and disposal of hazardous materials and hazardous wastes. The BOS, through its Solid Resources Citywide Recycling Division's Conditionally Exempt Small Quantity Generator (CESQG) Program has effectively controlled small generators hazardous waste material and the BOS pick up of hazardous wastes abandoned in the public right away has been an effective program that currently services the City. The BOS 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 BOS facilities are in permanent compliance with Federal, State, and Local hazardous waste control laws and regulations.

Furthermore, all potential violators of National or State hazardous waste control laws have been referred to their appropriate agency or Environmental Crimes Strike 4 Force for investigation. The LAFD and CLAFD Certified Unified Program Agency 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, the DTSC ensures that the hazardous waste handlers i.e. generators, transporters and TSDFs meet regulatory standards.

Representatives from the BOS, LAFD, and CLAFD answered various questions from the Committee members. Finally, after having provided an opportunity for public comment, the Committee moved to note and file the September 26, 2014 BOS report. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

ENERGY AND ENVIRONMENT COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
FUENTES:	YES
BLUMENFIELD:	YES
LABONGE:	ABSENT
HUIZAR:	YES
KORETZ:	YES

ARL  
3/18/15

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**