

MOTION

Exide Technologies, located in Vernon, operated under an interim designation from the State of California Department of Toxic Substance Control (DTSC) for over 30 years. Under this designation, it was allowed to operate until it could receive a full Resource Conservation and Recovery Act (RCRA) permit from DTSC to store and treat hazardous waste. Permit applications were received three times between 1999 and 2015, but DTSC did not approve or deny the applications. During that time, Exide blanketed its neighbors in toxic pollution.

In 2015, after decades of community complaints, findings of hazardous levels of arsenic contamination, improper disposal of toxic wastewater, and the involvement of the US Environmental Protection Agency and the South Coast Air Quality Management Board, DTSC finally denied Exide's application and began proceedings to close the facility. After repeated calls from the public, including action in City Council by Councilmember Huizar and members of Resurrection Church and Boyle Heights residents, Governor Brown allocated \$176.6 million in taxpayer funds two years ago to begin the cleanup of only 2,500 parcels, despite evidence of contamination at at least 7,500 parcels.

The agency in charge of the cleanup effort, the DTSC, is the same agency that allowed Exide to operate without a proper permit for more than 30 years. The constant delays and lack of robust preparation and implementation from the DTSC continues to put the communities surrounding Exide, including Boyle Heights, in danger of toxic exposure. This long-standing environmental injustice adversely affects predominantly Latino, immigrant and low-income communities. The health impacts to these communities cannot be overstated, as the cleanup would be the largest contamination in state history.

At the local level, the City of Los Angeles Department of Building and Safety has set up a dedicated expedited process to streamline permitting and inspections for any DTSC identified property.

However, to date, DTSC cleanup efforts have been unacceptable, resulting in the cleanup of only 270 parcels of the initial 2,500 most contaminated sites. Meanwhile, residents of Boyle Heights and the communities surrounding the Exide facility must live and work in areas contaminated by toxic waste. Also, the cleanup does not include adjacent parkways, despite repeated requests from Councilmember Huizar and others that parkways be included to reduce exposure and transport of lead contamination. Some properties still remain untested, and all contaminated areas must be cleaned.

The DTSC has never had a permanent contractor in place, nor is it clear when one will be approved to do the cleanups. In fact, DTSC has only recently entered into an interim contract with a cleanup contractor to do only 215 parcels. At the rate projected by this interim contract, it will take five more years to clean just the initial 2,500 parcels.

I THEREFORE MOVE that the CLA, with the assistance of the City Attorney, report on any and all options available to the City to compel DTSC or Exide to perform the necessary cleanups on a faster timeline and with a sense of urgency that this contamination demands.



I FURTHER MOVE that the Department of Building and Safety report on the process it has established to expedite permitting and inspections for DTSC-led clean up activities and on the number of related permits pending and/or completed.

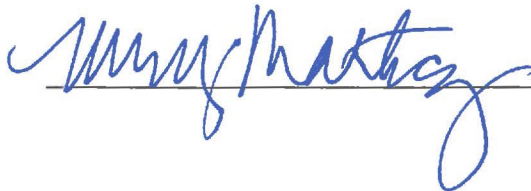
I FURTHER MOVE that the City Council request that the Director of the DTSC appear before the City's Planning and Land Use Management Committee so that she can report on the status of cleanup operations to address the legacy of pollution from Exide technologies, and explain activities, timelines and milestones DTSC has in place to complete testing and necessary cleanups for all potentially contaminated properties in the City of Los Angeles. DTSC's reporting should also include what funding is still needed and what has been identified to complete remediation at all 2,500 prioritized properties, as well as the remaining at least 5,000 contaminated properties, and parkway properties not currently included in the cleanup plan.

PRESENTED BY:



JOSE HUIZAR
Councilmember, 14th District

SECONDED BY:



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