

MOTION

Decades of unabated pollution from the Exide Technologies battery recycling plant in Vernon has resulted in excessive contamination levels in what many are calling a silent toxic catastrophe in Boyle Heights, East Los Angeles and Southeast Los Angeles where residents have long complained about unexplained health issues consistent with toxic exposure, including cancer and other illnesses. Exide's own Health Risk Assessment of arsenic and other carcinogens indicated that residents of the City of Los Angeles living in Boyle Heights faced the highest risks among the more than 100,000 affected residents.

Operations at the Exide facility have ceased, but there remains significant and dangerous levels of residual contamination, especially lead contamination.

The site is outside the jurisdiction of the City Los Angeles, and oversight of the facility has been largely the responsibility of the California Department of Toxic Substances Control (DTSC). Inexplicably, the DTSC allowed Exide to operate under an "interim" temporary DTSC permit for more than 30 years, despite repeated violations and persistent concerns from the surrounding communities.

As the number of violations grew, Exide entered into an agreement overseen by the DTSC to avoid criminal prosecution from the US Attorney's Office but funds provided by Exide and the State thus far for testing of soil and remediation cleanups are dwarfed by the millions of dollars more that are needed to adequately complete the task.

DTSC has stated that they have set aside just 50 workers to target select properties of the approximately 10,000 residential units that are at risk of lead contamination in Boyle Heights and elsewhere for testing and remediation of contaminated soil, a program that has been widely criticized as unclear, slow, underfunded, and too narrow in its scope. In stark contrast to similar public health emergencies, such as the gas leak in Porter Ranch, there is a lack of urgency in dealing with the Exide-related contamination and its ongoing ill effect on Boyle Heights and the surrounding East and Southeast L.A. communities.

DTSC is currently undergoing environmental review of its plan for the closure and remediation of the Exide site ["closure plan"]. The comment period for that EIR is open until March 28, 2016.

Boyle Heights and the surrounding communities deserve to know when a full remediation plan will be issued by the DTSC for their homes and public spaces, complete with full cost estimates so that Governor Brown and state officials can do the work necessary to expedite a fully funded cleanup plan.



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I THEREFORE MOVE that the City Attorney be requested to report back in 30 days what legal remedies are available to the City to obtain accountability and adequate clean-up funding from Exide and the State, and to ensure that remediation plans protect the City's interests through inclusion of all affected areas of the City, including schools, parks, public right-of-ways, and private properties; a timely and transparent process with set dates, full-cost estimates and funding, and best practices to safeguard public health during clean-up activities; as well as legal options the City could pursue should the DTSC not act in a timely manner.

I FURTHER MOVE that the Bureau of Sanitation be directed to prepare and submit, with support from the City Attorney and other departments as needed, comments on the EIR for DTSC's site closure plan prior to the March 28, 2016 deadline. Comments should demand the closure plan follow the highest standards of public safety and environmental protection. More specifically, comments should include, safety of workers remediating the site; the transport of hazardous materials and contaminated soil through residential communities; the safe handling and removal of residual lead; and protection of the surrounding community from any airborne contamination stirred up by closure activities.

PRESENTED BY:


JOSE HUIZAR,
Councilmember, 14th District

SECONDED BY:



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