



THE LAW OFFICE OF
JENNIFER F. NOVAK

500 Silver Spur Road, Suite 206
Rancho Palos Verdes, California 90275
(310) 693-0775
novak@jfnovaklaw.com

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Councilmember Marqueece Harris-Dawson, Chair
Council of the City of Los Angeles - District 8
Homelessness and Poverty Committee
200 N. Spring Street, Mail Stop 213, Room 450
Los Angeles, CA 90012
councilmember.Harris-Dawson@lacity.org

Sent by electronic mail

**Re: "Bridge Housing" project on MTA Bus Yard Site at 100 East Sunset Avenue
(Council File 18-0510)**

Dear Councilmember Harris-Dawson:

I am an environmental attorney, with more than twenty years of experience, writing on behalf of the Venice Stakeholders Association with respect to your consideration of the former MTA bus facility at 100 East Sunset Avenue in Venice as a "Bridge Housing" project. We are concerned that in its haste to address homelessness within the City of Los Angeles, the City may unwittingly expose our homeless population, including children, to harm from residual petroleum contamination and potentially other contaminants known to be present on this site.

We request, and strongly recommend, that the City conduct soil vapor emissions testing before it approves the proposed Bridge Housing project and allows people to live and work at 100 Sunset Avenue (the Site). Given the Site's historic use and known soil contamination, we believe further investigation is required before the City potentially jeopardizes the health of city employees, visitors to the Site, and the very people it seeks to help through on-site services and housing.

The Site has been a transit and rail facility since the early 1900's. Such facilities commonly engaged in operations such as vehicle maintenance, parts cleaning, fueling, and hazardous waste storage that resulted in discharges of contaminants into the soil. Indeed, for much of the last century, industrial sites were less mindful and less regulated with respect to the need to properly store and clean-up chemicals and to prevent their discharge to ground. In addition, this particular site was home to at least seven underground storage tanks (USTs), which contained diesel, motor oil, anti-freeze, waste oil, waste fuel, and unleaded gasoline.

Arcadis, a consultant for the Los Angeles County Metropolitan Transit Authority (METRO), issued a report on November 11, 2016, in which it detailed the removal of the Site's USTs. During removal, fifteen (15) soil samples were collected from underneath the tanks, approximately 18 feet below ground surface. Seventeen (17) samples were collected at three feet

below ground surface along areas where underground piping was located. Of note, Arcadis did not purport to conduct sampling in other locations, nor did it report on any past efforts to do so.

This one sampling program yielded data showing Diesel Range Organics present in four samples, as high as 2,610 milligrams per kilogram. Benzene was detected in two samples. Several of these samples exceeded the City of Los Angeles Fire Department's Minimum Action Levels, prompting Arcadis to recommend that the data be sent to the California Regional Water Quality Control Board, Los Angeles Region, (Water Board) for review and possible oversight. In response, the City of Los Angeles Fire Department referred the Site to the Water Board, confirming that the analytical results exceeded action levels for Total Petroleum Hydrocarbon diesel range. *See*, City of Los Angeles letter from Royce Long to Tom Kefalas, dated February 28, 2017.

At the time of Arcadis' testing, the Site was described as "vacant and scheduled for demolition." There was no indication that the Site was intended for any use other than as a vacant lot, and no indication that METRO or others sought a determination as to whether site conditions posed an environmental or human health threat if the Site was occupied.

The Water Board responded to the City's request in March 2017, stating that based upon the information provided, there appeared only a low threat to human health and soil and groundwater beneath the site. It did not recommend further investigation. There is, however, no indication that the Water Board understood that the Site would be used for residential housing and that no further investigation would be needed for that use. Nor is there any indication that Arcadis or METRO tested the Site for soil vapor emissions from the confirmed contamination.

"Vapor intrusion" is a general term for the migration of hazardous vapors from any subsurface source, such as contaminated soil or groundwater. Vapors pose a risk to humans if a pathway allows them to travel through the soil and into places such as buildings, trailers, commercial workplaces, schools, and industrial facilities, etc. where people engage in day-to-day activities.

The United States Environmental Protection Agency (U.S. EPA) lists five factors to consider when asking whether subsurface vapor sources have the potential to pose unacceptable human health risks:

1. Is a subsurface source of vapor-forming chemicals present underneath or near an existing building or a building that is reasonably expected to be constructed in the future;
2. If vapor can form from this source and have a route to migrate towards the building;
3. Whether the following conditions are reasonably expected to be met in the future:
 - a. If openings, such as pipes, cracks, vents, exist for vapors to enter the building and forces exist to draw vapors from subsurface through openings into the building;
 - b. One or more vapor-forming chemicals from the source will be present in the indoor environment; and
 - c. The building will be occupied when the vapors are present indoors.

See, *OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air*, U.S. EPA Office of Solid Waste and Emergency Response, June 2015, OSWER Publication 9200.2-154, pp. xii, 1-2, 22.

In its technical guidance, U.S. EPA has stated that “careful consideration” of vapor intrusion pathways is warranted at all sites where vapor-forming chemicals are present in the soil or groundwater. *OSWER Technical Guide*, at p. 2. As noted above, the Site has a history of known vapor-forming chemicals in its subsurface soil. This contamination may not be limited only to the Site’s former USTs; soil vapor contamination can be attributed to properties where the use, storage, or transportation of chemicals may have resulted in a release of vapor-forming chemicals to the environment. *See id.* at p. 23. Vapor intrusion may also come from off-site sources; therefore, some review of neighboring facilities is also warranted to rule out discharges that may affect a site. The extent of risk may vary by site, depending on other factors as well, such as the amount of time since chemicals were released, and whether the chemicals are under low-permeability ground covers such as asphalt, as opposed to soil open to the atmosphere. *Id.* at pp. 33-34.

U.S. EPA has cautioned that multiple lines of evidence are important to support a “no further action” decision, to reduce the chance of falsely concluding that a site poses no human health risk. *Id.* at p. 40. Yet, we have no evidence here that the City has undertaken *any* consideration of soil vapor risks. Instead, despite the Site’s century of use as a transit and rail facility, where hazardous chemicals were used, which engaged in the types of operations that would create chemical discharges, and with high detections of diesel in the soil, the City appears poised to move forward with willful ignorance of any potential of harm to employees, visitors, and residents of the facility. Worse yet, the City has proceeded without apparent notice to any of the oversight agencies, such as the Water Board or the California Department of Toxic Substances Control, that might raise questions with the Site’s conversion from a transit facility to residential housing.

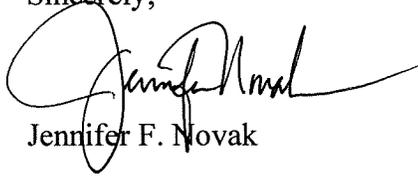
Moreover, the City cannot state with confidence that the known soil contamination is all of the environmental contamination existing at the Site. According to the Arcadis report, soil investigation was limited to no more than two samples underneath each UST, and a line of samples underneath the tanks’ associated piping. We have no indication that the City has conducted any soil or soil vapor testing in any other on-site locations, such as maintenance areas, chemical storage areas, drain trenches, vehicle storage, or performed a robust investigation around the fueling station. Similarly, we are not aware of any report indicating what chemical solvents, degreasers, or other hazardous materials were used at the Site, in what quantities, and where such use occurred. Vapor intrusion may occur from chemical or petroleum products that spill onto the ground *or* which leak from USTs. *See, e.g.*, U.S. EPA, “What You Should Know About Vapor Intrusion.” This type of information is among that recommended by U.S. EPA to assess whether vapor-forming chemicals may have been released to the subsurface environment. *OSWER Technical Guide*, at p. 50. Without it, the investigation performed to date has been limited and insufficient for the City to move forward.

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The State of California has set lower human health screening levels for residences and schools than for industrial or commercial uses of sites precisely because of the potential for greater exposure to harmful chemicals. Therefore, we urge the Homelessness and Poverty Committee to postpone its vote on the project until after a full soil and soil vapor investigation can occur.

Thank you for your consideration.

Sincerely,



Jennifer F. Novak

cc: (see below)

Gilbert Cedillo, District 1 Councilmember: councilmember.cedillo@lacity.org
Paul Krekorian, District 2 Councilmember: councilmember.Krekorian@lacity.org
Bob Blumenfield, District 3 Councilmember: councilmember.blumenfield@lacity.org
David E. Ryu, District 4 Councilmember: david.ryu@lacity.org
Paul Koretz, District 5 Councilmember: paul.koretz@lacity.org
Nury Martinez, District 6 Councilmember: councilmember.martinez@lacity.org
Monica Rodriguez, District 7 Councilmember: councilmember.Rodriguez@lacity.org
Curren D. Price, District 9 Councilmember: councilmember.price@lacity.org
Herb J. Wesson, Jr., District 10 Councilmember: councilmember.wesson@lacity.org
Mike Bonin, District 11 Councilmember: councilmember.bonin@lacity.org
Mitchell Englander, District 12 Councilmember: councilmember.englander@lacity.org
Mitch O'Farrell, District 13 Councilmember: councilmember.ofarrell@lacity.org
Jose Huizar, District 14 Councilmember: councilmember.huizar@lacity.org
Joe Buscaino, District 15 Councilmember: councilmember.buscaino@lacity.org
Holly L. Wolcott, City Clerk: CityClerk@lacity.org
Sharon Dickinson, Legislative Assistant: Clerk.HomelessnessandPovertyCommittee@lacity.org
John Gregory, Council District Legislative Assistant/Director: john.gregory@lacity.org