



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

September 16, 2015

Richard J. Bruckner
Director

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Adrine Arakelian 
Zoning Permits West Section

RE: **Project No. R2014-02228-(2) – Conditional Use Permit No. 201400100**
RPC Meeting: September 16, 2015 - Agenda Item: 6

Please find enclosed one letter in opposition which we received subsequent to the hearing package that was submitted to the Regional Planning Commission September 3, 2015.

If you need further information, please contact Adrine Arakelian at (213) 974-6462 or aaarakelian@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER 201400100 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

MKK:AAA

Enclosures:
Letter from public (1)



September 14, 2015

Regional Planning Commission
City of Los Angeles
320 W. Temple Street
Los Angeles, California 90012

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Project No. R2014-02228-(2)
Conditional Use Permit No. 201400112
Applicant: Ronald Flury
20850 Normandie Avenues
Carson Zoned District

Ms. Arakelian and Commissioners,
Thank you for providing us again the opportunity for public comment regarding the Conditional Use Permit for the Ecology Control Industries facility at Normandie and Torrance Blvd.

The Del Amo Action Committee (DAAC) requests this permit not be approved and additionally we request the discontinuation of ongoing work activities at the site which have been and continue to be an ongoing nuisance to the residential community it is bounded by. The consideration of any approval of ECI's Conditional Use Permit should be on hold until excavation and removal of contaminated soil on the eastern portion of the ECI site is completed. Approval of residential development of the property should not be granted until a comprehensive review of the entire ECI site is completed by the USEPA, the CA Department of Toxic Substances Control and the Los Angeles Regional Water Quality Control Board.

We understand that this property is currently being courted by Warmington Residential for development in a residential housing complex. We feel this process should transparent and not done in a manner that obscures the intent of this conditional use permit, and sees it for what it is, just a stepping stone to a residential re-zoning process. The full scope of their plan should be looked at as a whole and not the current piecemeal approach. The application and acquisition of an industrial permit should have been completed decades ago to be compliant with the law and compatible with residential neighbors. This business is inappropriate for the area and we agree that a residential zoning would be more compatible. We believe as well that the nearby residents should have a hand in the planning process, a transparent process.

Nearby residents are treated in a disrespectful manor. Noise and continual dust from site operations have this community under siege. Some feel the only way to secure relief is by supporting a permit that will have restrictions on work hours and parking. We understand their needs and see the stress this is adding to their lives and see this as unacceptable.

DAAC seeks relief in another way; this company should be required to stop all work activity providing immediate relief to nearby residents while the removal of toxic waste, including high levels of DDT, continues under the review of the US Environmental Protection Agency and the Department of Toxic Substances Control. We recently asked the US EPA some questions about this site which they have answered and we have attached to our letter today for your review.

We are in the process of looking at all of the incompatible land uses surrounding these community areas. We have meet with planners working on a specific plan only half a mile from this site. We believe our land use situation occurred because we are unincorporated which has caused the collision of bad land use planning. We would like to work with the county and planners to rectify this situation. Issuing this company a permit will only reward bad behavior. We seek to understand why this mechanism is being touted as the only way to bring bad business practices into alignment with the residential homes sharing this space. We remain deeply concerned about contamination on this property and how it has been managed. This is a very serious situation and if not handled properly will be devastating on many levels.

This permit should not be considered in absence of what has gone on at this site for several decades, it must be viewed with all its components including plans underway to change the zoning to residential once a conditional use permit is secured and the site is "remediated" out of public view. The later part will not occur now that the US EPA and DTSC are more closely overseeing the mess that has been created by stockpiling tons of soil contaminated with DDT, DDE and DDD above ground and upwind from adjacent homes. We understand the US EPA has taken dust samples in several area homes because the piles become uncovered. Which has occurred many, many times and the dirt blows into the residential areas. DDT is a seriously nasty compound that bio accumulates in the fat tissues of those who are exposed to it. DDT is a Persistent Organic Pollutant, POP, banned for use in this country in 1972 due to its toxicity.

We believe that with good and honest information people make informed decisions that will led to successful outcomes. DAAC has spent countless hours' reviewing documents on activities at this property over time and currently. The protection of nearby residents is our most urgent priority. We hope the information we are providing today and previously, without malice, helps us make good decisions today and in the future with regards to this site and areas where land uses collide. Please support our efforts to do a specific community plan for this area that all stakeholders can be a part of in a very transparent way.

Through our research we have found: The ECI property has a fifty year history of industrial use. A letter written by Levine-Fricke (3/20/1990) provided a history of the site indicating that the property was used for various industrial operations including paint manufacturing and the manufacturing of specialty aerospace coatings and adhesives. The previous owner of the ECI property (Akzo Sikkens) utilized 18 underground storage tanks containing hazardous chemicals. The tanks were located between three buildings located on the southern boundary of the property. Recent aerials of the facility do not show buildings in this area.

The tanks were removed in November 1988. The removal was prompted by the discovery of a significant release of Toluene, 40,000 gallons, from one of the tanks in 1984. The Toluene

release spread to the lowest area of the ECI property, the same historical stormwater drainage area where DDT contamination has been unearthed. The chemicals in the tanks contaminated the soil and groundwater underneath ECI. After the tanks were removed and taken off site, contaminated soil removed as part of that process was put back in the cavity created by removal of the tanks by the contractors, ENSR. Five of the tanks were discovered to have visible corrosion holes during the tank removal activities. The chart provided below provides information on the capacity and contents of the tanks as they were when they were emptied and removed. The closure report does not provide information on what happened to the contents of the tanks. Sludge in several of the tanks was removed and manifested to a permitted facility. The report indicates the following;

Because a final Remediation Plan would be required by the Department of Health Services, contaminated soil was allowed to be placed in the tank cavity area.

1	8,000 gallons	Empty
2	8,000 gallons	Methyl Ethyl Ketone (MEK)
3	6,000 gallons	Isopropyl Alcohol
4	6,000 gallons	Methyl Propyl Ketone
5	6,000 gallons	Blend 5-51/T-44
6	2,500 gallons	Methyl Ethyl Ketone
7	2,500 gallons	Butyl Cellosolve
8	2,500 gallons	Cyclo Hexanone
9	2,500 gallons	Clean Wash (MEK)
10	2,500 gallons	Cellosolve Acetate
11	2,500 gallons	Empty
12	6,000 gallons	Xylene
13	6,000 gallons	Toluene
14	5,000 gallons	Wash Thinner
15	5,000 gallons	Wash Thinner
16	5,000 gallons	Wash Thinner
17	5,000 gallons	Empty

After 17 tanks were removed (no information was found in the LA Water Board files regarding the 18th tank) a Soil Vapor Treatment system was employed to treat the volatile chemicals under the direction of the Regional Water Quality Control Board. The SVE treatment concluded in 1996 with the approval of the Board.

It is very difficult to have a complete understanding of potential contamination on the ECI property. Extensive testing over several years has been conducted by multiple environmental contractors working for earlier property owners and ECI. The USEPA has also had contractors do sampling and prepare reports. The earlier site assessments were done to identify contamination from the leaking toluene tank. Since that time significant soil and soil vapor testing has been done in the eastern portion of the site as a result of the discovery of DDT. It is difficult to put a clear picture of potential contamination on the site through review of the reports. The USEPA's primary focus for work done on the eastern portion of the site focused on DDT contamination from the Montrose Superfund site. USEPA documents prepared at the time acknowledged PCB contamination but excluded removal of the PCB contamination because it

was not a contaminant known to have originated at the Montrose Superfund site. Testing done to determine contamination from the underground storage tanks excluded testing for pesticides and metals.

The most recent testing of the entire property was completed in May 2015 by Sharp Environmental, ECI's consultants. The contractor prepared a report, A Technical Memorandum-Supplemental Site Investigation, 2nd Revision. This report is dated May 14, 2015 and is available on the DTSC Envirostore data base.

The memorandum summarizes additional soil vapor testing completed across the site. The May 2015 Memorandum provides the following conclusion:

The current potential for vapor intrusion is not a significant issue as the highest cancer risk is only 2×10^{-5} . That is well within the risk management range. However, the source of VOC's in soil gas is unclear and shallow groundwater plumes from up gradient sources may affect the site in the future. Therefore the installation of a vapor mitigation system is recommended as a prudent precautionary measure for future residential buildings.

A comprehensive review by the environmental agencies involved in remediation of contamination on the site is needed. If additional soil, groundwater or soil vapor testing is need to determine the extent of current contamination on the site then this work should be done before homes are built on the site and not just mitigated by a "liquid boot technology", a presumed barrier between homes and the contaminated soil below them.

Groundwater contamination from several industrial facilities north of ECI also complicates complete understanding. The groundwater contamination involves a number of volatile and toxic chemicals that have migrated through the communities south of the Montrose and Del Amo Superfund sites and is under the ECI property. The USEPA is currently evaluating data on indoor vapor intrusion testing completed in 120 homes in the community directly north of ECI. Testing in several of the homes exceeded federal health standards.

The industrial use of a paved property involves different public health and environmental concerns than the possible use of the property as a residential community. This is of critical importance as it relates to the possible redevelopment of the property as a residential community. Of course workers on an industrial property must be protected from the environmental/public health hazards. The industrial use of the ECI property for over fifty years argues for careful consideration and a complete understanding of its current state.

DAAC is a long standing non-profit organization, representing the people living in the communities severely affected by the Del Amo and Montrose Superfund sites. Our Board includes current residents of the community and experienced environmental professionals. We have worked tirelessly for many years to insure that the communities around the Del Amo and Montrose sites are represented in the decisions that affect their lives. The agencies we work with honor our commitment to this work and commend our honesty and sincerity; we try to make as much information as possible available through our website. We post many of the reports sent to us by oversight agencies about ongoing area remediation activities and on this particular, ECI site

that is, part of the Montrose Superfund site, historical stormwater pathway operable unit # 6 as confirmed by US EPA in their letter which we have attached for your decision making consideration.

In conclusion, please carefully consider the Los Angeles County, Building and Safety Department decision regarding a Conditional Use Permit for ECI. This is a critical step that will affect the people working at ECI and the people living in the community adjacent to ECI. The Del Amo Action Committee (DAAC) believes that there should be a denial of ECI's Conditional Use Permit until the excavation of contaminated soil on the eastern portion of the ECI site is completed. DAAC further believes that any approval of residential development of the property cannot be granted until a comprehensive review of the entire ECI site is completed by the USEPA, the CA Department of Toxic Substances Control and the Los Angeles Regional Water Quality Control Board.

Sincerely,
Cynthia Babich, Director Del Amo Action Committee
Florence Gharibian, Board Chair Del Amo Action Committee

Cc:
Karly Katona, Supervisor Mark Ridley Thomas
John Lyons, U S Environmental Protection Agency
Barbara Lee, Director California Environmental Protection Agency
Senator Barbara Boxer, Maurice Lyles
Governor Jerry Brown (via fax)

Attachment 1: US EPA Responses to questions posed by DAAC August 26, 2015 for clarification to this regional planning commission board.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

September 14, 2015

Dear Cynthia,

Please find below answers to the questions you submitted to EPA regarding the ECI property:

1. Who is in charge of over-site on the ECI site activities?

Currently DTSC is in charge of oversight of ECI excavation activities through DTSC's Voluntary Cleanup Program, however, EPA is in conversation with DTSC regarding maintenance and disposal options for the DDT-contaminated soil that is stock-piled on the site.

2. We understand that the pesticide DDT has been found in concentrations that are considered hazardous under the northeastern corner of the ECI property. Is that true? What are the highest levels of DDT found?

Please see attached analytical reports prepared by ECI's contractor during the excavation this past June and July.

3. We also understand that the DDT found at ECI appears to extend beneath the adjoining residential properties located east of ECI. Is that true?

EPA has assigned an RPM to review the previous and current sampling and analytical data to assess the extent of contamination and disposal options. We will provide more information within a month as the RPM has time to review information.

4. We believe that there is information that verifies that the DDT on the ECI property is the same and contiguous with the DDT found in Montrose Superfund Site. Is that correct?

In 2005, DDT and BHC, another pesticide, were discovered on the ECI property, and EPA issued administrative orders to address the contaminated soil that had been excavated to that point. In the course of that process, EPA determined that a historic storm water pathway had carried rainwater contaminated with DDT and BHC away from the former Montrose plant property. EPA further found that the historic storm water pathway had continued down through the eastern portion of the ECI property and that hazardous substances from the former Montrose plant property had come to be located on the ECI property.

5. Is the soil removal moving forward? If so where will the DDT contaminated soil go? Which agency is checking the condition of the pile covers? Which Agency is communicating with the residents re: the status of the soil removal?

Again, EPA is in active conversation with DTSC. We will keep the community informed about the DDT-contaminated soil management and disposal. EPA has sent an on-scene coordinator and an RPM to the site to check on the maintenance and condition of the soil piles, dust mitigation, and fencing. EPA has provided recommendations to DTSC and ECI and will require implementation and maintenance of these recommendations. EPA will monitor the site to make sure dust is not being generated from the stock-piled soil and blowing off the property.

6. Have other contaminants/pesticides, etc., been found at hazardous levels? What about the PCB's?

See the attached Human Health Risk Assessment which was prepared in 2010. There is a description of contamination found at the ECI property.

7. We believe that under Superfund law, if there is DDT on the ECI property then that property would become part of the Montrose Superfund site. Is that correct?

As set forth in response to Question 4, EPA has concluded that a historic storm water pathway carried DDT and BHC from the former Montrose plant property through the ECI property. EPA therefore considers those areas of the ECI property that were previously found to be contaminated with DDT and BHC to be part of the Montrose Superfund Site.

8. Does ECI, as current owners of the property, become part of the chain of liability?

In the context of the 2005-2006 removal action, EPA determined that Ecology Control Industries, Inc., Ronald Flury, and Montrose Chemical Corporation of California (Montrose) were jointly and severally liable for EPA's response costs at the site.

9. What restrictions on land use would be placed on the ECI property for future development?

EPA has not made any determinations about land use restrictions at the ECI property.

Thank you,

Dana Barton
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U.S. EPA, Region 9
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