

*Environmental Justice Compliance
and Enforcement Working Group*

Los Angeles Initiative Report





Environmental Justice Compliance and Enforcement Working Group

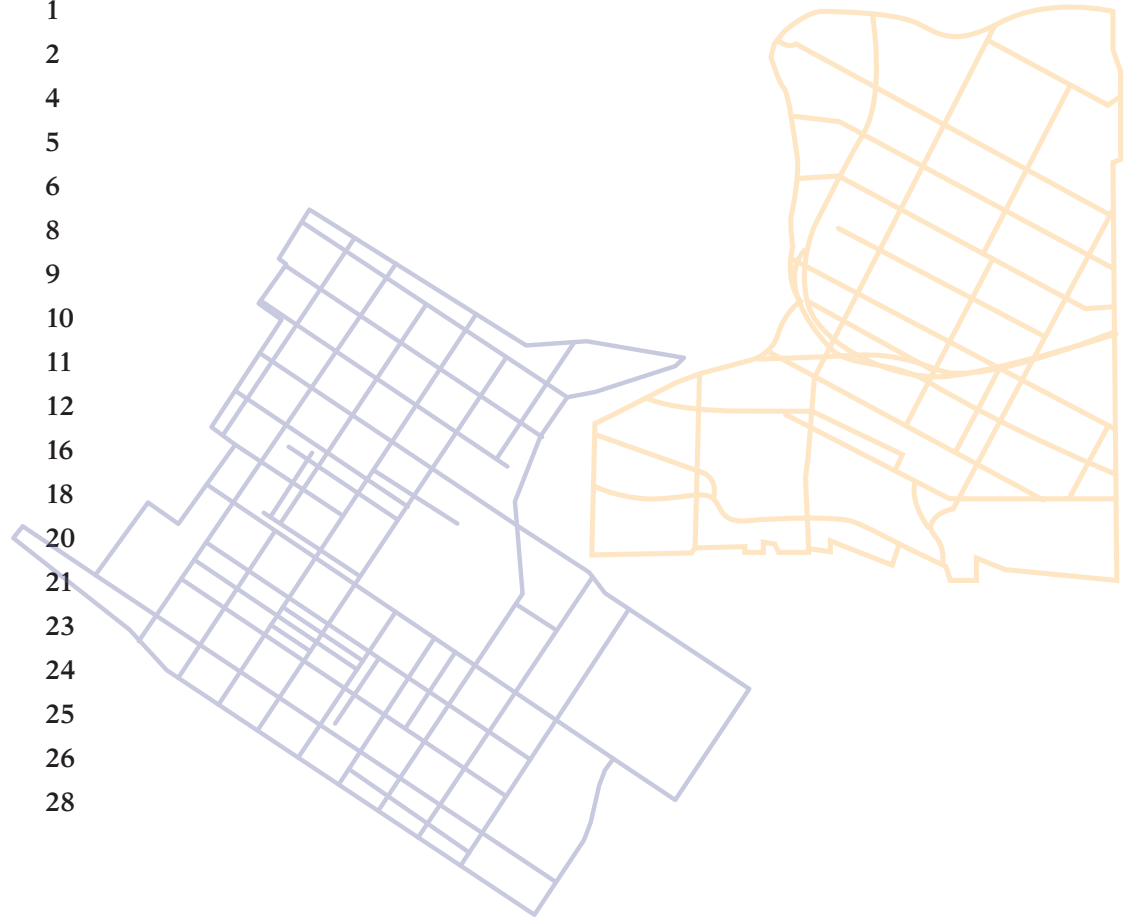
Los Angeles Initiative Report

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for Environmental Protection

Table of Contents

Acknowledgements	1
Introduction	2
Community Selection	4
Boyle Heights	5
Pacoima	6
Community Consultation	8
Boyle Heights	9
Pacoima	10
Compliance Assistance	11
Air	12
Water	16
Toxic Substances	18
Spotlight: Metal Plating Shops Criminal Complaints	20
Solid Waste & Recycling	21
Spotlight: Illegal Dumping	23
Pesticides	24
Spotlight: Pacoima Backyard Business Activity	25
Spotlight: Discount Stores	26
Conclusion	28



Acknowledgements

CalEPA would like to acknowledge the work of the agencies involved in this initiative and the individuals from those agencies who dedicated their time to make the initiative possible.

California Air Resources Board

California Department of Resources Recycling and Recovery (CalRecycle)

California Department of Pesticide Regulation

California Department of Public Health

California Department of Toxic Substances Control

California Office of Environmental Health Hazard Assessment (OEHHA)

City of Los Angeles, Tire and Solid Waste Local Enforcement Agencies (LEAs)

City of Los Angeles Fire Department, Certified Unified Program Agency (CUPA)

City of Los Angeles, Office of City Attorney Mike Feuer

County of Los Angeles Fire Department, Health Hazardous Materials Division, Certified Unified Program Agency (CUPA)

Los Angeles Regional Water Quality Control Board

South Coast Air Quality Management District

State Water Resources Control Board

U.S. Environmental Protection Agency

CalEPA would also like to thank the residents, community organizations, and local officials who were instrumental in shaping and implementing the initiative.

Pacoima Beautiful

East Yard Communities for Environmental Justice

Union de Vecinos

City of Los Angeles Councilmember Felipe Fuentes

Introduction

California was one of the first states in the nation to codify the concept of environmental justice. California law defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws.”¹

Many California statutes that address environmental justice issues closely model policies and guidance developed by the federal government. The United States Environmental Protection Agency (U.S. EPA) describes environmental justice as “the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”² It is an important responsibility of government to promote equity and fair treatment of all people, but it is particularly necessary in areas most burdened and vulnerable to pollution and other environmental stressors.

The California Environmental Protection Agency (CalEPA) and its boards, departments and office are committed to ensuring that their policies and programs promote a safe, healthy environment for all Californians, and that all communities have equal opportunity to participate in their regulator programs. CalEPA’s environmental justice policies promote public participation and the integration of environmental justice considerations into the actions of its boards

¹ Gov. Code § 65040.12

² www.epa.gov/environmentaljustice

and departments. Intra-agency coordination is a key piece of CalEPA’s Environmental Justice Strategy, as multi-media compliance and enforcement can ensure that burdens within disproportionately impacted areas are comprehensively addressed.

For decades, many environmental justice communities have raised concerns of unequal enforcement practices. These concerns were reinforced by a 1992 study by the National Law Journal that found penalties imposed by U.S. EPA for violation of federal environmental laws were substantially low in minority communities than in white communities. Environmental justice communities are likely to bear greater burdens simply because they disproportionately experience the impacts of noncompliance. For instance, U.S. EPA found in a

The CalEPA Environmental Justice Enforcement and Compliance Working Group visits Union de Vecinos in the Boyle Heights neighborhood.



2003 nationwide analysis that approximately 25 percent of major facilities were in significant noncompliance with their Clean Water Act permits at any given time.³ The analysis further noted that rates of significant noncompliance had effectively remained constant since 1994. The combination of communities with a high concentration of facilities and the high rates of noncompliance lend support for focused compliance and enforcement efforts in environmental justice communities.

To more fully integrate environmental justice considerations into cross-media enforcement of environmental laws, CalEPA formed the Environmental Justice Compliance and Enforcement Working Group (Working Group) in 2013. The Working Group consists of representatives from CalEPA, its boards, departments, and office, and local partner agencies that implement and enforce the federal, state and local laws intended to protect public health and the environment.

In 2013–2014, the Working Group conducted its first pilot initiative in Fresno. An early community consultation and tour of the project area proved critical to the success of the initiative, as it allowed the community to help define priorities and provided a forum to increase awareness of the role of environmental regulators in the community. After the inspections were complete, the analysis of the numbers revealed a fairly high level of compliance. Some violations were discovered, but enforcement efforts coupled with compliance assistance enabled the local businesses to return to compliance quickly and to be better prepared to avoid future violations. Importantly, both enforcement staff and the regulated facilities reported that efficiencies were achieved through the concentrated, multi-media inspections conducted during the Fresno initiative.

Using the experience in Fresno as a model, the Working Group designed another project in two environmental justice communities within the City of Los Angeles. Work began in the summer of 2015 in Boyle Heights and in the fall of 2015 in Pacoima, and the project concluded in the spring of 2016.

The Los Angeles initiative was launched with a community consultation and tour in each neighborhood. Enforcement staff from CalEPA, its boards and departments, and local partner agencies attended to set priorities and share information with community members about their enforcement programs. The environmental issues identified by the communities at these meetings served as a guide to the initiative as it moved forward. After each consultation, a coordinated, multi-agency compliance group performed targeted, and in some cases, multi-media, inspections in each community over the course of several months. Compliance assistance events were also hosted in each community. The initiative concluded with a “report back” to each community, where representatives from CalEPA, its boards and departments and local partner agencies provided information about the results.

3 U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance. 2003. A Pilot for Performance Analysis of Selected Components of the National Enforcement and Compliance Assurance Program.

Community Selection

The Working Group used the California Communities Environmental Health Screening Tool, version 2.0 (CalEnviroScreen) to identify a number of areas in the state with high pollution burdens and vulnerability relative to other areas of California. Working Group members then discussed priorities and regulatory authority in these areas and reviewed existing community, local government, and philanthropic efforts that touch on both environmental protection and enforcement.

The Working Group settled on two communities in Los Angeles, Boyle Heights (east of Downtown Los Angeles) and Pacoima (north of Downtown Los Angeles, in the San Fernando Valley). Both communities are in the top 5 percent of disadvantaged communities in the state according to CalEnviroScreen. In addition, both communities have strong local non-profit organizations that serve important roles as community organizers.

One important consideration in selecting Boyle Heights and Pacoima was the local “Clean Up, Green Up” initiative in the City of Los Angeles. That initiative designated three “green zones” in the communities of Boyle Heights, Pacoima and Wilmington. The Clean Up, Green Up initiative comprises a series of ordinances and policies aimed to reduce pollution and improve public health. One major component to the Clean Up, Green Up initiative includes compliance and enforcement measures to reduce existing environmental hazards.

In Boyle Heights, the Working Group connected with East Yard Communities for Environmental Justice and Union de Vecinos to leverage the capacity already built by the organizations. Similarly, in Pacoima, the Working Group paired with a 20-year-old local environmental justice organization, Pacoima Beautiful. As a result of the invaluable input from these organizations as well as individual community members, the Working Group was able to tailor its initiative to meet community needs.

Local, state, and federal environmental and public health enforcement agencies also were key partners in developing and implementing the Los Angeles initiative.

Partner Agencies

City of Los Angeles, Office of City Attorney Mike Feuer

City of Los Angeles Fire Department Certified Unified Program Agency (CUPA)

County of Los Angeles Fire Department Certified Unified Program Agency (CUPA)

Los Angeles City Tire and Solid Waste Enforcement Agencies (LEA)

Los Angeles Agricultural Commissioner’s Office

South Coast Air Quality Management District

Los Angeles City Department of Building and Safety

Representatives from the Boyle Heights Neighborhood Councils

California Department of Public Health

U.S. Environmental Protection Agency

Boyle Heights

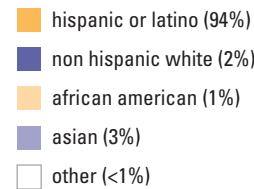
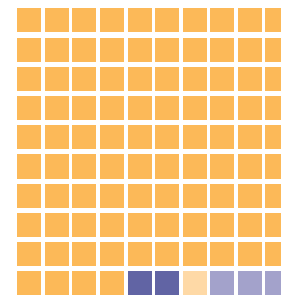
Boyle Heights has a rich history as a vibrant, diverse community situated east of Downtown Los Angeles.⁴ In the 1870s, Boyle Heights, named after a founding landowner, was established as a residential development. The area was originally sparsely populated, primarily because the Los Angeles River impeded access to the city. Eventually bridges were built over the river and in the late 1890s, working-class immigrants from Europe, China, Japan, Russia, and Mexico began to settle in the area. African Americans moving away from the South also settled in Boyle Heights. In the 1960s, the construction of Interstate 5 bisected the neighborhood, eroding the century-old fabric of the neighborhood.⁵

Since the 1960s, Boyle Heights residents have been predominantly Mexican and Mexican-American, with pockets of Japanese-American and Jewish residents. The current census reports just over 86,000 residents, 63 percent of whom are age 34 or younger. Many of the older residents have less than a high-school education, and much of the population is employed in the service and manufacturing sectors. The low wages in these employment sectors make homeownership difficult, and as a result 77 percent of the residents are renters. The high rents in the greater Los Angeles area create a staggering rent burden of more than 50 percent of the household income for more than a third of the Boyle Heights population. Thirty-seven percent lack access to health insurance and the median household income of \$33,250 is much lower than the city's median income of \$49,745.⁶

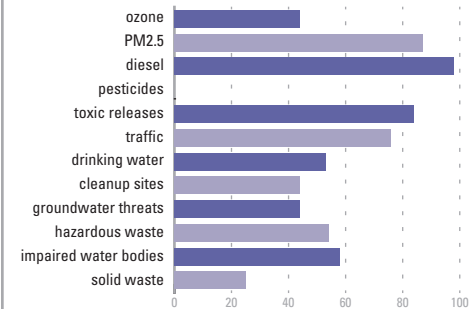
4 Tobar, Hector. "A look back at the Boyle Heights melting pot." Los Angeles Times, December 9, 2011.
 5 Envisioning a Greener LA: Environmental and Economic Sustainability for Boyle Heights, Pacoima & Wilmington, Executive Summary at p. 16, UCLA Luskin Community Scholars Program, June 2014 (Envisioning a Greener LA).
 6 Envisioning a Greener LA at p. 17.

BOYLE HEIGHTS COMMUNITY PROFILE

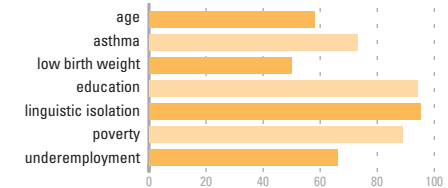
86,364 residents



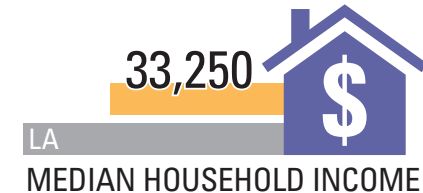
CalEnviroScreen Percentiles Pollution Burden Indicator Percentiles



Population Characteristics Indicator Percentiles



Average percentile values for all census tracts within Boyle Heights boundary



The figures other than the CalEnviroScreen percentiles are derived from Envisioning a Greener LA: Environmental and Economic Sustainability for Boyle Heights, Pacoima & Wilmington, Executive Summary at p. 19, UCLA Luskin Community Scholars Program, June 2014

In addition to economic hardships, the community is also heavily burdened by environmental stressors. According to CalEnviroScreen, Boyle Heights is in the 96–100 percentile. The neighborhood is divided by Interstate 5, Highway 101, Highway 10, and Highway 60, and the so-called East Los Angeles Interchange connecting these freeways is one of the busiest in the United States.⁷ More than 500,000 automobiles and trucks pass through Boyle Heights each day on the freeways alone.⁸ As a result, Boyle Heights residents experience disproportionate burdens of PM2.5 and diesel emissions. These air pollutants are particularly damaging to respiratory and cardiovascular health and can have long-lasting health effects. Other hazards from industrial corridors located next to or near residential homes also cause environmental stress and adverse health impacts for Boyle Heights residents.

Despite the environmental and economic challenges faced by Boyle Heights residents, the community maintains a strong network of residents who are dedicated to improving their neighborhood for the benefit of all residents. The Working Group was fortunate to have the opportunity to build upon the foundation already created by the community.

7 Bruner, Jon. “America’s Worst Intersections.” *Forbes*, February 25, 2009; *Envisioning a Greener LA* at p. 22.

8 http://www.dot.ca.gov/trafficops/census/docs/2014_aadt_volumes.pdf. Traffic Operations Division. “Traffic and Vehicle Data Systems Unit: 2014 All Traffic Volumes on CSHS.” California Department of Transportation. 2014. Retrieved June 24, 2016.

Pacoima

Pacoima is one of the oldest neighborhoods in the San Fernando Valley region. The name derives from the Tongva people, who belonged to the San Gabriel Band of Mission Indians and once occupied the area. “Pacoima” means “rushing water,” a reference to the large seasonal streams that used to flow down and through the area. In the late 1800s, land in Pacoima was used for farming olives, peaches, apricots, oranges, and lemons.⁹ Similar to Boyle Heights, African-Americans settled in Pacoima after moving from the South. Pacoima did not have racially discriminatory housing restrictions, and its proximity to employment centers in Downtown Los Angeles and nearby Burbank and Van Nuys made the neighborhood an attractive place to settle.¹⁰ By the 1970s, many Mexican immigrants began moving into the area and mainly worked in nearby manufacturing plants. In the 1990s, the Pacoima community experienced the impacts of industry losses as manufacturers began to leave the area, taking the jobs with them.¹¹ Today, the neighborhood is 85 percent Hispanic or Latino and is a mix of single-family homes and higher-density apartment complexes, with significant commercial and industrial land uses along some of its main corridors.

Like Boyle Heights, Pacoima is one of California’s most environmentally burdened communities and suffers from polluted air from vehicle emissions (Pacoima is bordered by Interstate 5, Highway 118, and Interstate 210; is home to a private airport; and has a rail line bisecting the community) as well as the myriad effects of residential homes being in close proximity to industries such as auto-dismantlers, landfills, and factories. Approximately 30 percent of Pacoima’s residents do not have health insurance, and the median

9 Architectural Resources Group, Inc. “Historic Resources Survey Report: Arleta-Pacoima Community Plan Area.” March 20, 2014, at pp. 7-8.

www.preservation.lacity.org/files/Arleta-Pacoima%20Report_Final.pdf.

10 *Envisioning a Greener LA*, at p. 56.

11 Williams, Timothy. “Poverty, Pride—and Power: In Line for Federal Help, Pacoima Hides Problems Below Neat Surface.” *Los Angeles Times*, April 10, 1994; Hsu, Tiffany. “Main Street economic renaissance planned for Pacoima.” *Los Angeles Times*, September 4, 2014.

income, \$46,656, is below that of most Angelenos.¹²

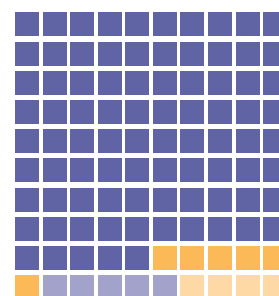
Despite these burdens, however, Pacoima is a neighborhood with a rich history and strong cultural ties. It is home to well-established non-profit organizations dedicated to the enhancement of the community. For example, in 1996, a group of mothers created Pacoima Beautiful because they were tired of seeing piles of trash in their streets and they wanted to protect their children from adverse health effects of pollution.¹³ Early on, Pacoima Beautiful organized simple community clean-ups and tree plantings, but in the last 20 years it has grown into a large-scale environmental justice organization that proposes policy initiatives, hosts classes for residents on how to identify environmental health issues, and runs a community garden and youth group. The Working Group benefited greatly from the groundwork laid by Pacoima Beautiful and others in this community and was able to build upon their successes.

12 Envisioning a Greener LA, at p. 57.

13 www.pacoimabeautiful.org/about-us/history

PACOIMA COMMUNITY PROFILE

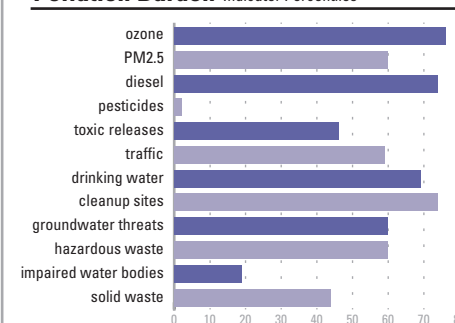
99,936 residents



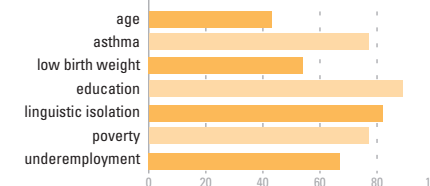
- hispanic or latino (94%)
- non hispanic white (2%)
- african american (1%)
- asian (3%)
- other (<1%)

CalEnviroScreen Percentiles

Pollution Burden Indicator Percentiles



Population Characteristics Indicator Percentiles

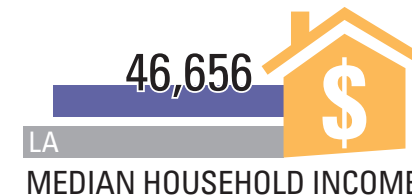


Average percentile values for all census tracts within Boyle Heights boundary



CalEnviroScreen

CalEnviroScreen is a tool developed by CalEPA's Office of Environmental Health Hazard Assessment (OEHHA) that uses science-based calculations to evaluate multiple pollution sources in a community while accounting for a community's vulnerability to pollution's adverse effects. Using a cumulative scoring of 12 indicators for pollution burden and seven indicators for vulnerability, CalEnviroScreen ranks each census tract in the state.



The figures other than the CalEnviroScreen percentiles are derived from Envisioning a Greener LA: Environmental and Economic Sustainability for Boyle Heights, Pacoima & Wilmington, Executive Summary at p. 19, UCLA Luskin Community Scholars Program, June 2014

Community Consultation

The Working Group's goals included providing communities meaningful opportunities to participate in the planning and implementation of compliance assistance and enforcement work in those communities. As a part of each neighborhood initiative, CalEPA organized community meetings and bus tours to bring together environmental regulators and members of the community prior to the deployment of the multi-agency task force inspections. This provided an opportunity for those living in the community to highlight particular areas and facilities of concern for the enforcement agencies.

In addition to the input the Working Group received through the community consultations, the group presented a summary of the enforcement work undertaken by the agencies on April 21, 2016 in Pacoima and April 27, 2016 in Boyle Heights. These report-back discussions included information about reporting tools for the community to share concerns with the enforcement agencies.



Joint Inspection Coordination

Environmental agencies routinely conduct their inspections in isolation. One goal of the Working Group is to increase cross-media and multi-agency coordination, both to better address multiple sources of pollution and to increase efficiencies for regulators and businesses that are subject to inspection by multiple agencies. Along with each community consultation, CalEPA organized joint meetings with inspectors to coordinate joint inspection work. CalEPA also provided a one-day refresher training for those inspectors involved in the initiative to brush up on inspection best practices.

BOYLE HEIGHTS

On the evening of June 30, 2015, CalEPA and its boards and departments hosted a community consultation meeting at the Benjamin Franklin Library in Boyle Heights. Approximately 40 people attended, including local residents and representatives from U.S. EPA, local partner agencies, local community organizations, churches, and the media. Each agency gave a short presentation, answered questions, and listened to concerns. Among the areas of concern were the following:

- Emissions from both the freeways and idling trucks and cars
- Storage of toxic chemicals at the railyards
- Smells and odors from industrial operations near homes and schools
- Noise pollution from freeways, railroads, and busy thoroughfares
- Illegal dumping
- Contamination from emissions at the nearby (now closed) battery recycling plant
- Accessibility of agencies and regulators to members of the community

After meeting with members of the community, the Working Group took a van tour of the Boyle Heights project area. Group members joined community members at two locations to hear from residents directly, and noted idling delivery trucks, noise pollution from trucks and traffic, smells from some of the industrial operations located in and around residential homes, and piles of trash that had been dumped illegally.



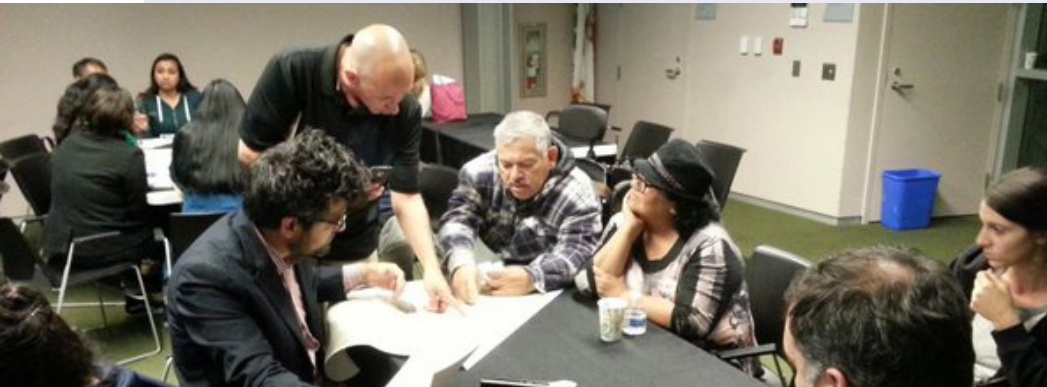
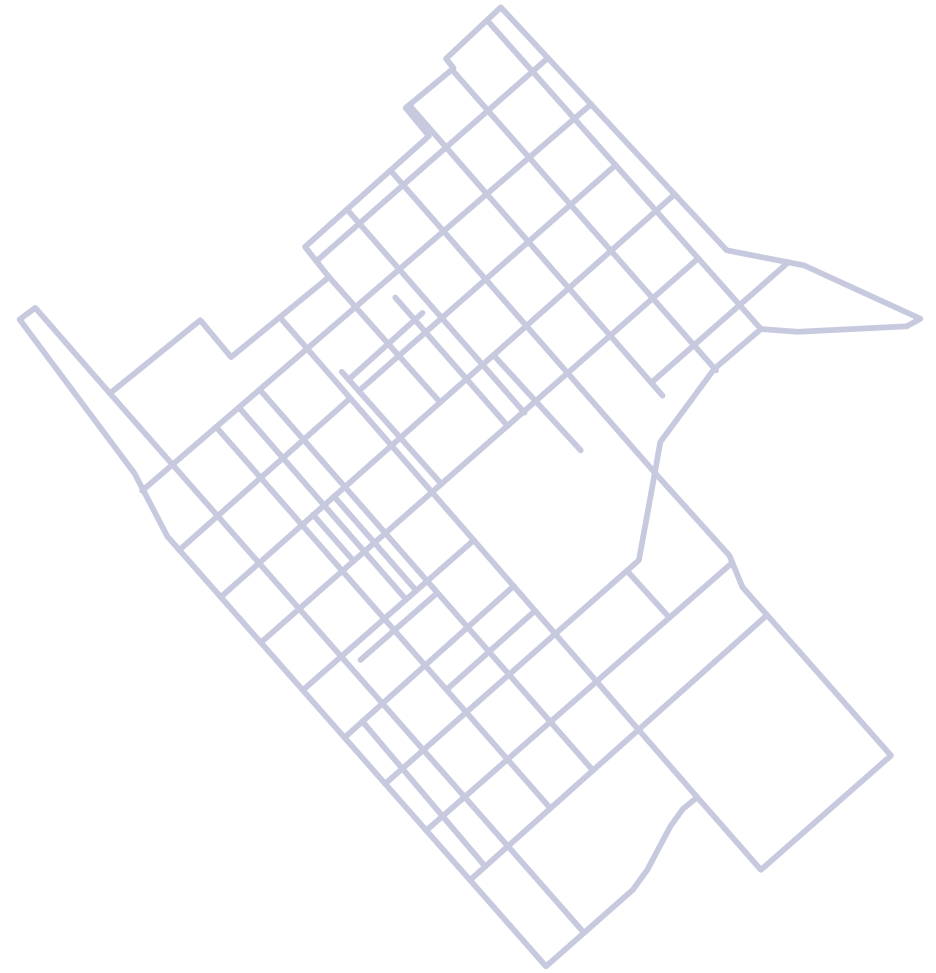
The Working Group attends a tour of Boyle Heights to experience the community's concerns first hand.

PACOIMA

On November 12, 2015, CalEPA and its boards and departments joined with Pacoima Beautiful to host a community consultation meeting in Pacoima. Approximately 54 people attended, including local residents and representatives from local partner agencies, community organizations, and local businesses. CalEPA gave a short presentation, and then the group broke into round table discussions to discuss individual issue areas. At each table, representatives from CalEPA, the boards and departments, and the local agencies answered questions and listened to community members' concerns. Among the areas of concern were the following:

- Idling trucks
- Dust from a local asphalt recycler
- Airport exposures including diesel exhaust, noise pollution, and helicopter traffic
- Illegal dumping
- Illegal backyard business activity
- Lack of shelter and trash pick-up at bus stops

After meeting with members of the community, the Working Group took a bus tour of the Pacoima project area. Group members noted idling delivery trucks, noise pollution from traffic, landing airplanes and passing trains, smells and fugitive dust and paper materials from industrial operations, heavy industry located adjacent to homes and apartment buildings, and piles of illegally dumped trash and furniture.



The Working Group gathers input from community members in Pacoima.

Compliance Assistance

Community members from Boyle Heights and Pacoima expressed concern about the potential impact of excessive penalties on small, local businesses within their communities. Therefore, the Working Group prioritized providing compliance assistance to the regulated businesses within the two communities. In addition to providing informal compliance assistance to businesses during inspections, members of the Working Group also provided the following compliance assistance outreach programs.

Waste Tires – CalRecycle – Boyle Heights and Pacoima

CalRecycle recognizes the importance of providing businesses access to education and other compliance assistance from enforcement staff of both CalRecycle and the LEA. This outreach benefits all Californians as well-informed businesses are more equipped to implement best management practices and comply with environmental laws. CalRecycle and the LEA visited 10 waste tire facilities in Boyle Heights and 36 in Pacoima and provided compliance assistance pamphlets in several languages explaining the tire storage and manifest requirements that may apply if waste tire activities are increased or modified in the future.

Tire Hauler Requirements – CalRecycle – Pacoima

Any business hauling 10 or more waste tires must register with the state and comply with CalRecycle requirements. On December 2, 2015, CalRecycle held a compliance assistance training session in Sun Valley, in both English and Spanish, for tire-hauling businesses. Topics included how to become a registered tire hauler, what the law requires, how tires must be handled, and proper disposal and manifesting requirements. Additional training opportunities are planned and will be provided in the future.

Storm Water Compliance Workshop – Regional Water Board – Pacoima

On November 10, 2015, the Regional Water Board conducted a compliance assistance session hosted by Pacoima Beautiful to educate industry representatives on the Regional Water Board's Storm Water Industrial General Permit (General Permit). This General Permit allows certain categories of industrial facilities (for example, manufacturing facilities, landfills, auto dismantlers, and wastewater treatment centers) to discharge storm water as long as those discharges comply with all requirements in the General Permit. The focus in the Regional Water Board's session at Pacoima Beautiful was on the implementation of effective best management practices, such as constructing berms to contain flow, ensuring overhead coverage to prevent contact of equipment with rain, and using pans to collect and contain leaking oil from vehicles and equipment. It was translated real-time into Spanish and Armenian, which are the languages predominantly spoken by permittees in the area.

Hazardous Waste Compliance School – DTSC – Boyle Heights and Pacoima

DTSC sponsored two "California Compliance School" classes focused on basic hazardous waste compliance for hazardous waste generators. The classes were held November 14, 2015 at the Pacoima Neighborhood City Hall and November 21, 2015 at the Hollenbeck Police Station. One session was in Spanish, and both were free to local businesses. Through these educational efforts, DTSC seeks to enhance local businesses' understanding of and compliance with hazardous waste laws.

Air

The Air Resources Board (ARB) focuses enforcement on regulations designed to ensure the cleanest types of mobile sources (vehicles and equipment) and products are being used in and around California communities. ARB listened to community concerns, evaluated the Boyle Heights and Pacoima areas, and determined that emissions from heavy duty diesel trucks, refrigeration management units, and consumer products were areas of key importance during this initiative.

With the assistance of the California Highway Patrol (CHP), ARB set up roadside heavy-duty diesel truck inspections in each neighborhood. During these inspections, targeted diesel-powered commercial trucks were pulled over by the CHP. Inspections were then conducted by ARB to ensure compliance with ARB's diesel emissions standards. Citations and penalties varied depending on the violation. If a violation was identified, a citation was issued. All compliance issues had to be corrected and penalties paid to clear the citation. If violations were not corrected, ARB could place a hold on the truck's registration with the California Department of Motor Vehicles. Through these inspections, ARB identified high levels of noncompliance in particular fleets and initiated additional fleet investigations.

In addition to the heavy duty diesel truck roadside inspections, ARB enforcement staff canvassed areas of concentrated truck traffic, and particularly focused on deliveries to and from cold storage facilities. ARB specifically regulates transportation refrigeration units (TRUs),

which are gasoline- and diesel-powered cooling units installed on vans, trucks, trailers and railcars. They are used to transport produce, meat, dairy products, and other perishable goods.

The **South Coast Air Quality Management District (Air District)**, the local air quality regulator, develops plans and regulations designed to achieve public health standards set by the state and federal government in its region, which includes Boyle Heights and Pacoima. The Air District focused its efforts on compliance determinations at aggregate and cement processing facilities, waste handling and recycling operators, and metal plating and anodizing shops.

Both Boyle Heights and Pacoima have facilities with regulated refrigerant systems. These facilities use more than 50 pounds of refrigerants that have "high global warming potential." Air quality regulations require these facilities to register with ARB, conduct periodic leak inspections, and repair leaks. Any facility that uses 200



CalRecycle Joint Truck Stops

CalRecycle joined ARB at the roadside truck stops in each community, inspecting tire haulers under its waste tire program. Vehicles hauling 10 or more waste tires must display a decal on the lower right hand portion of the windshield and carry accompanying documentation specific to the vehicle including appropriate California DMV information. Citations can be issued by the CHP for lack of registration. Letters of violation can also be issued by CalRecycle for improper registration. CalRecycle found no violations of the tire hauler requirements.

pounds or more of the high global warming potential refrigerants must also submit an annual report to ARB. Both ARB and the Air District conducted refrigeration management inspections.

Finally, **U.S. EPA** has jurisdiction under the Clean Air Act over facilities that use certain toxic substances for chemical accident prevention. U.S. EPA rules require those companies to develop a risk management program to evaluate accidental release scenarios, prevent accidents through safety measures, training, and maintenance, and plan for emergency responses should an accident occur.

BOYLE HEIGHTS

Mobile Sources

Given the East Los Angeles Interchange that bisects the Boyle Heights neighborhood, and the corridors of industrial and commercial activities drawing delivery trucks onto the streets, the residents of Boyle Heights endure a significant amount of emissions from mobile sources. Boyle Heights is also adjacent to the Union Pacific and BNSF Railway rail yards, an additional source of emissions burdening the neighborhood. ARB inspectors evaluated mobile sources for compliance, including trucks, locomotives, TRUs, and other sources. ARB inspected locomotives for compliance with idling and visible emissions standards and TRU rail cars for compliance with TRU standards.

Diesel Truck Inspections

- Set up three roadside inspection locations.
- Identified cold storage facilities for truck TRUs inspections.
- Inspected a total of 463 heavy duty diesel trucks and truck TRUs, resulting in 117 citations.
- Opened an investigation of two fleets in addition to eight fleets that were already under investigation. These investigations are on-going at the time of publication.

Union Pacific and BNSF Railyard Inspections

- Inspected 144 locomotives at the rail yards; found no idling or emission violations.
- Inspected 40 railcars with TRUs; issued two citations.

Stationary Sources

In Boyle Heights, the Air District completed two chrome plating facility inspections as part of its quarterly chrome plating facilities inspection program, which is designed to ensure ongoing compliance with applicable air quality regulatory requirements. Although the Air District issued a notice of violation to one of the two chrome plating facilities at the time of inspection, the facility is now operating in compliance with applicable requirements and permit conditions.

ARB conducted 17 refrigeration management facility inspections, 10 of which the Air District joined. Most of the facilities were found to be in compliance or to have no regulated refrigerant systems. ARB staff identified one facility, a supermarket, operating in violation of the refrigeration management regulations. Further investigation of the supermarket revealed widespread noncompliance throughout the supermarket chain, including failure to register with ARB, failure to report required leak inspections, and failure to keep records of those leak inspections. ARB staff is currently negotiating a settlement with the supermarket chain.

U.S. EPA inspected three facilities subject to its rules regarding chemical accident prevention. One facility had potential violations but closed before U.S. EPA could complete its investigation. The other two were in compliance with the rules.

PACOIMA

Air emissions from vehicles and industrial operations are environmental burdens endured by Pacoima residents. The community consultation and community tour revealed a concern about aggregate and cement processing facilities in and around the neighborhood, which became a focal point for the initiative.

Mobile Sources

Diesel Truck Inspections

- Set up three roadside inspection locations.
- Inspected 228 trucks, resulting in 78 citations.
- Opened investigations of 16 fleets, which are on-going at the time of publication.

Stationary Sources

The Air District selected 15 of its regulated facilities for inspection in Pacoima, including aggregate and cement processing, waste handling and recycling, and metal working and plating.

Aggregate and Cement Processing Facilities

The Air District inspected six aggregate and cement processing facilities in Pacoima. Although community members had raised concerns about fugitive dust emissions associated with operations and handling of industrial materials, no dirt trackout or fugitive dust emissions¹⁴ were observed at these sites. Two facilities were issued notices of violation for operating an asphalt and sand-bagging system without first having obtained the appropriate permit, and two facilities were issued a notice to comply to ensure they were performing and logging periodic visible emissions checks of their

¹⁴ SCAQMD's Fugitive Dust Rule, Rule 403, www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4 prohibits active operations and ground disturbance that causes visible dust beyond the property line. The rule also prohibits "track out" (material released by vehicles and equipment onto paved roads) from extending 25 feet or more from the active operation and requires all track out to be removed at the conclusion of each work day.

air pollution control devices, called "baghouses." Facilities where violations or non-compliance were observed either applied for permits or removed the equipment that was subject to permitting requirements, or performed or logged visible emissions checks; all were observed operating in compliance upon follow-up inspection.



A facility viewed by the Working Group while touring the Pacoima neighborhood.

Waste Handling and Recycling Operations

The Air District inspected four waste handling and recycling centers. These facilities were:

- A landfill with an enclosed active green waste and wood waste processing operation
- Two transfer stations (one of which is also a material recovery facility or MRF)
- An auto dismantling and metal recycling operation

No emissions-based violations were observed at any of these facilities, but one notice of violation was issued to the landfill for failure to obtain a permit to use a portable piece of equipment. The Air District is working with the facility to ensure it operates in compliance with requirements.

Metal Working and Plating Operations

The Air District inspected five metal working and plating operations in Pacoima. No emissions-based violations were observed, but a notice of violation was issued to one facility for operating a zinc-nickel plating line without a permit from the Air District. The facility has since submitted a permit application and is operating in compliance with requirements.

Refrigeration Management Facilities

- ARB inspected seven refrigeration facilities.
- Two facilities were found to be in compliance; the other five were exempt.

Water

The Los Angeles Regional Water Quality Control Board (Regional Water Board) regulates discharges to water, including storm water run-off, to protect the health of local streams, rivers, beaches and the ocean. Storm water run-off, which occurs when precipitation from rain flows over the land surface, can be particularly harmful to public health and waterways because it picks up and carries with it many different pollutants found on sidewalks, roads and other paved surfaces. Especially in urban areas, contaminants found in storm water can include toxic metals such as copper, zinc, and lead, as well as sediment, bacteria, oil, grease, and any number of pollutants created by industrial activities.

The Regional Water Board’s Storm Water Program uses an integrated approach to regulating storm water discharges from industrial facilities, construction sites, and municipal systems. Among the tools used by the Regional Water Board to regulate storm water discharges are requirements for industrial facilities to comply with “best management practices” and to have in place a storm water pollution prevention plan. Best management practices vary depending on the industry type but include catch basins or oil/water separators and maintenance of work areas using dry cleanup methods. Similarly, an industrial storm water pollution plan requires a facility to identify

points of potential discharge, to have monitoring systems in place to detect spills, and to have emergency plans in place to address any accidental discharges, among other things.

Under the federal Clean Water Act, **U.S. EPA** has authority over industries that discharge pollutants into waters of the United States. Under the Clean Water Act, “pollutant” is broadly construed and may be anything from chemical waste generated at a hazardous waste facility to sand or sediment discharged into a storm drain at a construction site. U.S. EPA regulates industries that discharge pollutants by requiring compliance with a permit that sets specific limits on the amount of pollutants that can be discharged per day and requires certain best management practices to minimize discharges. While much compliance inspection work is done by the state of California through the State Water Resources Control Board and the Regional Water Boards, U.S. EPA does not relinquish its authority and will still conduct inspections to ensure compliance with the Clean Water Act.



A view of the LA River from the Working Group’s tour of Boyle Heights and the surrounding area.

BOYLE HEIGHTS

The Regional Water Board storm water compliance staff inspected 11 sites in Boyle Heights and found that seven were in compliance with all storm water regulations. Three sites received notices to comply to correct minor best management practices infractions and minor storm water pollution prevention plan violations. All minor violations identified during the inspections were corrected within three weeks of notice issuance.

One site, a scrap metal recycling facility, had major violations of both its best management practices and its pollution prevention plan and was issued a notice of violation. However, the facility operators quickly implemented corrective actions, and the Regional Water Board has determined that the facility is now in compliance.

PACOIMA

In Pacoima, the Regional Water Board enforcement staff inspected 14 sites. Inspectors issued seven verbal warnings for minor infractions; three notices to comply to correct inadequate best management practices; and two notices of violation for major BMP and reporting violations. The Regional Water Board followed up with inspections three months later to determine the compliance status of the seven sites that received verbal warnings. Three of the sites were found to have returned to compliance, while three other facilities were issued notices to comply for minor violations and subsequently implemented corrective actions. One site was found to have closed down. All of the facilities in Pacoima that were found to be out of compliance took corrective action and were deemed compliant in follow-up inspections. In addition to this inspection work, the Regional Water Board is collaborating with Pacoima Beautiful to identify non-registered sites for storm water control.

After receiving input from the Regional Water Board to identify targets, U.S. EPA conducted 15 Clean Water Act industrial storm water inspections at facilities involved in a variety of industries. Among the facilities inspected were plastic resin producers; construction sites; sand, gravel, and asphalt paving sites; stone cutting companies; mineral crushing operations; and ready-mix concrete facilities. During these inspections, U.S. EPA identified multiple facilities that were not implementing good housekeeping and best management practices to reduce exposure of pollutants to storm water. U.S. EPA is currently evaluating the compliance status of all 15 facilities.

Toxic Substances

*Hazardous waste is waste that has a chemical composition that may cause illness, harm, or death to humans or other life forms when mismanaged or released into the environment. The **Department of Toxic Substances Control (DTSC)** inspects hazardous waste transporters and facilities that treat, store, and dispose of hazardous waste, as well as electronic waste (e-waste) collectors and recyclers, to ensure proper handling and recordkeeping. DTSC works with the local Certified Unified Program Agencies (CUPAs), which also regulate hazardous waste generators. In Boyle Heights and Pacoima, the CUPAs are the **Los Angeles City Fire Department and the Los Angeles County Fire Department.**¹⁵*

DTSC and the CUPAs inspect facilities for compliance with a variety of regulatory requirements relating to hazardous waste management. When violations are found, they are categorized depending on the gravity of the potential for harm to the public or the environment, the extent of deviation from the requirement, and other factors such as whether the violation was intentional and whether the violator is a repeat offender. The most serious violations are categorized as

¹⁵ The Los Angeles City Fire Department is the CUPA for the City of Los Angeles. The Los Angeles County Fire Department is a participating agency with responsibility to enforce certain elements of the unified program in the City of Los Angeles, including Boyle Heights and Pacoima.

“class I” violations, “class II” violations are less serious, and the least severe are considered “minor.”

DTSC also oversees the assessment, investigation, and clean-up of sites contaminated with hazardous substances, including proposed school sites. DTSC ensures the properties are safe for their intended use. DTSC further requires that contaminated sites maintain security measures against unauthorized entry.

U.S. EPA works with its federal, state, and tribal regulatory partners to assure compliance with its rules regarding the management of hazardous wastes under the federal Resource Conservation and Recovery Act. While much of the hazardous waste compliance responsibility is delegated to the state, U.S. EPA provides oversight of compliance activities to ensure facilities are properly inspected.

U.S. EPA also has authority under the Toxic Substances Control Act and other statutes over lead in paint, dust, and soil. Under this authority, U.S. EPA ensures those engaged in renovation projects in residential and child-occupied facilities (such as day care centers) built prior to 1978 are trained and certified in lead-safe work practices—and that they implement those practices—to guard against lead contamination.¹⁶

BOYLE HEIGHTS

A total of 31 facilities were inspected for hazardous waste and e-waste handling by DTSC, Los Angeles County Fire Department, Los Angeles City Fire Department, U.S. EPA, or those agencies jointly. The agencies selected higher-risk facilities with greater potential environmental impact for inspection, with a focus on metal finishers and metal recyclers. Significant violations were found at five facilities, and the Los Angeles City Attorney filed five criminal complaints against the owners of these facilities, discussed in greater detail on page 20. Additionally, six facilities had at least one class I

¹⁶ For more information about U.S. EPA’s lead regulations, see www.epa.gov/lead/lead-regulations.

violation, five had at least one class II violation, and five had at least one minor violation. The agencies pursued administrative remedies to ensure these facilities corrected the violations, including using notices of violations and penalty assessments for more serious violations and notices to comply for minor violations. Examples of the class I violations are a failure to minimize the release of a hazardous waste, illegal disposal of hazardous waste, and storage of hazardous waste for longer than 180 days. Examples of the class II violations were inappropriate or missing hazardous waste labels, used oil mismanagement, and failure to submit an emergency response plan or chemical inventory. Examples of minor violations found are inadequate employee training and inadequate record-keeping. The remaining 11 facilities had no violations or were no longer operating.

DTSC inspected 22 former hazardous substance release sites in Boyle Heights, and all were found to have adequate security measures in place.

U.S. EPA conducted two lead-based paint inspections of contractors working on renovations in the Boyle Heights neighborhood. No violations were found.

violations found, the facility's compliance history, and other facts discovered upon further investigation, the agencies used various administrative enforcement remedies to bring the facilities back into compliance. These remedies ranged from formal orders with penalty assessments to notices to comply with follow up inspections. Four of the 14 facilities were found to be in compliance.

U.S. EPA inspected two contractors conducting renovations in the Pacoima neighborhoods for compliance with lead-safe work practices. One of those companies had a minor violation resulting in a warning letter. The other company had multiple violations that will likely result in formal enforcement.

PACOIMA

DTSC, Los Angeles County Fire Department, Los Angeles City Fire Department, and U.S. EPA together or independently inspected 14 facilities regulated for handling hazardous waste or e-waste. One inspection of a metal plating shop resulted in a criminal case filed by the Los Angeles City Attorney, discussed on page 20. Two other facilities were cited for class I violations, such as illegal disposal and illegal treatment of hazardous waste. Seven facilities had class II or minor violations, such as open containers of hazardous waste and general maintenance issues. Depending on the gravity of the

SPOTLIGHT

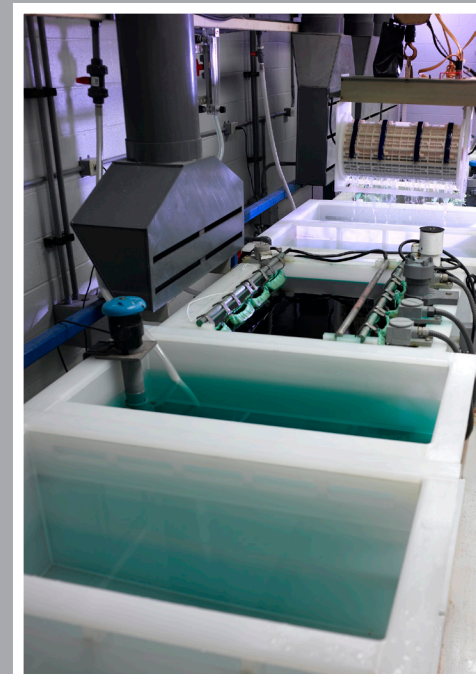
Metal Plating Criminal Complaints

In December 2015, the Los Angeles City Attorney's Office filed criminal charges against five metal plating and finishing companies for illegal disposal and storage of hazardous waste, failure to properly label hazardous waste containers, failure to appropriately contain metal plating and finishing dust, and violations of various fire codes and municipal environmental codes. The complaints stemmed from multi-agency inspections that were conducted in Boyle Heights in August 2015.

The conditions created by the violations at these facilities posed significant public safety and health risks, and each of the facilities was a repeat violator. The violations noted could have resulted in explosions, fires and unsafe transport and disposal of highly toxic hazardous waste, including potassium cyanide. Potassium cyanide is an extremely dangerous substance that can create a deadly gas cloud if it comes into contact with any acid.

The businesses charged were Nature's Design, Bronze-Way Plating Corporation, Grana Industrial Finishers, Inc., California Electroplating, Inc., and Chromal Plating. In addition to the environmental violations, each company and its owners were charged with criminal misdemeanors. All of the defendants pled guilty and paid fines and investigative costs totaling more than \$11,000. In addition to these fines and costs, each violator agreed to pay a percentage of its fine to the CalEPA Environmental Justice Small Grants Program, which awards grants to local government agencies and non-profit organizations for environmental justice projects. The contribution to the EJ Small Grants Program totaled \$15,500. All of the charged companies will be on probation, ranging from 18 months to 36 months.

The Los Angeles City Attorney filed a similar action arising out the Pacoima initiative in early 2016. The criminal complaint alleges that the defendant metal plating company, CP Plating, and its owner illegally disposed of highly toxic hazardous waste into a roll-off trash bin, allowed for illegal build-up of waste debris and hazardous waste, failed to properly train employees, failed to properly label and account for on-site hazardous waste, and failed to implement best management practices to contain releases of hazardous waste. The case is currently pending in Los Angeles County Superior Court.



Solid Waste & Recycling

CalRecycle is the state's solid waste management and recycling agency. It partners with the local tire and solid waste enforcement agencies to ensure compliance with its regulations. In Pacoima and Boyle Heights, the local agency is the Los Angeles City Local Enforcement Agency (LEA). Background information on the various programs enforced by CalRecycle and the LEA is provided below, followed by information on the work these two agencies conducted in Boyle Heights and Pacoima for the initiative.

Waste Tire and Solid Waste Facilities Enforcement

California has more registered vehicles than any other state. As a result, more than 40 million reusable and waste tires are generated each year. CalRecycle's waste tire program is dedicated to finding new uses for this valuable resource, which range from reuse to retreading to combustion. Because roughly 87 percent of California's waste tires are reused, a substantial amount of waste tires must be safely stored until they can be put to future use. CalRecycle also provides training and ongoing support for its local partners, LEAs, to regulate and inspect active and closed solid waste landfills, materials recovery facilities, solid waste transfer stations, compost facilities, and more. In Boyle Heights and Pacoima, CalRecycle and

its local partners conducted joint inspections of waste tire and solid waste facilities.

Beverage Container Recycling Enforcement (Fraud)

CalRecycle's Beverage Container Recycling Unit regulates dealers, recycling centers, and processors that buy, sell, and recycle reusable beverage containers to prevent fraud. These businesses are inspected by CalRecycle to ensure that the containers are appropriately labeled and only labeled containers are being accepted and processed. Businesses that sell beverages containing the California Refund Value (CRV) label charge consumers the applicable CRV fee at the time of purchase. Recycling centers buy back the empty CRV beverage containers from consumers and reimburse them the CRV paid when purchasing the beverage. Processors then take the recycled containers and reimburse the recycling centers for the monies paid to consumers. This program provides important litter reduction benefits for local communities.

BOYLE HEIGHTS

In Boyle Heights, CalRecycle facilitated more than 60 facility and site inspections in three of its program areas: waste tires, solid waste facilities, and beverage container recycling.

Waste Tires and Solid Waste Facilities Enforcement

Working together, CalRecycle and the LEA completed 14 tire hauler inspections, 22 tire facility inspections, two solid waste facility site inspections, and two recycling center visits. All of the tire haulers were found to be in compliance. One solid waste facility was found to have minor violations, and two tire facilities were issued notices of violation for minor infractions. All tire and solid waste facilities found to be in violation came into compliance within 30 days.

Beverage Container Recycling Enforcement

CalRecycle staff visited 20 sites (two processors, six dealers, and 12 recycling centers) and found 11 sites were in full compliance, while nine sites were in violation. Violations included not posting required signage, paying CRV on ineligible containers, not properly inspecting material submitted for reimbursement, not purchasing eligible CRV containers, and selling containers without the required CRV message. CalRecycle assessed \$850 in fines and pulled unlabeled beverages from the shelves. Samples of the unlabeled containers were also submitted to the CalRecycle Registration Unit for follow-up with the manufacturer of the beverages to get them properly labeled for sale in California.

PACOIMA

In Pacoima, CalRecycle facilitated more than 208 facility and site inspections in three of its program areas: waste tires, solid waste facilities, and beverage container recycling.

Waste Tires

CalRecycle and its local partners completed 172 site inspections of waste tire facilities in Pacoima and Sun Valley. The waste tire locations were largely in compliance, but 14 facilities were issued violation notices for minor violations, all of which have been corrected.

Demonstrating one of the benefits of a targeted and focused compliance sweep, CalRecycle and its local partners discovered 34 businesses in Pacoima that were handling waste tires but were not registered with CalRecycle. These sites were recorded into the waste tire facility database kept by CalRecycle, and were inspected. No violations were found, but the businesses were nevertheless provided with information on compliance with waste tire storage regulations, and they will be regularly monitored going forward.

Solid Waste Facilities

CalRecycle, in partnership with the LEA, conducted solid waste facility inspections of five solid waste facilities and two recycling centers. Of the seven inspected sites, only one, a solid waste facility, Recology LA (formerly Community Recycling), was found to be in violation. It was confirmed during the inspection that the site continues to operate outside of permitted limits. The violation was known to CalRecycle and the LEA before the initiative, and operations have been governed under a compliance agreement. The facility changed ownership in early 2015, and the solid waste facility permit revision process resulted in additional mitigation requirements, including an enclosure of the facility to better control fugitive debris and dust. On February 25, 2016, the LEA completed a review of the company's application for a permit revision, and determined that the application was complete and correct. CalRecycle anticipates receiving a proposed permit from the LEA later in the year.

Beverage Container Recycling Enforcement

The beverage container enforcement program performed 22 recycling center inspections and two processor site inspections, and conducted shelf surveys of beverage containers at five retail businesses. Some of these inspections were conducted in conjunction with other agencies.

Of the 22 recycling centers inspected, six had violations. Three were repeat offenders, found to be paying CRV for non-CRV material; so they were issued notices of violation and were fined. Two others were cited for purchasing non-CRV materials, and will be fined if inspectors find a violation in the future. The sixth facility was cited for failure to properly inspect the material it was purchasing, failure to provide a receipt for scrap material, and paying an improper CRV amount.

One of the two processors inspected by CalRecycle and the LEA was cited for falsifying records and adding previously bailed material to the load being delivered. Because of the violations, CalRecycle denied the recycling center's request for CRV reimbursement in the amount of \$4,158.91.

Of the five retail establishments visited, two were cited for having non-labeled beverages for sale. Enforcement staff pulled these beverages from the shelves, and samples were sent to CalRecycle's Registration Unit for follow-up to ensure that the manufacturers are aware the containers must be properly labeled. As per protocol, CalRecycle and the LEAs performed follow-up visits to the businesses, at which time no unlabeled containers were being offered for sale.



Illegal dumping is the improper discarding of waste or garbage, such as furniture, mattresses, and appliances, where it does not belong. In urban settings like Los Angeles, illegal dumping often occurs along sparsely-traveled roads and alleys.

SPOTLIGHT

Illegal Dumping

Illegal dumping is an on-going blight that affects residents in both Boyle Heights and Pacoima. Community members raised concerns about illegal dumping at the community consultations and the state and local agency enforcement staff observed its effects during the bus tours of the communities. Illegal dumping presents unique enforcement challenges. It is difficult to catch people in the act of dumping, as it often happens in more remote areas, late at night or early in the morning.

Surveillance cameras can capture license plates and take pictures of people dumping, but the cameras are expensive to purchase and maintain. Even in areas where law enforcement has high-quality video surveillance footage of illegal dumping, there are significant administrative burdens associated with processing and viewing the surveillance footage. Further, if the videos show illegal dumping, law enforcement must identify and locate the individual through motor vehicle records or other means. These steps take time and resources, and law enforcement resources are often diverted to other, higher-impact cases. Finally, dumping often occurs where surveillance cameras, lights, and signs, are not located.

Through the initiative, the Working Group was able to identify gaps in the enforcement of illegal dumping crimes, and it is possible that with additional funding or resources, more law enforcement resources can be directed to deter dumping in these areas. CalRecycle, through its [illegal dumping grant program](#), is currently exploring ways to assist ongoing local government efforts to address illegal road-side dumping in Boyle Heights and Pacoima. Funds may be available for the removal of illegally disposed waste as well as the implementation of mitigation measures to reduce the impacts of illegal dumping on the community.

Pesticides

The **Department of Pesticide Regulation (DPR)** oversees and enforces federal and state laws covering pesticide registration, licensing, the sale and use of pesticides, and worker protection, and it administers the nation's largest monitoring program for analyzing domestic and imported produce for pesticide residues. To implement these programs, DPR conducts three types of inspections: it tests produce for illegal pesticide residue; it conducts marketplace surveillance to verify only registered and properly-labeled pesticides are sold; and it inspects manufacturers of pesticides to ensure the pesticides at those facilities are properly registered and labeled. Under its pesticide residue monitoring program, DPR collects produce samples from businesses and analyzes them to ensure they do not have pesticide residues higher than the amount allowed by law. If illegal residue cannot be removed from the produce, it is destroyed. DPR analyzes each instance of illegal pesticide residue to determine whether there is an immediate health concern that requires a warning to consumers.¹⁷

DPR works closely with county agricultural commissioners, who have the primary responsibility to enforce pesticide use laws. The commissioners conduct inspections to ensure compliance with pesticide use requirements, investigate pesticide incidents, and take administrative actions against violators. The **Los Angeles County Agricultural Commissioner** is the community's first line of protection from potentially harmful effects of pesticides. One of the county agricultural commissioner's tasks is to inspect structural fumigations, which is particularly important in urban counties. Fumigations use a lethal gas, sulfuryl fluoride, to eliminate wood-

eating insects such as termites from a structure. The gas is toxic and can cause adverse environmental and human health consequences if not applied with proper precautions. The Los Angeles County Agricultural Commissioner regulates companies that perform the fumigations to ensure the protection of the environment and public health. The commissioner also inspects commercial nurseries to assure the proper use of pesticides to protect nearby residents.

BOYLE HEIGHTS

DPR took 120 samples of produce from nine retail stores in Boyle Heights, including 14 samples from a discount store (see spotlight on page 26 for more information on the initiative's focus on discount stores). Of the 120 samples, four (3.3 percent) were found to contain illegal pesticide residues. For each contaminated produce sample identified, any remaining contaminated produce was removed from store shelves and destroyed and the source of the contamination was investigated. A total of 588.5 containers of contaminated produce were destroyed, and a stop harvest order was issued to one of the growers in California, resulting in the destruction of 11.5 acres of contaminated cilantro. DPR enforcement staff also issued warning letters to each of the businesses involved in the tainted produce's stream of commerce, including the stores that sold it and the companies that packed or shipped it. Of the four illegal pesticide residues found, two commodities were imported (key limes from Mexico and litchi from China), and two were grown in California (Thai chili peppers and cilantro).

Cilantro field



¹⁷ For more information on DPR's pesticide residue monitoring program, go to www.cdpr.ca.gov/docs/enforce/residue/rsmonmnu.htm.

In Boyle Heights, DPR inspected five facilities that produce disinfectants, agricultural pesticides, and antimicrobial copper door hardware. While a few record-keeping and labeling issues were identified, DPR did not find any major state or federal law violations during the pesticide producer inspections.

In Boyle Heights, the Los Angeles County Agricultural Commissioner conducted five structural fumigation inspections. No violations were observed.

PACOIMA

In Pacoima, DPR collected 84 samples of produce from seven retail stores. Four of the samples (4.8 percent) contained illegal pesticide residues. For each contaminated produce sample, the source of the contamination was investigated, and any remaining contaminated produce was removed from store shelves and destroyed. A total of 324 cases of contaminated produce were destroyed. Of the four produce samples with illegal residues, three were imported from Mexico (key limes, guava, and pasilla chili peppers) and one was grown in California (cilantro).

DPR staff identified and inspected one pesticide-producing facility in Pacoima. This facility produces an algaecide/bactericide/fungicide product used in industrial water treatment systems. No state law violations were observed, but there were possible federal paperwork and labeling violations noted during the inspection, and, as is standard practice, the report was forwarded to U.S. EPA for follow-up.

In Pacoima, the Los Angeles County Agricultural Commissioner conducted 10 nursery and six structural fumigation inspections. The commissioner issued two paperwork violations to a commercial plant nursery, which paid a \$400 fine. One of the structural fumigation inspections revealed two possible violations. The investigation of these potential violations is ongoing.



Illegal activities in a Pacoima neighborhood backyard.

SPOTLIGHT

Pacoima Backyard Business Activity

In Pacoima, a group of residents raised concerns about informal industrial activities in backyards of homes in their neighborhood, reporting repeated incidents of strong odors, metalworking noises and the presence of metals and other potentially hazardous materials. These residents identified a particular residential area where business activity was frequently observed. Delivery trucks were common at all hours, and, especially late at night and very early in the morning, metal cutting and sawing noises were constant. In some cases, unusual activities and materials were visible from the street or through backyard fences, such as piled up and dismantled cars and car parts.

To respond to these community complaints, CalEPA organized a task force of state and local agencies. The group identified several specific properties for targeting, and in March 2016, a number of local enforcement agencies were deployed to inspect the properties and issue citations. The Los Angeles Department of Building and Safety (Building and Safety) with the help of the Los Angeles City Attorney, Police Department, Bureau of Street Services, Watershed Protection Division, and County Fire Department, inspected six properties, each of which were cited by Building and Safety for municipal code violations. Two of the locations were also cited by Watershed Protection for violations of illegal storage and disposal of hazardous waste. In June 2016, the Los Angeles City Attorney filed a criminal complaint against two individuals for their illegal backyard business activities. The complaint alleges criminal violations resulting from the illegal storage of automotive parts, oil containers and automotive batteries, all of which contain hazardous waste. The complaint is currently pending in Los Angeles County Superior Court.

SPOTLIGHT

Discount Stores

Discount retailers, commonly called “dollar stores,” serve as a major source of household goods and food in many communities. Recent reports have raised concerns about the levels of hazardous chemicals in consumer products sold at discount stores.¹⁸ CalEPA screened the Boyle Heights and Pacoima neighborhoods to locate discount stores that are frequently visited by local residents and selected five retailers in Boyle Heights and nine retailers in Pacoima for coordinated inspections of consumer products.

Four agencies—ARB, DTSC, DPR, and the California Department of Public Health—inspected consumer products at the selected retailers.

- **Volatile Organic Compounds (VOCs):** ARB’s consumer products program seeks to reduce the amount of smog-producing VOCs, toxic air contaminants, and greenhouse gases that are emitted into the air from consumer products such as insecticide foggers and sprays, shaving gel, glass cleaner, and hair spray. ARB tested 20 products from stores in Boyle Heights and 10 products from stores in Pacoima. In Boyle Heights, ARB found no violations. In Pacoima, preliminary testing indicated three products may have exceeded the VOC limit and are under further investigation. One product in Pacoima was not labeled properly.



These barrettes exceeded lead level limits.

- **Lead in Jewelry and Toxics in Packaging:** DTSC regulates lead and cadmium in jewelry to prevent exposures of the toxic metals, which can be especially harmful to children. DTSC also regulates the toxic metals cadmium, lead, mercury, and hexavalent chromium in packaging, such as cardboard and rigid plastic packaging that holds products. DTSC screened 236 jewelry and packaging items from Boyle Heights stores and found two violations (one jewelry item and one packaging item). DTSC screened 27 items from Pacoima stores and found no violations. DTSC issued a summary of violations that included a requirement that the retail store remove the non-compliant items from its shelves. DTSC is also pursuing an administrative order with the store that includes administrative penalties.

¹⁸ A Day Late and A Dollar Short, Campaign For Healthier Solutions, February 2015.

- **Pesticide Product Labeling and Pesticide Residue on Produce:** DPR enforces registration and labeling of pesticides sold in the state. DPR visited nine discount retailers and issued nine Notices of Violation for the sale of unregistered pesticide products at one of those stores. The products were bath products (tub accessories, floor mats, and bath pillows) that made antimicrobial claims and were manufactured by the same company. DPR also tested 14 samples of produce from the only discount store identified that sold produce, which was in Boyle Heights. For more information on the pesticide residue testing conducted by DPR, see page 24.



- **Lead in Candy:** The California Department of Public Health tests candy for lead, which has been found primarily in candy containing tamarind, chili powder, or salt that comes from certain parts of the world (Mexico, Malaysia, China, and India). The department sampled eight products in Boyle Heights and six products in Pacoima from discount stores and found no violations.
- **Water Vending:** The California Department of Public Health tests water vending machines for compliance with laws that address the quality of vended water such as sanitation, equipment quality control procedures, and testing requirements. The department inspected 32 water vending machines in Boyle Heights and 25 machines in Pacoima. Twenty machines in Boyle Heights were out of compliance, most with minor sanitation or labeling violations that were subsequently corrected. One machine was shut down as unlicensed. No violations were found in Pacoima.

Conclusion

Focusing environmental enforcement and compliance activity in communities that are the most vulnerable and the most burdened by multiple sources of pollution is a priority of the CalEPA Working Group and its partner agencies. This initiative, together with the Working Group's first initiative in Fresno, confirmed the value of targeted, multi-media enforcement efforts in disadvantaged communities. Both initiatives were built on the following principles, which were woven into the enforcement strategies of each participating agency: the incorporation of community input; the engagement and coordination of multiple agencies across media types and programs; the use of compliance assistance as a first-level method to achieve compliance, especially for small businesses with no history of violations; and an emphasis on building community capacity to ensure individual initiatives have lasting effects.

In Los Angeles, collaboration with local residents and organizations in Boyle Heights and Pacoima was essential to shaping the initiative. For example, as discussed in the Air Emissions section of this report, in Boyle Heights, community members expressed concern about excessive diesel emissions and truck traffic in their communities. As a result, ARB focused its enforcement activities, conducting 463 individual truck inspections and opening investigations of fleets that frequent the area. The focus on backyard businesses, discussed on page 24, is another example. This focus arose from the Pacoima community's concerns about businesses that appeared to be operating in backyards in a residential neighborhood. Members of the Working Group investigated the issue with an expanded group of local enforcement officers, and the investigation resulted in two criminal complaints based on evidence of illegal operations involving

hazardous materials and waste. Additionally, the Working Group returned to the Boyle Heights and Pacoima after the inspections were complete, hosting local meetings to explain the scope of each agency's work and report on the findings.

Recognizing that environmental harm often does not follow the jurisdictional boundaries of individual agencies, the members of the Working Group shared information with each other and organized joint inspections involving multiple agencies. The partnership of federal, state and local agencies led to increased compliance across media types and less disruption of regulated facilities' operations because multiple inspections were consolidated. It also allowed individual inspectors to gain a broader perspective of the work of other inspectors and to learn from expertise developed at sister agencies. In Los Angeles, where industrial sites are interspersed with dense population centers and multiple agencies regulate a large number of facilities and sites, this close cooperation is particularly valuable.

The Boyle Heights and Pacoima communities also expressed concern about the fragile nature of their local economies and noted the potential impact of any additional financial burden on small businesses. In response, the Working Group maximized access to compliance assistance, a quick and efficient way to help businesses achieve and maintain full compliance. The Working Group identified particular industries and issues for special compliance assistance efforts, and used focused compliance assistance events or one-on-one compliance consultation at individual regulated sites. This approach had the benefit of making it easier for businesses to avoid monetary penalties, which might otherwise accrue for repeat or uncorrected violations.

As a result of the successful completion of this second initiative, the members of the Working Group are committed to making the use of enforcement and compliance initiatives in disadvantaged communities a more permanent approach. Going forward, the Working Group will increase its efforts to develop initiatives in geographic areas where correction of noncompliance has the potential to have the greatest impact.



California Environmental Protection Agency

1001 I Street
P.O. Box 2815
Sacramento, CA 95812
(916) 323-2514
www.calepa.ca.gov