

MOTION

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

In 2015 Exide entered a "non-prosecution settlement agreement," which was overseen by the DTSC to avoid criminal prosecution from the US Attorney's Office and in this agreement the funds provided by Exide for testing of soil and remediation cleanups was minimized leaving millions of dollars of unfunded cleanup work.

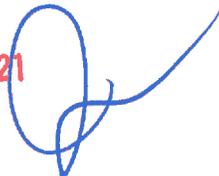
As part of the remediation plan, a select set of properties of the approximately 10,000 residential units in Boyle Heights and elsewhere has been identified for testing and remediation of contaminated soil. This program has been widely criticized as unclear, slow, underfunded, and too narrow in its scope. In stark contrast to similar public health emergencies, such as the gas leak in Porter Ranch, there is a lack of urgency in dealing with the Exide-related contamination and its ongoing ill effect on Boyle Heights and the surrounding East and Southeast L.A. communities.

In 2021 DTSC is currently undergoing a public review of its Exide remedial investigation, human health risk assessment and remediation plan of the public parkways. Boyle Heights and the surrounding communities deserve to know when a full remediation plan will be implemented and the completion dates for cleanup for their homes and public spaces, including full cost estimates so that Governor Newsom and state officials can do the work necessary to expedite a fully funded cleanup plan.

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

I FURTHER MOVE that the Bureau of Sanitation be directed to prepare and submit, with support from the City Attorney and other departments as needed, comments on the DTSCs and US Environmental Protection Agency work plans to address Exide Pollution cleanup to include: proper closure activities and deconstruction of the Exide facility and remediation of onsite RCRA contaminated soil, groundwater and ancillary buildings; completion of the residential clean-up, and seek new strategies to expedite securing

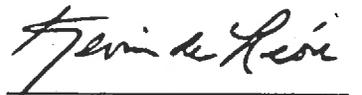
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property owner consent and participation; advance options to implement sampling and testing beyond the Project Impact Area to ensure that all potential affected properties are properly addressed.

I FURTHER MOVE that the Bureau of Sanitation be directed to prepare and submit, with support from the City Attorney and other departments as needed, comments on the DTSC's investigation, human health risk assessment and remediation plan of the public parkways including the expedited remediation of heavy metals from public property, schools, and child care facilities.

PRESENTED BY:

  
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KEVIN DE LEÓN  
Councilmember, 14<sup>th</sup> District

SECONDED BY:

  
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BJR Blumengard