

RESOLUTION NO. 22-151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING A CITY COUNCIL POLICY TO ADVOCATE FOR THE MAXIMUM PUBLIC BENEFITS FOR THE CARSON COMMUNITY AS RELATED TO THE RESTORATION OF THE DOMINGUEZ CHANNEL

WHEREAS, on October 4, 2021, a noxious odor that smelled like "rotten eggs", later determined to be hydrogen sulfide (H₂S), was reported to the South Coast Air Quality Management District (AQMD) by the City of Carson; and

WHEREAS, on October 6, 2021, the strength of the odor became much more intense and pervasive through the City of Carson, and AQMD and Los Angeles County Public Works investigation teams concentrated their efforts in and near the Dominguez Channel; and

WHEREAS, on October 8, 2021, AQMD, Los Angeles County Fire Department, Health Hazmat, and Department of Public Health teams focused on the Dominguez Channel and detected elevated levels of H₂S; and

WHEREAS, H₂S can cause adverse health effects at both acute and chronic exposure levels, and Carson residents, employees and business owners reported such effects, including dizziness, headaches, eye and throat irritation, nausea, vomiting, and other similar symptoms of H₂S exposure; and

WHEREAS, on October 11, 2021, the Carson City Council, declared a public nuisance due to the foul odor from the H₂S emanating from the Dominguez Channel and its negative impacts on residents and businesses in the city, particularly within close proximity to the Channel; and

WHEREAS, on October 15, 2021, Los Angeles County Public Works began to spray Epoleon, a chemical neutralizing agent, in the Dominguez Channel and stated that it would take three to five days to be effective; and

WHEREAS, on October 18, 2021, Los Angeles County Public Works increased its spraying of Epoleon and began to install a system of nano aeration bubblers in the Dominguez Channel to increase the amount of dissolved oxygen and reduce the level of anaerobic digestion of organic material in the Channel, which they believed was the source of the H₂S; and

WHEREAS, the City of Carson has a majority-minority residential population of African Americans, Hispanics, and Asian-American and Pacific Islanders, a significant population who are low or fixed income; have disabilities, poor health, or limited access to healthcare and other functional needs; or are senior citizens, and that this population has suffered historical as well as current-day public health and environmental inequities due to the disproportionate health impacts of the COVID pandemic, the intensity of automobile and diesel emissions, noise and vibration from trucks in the goods movement industry, and the location of major oil refineries and other petroleum- related facilities; and

WHEREAS, many businesses in the City of Carson were already strained and just beginning to recover from the COVID pandemic and continued suffering from lost sales or choosing to close their locations in Carson due to the overpowering smell of H₂S and its impacts on their customers and employees; and

WHEREAS, the long term health effects due to chronic exposure to H₂S was of the highest concern and the Dominguez Channel Odor Crisis was of such length, severity, and magnitude that the effective response was beyond the capabilities of the City of Carson, even when partnering with the County of Los Angeles in responding to residents' needs, and the City also found itself responding to an “emergency within an emergency,” as it devoted considerable staff resources to COVID response, including COVID testing, vaccination events, food distribution programs, and senior check-in programs and during the odor emergency was stretched thin trying to manage the first line response to both emergencies; and

WHEREAS, on October 25, 2021, the City Council ratified the proclamation of a local emergency in the City of Carson, as set forth in Resolution No. 21-147, pursuant to Government Code Section 8558(c) and Carson Municipal Code Section 3705(a) related to the existence of a noxious odor emanating from the Dominguez Channel; and

WHEREAS, on November 16, 2021, the Council reviewed the need for continuing the local emergency pursuant to the foregoing provision of Resolution No. 21-147 and found (without limitation) that although testing had revealed significant amelioration of the conditions which necessitated the proclamation of local emergency, there was a need for continuing the local emergency in effect. Accordingly, the Council adopted subsequent Resolutions continuing the proclaimed local emergency in effect; and

WHEREAS, the Dominguez Channel in the City of Carson is six miles long, and is an estuary for almost the entire length of the channel in Carson, and as such this body of water serves as critical habitat to many plant and animal species; and

WHEREAS, while the solution may bring long term benefits to the Dominguez Channel as an environmental restoration and the Carson community, the short and medium term community impacts of any sediment removal operation are of local concern, especially in terms of potential new odor impacts, the characterization of the sludge at the bottom of the Channel and the inclusion of toxics in it, and an engineering operation to remove sediment from the channel needs to be accompanied by a long term habitat restoration with community benefits of this truly unique body of water; and

WHEREAS, Los Angeles County Department of Public Works has begun the process of working with the City of Carson's Department of Public Works to develop a Community Engagement and Outreach program which will inform and complement the sustainable restoration plan that will transform the Dominguez Channel into an asset for the Carson community as well as the regional community; and

WHEREAS, the City of Carson's Department of Public Works will continue to work with Los Angeles County Department of Public Works to develop a short-, medium- and long-term feasibility study, technical gap analysis, contaminant alternative analysis, restoration alternatives,

concept designs and final design which is expected to be completed within five years; and

WHEREAS, the City of Carson's Department of Public Works participated with Los Angeles County Public Works in an application for federal "Water Resources Development Act of 2022" (WRDA) funding, and preliminary news is that the request has made it through the House of Representative's subcommittee, and with full Congressional approval could provide up to \$40,000,000 for study, design, and early stage work toward the Dominguez Channel Remediation; and

WHEREAS, the City of Carson's Department of Public Works reviewed the application that the LA County Department of Public Works submitted to the U.S. Army Corps of Engineers (USACE), *"to identify actions to be undertaken by the Secretary for the planning, designing, and construction of water quality improvements in pursuant of Section 219 Subsection (f) of WRDA 1992, as amended"*, grant application, which authorizes the Corps to enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management and provides funding for such in an amount up to \$15,000,000. If selected, this funding would allow the Los Angeles County Public Works Department to start a feasibility study ; and

WHEREAS, the City of Carson's Department of Public Works will continue to work with Los Angeles County Department of Public Works and the Dominguez Channel Watershed members to develop a comprehensive solution, which includes the start of the channel in the City of Inglewood and ends in the City of LA Harbor.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The City Council finds as follows:

(a) The transformation of the Dominguez Channel into a community asset for all residents to enjoy is of paramount importance to the City of Carson City Council.

(b) The City of Carson City Council will advocate tirelessly to ensure that the Dominguez Channel, while outside the direct jurisdiction of the City of Carson, is restored in such a manner that will produce maximum benefits for the residents of the City of Carson.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

SECTION 5. Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 19th day of July, 2022.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

ATTEST:

Dr. Khaleah Bradshaw, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Khaleah Bradshaw, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. 22-151, was passed and approved by the City Council of the City of Carson, at its meeting held on July 19, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dr. Khaleah Bradshaw, City Clerk