

RESOLUTION NO. 21-136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING A PUBLIC NUISANCE DUE TO FOUL ODOR FROM DOMINGUEZ CHANNEL AND ITS NEGATIVE IMPACTS ON RESIDENTS LIVING WITHIN ITS CLOSE PROXIMITY

WHEREAS, between October 4, 2021 and October 11, 2021 the City of Carson (“City”) and County of Los Angeles (“County”) have received in excess of 1000 complaints from the City and County residents regarding a foul “rotten egg-like” odor emanating from the Dominguez Channel in the vicinity of the intersection of the 405 Freeway and Avalon Boulevard in the City of Carson: and,

WHEREAS, the South Coast Air Quality Management District and Los Angeles County HazMat, among other public agencies, responded to the incident and performed air quality testing; and,

WHEREAS, the test results show that the odor is due to a release of hydrogen sulfide (“H₂S”) gas; and,

WHEREAS, test results also show that the maximum concentrations of H₂S detected are high enough to cause irritation to the nose and lungs, but not high enough to cause permanent or long term health effects; and,

WHEREAS, as of October 11, 2021 the regulatory agencies investigating the release have not determined its source; and,

WHEREAS, pursuant to Carson Municipal Code sections 5702(w), 5100 (adopting Los Angeles County Health Code), and 5703, and Civil Code section 3479, the malodorous conditions constitute a public nuisance in that it is detrimental to health, offensive to the senses, interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood.

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 has considered the existing and continuing conditions regarding the H₂S gas and hereby find and determine that said conditions (1) constitute a public nuisance under state and local law and (2) require immediate action to address the adverse health effects caused by such public nuisance.

SECTION 3. The City Council hereby orders City staff to (1) assist City residents in

contacting the County to receive appropriate mitigation measures offered by the County, and (2) work with any and all interested Adversely Affected Residents to provide the following mitigation, as appropriate until October 31, 2021 or the public nuisance is abated and to seek reimbursement from the County:

1. Upon request, City shall assist any senior citizens or disabled residents with either delivery of County approved masks and County approved filtration systems or assistance with acquisition of same subject to reimbursement from the County.

2. Upon request and income qualification proof deemed appropriate by the City, the advancement of payment for necessary and reasonable costs for acquisition of County approved masks and County approved filtration systems to be reimbursed to the City by the County immediately.

SECTION 5. This Resolution shall take effect immediately upon its adoption.

SECTION 6. 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 7. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

[signatures on following page]

PASSED, APPROVED AND ADOPTED this 11th day of October, 2021.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

ATTEST:

John W. Carroll, Sr.
Chief Deputy City Clerk

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

I, John W. Carroll, Sr., Chief Deputy City Clerk of the City of Carson do hereby certify that the foregoing Resolution, being Resolution No. 21-____ was passed and approved by the City Council of the City of Carson at their meeting held on October 11, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John W. Carroll, Sr.
Chief Deputy City Clerk