



## Legislation Details (With Text)

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<b>Title:</b>	CONSIDER A REQUEST FROM MAYOR PRO TEMPORE, DISTRICT 1 CITY COUNCILMEMBER HILTON FOR THE CITY COUNCIL TO TAKE A POSITION OF SUPPORT AND SEND A CORRESPONDING LETTER REGARDING THE PROPOSED \$17 MILLION PENALTY FROM THE STATE OF CALIFORNIA LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD FOR THE OWNERS AND OPERATORS OF THE WAREHOUSE RELATED TO THE FIRE THAT POLLUTED THE DOMINGUEZ CHANNEL AND CAUSED WIDESPREAD NOXIOUS ODOR (CITY COUNCIL)				
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<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Proposed Letter of Support from the City Council to the Los Angeles Water Board				

Date	Ver.	Action By	Action	Result
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## Report to Mayor and City Council

Tuesday, August 02, 2022

Consent

### SUBJECT:

CONSIDER A REQUEST FROM MAYOR PRO TEMPORE, DISTRICT 1 CITY COUNCILMEMBER HILTON FOR THE CITY COUNCIL TO TAKE A POSITION OF SUPPORT AND SEND A CORRESPONDING LETTER REGARDING THE PROPOSED \$17 MILLION PENALTY FROM THE STATE OF CALIFORNIA LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD FOR THE OWNERS AND OPERATORS OF THE WAREHOUSE RELATED TO THE FIRE THAT POLLUTED THE DOMINGUEZ CHANNEL AND CAUSED WIDESPREAD NOXIOUS ODOR (CITY COUNCIL)

### I. SUMMARY

This item is being introduced at the request of Mayor Pro Tempore, District 1 City Councilmember Jawane Hilton and transmits a request for City Council to consider taking a position of support and sending a corresponding letter regarding the proposed \$17 million penalty related to the fire that polluted the Dominguez Channel and caused widespread noxious odor in the City of Carson and surrounding areas.

The owners and operators of a warehouse facility adjacent to the Dominguez Channel are facing \$17 million in penalties after an investigation by the State of California Los Angeles Regional Water Quality Control Board (the “Los Angeles Water Board”) into hydrogen sulfide odors that emanated for miles from the Dominguez Channel Estuary in fall 2021. If adopted by the Los Angeles Water Board during its October 12, 2022, meeting, these will be the largest penalties the board has ever imposed.

This item provides the City Council an opportunity to formally support the proposed penalty on behalf of the Carson community. The Los Angeles Water Board has scheduled a public hearing to discuss this penalty for October 12, 2022. City staff will ensure this letter is submitted as part of the official record for this public hearing.

## **II. RECOMMENDATION**

TAKE a position of support for the proposed \$17 million penalty and DIRECT staff to transmit a corresponding letter to the Los Angeles Water Board at the request of Mayor Pro Tempore, District 1 Councilmember Hilton.

## **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate and that is consistent with applicable laws.

## **IV. BACKGROUND**

On July 14, 2022, the Los Angeles Water Board Prosecution Team issued three administrative civil liability complaints related to the Dominguez Channel Odor Crisis. A public hearing is scheduled for October 12, 2022. Members of the public may observe and participate in the hearing. Additional details on the process will be posted on the Los Angeles Water Board website as they become available.

According to their press release, the Los Angeles Water Board has been coordinating with the County of Los Angeles and other government agencies to investigate the hydrogen sulfide odors from the Dominguez Channel Estuary since October 2021. As part of that investigation, the Los Angeles Water Board learned of a warehouse located at 16325 South Avalon Boulevard in Carson, where alcohol-based products, such as hand sanitizer and anti-bacterial wipes, were allegedly improperly stored outside the warehouse and caught fire on September 30, 2021. The warehouse is operated by Day to Day Imports Inc. and Virgin Scent Inc. dba ArtNaturals, and the building is owned by Liberty Property Limited Partnership and Prologis Inc.

The products caught fire on Sept. 30, 2021, and in the days following, the South Coast Air

Quality Management District (the “SCAQMD”) began responding to the first of more than 4,000 odor complaints from residents in several nearby cities, including Carson, Gardena, Wilmington, Torrance, Long Beach, and Redondo Beach. As a result of the severe impact in Carson, the City of Carson and Los Angeles County coordinated hotel rooms for Carson residents impacted by the odor, and also provided air purifiers. SCAQMD determined hydrogen sulfide was the cause of the noxious odor. During the lengthy effort to fight the fire, pollutants, including alcohols, were discharged from the warehouse facility into the Dominguez Channel Estuary and are believed to have contributed to the hydrogen sulfide odors. A post-fire inspection of the warehouse facility found huge piles of burned debris containing alcohol-based products and hazardous substances.

The warehouse operators and owners are considered responsible for violations of the Clean Water Act, which became law 50 years ago, and established the basic structure for regulating pollution in U.S. waters, and the Porter-Cologne Water Quality Control Act, in connection with the discharge of over 6 million gallons of polluted water, including hazardous substances, to the Dominguez Channel Estuary due to fire suppression activities. The Los Angeles Water Board prosecution team has proposed a type of penalty, known as an administrative civil liability, for this violation.

On Dec. 9, 2021, the Los Angeles Water Board issued a cleanup and abatement order for Day to Day Imports and Liberty Property Limited Partnership requiring the removal of all waste by Dec. 31. To date, they have failed to complete all activities required by the order, leading the board’s prosecution team to propose an additional administrative civil liability for this violation.

Lastly, the prosecution team also included a penalty of nearly \$1 million, as part of the total penalty, against the operators for failing to obtain permit coverage for discharges from the facility.

## **V. FISCAL IMPACT**

There is no fiscal impact associated with this staff report. This item pertains only to the proposed letter of support from the City Council to the Los Angeles Water Board regarding the penalty.

## **VI. EXHIBITS**

Proposed Letter of Support from the City Council to the Los Angeles Water Board (pg. 4)

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