

**REVISED MOTION BY SUPERVISORS HOLLY J. MITCHELL
AND JANICE HAHN**

October 19, 2021

**Providing Critical Assistance for Dominguez Channel Public Nuisance and
Health Emergency Events**

On October 4, 2021, Los Angeles County (County) Department of Public Works (DPW) was first notified of a potential incident causing a noxious odor along in a stretch of the Dominguez Channel near the City of Carson. Over the next several days, hundreds of County residents from communities including Carson, West Carson, and others along the Dominguez Channel registered complaints of a sulfur-like odor.

Given the unprecedented nature of this odor event, on October 8, 2021 the County Department of Public Health (DPH), County Fire Department’s Health and Hazardous Materials, and the South Coast Air Quality Management District (SCAQMD) were engaged to investigate the source of the odor, identify solutions, evaluate and monitor hydrogen sulfide levels, and mitigate health impacts. Over the holiday weekend, the incident evolved into a regional issue with many more County residents reporting odors from surrounding areas, including Carson, West Carson and portions of Gardena, Torrance, Redondo Beach, Wilmington and Long Beach.

Since then, DPH has determined that the ongoing odors associated with the Dominguez Channel are sufficiently pervasive to be considered a public nuisance to residents and those working and recreating nearby, which must be addressed. While the

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MOTION

MITCHELL	_____
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levels of hydrogen sulfide in the air are not expected to cause long-term health effects, they are causing short-term symptoms, such as headaches, nausea, or eye, nose and throat irritation, which negatively impacts the quality of life for ~~hundreds of~~ residents and workers.

During the first few days, limited, and at times conflicting, information was provided to local residents and businesses, leading to misinformation being spread in the community, until a press conference was held with elected officials from the County and City of Carson ~~elected officials~~ on the evening of October 10, 2021.

On October 11, 2021, the County Health Officer issued a Public Health Directive to DPW to mitigate the public nuisance caused by the odors emanating from the Dominguez Channel, and directed DPW to take all necessary actions to eliminate the odor nuisance, ~~and~~ The directive also instructed DPW to communicate to impacted residents that reasonable expenses incurred for obtaining certified portable HEPA indoor air filters, or reasonable temporary relocation ~~expenses~~ to avoid negative health impacts, would be reimbursed.

The need to coordinate and communicate across agencies and jurisdictions to conduct testing, ongoing monitoring, and provide information and resources to protect the health and safety of County residents and workers added to the challenges of dealing with an evolving environmental and public health incident without a confirmed source. There have been persistent gaps in coordinating responses to adverse environmental occurrences, particularly with respect to disadvantaged low-income communities of color. These communities, ~~which~~ are disproportionately threatened by environmental hazards, have fewer resources, and have limited access to the communications channels needed to reach and influence their local government. In order to decrease such disproportionate impacts, complaint processes, public notification strategies, and mitigation measures related to environmental and public health incidents must be accessible, inclusive, and adaptive to the needs of our diverse communities, and particularly for those most marginalized and vulnerable to environmental hazards.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS, as the governing body of the Los Angeles County Flood Control District (District):

1. Find that the below actions do not constitute a project under Public Resources Code section 21065 and are excluded from the definition of a project under section 15378(b) of the California Environmental Quality Act (CEQA) Guidelines. The activities involve the creation of government funding mechanisms and are organizational or administrative activities of government that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment, and will not result in any direct or indirect physical changes in the environment. In the alternative, find that the below actions are exempt from CEQA under section 15061(b) of the CEQA Guidelines because the activities do not have the potential to cause a significant environmental effect and State CEQA Guidelines sections 15301(a) and 15303 as well as Classes 1 and 3 of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G, which involve minor alteration of structures and placement of new equipment in facilities. Additionally, the activities will comply with all applicable regulations, are not located in a sensitive environment, and there are no cumulative impacts, unusual circumstances, damage to scenic highways, listing on hazardous waste sites pursuant to Government Code Section 65962.5, or indications that the project may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable based on the record of the proposed activities. Upon the Board of Supervisors's approval of the below actions, the Department of Public Works (DPW) will file a Notice of Exemption with the County Clerk in accordance with section 21152 of the California Public Resources Code.
2. Authorize and instruct the Director of DPW to:
 - a. Establish and implement a simplified and culturally and linguistically appropriate relief program to provide temporary aid to residents who are impacted by the Dominguez Channel Nuisance Event that provides impacted residents with the option of receiving reimbursement (i) for the

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purchase of HEPA filters or filtration units or equivalent filtration units with activated charcoal (carbon) for HVAC systems and indoor air filters recommended by the Department of Public Health (DPH) with a reasonable limit per eligible household; or (ii) for renting a hotel room with a limit per eligible household of \$182 per day, plus a limit of \$66 per day for each person currently residing full time in the household for incidental expenses, including, but not limited to meals. This program shall be retroactively effective as of October 4, 2021;

- b. Establish a means to timely deliver the necessary relief to persons for whom a reimbursement-based program will not suffice because of limited mobility, economic hardship, or other significant barriers, including the purchase and distribution of filters, filtration units or hotel rooms vouchers, by DPW directly or through agreements with other agencies or organizations. This program shall be retroactively effective as of October 4, 2021;
- c. In consultation with County Counsel, set program requirements to implement a reimbursement application process, to set deadlines for submittal of applications and receipts, and to extend or conclude the program as appropriate based on odor event impacts;
- d. Enter into contracts, as needed, with a third-party administrator to administer the above programs, or coordinate with, and rely on, the Chief Executive Officer (CEO) to enter into, utilize, or amend contracts, as needed, with a third-party administrator to administer the above programs, and authorize the CEO to take such actions, as applicable;
- e. Enter into cooperative agreements with affected cities to reimburse those cities for the purchase of HEPA filters, filtration units, or other equipment for distribution to their residents consistent with the program requirements for reimbursement established by the Director of DPW;
- f. In consultation with the CEO, identify funding for the above program(s) and options to seek reimbursement from State and Federal funding sources;
and

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- g. Report back in writing within 30 days on the status of the relief program(s), including the number of submitted reimbursement applications for equipment and relocation assistance, number of approvals and denials, and a breakdown on the average waiting time before reimbursement is received; and
 - h. In collaboration with the Los Angeles County Fire Department (Fire Department), continue to investigate this odor incident and report back in writing, on a semi-monthly basis, on the cause, corrective action plan and any measures that can be implemented to prevent this type of incident from reoccurring.
3. Instruct the Director of DPH, in partnership with the Director of DPW to:
- a. Proactively provide relevant health information, information on the County's claims reimbursement process, technical assistance, and service referrals to particularly vulnerable communities, including homebound persons and non-English speaking communities, through both digital and non-digital methods of communication; and
 - b. Track the frequency and types of health symptoms being reported by complaints received from affected residents; and
 - c. Coordinate with the Director of the South Coast Air Quality Management District and the Chief of the Fire Department to ensure adequate community air monitoring is being conducted to meet health assessment needs to protect residents, workers and students in the surrounding area.

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(LM/CG/YV)