

MOTION BY SUPERVISOR GLORIA MOLINA

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On March 11, 2014, this Board created a County Toxic Threat Strike Team (Strike Team), comprised of multiple County agencies, to target facilities that release toxic pollutants in highly burdened areas. The primary impetus for creating the Strike Team is the public health threat posed by the arsenic and lead emissions from Exide Technologies' battery recycling plant in Vernon, which, for the last 33 years, has been allowed by the State Department of Toxic Substances Control (DTSC) to operate on an "interim" permit.

Over the last several months our Toxic Threat Strike Team, in collaboration with local community leaders, negotiated with DTSC to develop a protocol for testing and remediating this continuous and unprecedented pollution. Finally, DTSC agreed that once begun, it would commit to cleaning up lead contaminated soils in homes surrounding the Exide facility.

However, on Friday, August 8, 2014, DTSC announced that it would begin clean-up efforts on only 2 of the 39 lead burdened homes in the area surrounding Exide, with no firm commitment for either testing or remediating any additional homes in the area that are clearly also at risk. DTSC's proposal is unfair, unjust and simply unacceptable.

DTSC must follow through on commitments made to the community and the Strike Team to test and clean up all lead burdened homes in this area and not leave 37 homes languishing because Exide has not yet agreed to comply with DTSC directives issued last March to remediate these homes.

The State cannot allow—and this Board cannot accept—a partially cleaned up community, which would unjustly leave some residents without the health protections afforded their neighbors whose homes are similarly contaminated. Following through on the commitments made by the DTSC is equally important to maintaining public confidence that the State is acting in the public interest, given DTSC's poor compliance history with the Exide facility.

I THEREFORE MOVE that because this matter came to this Board's attention since the posting of the agenda, and because immediate action is necessary to address the public health needs of the community surrounding the Exide facility, the Board act on an urgency basis and direct the Executive Officer prepare a five-signature letter to Governor Brown requesting that he intercede with DTSC and the California Environmental Protection Agency (CAL EPA) to ensure that the State:

(1) provides funding to immediately begin testing the remaining 37 homes so that contaminated homes needing remediation can be cleaned up without delay;

(2) provides lead screening inside all 39 contaminated properties so that, if warranted, the home interiors can be rendered safe;

(3) reviews the actions that have led to the State's failure to issue the required permit for 33 years and obtain financial assurance which would have provided sufficient funds for site closure and cleanup as required by law; and,

(4) provides appropriate regulatory oversight to address a long history of known major violations of State and Federal law and refers these violations to local prosecutorial agencies for appropriate action.