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Our File Number 13-1232562

July 20, 2015

Douglas Guthrie
President and CEO
Housing Authority of the City of Los Angeles
Via email to douglas.guthrie@hacla.org

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Re: Violations of Required Conditions of HACLA Remediation at 9901 Alameda Street, Los Angeles, CA, 90002

Dear Mr. Guthrie:

I am writing this letter on behalf of the Los Angeles Human Right to Housing Collective (the "Collective") to report suspected violations of required conditions of the environmental remediation being performed on the site located at 9901 Alameda Street, Los Angeles, CA 90002 (the "Site"). Specifically, these violations relate to required protective measures with respect to fugitive dust and other air pollutants, stormwater pollution, noise, security and worker safety contained in the Interim Remedial Action Plan approved by DTSC ("IRAP") and associated permits. These violations also potentially violate the rights of Jordan Downs residents to habitable living environments and quiet enjoyment of their homes.

These violations pose a threat to the health, safety, and well-being of the residents and employees of the Jordan Downs public housing development, workers at the Site, students and faculty at nearby schools, and pedestrians passing by the Site. In a neighborhood which is already burdened by a legacy of historic environmental contamination and environmental justice concerns, HACLA's failure to comply with even the most basic requirements for the protection of its residents and the surrounding community is unacceptable.

Background

In late June, 2015, at a meeting concerning the redevelopment of Jordan Downs, John King reassured residents that the remediation was going smoothly and they did not need to be concerned about their

health. At the meeting, it was brought to the Collective's attention by staff at the Jordan Downs Recreation Center that there were serious issues with dust migrating from the contaminated Site onto Jordan Downs and, as a result, all outdoor summer youth activities had been suspended to protect the children's health. Responding to this report, Thelmy Perez, Collective Coordinator, spoke with residents living near the remediation work, and I visited Jordan Downs on July 1, 2015 to conduct an investigation. Our findings, detailed below, confirmed initial reports of dust migration and discovered additional violations related to various IRAP conditions.

The Collective has endeavored to engage in dialogue with HACLA to explain the environmental health concerns posed by the remediation activities at the Site, and to suggest additional area-wide testing and protective measures which would achieve the Site's cleanup while avoiding unnecessary risks to the health and safety of the local community. At many times prior to the commencement of remediation activities, we communicated concerns that exactly this type of exposure may occur, and suggested additional investigation, mitigation and protective measures. In our comments to the IRAP, submitted on June 23, 2014, we specifically addressed the potential for fugitive dust and other emissions, and the need for additional protective measures during the excavation, removal and transportation of contaminated soils to ensure the safety of all members of the community:

...HACLA and DTSC should enact greater protective measures to reduce the risk of such exposure... For example, while the IRAP calls for perimeter fences to be covered with windscreens, the height of these fences is not specified, and there is no mention of using dust curtains around active work areas to provide greater dust control than would be afforded by a typical chain-link construction fence covered with a windscreen.

In addition to measures to control and mitigate dust migration created by the work on-site, the IRAP should include additional measures to limit the possibility of dust migration in the first instance. As an example, the IRAP contains criteria for stopping work on very windy days, but does not limit work to days on which there are no high winds predicted. The migration of contaminated soils could be further minimized by implementing relatively simple measures such as a limitation on excavation work to non-windy days, with the existing IRAP wind speed criteria serving as a backstop in the event that higher-than-predicted wind speeds are encountered.

Similarly, the storm water management plans and the Stormwater Pollution Prevention Plan (SWPPP) contemplated in the IRAP should be crafted to provide the greatest possible protections... Every practicable means should be employed to prevent contaminated run-off from the project site from migrating onto school property or to nearby homes...

In our comments to the IRAP, we also identified the need for open and honest communication with residents and the community, in order to inform them of potential risks and the steps to take should potentially harmful exposures occur. For the most part, our suggestions were not incorporated into the final IRAP. Moreover, what communications have been made to residents have been sparse and misleading at best. During a presentation to residents regarding the upcoming remediation, residents were assured that their health would be protected and there was no need for concern. As an example of the protective measures that were promised but never delivered, residents were shown photos of fences tightly covered from top to bottom with windscreens, and of large mounds of soil completely wrapped in plastic sheeting to prevent disturbance. *See Exhibits 1, 2.*

HACLA has not only failed to take the basic additional measures we suggested to protect community health, but has violated even the most basic protective requirements that were included in the IRAP and has misled residents or kept them in the dark regarding the real dangers posed by the remediation taking place at the Site. These violations are set forth below:

1. Dust Control and Air Quality

The IRAP for HACLA's remediation of the Site contains several requirements with respect to dust prevention and control which were not being implemented during our investigation:

a. Wind-related work stoppage requirements

The IRAP states that "[r]emedial activities will stop if a measured wind velocity exceeds... a sustained speed of 15 mph for more than 15 minutes continuously." *Final IRAP § 7.7.1, at 32*. A review of the weather report for July 1st shows that high winds occurred throughout the afternoon, and wind speeds reached the 15 mph threshold. Further, the IRAP Health and Safety Plan states that "...if visible emissions are suspended and transported beyond the regulated area after dust suppression, work will be suspended." *Final IRAP Health and Safety Plan §8.0, at 15*. When I visited the Site on July 1, visible plumes of dust were being generated by excavation activities, which were being conducted utilizing a large bulldozer-type vehicle. Each time the bulldozer picked up and moved a load of dirt, large clouds of dust were created, which were carried by the wind towards the north side of the site. *See Exhibit 3*. I observed that this work continued during the approximately one and a half hours I spent in the vicinity of the Site, with no evidence of a work stoppage despite the fact that wind speeds may have exceeded the IRAP's threshold and the IRAP clearly requires that work cease when visible emissions of dust are observed migrating off-site *regardless* of wind speed.

b. Prevention of dust generation – water trucks and other controls

The IRAP requires active dust suppression activities to take place during the remediation, including the use of water trucks to prevent dust emissions. *Final IRAP § 7.7.1, at 32*. The IRAP states that "[o]ne water truck will be in the excavation area; one water truck will be in the materials segregation area; and two water trucks will be on the transportation route." *Final IRAP Health and Safety Plan §8.0, at 15*. However, I only observed one water truck on-site during my visit, which was not adequately controlling the dust emissions coming from the excavation being performed by the bulldozer-type vehicle. Despite its presence, the use of this single water truck was obviously not effective at controlling the large clouds of dust which were being generated as each load of dirt was dumped onto an adjacent location. *See Exhibit 4*.

c. Windscreens on fences

The IRAP requires that "[p]erimeter fences... be covered with windscreens to assist in controlling dust generated by wind onsite." *Final IRAP § 7.7.1, at 32; see also Final IRAP §§ 7.1.1, 7.1.3, at 25*. Further, HACLA has represented to residents that it will cover all fences with windscreens to protect them from dust. *See Exhibit 1*. However, my visit to the Site and those portions of Jordan Downs surrounding the Site revealed the use of fence screens to be extremely inadequate. The chain-link fence bordering the work site along Alameda Street was open and exposed, with no dust control or other screens covering it. *See Exhibit 5*. Several pedestrians walked or biked by in the short time I was standing on this side of the Site, which is completely unprotected. The only dust screens I observed were surrounding Jordan High School, but these were only a few feet high and some had large gaps.

d. Cover stockpiles outside of work hours

The IRAP requires that stockpiles of excavated materials be separated from the ground by plastic sheeting, and covered during non-working hours to prevent the possibility of dust migration, due to

their potential classification as hazardous waste. *Final IRAP § 7.1.4, at 25; see also Final IRAP § 7.3.2, at 28.* HACLA has represented to residents that stockpiles will be completely covered, and the possibility of dust leaving the Site is minimal. *See Exhibit 2.*

The Site is surrounded on three sides by a cinderblock wall which ranges between about six and eight feet in height, and has not been screened in any way. This wall separates the Site from the Jordan Downs property. Large stockpiles of excavated material on the Site are visible from Jordan Downs residences, exceeding the height of this wall, and are almost completely uncovered. *See Exhibit 6.* This creates a situation where high winds can easily blow the excavated material over the wall in the direction of the residences.

My visit on July 1st began on the northern edge of the project site, which runs along 99th Place. I observed a large pile of soil on the residential side of the cinderblock wall which divides the housing development from the site of the remediation. In the parking lot, I spoke with one resident from Building 2 who stated that residents were frequently exposed to dust migrating over the wall. She described one particular event a few days prior as a “dust storm”, and complained that the dust enters residences and residents are forced to keep their doors and windows shut in an effort to control this.

I could observe many extremely large stockpiles of soil at the Site which appeared much higher than the cinderblock wall. The majority of these were uncovered, though I did see two or three which were partially covered in a tattered material, but none were entirely covered to control for dust. When I proceeded to the other side of Jordan Downs, to the buildings on the southern side of the work site, I observed similar conditions, with large mounds of soil visible above the wall.

Follow-up conversations with various residents have confirmed that dust entering the residences is a pervasive and ongoing problem. Residents have further reported that stockpiles of excavated material remain uncovered over weekends and during non-work hours, including during the recent rainstorm which occurred on July 19th, 2015.

e. Proper controls for truck-borne excavated material

The IRAP requires that measures be put in place to prevent the possibility of excavated material embedded in truck wheels to migrate off-site, including “wheel shakers” and wheel washing. *Final IRAP Health and Safety Plan §8.0, at 15; Final IRAP Traffic and Transportation Plan §4.1, at 4.* While I did observe a “wheel shaker” in place at the Site entrance on Alameda Street, it was clearly insufficient to satisfy the requirements of the IRAP, as there were visible tracks of dirt leading onto the public roadway away from the Site. I did not observe any type of wheel washing system in use. *See Exhibit 7.*

2. Worker Safety

The IRAP’s Health and Safety Plan governs the requirements for worker safety during the remediation, including the requirements for the use of Personal Protective Equipment (PPE). Among the PPE required to be used during the remediation of the Site are coveralls and disposable gloves to prevent workers from coming into contact with contaminated soils. *Final IRAP Health and Safety Plan, § 5.0, at 10.* Soil excavation/removal work was active at the time I arrived at the Site, but workers did not appear (from the entrance to the project site) to be wearing any personal protective equipment except orange safety vests and hard hats. I did not observe any workers wearing coveralls

or gloves, and saw multiple workers in short-sleeved shirts climbing or walking on large piles of dirt which had been excavated. Dust masks were not being utilized. *See Exhibit 8.*

3. Security

The IRAP contains requirements for security guards to be posted to prevent unauthorized access to the Site. *Final IRAP § 7.1.3, at 25; Final IRAP Health and Safety Plan, at 23.* Despite this, I observed no security guards whatsoever during my visit, and while I remained at the gate, I was freely able to access the construction entrance and was only approached by a worker after standing there for over five minutes.

4. Conclusion

The Collective's investigation of violations at Jordan Downs is ongoing. We suspect we may have received additional reports from residents had they not been repeatedly reassured by HACLA that there is no need to be concerned about the remediation work taking place just feet from their homes.

This misinformation, and the violations detailed above, are particularly egregious given that Jordan Downs is located in a neighborhood with a legacy of industrial contamination and environmental justice problems. Further, the Site is bounded on three sides by areas where children play, and there are at least six schools within approximately 1500 feet of the Site. This is significant because the contaminants found at the Site, such as lead, pose particularly serious threats to sensitive receptors such as young children, and we are approaching the beginning of the school year as well as what are typically the windiest months in Los Angeles. In failing to protect its residents and the surrounding neighborhood, HACLA has denied the right to safe and sanitary living conditions to a low-income community with limited mobility, has denied the opportunity for summer recreation to this community's children, many of whom are at-risk youth, and has damaged the trust between HACLA and its residents.

It is against this backdrop that we demand an immediate halt to remediation activities until all conditions of the IRAP are complied with. We request that all permits, public documents, and plans for the remediation work be immediately made available to the public on HACLA's website, and that fliers be distributed to all residents, staff, workers at the remediation site and nearby schools containing information on the contaminants which may be present at the Site and the necessary contact information for reporting suspected violations.

Please do not hesitate to contact me at (213) 640-3851 for additional information or to discuss the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Harnden', with a stylized, cursive script.

Alexander B. Harnden
Attorney

EXHIBIT 1

**PHOTO SHOWED DURING PRESENTATION TO RESIDENTS DEPICTING
WINDSCREENS PROMISED ON FENCING**

Factory Site Remediation (Cleanup)

Remediación del área de Fábrica

Community Update Meeting

Reunión Pública – Actualización sobre el proyecto



EXHIBIT 2

**PHOTO SHOWED DURING PRESENTATION TO RESIDENTS DEPICTING PROMISED
STABILIZATION OF SOIL STORAGE AREAS**

Factory Site Remediation (Cleanup) - *Remediación del área de Fábrica*
Community Update Meeting - *Reunión Pública – Actualización sobre el proyecto*



EXHIBIT 3

EXAMPLES OF VISIBLE DUST EMISSIONS DURING JULY 1ST, 2015 SITE VISIT





EXHIBIT 4

INADEQUATE DUST CONTROL



EXHIBIT 5

**UNCOVERED CHAIN-LINK FENCE ON ALAMEDA STREET BORDERING
REMEDICATION SITE**



EXHIBIT 6

VARIOUS UNCOVERED STOCKPILES OF EXCAVATED MATERIAL











EXHIBIT 7

**VISIBLE TRACKS OF EXCAVATED MATERIAL ON PUBLIC ROADWAY LEADING
AWAY FROM SITE**



EXHIBIT 8

WORKERS EXPOSED TO EXCAVATED MATERIAL WITHOUT PERSONAL
PROTECTIVE EQUIPMENT



