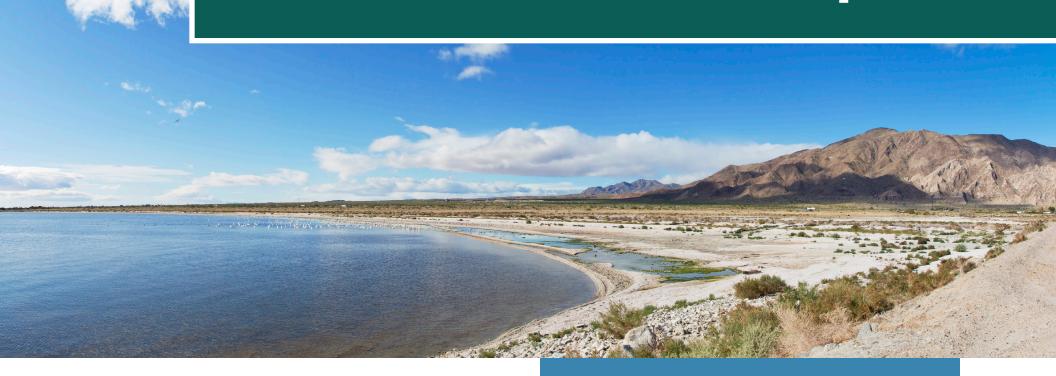
Environmental Justice Task Force

Imperial County Initiative Report







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Introduction

In 2018, the California Environmental Protection Agency Environmental Justice Task Force (EJ Task Force) initiated an effort in Imperial County for a focused environmental enforcement and regulatory compliance initiative. This effort is referred to in this report as the Imperial County EJ Initiative or the Initiative. At the outset of the Imperial County EJ Initiative, the EJ Task Force worked with residents, the local environmental justice organization Comite Civico Del Valle, Inc. (CCV), as well as local regulatory agencies, to learn more about environmental challenges and concerns affecting the county and its residents. The EJ Task Force's goal in this initial phase of the Initiative was to identify locations where focused environmental enforcement and compliance efforts and regulatory agency data gathering, would have a significant impact.

Based on the input received from the community, the EJ Task Force conducted multi-agency inspections at various industrial, agricultural and other locations in the county. Businesses found to be in violation of environmental regulations were cited and ordered to remediate their violations, and are being monitored closely to ensure they come into compliance with regulatory requirements. During the Initiative, CalEPA enforcement staff also worked with local regulatory agencies to engage agricultural stakeholders on best practices, to support solid waste cleanup efforts, to reduce illegal off-road vehicle activity in restricted areas of the desert, and to provide safe pesticide use trainings to field workers and to day care providers who use pesticides at their day care locations.

This report provides the results of the Imperial County EJ Initiative.



Background

Environmental justice recognizes that many communities in California continue to bear disproportionate pollution burdens, while also facing serious socioeconomic, health, and other challenges. These communities have long voiced their concerns about the pollution burdens they experience. Among those concerns are land use decisions that place multiple sources of pollution in or near their neighborhoods, exposing them to the associated risks of adverse health effects. Residents of these communities have also expressed concern about perceived lax enforcement of environmental regulations to prevent pollution and contamination in their neighborhoods. CalEPA's environmental justice policies and programs aim to integrate these and other environmental justice considerations into the environmental regulatory activities, programs, and other actions of each of the Agency's boards and departments.

In 2013, CalEPA formed the Environmental Justice Enforcement and Compliance Working Group, later renamed the EJ Task Force. The EJ Task Force consists of regulatory agencies that implement and enforce environmental laws in California and it includes representatives from CalEPA and its boards and departments, and representatives of regional and federal agencies. The EJ Task Force identifies disadvantaged communities that suffer multiple pollution burdens and focuses enforcement and compliance efforts in those areas. There are two important components of the EJ Task Force's initiatives: multi-level government coordination of enforcement activity, and meaningful community consultation. Multi-level government coordination allows the EJ Task Force to address environmental problems in a comprehensive manner. Meaningful community consultation is the process of working closely with

community advocates and residents who live in the focus area. The consultation process to better understand challenges the residents experience on a daily basis. The Imperial County Enforcement Initiative is the EJ Task Force's fifth multi-agency enforcement and compliance initiative. The EJ Task Force has conducted previous initiatives in Fresno, East Los Angeles, Oakland, and Pomona.¹

Community Focus

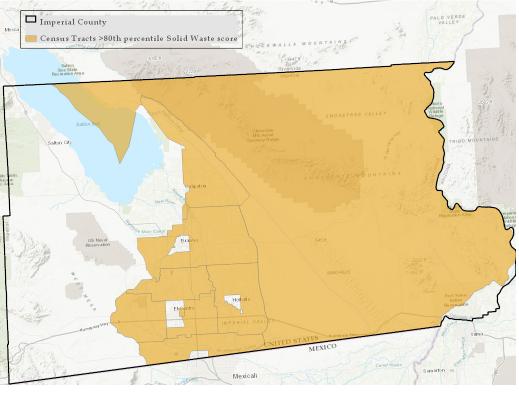
Imperial County is currently designated by the US Environmental Protection Agency as not being in attainment with health protective national air quality standards (known as, "NAAQS") for fine particulates and ozone forming pollutants that contribute to climate change and local health burdens. , and is designated as an area that is in serious nonattainment for larger particulates, PM 10, caused by things like dust and smoke, which can also lead to acute health impacts. Some of the sources of air pollution that drive these nonattainment designations in the region originate from agricultural land uses including tilling soil, agricultural burning, and diesel equipment used for farm operations. Additionally, truck traffic on unpaved roads, industrial processes, construction and demolition activities, off-highway recreational vehicle riding, and other air emissions, including generated from the Mexican side of the border all contribute to these nonattainment statuses.

CalEPA's statewide screening tool, CalEnviroScreen 3.0 indicates that much of the county falls within the top 80th to 95th percentile of all areas in California for pesticide applications. Studies have found that people living in agricultural areas of California have higher amounts of pesticides in their bodies than other people, so efforts to ensure the safe application and use of pesticides are therefore critical to protecting public health in these areas.

Much of the county also falls between the 80th to 95th percentile of Census tracts where residents live in close proximity to solid waste facilities, which are places where household garbage and other

¹ CalEnviroScreen 3.0.

For more information, visit: oehha.ca.gov/calenviroscreen.



Census tracts in Imperial County above the 80th percentile for proximity to solid waste sites and facilities.

types of waste are collected, processed, or stored. Imperial County is also in the 80th to 95th percentile for proximity to businesses that generate hazardous waste, with associated risks to human health if the waste is not handled and disposed of properly.

Finally, the area near the border in the City of Calexico is near the 90th percentile for traffic density, due to cross-border traffic. Heavy duty diesel trucks not in compliance with California emissions standards can greatly increase levels of air pollution, with harmful health effects to county residents, many of whom have health conditions that may be exacerbated by exposure to pollution.

Health Concerns

California Department of Public Health data from 2015 indicates that Imperial County has 12,000 children diagnosed with asthma, and more than double the state's general rate of asthma-related emergency room visits and hospitalizations for children. In addition, Imperial County ranks in the 90th percentile of California for incidence of cardiovascular disease. Air pollution is not only a contributor to the development of asthma and cardiovascular disease, but can also be a trigger for asthma attacks and heart attacks. In addition, Imperial County is an area of California with a high poverty rate and a high percentage of linguistically isolated residents. These factors contribute to increased vulnerability of residents to the harmful health effects of pollution, and were factors in the EJ Task Force's decision to perform focused environmental enforcement, compliance, and investigative work in Imperial County. A final factor in the selection of Imperial County was that many of the key features of the EJ Task Force initiatives originated in a model for community-based environmental monitoring developed by Comite Civico Del Valle, Inc. (CCV). CCV is an Imperial County nonprofit organization that was founded in 1987 with the goal of improving the lives of disadvantaged residents through advocacy, civic education, organizing, and research.

Community Consultation & Priorities

In February of 2018, at the outset of the Imperial EJ Initiative, EJ Task Force members met with residents and local community leaders at a meeting facilitated by CCV to learn about community concerns. A few of the many areas of concern identified by community members were:

- Emissions generated from agricultural burning of excess vegetative materials associated with commercial growing and harvesting of crops;
- Fugitive windblown dust from unpaved roads and surfaces, especially related to truck traffic and off-road recreational vehicular activities:

- The potential contamination of water in open channels being delivered to residents for non-potable use;
- The timing and level of response to reports of illegal pesticide applications, including spray drift of pesticides onto people and non-agricultural property;
- Abuses of fieldworker rights, including excessive hours, poor working and sanitation conditions, lack of personal protective equipment, as well as threats and acts of retaliation.
- Proximity of a cleanup site of an old fertilizer producing facility to residences.

After this initial community engagement, EJ Task Force leaders met with local regulatory agencies to discuss what actions could be taken during the Initiative to respond to local concerns. One meeting was with the County Board of Supervisors, where members of the Task Force shared information about the Initiative and its goals. After that meeting, a Board of Supervisors member shared the information with a local newspaper. Following a news article announcing the inspections, CCV's leadership expressed frustration and concern that announcement of the inspections provided an opportunity for businesses to clean up or hide elements of their operations in anticipation of the inspections. Based on those concerns, CCV decided to withdraw their participation in the Initiative. The EJ Task Force nevertheless moved forward with planned inspections in an effort to address issues identified in the early community consultation.

The enforcement and compliance work that was performed during the Initiative is summarized in this report.

Air

The California Air Resources Board (CARB) regulates mobile sources of air pollution, including heavy-duty vehicles that emit greenhouse gases (GHGs), which contribute to climate change. CARB also certifies new vehicles, engines, and parts to reduce the public's exposure to localized air pollution impacts. California's 35 local air districts regulate air pollution from stationary sources, such as refineries, metal recycling facilities, and other industrial facilities. CARB provides oversight of the air districts and works collaboratively with the local air districts like the Imperial County Air Pollution Control District (ICAPCD) to ensure local enforcement programs are effective.

CARB Inspection Activity in Imperial County

Diesel particulate matter has significant health impacts associated with emissions from diesel vehicles, including premature death, cancer risk, respiratory illnesses, and increased risk of heart disease. In response to community concerns about local sources of air pollution such as heavy-duty diesel truck traffic, CARB inspected a total of 61 trucks at multiple locations throughout Imperial County and issued 13 citations for idling, inadequate emission controls in the vehicles, tampering, and failure to have an engine emission control label, which certifies the truck is equipped with an engine that meet U.S. emission standards.

This table summarizes the truck inspections and the related citations for violations.

Heavy-Duty Truck Inspections Violations	Total
Truck and Bus Emission Control Violations	6
Refrigeration Unit Violations	4
Tampering Violation	1
Tractor-Trailer Greenhouse Gas Violation	1
Idling Violation	1
Total Inspections	61
Total Citations	13

In addition, CARB conducted on-site fleet inspections at 35 facilities in order to determine compliance with the following diesel rules and regulations: the Emission Control Label (ECL) Program, the Periodic Smoke Inspection Program (PSIP), the Truck and Bus

(TB) Regulation, the Transport Refrigeration Unit Air Toxic Control Measure (TRU), and the In-Use Off-Road Diesel-Fueled Fleets Regulation (ORE). Based on these inspections, CARB initiated seven case investigations resulting in the collection of \$90,000 in penalties and bringing all seven companies back into compliance for violations of air quality regulations. Six of the companies investigated were determined to be out of compliance with the TB Regulation and one company that was determined to be out of compliance with the TB Regulation and the TRU Air Toxic Control Measure. CARB inspected another 33 facilities for compliance with its Stationary Source, Refrigerant Management Program. High-global warming potential (GWP) refrigerants such as chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC), hydrofluorocarbons (HFC), and perfluorocarbons (PFC), are used in a large variety of refrigeration and air-conditioning systems, and inspections were conducted to ensure businesses were not emitting unregulated emissions that contribute to climate change. CARB identified six businesses with violations and is working to bring them into compliance with the regulation.

Imperial County Air Pollution Control District Inspection Summary

The Imperial County Air Pollution Control District (ICAPCD) regulates stationary sources of air pollution within Imperial County. ICAPCD inspects facilities to ensure compliance with air quality regulations and responds to complaints about air pollution from the public.

ICAPCD, in cooperation with CARB, inspected six geothermal power plants and one municipal solid waste landfill. The geothermal power plants were prioritized for inspection in part because of community concerns about the plants. No violations were identified during the inspections. However, subsequent to the inspections, ICAPCD issued three notices of violations (NOV) to CalEnergy Corporation for violations identified as a result of earlier ICAPCD investigations. Two of the NOVs were issued because CalEnergy operated its Elmore and Region 1 geothermal plants for seven years without obtaining

SPOTLIGHT

Off-Road Vehicle Enforcement

The Imperial County Air Pollution Control District (ICAPCD) convened meetings over the course of the Initiative to bring together federal, state, and county regulatory agencies to discuss how better coordination could reduce incidents of illegal off-road vehicle activities. Imperial County had over 800,000 recreational off-road vehicle riders on federal and state lands in 2018. Riders who enter prohibited areas can disturb the desert crust, which increases the levels of windblown dust – PM 10 – that is known to contribute to asthma problems. Imperial County is working with CARB, the California State Lands Commission, and the US Bureau of Land Management to determine the impact of off-road vehicle riding in certain high risk areas and identify best practices to reduce PM 10 levels resulting from off-road riding activity.

Additionally, as a result of the EJ Task Force's coordination efforts, the Imperial County Sheriff's Office sought and received grant funds from the CalEPA Environmental Enforcement and Training Account Grant Program to increase off-road vehicle enforcement around sensitive areas such as the Salton Sea during times of high off-road vehicle activity and to provide rider education about the adverse health effects to county residents from prohibited riding activity.

Local, state, and federal government staff meeting to coordinate strategies to reduce illegal off-road vehicle riding activity



federally-enforceable operating permits from ICAPCD and the U.S. Environmental Protection Agency (U.S. EPA). The third NOV was issued because CalEnergy failed to adhere to a condition of a variance related to a breakdown of a heat exchanger at its Elmore power plant. No excess emissions were associated with the violations at the CalEnergy plants.

Federal law requires major sources of air pollution to obtain operating permits that can be enforced by U.S. EPA. In Imperial County, both U.S. EPA and ICAPCD can enforce federal permitting regulations. ICAPCD assessed an \$180,000 penalty against CalEnergy for its operations without the required permits. These penalty dollars were designated by the air district to fund the instillation of an indoor air filtration system in the Grace Smith Elementary school in Niland, at which 16% of the students have asthma—nearly double the national average. CalEnergy has also made a commitment to invest more than \$500,000 to install lower emitting equipment to resolve the violations and ensure emissions remain below the federal permitting threshold at its facilities.

Auto Dismantling

The State of California is actively confronting the problem of unlicensed vehicle dismantling. former Governor Brown signed Assembly Bill 1858 in September 2016, requiring the Department of Motor Vehicles (DMV) to collaborate with representatives from six state agencies on enforcement and compliance activity related to unlicensed and unregulated automobile dismantling, including tax evasion, adverse environmental impacts, and public health impacts. The collaborating agencies are: the California Department of Tax and Fee Administration (CDTFA), CalEPA, the Department of Toxic Substances Control, the State Water Resources Control Board, the California Air Resources Board and CalRecycle. The DMV established the Vehicle Dismantler Industry Strike Team (VDIST) with the collaborating agencies to identify unlicensed vehicle dismantlers and impose appropriate sanctions on those in violation of the law.

Unlicensed auto dismantling was a specific focus area of the Imperial County EJ Initiative based on concerns expressed by community members and local government over the number of areas in residential communities where potential illegal auto dismantling activity has been taking place. It is unlawful for any person to act as an automobile dismantler without having an established place of business, meeting specified requirements, and having a current, valid license or temporary permit issued by the DMV.

Unlicensed vehicle dismantling often occurs in private garages, empty lots, industrial areas, residential neighborhoods, and near parks, schools, and vulnerable waterways, such as storm drains. Individuals who dismantle vehicles without proper permits typically



Transmission fluid spilled onto ground from poor auto maintenance practices at an illegal auto dismantling site.

do not properly dispose of hazardous chemicals such as anti-freeze, engine oil and transmission and radiator fluids. This hazardous waste ends up contaminating soil, rivers and streams, and can infiltrate groundwater and become a threat to the public's drinking water. Additionally, businesses operating without proper licensing gain an unfair advantage over their competitors who pay for permits and implement required environmental and safety practices.

To respond to concerns about unlawful auto dismantling in Imperial County, the DMV coordinated over 12 inspections. DMV investigators were joined by inspectors from the Air Resources Board, Cal Recycle, the Department of Toxic Substances Control's Office of Criminal Investigations, and the Imperial County Sherriff's Office.

The auto dismantling inspections resulted in thirteen citations:

- Five misdemeanor citations for unlicensed dismantling activities;
- Two misdemeanor citations for unlicensed auto repair activities;
- Six businesses were cited for violations related to hazardous waste management.

During the inspections, neighboring businesses with proper licenses expressed appreciation to inspectors for their work, as they expressed frustration from unfair competition from unlicensed businesses. Randy Vera, area commander for the DMV's strike team, explained, "this work is about providing a fair playing field, and we were happy that the businesses that are following the rules and taking steps to do things the right way were appreciative of our work."

Enforcement action was taken against an auto repair business that was illegally disposing of hazardous waste down a storm drain.



Hazardous Waste

The Department of Toxic Substances Control (DTSC) enforces laws and regulations that apply to the generation, handling, treatment, and disposal of hazardous waste in California. DTSC regularly inspects hazardous waste treatment, disposal and storage facilities (TSDF), used oil recycling handlers, large quantity hazardous waste generators, and electronic waste facilities.

In Imperial County, DTSC acts as the local regulatory agency, or CUPA, which means it is responsible for inspections and enforcement in any of the six unified program regulatory programs. These six programs are:

- Hazardous Waste Generator and Tiered Permitting Program;
- Hazardous Materials Release Response Plans and Inventory Program;
- Hazardous Materials Business Plan;
- California Accidental Release Prevention Program;
- \bullet Above ground Petroleum Storage Act; and
- Underground Storage Tank program.

Three DTSC units participated in the Initiative: the Cypress/San Diego Enforcement Branch, the Office of Criminal Investigations (OCI), and the Imperial Certified Unified Program Agency (CUPA). The facility inspections were prioritized based on the type of industry, inspection history (or lack of inspection history), and input from the local government.

A summary of actions conducted by the three DTSC units are below:

DTSC's Cypress/San Diego Enforcement Branch conducted inspections of five regulated facilities including one permitted hazardous waste facility, two Universal Waste/E-Waste facilities,



Enforcement action was taken against this facility by the CUPA for, among other violations, ponding oil on the ground from washing of the company's truck.

and two hazardous waste transporters. One of the Universal Waste/E-waste facilities had gone out of business and that information was used to update DTSC's databases. The other e-waste facility inspection did not result in identification of any violations. The two transporter inspections also did not identify violations. The Clean Harbors Westmoreland landfill (a permitted hazardous waste facility) was inspected and no violations were observed.

The DTSC Imperial CUPA (CUPA) conducted 26 inspections, two truck stops, and participated in joint inspections with OCI, DMV, and other agencies at automobile dismantling facilities. The CUPA worked with five of the auto dismantling facilities and returned them back to compliance with Unified Program requirements. Of the 26 inspections, the CUPA found 16 facilities with violations. Formal enforcement actions were or are being taken against three facilities:

- Enforcement against one of the three facilities is complete. There were multiple hazardous waste violations at a direct transfer station (which was also cited for violations by the Local Enforcement Agency, discussed in the Solid Waste section), which included the discharge of hazardous waste on the property. The facility has since returned to compliance. A Consent Order was signed, with a total settlement of \$17,544, half of which will go towards a Supplemental Environmental Project (SEP) for hazardous waste cleanup efforts in Imperial County.
- Enforcement is underway against another a facility with multiple violations, including open containers, missing manifests (a manifest is the shipping document that travels with hazardous waste from the point of generation, through transportation, to the final treatment, storage, and disposal facility), failure to properly classify waste, lack of required plans, including a Hazardous Materials Business Plan, a Spill Prevention Control and Countermeasures Plan, and failure to submit the annual tank facility statement. The CUPA has not concluded the enforcement process at the time of the publication of this report.
- At another facility, OCI identified and referred to the CUPA a case of abandoned drums of hazardous waste at a closed gas station. The CUPA is investigating and enforcement action is pending.

DTSC's Office of Criminal Investigation organized and participated in two multi-agency and multi-jurisdictional transporter and facility inspections and enforcement activities.

Together with U.S. Customs and Border Protection (CBP) and other agencies, OCI conducted 127 inspections of transporters at the Calexico Port of Entry, resulting in 13 violations. The violations included interception of an individual traveling into the U.S. with 12 pounds of an illegal unregistered pesticide that was allegedly going to be applied in Imperial County. The pesticide was labeled "Fumetico 56," and is an aluminium phosphide, a highly toxic pesticide, that is not registered for use in California.





Pesticides & Produce

The Department of Pesticide Regulation (DPR) oversees and enforces federal and state laws covering pesticide registration, licensing, the sale and use of pesticides, and worker protection. Additionally, DPR administers the nation's largest monitoring program for analyzing domestic and imported produce for pesticide residues. To implement these food safety programs, DPR conducts three types of inspections: the collection and testing of produce for illegal pesticide residues; marketplace surveillance to verify only registered and properly-labeled pesticides are sold; and producer establishment inspections of pesticide manufacturers to ensure the pesticides at those facilities are properly manufactured, registered and labeled.

DPR works closely with county agricultural commissioners (CACs), who have the primary responsibility to enforce laws and regulations pertaining to pesticide use. In Imperial County, the Agricultural Commissioner's staff conduct inspections to ensure compliance with pesticide use requirements, investigate pesticide incidents, and take administrative actions against violators.

DPR Pesticide Market Surveillance Inspections

DPR conducted marketplace surveillance inspections at ten retail locations. Three product registration violations were observed during the inspections. In each case, the products at each retail location were ordered to be removed from sale.

DPR Pesticide Product Sampling

DPR conducted two Pesticide Produce Establishment inspections where pesticides are manufactured, processed and packaged or

re-packaged. As a result of the inspections, two pesticide samples were collected for analysis of ingredients. The samples included a bird repellent and an insecticide. One insecticide product was found to be over-formulated, meaning the active ingredient detected was higher than what the product label stated. In each case, the products at each retail location were ordered to be removed from sale.

DPR Food Safety Inspections

DPR conducted food safety surveillance inspections at 25 retail locations in Imperial County and 13 wholesaler/distribution centers in the Southern California area. A total of one hundred and forty food samples were collected. Four violations were detected during these inspections. The commodities with illegal pesticide residue were: two samples of limes grown in Mexico; one sample of guava grown in Mexico; and, one sample of cilantro grown in the U.S. DPR notified the wholesalers of the product violations, and they turned over the commodities to be disposed of including seventeen cases of guavas, two cases of limes and one case of cilantro. Additionally, for the investigation involving illegal pesticide residues on cilantro, a California grower in Ventura voluntarily disked – or "chopped up" the cilantro crop – in the field where it had been harvested.

Imperial County Agricultural Commissioner Pesticide Use Inspections

For the Initiative, the Imperial County Agricultural Commissioner's Pesticide Use Enforcement Division performed various types of routine and focus inspections throughout the county. The focus included: pesticide applications near schools and residential areas, pesticide incidents and drifts in the county, the types of pesticides used in Imperial County and their toxicities, and worker safety for fieldworkers and pesticide handlers. CAC staff conducted one hundred-nine use inspections during the Initiative, which are summarized in the following table.

	Inspection Type	Inspections	Inspections with Violations	Description of Inspection
Agricultural Use Inspections	Field Worker Safety	15	2	Crews of fieldworkers were interviewed to determine whether various worker protection standards are met regarding pesticide safety.
	Pesticide Use Monitoring	15	4	Pesticide applications were monitored to determine compliance with permitting, pesticide labeling, training, worker safety, and other requirements to mitigate hazards.
	Commodity Fumigation Monitoring	1	0	A pesticide fumigation applications of various post-harvest agricultural commodities was monitored to determine compliance with permitting, pesticide labelling, training, worker safety, and other requirements to mitigate hazards.
Headquarters Structural Use Inspections	Structural [Fumigation] Monitoring	1	0	A structural fumigation application was monitored to determine compliance with pesticide labelling, training, worker safety, and other requirements to mitigate hazards.
	Structural [General Household] Monitoring	5	0	Structural applications for general household pests were monitored to determine compliance with pesticide labelling, training, worker safety, and other requirements to mitigate hazards.
	Pest Control Headquarters	56	13	The records of farms that apply pesticides were reviewed to determine compliance with worker safety requirements; including training records, and medical supervision and respiratory program records for applicable pesticide handlers.
	Pest Control Business Headquarters	16	3	The records of persons/firms that apply, sell, or recommend pesticides for hire were reviewed to determine compliance with worker safety requirements; including training records, and medical supervision and respiratory program records for applicable pesticide handlers.
	Totals	109	22	

CAC Agricultural Use Inspections

CAC inspectors increased surveillance in areas near schools, residential areas, and locations where use of restricted use pesticides was proposed. Additionally, CAC delegated additional resources for these inspections during April 2018. Six of the thirty-one inspections found non-compliant activity. These included one instance of an application performed under windy conditions that could have resulted in pesticide drift, as well as, pesticide handler personal protective equipment violations and violations regarding hazard communication for fieldworkers and pesticide handlers. All of the violations were corrected, either at the time of the violation or with a follow up inspection. One violation resulted in a citation.

CAC Headquarters Inspections

Annual headquarters inspections are scheduled to be performed in the late spring of each year. This schedule is based on agricultural and pesticide use trends in Imperial County. In addition to conducting their annual inspections, CAC staff also conducted follow up inspections to ascertain the magnitude of the violations identified in the field.

Sixteen of the seventy-two inspections found non-compliant activity. Six were violations of the Respiratory Protection Program, which requires that employees required to use a respirator are provided with proper training, guidelines for use, medical evaluation, and fit testing to protect against respiratory hazards caused by certain pesticides. Additional non-compliant activity was in pesticide handler training, medical supervision for employees handling certain pesticides known to inhibit cholinesterase (an important nervous system enzyme), hazard communication to fieldworkers and pesticide handlers, and various paperwork violations of regulations not related to safety. All of these violations were corrected. Nine resulted in citations.

CAC Structural Use Inspections

The Imperial County Agricultural Commissioner staff conducts structural pesticide application inspections to ensure applicators and the public are not harmed by applications that occur in homes or businesses. One structural fumigation application inspection was conducted and five general household application inspections were conducted. No violations were noted.

DPR staff inspecting a local market to ensure products meet registration and labeling requirements.



SPOTLIGHT

Department of Pesticide Regulation and Imperial County Agricultural Commissioner Office Outreach Workshops

Child Care Providers Trainings - El Centro

Another goal for the initiative was to better engage the community on pesticide safety issues and reach out to various groups that were identified as being of concern, especially fieldworkers. As a result, DPR has developed a written pesticide safety training for fieldworkers and partnered with the Employment Development Department (EDD) to reach out to fieldworkers regarding pesticide safety issues. DPR delivered this safety training at EDD workshops in Imperial County, conducted outreach and training to farm labor contractors, and conducted pesticide use trainings to child care providers. Below is a brief summary of each of these efforts.

On April 26, 2018, DPR provided over 100 child care providers throughout Imperial County training in English and Spanish on Integrated Pest Management strategies to address many common pest problems. The purpose of this training was to suggest safer ways to reduce the application of pesticides and antimicrobial chemicals in and around areas where children play. Participants learned how to use pesticides, including disinfectants, safely and effectively in child care settings.

Field Worker Trainings - Calexico

On May 25 and July 27, 2018, the Employment Development Department (EDD) and the Imperial County Agricultural Commissioner staff teamed up to conduct two Field Worker Safety Training sessions using curriculum developed by DPR. These sessions informed fieldworkers of their rights, how to report illegal activities, and important steps on how to protect themselves and their families from pesticide exposure — including proper steps to decontaminate



DPR and EDD staff teach Integrated Pest Management strategies to child care providers in Imperial County.

clothes after work in fields where pesticides have been applied. The trainings took place at EDDs One Stop office, where many fieldworkers gather after crossing the Mexicali border.

Promotores Training - El Centro

On June 11, 2018, the Imperial County Office of Education hosted a one-day Train-the-Trainer for Promotores – which is the Spanish term for "community health workers". The Hispanic community recognizes promotores de salud as lay health workers who work in Spanish-speaking communities. DPR arranged to provide the training—which was developed by the Center for Environmental Research and Children's Health at UC Berkeley---in Imperial County as part of the EJ Task Force efforts. The Center presented research to demonstrate the health effects from pesticide exposures, trained promotores on DPR's regulations that protect the rights and safety of farmworkers, and also outlined best practices to keep farmworkers from tracking pesticides back into the home after work.

Farm Labor Contractor Training - Imperial

On July 12, 2018, the Imperial County Agricultural Commissioner's Office invited CalOSHA and DPR to a multi-agency workshop for farm labor contractors to offer regulatory compliance assistance to promote field worker safety. This training underscored the importance of taking steps to prevent workplace accidents through proper training and procedures, personal protective equipment, and accessible shade structures to prevent heat related illness.

Solid Waste

CalRecycle is the state's solid waste management and recycling agency. CalRecycle works with local tire and solid waste enforcement agencies to ensure compliance with its regulations. In Imperial, the Imperial County Department of Environmental Health is the local enforcement agency (LEA) and the tire enforcement agency.

CalRecycle and the Imperial County Department of Environmental Health conducted inspections at three types of facilities: solid waste facilities, beverage container recycling facilities, and facilities that generate, haul or utilize used tires. For solid waste facilities, such as landfills, transfer stations, and composting sites, CalRecycle ensures that these businesses meet state standards for environmental protection, public health and safety. The County Local Enforcement Agency has the authority to inspect, permit, and enforce state solid waste facility requirements.

CalRecycle administers and evaluates compliance with the beverage container recycling program and the waste tire enforcement program. Within the beverage container recycling program, people visit recycling centers to exchange their empty bottles and cans that have a California Redemption Value (CRV) for cash. The recycling centers pay back what the people originally paid as a CRV fee when they purchased the beverages. Inspections are conducted at beverage recycling centers to ensure the centers are not purchasing materials that have no refund value and to ensure that the centers properly pay for the materials that do have a refund value.

Within the waste tire enforcement program, inspections are conducted to ensure that the reusable and waste tires generated in the state are safely transported, stored, processed for recycling or disposed of in a manner to protect public health and safety and the environment. CalRecycle conducts regular, unannounced inspections of waste tire generators, haulers, and end-use facilities.

Solid Waste Facility Inspection Summary

CalRecycle and the Imperial County LEA conducted seven inspections. These included one solid waste landfill, four transfer/processing facilities, one closed illegal dumpsite, and a composting operation.

There were 11 regulatory violations at the seven facilities. Of the facilities that were inspected, a transfer station and direct transfer station operators received the most violations and were the primary source of concerns. Both received citations for leaking roll-off trailers and for maggots on-site. Records indicate that these issues continue and ongoing violations are being noted by the LEA. The transfer station operator received a citation for maintaining incorrect tonnage

During the inspection of a waste transfer station, maggots were found underneath the leaking trash hauling trailers.



records, which track how much material is sent to the landfill. In response to the citation, the operator revised the facility plan to more accurately record and report tonnages. The most recent LEA inspection report received by CalRecycle indicates that the facility is now complying with this requirement. CalRecycle is continuing to review LEA inspections records to track compliance for the two sites.

Beverage Container Inspection Summary

CalRecycle visited sixteen recycling centers in Imperial County as part of the Initiative. Businesses were issued a notice of noncompliance, warning letter, or notice of violation and fine, depending on violation's noted by the inspectors. Eleven of the sixteen recycling centers sites were in compliance with regulatory requirements. Four were found to be non-compliant, and one was issued a notice of violation and fine of \$100.

Waste Tire Inspection Summary

California generates more than 40 million reusable and waste tires each year. CalRecycle's waste tire program is dedicated to finding new uses for this valuable resource, which range from reuse to retreading to uses in secondary products and engineered applications to energy conversion. CalRecycle's waste tire enforcement program seeks to ensure that the reusable and waste tires that are generated every year in the state are safely transported, stored, processed for recycling or disposed of in a manner to protect public health and safety and the environment.



CalRecycle staff meet with leaders from Slab City to determine the most effective process for trash collection and removal.

SPOTLIGHT

Slab City Clean Up

Slab City is located in the Sonoran Desert in Imperial County. The Slab City property is state property that is administered by the California State Lands Commission. The land was used as a U.S. Marine Corps base during World War II. Over time, individuals began establishing residences on the abandoned slabs left when the base was decommissioned and reverted to state ownership. During the Initiative, the Imperial County Department of Environmental Health brought to the attention of the EJ Task Force the solid waste concern in Slab City. Slab City residents do not pay property fees for public services, and therefore do not have solid waste collection services.

CalRecycle is currently working with the Imperial County Department of Environmental Health, Slab City residents, and the State Lands Commission to conduct a Pilot Community Cleanup Day at Slab City, where residents and itinerant campers or "snowbirds" can voluntarily bring trash, other waste, and recyclables to designated areas throughout Slab City to be collected by a CalRecycle contractor. The first community meeting to organize a Pilot Community Cleanup Day was held on September 19, 2018. Slab City residents helped map locations for drop-off sites, discussed types of waste materials at Slab city, and provided input on the logistics for the cleanup day. A second organizing meeting will be held in February 2019, followed by the cleanup day. At the conclusion of the pilot, a report will be shared with the County, Slab City residents, and the State Lands Commission to assist in development of a longer-term waste management solution.

CalRecycle accomplishes this by conducting regular, unannounced inspections of more than 30,000 waste tire generators, haulers, and end-use facilities. The Department of Environmental Health carries out CalRecycle's waste tire program in Imperial County. When a facility does not correct violations found by the Department within the timeframe allowed, the facility to CalRecycle for escalated enforcement, including the imposition of administrative penalties. The Department together with CalRecycle conducted ten waste tire inspections in Imperial County during the initiative. Two sites were out of compliance with waste tire regulations and five sites received notices of violations of regulatory requirements. The sites with violations were re-inspected within 30 days to confirm that actions had been taken to correct violations.



Water

The Colorado River Basin Regional Water Quality Control Board (Regional Water Board) is responsible for protecting ground and surface water quality in Imperial County by ensuring compliance with water quality laws, regulations, policies, and plans. State Water Resources Control Board (State Water Board) staff worked closely with the Regional Water Board staff to inspect facilities for compliance with the Federal Clean Water Act and the California Porter-Cologne Water Quality Control Act. In total, 13 facilities were inspected during the Initiative. Based on analysis of community concerns, records of previous compliance issues, and site-visit history, inspections were focused on industrial facilities, wastewater treatment plants, and concentrated cattle feed lots.

Industrial facilities, regulated under the Statewide Storm Water Industrial General Permit (IGP), can contribute to surface water pollution when contaminants such as oil, grease, toxic metals, and sediment are carried offsite in storm water either directly to, or through storm drains, to streams and rivers. Seven industrial facilities were inspected for storm water compliance as part of the Initiative, including an auto dismantler, transportation facilities, chemical mixing and distribution facilities, and a power plant. Common areas of concern identified during the inspections included general housekeeping related to materials, waste and chemical storage, leak prevention, and recordkeeping. The Regional Water Board issued two Notices of Violation based on the inspections conducted during the Initiative.

Wastewater treatment plants typically treat wastewater from homes, businesses, and industrial facilities which is then discharged into the environment. Inspections of three waste water treatment plants, permitted and regulated under individual National Pollutant Discharge Elimination System (NPDES) permits, included assessing the physical conditions of the facility's current treatment processes and operations, evaluating the plants' operation and maintenance activities, and determining whether the treatment plants are meeting their required discharge standards. One inspected facility was found to have substandard maintenance operations and sludge storage practices, and inadequate standard operating procedures. The treatment plant was made aware of the concerns and the need for corrective action.

Two cattle feedlots with coverage under the General NPDES Permit for Concentrated Animal Feeding Operations (CAFOs) were inspected in Imperial County. CAFOs are facilities where animals have been, are or will be stabled or confined and fed for a total of 45 days or more in any 12-month period. In November of 2018, a Notice of Violation was issued to one CAFO for inadequate recordkeeping, poor pond

Water board inspector at composting facility.



maintenance, and failure to contain non-storm water runoff. . The State and Regional Water Boards also inspected one beef processing facility, covered under an individual Waste Discharge Requirement (WDR) permit. No major water quality concerns were identified during the inspection.

Conclusion

One of the purposes of the EJ Task Force is to provide staff across CalEPA's boards and departments with a greater understanding of the environmental challenges faced by our most overburdened communities. Without such an understanding, the state cannot be sure that its environmental compliance and enforcement programs are properly designed and focused.

The Imperial County EJ Initiative presented new challenges and opportunities not encountered in previous EJ Task Force efforts because it was the first initiative to take place in a rural setting, and with a county-wide emphasis. As a result, the compliance activities of the Initiative presented a wide range of new issues and problems. For example, in contrast to the initiatives undertaken in urban settings, the Task Force conducted inspections at feedlots and geothermal power plants, and addressed illegal off-road vehicle activity, farm worker protection, and cross-border pollution issues.

In addition, this was the first initiative where the Task Force encountered open antagonism from County officials to efforts from the regulatory agencies to achieve compliance. While the EJ Task Force typically holds workshops and community meetings to discuss environmental issues, its enforcement activities, including inspections, are usually, by necessity, unannounced so it can get an accurate snapshot of compliance in the community. The Imperial County Initiative was the first Initiative where the Task Force's inspections were announced publicly by a local official in a local newspaper. Although, as this report indicates, a number of violations were still observed during the Initiative, it is possible others were addressed or hidden from regulators as a result of this public announcement. And unfortunately, a level of trust between

the Task Force's community partners and regulators was lost in the process.

Overall, the Task Force gained valuable experience from the Imperial County Initiative. In addition to its enforcement work, the Task Force identified gaps in regulatory activity, which highlight the need to continue to work with local community partners and regulatory agencies, to prevent pollution and increase compliance across the County.

As it does throughout the State, CalEPA will continue to monitor and encourage compliance in the County, and is committed to improving health and safety outcomes for County residents. CalEPA will also continue to support local efforts to update regulations, support community cleanup efforts, and conduct activities to monitor and enforce against illegal activity. Finally, CalEPA's boards and departments have other initiatives and efforts underway in Imperial County, and the lessons learned from the EJ Task Force's work provide important insights that can inform those, and other efforts in similar rural areas and border communities.

