

Background

Atlas Iron & Metal Co. is a metal recycling facility located at 10019 South Alameda Street, Los Angeles, CA 90002. The facility is adjacent to Jordan High School and school staff, students, residents, and community members are concerned about projectiles, dust, and noise coming from Atlas, and about potential exposure to lead, chromium, and other heavy metals.

Is the facility subject to environmental requirements?

Atlas is subject to federal, state, and local requirements related to air emissions, stormwater, waste management, and land use site restrictions.

Who is involved in this matter?

Multiple agencies at the federal, state, and local level are responsible for regulating Atlas, and have been engaged in inspection and enforcement activities. The following agencies have met to coordinate on environmental compliance activities:

- Los Angeles City Attorney's Office
- Los Angeles County
- South Coast Air Quality Management District (SCAQMD)
- Los Angeles Regional Water Quality Control Board (LA RWQCB)
- California Attorney General's Office (CA AGO)
- California Department of Toxic Substances Control (DTSC)
- CalEPA
- US EPA

LA City Attorney's Actions

- April 8, 2021: LA City Attorney's Office filed a civil law enforcement action against Atlas, seeking immediate compliance with the law, as well as statutory civil penalties for past violations.
- April 9, 2021: LA City Attorney's Office filed with the court an application for a temporary restraining order, which was quickly granted. The order requires Atlas to prevent projectiles from being ejected from the Facility, including onto the Jordan High School campus.
- May 13, 2021: Atlas petitioned the court for a stay of the LA City Attorney's enforcement action. The LA City Attorney opposed, but the state court stayed the enforcement action. CA AGO subsequently intervened to join the LA City Attorney's enforcement efforts.
- October 7, 2021: The LA City Attorney and CA AGO filed with the court a request to lift the stay and, on November 10, 2021, a Motion to allow the law enforcement action to proceed against Atlas.
- December 7, 2021: State court denied the Motion. The City Attorney and CA AGO petitioned the California Court of Appeal for a writ, seeking to compel the state court to lift the stay.
- March 18, 2022: The Court of Appeal ordered the state court to lift the stay to, at a minimum, allow the People to file a motion for preliminary injunction or show good cause.

- April 5, 2022: The State court denied the request to fully lift the stay, allowing only for the People to file a motion for preliminary injunction.
- May 5, 2022: Upon being informed that a motion for preliminary injunction would be filed, an agreement obligating Atlas to take action to address its non-compliance was reached and filed with the court.
- September 13, 2022: The LA City Attorney on behalf of the People file a Second Motion to terminate the Stay and a Motion for Preliminary Injunction seeking an order that Atlas prevent projectiles from leaving their property, stop all excessive noise, and maintain scrap pile height at or below the permitted 10-foot wall.
- October 6, 2022: The Court granted the People's Motion to Terminate the Stay. The Court also granted the People's Motion for Preliminary Injunction in part. The Court ordered Atlas "to comply with the zoning rules as they currently exist, until and unless they obtain a formal variance or exception from the relevant agency." The Court stayed its order for preliminary injunction until December 13, 2022, and ordered the parties to meet and confer on a timeline for compliance.

LA County's Actions

- February 26, 2019: LA County Fire/Certified Unified Program Agency settled an administrative enforcement action against Atlas for hazardous waste violations.
- May 25, 2022: At the request of the LA District Attorney's Office, LA County/Certified Unified Program Agency Investigators conducted sampling at Jordan High School of dirt/debris runoff from Atlas on to Jordan High School property.
- August 17, 2022: LA County Fire/Certified Unified Program Agency and LA District Attorney's Office personnel conducted a search warrant at Atlas.

SCAQMD Actions

- April-May 2016: South Coast ADMD conducted short-term air monitoring to supplement DTSC measurements at the site of the Jordan Downs Redevelopment Project, just north of Atlas.
- Since June 2020, over 20 inspections and other filed operations have been conducted in and around Atlas, including a joint inspection of the facility with DTSC on October 9, 2020.
- August 2020: South Coast AQMD conducted a weeklong particulate sampling in the areas surrounding Atlas.
- September-December 2020: Qualitative filed screenings conducted at Atlas, Jordan High School, and 12 other sites using handheld X-Ray Fluorescence (XRF) monitors.
- March 2022: Rulemaking initiated for Proposed Rule 1460-Shredding Operations.
- September 22, 2022: Joint Inspection of Atlas with US EPA staff.

LA RWQCB Actions

- Atlas is enrolled in the Stormwater National Pollutant Discharge Elimination System Industrial General Permit under Statewide Order 2014-0057, NPDES No. CAS000001 (WDID 4 19I007206). The LA RWQCB conducts compliance and enforcement evaluations at the facility and works with the facility owner to address any permit non-

compliance relating to stormwater. The LA RWQCB conducted four stormwater compliance inspections (July 3, 2019, February 26, 2020, December 24, 2020, and March 8, 2022). Inspection reports are available upon request.

CA AGO Actions

- On July 2, 2021, the CA AGO's Bureau of Environmental Justice intervened in the City Attorney's law enforcement action against Atlas in Los Angeles Superior Court.
- CA AGO continues to press forward with its enforcement case against Atlas in collaboration with the LA City Attorney as outlined above.

DTSC Actions

- October 20, 2008: Land Use Covenant issued. After soil was excavated, a reinforced concrete cap was installed on the north-west of the Atlas site. The capped area is required to be kept clear all the time.
- June 30, 2016: Inspected facility for Hazardous Waste Control Law (HWCL) compliance and violations.
- September 16, 2016: Inspected facility for Hazardous Waste Control Law compliance and violations.
- December 15, 2016: X-Ray Fluorescence (XRF) screening and sample collection at Jordan High School. XRF is a non-destructive analytical technique used to determine the elemental composition of materials.
- January 24, 2018: Consent Order signed between DTSC and Atlas.
- October 9, 2020: Inspected facility for HWCL compliance and violations, and again identified several violations of HWCL hazardous waste management regulations onsite at the facility.

- March 10, 2021: Corrective Action Order issued requiring Atlas to correct the HWCL violations identified in the July and October 2020 inspections, to investigate and clean up any contamination, and to prevent future releases of hazardous waste
- March 17, 2021: Inspected facility for HWCL compliance and violations.
- February 4, 2022: Inspected facility for HWCL compliance and violations by DTSC's Office of Criminal Investigations Investigators after complaint received from Los Angeles District Attorney's Office.
- February 8, 2022: At request of Los Angeles District Attorney's office, DTSC Office of Criminal Investigations used XRF to screen locations chosen by DA's office at Jordan High School.
- June 30, 2022: Civil Complaint filed in Los Angeles Superior Court for violations of HWCL hazardous waste control regulations observed during July and October 2022 inspections.
- July 11, 2022: Notice of Final Determination of Non-Compliance with Enforcement Order for Corrective Action. This order notifies Atlas of their noncompliance with DTSC's Corrective Action Order, and that DTSC will be pursuing legal action.

CalEPA Actions

- CalEPA is the parent agency to six boards, departments, and offices charged with protecting public health and the environment, including DTSC and the Water Boards. CalEPA has not exercised independent enforcement authority over activities at Atlas, but helps to ensure enforcement and compliance activities are consistent, effective, and coordinated.

US EPA Actions

- April 1, 2022: Stormwater inspection
- May 10, 2022: Hazardous waste inspection
- September 22, 2022: Air inspection
- Multiple types of US EPA investigations are ongoing. Inspection reports are available upon request.

For More Information Contact:

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