



Community Update: 2023 Environmental Justice Enforcement Action Plan Implementation

December 6, 2023



Background

- In 2021, US EPA and CalEPA entered into a Memorandum of Understanding focused on agency coordination to improve environmental enforcement in overburdened communities
- The MOU focused on three areas:
 - Strategic inspection targeting
 - Enforcement actions
 - Community engagement

**Memorandum of Understanding
on Collaborative Efforts on Enforcement and Compliance Assurance in Overburdened
Communities between the**

United States Environmental Protection Agency Region 9

and the

California Environmental Protection Agency

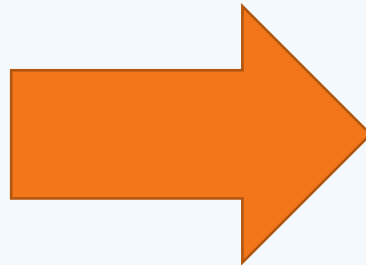


September 10, 2021

2023 Environmental Justice Enforcement Action Plan



Input from residents and community leaders in overburdened communities across the state



- Enhanced, Sustained, Community Engagement
- Rapid Response Task Force
- Tools for Coordinated Enforcement Engagement

Centered around pilot efforts and experimentation

Enhanced Sustained Community Engagement

- Improved engagement with community-led forums focused on environmental violation
- Commitment to following up on all community complaints, working across media (e.g., air, soil, water) and levels of government to seek solutions, and regularly communicating with the forum's participants regarding progress and any challenges

Pilot Forums

- Bayview-Hunters Point EJ Task Force
- Kern IVAN
- Fresno IVAN
- Los Angeles Environmental Justice Network & Del Amo Action Committee
- Coachella Valley

Enhanced Sustained Community Engagement: Bayview Hunters Point EJ Task Force

Darling Ingredients, Inc.

- Community complaints about odors during Task Force meeting
- CalEPA and USEPA convened local, state, and federal enforcement agencies to assess compliance and conduct multiple inspections
 - Water Boards identified several stormwater violations and required corrective actions
- Activity log created to provide community with transparent enforcement and compliance information
- Continued coordination regarding creation of community odor logs



Enhanced Sustained Community Engagement: Bayview Hunters Point EJ Task Force

Diesel Trucks

- Residents raised concerns about air pollution and noise from diesel trucks
- Agencies organized a mapping exercise during a Task Force meeting to identify truck traffic and idling hotspots
- CARB and the Air District worked with local law enforcement to conduct a field enforcement event
 - Factsheet summarizing enforcement outcomes shared with community
- Ongoing efforts to add “no-idling” signs in priority areas
- CARB submitted comments raising concerns about air quality impacts from a proposed new development that would add truck traffic to the neighborhood



Enhanced Sustained Community Engagement: Bayview Hunters Point EJ Task Force

- Drinking water: Residents raised concerns about water quality during a Task Force meeting. CalEPA and USEPA coordinated with the San Francisco Public Utilities Commission to test residents' water and discuss the results.
- Illegal dumping: CalEPA and USEPA collaborated with San Francisco Public Works to ensure enhanced coordination in responding to illegal dumping complaints.
- Concrete batch plants: Residents expressed concerns about pollution from unpermitted or inadequately permitted concrete batch plants. CalEPA and USEPA are engaging with the Air District to assess compliance at the facilities.



Enhanced Sustained Community Engagement: Kern IVAN

Kern Energy

- Residents raised concerns about air pollution and public health impacts related to emissions from the refinery
- CalEPA and USEPA organized a multi-agency working group that is continuing to assess the facility's compliance with environmental laws
- Agencies created an activity log showing a 5-year compliance history for laws related to air pollution, water pollution, hazardous waste, and more



Enhanced Sustained Community Engagement: Kern IVAN

Illegal Dumping

- Community leaders voiced concerns about inadequate responses to illegal dumping
- CalEPA and USEPA established an illegal dumping working group with local, state, and federal engagement
- Developed a resource toolbox for the community
- Working to identify illegal dumping hot spots



Enhanced Sustained Community Engagement: Los Angeles Environmental Justice Network & Del Amo Action Committee

JCI Jones Chemicals, Inc.

- Community members are concerned about the safety of residents surrounding this chlorine repackaging facility. Concerns about facility as well as hazardous materials entering via rail and truck.
- CalEPA and USEPA convened local, state, and federal enforcement agencies to assess compliance and conduct inspections. Agencies met with community leaders to share compliance information.
- Activity log created to provide community with transparent enforcement and compliance information.
- CalEPA and USEPA collaborated with first responders and JCI Jones Chemicals to support an emergency response drill and offer a facility tour.



Enhanced Sustained Community Engagement: Los Angeles Environmental Justice Network & Del Amo Action Committee

Del Amo Alley

- Community concerns about pollution and noise from truck use of an unpaved alley that is adjacent to residences and in an area with a long history of industrial pollution.
- DTSC tested soil samples from the alley to assess the presence of contaminants and shared the results with community members.
- CalEPA and USEPA are collaborating with community members to convene local, state, and federal agencies with land use and enforcement authorities to explore possible alternative uses for the alley.



Enhanced Sustained Community Engagement: Los Angeles Environmental Justice Network & Del Amo Action Committee

Royal Boulevard

- Residents expressed concerns about impacts from toxic exposures and future land-use decisions at this closed landfill.
- CalEPA and USEPA, in collaboration with community leaders, convened a working group of local, state, and federal agencies to ensure compliance with landfill closure requirements; identify any ongoing concerns related to soil, air, and water quality; and outline the decision-making process for any future development proposals.



Enhanced Sustained Community Engagement: Fresno IVAN

Illegal Dumping

- Community leaders voiced concerns about inadequate responses to illegal dumping
- CalEPA and USEPA established an illegal dumping working group with local, state, and federal engagement
- Developed a resource toolbox for the community
- Created connections between community leaders and County government leaders to ensure ongoing coordination improvements



Enhanced Sustained Community Engagement: Coachella Valley

Desert View Power (DVP)

- Community expressed air pollution concerns from Desert View, a power plant that generates electricity by burning biomass.
- An inspection led by USEPA, accompanied by South Coast Air Quality Management District and Cabazon Band of Mission Indian, revealed emission limit exceedances of several air pollutants.
- USEPA is collaborating with the community and other agencies to ensure compliance with the Clean Air Act and to identify and address any other concerns related to air quality.



Enhanced Sustained Community Engagement: Coachella Valley

Drinking Water

- Community members were concerned over high levels of Arsenic in potable water in several mobile home parks in the East Coachella Valley.
- Agencies are working together to make sure water is being treated for Arsenic, install point of use devices at each home, provide alternative water prior to the installment of the devices, and ensure long-term compliance with the Safe Drinking Water Act.
- Agencies are continuing to monitor arsenic levels to ensure the devices are running consistently and reliably.
- US EPA has collaborated with various federal, state, and local partners to host community meetings and share resources with impacted residents.



Rapid Response Task Force

Rapid, coordinated enforcement response to a high-priority incident in an overburdened community

Goals

- Enhanced multi-agency enforcement coordination
- Improved communication with residents in impacted communities
- Better enforcement outcomes

Pilot RRTF

August 9, 2023, fire at Schnitzer Steel Inc., dba Radius Recycling in West Oakland



Rapid Response Task Force

Convening the RRTF

- On August 10, 2023—the day after the fire at Schnitzer Steel started—CalEPA and USEPA called for creation of a RRTF
- Immediate outreach to potentially-relevant local, state, and federal enforcement agencies
- First RRTF agency coordination meeting occurred on August 14, 2023
 - Focus: Information sharing and enforcement coordination
 - Intensive agency coordination continued after the meeting

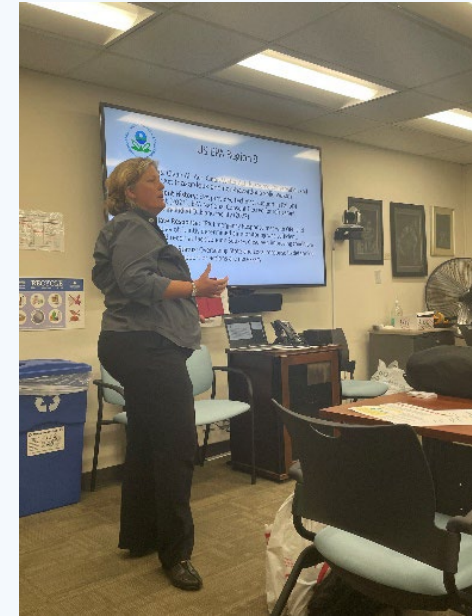
Participating Agencies

- USEPA
- CalEPA
- California Department of Toxic Substances Control
- State Water Resources Control Board
- California Air Resources Board
- Attorney General's Office
- San Francisco Bay Regional Water Quality Control Board
- Bay Area Air Quality Management District
- Alameda County Department of Environmental Health, Certified Unified Program Agency
- Alameda County District Attorney's Office
- City of Oakland/Oakland City Attorney's Office (OCA)

Rapid Response Task Force

Meetings with West Oakland Environmental Indicators Project

- Initial meetings with community leaders occurred on August 25, 2023, and October 17, 2023
- Meetings were co-led by WOEIP and CalEPA/USEPA
- RRTF priorities for meetings
 - Ensure investigations and enforcement efforts are informed by community knowledge
 - Understand community needs so that agencies can strive for responsive enforcement
 - Communicate as transparently as possible regarding the status of enforcement efforts



Rapid Response Task Force

Initial Enforcement Outcomes

- DTSC: Identified three violations, including failure to operate the facility to minimize the possibility of fire and failure to notify CalOES of the fire.
- Water Boards: Issued an NOV for unauthorized discharges related to fire suppression water.
- Bay Area AQMD: Issued three NOVs representing four violations: 1) public nuisance, 2) prohibited open burning, 3) excessive visible emissions, and 4) non-compliance with its approved Emission Minimization Plan.
- Alameda County CUPA: Identified several violations related to the fire, including one Hazardous Material Business Plan violation and several Hazardous Waste Generator program violations.
- Alameda County DA: Publicly announced an investigation of the August 9 fire.
- City of Oakland: Coordinating with USEPA to understand fire avoidance best practices for metal shredders to inform possible modification of the City's fire code.

Rapid Response Task Force: Enhancing Enforcement Transparency



Background

Schnitzer Steel Industries, Inc. dba Radius Recycling owns and operates a scrap metal recovery and recycling facility located at 1101 Embarcadero West, Oakland, California 94607 ("Schnitzer"). Schnitzer occupies approximately 33.2 acres adjacent to the Oakland Inner Harbor waterfront and the Port of Oakland. The Facility is bounded to the south by the Oakland Inner Harbor, to the east and west by the Port of Oakland (Howard Terminal and Roundhouse Terminal respectively), and to the north by Embarcadero West and Union Pacific Railroad tracks. Community members are concerned about fires and potential exposure to pollution that may impact public health from Schnitzer's operations.

Is the facility subject to environmental requirements?

Schnitzer is subject to federal, state, and local requirements related to air emissions, water quality, and hazardous materials and waste.

Who is involved in this matter?

Multiple agencies at the local, state, and federal level are responsible for regulating Schnitzer and have been engaged in inspection and enforcement activities. These agencies include:

- Alameda County Department of Environmental Health, Certified Unified Program Agency (CUPA)
- Bay Area Air Quality Management District (Bay Area AQMD)
- City of Oakland/Oakland City Attorney
- Alameda County District Attorney
- San Francisco Bay Regional Water Quality Control Board
- California Attorney General
- State Water Resources Control Board
- California Air Resources Board (CARB)
- California Department of Toxic Substances Control (DTSC)
- California Environmental Protection Agency (CalEPA)
- United States Environmental Protection Agency, Region 9 (US EPA)

Alameda County CUPA Actions

The Alameda County Department of Environmental Health (ACDEH) became the CUPA for the City of Oakland in 2015. As the CUPA, ACDEH implements administrative requirements, permits, inspections and enforcement of hazardous materials laws and regulations. The CUPA programs under the authority of ACDEH as a regulatory agency include:

- Hazardous Materials Business Plan (HMBP)
- Hazardous Waste Generator (HWG)
- Underground Storage Tank
- Aboveground Petroleum Storage Act (APSA)
- California Accidental Release Prevention

Schnitzer is subject to HMBP, HWG and APSA program requirements. Since becoming the CUPA for Schnitzer in 2015, ACDEH has conducted inspections and found the following violations:

- September 14, 2015, one HMBP program violation that was corrected on October 13, 2015.
- September 14, 2015, five HWG program violations that were corrected on February 16, 2016.
- September 15, 2015, four APSA program violations that were corrected on December 3, 2015.
- December 11, 2017, one HMBP program violation that was corrected on December 21, 2017.
- November 8, 2018, one HWG program violation that was corrected on December 7, 2018.
- November 5, 2019, one HMBP Notice of Violation was issued and corrected on November 11, 2019.
- April 11, 2023, four HWG program violations that have not been corrected.
- April 11, 2023, one APSA program violation that has not been corrected.
- August 10, 2023, one HMBP program violation that has not been corrected.
- August 10, 2023, three HWG program violations that have not been corrected.

Details of these violations can be found in *Appendix A - Alameda County CUPA Inspections, Violations, and Return to Compliance*. In addition, ACDEH conducted HWG program inspections on June 4, 2018, and August 6, 2020, and found no violations.



<https://calepa.ca.gov/calepa-usepa-region-9-environmental-justice-enforcement-memorandum-of-understanding/>

Tools for Coordinated Enforcement Engagement



- Tools to help ensure responses to community concerns are coordinated, efficient, transparent, and effective.
- Used in sustained community engagement pilots, RRTF, and ongoing enforcement work across CalEPA and USEPA.

Training and
Resources for
Enforcement Staff

Partnering
Protocols

Joint Inspection
Framework

Activity Logs

Tools for Coordinated Enforcement Engagement: Trainings

Cross-Media

- Agency Cross-Media Enforcement Basics
- Enabled Issue Spotting within Agencies

Environmental Justice

- Racial Equity & Environmental Justice Training
 - CalEPA's Pollution & Prejudice Training
 - New Module on EJ as part of USEPA's Basic Inspector Training

Next Steps

- **Feedback on 2023 Action Plan implementation from residents and leaders in overburdened communities—what’s working and what’s not?**
- **Based on feedback, CalEPA and USEPA will develop and share a 2024-2025 Environmental Justice Enforcement Action plan**



Discussion

(These are just ideas – all input is welcome!)

- Have any aspects of CalEPA and USEPA's implementation of the 2023 Action Plan been particularly effective or helpful? **(the good)**
- Where has CalEPA and USEPA's implementation of the 2023 Action Plan fallen short? **(the bad)**
- What would you like to see in a 2024-2025 EJ Enforcement Action Plan? **(the future)**



Thank you!!!

Bayview-Hunters Point Environmental Justice Task Force
Meeting Participants