



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

LA City Attorney's Actions

- April 8, 2021: LA City Attorney's Office filed a civil law enforcement action against Atlas in Los Angeles County Superior Court, 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 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 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: The court denied the motion. The City Attorney and CA AGO petitioned the California Court of Appeal for a writ, seeking to compel the court to lift the stay.
- March 18, 2022: The Court of Appeal ordered the court to lift the stay to, at a minimum, allow the People to file a motion for preliminary injunction or to show cause why the stay should remain in place.
- 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, filed a Second Motion to Terminate the Stay and a Motion for Preliminary Injunction seeking an order that Atlas prevent projectiles from leaving its 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.

- August 22, 2023: The LA City Attorney and CA AGO filed with the court a motion for an order finding Atlas in contempt of court and for modification of the preliminary injunction. The court denied this motion on procedural grounds, but also noted that it believed Atlas was working to comply with the Court's October 2022 preliminary injunction and/or the federal court's interim order.
- December 4, 2023: The court granted Atlas' August 8, 2023 Motion to Stay the People's civil enforcement action pending resolution of the criminal misdemeanor and felony charges filed by the Los Angeles County District Attorney against Atlas on June 15, 2023.

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 County District Attorney's Office, LA County Fire/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 County District Attorney's Office personnel conducted a search warrant at Atlas.
- January 27, 2023: LA County Fire/Certified Unified Program Agency referred the case to the LA County District Attorney's Office for filing consideration.
- June 21, 2023: Atlas Metals and its owners were each charged with 21 felony counts of knowingly disposing hazardous waste at a site with no permit and one felony count of deposit of hazardous waste. They also each face one misdemeanor count of failure to maintain or operate a facility to minimize the possibility of a fire and public nuisance.

- September 21, 2023: LA County Fire/Certified Unified Program Agency conducted a routine hazardous waste inspection and follow-up investigation. Notice of Violation was issued to the owner/operator for several violations of the Hazardous Waste Control Law and related regulations.

South Coast AQMD Actions

- April-May 2016: South Coast AQMD 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 field operations have been conducted in and around Atlas, most recently on April 24, 2024.
- August 2020: South Coast AQMD conducted a weeklong particulate sampling in the areas surrounding Atlas.
- September-December 2020: Qualitative field screenings conducted at Atlas, Jordan High School, and 12 other sites using handheld X-Ray Fluorescence (XRF) monitors.
- October 9, 2020: Joint inspection of Atlas with DTSC.
- March 2022: Rulemaking initiated to control particulate emissions from metal recycling facilities (Rule 1460).
- September 22, 2022: Joint inspection of Atlas with U.S. EPA.
- November 2022: South Coast AQMD adopts Rule 1460 - *Control of Particulate Emissions from Metal Recycling and Shredding Operations*.
- April 24, 2024: Notice to Comply issued to Atlas under Rule 1460 to improve signage. Facility records also requested to evaluate throughput limits.

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 stormwater compliance inspections on July 3, 2019, February 26, 2020,

December 24, 2020, March 8, 2022, January 30, 2023, February 8, 2023, March 17, 2023, and March 22, 2023. Inspection reports are available upon request.

- September 27, 2023: Based on the 2023 inspections, a Notice of Violation (NOV) was issued to the facility for failure to implement adequate best management practices (BMPs) and discharge prohibition violations. Atlas responded to the NOV on November 4, 2023. LA RWQCB is currently reviewing Atlas' responses and corrective actions.

CA AGO Actions

- On July 2, 2021, the CA AGO's Bureau of Environmental Justice intervened in the LA City Attorney's law enforcement action against Atlas in Los Angeles County 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 HWCL 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.
- July 1, 2020: Inspected facility for HWCL compliance and violations. Inspectors identified numerous violations of HWCL hazardous waste management regulations onsite at the facility.
- September 23, 2020: XRF screening at Jordan High School and surrounding Watts neighborhood.
- 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 Office of Criminal Investigations after complaint received from LA District Attorney's office.
- February 8, 2022: At request of LA 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 County Superior Court for violations of the HWCL hazardous waste control regulations observed during July and October 2020 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.
- October 12, 2022: DTSC met with LAUSD's representatives, Atlas' consultant GSI Environmental Inc. (GSI), and third-party consultant Roux Associates. The parties discussed corrective action processes at the facility.
- December 20, 2022: DTSC toured the facility and met with GSI. DTSC staff identified areas of concern at the facility and discussed the timeline for submitting required documents.
- December 22, 2022: GSI agreed with DTSC's proposed timeline for submitting documents.
- March 6, 2023: Atlas submitted the Current Condition Report to DTSC.
- May 17, 2023: Ongoing air monitoring started at the facility.
- April 28, 2023: Atlas submitted the Facility Investigation Work Plan (FI Workplan) to DTSC.
- November 1, 2023: Implementation of the FI Workplan started.
- December 19, 2023: Implementation of the FI Workplan completed.
- March 29, 2024: Atlas submitted the Facility

Investigation (FI) Report to DTSC.

- May 21, 2024: DTSC responded to the FI report with comments, asking Atlas to submit a Supplemental Site Investigation Work Plan to address the data gaps by June 21, 2024.
- May 31, 2024: Atlas submitted the Annual Air Monitoring Report.

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 effective and coordinated.

US EPA Actions

- April 1, 2022: Stormwater inspection.
- May 10, 2022: Hazardous waste inspection.
- September 22, 2022: Air inspection.
- November 2022: US EPA sent a Clean Water Act Request for Information (response received February 2023).
- January 5, 2023: Wet weather stormwater inspection.
- March 2023: US EPA sent Atlas a Show Cause letter for potential violations of the Clean Water Act.
- February 28, 2024: US EPA entered into an Administrative Order on Consent to upgrade the facility's stormwater treatment system and prevent pollutants from running off site.
- Inspection reports are available upon request.

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Public Health Resources:

L.A. County Department of Public Health: Provides educational materials and resources for community members, such as: *How to Report Environmental Issues in [Unincorporated/Incorporated] Areas of L.A. County (pdf)* found at <http://ph.lacounty.gov/eh/about/how-why-report-problems.htm>

Agency for Toxic Substances and Disease Registry (ATSDR): ATSDR, a non-regulatory federal public health agency, is evaluating human exposure to environmental contamination at and near Jordan High School. ATSDR will use existing environmental data for the evaluation and write a report with conclusions and recommendations. ATSDR resources are available at <https://www.atsdr.cdc.gov/>.

U. S. Department of Health and Human Services (HHS): The mission of HHS is to enhance the health and well-

being of all Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services. HHS coordinates with other federal and local agencies in responding to public health concerns like those in Watts.

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