



## Policy Division

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TO: Liberty Hill Foundation  
CC: Community and Business Stakeholders

FROM: Department of City Planning  
Hagerenesh Solomon-Cary  
Planning Assistant  
Policy Division

SUBJECT: **DRAFT MEMO 1: ENVIRONMENTAL REGULATORY FRAMEWORK-  
ROLES AND RESPONSIBILITIES**

The following memo is written in accordance with the Department of City Planning's grant agreement with the Liberty Hill Foundation. The grant agreement establishes a partnership that aims to develop the Clean Up Green Up (CUGU) pilot policy in three Los Angeles communities-Boyle Heights, Wilmington, and Pacoima. The CUGU pilot policy responds to the cumulative health impacts caused by heightened pollutant exposure in neighborhoods adjacent to both stationary and mobile sources of emissions. In an effort to address the environmental justice issues that face these neighborhoods, the CUGU pilot policy aims to implement land use-based performance standards for new and substantially rehabilitated industrial facilities while also providing outreach and assistance to existing industrial facilities to increase compliance with current regulation. To that end, the main purpose of the memo is to provide an overview of the roles and responsibilities of environmental regulation at the Federal, State, regional, and local levels that governs industrial businesses. The memo is broken up into two sections covering: 1) regulatory roles and responsibilities, and 2) data availability. For ease of reference, a glossary is also included starting on page 26. This memo is intended to provide an overview of the existing regulatory framework, and will, in turn, shape the formation of the City's CUGU strategy. As more research is conducted and the CUGU work program progresses, additional relevant information will be added, to a reasonable extent, with the goal of having a comprehensive review of the regulations applicable to industrial land within at the stated scales.

### **Section 1: Regulatory Roles and Responsibilities**

The following section examines the regulation of industrial businesses at each scale of government- Federal, State, regional, and local. This includes identifying what regulations are established and the details as they relate to industrial land uses. Note that many regulations that are established by one entity at a certain scale can be enforced by another entity at a more local scale. This reality is indicative of the decentralized nature of environmental authority in California.

#### **a) Federal Regulation:**

The Federal Government sets minimum compliance standards for environmental regulation. The United States Environmental Protection Agency (U.S. EPA) sets the "floor" at levels above which concentrations of pollutants could be harmful to human health and public welfare. The Clean Air Act (CAA) is a federal law that regulates air emissions from both stationary and mobile sources. The CAA gives the U.S. EPA the authority to establish the National Ambient Air Quality Standards

(NAAQS) that address the following major pollutants of concern as they relate to ambient air quality.<sup>1</sup> Pollutants of concern include:

- Carbon Monoxide (CO),
- Ozone (O<sub>3</sub>),
- Nitrogen dioxide (NO<sub>2</sub>),
- Sulfur dioxide (SO<sub>2</sub>),
- Particulate matter 2.5 microns or less in diameter (PM<sub>2.5</sub>),
- Particulate matter ten microns or less in diameter (PM<sub>10</sub>), and;
- Lead (Pb).

Ambient Air Quality Standards include pollutants of concern, the average time frame for measuring the pollutant, the maximum concentration not to be exceeded, and a method for measuring concentration. The NAAQS differ from California's Ambient Air Quality Standards (CAAQS) in that the State regulates more pollutants than the Federal government and has a lower maximum concentration, in some cases, than the Federal government. Please refer to Attachment A for the comparison between the NAAQS and the CAAQS.

The following analysis of the federal environmental regulation is divided up into three elements: Air, Water, and Toxins.

### **AIR-**

The following air quality regulations are divided into those that govern stationary and mobile sources.

#### ***State Implementation Plan***

The U.S. EPA sets standards on the above listed air pollutants- limiting how much can be in the air anywhere in the United States. The CAA gives the EPA authority to limit emissions of air pollutants coming from specific sources. In an effort to regulate compliance, the U.S. EPA approves State and Local agency State Implementation Plans (SIPs). SIPs are comprehensive plans that describe how an area will attain National Ambient Air Quality Standards (NAAQS) for the pollutants of concern. If the SIP does not meet the NAAQS, the U.S. EPA can issue sanctions against the State and, if necessary, take over enforcing the Clean Air Act in that given area.<sup>2</sup>

SIPs are not single documents. In fact, at any one time, several submittals from each state are pending approval by the U.S. EPA. Similar to Los Angeles general plan framework element, California's SIP includes an overall Infrastructure SIP. This is the framework that identifies the State's capacity and strategy to address existing and new standards coming down the regulatory pipeline. In order to manage the amount of data required to review compliance with the NAAQS, the California Air Resources Board (ARB), with support from the more local air district -South Coast Air Quality Management Districts (SCAQMD)- is the lead agency that submits all SIPs to U.S. EPA. The use of local air districts allows for the detailed and nuanced examination of pollutants. When an air district is not meeting the minimum standards (by pollutants), it is known as being in a "non-attainment" area because they fail to meet the minimum standard. If an area is in "severe" or "extreme" non-attainment status for a specific pollutant, fees are assessed to each major source emitter under section 185 of the

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<sup>1</sup> <http://www.fas.org/sgp/crs/misc/RL30798.pdf>

<sup>2</sup> [http://www.epa.gov/air/caa/pdfs/CAA\\_Nutshell.pdf](http://www.epa.gov/air/caa/pdfs/CAA_Nutshell.pdf)

Clean Air Act.<sup>3</sup> This is the case in the Los Angeles area for the 1997 and 2008 8-Hour Ozone NAAQS.<sup>4</sup>

### **Stationary Source Programs**

The following air quality regulations govern stationary sources. According to the U.S. EPA, stationary sources are defined as, “a place or object from which pollutants are released and which does not move around.”<sup>5</sup>

### **Toxic Release Inventory (TRI)**

The U.S. EPA has a Toxic Release Inventory (TRI) program that requires federal and qualifying private facilities to report on toxins for the purposes of inventory, permitting, and public knowledge. The TRI specifies how much of which toxic chemicals are released into the environment and/or managed through recycling, energy recovery, and treatment<sup>6</sup>. In order for a private facility to qualify for review under the TRI, that facility must satisfy all of the following criteria:

- 1) The facility is qualifying based on specific North America Industrial Classification System (NAICS)<sup>7</sup> used by the US Census Bureau- which is based on a self-reporting/classification
- 2) The facility must employ 10 or more full-time equivalent employees
- 3) The facility must manufacture or process more than 25,000 lbs. of a TRI-listed chemical or otherwise uses more than 10,000 lbs. of a listed chemical in a given year.<sup>8</sup>

Enforcement of the TRI program is led by U.S. EPA's Office of Enforcement and Compliance Assurance (OECA). If a violation is discovered, via U.S. EPA audit, facilities have twenty-one days to self-disclose the details of the violation so the U.S. EPA can determine whether a facility's disclosure meets the conditions of their Audit Policy. Facilities must submit TRI data to U.S. EPA and state DTSC by July 1 of each year.

Facilities that are required to comply under the TRI program usually identify releases in the following categories:

- *Raw Material Storage* (resulting from spillage when there is a transfer to waste water treatment facility)
- *Stack Air Release* (resulting from materials mixed under high heat and released through a stack)
- *Fugitive Air Release* (resulting from indoor air particles that escape via windows and doors)
- *Off-Site Transfer* (resulting from excess materials that are transferred to off-site waste management companies for recycling)
- *Product Storage* (resulting from facilities packing and shipping finished products for sale to consumers)
- *Surface Water Discharge* (results when effluents are released into local water bodies via storm drain)

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<sup>3</sup> <http://www.aqmd.gov/rules/doc/r317/SSAB2009-2012R317Rpt.pdf>

<sup>4</sup> [http://www.epa.gov/region09/air/maps/r9\\_o38hr.html](http://www.epa.gov/region09/air/maps/r9_o38hr.html)  
[http://www.epa.gov/region09/air/maps/r9\\_o38hr1997.html](http://www.epa.gov/region09/air/maps/r9_o38hr1997.html)

<sup>5</sup> <http://www.epa.gov/region9/air/permit/defn.html#stationarysource>

<sup>6</sup> <http://www2.epa.gov/toxics-release-inventory-tri-program/learn-about-toxics-release-inventory>

<sup>7</sup> <http://www2.epa.gov/toxics-release-inventory-tri-program/my-facilitys-six-digit-naics-code-tri-covered-industry>

<sup>8</sup> <http://www2.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals>

### ***The New Source Review & Prevention of Significant Deterioration (NSR)***

With regards to stationary sources of pollution, the New Source Review (NSR) and Prevention of Significant Deterioration (PSD) permits require certain large industrial facilities to install state-of-the-art air pollution controls when they build new facilities or make significant modifications to existing facilities. In the case of new facilities, NSR permits specify allowed construction types, emission limits/thresholds, and the frequency of source emissions. As part of the second amendment to the CAA (1977), the NSR permit guarantees that air quality does not significantly degrade as a result of new and modified facilities, and ensures that any large new or modified industrial source in a community will be as clean as possible.<sup>9</sup> There are three types of pre-construction NSR permits. A source may meet one or more of the following permitting requirements.

- 1) New major sources or modification to a major source in an attainment area;
- 2) New major sources or modification to a major source in a nonattainment area; and
- 3) Minor source permits.

A “major source” under the Clean Air Act is defined as, “a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants.”<sup>10</sup>

NSR permits are legal documents usually issued by state or local air pollution control agencies. California’s ARB has a permit program that is approved by the U.S. EPA in the State Implementation Plan (SIP). The Permit program requires each source to:

- 1) Implement the installation of the Best Available Control Technology (BACT);
- 2) Prepare an air quality analysis;
- 3) Prepare an additional impact analysis; and
- 4) Participate in some type of public involvement.

### ***New Source Performance Standards (NSPS)***

Under the third amendment to the CAA (1997), the New Source Performance Standards (NSPS) are technology based standards that apply to specific categories of stationary sources of pollution. The NSPS apply to new, modified and renovated facilities in specific source categories such as manufacturers of glass, cement, rubber tires and wool fiberglass. Sources subject to NSPS are required to perform an initial performance test to demonstrate compliance. NSPS are developed and implemented by the U.S. EPA and are delegated to the states. However, even when delegated to the states, the U.S. EPA retains authority to implement and enforce the NSPS.<sup>11</sup> Sources receive a full compliance evaluation by the State or Regional office at least once every two years. To demonstrate continuous compliance, some NSPS require sources to utilize continuous emission monitors. Sources may also be required to monitor control device operating parameters to demonstrate continuous compliance.

### ***Chrome-Plating National Emission Standards for Hazardous Air Pollutants (NESHAP)***

Adopted in September 2012, the NESHAP requires more stringent emission limits for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, and other steel processing facilities. The Air Resources Board enforces these emissions based on facility size and type. New and modified sources must comply at start-up while existing sources must comply by September 19, 2014. The final rule reduces the emissions of hexavalent chromium,

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<sup>9</sup> <http://www.epa.gov/nsr/>

<sup>10</sup> <http://www2.epa.gov/laws-regulations/summary-clean-air-act>

<sup>11</sup> <http://www.epa.gov/compliance/monitoring/programs/caa/newsources.html>

a known human carcinogen, and phases out Perfluorooctane Sulfonic Acid (PFOS) based fume suppressants -the key ingredient in Scotch guard and other stain repellants.<sup>12</sup>

### ***Mobile Source Program***

The U.S. EPA's mobile sources program includes emissions standards for all motor vehicles and mobile engines, as well as the fuels that are used in the vehicles and engines. The mobile source standards apply to vehicles and engines of all sizes, ranging from those that power large marine vessels and locomotives, to engines used in hand-held lawn and garden equipment.

The fuels standards apply to all gasoline and diesel fuel used nationwide, including fuel that is produced at domestic refineries as well as imported fuel. Vehicles and engines used in the United States must be manufactured under the terms of an emissions certificate of conformity issued by the U.S. EPA.<sup>13</sup> This regulation prohibits the removal or disabling of vehicle or engine emission controls. The following are industrial businesses and facilities that are captured under the Mobile Source Program:

- Vehicle and engine manufacturing facilities,
- Emission laboratories,
- Dealers of vehicles and mobile engines
- Suppliers and installers of vehicle and engine parts at:
  - retail outlets,
  - terminals,
  - refiners,
  - importers, and
  - fuels testing laboratories.

The U.S. EPA conducts inspections and emission testing of vehicles and engines on the production line and in-use following introduction into commerce; however, compliance with the vehicle and engine emissions standards is the responsibility of the vehicle or engine manufacturers, refiners, fuel importers, as well as parties in the fuel distribution system. They must comply to ensure fuel is not contaminated and is used in the proper locations and times. For example, more stringent gasoline standards may apply during the summer high ozone season and to reformulated gasoline used in certain ozone non-attainment areas. To that end, light-duty vehicle emissions are checked periodically through state-implemented (CARB) "inspection and maintenance" programs in most ozone non-attainment areas<sup>14</sup>.

## **WATER-**

Below are the federally enforced permits and programs that govern water quality.

### ***National Pollutant Discharge Elimination System (NPDES)***

The U.S. EPA regulates the discharge of pollutants from industrial wastewater treatment plants, sewer collection systems, and storm water discharge from industrial facilities via the National Pollutant Discharge Elimination System (NPDES). Industrial, city, county, and other facilities must obtain permits if their discharges go directly to surface waters.

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<sup>12</sup> <http://www.gpo.gov/fdsys/pkg/FR-1999-03-15/html/99-6258.htm>

<sup>13</sup> <http://www.epa.gov/compliance/monitoring/programs/caa/mobile.html>

<sup>14</sup> <http://www.epa.gov/compliance/monitoring/programs/caa/mobile.html>

In most cases, the NPDES permit program is administered by authorized states. EPA conducts inspections of three types of facility operations subject to the stormwater regulations: 1) construction sites, 2) industrial sites, and 3) municipal separate storm sewer systems (MS4). EPA may authorize qualified state agencies to implement all or parts of the NPDES program. States are authorized through a process and assume permitting authority in lieu of EPA. All new "individual" permit applications would then be submitted to the state agency (Water Quality Control Board) for NPDES permit issuance. "General" permits, however, may only be issued to dischargers within a specific geographical area such as a city.<sup>15</sup>

While the State Water Board has issued a few NPDES permits, the vast majority of NPDES permits are issued by the Regional Water Boards so as to address local issues. Typically, NPDES permits are issued for a five-year term. In California, it is the responsibility of the Water Boards to preserve and enhance the quality of the State's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). Under some circumstances WDRs may satisfy the NPDES permits for surface water discharge.<sup>16</sup>

### ***Underground Storage Tank Program (UST)***

The purpose of the Underground Storage Tank (UST) Program is to protect people and the environment from releases of petroleum and other hazardous substances from tanks.<sup>17</sup> The Program is governed by the statutes in the Solid Waste Disposal Act (1965). Because of the localized nature of USTs, the U.S. EPA shifts enforcement and oversight authority to local governments. California State laws and regulations authorize the State Water Board to implement the UST program. The State Water Board then delegates the field implementation to Certified Unified Program Agencies (CUPAs).<sup>18</sup>

There are four program elements related to USTs:

- 1) *Leak Prevention* includes requirements for tank installation, construction, testing, leak detection, spill containment, and overfill protection. The State issues CUPAs as the overseer for the Leak Prevention Program. Within the City of Los Angeles, the CUPA responsible for implementing this program element is the City of Los Angeles Fire Department.
- 2) *Cleanup* of leaking tanks includes groundwater and soil testing followed by remediation. The LA City CUPA oversees the cleanup of "soils-only" contamination cases. The local CUPA refers sites with groundwater contamination to the Los Angeles Regional Water Quality Control District.
- 3) *Enforcement* of existing regulation is delegated by the State Water Resources Control Board to local agencies enforcing UST requirements (in our case, the LAFD and LA County CUPAs) for everything except cleanup of groundwater contamination.
- 4) *Tank Tester Licensing* tests the integrity of tanks and is required by law and administered by the Office of Tank Tester Licensing within the State Water Board.

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<sup>15</sup> <http://www.epa.gov/region9/water/npdes/stormwater.html>

<sup>16</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/npdes/](http://www.waterboards.ca.gov/water_issues/programs/npdes/)

<sup>17</sup> <http://www.epa.gov/oust/aboutust.htm>

<sup>18</sup> <http://www.waterboards.ca.gov/ust/>

## **TOXICS-**

Below is a description of the federally enforced program areas that govern toxins.

### ***Toxic Substance Control Monitoring***

The U.S. EPA works with other regulatory agencies to comply with toxic substances laws and regulations. The Toxic Substance Control Act (TSCA) regulates several toxics and practices including import and export of toxic chemicals and good laboratory practices to certify quality assurance and quality control (QA/QC) of test data submitted to the EPA.

The U.S. EPA implements several different program areas, they include<sup>19</sup>:

- Core TSCA which requires manufacturers to report studies and testing of specified new and existing chemicals.
- Polychlorinated Biphenyls (PCBs) are inspected by the EPA and state inspectors from the Department of Toxic Substance Control (DTSC). Facilities which use PCBs are examined to determine if the facility is properly handling, storing and disposing PCBs.
- Asbestos is inspected at local schools by both the U.S EPA and the DTSC inspectors to determine compliance with regulations through reviewing documents, on-site inspections of schools, and collecting physical evidence to document compliance or noncompliance.
- Lead (Pb) Paint – U.S.EPA and the Department of Housing and Urban Development (HUD) partner to assure that notice is given to renters and home buyers regarding lead paint hazards.

### **b) State Regulation:**

In California the permit process for development is regulated under the California Environmental Quality Act (CEQA). Passed in 1970, CEQA ensures a consistent statewide protocol of analysis and disclosure of environmental impacts resulting from proposed development projects. According to the California Natural Resources Agency, CEQA is required for any project that is processed through “a public agency or a private activity” for which discretionary approvals are needed.<sup>20</sup> Projects are analyzed for their direct or indirect impact on the environment. Under these circumstances, most projects are subject to CEQA with few exemptions. After the initial review of environmental impacts is complete additional procedural or substantive requirements may be enforced. For example, an Environmental Impact Report (EIR) could be required if additional investigation is needed. An EIR would result in a series of alternatives or mitigation measures that must be implemented in order to attain project approval at the local level. The goal of CEQA is to lessen the cumulative environmental impact of new development under local land use regulation on a policy or project scale.

The following section reviews the roles and responsibilities of State boards, departments, offices, and legislation that govern environmental regulation with regards to air and water.

### **California Environmental Protection Agency (Cal/EPA)**

The California Environmental Protection Agency (Cal/EPA) is a State Agency that develops, implements, and enforces the State’s Environmental Laws with the support of multiple state and local entities. Cal/EPA has several boards, departments, and offices that provide the oversight needed to carry out its various policies. Each entity is charged with enforcing the laws governing a specific element: air, water, hazardous waste, solid waste, and pesticide laws. For the

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<sup>19</sup> [http://www.epa.gov/agriculture/lasca.html#Summary of Toxics Substances Control Act \(TSCA\)](http://www.epa.gov/agriculture/lasca.html#Summary%20of%20Toxics%20Substances%20Control%20Act%20(TSCA))

<sup>20</sup> <http://ceres.ca.gov/ceqa/more/faq.html>

purposes of this analysis the Department of Pesticide Regulation has been omitted due to the urban nature of our geographies and because pesticides were not highlighted as a major topic of concern under the Clean Up Green Up background analysis. The following categories outline the relevant boards, departments, and offices under Cal/EPA.

- **Air-** Air Resources Board (ARB) with 35 Air Districts
- **Water-** State Water Resources Control Board (SWRCB) (including underground tanks) State Regional Water Quality Control Boards, California Department of Public Health (safe drinking water)
- **Hazardous Waste-** Department of Toxic Substances Control (DTSC) Certified Unified Program Agencies (CUPA)
- **Carcinogens/Reproductive Toxins-** Office of Environmental Health Hazard Assessment (OEHHA)\*

\*Note that OEHHA is not a regulatory agency and has no enforcement authority, therefore will not be covered in this analysis. However Prop 65 (Safe Drinking Water and Toxic Enforcement Act) does list chemicals known to the State to cause cancer, or developmental or reproductive toxicity. It adopts safe harbor levels for the listed chemicals and provides guidance for calculating a safe harbor level when one has not been promulgated in regulations. Businesses that cause exposures greater than the safe harbor level must notify persons prior to exposure by providing a warning that complies with Proposition 65.<sup>21</sup> Additionally SB 25 the Children's Environmental Health Protection Act (Escutia 1999) also requires the OEHHA to identify those pollutants that are most harmful to children.<sup>22</sup>

**SB 25** (1990) required ARB, in collaboration with OEHHA, to analyze existing Ambient Air Quality Standards to determine how well they protect the health of children. Additionally, "(t)he Act also required OEHHA to identify toxic air contaminants that may cause infants and children to be especially susceptible to illness." The Act also required that the ARB examine existing control measures to determine if they are adequate or if new control measures are necessary to protect infants and children.<sup>23</sup> This statewide analysis was complete by 2002, at which point increased monitoring studies were commissioned in six communities across the state that have schools and daycares in proximity to industry and highways. Boyle Heights and Wilmington were among the six communities studied due to health impacts of mobile and stationary pollution sources on nearby school populations. For the final reports, completed in 2003, please visit: [www.arb.ca.gov/ch/communities/studies/boyleheights/boyleheights.htm](http://www.arb.ca.gov/ch/communities/studies/boyleheights/boyleheights.htm) ; and [www.arb.ca.gov/ch/communities/studies/wilmington/wilmington.htm](http://www.arb.ca.gov/ch/communities/studies/wilmington/wilmington.htm) .<sup>24</sup>

## **AIR-**

The following is an overview of the regulations specific to industrial land uses regulated by Cal/EPA regarding air quality.

### ***Air Resources Board (ARB)***

Sometimes called the *California* Air Resources Board; ARB sets emission standards for on-road or mobile source air pollutants, consumer products, fuel specifications, and in some cases it also sets standards for off-road sources. ARB is also primarily responsible for the

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<sup>21</sup> [http://oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://oehha.ca.gov/prop65/prop65_list/Newlist.html)

<sup>22</sup> [http://www.arb.ca.gov/ch/reports/boyle\\_hts\\_SB25\\_Report.pdf](http://www.arb.ca.gov/ch/reports/boyle_hts_SB25_Report.pdf)

<sup>23</sup> [http://www.oehha.org/public\\_info/facts/pdf/kidsair4-02.pdf](http://www.oehha.org/public_info/facts/pdf/kidsair4-02.pdf)

<sup>24</sup> <http://www.arb.ca.gov/ch/programs/sb25/sb25.htm>

implementation of California's Global Warming Solutions Act (2006) as mandated by Assembly Bill 32.

**AB 32** sets greenhouse gas (GHG) emissions reduction goals into law by requiring actions and approaches that will enable the State to achieve the goal of reducing emissions to 1990 levels by 2020.<sup>25</sup>

Additionally ARB, along with its local air district, is the enforcement agency for the California Clean Air Act.<sup>26</sup> ARB also establishes statewide control measures for air toxics (implemented and enforced by the local air district). This Board also provides technical support to the 35 total local air districts and oversees their permitting and enforcement of programs through training opportunities and routine program audits. There are several enforcement programs that mainly regulate mobile source air pollutants and which are relevant to the Clean Up Green Up pilot communities. The following is a brief overview of the program roles and responsibilities:

- **Mobile Vehicles and Equipment**

- Diesel Enforcement Programs

- Idling Program

- *Commercial Vehicle Idling* is regulated such that a driver of a diesel-fueled motor vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds is prohibited from idling for more than 5 minutes at any location.<sup>27</sup>

- *School Bus Idling* is regulated along with other heavy-duty equipment in order to protect the health of children. This program was initiated because children riding in and playing near school buses and other commercial motor vehicles are exposed to a disproportionate level of pollutants from these sources. This program requires school bus, transit busses, and any other commercial heavy-duty vehicle to minimize idling at schools while additional idling restrictions are imposed for said vehicles stopping within 100 feet of a school. Local Air Districts have the authority to enforce the program and fines can be up to \$300 per incident. Violations are reported to ARB by calling a hotline, submitting an online form, or by calling the local Air District.<sup>28</sup>

- *Heavy-Duty Diesel Emission Control Labeling (ECL)* inspection programs require engines of Heavy-Duty vehicles (commercial trucks and busses) to meet the federal and/or California emission standard, pursuant to AB 109 (Nunez). The inspection protocol is based on the vehicles engine model year at the time of manufacture. The ECL sticker must appear on engines during inspections at weigh stations and at random road-side inspections enforced by the California Highway Patrol (CHP).<sup>29</sup>

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<sup>25</sup> [http://www.arb.ca.gov/cc/scopingplan/2013\\_update/draft\\_proposed\\_first\\_update.pdf](http://www.arb.ca.gov/cc/scopingplan/2013_update/draft_proposed_first_update.pdf)

<sup>26</sup> <http://www.arb.ca.gov/html/ds.htm>

<sup>27</sup> <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>

<sup>28</sup> <http://www.arb.ca.gov/toxics/sbidling/sbidling.htm#Enforcement>

<sup>29</sup> <http://www.arb.ca.gov/enf/hdvp/bip/bip.htm>

**AB 109** (2008) clarifies previous legislation establishing the Alternative and Renewable Fuel and Vehicle Technology Program administered by the California Energy Commission.<sup>30</sup> The Act establishes multiple administrative and financial requirements and allowances, respectively, to further the applied research under the Program and under the Air Quality Improvement Program administered by ARB.<sup>31</sup> Ultimately AB 109 and its related legislation will help attain the state's climate change policies<sup>32</sup>.

- *Periodic Smoke Inspection Program (SPIP)* requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair vehicles with excessive smoke emissions. All California-based fleets must self-inspect fleets of two or more heavy-duty vehicles (gross vehicle rating over 14,000 pounds). Testing must meet an industry standard (SAE-Society of Automotive Engineers) for snap-acceleration test procedures. ARB randomly audits the maintenance and inspection records of fleets and tests a representative sample of vehicles. Fleet owners who neglect to perform the annual smoke opacity inspection on applicable vehicles are subject to penalties of \$500.00 per vehicle, per year.<sup>33</sup>
- *Solid Waste Collection Vehicle (SWCV) Program* requires owners of solid waste collection vehicles or diesel-fueled trucks with older engines (1960-2006) that collect residential and commercial solid waste (over 14,000 pounds gross vehicle weight) to use Best Available Control Technology (BACT) for reducing diesel PM and smog-forming nitrogen oxide emissions. BACT are defined in the ARB rules and depend on the model year of the vehicle's engine. Costs also range depending on the model year from \$5,000- \$20,000. Records must be kept to show compliance.<sup>34</sup>
- *Drayage Truck Regulation* requires drayage trucks that pass through California ports and rail yards to reduce PM and NOx (oxides of nitrogen). These vehicles tend to congregate near ports and rail yards and result in heavy emission in nearby neighborhoods. Emissions standards must be met by set dates and reporting records must be kept for up to 5 years in order to monitor compliance and enforcement. The regulation applies to all class 7 and 8 vehicles and terminals are required to collect information from each noncompliant truck entering their facility and report it to their respective port or rail authority, who then reports this information to the ARB.<sup>35</sup> This regulation may be particularly relevant to Wilmington's port activity and Pacoima's railway activity.
- *On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation* requires diesel trucks and buses that operate in California to be upgraded in order to reduce mobile emissions. Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting

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<sup>30</sup> [ftp://www.leginfo.ca.gov/pub/07-08/bill/asm/ab\\_0101-0150/ab\\_109\\_cfa\\_20080529\\_142944\\_sen\\_comm.html](ftp://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0101-0150/ab_109_cfa_20080529_142944_sen_comm.html)

<sup>31</sup> [http://www.energy.ca.gov/altfuels/documents/ab\\_109\\_bill\\_20080926\\_chaptered.pdf](http://www.energy.ca.gov/altfuels/documents/ab_109_bill_20080926_chaptered.pdf)

<sup>32</sup> <http://www.energy.ca.gov/altfuels/>

<sup>33</sup> [http://www.arb.ca.gov/enf/hdvp/psip\\_pamphlet.pdf](http://www.arb.ca.gov/enf/hdvp/psip_pamphlet.pdf)

<sup>34</sup> <http://www.arb.ca.gov/msprog/swcv/swcv.htm>

<sup>35</sup> <http://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm>

January 1, 2015. The goal of this program is to have nearly every truck and bus upgraded to a 2010 model engine or equivalent by January of 2023. This program applies to privately and federally owned diesel trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. This program does not apply to drayage trucks.<sup>36</sup>

This list is not exhaustive of all the regulations applicable to all mobile sources. Other regulations covered by the ARB include off-road diesel vehicles, verification strategies, smoking vehicles, transport refrigeration units. For more information on these regulations, please visit [www.arb.ca.gov/enf/enf.htm](http://www.arb.ca.gov/enf/enf.htm).

- **Fuels**

- *Low Carbon Fuel Standard (LCFS)* were established by Governor Schwarzenegger's executive order to establish a market-based cap and trade strategy to reduce greenhouse gas emissions resulting from petroleum-based fuels that are used in transportation. LCFS require producers and distributors of these fuels to meet the stated declining targets for GHG emissions per unit of fuel sold. The ARB established the specific rules of the LCFS starting in 2010 with baseline reporting, and 2011 as the first year in which producers and distributors had to reduce the carbon content of their fuel by a quarter percent- culminating in a 10% reduction by 2020. Essentially producers and distributors of these fuels can create their own products that meet the standards or they can buy LCFS Credits from other companies that have low carbon fuel alternatives.<sup>37</sup>

- **Toxins**

- *Automotive Refinishing Program* aims to reduce toxins from paints or coatings used in commercial automotive refinishing operations. Exposure to the toxins contained in automotive coatings is a pressing issue over other sources of toxins, according to the ARB, as most automotive refinishing facilities are located in densely populated urban areas in close proximity to residents and school aged children. Automotive coatings are also used "at home" to paint a vehicles and other equipment.<sup>38</sup> To address this issue, the ARB established the Airborne Toxic Control Measure for emissions of hexavalent chromium and cadmium vehicle and equipment coatings. The ARB established an outreach program that promotes new technologies in automotive refinishing and developed Suggested Control Measure (SCM) that local air districts can model when establishing their own rules. According to the ARB, their SCM reduce Volatile Organic Compound (VOC) emissions, improves consistency in district rules, and improves rule enforceability<sup>39</sup>.
- *Hexavalent Chromium Airborne Toxic Control Measures (ATCM)* requires the use of BACT as well as more stringent emission limits, and certified fume suppressants for certain facilities. Other requirements include surface tension limits, monitoring and recording, housekeeping, training (every two years) and performance testing. The measure requires a 1,000 foot buffer on new facilities that use Hexavalent

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<sup>36</sup> <http://www.arb.ca.gov/enf/hdvp/hdvp.htm>

<sup>37</sup> <http://www.arb.ca.gov/fuels/lcfs/lcfs.htm>

<sup>38</sup> <http://www.arb.ca.gov/coatings/autorefin/autorefin.htm>

<sup>39</sup> <http://www.arb.ca.gov/coatings/autorefin/autorefin.htm>

Chromium vis-à-vis areas zoned for residential or mixed use as well as school (existing or under construction). A site specific analysis is required in order to comply with this measure.<sup>40</sup>

- *Air Toxic "Hot Spots" Program (AB 2588)* requires stationary sources to report the types and quantities of certain substances their facilities routinely release into the air in order to collect emissions data, identify localized pollution, and notify neighbors of the resulting significant risks. In summary, the Act requires that facilities quantify, compile, and inventory emissions in order for the ARB to determine if a risk assessment must be conducted according to the OEHHA. The ARB is required to compile and maintain a list of substances posing chronic health threats and make that information available to the public. The ARB also maintains the toxics emissions data in the Air Toxics Emission Inventory Data System (ATEDS) which is available to the public upon request. Additionally the California Air Pollution Control Officers Association (CAPCOA) who represents all 35 local air quality agencies throughout California, has developed Air Toxics "Hot Spots" Program Facility Prioritization Guidelines to assist districts in implementing the law's prioritization provisions.<sup>41</sup>

This list is not exhaustive of all the ARBs enforcement policies; however this does encompass the elements that relate to Clean Up Green Up. Additional enforcement by the ARB includes regulation on consumer products, agricultural equipment, and portable equipment. In some cases the development, adoption and enforcement of regulation relating to these topics is passed down to the local air district, as is the case for all other regulated coatings besides those listed above (Automotive Refinishing, and Chrome Plating).

## **TOXICS-**

The following is an overview of the regulations specific to industrial land uses regulated by Cal/EPA regarding toxics and soil contamination.

### **Department of Toxic Substance Control (DTSC)**

Established in 1991, the DTSC is mandated under the 1976 Resource Conservation and Recovery Act (RCRA), and the California Health and Safety Code. The DTSC is responsible for regulating the management of hazardous waste, remediation of existing contaminated sites, and preventing pollution by working with businesses to reduce hazardous waste and use of toxic materials produced in California. The DTSC can be organized around nine programs/departments. For the purposes of this analysis we will focus the Hazardous Waste Management Program and briefly on the Brownfields and Environmental Restoration Program. Other program areas, include Safer Products and Workplaces, Environmental Chemistry Laboratory, Communications, Administrative Services, Environmental Information Management, Legal Affairs (oversees legal representation, criminal investigation, and technical assistance to comply with CEQA), and finally the Office of Legislation.<sup>42</sup> The DTSC's Enforcement and Emergency Response Program (EERP) oversees the technical implementation of the States Unified Program. The DTSC holds Basic Inspector Academy Training with local CUPA's to ensure

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<sup>40</sup> [http://arb.ca.gov/html/fact\\_sheets/chrome\\_plating.pdf](http://arb.ca.gov/html/fact_sheets/chrome_plating.pdf)

<sup>41</sup> <http://www.arb.ca.gov/ab2588/overview.htm>

<sup>42</sup> [http://www.dtsc.ca.gov/InformationResources/DTSC\\_Overview.cfm](http://www.dtsc.ca.gov/InformationResources/DTSC_Overview.cfm)

consistency throughout the program and the state. The local or regional Fire Department or Department of Public Health applies to the DTSC's EERP in order to get certified. The DTSC also coordinates the hazardous waste inspection and enforcement of all CUPA's.<sup>43</sup> Note that the DTSC no longer requires qualifying facilities that manufacture, process, or use toxic chemicals to report under the California Toxic Release Inventory Program (CalTRIP). The information submitted by qualifying facilities to the Federal TRI program (outlined on page 2) can now be shared with the DTSC under a new data exchange agreement between U.S. EPA and the Department in order to streamline reporting requirements for these facilities.

- **Hazardous Waste Management Program**

- The DTSC inspects and authorizes permits for public and private hazardous waste generators and handlers throughout the State. The DTSC, along with the local designated CUPA's, track and monitor waste generators, transporters, and facilities using a tiered permitting process that allows the facility to store, treat, or landfill the hazardous waste. There are five- tiered permitting programs that correlate to the degree of risk posed by the facility starting with the most stringent- Full Permit. This tier is required for those facilities that house hazardous waste subject to regulation under the RCRA's statues. The permit process for a hazardous waste facility also requires the DTSC to engage in public participation. A public hearing and 45-day public comment period is also held once a decision is made on the permit application. The DTSC must also comply with CEQA prior to issuing a permit.<sup>44</sup>
- *California Toxic Release Inventory Program (CalTRIP)* recently established a State TRI data exchange agreement with U.S. EPA allowing California facilities to submit one copy of their TRI reports (online) to satisfy the Federal and State TRI program requirements.<sup>45</sup>

- **Site Cleanup of Brownfields**

- The DTSC is responsible for the cleanup of contaminated sites, including former industrial properties, school sites, military bases, small businesses and landfills.<sup>46</sup> DTSC works with local CUPA's and other local agencies to clean up illegal drug labs, and hazardous substance spills related to transportation and natural disasters. The Department also examines new, existing, and proposed publicly funded school sites for environmental safety and clearance. There are a number of incentive programs that DTSC can use to encourage site cleanup. Typically the DTSC will require a Remedial Action Plan (RAP) from the Responsible Party in order to outline the site cleanup strategy and procedure.

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<sup>43</sup> [http://www.dtsc.ca.gov/HazardousWaste/Core\\_Activities.cfm](http://www.dtsc.ca.gov/HazardousWaste/Core_Activities.cfm)

<sup>44</sup> [http://www.dtsc.ca.gov/HazardousWaste/upload/publics\\_role\\_in\\_permit\\_process.pdf](http://www.dtsc.ca.gov/HazardousWaste/upload/publics_role_in_permit_process.pdf)

<sup>45</sup> <https://dtsc.ca.gov/database/CALTRIP/>

<sup>46</sup> [http://www.allgov.com/usa/ca/departments/california-environmental-protection-agency/department\\_of\\_toxic\\_substances\\_control?agencyid=122](http://www.allgov.com/usa/ca/departments/california-environmental-protection-agency/department_of_toxic_substances_control?agencyid=122)

## **WATER-**

The following is an overview of the regulations specific to industrial land uses regulated by Cal/EPA regarding water quality.

### **State Water Resources Control Board (SWRCB)**

The State Water Resources Control Board's Mission is to "preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations<sup>47</sup>." Established in 1967, the State Water Board has nine regional boards and oversees the allocation of water for different uses and users and ensures that California's water is clean and safe. From a regulatory standpoint the SWB issues water rights permits for the use of public waterways and monitors the water quality and pollution of those waterways.

- **Storage Tanks**

- *Underground Storage Tank Program (UTS)*, as mentioned above, addresses the quality of groundwater as it relates to leaking UTS by:
  - *Enforcement* of the groundwater contamination cleanup; and
  - *Tank Tester Licenses* which are regulated and administered by the Office of Enforcement and requires individuals to pass a test, complete a training and have at least twelve months experience testing more than 50 tanks under the supervision of a licensed tank tester (or equivalent<sup>48</sup>).

- **Wastewater**

- *National Pollutant Discharge Elimination System (NPDES)* program requires a general or individual wastewater discharge permit under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The SWB also has waste discharge requirements (WDRs) that may be used in lieu of an NPDES permits when discharging to surface waters. The SWB can issue an NPDES permits, but most of the permits are actually issued by the Regional Water Boards for a five year term.<sup>49</sup>

- **Stormwater**

- Industrial activity that discharges stormwater directly to surface waters or through a separated municipal storm drain will require a permit. States issue a *general* permit that covers four-tiers of additional permits that depend on several different factors. For an industrial business to continue to discharge stormwater under the General Permit, each operator/facility must submit a Notice of Intent (NOI). It should be noted that there are many types of discharge that are not covered by the general permit and do not require, under the federal CWA, permits from the SWB. These operators/facilities will however be required to pull permits from the Regional Water Board (under State Law). For example, this would apply to facilities that do not discharge stormwater to federal waterways, but rather to municipal sanitary sewer systems. Additionally there is a separate *general* industrial permit category for

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<sup>47</sup> [http://www.swrcb.ca.gov/about\\_us/](http://www.swrcb.ca.gov/about_us/)

<sup>48</sup> [http://www.swrcb.ca.gov/water\\_issues/programs/ust/tank\\_testers/docs/info\\_about\\_licensing.pdf](http://www.swrcb.ca.gov/water_issues/programs/ust/tank_testers/docs/info_about_licensing.pdf)

<sup>49</sup> [http://www.swrcb.ca.gov/water\\_issues/programs/npdes/#role](http://www.swrcb.ca.gov/water_issues/programs/npdes/#role)

construction activity (of 5 acres or more) that covers clearing, grading, and excavating which is issued by the State.<sup>50</sup>

- *Industrial Stormwater General Permit (ISGP)* is an NPDES permit regulating discharges from ten categories of industrial activities which are covered broadly below<sup>51</sup>:
  1. Facilities subject to stormwater effluent limitation guidelines, New Source Performance Standards, or Toxic Pollutant Effluent Standards (Cement Manufacturing, Feedlots, Fertilizer Manufacturing, Petroleum Refining, Phosphate Manufacturing, Steam Electric, Coal Mining, Mineral Mining and Processing, Ore Mining and Dressing, and Asphalt Emulsion.
  2. Manufacturing Facilities: Standard Industrial Classifications (SICs) 24
  3. Oil and Gas/Mining Facilities: SIC 10-14
  4. Hazardous Waste Treatment, Storage, or Disposal Facilities (those under interim or general permit under Federal RCRA)
  5. Landfills, Land Application Sites, and Open Dumps
  6. Recycling Facilities: SIC s 5015-5093
  7. Steam Electric Power Generating Facilities
  8. Transpiration Facilities: SICs 40-42
  9. Sewage or Wastewater Treatment Works
  10. Manufacturing Facilities where Industrial Materials, Equipment, or Activities are Exposed to Stormwater: SICs-multiple

The ISGP permit requires achievement of specific “performance standards of the best available technology (BAT) that is economically achievable and best conventional pollutant control technology (BCT).”<sup>52</sup> The permit also requires a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring plan. The SWPPP must identify pollutants and management strategies to reduce stormwater runoff. An annual report is required (by July 1) in order to stay in compliance with the permit.<sup>53</sup>

## Department of Conservation

The Department of Conservation, a separate state agency from Cal/EPA, “provides services and information that promote environmental health, economic vitality, informed land-use decisions and sound management of (the) state's natural resources.”<sup>54</sup>

### Division of Oil, Gas, and Geothermal Resources (DOGGR)

Under the Department of Conservation, the DOGGR regulated drilling, operation, maintenance and abandonment of oil and gas wells in the state. The recently passed (September 2013) Oil Gas Well Stimulation Bill (**SB 4**) establishes regulatory standards governing unconventional drilling known as fracking and acidization. In short the law requires companies and well owners or operators to disclose the chemicals used, notify

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<sup>50</sup> [http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/docs/induspmt.pdf](http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/induspmt.pdf)

<sup>51</sup> <file:///N:/PHRD/Policy/Clean%20Up%20Green%20Up/Regulating%20Entities/SWB/induspmt.pdf> (see Attachment 1; page 67-68 for all SIC codes and exceptions)

<sup>52</sup> [http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml)

<sup>53</sup> [http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml)

<sup>54</sup> <http://www.conservation.ca.gov/Index/Pages/Index.aspx>

neighbors prior to drilling, monitor ground water and air quality, among other measures. In response to the bill DOGGR has established interim or emergency regulations until permanent regulations are adopted through the rule making process. DOGGR, in consultation with the DTSC, the ARB, the State Water Resourced Board, local air districts, and water quality control boards will develop permanent regulations on well stimulation.<sup>55</sup> DOGGR will also undergo a complete a statewide EIR.<sup>56</sup> There are growing concerns around the noxious fumes and subsequent health impacts of active wells within the City of Los Angeles and around the need for project-level CEQA review. The City Attorney's office has (in January 2014) sued one oil company operating in South Los Angeles. Investigations are underway by the local air district and other regulatory agencies including the U.S. EPA and the LA County Department of Public Health. Future findings of that law suit and permanent regulations will likely have some impact on active oil wells in the proposed Wilmington Green Zone.

### **c) Regional/County Regulation:**

The following is an overview of the roles and responsibilities of districts, boards, and agencies that enforce air, water and toxic chemical regulations within the Los Angeles region.

#### **South Coast Air Quality Management District (SCAQMD)**

The South Coast AQMD, also known as the "air district", was established by the 1977 Lewis-Presley Air Quality Management Act. It is the largest, most robust self-contained monitoring air district of the 35 within California. The SCAQMD covers four counties: Orange, San Bernardino, Riverside, and urban portions of Los Angeles. The air district's primary role is to monitor and enforce point, stationary, and area sources of air pollution. Additionally, the SCAQMD enforces programs designed to attain and maintain State and Federal Ambient Air Quality Standards (AAQS).<sup>57</sup> This is done by controlling emissions through permitting industrial facilities (including power plants, refineries, and manufacturing operations), commercial facilities (including dry cleaners, service stations, commercial paint and auto body shops), and in some cases, permitting mobile sources under contract for the ARB. The SCAQMD also conducts routine inspections, responds to public complaints, and issues violations for noncompliance under applicable rules and permit conditions. The SCAQMD's permitting programs implement the requirements of the Federal and State Clean Air Act (CAA), the Air Quality Management Plan (AQMP)<sup>58</sup>, along with other air quality rules and regulations in an effort to aid the ARB in submitting proof of compliance under the SIP (State Implementation Plan) to the U.S. EPA. In addition to the programs that are listed below, the air district monitors air quality on a daily basis within the basin. The SCAQMD also aims to capture new and expanding businesses with annual reporting on emissions and operations, equipment monitoring, and business clearance at the local building level. The air district has the authority to issue statutory penalties that increase on a daily basis for those in violation of rules and regulations.

- *Permits to Construct (PC) and Permits to Operate (PO)* are the most common types of permit applications filed at SCAQMD. Prior to installation of new or relocated equipment, or prior to modification of an existing equipment, the operator of the equipment is required to obtain a PC from

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<sup>55</sup> [http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0001-0050/sb\\_4\\_cfa\\_20130525\\_135814\\_sen\\_floor.html](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0001-0050/sb_4_cfa_20130525_135814_sen_floor.html)

<sup>56</sup> [http://www.allenmatkins.com/en/Publications/Legal-Alerts/2013/11/26\\_11\\_2013-DOGGR-Releases-Proposed-Regulations-Regarding-Hydraulic-Fracturing.aspx](http://www.allenmatkins.com/en/Publications/Legal-Alerts/2013/11/26_11_2013-DOGGR-Releases-Proposed-Regulations-Regarding-Hydraulic-Fracturing.aspx)

<sup>57</sup> <http://www.aqmd.gov/legal/enfauth.html>

<sup>58</sup> <http://www.aqmd.gov/aqmp/AQMPintro.htm>

the SCAQMD. Once a piece of equipment is installed, modified and/or operated, SCAQMD processes the application for a PO. In cases where equipment is installed without a prior PC, the SCAQMD also processes the application directly for a PO. In cases of Off-the-Shelf type equipment, the SCAQMD issues a one-step PC/PO. Additionally any changes to condition, alterations/modification, or change to operators will trigger a review by SCAQMD through the local building permit process.<sup>59</sup>

- *Emission Reduction Credits (ERCs)* allow SCAQMD to deny a PC in a non-attainment area in order to ensure that additional emissions do not impede progress towards attaining National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS). The only conditions under which the air board will allow the PC is if the permit applicant implements BACT and provides emission offsets to mitigate the increase. ERCs or allocation from the Priority Reserve at a given ratio determined by SCAQMD.<sup>60</sup>
- *Title V*, from the third Clean Air Act Amendment (1990), is a standardized air quality permitting process for major sources of emissions that reach a given threshold. Major sources are described as facilities that emit, or have the potential to emit (PTE) any criteria pollutant or hazardous air pollutant (HAP) at levels equal to or greater than the Major Source Thresholds (MST). If a facility has a PTE above the stated threshold, it must comply with specific permitting requirement.<sup>61</sup> The MST for criteria pollutants may vary depending on the attainment status (e.g. marginal, serious, and extreme) of the geographic area and the Criteria Pollutant or HAP in which the facility is located. Note that the Los Angeles South Coast Air Basin is in Attainment (maintenance) for the 24-Hour PM 10, and NO<sub>2</sub> (Nitrogen Dioxide); and in Non-Attainment for Annual PM 2.5, 24-Hour PM 2.5 (1997 and 2006 National Ambient Air Quality Standards or NAAQS), Pb (Lead)(2008), and 8-Hour O<sub>3</sub> (Ozone) (2008 Extreme).<sup>62</sup>
- *REgional CLean Air Incentive Market (RECLAIM)* is a financial incentive that assists industry to reduce emissions by a given percentage each year in order to meet the stated 2010 goals. Those businesses that reach their reduction goals ahead of schedule can trade their credits, (ie. their “right” to emit more than they did within the basin) on the open market to those that have not meet their emission reduction goal. This is a change from the “command and control” strategy that SCAQMD has used in the past where the agency commanded or required that individual pieces of equipment meet a control threshold for a specific pollutant, resulting in a fragmented approach to regulating a facility.<sup>63</sup>
- *California Environmental Quality Act* review is required by SCAQMD under state law to determine whether or not the project has the potential to

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<sup>59</sup> [http://www.aqmd.gov/permit/forms.html#Administrative\\_Forms](http://www.aqmd.gov/permit/forms.html#Administrative_Forms)

<sup>60</sup> <https://www.aqmd.gov/permit/ERC.htm>

<sup>61</sup> [http://www.aqmd.gov/titlev/WhatIsTV.html#Facilities\\_Subject\\_to\\_Title\\_V](http://www.aqmd.gov/titlev/WhatIsTV.html#Facilities_Subject_to_Title_V)

<sup>62</sup> <http://www.epa.gov/region09/air/maps/>

<sup>63</sup> <http://ceres.ca.gov/ceqa/cases/1997/alliance.html>

generate environmental impacts. SCAQMD reviews discretionary permit projects application for the potential air quality impacts as well as other environmental impacts.<sup>64</sup>

### **Los Angeles Regional Water Quality Control Boards (LARWQCB)**

The LA Water Quality Control Board (LARWQCB) is one of nine state water boards that regulate stormwater, groundwater and drinking water. The role and responsibility of the Regional Water Board is to monitor and enforce State and Federal plans, policies, and regulations by setting standards, determining compliance with Waste Discharge Requirements (WDRs), and taking appropriate enforcement actions.<sup>65</sup> As such there is little distinction between the SWB and the LARWQCB requirements to maintain water quality-particularly when it comes to industrial general permits. There is more enforcement responsibility at the regional level due to the local nature of water quality issues and due to State legislation (Porter-Cologne Water Quality Control Act). Additionally, the jurisdiction of a Regional Water Quality Control Board follows the boundary of the watershed; therefore regulations and enforcement are tailored to the areas specific urban watershed needs. For the purposes of this analysis the drinking water roles and responsibilities have been excluded from the overview because it was not identified as a major priority for the Clean Up Green Up initiative.

- **Stormwater Program**

- *Industrial General Permits* are required of certain businesses in the City of Los Angeles in order to allow discharge into or through storm sewers or into federal water ways. The LARWQCB administers facility-specific National Pollutant Discharge Elimination System (NPDES) permits and/or Waste Discharge Requirement (WRDs). Businesses/facilities self-identify under the Standard Industrial Codes (SICs) and apply for a permit using the NOI permit (similar to the State level process), or for an individual permit for those facilities that are not covered by the NOI process, but individually discharge significant amounts of wastewater or waste to the storm drain, local waterway, or land. The LARWQCB is responsible for verifying information via inspection. General Permit NOI compliance and NPDES compliance inspections are performed by the LARWQCB or a more local entity. NOI businesses, as described above, must submit an annual monitoring report to the Los Angeles Regional Water Quality Control Board (LARWQCB). NOI businesses must maintain and implement an onsite Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring/Sampling Plan. Additionally, a notice of termination (NOT) must be filed if a business closes.<sup>66</sup>
- *Construction General Permit* regulates any construction or demolition work, including clearing, grading, excavation, new linear underground/overhead project, or any other activity that results in a land disturbance. The construction/demolition project must be greater than, or equal to, one acre in size OR be a smaller portion of a larger development one or more acres to trigger this permit. This permit also requires similar NOI, NOT, SWPPP,

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<sup>64</sup> <http://www.aqmd.gov/permit/Formspdf/Basic/AQMDForm400-CEQA.pdf>

<sup>65</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/npdes/#role](http://www.waterboards.ca.gov/water_issues/programs/npdes/#role)

<sup>66</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml)

and annual monitoring in addition to Best Available Control Technologies (BACT), and Best Management Practices (BMPs).<sup>67</sup>

### **Los Angeles County Certified Unified Program Agency (CUPA)**

The LA County Fire Department is the County's Certified Unified Program Agency. Unified Programs are regulated facilities, usually a Fire Department or Department of Public Health, which has been certified by Cal/ EPA to enforce equivalent reporting and monitoring of chemical inventory under the following four programs: 1) Hazardous Materials Disclosure and Business Plans, 2) Underground Storage Tanks, 3) Hazardous Waste Generators and 4) California Accidental Release Prevention Plans.<sup>68</sup> The LA County CUPA is the regulatory body for the City of Los Angeles' Hazardous Waste Generator Program due to their expertise in this area. The other three programs are covered under the Los Angeles Fire Department CUPA.

- *Hazardous Waste Generator Program* regulates the storage and disposal of hazardous wastes generated by business and industry. The program requires a Hazardous Waste Generator form before March 1<sup>st</sup> of each year. Since January of 2013, all regulated facilities must report electronically through the California Environmental Reporting System (CERS).<sup>69</sup> Any facility that generates or stores hazardous waste (see footnote below of list of chemicals) in a given quantity is covered by this program.<sup>70</sup> Any owner or operator of a regulated business who fails to apply for a consolidated permit, pay for the permit fees, or post a valid consolidated permit is guilty of a misdemeanor.

### **d) Local City Regulation:**

The following is an overview of the City departments, divisions, programs, and ordinances/legislation that govern various elements at the local level. The regulated elements include noise, land use, stormwater, wastewater, solid waste, and toxic chemicals for industrial developments within the City of Los Angeles. The City of Los Angeles has an adopted set of CEQA guidelines and thresholds (effective in 2006) known as the *L.A. CEQA Thresholds Guide*. "*The L.A. CEQA Thresholds Guide* provides assistance in evaluating the significance of project impacts on 46 of the most common environmental issues in the City of Los Angeles,"<sup>71</sup> by providing guidance on local contexts for city Staff, project proponents, and the public.

#### **Department of Public Works (DPW)**

- **Bureau of Sanitation (BOS)**

- *Industrial Waste Management Division (IWMD)* regulates the City's EPA-approved pre-treatment program in accordance with the City's Industrial Waste Control Ordinance. BOS regulates monitors and controls the wastewater discharges of more than 12,000 industrial users into the City's sewers. New industrial business that discharge wastewater/ rinse water to the sewer need to pull a permit. Existing businesses and new businesses are required to review the requirements set forth in the Industrial Waste Control Ordinance as specified in Section 64.30 of the LA Muni Code. Permit applications are

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<sup>67</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

<sup>68</sup> <http://lafd.org/prevention/underground/index.html>

<sup>69</sup> <http://cers.calepa.ca.gov/>

<sup>70</sup> [http://lafd.org/prevention/pdfforms/88\\_hm\\_cat\\_dis\\_amnts.pdf](http://lafd.org/prevention/pdfforms/88_hm_cat_dis_amnts.pdf)

<sup>71</sup> <http://environmentla.org/programs/Thresholds/3-Introduction.pdf>

reviewed and processed by IWMD staff to establish discharge limitations, monitoring and reporting requirements.<sup>72</sup>

- *Watershed Protection Division (WSPD)* City of Los Angeles and several other local municipalities are co-permittees under a regional stormwater pollution control permit that was granted by the State to help prevent and/or control stormwater pollution originating within the City. Enforcement of a local Stormwater Ordinance is pursuant to the LA county NPDES Stormwater permit requirements, which requires compliance with the County-wide permit locally.

The Stormwater Ordinance is applicable to new construction and the City has legal authority to inspect real property for stormwater permit compliance. WSPD inspectors will visit targeted industries such as restaurants, gas stations, auto repair businesses, etc. while the Dept. of Building and Safety approves stormwater pollution control requirements and BMP per project plans for properties under construction.<sup>73</sup>

- *Environmental Monitoring Division (EMD)* provides environmental assessment services for the City of Los Angeles including sampling, testing, and legal reporting to the following regulatory agencies: EPA, LARWQCB, and SCAQMD. The EMD provides these services for each of the City's water treatment facilities to stay current with the NPDES permits as well as provide the air quality reports for the Hyperion Treatment Plant, among other things. The EMD is almost exclusively focused on municipal services and facilities and does not regulate or monitor the private sector and its environmental impacts.<sup>74</sup> However it has the technical training and facilities to conduct air and water quality training in the city and within future Green Zones if additional testing is requested.
- *Low Impact Development Ordinance* (effective May 12, 2012) requires the capture and management through BMPs of 100% of 3/4-inch storm event. Depending on permitting and phasing, LID approvals are given during the permit review process in accordance with the other Stormwater BMP ordinance. The regulation applies to all developments over 500 square feet and requires the use of infiltration, capture and reuse, high efficiency bio-filtration/retention system or a combination thereof. Projects need to provide hydrology calculation to determine the volume and/or flow rate of stormwater runoff and show the selected BMP type and size.<sup>75</sup>

#### **Wastewater Collection Systems Division (WCSD)**

- *Wastewater Engineering Services Division (WESD)* oversees the Bureau's facility compliance, training, and reporting of the General Industrial Stormwater Permit (GISP). The WESD also establishes the Integrated Resource Plan (required by the Clean Water Act) to address publicly owned sewage treatment facilities.<sup>76</sup> The Division also oversees the Fats, Oils, and Grease (FOG)

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<sup>72</sup> <http://www.lacitysan.org/iwmd/home/index.htm>

<sup>73</sup> [http://www.lacitysan.org/watershed\\_protection/forbusiness.htm](http://www.lacitysan.org/watershed_protection/forbusiness.htm)

<sup>74</sup> <http://lacitysan.org/emd/index.htm>

<sup>75</sup> <http://www.lastormwater.org/green-la/low-impact-development/>

<sup>76</sup> [http://lacitysan.org/irp/About\\_IRP.htm](http://lacitysan.org/irp/About_IRP.htm)

Control Program, requiring food establishments to obtain Industrial Wastewater Permits and conducting inspections and enforcement. Finally the WCSSD monitors and regulates the sewer odor program by monitoring air treatment facilities and addressing odor via active carbon towers. There are no monitoring air treatment facilities directly in the three pilot neighborhoods: however the closest facility to Wilmington is in N. Long Beach; the closest facility to Boyle Heights is located at Los Angeles St. and North Main; and the closest facility to Pacoima is in Burbank.<sup>77</sup>

### **Los Angeles Fire Department (LAFD)**

- **Certified Unified Program Agency (CUPA)**

- *Storage Tanks Program* enforces the Federal and State regulations as well as local ordinances (LAMC Article 7 of Chapter V, Divisions 14, 31 & 100)<sup>78</sup> that cover the construction/installation, modification, upgrade, and removal of USTs in the City of Los Angeles. The City's CUPA oversees the "soils-only" contamination cases as opposed to the contamination of the groundwater. The CUPA refers sites with groundwater contamination to the Los Angeles Regional Water Quality Control District. They enforce the program via annual inspections of USTs, monitoring equipment and tank records. This is the first year doing an online permitting so facilities with UST can now log on to the online portal and sign up for their plan check.<sup>79</sup>
- *Chemical Inventory & Business Emergency Plan* required an inventory of Hazardous Materials and the filing of an emergency plan for businesses that generate or store chemicals on their premises. The CUPA enforces this program via field visit inspection and at the initial permit phase. A notice of violation under this program will result in fines and permit fees are typically paid annually to stay in compliance, but may occur monthly or quarterly throughout out the year.<sup>80</sup> This regulation applies to any facility that has the quantity of chemical inventory outlined by the CUPA (see the Hazardous Materials Categories and Disclosure Amounts<sup>81</sup>). Any changes to facilities should be reported within thirty days of the change.
- *California Accidental Release Prevention Program (CalARP)* aims to reduce the frequency and impact of a hazardous substance release. The CUPA regulates compliance via inspections which are typically conducted throughout the year and often scheduled relative to an anniversary date or permit renewal. The CUPA requires reporting by Dec. 31<sup>st</sup> of each year.<sup>82</sup>

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<sup>77</sup> [http://www.lacitysan.org/general\\_info/about\\_us/organization/WESD.htm](http://www.lacitysan.org/general_info/about_us/organization/WESD.htm)

<sup>78</sup> <http://lafd.org/cupa/fire-prevention/153-cupa/469-cupa-programs/472-underground-storage-tank-program>

<sup>79</sup> <http://lafd.org/esubmit/>

<sup>80</sup> <http://lafd.org/cupa/fire-prevention/153-cupa/469-cupa-programs/473-hazardous-materials-disclosure-program>

<sup>81</sup> [http://lafd.org/prevention/cupa/cupadocs/2010\\_hm\\_cat\\_dis\\_amnts.pdf](http://lafd.org/prevention/cupa/cupadocs/2010_hm_cat_dis_amnts.pdf)

<sup>82</sup> [http://lafd.org/fire-prevention/153-cupa/469-cupa-programs/475-california-accidental-release-prevention-program-\(calarp\)](http://lafd.org/fire-prevention/153-cupa/469-cupa-programs/475-california-accidental-release-prevention-program-(calarp))

## Los Angeles Department of Building and Safety (LADBS)

- **Permitting**

- *Air Quality Permit Checklist*. Cal. Government Code prohibits cities from issuing a Certificate of Occupancy permit to a business without clearance from the local air quality agency (SCAQMD).<sup>83</sup> The air quality permit checklist covers the operations and equipment of a business to determine if an applicant needs to obtain clearance from SCAQMD prior to proceeding with the requisite building permits.<sup>84</sup> The LADBS will not issue a certificate of occupancy or permit to construct if the checklist and subsequent SCAQMD clearance is not obtained. If an applicant answers "yes" to either equipment or operations questions on the checklist, then they must contact SCAQMD to determine if air quality permits are required (PC/PO). Help with permits can be obtained through the SCAQMD Small Business Assistance Office where they process clearance, registration, or exemptions.

- **Environmental Affairs Division**

- *Code Enforcement Bureau Local Enforcement Agency (LEA)* regulates, inspects, and permits solid waste and recycling facilities involved with collection, transfer, storage and disposal or recycling of materials which are regulated by state law. All landfill operators are subject to these regulations. In the case of non-compliance, the Department of Building and Safety issues corrective notices and enforcement orders. They directly order corrective measures or make referral to the proper agency(s) should conditions require follow up<sup>85</sup>.

## Department of City Planning (DCP)

The Los Angeles Municipal Code (LAMC) organizes and houses the regulatory and penal ordinances of the City.

- **Noise Regulation**

- *Chapter XI of Municipal Code* regulates the minimum ambient noise level based on zoning and time of day. Specific noise sources have separate minimum noise levels and time of day, such as construction, HVAC systems, power equipment, public entertainment, vehicle related noise, general noise (backyard parties), sanitary operations, and amplified sound. Minimum ambient noise-daytime levels (from 7:00 a.m. to 10:00 p.m. and nighttime levels from 10:00 p.m. to 7:00 a.m.) vary based on zoning designation:
  - M1, MR1, MR2= Day 60dB, Night 55dB;
  - M2, M3 =Day 65dB, Night 65dB;
  - All Residential zones = Day 50dB, Night 40dB.

The regulation applies to everyone within these zones who is the source of noise; both from specific actions covered and from general/ambient noise. Most industrial activity is covered by this regulation. The DCP does not provide enforcement of these LAMC standards rather, the Department of Building and Safety (LADBS) enforces noise from: M2, HVAC, and

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<sup>83</sup> <http://www.aqmd.gov/business/pdf/AirQualityPermitChecklist.pdf>

<sup>84</sup> <http://www.aqmd.gov/business/pdf/AirQualityPermitChecklist.pdf>

<sup>85</sup> <http://ladbs.org/LADBSWeb/environment-enforcement.jsf>

powered equipment; while LAPD enforces noise from: construction, hand held power equipment, vehicle repair, rubbish collection.<sup>86</sup>

- **Automotive Use**

- LAMC zoning regulations allow automotive uses in all manufacturing (M) zones with compliance with existing standards. Commercial-related automotive uses (i.e. auto sales) are not allowed in restricted manufacturing (MR) zones. Finally, automotive uses are allowed in commercial (C) zones with compliance with existing standards and in some cases require a conditional use permit (see footnote for full details)<sup>87</sup>:
  - Truck Repair or Overhauling is allowed by-right in all M and MR zones,
  - Auto Body Shop (with spray painting and dismantling activities), and Auto Repair are allowed in M1, M2, and M3 so long as there is a >500' buffer between those uses and residential or school uses.
  - Car Washes are allowed in M1 and M2 and M3 for uses that comply with the 100' buffer vis-a-vis residential.
  - New or Used Auto Sales in M zones require lighting to reflect away from adjacent premises and streets.
  - Gas Stations in M1, M2, and M3 require all activities that are not made immediately next to the pump be wholly enclosed within a building, and when a station is next to residential then there should be 6' high concrete or masonry wall for the entire length of the property and the driveway should not be within 5 feet of abutting property line.

The following uses are regulated by this LAMC code: Gas Stations, Used Auto Sales, New Auto Sales, Car Wash, Auto Repair, Auto Body Shop, Truck Repair or Overhauling, and Truck Rentals or Storage Yard.

- **Planning Tool/Overlay**

- *Sun Valley EJ Improvement Area* (ZI NO. 2355-see Attachment B) is a geographic area within Sun Valley in the Northeast San Fernando Valley (bounded by Glenoaks Boulevard to Sunland Boulevard, Nineland Avenue to Strathern Street to Lankershim Boulevard to Haddon Avenue to Montague Avenue to Glenoaks Boulevard) regulating all pending and future industrial land use applications relating to active or closed landfills, solid waste, auto-dismantling or recycling facilities within said Improvement Area. The ZI requires that the Planning Deputy of the appropriate Council Offices be notified by Valley Planning staff and that the project receives written comments on impacts of the proposed activity and recommended mitigation measures from several agencies. This Improvement Area has been in effect since 2005.<sup>88</sup>

Additionally, some departments, such as the Department of Water and Power, which are less regulatory and more service oriented, provide incentive programs that can be analyzed for the

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<sup>86</sup>[http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:losangeles\\_ca\\_mc](http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:losangeles_ca_mc)

<sup>87</sup> [http://cityplanning.lacity.org/Forms\\_Procedures/7827.pdf](http://cityplanning.lacity.org/Forms_Procedures/7827.pdf)

<sup>88</sup> <http://zimas.ci.la.ca.us/documents/zoneinfo/ZI2355.pdf>

future CUGU policy. Those departments and the subsequent incentive programs will play a large role when it comes to encouraging environmental sustainability in the industrial business community within the Green Zones.

## Section 2: Available Data

The following section outlines data sets that are compiled by various State and Federal agencies through some of the programs listed above. All of the data sets listed can be found online with various user interfaces. Each interface and web portal varies based on the agencies regulatory purview, preference and/or mandate. This list will be refined with information on which data sets are usable for additional analysis if the information is found useful for drafting the CUGU policy. In general, agencies seem to be moving towards electronic reporting which can be a major benefit to information dissemination and compliance. However, it can be challenging to use web-based data sets due to proprietary licensing, incomplete data sets, and timeliness of data reporting/uploads, as well as general systems issues when visualizing interactive data.

### Federal:

- *US EPA's Enforcement and Compliance History Online (ECHO) database and EJView* (<http://epamap14.epa.gov/ejmap/ejmap.aspx?wherestr=Boyle%20Heights%2C%20Los%20Angeles>),

Note that EJView, formerly known as the Environmental Justice Geographic Assessment Tool, is a mapping tool that allows users to create maps and generate detailed reports based on the geographic areas and data sets they choose. EJView includes data from multiple factors that may affect public and environmental health within a community or region, including: demographics, health, environmental, facility-level data)

- Title V (Region 9) Permit Database (<http://www.epa.gov/region9/air/permit/title-v-permits.html>)
- Toxic Release Inventory (TRI) (<http://www.epa.gov/enviro/facts/tri/p2.html>)

### State:

- *Air Toxics Emission Inventory Data System (ATEDS) derived from SB 2588 Air Toxics "Hot Spot" database* ([http://www.vcapcd.org/air\\_toxics.htm](http://www.vcapcd.org/air_toxics.htm))
- *California Environmental Reporting Systems(CERS)* (<http://cers.calepa.ca.gov/>)
- *DTSC* (<https://dtsc.ca.gov/database/index.cfm>)
- *DTSC's Biennial Report Page* ([http://www.dtsc.ca.gov/hazardouswaste/annualreports/biennial\\_reports.cfm](http://www.dtsc.ca.gov/hazardouswaste/annualreports/biennial_reports.cfm))

The USEPA, in partnership with the State of California, collects information regarding the generation, management, and final disposition of hazardous wastes regulated under the Resource Conservation and Recovery Act (RCRA). The purpose of the National Biennial

Report is to communicate the findings of EPA's hazardous waste reporting data collection efforts to the public, government agencies, and the regulated community. The National Biennial Report consists of the National Analysis, State Detail Analysis, and the List of Reported RCRA Sites.

- [California Toxic Release Inventory Program \(CalTRIP\)](https://dtsc.ca.gov/database/CALTRIP/index.cfm)  
(<https://dtsc.ca.gov/database/CALTRIP/index.cfm>)

CalTRIP provides information on California's implementation of the United States Environmental Protection Agency's (U.S. EPA) Toxic Release Inventory (TRI). CalTRIP now gets data directly from U.S. EPA via the National Environmental Information Exchange Network (NEIEN) Central Data Exchange (CDX).

- [EnviroStor](http://www.envirostor.dtsc.ca.gov/public/)  
(<http://www.envirostor.dtsc.ca.gov/public/>)
- [Community Health Air Pollution Information System \(CHAPIS\)](http://www.arb.ca.gov/gismo2/chapis_v01_6_1_04/)  
([http://www.arb.ca.gov/gismo2/chapis\\_v01\\_6\\_1\\_04/](http://www.arb.ca.gov/gismo2/chapis_v01_6_1_04/))
- [Air Quality Meteorological Information Systems \(AQMIS\)](http://www.arb.ca.gov/aqmis2/aqmis2.php)  
(<http://www.arb.ca.gov/aqmis2/aqmis2.php>)
- [Storm Water Multiple Application and Report Tracking System \(SMARTS\)](https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp)  
(<https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>)

## GLOSSARY

<b>ATCM</b>	Airborne Toxic Control Measures
<b>AQMP</b>	Air Quality Management Plan
<b>AQMIS</b>	Air Quality Meteorological Information Systems
<b>ARB</b>	Air Resources Board
<b>ATEIDS</b>	Air Toxics Emission Inventory Data System
<b>BACT</b>	Best Available Control Technology
<b>BCT</b>	Best Conventional Technology
<b>BMP</b>	Best Management Practices
<b>BOS</b>	Bureau of Sanitation
<b>CalARP</b>	California Accidental Release Prevention Program
<b>CAPCOA</b>	California Air Pollution Control Officers Association
<b>CARB</b>	California Air Resources Board
<b>CAAQS</b>	California Ambient Air Quality Standards
<b>Cal/EPA</b>	California Environmental Protection Agency
<b>CCAA</b>	California Clean Air Act
<b>CEQA</b>	California Environmental Quality Act
<b>CERS</b>	California Environmental Reporting System
<b>CHP</b>	California Highway Patrol
<b>CalTRIP</b>	California Toxic Release Inventory Program
<b>CO</b>	Carbon Monoxide
<b>CDX</b>	Central Data Exchange
<b>CUPAs</b>	Certified Unified Program Agencies
<b>CAA</b>	Clean Air Act
<b>CUGU</b>	Clean Up Green Up
<b>CHAPIS</b>	Community Health Air Pollution Information System
<b>DBS</b>	Department of Building and Safety
<b>DCP</b>	Department of City Planning
<b>EPA</b>	Environmental Protection Agency
<b>HUD</b>	Department of Housing and Urban Development
<b>DPW</b>	Department of Public Works
<b>DTSC</b>	Department of Toxic Substance Control
<b>DOGGR</b>	Division of Oil, Gas, and Geothermal Resources
<b>ECL</b>	Emission Control Labeling
<b>ERCs</b>	Emission Reduction Credits
<b>ECHO</b>	Enforcement and Compliance History Online
<b>EERP</b>	Enforcement and Emergency Response Program
<b>EIR</b>	Environmental Impact Report
<b>EMD</b>	Environmental Monitoring Division
<b>FOG</b>	Fats, Oil, Grease
<b>GISP</b>	General Industrial Storm water Permit
<b>GHG</b>	Greenhouse Gas

<b>GVWR</b>	Gross Vehicle Weight Rating
<b>HAP</b>	Hazardous Air Pollutant
<b>HVAC</b>	Heating, Ventilation, & Air Conditioning
<b>ISGP</b>	Industrial Storm water General Permit
<b>IWMD</b>	Industrial Waste Management Division
<b>Pb</b>	Lead
<b>LEA</b>	Local Enforcement Agency
<b>LAFD</b>	Los Angeles Fire Department
<b>LARWQCB</b>	Los Angeles Regional Water Quality Control Boards
<b>LCFS</b>	Low Carbon Fuel Standard
<b>LID</b>	Low Impact Development
<b>MST</b>	Major Source Thresholds
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NESHAP</b>	National Emission Standards for Hazardous Air Pollutants
<b>NEIEN</b>	National Environmental Information Exchange Network
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NSPS</b>	New Source Performance Standards
<b>NSR</b>	New Source Review
<b>NO2</b>	Nitrogen Dioxide
<b>NAICS</b>	North American Industrial Classification System
<b>NOI</b>	Notice of Intent
<b>NOT</b>	Notice Of Termination
<b>OECA</b>	Office of Enforcement and Compliance Assurance
<b>OEHHA</b>	Office of Environmental Health Hazard Assessment
<b>O3</b>	Ozone
<b>PM</b>	Particulate Matter
<b>PFOS</b>	Perfluorooctane Sulfonic Acid
<b>PSIP</b>	Periodic Smoke Inspection Program
<b>PC</b>	Permits to Construct
<b>PO</b>	Permits to Operate
<b>PCBs</b>	Polychlorinated Biphenyls
<b>PTE</b>	Potential to Emit
<b>PSD</b>	Prevention of Significant Deterioration
<b>QA/QC</b>	Quality Assurance / Quality Control
<b>RAP</b>	Remedial Action Plan
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>SAE</b>	Society of Automotive Engineers
<b>SWCV</b>	Solid Waste Collection Vehicle Program
<b>SCAQMD</b>	South Coast Air Quality Management Districts
<b>SIC</b>	Standard Industrial Classifications
<b>SIP</b>	State Implementation Plan
<b>SWB</b>	State Water Board
<b>SWRCB</b>	State Water Resources Control Board

<b>SMARTS</b>	Storm water Multiple Application and Report Tracking System
<b>SWPPP</b>	Storm water Pollution Prevention Program
<b>SCM</b>	Suggested Control Measures
<b>SO2</b>	Sulfur Dioxide
<b>TRI</b>	Toxic Release Inventory
<b>TSCA</b>	Toxic Substance Control Act
<b>UST</b>	Underground Storage Tank Program
<b>VOC</b>	Volatile Organic Compound
<b>WDRs</b>	Waste Discharge Requirements
<b>WCSD</b>	Wastewater Collection Systems Division
<b>WESD</b>	Wastewater Engineering Services Division
<b>WSPD</b>	Watershed Protection Division

# Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )		0.075 ppm (147 µg/m <sup>3</sup> )		
Respirable Particulate Matter (PM <sub>10</sub> ) <sup>8</sup>	24 Hour	50 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	150 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		—		
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>8</sup>	24 Hour	—	—	35 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	12.0 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m <sup>3</sup> )	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )		9 ppm (10 mg/m <sup>3</sup> )	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		—	—	
Nitrogen Dioxide (NO <sub>2</sub> ) <sup>9</sup>	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemiluminescence	100 ppb (188 µg/m <sup>3</sup> )	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )		0.053 ppm (100 µg/m <sup>3</sup> )	Same as Primary Standard	
Sulfur Dioxide (SO <sub>2</sub> ) <sup>10</sup>	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	75 ppb (196 µg/m <sup>3</sup> )	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m <sup>3</sup> )	
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (for certain areas) <sup>10</sup>	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) <sup>10</sup>	—	
Lead <sup>11,12</sup>	30 Day Average	1.5 µg/m <sup>3</sup>	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m <sup>3</sup> (for certain areas) <sup>12</sup>	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m <sup>3</sup>		
Visibility Reducing Particles <sup>13</sup>	8 Hour	See footnote 13	Beta Attenuation and Transmittance through Filter Tape	<b>No National Standards</b>		
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Ultraviolet Fluorescence			
Vinyl Chloride <sup>11</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Gas Chromatography			

See footnotes on next page ...

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On December 14, 2012, the national annual PM<sub>2.5</sub> primary standard was lowered from 15 µg/m<sup>3</sup> to 12.0 µg/m<sup>3</sup>. The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35 µg/m<sup>3</sup>, as was the annual secondary standard of 15 µg/m<sup>3</sup>. The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150 µg/m<sup>3</sup> also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
9. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
10. On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.  
  
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
11. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
12. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
13. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

CITY OF LOS ANGELES  
DEPARTMENT OF CITY PLANNING  
ZONING INFORMATION FILE  
Effective Date: March 28, 2006

**ZI NO. 2355**  
**ENVIRONMENTAL JUSTICE IMPROVEMENT AREA**

**COUNCIL DISTRICT:** 2, 6, and 7

**COMMENTS AND INSTRUCTIONS:**

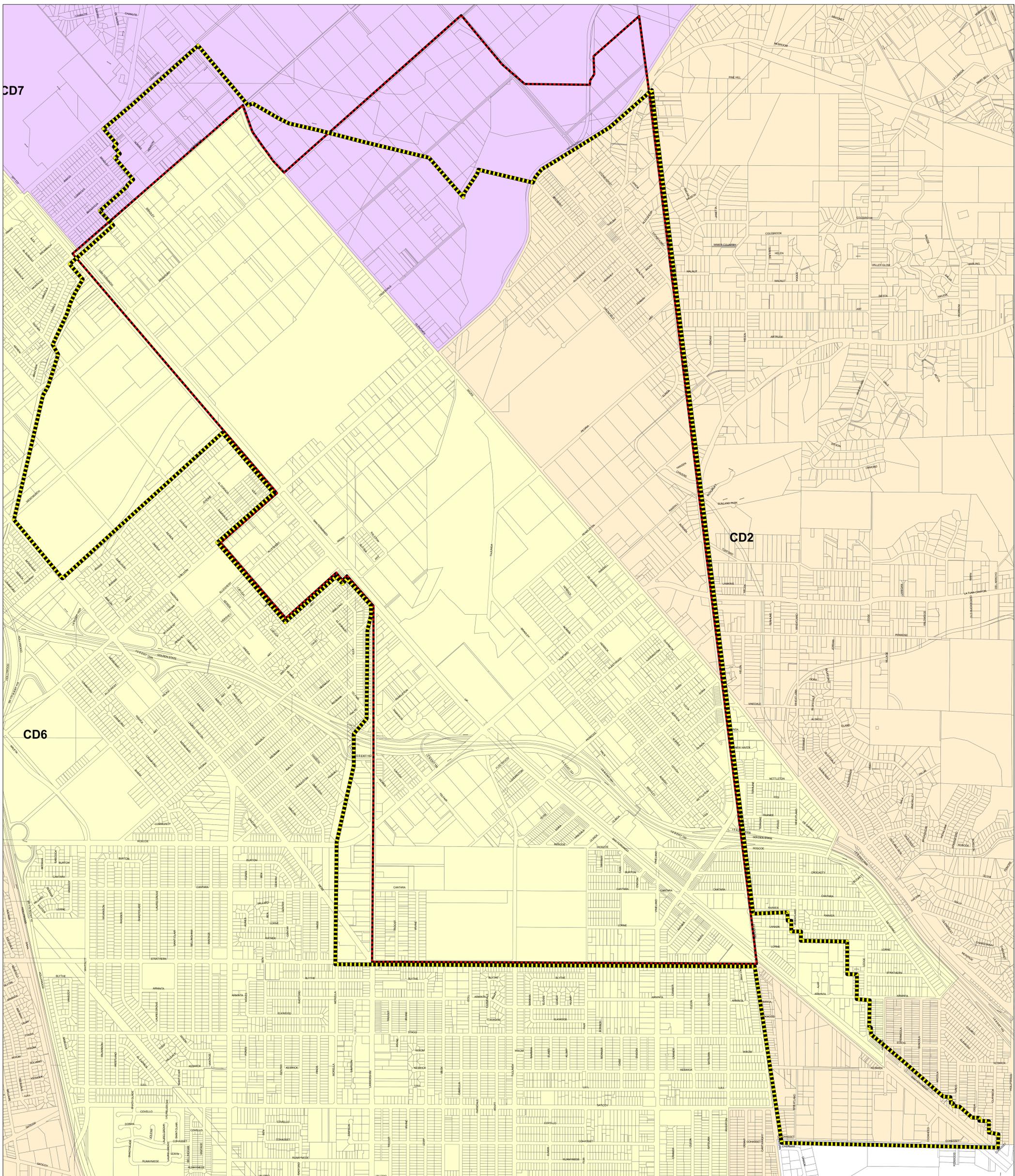
Please notify the Planning Deputy of the appropriate Council Office of any industrial land use applications filed in this area. If the application relates to an industrial use within this area, please forward the application to the Environmental Affairs Department, the Fire Department – Risk Management Department and the City Planning Department, Community Planning Bureau, Valley Office for written comments on impacts of the proposed activity and recommended mitigation measures for the application.

Industrial land use is defined as follows: all pending and future land use applications relating to active or closed landfills, waste transfer stations, solid waste, solid waste vehicle yards, auto-dismantling or recycling facilities, green waste, and any facilities that use hazardous materials.

Council District 2 - Dale Thrush (213) 473-7002

Council District 6 - Jim Dantona (213) 473-7006

Council District 7 - Dan Rosales (213) 473-7007



# Environmental Justice Study Area

## Legend

-  Modified Boundary
-  Environmental Justice Study Area
-  ZMA.LANDBASE

## Council District

-  Alex Padilla CD 7
-  Tony Cardenas CD 6
-  Wendy Greuel CD 2

