



# CITY OF LONG BEACH

# R-31

DEPARTMENT OF FIRE

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DAVID W. ELLIS  
FIRE CHIEF

May 15, 2007

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive and file report on Commercial Hazardous Material Disposal Sites. (Citywide)

## DISCUSSION

At the City Council meeting of April 17, 2007, the City Council requested the City Manager to report back on the number of residents living near hazardous waste facilities in the City of Long Beach.

The Council request was made as a result of an article that appeared in the *Los Angeles Times* on April 12, 2007. The article titled, "State has most minorities near toxic facilities" declared "L.A. ranked first among major urban areas with the most minority people living near hazardous waste facilities."

The attached report documents findings on commercial hazardous waste facilities located within the City of Long Beach as well as additional information regarding other known sites where hazardous materials are located. The detailed evaluation by City staff found only one commercial hazardous waste location identified to be located within the City of Long Beach. The site is an existing facility that has been operating in the City since 1988 and is permitted for such use.

An additional assessment of the locations that utilize hazardous materials or generate hazardous waste was also documented for this report. All of the sites identified are regulated by a number of agencies including the Department of Health and Human Services, Fire Department, Department of Planning and Building and other State and Federal agencies.

Gary Anderson, Deputy City Attorney reviewed this item on May 8, 2007. David Wodynski, Budget and Performance Management Bureau Manager, reviewed this item on May 8, 2007.

TIMING CONSIDERATIONS

None.

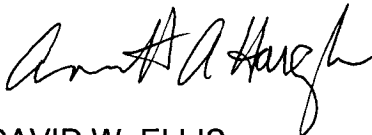
FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



*for* DAVID W. ELLIS  
FIRE CHIEF



*for* RONALD R. ARIAS  
DIRECTOR OF HEALTH AND HUMAN SERVICES

APPROVED:

  
GERALD R. MILLER  
CITY MANAGER

## **REPORT ON COMMERCIAL HAZARDOUS MATERIAL DISPOSAL SITES**

### **Executive Summary**

At the City Council meeting of April 17, 2007 the City Council directed the City Manager's Office to report back on the number of residents living near hazardous waste facilities in the City of Long Beach.

The Council request was made in reference to an article that appeared in the *Los Angeles Times* on April 12, 2007 (Exhibit 1). The article title, "State has most minorities near toxic facilities" declared "L.A. ranked first among major urban areas with the most minority people living near hazardous waste facilities". A study entitled, "Toxic Waste and Race at Twenty 1987-2007", was the basis for the article. This nationwide study identified 17 hazardous waste facilities in the Los Angeles / Long Beach region.

This report documents findings on commercial hazardous waste facilities located within the City of Long Beach as well as additional information regarding other known sites where hazardous materials are located. Demographic information for this report has been provided in map views, which identify hazardous waste facility locations for comparison.

### **Toxic Wastes and Race at Twenty Report**

In 1987, the United Church of Christ Commission for Racial Justice released the study "Toxic Wastes and Race in the United States." A report finding was that race is the most significant variable in predicting where commercial hazardous waste facilities were located in the United States.

This year, the United Church of Christ Justice and Witness Ministries commissioned a new report as part of the twentieth anniversary of the release of the 1987 report. The 2007 report, "Toxic Wastes and Race at Twenty 1987-2007," uses the 2000 Census data and is designed to facilitate renewed interest in local, regional and national environmental public forums for group discussion and policy changes.

The new report incorporates the 2000 Census data and a distance-based method to evaluate the locations of commercial hazardous waste facilities and the extent of racial and socioeconomic disparities around facility locations. The disparities are examined by region and state, and a separate analysis is conducted for metropolitan areas, where most hazardous waste facilities are located.

The report concludes, "twenty years after the release of the initial report significant racial and socioeconomic disparities persist in the distribution of the nation's commercial hazardous waste facilities." The new report uses updated methods that better match where people and hazardous waste facilities are located, but the conclusions are very much the same as they were in 1987.

In conclusion, the "Toxic Wastes and Race in the United States" report recommends that current environmental, health, housing, land use and civil rights laws be vigorously enforced in a nondiscriminatory way without regard for race, color or national origin. The report acknowledges that environmental problems facing low-income persons and people of color are systemic and will require institutional change including new legislation. The report notes that government alone cannot solve this problem but will require the assistance of concerned individuals, groups and organizations from all aspects of society.

### **Los Angeles/Long Beach Region**

Based on the report "Toxic Wastes and Race at Twenty," the *Los Angeles Times* reported on April 12, 2007 that California has the nation's highest number of minorities living near hazardous waste facilities and that specifically Los Angeles ranked first among major urban areas with the most people living near commercial hazardous waste and toxic facilities. The article states "Greater Los Angeles tops the nation with 1.2 million people living less than two miles from 17 such facilities, and 91% of them, or 1.1 million, are minorities as compared to the Statewide figure of 81%".

The study utilized Census 2000 data for neighborhoods adjacent to 413 nationwide locations. More than half of the people living near such facilities are Latino, African American or Asian American according to the report.

### **City of Long Beach Findings**

Research by City staff determined that only one of the 17 commercial hazardous waste facilities in the study is located within the City of Long Beach. The research included communication with Dr. Bullard and Dr. Saha, two authors of the study, "Toxic Waste and Race at Twenty 1987-2007."

The facility identified is Crosby and Overton, a commercial hazardous waste facility located at 1610 W. 17<sup>th</sup> St. Crosby and Overton was issued a business license in 1988 and accepts hazardous waste from local generators, and conducts on-site treatment of bulk liquid hazardous waste. The facility also accepts waste for transport and disposal at remote permitted facilities outside of the City of Long Beach. Hazardous waste is stored for an allowed period of time on location; however, no hazardous waste is disposed of on location. The facility is in a General Industrial (IG) Zone and is permitted for such use.

A map was developed to show the location of the facility and the demographic characteristics of residents located within a 2-mile radius, similar to the method of evaluation used in the 2007 "Toxic Wastes and Race at Twenty" report. (Attachment A)

The view was assembled using census data available to the City of Long Beach (2000) in relationship to the Crosby and Overton site. The map demonstrates that within two

miles of the site, the demographic make-up is approximately 90% minority as compared to the 67% minority average for the City. This observation is consistent with statements in the "Toxic Wastes and Race at Twenty" report and the *Los Angeles Times* article.

### **Regulating Authorities**

A number of City departments have participating roles in various aspects of regulating and enforcing regulations pertaining to hazardous materials facilities. The responsibilities of the following departments are as follows.

#### **Department of Planning and Building**

Environmental Planning is responsible for preparing reports required by State law on all development proposals that have a possible effect on the environment. Concerns addressed in these reviews include types of materials, air pollution, noise, and traffic impacts.

The Zoning Division verifies that developments are consistent with existing zoning conditions and that such facilities are permitted in the area and conform to any conditions or standards contained in the Zoning Ordinance.

Hazardous waste facilities are not permitted in the residential and commercial zoning districts. Hazardous waste facilities are only allowed with the approval of a Conditional Use Permit and in industrial zones such as Light Industrial (IL), Medium Industrial (IM) and General Industrial (IG).

#### **Department of Health and Human Services**

The Bureau of Environmental Health in the Department of Health and Human Services (HHS) is responsible for protecting the public's health and exposure to toxic substances and other environmental hazards. This is accomplished through routine and complaint inspections, enforcement of municipal, state and federal laws and community outreach and education.

The Hazardous Materials Program protects the public's health by preventing employee, public, and environmental exposure to hazardous materials and chemicals. The Hazardous Waste Specialist performs routine and complaint inspections of hazardous and medical waste generators, oversees hazardous materials site cleanups and responds to emergency incidents.

Hazardous materials and wastes are regulated at the local level by agencies known as Certified Unified Program Agencies (CUPA). The Unified Program was created by Senate Bill 1082 in 1993 to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections and enforcement activities.

HHS is responsible for tracking and reporting to the State on all elements of the CUPA. However, the regulatory responsibilities for these elements are divided between the HHS and the Fire Department. The HHS is responsible for Hazardous Waste Generators, Extremely Hazardous Material sites (Cal ARP), and Hazardous Material site Characterization and Remediation.

### **Fire Department**

The Fire Prevention Bureau under the Fire Department, regulates and inspects businesses that store hazardous materials by way of the Chemical Disclosures Program, through the California State Fire Code, and the California Health and Safety Code.

The Chemical Disclosures program is a component of the Certified Unified Program Agency (CUPA) activities that are shared among the Health Department and Fire Department.

Under the program, chemical inventories are maintained for businesses that store or handle 55 gallons or more of liquid hazardous material, 200 cubic feet of gas, or 500 lbs of solid. One of the goals of the program is to help protect public health and safety and the environment from the adverse effects of hazardous materials. The Fire Department and other First Responders are assisted by advance knowledge of chemicals located at a business, in the event of an emergency response.

Environmental Crimes investigations are conducted when a hazardous materials incident or inspection finding identifies gross negligence or potential criminal violation of environmental law. The Fire Department's Environmental Crimes investigator will review the situation and refer some cases to the Environmental Crimes Prosecutor.

Fire Code related activities include plan check, inspection, and occasional enforcement activity associated with businesses that store hazardous material. The Fire Department reviews applicable new construction sites in collaboration with the Department of Planning and Building and other regulatory agencies.

### **Regulation and Assessment of Other Hazardous Material Facilities**

In addition to the single commercial hazardous waste facilities, a number of other facilities utilize hazardous materials in the performance of their business. The use of hazardous materials is regulated by local, state and federal regulations. The types of regulations on a particular facility will depend upon:

- Type of material
- Amount of material
- Use and process of the material

Depending upon the above information a hazardous material facility will be issued applicable permits and will require inspections to verify compliance with those regulations. Three of these programs are discussed below.

### **California Accidental Release Prevention Program (CAL ARP)**

Sites in California that store or handle extremely hazardous materials in significant volumes are regulated under a program known as the California Accidental Release Prevention Program (Cal ARP).

A few examples of program participants include Sea Launch, AES Alamitos Generating Station, SERRF facility and THUMS Long Beach Company. There are eight such sites in the City of Long Beach and these are regulated by the Department of Health and Human Services.

These locations were evaluated with the same method used in the "Toxic Wastes and Race at Twenty" report. The two-mile radius around these sites shows a demographic make-up of approximately 66% minority as compared to approximately 67% minority average for the rest of the City. (Attachment B)

### **Hazardous Waste Generator Program**

Another program involving hazardous materials and hazardous waste is the Hazardous Waste Generator Program, managed by the Health Department. The program involves the inspection and regulation of all known locations that generate hazardous waste.

A few examples of program participants include dry cleaners, auto repair shops, oil storage facilities and power plants. The Hazardous Waste Generator program totals approximately 800 sites. The distribution of these sites and City demographics has been provided. (Attachment C)

### **Chemical Disclosure Program Businesses**

The Fire Department regulates businesses that store hazardous, flammable/combustible, or potentially polluting material under a program known as the Chemical Disclosures Program. The Program is associated with fire code and State Health and Safety laws and has synonyms such as "Hazardous Materials Business Emergency Plan" and "Hazardous Materials Management Plan".

In the Chemical Disclosures program, all known sites that store or handle 55 gallons or more of liquid hazardous material, 200 cubic feet of gas, or 500 lbs of solid, are regulated and permitted.

A few examples of program participants include home improvement warehouses, Port facilities, gas stations, and paint suppliers. There are approximately 1,000 such sites in

Long Beach. The distribution of these locations and City demographics has been provided. (Attachment D)

### **Conclusion**

The location of a commercial hazardous waste site within a neighborhood is of concern to residents, citizens, government officials and political leaders. The *Los Angeles Times* reported that the Los Angeles/Long Beach region has a total of 17 commercial hazardous waste facilities located throughout the region.

A detailed evaluation by City staff found only one commercial hazardous waste location identified in the 2007 *Toxic Wastes and Race in the United States* to be located within the City of Long Beach. The site is an existing facility that has been operating in the City since 1988 and is permitted for such use. The location is in an area with 90% minority residents.

An additional assessment of the locations that utilize hazardous materials or generate hazardous waste was also documented for this report. All of the sites identified are regulated by a number of agencies including the Department of Health and Human Services, Fire Department, Department of Planning and Building and other State and Federal agencies.

The combined efforts of these agencies ensure compliance and enforcement of regulations governing hazardous materials within the City of Long Beach.



# EXHIBIT 1



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11:14 AM PDT, April 12, 2007

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**State has most minorities near toxic facilities**

L.A. tops the nation's major urban areas with 1.1million Latinos, blacks and Asians living within two miles of hazardous waste sites.

By Janet Wilson, Times Staff Writer  
 April 12, 2007

90.9%	65.8%
78.4	58.9
77.1	53.6
76.0	49.2

GRAPHIC  
**Neighborhoods near hazardous waste sites**  
 click to enlarge

California has the nation's highest concentration of minorities living near hazardous waste facilities, according to a newly released study. Greater Los Angeles tops the nation with 1.2 million people living less than two miles from 17 such facilities, and 91% of them, or 1.1 million, are minorities. Statewide the figure was 81%.

The study, conducted by researchers at four universities for the United Church of Christ, examined census data for neighborhoods adjacent to 413 facilities nationwide that process or store hazardous chemical waste produced by refineries, metal plating shops, drycleaners and battery recyclers, among others.

Though about one-third of U.S. residents are nonwhite, more than half of the people living near such facilities were Latino, African American or Asian American, according to the report.

The cause is simple, said Robert Bullard, a sociologist at Clark Atlanta University in Georgia and lead author of the study, which updates a landmark report from two decades ago. "The most potent predictor of where these facilities are sited is not how much income you have; it's race.... You don't have many of these facilities in West Los Angeles, and you don't have many minorities in West Los Angeles either.... You've got both in Vernon and surrounding neighborhoods."

L.A. ranked first among major urban areas with the most people living near hazardous waste facilities. Oakland and Orange County placed fifth and sixth, respectively, with hazardous sites in Santa Ana and other minority neighborhoods.

The study also found that hazardous waste facilities were often clustered with other potentially dangerous industries, and that the rate of minority residents in areas with multiple hazards was even higher.

"There's a piling on effect.... You get the landfill because you've already got the incinerator, the paint manufacturer, the chemical plant," Bullard said. "These neighborhoods become basically sacrifice zones."

Sue Briggum, vice president of federal public affairs for Waste Management, which operates several of the facilities examined in the study, including a landfill in Kettleman City, Calif., said the hazardous waste industry is heavily regulated for safety and provides an important recycling service.

Briggum, who served on a national environmental justice task force several years ago, acknowledged the problems highlighted by the study. "There's no disputing the facts."

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she said. But, she added, the industry and the U.S. Environmental Protection Agency have done a great deal in recent years to try to reduce emissions, beef up safety and address other concerns in affected neighborhoods.

Although low-income neighborhoods were much more likely to have hazardous waste facilities, some of the areas examined were quite affluent, including one in Seattle that is predominantly Asian, said study coauthor Robin Saha, a sociologist with the University of Montana.

Bullard said the saddest case researchers studied was in rural Dickson County, Tenn., an almost entirely white area in which every industrial waste facility in the 300,000-acre county was built next to a 150-acre farm owned by a black family.

The study took EPA officials to task for failing to implement an executive order by President Clinton requiring that environmental justice issues and the cumulative effects of clustering such facilities in some neighborhoods be a mandatory part of environmental reviews.

Rep. Hilda Solis (D-El Monte) introduced legislation in February designed to achieve the same goals.

"This legislation is a critical first step to achieving real and lasting justice for minority and low-income communities across this country," Solis said. "Codifying the executive order will empower communities without a voice to join in the fight to protect their health and welfare."

EPA spokeswoman Jennifer Wood said the agency recognizes "that minority and/or low-income communities frequently may be disproportionately and adversely exposed to environmental harms and risks," and that the EPA attempts to address environmental justice concerns in its planning and budgeting.

But Bullard said the EPA's inspector general and the U.S. General Accountability Office have chastised the agency for its handling of environmental justice issues. President Bush's 2008 budget recommends a 28% cut in funds for such programs, he said

The report follows up on issues originally raised in the 1987 study "Toxic Wastes and Race in the United States," which is widely considered to have given birth to the environmental justice movement by linking race and income to elevated levels of environmental and industrial risk.

"We think that we've gotten so far in civil rights and creating a more equal society," coauthor Saha said of the new findings. "But when it comes to the environment, to the most basic things — air and water — we have a long way to go still."

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\*

(INFOBOX BELOW)

Neighborhoods near hazardous waste sites

A new report lists 10 California metropolitan areas where residents living less than two miles from hazardous waste facilities were disproportionately minorities.

Percent people of color\* living in neighborhoods that are:

Metropolitan area (no. of facilities)	Near waste facilities	Not near	Difference
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L.A./Long Beach (17)	90.9%	65.8%	25.0%
Fresno (2)	78.4	58.9	19.6
San Jose (2)	77.1	53.6	23.5
Oakland (6)	76.0	49.2	26.7
Riverside/San Bernardino (4)	70.5	52.4	18.2
Orange County (3)	69.8	46.8	23.0
Vallejo/Fairfield/Napa (2)	59.1	45.4	13.7
Stockton/Lodi (1)	58.3	52.4	6.0
San Francisco (2)	55.6	48.6	7.0
Sacramento (1)	41.9	35.7	6.1

\* Includes Latinos, African Americans, Asians, Pacific Islanders, Native Americans and other minorities.

Sources: United Church of Christ Justice and Witness Ministries, 2000 census

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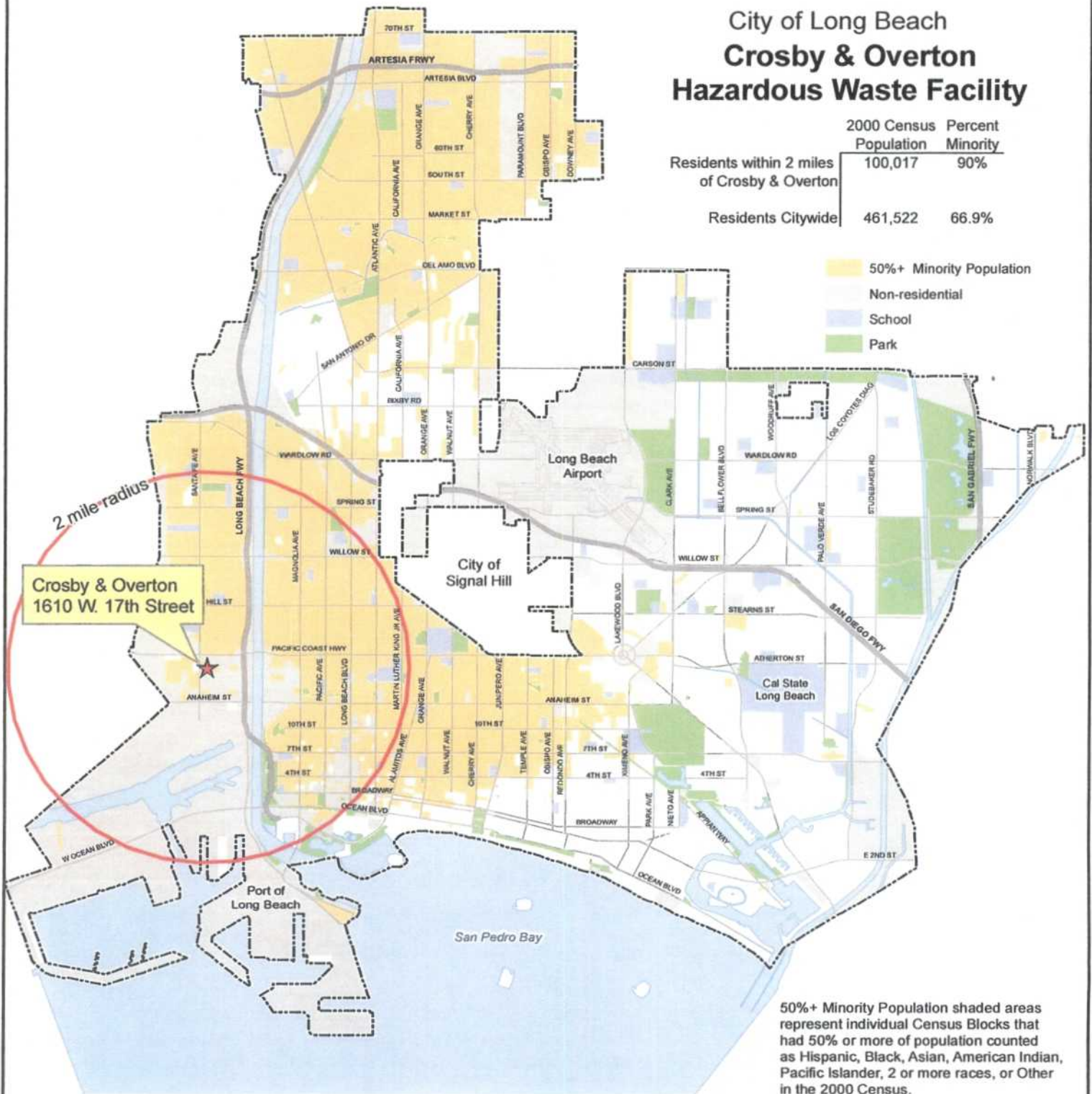
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## City of Long Beach Crosby & Overton Hazardous Waste Facility

	2000 Census Population	Percent Minority
Residents within 2 miles of Crosby & Overton	100,017	90%
Residents Citywide	461,522	66.9%

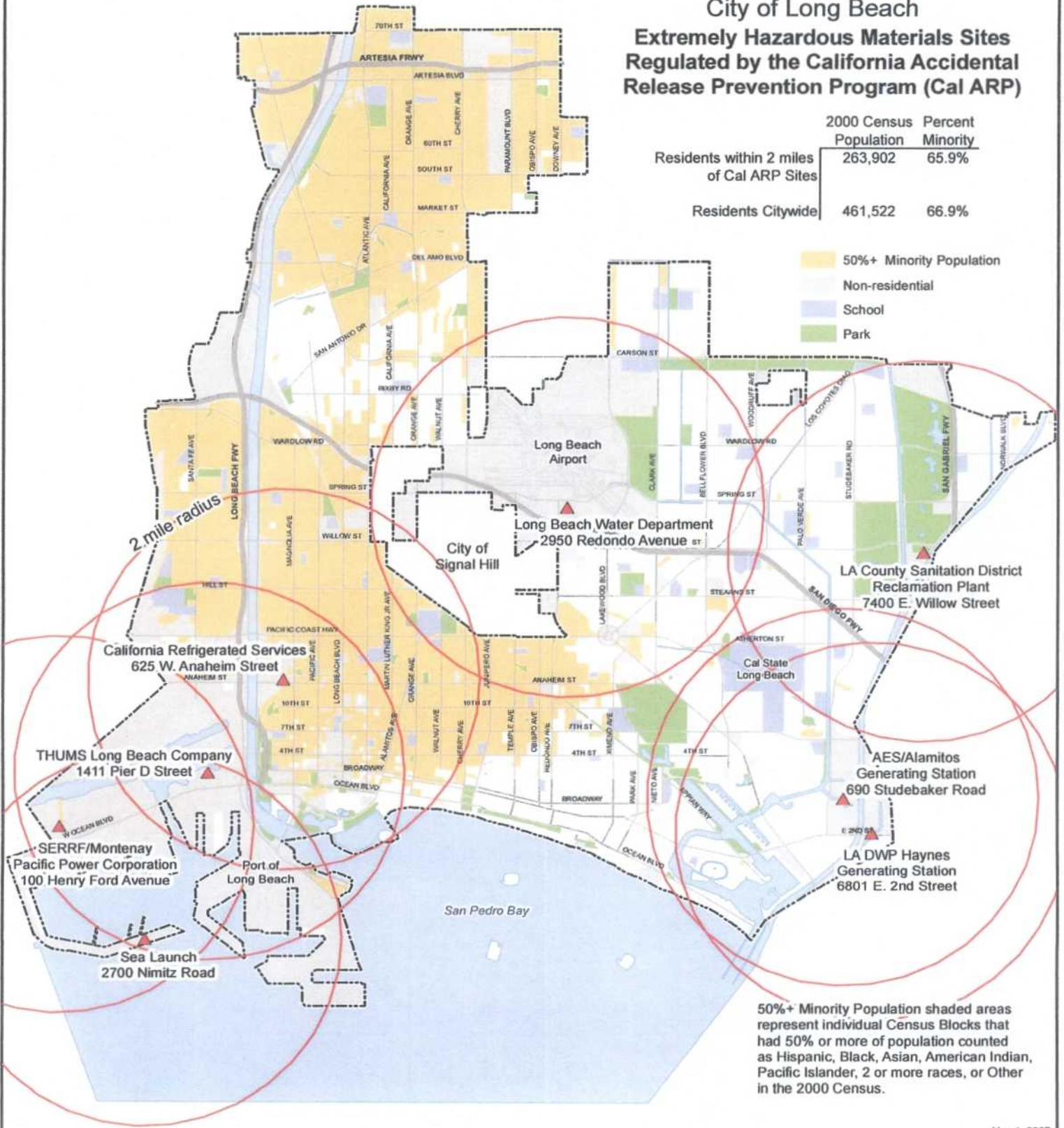


- 50%+ Minority Population
- Non-residential
- School
- Park

50%+ Minority Population shaded areas represent individual Census Blocks that had 50% or more of population counted as Hispanic, Black, Asian, American Indian, Pacific Islander, 2 or more races, or Other in the 2000 Census.

### City of Long Beach Extremely Hazardous Materials Sites Regulated by the California Accidental Release Prevention Program (Cal ARP)

	2000 Census Population	Percent Minority
Residents within 2 miles of Cal ARP Sites	263,902	65.9%
Residents Citywide	461,522	66.9%

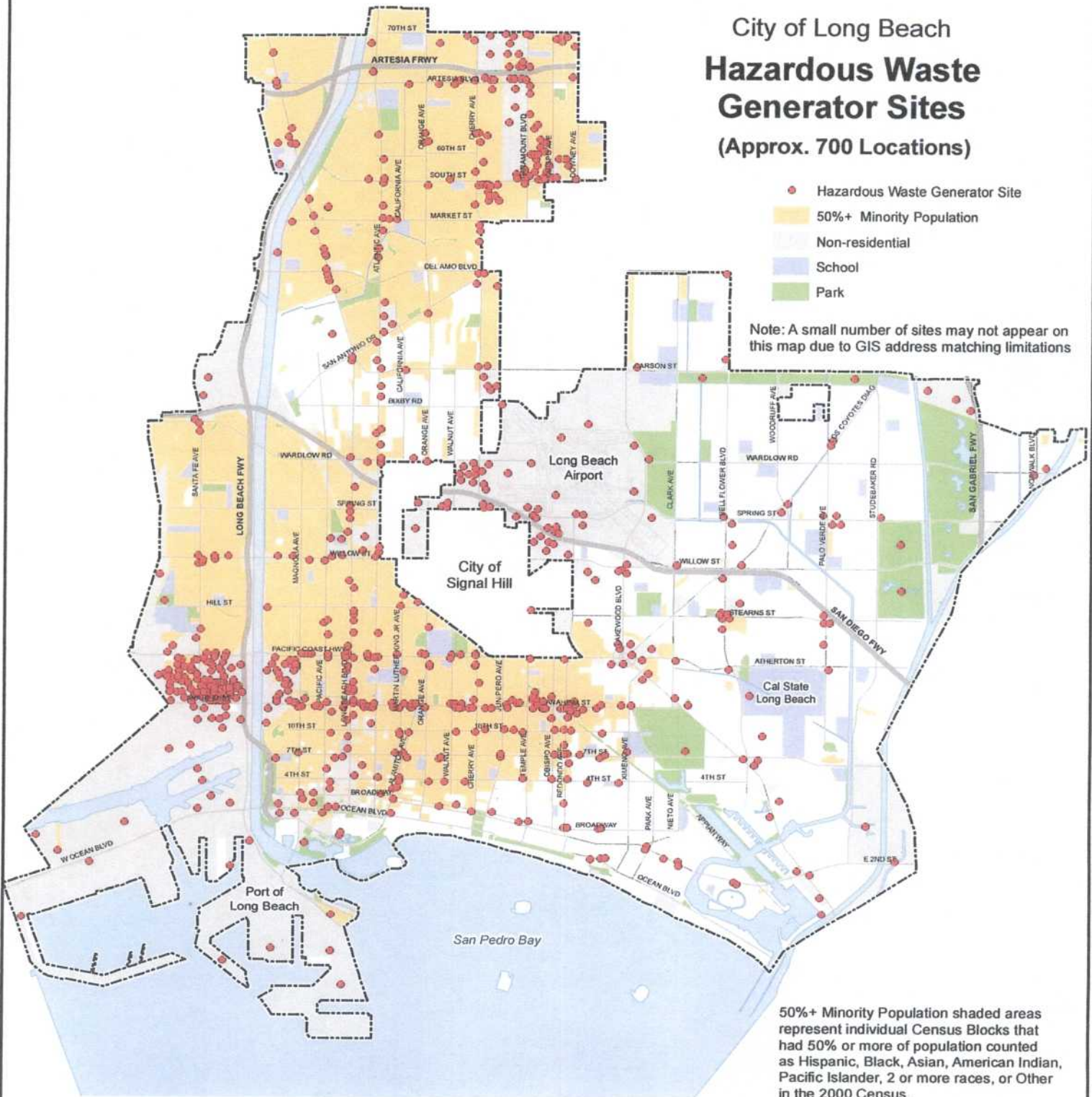


50%+ Minority Population shaded areas represent individual Census Blocks that had 50% or more of population counted as Hispanic, Black, Asian, American Indian, Pacific Islander, 2 or more races, or Other in the 2000 Census.

## City of Long Beach Hazardous Waste Generator Sites (Approx. 700 Locations)

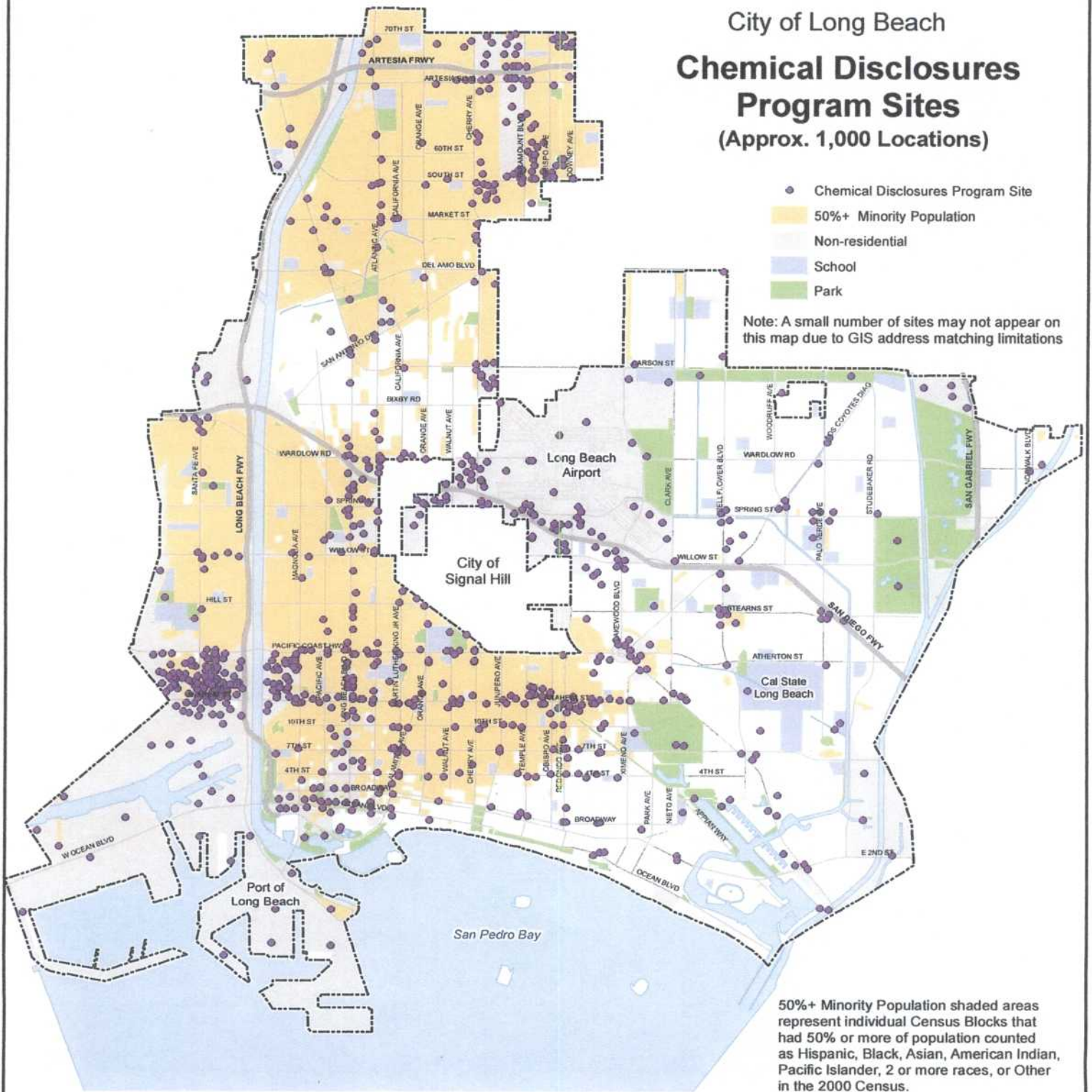
- Hazardous Waste Generator Site
- 50%+ Minority Population
- Non-residential
- School
- Park

Note: A small number of sites may not appear on this map due to GIS address matching limitations



50%+ Minority Population shaded areas represent individual Census Blocks that had 50% or more of population counted as Hispanic, Black, Asian, American Indian, Pacific Islander, 2 or more races, or Other in the 2000 Census.

## City of Long Beach Chemical Disclosures Program Sites (Approx. 1,000 Locations)



50%+ Minority Population shaded areas represent individual Census Blocks that had 50% or more of population counted as Hispanic, Black, Asian, American Indian, Pacific Islander, 2 or more races, or Other in the 2000 Census.