

GROVEMAN | HIETE LLP

35 EAST UNION STREET
SUITE B
PASADENA, CALIFORNIA 91103

Adam D. Wieder
awieder@grovementhiete.com
Office/Direct: (626) 747-9389
Mobile: (818) 620-0688

February 13, 2020

VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED

Gary J. Weisenberg, CEO
S&W Atlas Iron & Metal Co., Inc.
Attention: Gary J. Weisenberg, CEO
10019 S. Alameda Street
Los Angeles, California 90002

RE: 60-Day Notice of Violation of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

Dear Mr. Weisenberg:

This letter serves as notification, pursuant to California Health and Safety Code Section 25249.7(d)(1), that the Los Angeles Unified School District ("LAUSD" or the "District"), intends to bring suit against Gary Weisenberg, individually and as Trustee of the Dorothy Sebulsky Trust, and as Co-Trustee of the Residual Trust created under the Will of Jacob L. Sebulsky, Sophie Weisenberg a/k/a Sophia Weisenberg, as Co-Trustee of the Residual Trust created under the Will of Jacob L. Sebulsky, Doris Sebulsky as an individual, and 10019 S. Alameda LLC (collectively, the "Facility Owners") and S&W Atlas Iron & Metal Co., Inc. ("Atlas") for, among other claims, violations of California Health and Safety Code 25249.5 and 25249.6 (also known as "Proposition 65"). (The Facility Owners and Atlas are collectively referred to herein as the "Atlas Parties.")

Section 25249.5 of the California Health and Safety Code provides:

"No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes, or probably will pass, into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9."

Section 25249.6 provides:

"No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10."

The following discussion will provide you with a greater understanding regarding the location of the exposure, the type of exposure, the method of exposure, and the approximate length of time that the David Starr Jordan High School, located at 2265 East 103rd Street, Los Angeles, California (the "School Site"), has been exposed to chemicals released from the property located at 10019 S. Alameda Street in the City of Los Angeles (the "Atlas Site"), which is owned and operated by the Atlas Parties. The following is intended to provide you with facts sufficient to enable you to undertake a meaningful investigation of the Atlas Site and thereafter remedy the environmental contamination that has occurred at the School Site.

1. LOCATION OF SOURCE OF EXPOSURE

The violation covered by this notice consists of releases primarily consisting of high levels of arsenic, lead, chromium, copper, polycyclic aromatic hydrocarbon ("PAHs"), antimony, cadmium, and polychlorinated biphenyls ("PCBs") from the Atlas Site. The School Site is immediately adjacent to the Atlas Site and hosts young students, teachers, employees, administrators, and parents, many of whom regularly spend at least eight hours a day at the School Site. The contamination migrating from the Atlas Site is particularly concerning because of the exposure and risks it poses to the School Site's sensitive population.

2. NATURE OF EXPOSURE

Atlas has been operating a metal salvage yard and recycling facility on the Atlas Site from the 1940s to the present. Metal scrap recycling operations involve large and potentially hazardous equipment, the use of flammable and explosive gases, and the generation of metal fumes, dusts, and toxic vapors. During the time Atlas has operated on the Atlas Site, it has kept piles of dirt, debris, and other materials that contained hazardous levels of PCBs and other hazardous materials, substances and/or wastes on-site. In addition, there have been, and continue to be, releases and discharges from the Atlas Site, including sudden and accidental releases and discharges of hazardous materials, substances and/or wastes that migrated by various means from the Atlas Site onto the School Site.

In response to these incidents, the Department of Toxic Substances Control ("DTSC") investigated potential contaminant migration from the Atlas Site on to the School Site. Based on the investigation, DTSC issued an "Imminent and Substantial Endangerment Determination" in or about May 2004, requiring the removal of arsenic and lead impacted soil at the School Site's baseball field located adjacent to the Atlas Site.

In September 2006, the DTSC removed approximately 1,400 cubic yards of soil (stockpiles) from the Atlas Site. The stockpiles were determined to contain arsenic, lead, copper, and zinc, at concentrations above the US EPA's Resource Conservation and Recovery Act

("RCRA") hazardous waste concentration levels. The final clean-up removal at the Atlas Site was completed in July 2008.

In approximately 2013 and 2017, the Los Angeles County Fire Department issued notices of violation to Atlas, and further, in 2013 and 2018, the South Coast Air Quality Management District ("AQMD") issued to Atlas "Notices to Comply.

In recent years, ATLAS has been regularly stockpiling wrecked or dismantled vehicles, salvage, junk, or other raw materials at heights that greatly exceed the height of the retaining wall separating Atlas Site from the School Site. Further, Atlas has failed to maintain a buffer zone between the Atlas Site and the School Site, in violation of a County of Los Angeles Conditional Use Permit issued in or about March 2004 (the "CUP"). The site operations, equipment, and stockpiled materials at the Atlas Site continue to occur within the 50-foot buffer zone established under the CUP along the western and southern fence line of the Atlas Site.

3. EXTENT OF THE EXPOSURE

During Atlas's day to day activities at the Atlas Site, fugitive dust emissions and particulate matter from the metal processing operations and the constant movement of the tall piles of scrap metal regularly migrate onto the School Site. These emissions may be toxic and expose the School Site's occupants to dangerous contaminants. Exposure to airborne metal contaminants and other particles associated with scrap metal recycling can lead to a wide array of health concerns and negative impacts on quality of life and physical well-being. These health risks are heightened for sensitive populations, such as young children.

Atlas has caused, and continues to cause, a serious public health hazard by its failure to maintain required drainage to prevent seepage of potentially contaminated water from the Atlas Site. During heavy periods of rainfall, the added volume of accumulated wastewater at the Atlas Site has resulted in the runoff of contaminated stormwater onto the School Site, exposing occupants of the School Site to hazardous chemicals and increasing the risk of vector-borne disease among students and staff.

Despite LAUSD's repeated requests, and the detailed information provided by LAUSD to Atlas about the nature of the contamination that had migrated, and continues to migrate, onto the School Site, to date Atlas has done nothing to address the hazardous contamination, accumulated wastewater, and airborne pollution, among other things, that have emanated, and continue to emanate, from the Atlas Site to the School Site.

4. ROUTE OF EXPOSURE AND ITS POTENTIAL HEALTH RISKS

The release of the chemicals of concern at the Atlas Site has caused the release of chemicals known to the State of California to cause cancer or reproductive toxicity that is threatening the School Site, its occupants and the public in general. The identified chemicals of concern include, among others, arsenic, lead, chromium, copper, polycyclic aromatic hydrocarbon ("PAHs"), antimony, cadmium, and polychlorinated biphenyls ("PCBs").

Although the extent of contamination under the School Site remains unknown, the contamination at the Atlas Site remains in place and continues to present a threat to the environment, the public, and the occupants of the School Site, and may lead to emission of soil vapor gases at the School Site and pose a threat to local drinking water resources. Other risks include the unknown pathways that occupants of the School Site and the public in general may be exposed to the contamination emanating from the Atlas Site.

5. TIME PERIOD DURING WHICH VIOLATION HAS OCCURRED

The releases have occurred since as early as the 1940s. As of the date of this letter, these chemicals continue to be released into the subsurface soils, soil gas and groundwater.

6. CONCLUSION

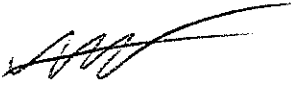
As a result of the scenario described above, LAUSD believes that the contamination at the Atlas Site, owned and operated by the Atlas Parties, has impacted the soil and groundwater with Prop 65 chemicals as vapor, as adsorbed to soil, and dissolved in the groundwater at, and beneath, the School Site and is also contaminating the School Site, potentially threatening the health and safety of its occupants, which include young children, and also is a potential threat to local drinking water sources, the beneficial uses of adjacent surface and groundwaters of the State, and the flora and fauna of nearby surface waters of the State.

Attached is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986" (Proposition 65), prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"), the lead state agency for the implementation of the Act.

Please direct all questions concerning this notice of violation to the following address: Adam D. Wieder, Esq., Groveman | Hiete LLP, 35 East Union Street, Suite B, Pasadena, California 91103, or by email at awieder@grovemanhiete.com.

For general information concerning the provisions of Proposition 65, please contact the Office of Environmental Health Hazard Assessment, Proposition 65 Implementation Office, at (916) 445-6900.

Very truly yours,


Adam D. Wieder
Groveman | Hiete LLP

ADW/
Enclosures

cc: Jay F. Golida, Esq.
William W. Funderburk, Esq.

GROVEMAN | HIETE LLP

SERVICE LIST / VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

S&W Atlas Iron & Metal Co., Inc.
Attention: Gary J. Weisenberg, CEO
10019 S. Alameda Street
Los Angeles, California 90002

John Busterud, Administrator
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Xavier Becerra
California Attorney General
California Department of Justice
P.O. Box 944255
Sacramento, California 94244-2550

Meredith Williams, Director
Department of Toxic Substances Control
1001 I Street
Sacramento, California 95814-2828

Renee Purdy, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

Jackie Lacey, District Attorney
Office of Los Angeles County District Attorney
211 West Temple Street
Suite 1200
Los Angeles, California 90012

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(Chapter 6.6 added by Proposition 65 1986 General Election)

25249.5. Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity. No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9.

25249.6. Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity. No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10.

25249.7. Enforcement.

(a) Any person that violates or threatens to violate Section 25249.5 or 25249.6 may be enjoined in any court of competent jurisdiction.

(b) (1) Any person who has violated Section 25249.5 or 25249.6 shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.

(2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following:

(A) The nature and extent of the violation.

(B) The number of, and severity of, the violations.

(C) The economic effect of the penalty on the

violator.

(D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.

(E) The willfulness of the violator's misconduct.

(F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

(G) Any other factor that justice may require.

(c) Actions pursuant to this section may be brought by the Attorney General in the name of the people of the State of California, by any district attorney, by any city attorney of a city having a population in excess of 750,000, or, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor, or as provided in subdivision (d).

(d) Actions pursuant to this section may be brought by any person in the public interest if both of the following requirements are met:

(1) The private action is commenced more than 60 days from the date that the person has given notice of an alleged violation of Section 25249.5 or

25249.6 that is the subject of the private action to the Attorney General and the district attorney, city attorney, or prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. If the notice alleges a violation of Section 25249.6, the notice of the alleged violation shall include a certificate of merit executed by the attorney for the noticing party, or by the noticing party, if the noticing party is not represented by an attorney. The certificate of merit shall state that the person executing the certificate has consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action, and that, based on that information, the person executing the certificate believes there is a reasonable and meritorious case for the private action. Factual information sufficient to establish the basis of the certificate of merit, including the information identified in paragraph (2) of subdivision (h), shall be attached to the certificate of merit that is served on the Attorney General.

(2) Neither the Attorney General, any district attorney, any city attorney nor any prosecutor has commenced and is diligently prosecuting an action against the violation.

(e) Any person bringing an action in the public interest pursuant to subdivision (d) and any person filing any action in which a violation of this chapter is alleged shall notify the Attorney General that the action has been filed. Neither this subdivision nor the procedures provided in subdivisions (f) to (j), inclusive, shall affect the requirements imposed by the statute or a court decision in existence on January 1, 2002 concerning whether any person filing any action in which a violation of this chapter is alleged is required to comply with the requirements of subdivision (d).

(f) (1) Any person bringing an action in the public interest pursuant to subdivision (d), any person filing any action in which a violation of this chapter is alleged, or any private person settling any violation of this chapter alleged in a notice given pursuant to paragraph (1) of subdivision (d), shall, after the action or violation is either subject to a settlement or to a judgment, submit to the Attorney General a reporting form that includes the results of that settlement or judgment and the final disposition of the case, even if dismissed. At the time of the filing of any judgment pursuant to an action brought in the public interest pursuant to subdivision (d), or any action brought by a private person in which a violation of this chapter is alleged, the plaintiff shall file an affidavit verifying that the report required by this subdivision has been accurately completed and submitted to the Attorney General.

(2) Any person bringing an action in the public interest pursuant to subdivision (d) or any private person bringing an action in which a violation of this chapter is alleged, shall, after the action is either subject to a settlement, with or without court approval, or to a judgment, submit to the Attorney General a report that includes information on any corrective action being taken as a part of the settlement or resolution of the action.

(3) The Attorney General shall develop a reporting form that specifies the information that shall be reported, including, but not limited to, for purposes of subdivision (e), the date the action was filed, the nature of the relief sought, and for purposes of this subdivision, the amount of the settlement or civil penalty assessed, other financial terms of the settlement, and any other information the Attorney General deems appropriate.

(4) If there is a settlement of an action brought by a person in the public interest under subdivision (d), the plaintiff shall submit the settlement, other than a voluntary dismissal in which no consideration is received from the defendant, to the court for approval upon noticed motion, and the court may approve the settlement only if the court makes all of the following findings:

(A) Any warning that is required by the settlement complies with this chapter.

(B) Any award of attorney's fees is reasonable under California law.

(C) Any penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b).

(5) The plaintiff subject to paragraph (4) has the burden of producing evidence sufficient to sustain each required finding. The plaintiff shall serve the motion and all supporting papers on the Attorney General, who may appear and participate in any proceeding without intervening in the case.

(6) Neither this subdivision nor the procedures provided in subdivision (e) and subdivisions (g) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on the January 1, 2002 concerning whether claims raised by any person or public prosecutor not a party to the action are precluded by a settlement approved by the court.

(g) The Attorney General shall maintain a record of the information submitted pursuant to subdivisions (e) and (f) and shall make this information available to the public.

(h) (1) Except as provided in paragraph (2), the basis for the certificate of merit required by subdivision (d) is not discoverable. However, nothing in this subdivision shall preclude the discovery of information related to the certificate of merit if that information is relevant to the subject matter of the action and is otherwise discoverable, solely on the ground that it was used in support of the certificate of merit.

(2) Upon the conclusion of an action brought pursuant to subdivision (d) with respect to any defendant, if the trial court determines that there was no actual or threatened exposure to a listed chemical, the court may, upon the motion of that alleged violator or upon the court's own motion, review the basis for the belief of the person executing the certificate of merit, expressed in the certificate of merit, that an exposure to a listed chemical had occurred or was threatened. The information in the certificate of merit, including the identity of the persons consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by those persons, shall be disclosed to the court in an in-camera proceeding at which the moving party shall not be present. If the court finds that there was no credible factual basis for the certifier's belief that an exposure to a listed chemical has occurred or was threatened, then the action shall be deemed frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action. The court shall not find a factual basis credible on the basis of a legal theory of liability that is frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action.

(i) The Attorney General may provide the factual information submitted to establish the basis of the certificate of merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain, the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code.

(j) In any action brought by the Attorney General, a district attorney, a city attorney, or a prosecutor pursuant to this chapter, the Attorney General, district attorney, city attorney, or prosecutor may seek and recover costs and attorney's fees on behalf of any party who provides a notice pursuant to subdivision (d) and who renders assistance in that action.

25249.8. List Of Chemicals Known to Cause Cancer Or Reproductive Toxicity.

(a) On or before March 1, 1987, the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity within the meaning of this chapter, and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor Code Section 6382(b)(1) and those substances identified additionally by reference in Labor Code Section 6382(d).

(b) A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

(c) On or before January 1, 1989, and at least once per year thereafter, the Governor shall cause to be published a separate list of those chemicals that at the time of publication are required by state or federal law to have been tested for potential to cause cancer or reproductive toxicity but that the state's qualified experts have not found to have been adequately tested as required.

(d) The Governor shall identify and consult with the state's qualified experts as necessary to carry out his duties under this section.

(e) In carrying out the duties of the Governor under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act as defined in Government Code Section 11370.

25249.9. Exemptions from Discharge Prohibition.

(a) Section 25249.5 shall not apply to any discharge or release that takes place less than twenty months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(b) Section 25249.5 shall not apply to any discharge or release that meets both of the following criteria:

(1) The discharge or release will not cause any significant amount of the discharged or released chemical to enter any source of drinking water.

(2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order. In any action brought to enforce Section 25249.5, the burden of showing that a discharge or release meets the criteria of this subdivision shall be on the defendant.

25249.10. Exemptions of Warnings Requirement. Section 25249.6 shall not apply to any of the following:

(a) An exposure for which federal law governs warning in a manner that preempts state authority.

(b) An exposure that takes place less than twelve months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(c) An exposure for which the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause reproductive toxicity, based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of such chemical pursuant to subdivision (a) of Section 25249.8. In any action brought to enforce Section 25249.6, the burden of showing that an exposure meets the criteria of this subdivision shall be on the defendant.

25249.11. Definitions. For purposes of this chapter:

(a) "Person" means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association.

(b) "Person in the course of doing business" does not include any person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 4010.1.

(c) "Significant amount" means any detectable amount except an amount which would meet the exemption test in subdivision (c) of Section 25249.10 if an individual were exposed to such an amount in drinking water.

(d) "Source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses.

(e) "Threaten to violate" means to create a condition in which there is a substantial probability that a violation will occur.

(f) "Warning" within the meaning of Section 25249.6 need not be provided separately to each exposed individual and may be provided by general methods such as labels on consumer products, inclusion of notices in mailings to water customers, posting of notices, placing notices in public news media, and the like, provided that the warning accomplished is clear and reasonable. In order to minimize the burden on retail sellers of consumer products including foods, regulations implementing Section 25249.6 shall to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller, except where the retail seller itself is responsible for introducing a chemical known to the state to cause cancer or reproductive toxicity into the consumer product in question.

25249.12. (a) The Governor shall designate a lead agency and other agencies that may be required to implement this chapter, including this section. Each agency so designated may adopt and modify regulations, standards, and permits as necessary to conform with and implement this chapter and to further its purposes.

(b) The Safe Drinking Water and Toxic Enforcement Fund is hereby established in the State Treasury. The director of the lead agency designated by the Governor to implement this chapter may expend the funds in the Safe Drinking Water and Toxic Enforcement Fund, upon appropriation by the Legislature, to implement and administer this chapter.

(c) In addition to any other money that may be deposited in the Safe Drinking Water and Toxic Enforcement Fund, all of the following amounts shall be deposited in the fund:

(1) Seventy-five percent of all civil and criminal penalties collected pursuant to this chapter.

(2) Any interest earned upon the money deposited into the Safe Drinking Water and Toxic Enforcement Fund.

(d) Twenty-five percent of all civil and criminal penalties collected pursuant to this chapter shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, or in the case of an action brought by a person under subdivision (d) of Section 25249.7, to that person.

25249.13. Preservation Of Existing Rights, Obligations, and Penalties. Nothing in this chapter shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this chapter shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this chapter shall be in addition to any penalties or sanctions otherwise prescribed by law.

25180.7. (a) Within the meaning of this section, a "designated government employee" is any person defined as a "designated employee" by Government Code Section 82019, as amended.

(b) Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer. No disclosure of information is required under this subdivision when otherwise prohibited by law, or when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(c) Any designated government employee who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (b) shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in state prison for not more than three years. The court may also impose upon the person a fine of not less than five thousand dollars (\$5000) or more than twenty-five thousand dollars (\$25,000). The felony conviction for violation of this section shall require forfeiture of government employment within thirty days of conviction.

(d) Any local health officer who receives information pursuant to subdivision (b) shall take appropriate action to notify local news media and shall make such information available to the public without delay.

25192. (a) All civil and criminal penalties collected pursuant to this chapter shall be apportioned in the following manner:

(1) Fifty percent shall be deposited in the Hazardous Substance Account in the General Fund.

(2) Twenty-five percent shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action.

(3) Twenty-five percent shall be paid to the department and used to fund the activity of the CUPA, the local health officer, or other local public officer or agency authorized to

enforce the provisions of this chapter pursuant to Section 25180, whichever entity investigated the matter that led to the bringing of the action. If investigation by the local police department or sheriff's office or California Highway Patrol led to the bringing of the action, the CUPA, the local health officer, or the authorized officer or agency, shall pay a total of 40 percent of its portion under this subdivision to that investigating agency or agencies to be used for the same purpose. If more than one agency is eligible for payment under this paragraph, division of payment among the eligible agencies shall be in the discretion of the CUPA, the local health officer, or the authorized officer or agency.

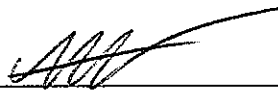
(b) If a reward is paid to a person pursuant to Section 25191.7, the amount of the reward shall be deducted from the amount of the civil penalty before the amount is apportioned pursuant to subdivision (a).

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Barry C. Groveman, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party Los Angeles Unified School District.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established, and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.
6. I declare under penalty of perjury that the foregoing is true and correct. Signed on February 13, 2020 in Pasadena, California.



Adam D. Wieder

Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040

**FOR REVIEW BY
CALIFORNIA STATE ATTORNEY
GENERAL ONLY PURSUANT TO
PROPOSITION 65**

November 2018 | Los Angeles Unified School District

Supplemental Site Investigation Report David Starr Jordan Senior High School

Prepared for:

Los Angeles Unified School District
Contact: Patrick Schanen
Environmental Health Manager
333 South Beaudry Avenue, 21-224-05
Los Angeles, California 90017
213.241.3356

Project Number:
LASD1-32.7

Prepared by:

PlaceWorks
Contact: Michael Watson, PG
Associate Geologist
2850 Inland Empire Boulevard, Suite B
Ontario, California 91764
909.989.4449
info@placeworks.com
www.placeworks.com



TABLE 4
 STATISTICAL ANALYSIS OF LEAD AND ARSENIC IN SOIL
 LAUSD David Starr Jordan Senior High School SSI

Location	Sample ID	Sample Date	Sample Depth	Lead	Arsenic
		Units:	ft bgs	mg/kg	mg/kg
		USEPA Test Method	--	6020	6020
		Screening Level/Hazardous Waste Threshold	--	80	12
JH-8	SSI-8-30"	6/14/18	2.5	--	4.76
	SSI-8-E-18"	6/13/18	1.5	--	10.5
	SSI-8-E-30"	6/13/18	2.5	--	12.6
	SSI-8-E-42"	6/13/18	3.5	--	4.12
	SSI-8-E-A-18"	7/17/18	1.5	--	16.6
	SSI-8-E-A-30"	7/17/18	2.5	--	24.1
	SSI-8-E-A-42"	7/17/18	3.5	--	3.74
	SSI-8-E-B-18"	7/17/18	1.5	--	18.9
	SSI-8-E-B-30"	7/17/18	2.5	--	5.20
	SSI-8-E-C-18"	7/17/18	1.5	--	10.8
	SSI-8-E-C-30"	7/17/18	2.5	--	4.87
	SSI-8-E-D-18"	7/17/18	1.5	--	13.5
	SSI-8-E-D-30"	7/17/18	2.5	--	6.72
	SSI-8-E-F-18"	7/17/18	1.5	--	22.9
	SSI-8-E-F-30"	7/17/18	2.5	--	7.4
	SSI-8-S-18"	6/14/18	1.5	--	6.94
	SSI-8-S-30"	6/14/18	2.5	--	3.07
	SSI-8-W-18"	6/12/18	1.5	--	5.47
	SSI-8-W-30"	6/12/18	2.5	--	3.06
	JH-10	SSI-8-N/15-S-6"	6/13/18	0.5	--
SSI-8-N/15-S-18"		6/13/18	1.5	22.3	10.5
SSI-8-N/15-S-36"		6/13/18	3.0	--	4.00
SSI-8-N/15-S-48"		6/13/18	4.0	--	1.76
SSI-10-48"		6/11/18	4.0	--	12.5
SSI-10-60"		6/11/18	5.0	--	6.22
SSI-10-A-48"		7/12/18	4.0	--	32.3
SSI-10-A-60"		7/12/18	5.0	--	26.9
SSI-10-B-48"	7/12/18	4.0	--	3.99	
SSI-10-C-48"	7/12/18	4.0	--	1.63	

TABLE 4
 STATISTICAL ANALYSIS OF LEAD AND ARSENIC IN SOIL
 LAUSD David Starr Jordan Senior High School SSI

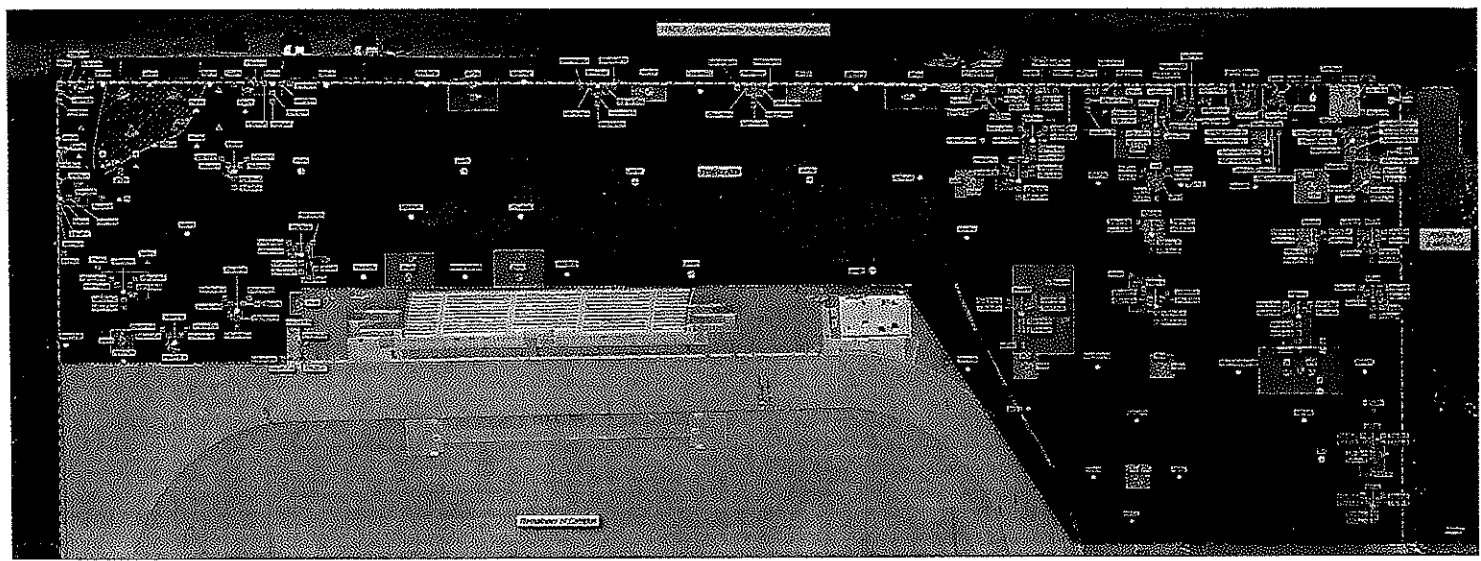
Location	Sample ID	Sample Date	Sample Depth	Lead	Arsenic
		Units	ft bgs	mg/kg	mg/kg
		USEPA Test Method	--	6020	6020
		Screening Level/Hazardous Waste Threshold	--	80	12
JH-5	SSI-6-30"	6/14/18	2.5	20.3	4.38
	SSI-6-E-18"	6/14/18	1.5	75.5	27.8
	SSI-6-E-30"	6/14/18	2.5	34.2	25.4
	SSI-6-E-42"	6/14/18	3.5	--	3.99
	SSI-6-E-A-18"	7/12/18	1.5	--	9.47
	SSI-6-E-A-30"	7/12/18	2.5	--	13.9
	SSI-6-E-A-42"	7/12/18	3.5	--	46.5
	SSI-6-E-A-60"	8/10/18	5.0	--	2.72
	SSI-6-E-B-18"	7/12/18	1.5	--	51.4
	SSI-6-E-B-30"	7/12/18	2.5	--	5.53
	SSI-6-E-C-18"	7/12/18	1.5	--	6.63
	SSI-6-E-C-30"	7/12/18	2.5	--	4.71
	SSI-6-E-D-18"	7/12/18	1.5	--	3.78
	SSI-6-E-F-18"	7/12/18	1.5	--	12.9
	SSI-6-E-F-30"	7/12/18	2.5	--	31.4
	SSI-6-E-F-60"	8/10/18	5.0	--	0.934
	SSI-6-S-18"	6/14/18	1.5	7.42	13.1
	SSI-6-S-30"	6/14/18	2.5	4.18	4.26
	SSI-6-S-A-18"	7/12/18	1.5	--	24.7
	SSI-6-S-A-30"	7/12/18	2.5	--	2.89
	SSI-6-S-B-18"	7/12/18	1.5	--	8.92
	SSI-6-S-C-18"	7/12/18	1.5	--	8.14
	SSI-6-S-D-18"	7/12/18	1.5	--	9.82
	SSI-6-W-18"	6/14/18	1.5	12.0	9.01
	SSI-6-W-30"	6/14/18	2.5	5.69	2.99
	SSI-6-N/10-S-6"	6/14/18	0.5	--	12.3
	SSI-6-N/10-S-18"	6/14/18	1.5	5.89	3.83
	SSI-6-N/10-S-36"	6/14/18	3.0	5.68	4.04
	SSI-6-N/10-S-48"	6/14/18	4.0	7.05	6.63
	SSI-6-N/10-S-60"	6/14/18	5.0	--	1.77
	SSI-6-N/10-S-A-6"	7/12/18	0.5	--	3.60
	SSI-6-N/10-S-B-6"	7/12/18	0.5	--	12.5
	SSI-6-N/10-S-B-18"	7/12/18	1.5	--	4.43
	SSI-6-N/10-S-C-6"	7/12/18	0.5	--	18.3
	SSI-6-N/10-S-C-18"	7/12/18	1.5	--	47.7
	SSI-6-N/10-S-C-36"	8/10/18	3.0	--	4.05
	SSI-6-N/10-S-F-6"	7/12/18	0.5	--	7.10
	SSI-6-N/10-S-G-6"	7/12/18	0.5	--	23.1
	SSI-6-N/10-S-G-18"	7/12/18	1.5	--	25.1
	SSI-6-N/10-S-C-36"	8/10/18	3.0	--	30.9
SSI-6-N/10-S-G-60"	8/10/18	5.0	--	2.42	

TABLE 4
 STATISTICAL ANALYSIS OF LEAD AND ARSENIC IN SOIL
 LAUSD David Starr Jordan Senior High School SSI

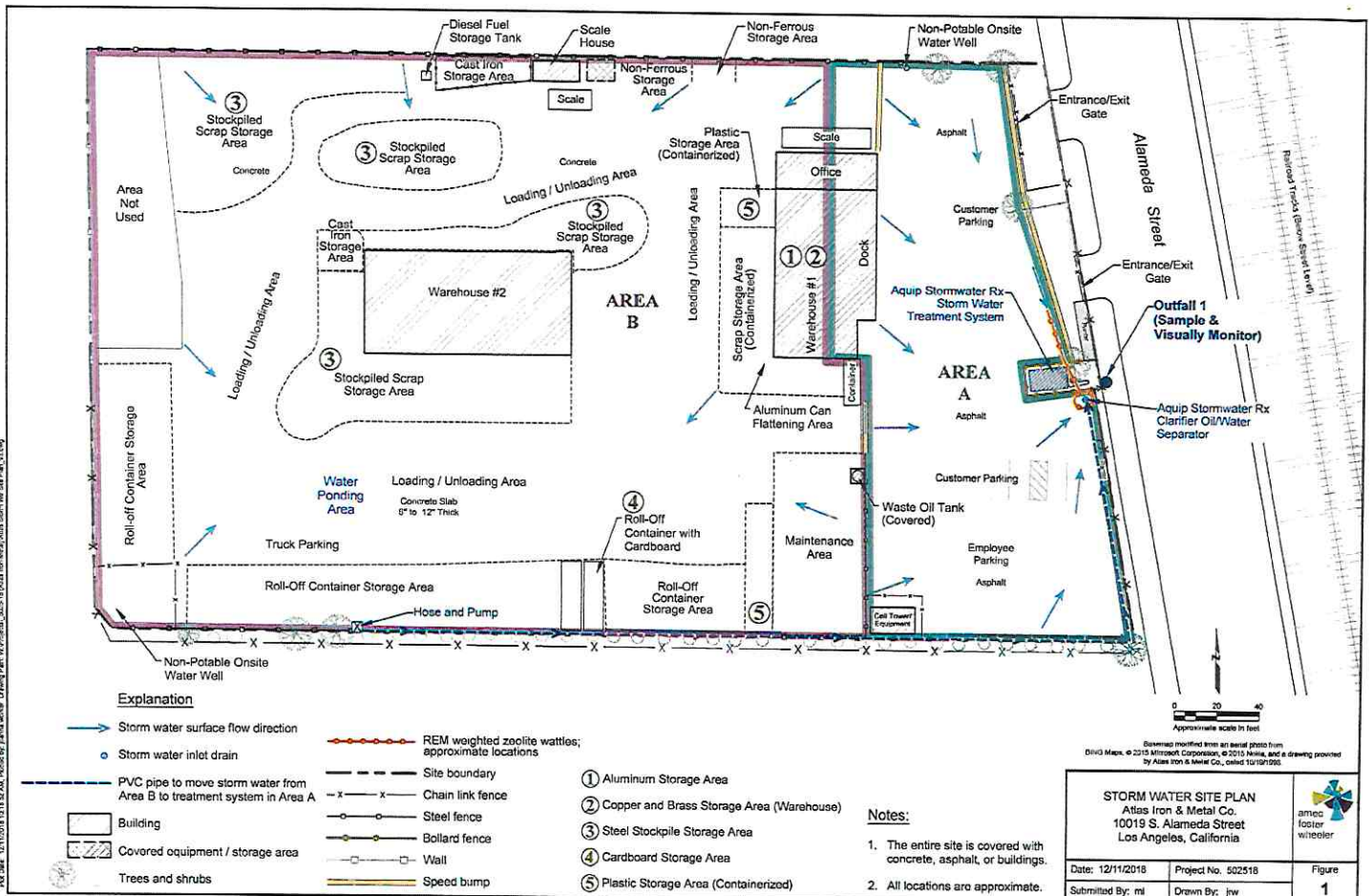
Location	Sample ID	Sample Date	Sample Depth	Lead	Arsenic
			Units	ft bgs	mg/kg
			USEPA Test Method	–	6020
			Screening Level/Hazardous Waste Threshold	–	12
N/A	SSI-36-6"	6/11/18	0.5	26.1	3.76
	SSI-36-18"	6/11/18	1.5	18.4	3.12
	SSI-36-36"	6/11/18	3.0	17.7	2.59
N/A	SSI-37-6"	6/11/18	0.5	33.8	4.70
	SSI-37-18"	6/11/18	1.5	10.9	3.49
	SSI-37-36"	6/11/18	3.0	3.86	2.55
N/A	SSI-38-6"	6/11/18	0.5	72.8	17.5
	SSI-38-18"	6/11/18	1.5	119	5.39
	SSI-38-36"	6/11/18	3.0	5.15	3.13
	SSI-38-A-6"	7/18/18	0.5	53.1	8.41
	SSI-38-A-18"	7/18/18	1.5	6.20	–
	SSI-38-B-6"	7/18/18	0.5	35.6	6.14
	SSI-38-B-18"	7/18/18	1.5	14.7	–
	SSI-38-C-6"	7/18/18	0.5	139	5.34
	SSI-38-C-18"	7/18/18	1.5	5.66	–
	SSI-38-C-6"	7/18/18	0.5	103	–
	SSI-38-G-18"	7/18/18	1.5	6.19	–
N/A	SSI-39-6"	6/11/18	0.5	44.9	10.7
	SSI-39-18"	6/11/18	1.5	43.5	4.35
	SSI-39-36"	6/11/18	3.0	4.52	2.45
N/A	SSI-40-6"	6/12/18	0.5	83.3	7.07
	SSI-40-18"	6/12/18	1.5	10.4	3.74
	SSI-40-36"	6/12/18	3.0	3.97	1.80
	SSI-40-A-6"	7/18/18	0.5	44.9	–
	SSI-40-B-6"	7/18/18	0.5	5.51	–
	SSI-40-C-6"	7/18/18	0.5	5.25	–
N/A	SSI-41-6"	6/12/18	0.5	28.5	4.22
	SSI-41-18"	6/12/18	1.5	6.94	3.06
	SSI-41-36"	6/12/18	3.0	2.37	1.37
N/A	SSI-42-6"	6/14/18	0.5	73.9	18.6
	SSI-42-18"	6/14/18	1.5	7.49	3.55
	SSI-42-36"	6/14/18	3.0	3.63	2.16
	SSI-42-A-6"	7/12/18	0.5	–	15.3
	SSI-42-A-18"	7/12/18	1.5	–	1.66
	SSI-42-B-6"	7/12/18	0.5	–	4.05
	SSI-42-C-6"	7/12/18	0.5	–	6.72
	SSI-42-D-6"	7/12/18	0.5	–	4.01
N/A	SSI-43-6"	6/14/18	0.5	19.3	3.07
	SSI-43-18"	6/14/18	1.5	8.85	6.95
	SSI-43-36"	6/14/18	3.0	3.15	15.0
	SSI-43-48"	6/14/18	4.0	–	9.47
	SSI-43-A-6"	7/12/18	0.5	–	19.7
	SSI-43-A-18"	7/12/18	1.5	–	6.63
	SSI-43-A-36"	7/12/18	3.0	–	2.76
	SSI-43-B-6"	7/12/18	0.5	–	8.56
	SSI-43-B-18"	7/12/18	1.5	–	50.7
	SSI-43-B-36"	7/12/18	3.0	–	11.0
	SSI-43-C-6"	7/12/18	0.5	–	4.55
	SSI-43-C-18"	7/12/18	1.5	–	1.91
	SSI-43-C-36"	7/12/18	3.0	–	4.52
	SSI-43-D-6"	7/12/18	0.5	–	4.43
	SSI-43-F-18"	7/12/18	1.5	–	3.95

TABLE 4
 STATISTICAL ANALYSIS OF LEAD AND ARSENIC IN SOIL
 LAUSD David Starr Jordan Senior High School SSI

Location	Sample ID	Sample Date	Sample Depth	Lead	Arsenic
		Units	ft bgs	mg/kg	mg/kg
		USEPA Test Method	—	6020	6020
		Screening Level/Hazardous Waste Threshold	—	80	12
N/A	SSI-44-6"	6/14/18	0.5	22.4	6.96
	SSI-44-18"	6/14/18	1.5	21.9	3.43
	SSI-44-36"	6/14/18	3.0	3.18	2.39
	SSI-45-6"	6/14/18	0.5	26.4	5.63
	SSI-45-18"	6/14/18	1.5	173	7.05
	SSI-45-36"	6/14/18	3.0	4.04	2.67
	SSI-45-A-6"	7/13/18	0.5	82.7	—
	SSI-45-A-18"	7/13/18	1.5	258	—
	SSI-45-A-36"	7/13/18	3.0	5.14	—
	SSI-45-B-6"	7/13/18	0.5	64.5	—
	SSI-45-B-18"	7/13/18	1.5	4.32	—
	SSI-45-C-6"	7/13/18	0.5	6.82	—
	SSI-45-C-18"	7/13/18	1.5	45.1	4.59
	SSI-45-C-36"	7/13/18	3.0	186	—
	SSI-45-C-60"	8/10/18	5.0	1.68	—
	SSI-45-D-6"	7/13/18	0.5	65.9	—
	SSI-45-D-18"	7/13/18	1.5	6.47	—
	SSI-45-G-6"	7/13/18	0.5	—	23.5
	SSI-45-G-18"	7/13/18	1.5	806	16.7
	SSI-45-G-36"	7/13/18	3.0	0.125	4.32
	SSI-46-6"	6/14/18	0.5	19.7	21.2
	SSI-46-18"	6/14/18	1.5	5.18	2.48
	SSI-46-36"	6/14/18	3.0	3.01	2.58
	SSI-46-A-6"	7/13/18	0.5	—	31.1
	SSI-46-A-18"	7/13/18	1.5	—	4.61
	SSI-46-B-6"	7/13/18	0.5	—	9.39
	SSI-46-C-6"	7/13/18	0.5	—	12.8
	SSI-46-C-18"	7/13/18	1.5	—	3.05
	SSI-46-D-6"	7/13/18	0.5	—	11.2
	SSI-46-G-6"	7/13/18	0.5	—	7.04
N/A	SSI-50-0.5'	8/11/18	0.5	48.1	3.35
N/A	SSI-51-0.5'	8/11/18	0.5	34.6	4.59
N/A	SSI-52-6"	8/10/18	0.5	41.3	8.32
N/A	SSI-53-6"	8/10/18	0.5	38.8	4.54
N/A	SSI-54-6"	8/10/18	0.5	—	3.67
N/A	SSI-55-6"	8/10/18	0.5	—	3.73
N/A	SSI-56-6"	8/10/18	0.5	69.3	13.9
	SSI-56-24"	8/10/18	2.0	—	3.96
	SSI-57-18"	8/10/18	1.5	—	26.8
	SSI-57-30"	8/10/18	2.5	—	13.3
	SSI-57-42"	8/10/18	3.5	—	4.92
N/A	SSI-58-18"	8/10/18	1.5	—	7.80
N/A	SSI-59-18"	8/10/18	1.5	—	12.1
	SSI-59-42"	8/10/18	3.5	—	2.55
N/A	SSI-60-18"	8/10/18	1.5	—	27.2
	SSI-60-42"	8/10/18	3.5	—	3.60
N/A	SSI-61-18"	8/10/18	1.5	—	7.77
N/A	SSI-62-18"	8/10/18	1.5	—	4.12
	SSI-63-6"	8/10/18	0.5	—	18.4
N/A	SSI-63-18"	8/10/18	1.5	—	7.52



- 1. Main Building
- 2. Secondary Building
- 3. Access Road
- 4. Parking Lot
- 5. Landscaping Area
- 6. Utility Area
- 7. Security Area
- 8. Entrance
- 9. Exit
- 10. Staircase
- 11. Elevator
- 12. Office
- 13. Conference Room
- 14. Reception
- 15. Storage
- 16. Maintenance
- 17. Restroom
- 18. Break Room
- 19. Cafeteria
- 20. Gymnasium
- 21. Auditorium
- 22. Library
- 23. Art Gallery
- 24. Museum
- 25. Theater
- 26. Concert Hall
- 27. Sports Field
- 28. Swimming Pool
- 29. Tennis Court
- 30. Basketball Court
- 31. Volleyball Court
- 32. Badminton Court
- 33. Table Tennis
- 34. Chess
- 35. Billiards
- 36. Bowling
- 37. Golf
- 38. Horse Riding
- 39. Skiing
- 40. Snowboarding
- 41. Ice Skating
- 42. Figure Skating
- 43. Roller Skating
- 44. Skateboarding
- 45. Surfing
- 46. Windsurfing
- 47. Kitesurfing
- 48. Paragliding
- 49. Skydiving
- 50. Bungee Jumping
- 51. Rock Climbing
- 52. Mountaineering
- 53. Canyoning
- 54. Rafting
- 55. Kayaking
- 56. Canoeing
- 57. Fishing
- 58. Hunting
- 59. Gardening
- 60. Painting
- 61. Sculpture
- 62. Pottery
- 63. Weaving
- 64. Sewing
- 65. Knitting
- 66. Crocheting
- 67. Quilting
- 68. Paper Crafts
- 69. Jewelry Making
- 70. Woodworking
- 71. Metalworking
- 72. Glassblowing
- 73. Ceramics
- 74. Textiles
- 75. Fashion Design
- 76. Architecture
- 77. Engineering
- 78. Medicine
- 79. Law
- 80. Business
- 81. Education
- 82. Research
- 83. Development
- 84. Production
- 85. Distribution
- 86. Retail
- 87. Wholesale
- 88. Import/Export
- 89. Logistics
- 90. Transportation
- 91. Communication
- 92. Media
- 93. Entertainment
- 94. Sports
- 95. Travel
- 96. Hospitality
- 97. Food & Beverage
- 98. Retail
- 99. Services
- 100. Other



JWC:DWL 12/11/2016 10:15 AM, Revised by: James Wheeler, DWL:DWL 02/21/2018 09:54 AM, Modified by: James Wheeler, DWL:DWL 03/21/2018 09:54 AM, DWL:DWL 03/21/2018 09:54 AM

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – Los Angeles Region

INDUSTRIAL STORM WATER INSPECTION REPORT

FACILITY INFORMATION

4 191007206 06/09/1992 5093 Scrap and Waste Materials
WDID NUMBER NOI PROCESSING DATE SIC CODE TYPE(S) OF INDUSTRIAL ACTIVITY

Atlas Iron Metal 10019 S Alameda Street Los Angeles, CA 90002 3.58 Acres
FACILITY NAME ADDRESS CITY ZIP FACILITY SIZE

Gary Weisenberg President 323-566-5184
OPERATOR OF THE FACILITY REPRESENTATIVE DURING THE INSPECTION TITLE PHONE NUMBER

NEW DISCHARGER: YES NO IF YES, MEETS BMP STD? YES NO
LRP WHO SIGNED THE PRDs

EXCEEDANCE RESPONSE ACTION STATUS: BASELINE LEVEL 1 LEVEL 2 QISP CERTIFICATION: YES NO

GROUP MONITORING MEMBER? YES NO GROUP LEADER CERTIFIED? YES NO
GROUP NAME

PLASTIC SITE? YES NO IF YES, CONTAINMENT AND CAPTURE BMPs? YES NO OCEAN PLAN APPLIES? YES NO

INSPECTION LOGISTICS

7/3/2019 8:50 AM 10:15 AM Sunny
DATE ARRIVAL TIME DEPARTURE TIME WEATHER CONDITION

INSPECTION PRE-ANNOUNCED: YES NO PICTURES TAKEN: YES NO SAMPLES COLLECTED: YES NO

PURPOSE OF INSPECTION / CONCLUSION

COMPLIANCE **COMPLAINT** **ENFORCEMENT FOLLOW-UP**

IN COMPLIANCE ON DATE OF INSPECTION CORRECTIVE ACTION DUE DATE: _____
 MINOR VIOLATION(S) OBSERVED VIOLATION(S) FULLY CORRECTED
 MAJOR VIOLATION(S) OBSERVED VIOLATION(S) PARTIALLY CORRECTED (_____ %)
 UNDETERMINED NO ACTION TAKEN

NOTICE OF TERMINATION **NOTICE OF NON-APPLICABILITY (NONA)**

NEW OPERATOR/OWNER (WDID#: _____) APPLICATION RECEIVED? YES NO
 VACANT CLEAN IF YES, SIGNED BY PE? YES NO
 OTHER – EXPLAIN _____ NONA QUALIFIED NONA DISQUALIFIED

NONA RECOMMENDED
 RESULT AND DATE OF STAFF EVALUATION: _____

NO EXPOSURE CERTIFICATION **OTHER – EXPLAIN**

NEC QUALIFIED NEC DISQUALIFIED
 NEC RECOMMENDED

RECOMMENDATION

ISSUE NOTICE TO COMPLY REINSPECT ON:
 ISSUE NOTICE OF VIOLATION OTHER:
 APPROVE NOT, NNA OR NEC

Luz Vargas _____ 8/8/19
INSPECTOR NAME SIGNATURE REPORT DATE

Nerissa Schrader _____ 8/8/19
REVIEWER NAME SIGNATURE REVIEW DATE

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – Los Angeles Region

INDUSTRIAL STORM WATER INSPECTION REPORT

STORM WATER SAMPLING DATA

Additional Required By:												
SIC Base	Mandatory for all Dischargers (Instantaneous NAL)											
TMDL/303(d)												
RB Specific												
Subchapter N												
Parameter	pH	TSS	O&G	Cu	Pb	Zn	Al	Fe	Ni	N+N	COD/BOD	
Benchmark	6-9	400	25	0.0332	0.262	0.26	0.75	1.0	1.02	0.68	120/30	
Units	s.u.	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												
Yr.: _____												

ARE SAMPLES COLLECTED WITHIN PARAMETER NAL VALUES (TABLE 2)? YES NO

COMMENTS:

The facility have the following Numeric Action Level (NAL) exceedances:

2018-2019 – Collected 2 storm water samples with the following NAL exceedances: Copper (0.055 mg/L), Iron (1.8 mg/L), Aluminum (0.92 and 1.00 mg/L).

2017-2018 – Collected 1 sample with the following NAL exceedance: Copper (0.09 mg/L).

2016-2017 – Collected 2 samples with no NAL exceedances.

2015-2016 – Collected 1 sample with the following NAL exceedance: Copper (0.067 mg/L).

2014-2015 – Collected 1 sample with the following NAL exceedance: Copper (0.051 mg/L).

Facility is currently classified as Level 1 for exceedances of iron and aluminum, and Level 2 for copper. Analytical data is included in this report.

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – Los Angeles Region

INDUSTRIAL STORM WATER INSPECTION REPORT
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

	Yes	No	N/A	COMMENTS
STORM WATER POLLUTION PREVENTION PLAN EVALUATION – Did the Permittee:				
1 Develop, implement, upload via SMARTS, and retain on site [Section X]	Yes			Date: December 2018
2 Identify and/or promptly update Pollution Prevention Team members and their responsibilities [Section X.D]	Yes			
3 Develop and/or promptly update site map with all necessary elements [Section X.E]	Yes			
4 List significant materials handled and stored on-site (Quantity and Frequency) [Section X.F]	Yes			
5 Describe industrial activities and associated potential pollutant sources and the assessment of potential pollutant sources [Section X.G]	Yes			
6 Describe all NSWDS and eliminate all unauthorized NSWDS [Section X.G.1e]	Yes			
7 Describe (narrative) site-specific Minimum BMPs [Section X.H.1]	Yes			
8 Describe (narrative) site-specific Advanced BMPs, if applicable [Section X.H.2]	Yes			Enclosure of equipment and waste materials.
9 Conduct Annual Comprehensive Site Compliance Evaluation [Section X.A & X.V]	Yes			
10 Certify and submit via SMARTS their SWPPP within 30 days whenever the SWPPP contains significant revisions [Section X.B]	Yes			
MONITORING IMPLEMENTATION PLAN (MIP) – Did the Permittee:				
1 Develop a Monitoring Implementation Plan in the SWPPP [Section X.I]	Yes			
2 Schedule monthly NSWSD visual observations [Section XI.A.1]	Yes			
3 Schedule sampling events visual observations [Section XI.A.2]	Yes			
4 Describe sampling and analysis methodology [Section XI.B]	Yes			
5 Sample four Qualified Storm Events. If not, explain. [Section XI.B.2]				In fiscal year 2018-2019, the operator has sampled 2 storm events, instead of 4 as required by the permit. According to the operator, water from small rain events is collected in the facility's storm water treatment system without producing a discharge. The operator collects and analyzes storm water samples only when rain events are large enough to produce a discharge
6 Sample for additional parameters. If not, explain. [Section XI.B.6]	Yes			Al, Pb, Fe, Zn, COD, Cu and Cd.
7 Sample ALL storm water discharge points. If not, explain. [Section XI.B]	Yes			Only one discharge point onsite.
8 Describe Annual Comprehensive Facility Compliance Evaluation [Section XV]	Yes			
9 Describe quality assurance and quality control methods [Section XI.B]	Yes			
10 Certify and upload annual report to SMARTS [Section XVI]	Yes			

INDUSTRIAL STORM WATER INSPECTION REPORT

Industrial Activities or Pollutant Sources and the Corresponding BMPs		BMP specified in SWPPP	Implemented			Comments
			N	P	A	
Industrial Processing Areas	Exposure Minimization (Overhead roof or cover)				A	
	Isolation of Activities and/or Materials from Rain				A	
	Storm Water Discharge Containment or Reduction				A	Storm water from majority of the industrial areas ponds within the property and evaporated.
	Implemented Treatment Controls				A	
	Quality Assurance and Frequent Inspections				A	
	Other Advanced BMPs (specify)				A	Collection and storage of California Refund Value (CRV) materials is conducted indoors. Also, brass, copper, and aluminum materials are stored indoors.
Material Handling and Storage Areas, Including Shipping and Loading Areas	Exposure minimization (Overhead roof or cover)			P		Storing and loading of scrap materials are conducted outdoors.
	Isolation of activities and/or materials from rain			P		Industrial operations are conducted during rain events. Recycle metals / materials except copper brass and aluminum are stored in outdoor areas.
	Storm Water Discharge Containment or Reduction				A	Storm water treatment is conducted onsite.
	Implemented Treatment Controls				A	According to the operator storm water ponds onsite, and excess flow is treated and released.
	Quality Assurance and Frequent Inspections				A	Visual inspection records were available and reviewed.
	Spill and Leak Prevention and Control Measures				A	No outdoor spills were observed.
	Inventory of Hazardous Materials and Wastes				A	
	Other Advanced BMPs (specify)			P		Hazardous wastes are stored indoors and under a shed. At the time of inspection, none of the containers containing wastes had secondary containment.
Vehicle and Equipment Maintenance Areas	Exposure minimization (Overhead roof or cover)			P		Full service vehicle is conducted offsite. Only, emergency repairs are conducted onsite.
	Isolation of Activities and/or Materials from Rain			P		Maintenance area had rusty equipment exposed to precipitation and poor housekeeping practices were observed.
	Storm Water Discharge Containment or Reduction				A	Same as above.
	Implemented Treatment Controls				A	
	Quality Assurance and Frequent Inspections				A	
	Spill and Leak Prevention and Control Measures			P		Hazardous wastes stored under a shed in the maintenance area did not have secondary containment.
	Other Advanced BMPs (specify)					
Significant Spills and Leaks	Spill Prevention Plan and Team				A	
	Proper Assessment of Potential Source Areas				A	
	Spill and Leak Prevention and Control Measures				A	
	Prompt Cleanup of Spills and Leaks (if applicable)				A	
	Quality Assurance and Frequent Inspections				A	
	Other Advanced BMPs (specify)				A	The facility is equipped with a StormwaterRX treatment system.
Soil Erosion, Dust and Particula	Effective Wind Erosion Controls				N/A	Facility is fully paved.
	Effective Stabilization for inactive Areas				N/A	
	Effective Perimeter Controls				N/A	
	Diverting of Run-on and Storm Water				N/A	

	Quality Assurance and Frequent Inspections			N/A
Non-storm water discharge	Eliminate Sources of unauthorized NSWs			A
	Separate Permit for Non-storm Water Discharges			N/A
	Contain Non-storm Water Discharges			N/A
	Collect & Treat Non-storm Water Discharges			N/A
	Quality Assurance and Frequent Inspections			N/A
Non-Structural BMPs and Record Keeping	Good Housekeeping		P	
	Preventive Maintenance			A
	Material Handling and Storage		P	
	Employee Training Program			A
	Waste Handling and Recycling			A
	Quality Assurance and Frequent Inspections			A
	BMP Descriptions and Summary Table			A
	Treatment BMPs			A

BMP Effectiveness: N = Not Implemented; P = Partially Implemented; A = Adequately Implemented



Gary J. Weisenberg
President

10019 So. Alameda St.
Los Angeles, Calif. 90002

gary@atlasironandmetal.com
www.atlasironandmetal.com

Office: (800) 540-5184
Call: (323) 566-5184
Fax: (323) 566-0213

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – Los Angeles Region

INDUSTRIAL STORM WATER INSPECTION REPORT

EXCEEDANCE RESPONSE ACTION (ERA)

Not applicable	Yes	No	N/A	COMMENTS
LEVEL 1 FACILITY – Did the Permittee:				
1 Exceed Annual Numeric Action Levels	Yes			Parameter: Iron and aluminum.
2 Exceed Instantaneous Maximum Numeric Action Levels		No		Parameter:
3 Appoint a QISP to assist with the Level 1 Evaluation	Yes			
4 Implement any additional BMPs that eliminate future exceedances	Yes			
5 Review and revise the facility's SWPPP for compliance	Yes			
6 Evaluate industrial pollutant sources at the facility	Yes			
LEVEL 2 FACILITY – Did the Permittee:				
1 Exceed Annual Numeric Action Levels	Yes			Parameter: Cu
2 Exceed Instantaneous Maximum Numeric Action Levels		No		Parameter:
3 If Yes, appoint a QISP to assist with the Level 2 Action Plan and submit ERA	Yes			
4 Address each Level 2 NAL exceedance(s) in the Action Plan	Yes			
5 Appoint a QISP to prepare the Level 2 Technical Report	Yes			
6 Prepare a Industrial Activity BMPs Demonstration	Yes			
7 Prepare a Non-Industrial Pollutant Source Demonstration for run-on			N/A	
8 Prepare a Non-Industrial Pollutant Source Demonstration for aerial deposition			N/A	
9 Prepare a Natural Background Pollutant Source Demonstration			N/A	
10 Request Level 2 ERA Implementation Extension			N/A	Reason:

CONDITIONAL EXCLUSION – NO EXPOSURE CERTIFICATION

Not applicable	Yes	No	N/A	COMMENTS
NO EXPOSURE CERTIFICATION EVALUATION AND VERIFICATION – Did the Permittee:				
1 Eliminate all exposed industrial materials and activities			N/A	
2 Eliminate all unauthorized NSWs			N/A	
3 Certify and submit via SMARTS PRDs for NEC coverage			N/A	
4 Inspect and evaluate the facility annually			N/A	

State of California – Environmental Protection Agency
California Regional Water Quality Control Board – Los Angeles Region

INDUSTRIAL STORM WATER INSPECTION REPORT

TMDL COMPLIANCE

Los Angeles River

SITE WATERSHED

SITE % IMPERVIOUS INDUSTRIAL AREA

TMDL not in effect yet.

TMDL COMPLIANCE MEASURE: BMP-BASED WQS-BASED

TMDLS IN WATERSHED

WASTE LOAD ALLOCATION ASSIGNED? YES NO

IF YES, HOW MUCH: _____

SITE MEETS TMDL (IF WLA ASSIGNED)? YES NO

IF NO, LIST EXCEEDANCES: _____

FACILITY INFORMATION:

Atlas Iron Metals is located at 10019 South Alameda Street in the City of Los Angeles. The operator buys recyclable scrap materials and re-sells them overseas. The scrap / recyclable materials consist of steel, cast iron, copper, aluminum, stainless steel, brass, cardboard, electronics, and California Refund Value (CRV) products such glass, plastic bottles, and aluminum cans. The facility's industrial activities are classified under Standard Industrial (SIC) code 5093-Scrap and Waste Materials. According to the operator, the facility has been onsite since the 1940's.

INSPECTION NOTES:

On July 3, 2019, Regional Water Quality Control Board Staff (Staff), inspected the facility to verify compliance with permit requirements. At the site, Staff met with Mr. Gary Weisenberg, President, where he authorized entrance and taking photographs and provided information about the facility.

The inspection consisted of reviewing the facility's Storm Water Pollution Prevention Plan (SWPPP), visual monthly inspection records, employee training records, Level 2 Exceedance Response Action Plan (Level 2) and walking throughout the premises to verify compliance with the Industrial General Permit requirements.

At the time of the inspection, the SWPPP was available onsite and reviewed, but did not include the latest Level 2 revisions. The revisions are uploaded into SMARTS and the operator was directed to include the Level 2 information in the SWPPP. The monthly inspection records, employee training records, and Level 2 information were available and reviewed.

Mr. Weisenberg accompanied Staff throughout the inspection. Staff observed that there are two areas where recyclable and scrap materials are stored. CRV materials are dropped off, sorted and stored at Warehouse #1 (site map attached). Copper, aluminum, brass, and electronics are stored in Warehouse #1. All other scrap materials are received at the scale and transferred into various stockpiles. Materials from stockpiles are sorted and place in designated bins, once the bins are full, the operator ships them out of the facility. The operator owns four trucks, which are serviced offsite. Only vehicle and equipment emergency repairs are conducted in the facility.

INDUSTRIAL STORM WATER INSPECTION REPORT

While walking to the west side to the facility, Staff observed a buffer zone. The buffer zone, according to the operator, is an area of the facility which cannot have industrial activities but can store equipment. The buffer zone is located along the west perimeter of the facility and it is 50' away from industrial activities. According to Mr. Weisenberg, the buffer zone was a directive from the Department of Toxic Control Substances Control (DTSC), because the facility is located adjacent to a school. In addition, the facility has a low lying area where storm water is ponded and evaporated, if the storm water exceeds the ponded volume, excess water is transferred through a pipe system to a storm water treatment system (information attached) located in Area A of the facility.

Also, while walking throughout the facility, Staff observed that the facility is maintained, but the following violations were observed:

- Accumulated debris between storage bins and the loading dock of the "plastic and steel" storage areas were observed (Photographs 14-19).
- Tote tanks, empty plastic drums, metal drums containing hazardous waste, and other buckets were stored indoors and outdoors without secondary containments. Outdoor storage has no overhead cover (Photographs 26-31).
- The maintenance area was observed to have poor housekeeping practices; this area had debris and rusty equipment and materials stored outdoors without overhead cover (Photographs 32-37).

At the end of the inspection, the preliminary inspection findings were reviewed with Mr. Weisenberg, and he was notified that an enforcement action letter will be issued.

In addition, while reviewing the monitoring analytical data for the storm water samples, Staff observed that the operator collected and analyzed insufficient number of storm water samples than what is required by the Industrial General Permit. On July 17, 2019, the operator's consultant provided an explanation (via email, copy attached) as to why the operator has not collected the required number of storm water samples. According to the provided information, the facility is equipped with two storm water treatment systems; a 3-stage clarifier and AQUIP StormwaterRX. The AQUIP StormwaterRX treatment system can store up to 2,500 gallons without discharging and the storage capacity for the 3-stage clarifier is unknown. According to the information, both treatment systems can store the volume of small rain event without having storm water discharges. For storm water treatment details see attached information.