



THE PORT
OF LOS ANGELES
Executive Director's
Report to the

Board of Harbor Commissioners

DATE: OCTOBER 24, 2023

FROM: CARGO & INDUSTRIAL REAL ESTATE

SUBJECT: RESOLUTION NO. _____ - COVENANT AND ENVIRONMENTAL RESTRICTION ON PROPERTY AT BERTHS 171-173, WILMINGTON-LARWQCB SITE CLEANUP PROGRAM NO. 0621A

SUMMARY:

Staff requests Board of Harbor Commissioners (Board) approval of the Covenant and Environmental Restriction on Property (Covenant) for the benefit of the California Regional Water Quality Control Board (CRWQCB), Los Angeles Region. The attached Covenant puts forth certain best practices for the current use and future uses of the property at Berths 171-173 as shown in Transmittal No. 1.

In accordance with the Los Angeles Regional Water Quality Control Board (LARWQCB) Cleanup and Abatement Order (CAO) No. R4-2008-006 and associated amendments, onsite soil and groundwater remediation was completed on October 27, 2017, and the property was deemed suitable for commercial and industrial uses. Therefore, pursuant to a no-further-action for soil at the property, a Covenant was prepared by the LARWQCB and reviewed by the Harbor Department and the City Attorney, restricting the future development of the site to commercial/ and industrial land uses.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2 (f) of the Los Angeles City CEQA Guideline;
2. Approve the Covenant Environmental on Restriction on Property;
3. Authorize the Executive Director to execute and the Board Secretary to attest to the Covenant and Environmental Restriction on Property; and
4. Adopt Resolution No. _____.

SUBJECT: COVENANT AND ENVIRONMENTAL RESTRICTION ON PROPERTY

DISCUSSION:

Background – In March 2008, the LARWQCB issued the Cleanup and Abatement Order (CAO) No. R4-2008-006, requiring the responsible parties, including the Harbor Department, to assess and remediate environmental contamination at the site. The CAO comprises a summary of site history; current site conditions; a list of deliverables including site assessment, remediation, and monitoring requirements; and a submission schedule for these deliverables. In November 2008, LARWQCB issued proposed commercial and industrial land use cleanup goals, which were finalized in January 2010.

In accordance with the CAO and associated amendments, the Harbor Department prepared and submitted the Revised Remedial Action Plan (RRAP) to the LARWQCB for review and approval. The RRAP detailed a workplan for soil and groundwater remediation approaches that would be implemented to meet the cleanup goals for commercial and industrial site use. The RRAP was submitted to the LARWQCB in July 2012 and approved in September 2012. A RRAP Addendum and supplemental information was provided to and approved by LARWQCB between November 2013 and April 2014.

The Environmental Management Division, with support from the Construction and Engineering Divisions, completed soil and groundwater remedial efforts by the end of July 2017. The majority of soil was remediated to the base of the intertidal zone. However, several contaminated areas along the property were inaccessible due to pipelines and utilities, and contamination was left in place. In addition, levels of contamination in groundwater remain above the site-specific cleanup goals for petroleum hydrocarbons and select volatile organic compounds and continues to be monitored. As a result, the LARWQCB required a Soil Management Plan for handling of soil and groundwater during future development, as well as a land use covenant (Covenant) to restrict the property use to commercial and industrial only. The Soil Management Plan was completed and approved by LARWQCB in April 2020. This Board Action will finalize the execution of the Covenant. Therefore, staff requests execution of the Covenant by the Harbor Department. Upon Board approval and full execution, staff will record the Covenant at the Los Angeles Registrar/Recorder's Office.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of the Covenant and Environmental Restriction on Property, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA under Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

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FINANCIAL IMPACT:

The proposed Covenant is an administrative activity, and there is no cost associated with its processing except for Harbor Department staff time.

CITY ATTORNEY:

The Covenant and Environmental Restriction on Property has been approved as to form and legality by the Office of the City Attorney.

TRANSMITTAL:

1. Site Maps
2. Covenant and Environmental Restriction on Property

FIS Approval: _____ (initials)
CA Approval: _____ (initials)

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APPROVED:

EUGENE D. SEROKA
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