

Chair Khanna, thank you for holding this important hearing highlighting the needs and challenges faced by people living in frontline and environmental justice communities. I want to call attention to an ongoing environmental justice issue in my district at the proposed Avenue 34 site.

Lincoln Heights in my district is a historic neighborhood of Los Angeles, full of working families who are primarily Latino and Asian American. This neighborhood is no stranger to gentrification, displacement, and environmental justice issues. Nearly 40 years ago, in 1984, an illegal dump filled with leaking barrels of toxic waste was discovered in Lincoln Heights. Today, developers seek to build a mixed-use development on the very site of this toxic waste dump at what is known as the Avenue 34 site.

Despite ample evidence of toxic waste and harmful levels of contaminants, state regulators from the Department of Toxic Substances Control have yet to conduct ample testing and have allowed for work to proceed on remediation of the site. I have engaged with DTSC along with multiple state and local elected officials and even the EPA to express our concerns that there has not been adequate testing and assessment of the site before work can proceed. That is why I sent a letter on Tuesday to the EPA requesting their immediate attention and engagement to the site. Mr. Chair, I ask unanimous consent to enter that letter into the record.

In my letter, I not only highlight the need for the project to follow federal standards to keep the community safe, but for community members to have the opportunity to voice their concerns and provide input. Projects such as these that stand to impact communities need to put those communities first by protecting their safety and allowing for their input.

I want to thank the witnesses today for participating in this hearing, sharing their testimony, and their vital work to uplift community voices. Though our focus today is on Detroit and Michigan, we all know that communities of color and lower-income communities across our country have faced similar conditions due to long histories of discriminatory policies. Now it is our duty to ensure that these communities have a voice in righting those wrongs and building a more sustainable, healthy future.

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**ASSISTANT WHIP**

August 23, 2022

The Honorable Michael Regan  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan:

I write to draw your attention to concerns regarding the toxic contamination in and around the R CAP Avenue 34, LLC (R Cap) project site located at 135, 141, 153 West Avenue 34 and 3401 and 3433 Pasadena Avenue, Los Angeles, California. I write to request your continued engagement with this urgent environmental justice issue as construction and development of the site proceed despite confirmed high levels of toxins that endanger the health of the residents, workers, and children in my district.

The Avenue 34 site has a long history of chemical contamination as an industrial dry-cleaning facility and later an illegal toxic waste dump where 252 barrels of toxic waste — many of them highly corroded — were buried. State reports indicate that volatile organic compounds (VOCs) and total petroleum hydrocarbons (TPHs) have been detected in amounts higher than the residential screening limit in and beyond the project site.<sup>1</sup>

Cleanup activities have recently begun on the site despite ongoing community concerns and a lack of adequate testing from the California Department of Toxic Substances Control (DTSC). In correspondence responding to a letter outlining my concerns, DTSC stated a human health risk evaluation was performed which determined that neighboring residents are not at risk from contaminants detected on the site or near the property boundary. I am concerned that DTSC has failed to take into account historical dumping at the site and adequately assess contamination

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<sup>1</sup> California Environmental Geologists & Engineers, "Site Characterization Report and Draft Removal Action Workplan (RAW) Proposed Mixed-Use Redevelopment Project for R Cap Avenue 34, LLC C/O DLA Piper LLP (US)" (Agoura Hills, October 2021), pp.17 & 18, Section 4.0, [https://www.envirostor.dtsc.ca.gov/public/community\\_involvement/7599454581/Avenue%2034\\_Site%20Characterization%20Report%20and%20Draft%20RAW\\_110821.pdf](https://www.envirostor.dtsc.ca.gov/public/community_involvement/7599454581/Avenue%2034_Site%20Characterization%20Report%20and%20Draft%20RAW_110821.pdf).

beyond the site and property boundary. Further, our office has received multiple reports from community members that on-site activities which allow potentially contaminated dust to get in the air without mitigation are violating the Removal Action Workplan (RAW) approved by DTSC.<sup>2</sup>

I request your engagement with the Avenue 34 site and that you immediately take the following actions to ensure the project is safe, properly reviewed, and inclusive of community feedback:

1. Continually engage with community stakeholders, DTSC, and local, state, and federal elected officials.
2. Establish a process or mechanism for community input to EPA regarding the project.
3. Review DTSC's human health risk evaluation and its conclusion that neighboring residents are not at risk from contaminants, including whether areas beyond the boundaries of the site were adequately assessed, in line with federal residential safety standards.
4. Confirm whether on-site activities are following the Removal Action Workplan, including federal mitigation standards.
5. Outline the federal requirements for the post-remediation human health risk assessment that will be conducted by DTSC, including any involvement or review by the EPA.
6. Describe mechanisms for EPA enforcement of federal regulations as it relates to the project, including pausing or halting cleanup activities.

Thank you for your attention to this urgent environmental justice issue in my district. The health and wellbeing of my constituents is of utmost importance to me. I look forward to your response and working together to address community concerns with the project.

Sincerely,



Jimmy Gomez  
MEMBER OF CONGRESS

Cc: Regional Administrator Martha Guzman, Pacific Southwest Region 9

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<sup>2</sup> California Environmental Geologists & Engineers, "Site Characterization Report and Removal Action Workplan (RAW) Proposed Mixed-Use Redevelopment Project for R Cap Avenue 34, LLC C/O DLA Piper LLP (US)" (Agoura Hills, March 2022), [https://www.envirostor.dtsc.ca.gov/public/deliverable\\_documents/1096234977/Avenue%2034\\_Site%20Characterization%20Report%20and%20RAW\\_033122.pdf](https://www.envirostor.dtsc.ca.gov/public/deliverable_documents/1096234977/Avenue%2034_Site%20Characterization%20Report%20and%20RAW_033122.pdf).