

**CITY OF SOUTH GATE  
SPECIAL CITY COUNCIL MEETING MINUTES**

**Tuesday, January 25, 2020**

1/25/2020 - Minutes

**I. Call To Order/Roll Call**

CALL TO ORDER M. Belen Bernal, Mayor called a Special City Council meeting to order at 3:12 p.m.

ROLL CALL Carmen Avalos, City Clerk

**II. City Officials**

PRESENT Mayor M. Belén Bernal, Vice Mayor Denise Diaz, Council Member Al Rios, Council Member Maria Davila and Council Member Bill De Witt; City Manager Mike Flad, City Attorney Raul F. Salinas

LATE City Treasurer Greg Martinez arrived at 3:40 p.m.

**III. Meeting Compensation Disclosure**

**IV. Open Session Agenda**

**1. Community Discussion Regarding Delta Air Lines Emergency Fuel**

The City Council allowed regulatory experts to address community concerns on the potential health impacts from the Delta Air Lines emergency fuel release that occurred on January 14, 2020, and provide an opportunity for the public to comment and voice their concerns.

Mike Flad, City Manager, introduced the City Council and addressed the audience of the format of the meeting.

Mayor Bernal thanked everyone for coming. The Mayor stated that since January 14th the City Council and City Staff have been reaching out to various organizations and Delta to keep the Community informed. She is frustrated and feels that the wellness of our community has been impacted. She is disappointed in Delta's choice not to be present at the meeting. There was another community meeting on the 24th and they had a representative attend. Even though we know that Delta is going through their own investigation and their legal council is advising them, they could have been here to listen.

Mr. Flad introduced each member of the panel.

Derrick Alatorre, Deputy executive Officer at South Coast Air Quality Management District stated that they have issued a Notice of Violation to Delta Airlines. This procedure allows for legal action that Delta will have to address.

Chief Gamble, Los Angeles County Fire Department informed the audience that they have brought a whole team to address concerns.

Captain Tony Imbrenda, Public Information Office and Assistant Chief Fernando Florez for Los Angeles County Fire Department spoke on the duties of the Fire Department during the fuel dump.

Dr. Muntu Davis, LA County Health Officer for the LA County Department of Public Health explained the duties of their staff during the fuel dump. The Public Health Department recommended that anyone that was exposed at the time of the fuel dump should have showered and washed their clothes separate from any other clothes. Any fruit trees and vegetables that were exposed to the fuel should be disposed of.

Pat Schanen, Environmental Health Manager for Los Angeles Unified School District thanked the work of the City and County agencies at the time of the incident. He continued to explain how the district made sure that the schools were ready to be open. There were twenty-six (26) affected schools. Three (3) schools had the fuel mist directly on the campus and the other twenty three (23) reported odors. Delta provided twelve (12) crews to wash-down the schools and clean drinking fountains that had the direct exposure to the fuel. In the City of South Gate there were twelve (12) schools that were impacted. Eleven (11) had the odors and one (1) elementary school that had the fuel mist. All schools were opened on time the next morning.

Berenice Nunez-Constant, Vice President of Government Relations for Altamed, explained the health care services being provided by Altamed and Delta Airlines at no cost.

Raul F. Salinas, City Attorney, read a statement from Delta Airlines.

Mr. Flad invited the Public to ask questions of City staff and guest speakers.

Council Member De Witt asked about the elevation of the plane and flight path.

Lizette Ruiz has concerns about the fumes and health related issues that could be caused by this. She also commented on notification and reimbursement of time and expenses. The City needs a monitoring system. She believes that it took too long to get the breakdown of chemicals that were in the fuel. She noticed that there was not enough interagency coordination.

Mr. Alatorre responded that AQMD did take samples of the air quality and they also brought out monitor samplers. The smell did dissipate quickly and the samplers came back as undetectable. These samplers would only detect odor and are not a measure of the chemicals.

Oziel Padilla is very upset that Delta did not face the community. He also presented some information that the FAA released stating that the fuel was dumped starting at 8,000 feet in altitude and continued to 2,500 feet. He asked if there were other instances of violations when a plane has dumped fuel at such a low altitude.

Mr. Alatorre responded that he is not aware of any violations being issued in the past to other airlines. He believes that no matter what the fine the impact will be in public

relations and what happened to these communities.

Jesse De La Cruz, spoke on environmental concerns caused by the jet flew and has concerns about the damage to the gardens. He asked if there will be testing of the soil in community gardens.

Dr. Davis stated that he understands the concerns of the gardeners. As the results of the specific fuel types come in it will determine the type of testing that will be required. He believes Delta should be responsible for the testing.

Joseph Moreno, student at Bell High School spoke about his environmental concerns as a result of the fuel dump.

David Resendiz, student leader at South Gate High School spoke about his environmental concerns as a result of the fuel dump.

Thomas Buckley, South Gate resident, is concerned with the situation leading up to the fuel dump and the negligence of the pilot.

Christina Montalvo, South Gate resident, is concerned with the health of children and South Gate. She encouraged the residents of the community to not fly Delta.

Francisco Carrillo, Congresswomen Nanette Barragán's Office stated that it was unacceptable that Delta did not attend today's meeting. Both the Congresswoman and Mr. Carrillo spoke with Delta to encourage them to attend the meeting. He continued by reading a statement by Congresswoman Barragán.

A South Gate resident asked Captain Tony Imbrenda if the report on the type of fuel can be released to the public. She is concerned with the health effects and as a community we need to hold Delta accountable.

Captain Imbrenda replied that the jet fuel is called Type A. It is 99% kerosene, naphthalene and ethyl benzene.

Carlos Coronado, South Gate resident, feels that Delta needs to be responsible and feels that they should have had a representative at the meeting. Delta refuses to provide important information that the community should be aware of.

Dr. Ron Birnbaum, Dermatology Specialist from Harbor Medical Center, asked if the type of fuel has just been released and how did officials know it was safe to open the schools.

**EXCUSED FROM**

**MEETING** At this time, 5:08 p.m., Council Member De Witt was excused and departed from the meeting.

Captain Imbrenda replied that there wasn't an all clear given by the Fire Department but the constituents that were in the fuel are very common and easily detected by combustible gas indicators. These were used in the operational area and there was no detection of those chemicals present during their operation or thereafter.

Dr. Birnbaum asked if there is a long term plan if the community experiences health problems several years from now.

Dr. Davis responded that there is a cancer registry and their job is to look where there is elevated risks. In term of looking at the longer term health impact we would look at the intensity of the exposure. We need to understand what time it started, how it might have spread because of wind pattern, what amount would have come out and these things will show how big of a risk these things would have caused.

Dr. Birnbaum believes that Los Angeles County should be involved to conduct a study to see what the long term affects will be.

Alejandro, South Gate resident, asked who made the decision to power wash the school campuses. He is concerned with the lack of information coming from Delta.

Mr. Schanen stated it was made in conjunction with the County Health Department and the Fire Department. The sprinkler system was turned on to wash grass areas and the air conditioning system was left on to filter the system.

John Montalvo, South Gate resident said that it was like Delta crop dusted our area with jet fuel. He feels that there is a lack of representation for this area. You can't provide adequate treatment if you don't know what you're looking for. He was disappointed that there is no representation from the Senator's Office because they are the ones with direct contact to the FAA. Mr. Montalvo asked the City Attorney since there is a lot people that are affected in our City. Will the City put together a lawsuit to represent us against Delta.

Mr. Salinas responded that the City itself is responsible and has standing to be able to bring a claim for damage that occurs to the City property. When damage occurs as a result to nuisance when the Southern California gas company unleashed the gaseous effects the City Attorney for Los Angeles filed a lawsuit against the gas company as a nuisance. So the remedies that the City has to bring a lawsuit against Delta are based on claims that the City would possess most likely nuisance. He encouraged everyone within the City who believes that they have been injured as a result of this to consult with the lawyer of their choice. He is sure that there will be a class action suit that will be filed against Delta. There's also the ability to file a claim directly with Delta and Delta has set up a number that is on their website. The role of the City is bringing information to the community and that the community has informed consent.

Jeremy Moreno is upset that Delta dropped fuel in South Gate. He said that kids want to go out to play but because Delta dropped the fuel they can't go outside.

Susie, resident of Cudahy has concerns about backyard fruit. She wants to have the fuel tested to be sure that future crops are safe.

Resident from Huntington Park is upset with Delta and feels that it is an act of negligence.

Rosa Luna, South Gate Resident is concerned with the long term effects on the children and the increase risk of cancer.

Cindy, South Gate Resident is concerned with the soil and wants to see testing done. She is also concerned with the mental wellness of the community.

Resident from South Gate, is concerned with the after effects of the fuel dump on the residents.

Mario Dominguez Jr., South Gate Resident, questioned why the Cities cannot come together and file a class action law suit. He wants to know if elected government officials at the State level are aware of the issues and wants the pilots to be held responsible for their actions.

Mr. Salinas, responded that it is exceptionally rare for jet fuel to fall over any community. He has done research over the last couple of days looking for something that would be similar to this and has not been able to find anything. There is no case law that he has been able to track on this issue. There are protocols that relate to the discharge of fuel but in terms of where and when a pilot can actually dump fuel over a community like this he has not been able to find any protocols for. It is something that we are looking into and whether we can make a joint effort in some sort of request of Delta that's yet to be determined and is under review.

Lourdes, South Gate Resident, asked why the proper departments haven't mailed anything about the precautions for our fruit trees.

Dr. Davis responded that it is very hard for to mail information individually to people. Typically the way they get information out is going through press releases, putting information on their websites, and social media. He believes they could do a better job of working with cities' impacted to get them the information so they can replicate it and share it to their web sites.

Mr. Flad thanked everyone for the comments and questions. He announced that since this is a special meeting we need to formally close our public comment period and have the closing statements.

Mayor Bernal stated that she learned during the call with the FAA that they do not have a proper protocol for the LAX Airport to notify cities when and if this happens. We need our Congress representatives to make sure that a protocol is established. She does think that this was a negligent act by the pilot and we do know that the pilot was grounded. She asked the question specifically that if the plane that has a capacity of 288 passengers and only had 160 passengers was it absolutely necessary to release and dump the fuel in our communities. This is only supposed to happen when a plane is at its full capacity and over a certain weight limit. The Mayor wants an answer to this.

When the Mayor spoke to Delta on Thursday evening they notified us that they have a total of 220 claims and that's inclusive of all the communities that have called. In regards to the unbearable odors she has her own concerns and states that we do need have the people at the LA County Department of Public Health follow up.

## **V. Special Meeting Adjournment**

The Special Meeting was adjourned at 5:59 by motion of Council Member Davila and seconded by Vice Mayor Diaz.

**PASSED** and **APPROVED** this 11th day of February, 2020.

For a signed copy of the minutes for this meeting please contact the City Clerk's Office:  
8650 California Avenue, South Gate, California 90280  
(323) 563-9510 \* fax (323) 563-5411 \* [www.cityofsouthgate.org](http://www.cityofsouthgate.org)