

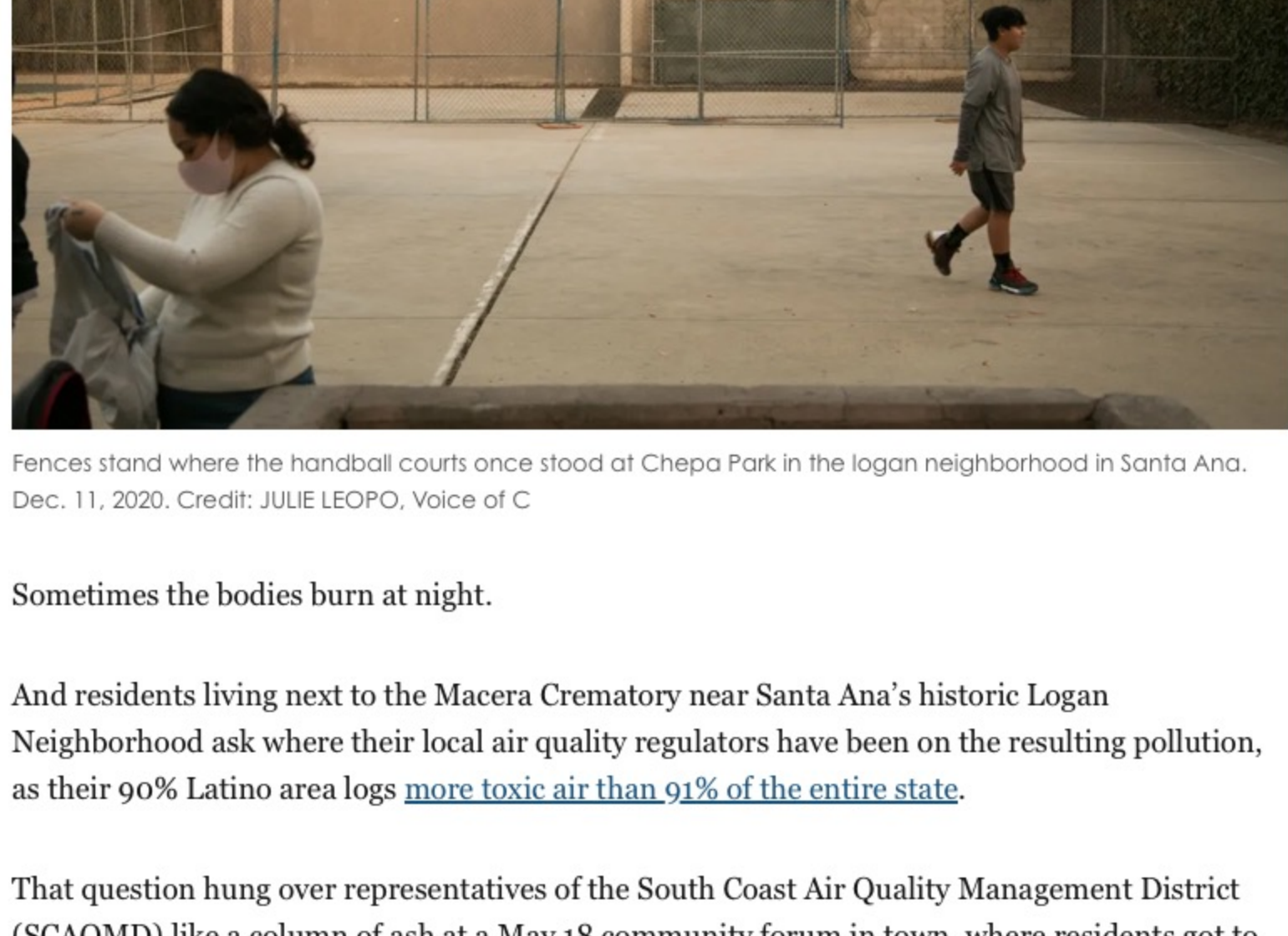
# Where in the World Are SoCal's Air Quality Regulators?

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Fences stand where the handball courts once stood at Chepa Park in the Logan neighborhood in Santa Ana, Dec. 11, 2020. Credit: JULIE LEOPO, Voice of OC

Sometimes the bodies burn at night.

And residents living next to the Macera Crematory near Santa Ana's historic Logan Neighborhood ask where their local air quality regulators have been on the resulting pollution, as their 90% Latino area logs [more toxic air than 91% of the entire state](#).

That question hung over representatives of the South Coast Air Quality Management District (SCAQMD) like a column of ash at a May 18 community forum in town, where residents got to ask officials about the crematory directly.

The answer they got that night has fueled a regional type of frustration – echoed in a resident movement to shutter an asphalt plant in Irvine – over the notion that air quality officials have shifted the weight of their own jobs to the very communities being harmed.

Often with little to no results.

“A big thing that we rely on are complaints from the public. So when you see black smoke or any kind of smoke coming out of any crematory, please call us,” said Victor Yip, a top SCAQMD enforcement official, responding to questions about the crematory alongside a panel of state regulatory agencies at an environmental justice forum inside Davis Elementary School.

It was the second time he took part in such a forum in Santa Ana this year.

“A lot of the issues – especially with burning at night – we do rely on the community's input to call us so that we can know about it and send an inspector,” Yip added.

The microphone then went to someone in the audience: Joe Andrade, a longtime neighborhood leader in Logan, where Chepa's Park is named for his mother.

He told Yip he's complained to them about the crematory for years.

“We call you guys every time and nobody shows up,” said Andrade to applause from the residents in back of him. “First thing we get told is, ‘We can't do nothing because we get there and nothing's happening.’”

The crematory is properly permitted with the air quality district but is subject to conditions like limits to bodies burned per day. [Publicly available air quality district records](#) show that the crematory received two violation notices over natural gas usage between this and last year.

A spokesperson for the crematory, Lynette Viviani, responded to questions on Sunday with a written statement:

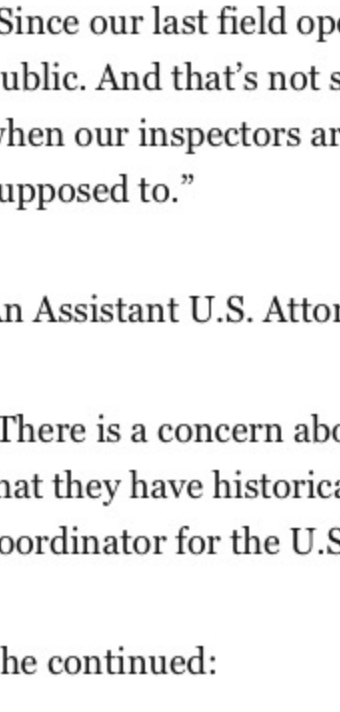
“The health and safety of the community and our employees are our top priorities. We are proud of the service we delivered to the community during the darkest days of the COVID-19 pandemic and dedicated to providing compassionate care for families throughout the area.”

At the May 18 forum, Andrade told Yip:

“We've got videos – many of them – and we're still in the same spot ... We're the ones that are breathing this stuff in. Have you been to a barbecue where you're sitting there – black smoke comes right over down into your backyard?”

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Yip acknowledged receiving Andrade's videos and said it's been used to build a pattern of complaints – one that Yip said informs the deployment of inspectors to sites like Macera to monitor for any enforcement action.

He said he's quite familiar with Macera.

“We've conducted inspections, surveillance – I've had an inspector drive by, sit there and watch just to make sure that they're doing everything that they're supposed to.”

But he said it's hard to find violations when facilities know inspectors are hanging around.

“Since our last field operation at the crematory, we haven't received any complaints from the public. And that's not saying that it's not happening,” Yip said. “But there's a certain effect that when our inspectors are present, sitting over a facility, that they tend to operate how they're supposed to.”

An Assistant U.S. Attorney addressed Yip from across the panelist table.

“There is a concern about shifting the burden over to the residents to keep reporting something that they have historically reported,” said Amanda Bettinelli, an Environmental Justice coordinator for the U.S. Attorney's Office during the discussion.

She continued:

“And one of the concerns that I have is that if there's a failure to continue to report due to exhaustion or frustration, that does not signal there is no longer a problem.”

## A Growing Regional Issue?

The frustration can be found in other parts of the county.

For Irvine residents, it's an asphalt factory.

“The (agency's) reporting system protects the polluter and not the people, period,” said Kim Konte, one of the leaders of Nontoxic Neighborhoods, an Irvine neighborhood group that has protested the All American Asphalt plant for years. “They just failed.”

“They've failed to do their job.”

Initially, residents fought with the air quality district to shut down the factory, but after that failed they pivoted to the city council, who also lambasted the air quality district's oversight of the factory.

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“I think their response has been nothing short of terrible,” said Councilman Mike Carroll to Voice of OC in June 2021. “I think it's pathetic that the city of Irvine doesn't get to control air quality in its own city.”

Now, city leaders are buying the factory for \$285 million and shutting it down to end complaints from residents, with plans to turn it into a nature preserve.

[[Read: Something's In the Air: Irvine Residents' Yearslong Battle For Breathable Air](#)]

The air quality district's handling of the factory was even called out by former State Senator Nate Holden, who sat on the agency's Hearing Board and resigned his position in Dec. 2021.

“The (district) is aware of the source of these chemical compounds that are polluting the environment in North Irvine,” Holden said in a statement on Mar. 2022. “If (the district) fails to correct this problem for a period of time, more people will become sick, and some will die from the exposure.”

He said the South Coast Air Quality Management District's inaction could heavily impact the surrounding neighborhoods.

“Unfortunately, (the district's) lack of action will contribute to this illness and death,” Holden said. “Members of the hearing board must revisit this issue and order SCAQMD to cite All American Asphalt for non-compliance. SCAQMD's responsibility is to avoid a health crisis and prevent further deaths.”

As Yip and other regulatory officials answered questions at the May forum in Santa Ana, one member of a UC Irvine research team that hosted the forum did a quick search on Yip's agency's public database of all permitted polluters in SoCal.

It's known as the F.I.N.D. tool, where one can ideally find emissions data and violation records about certain facilities they believe are harming their neighborhood.

“But I was just on SCAQMD's online database ... and I found the crematorium and it's totally blank,” said Margaret Tebbe, a PhD researcher and member of UCI's environmental justice team known as EcoGovLab, of the facility's emissions data.

It ties to a longstanding criticism about the air quality district – that for many facilities you won't find data available for many years, if at all, as permitted sites are only required to report if their emissions have hit a certain criteria.

SCAQMD spokesperson Connie Mejia responded to such concerns in May, for a previous story about EcoGovLab's community information efforts:

“While it is true that resource limitations impact the number of facilities we're able to visit each year, whether emissions data can be found using the F.I.N.D. tool on our website has no bearing on our inspection and enforcement practices.”

[[Read: Researchers Arm Santa Ana Residents With Data to Fight Pollution](#)]

Mejia also said that this year, the State of California has expanded the list of facilities required to submit annual emissions reports, “which will substantially expand requirements for all local air district permitted facilities to report, especially smaller facilities.”

Nahal Mogharabi, the agency's chief spokesperson, said the agency remains committed to overseeing air pollution and that the F.I.N.D. tool shows whether or not a facility is required to submit a disclosure.

“Whether emissions data can be found using the F.I.N.D. tool on our website has no bearing on our inspection and enforcement practices. These are separate programs,” Mogharabi wrote in a Monday statement shortly after this story was published. “There are many factors that determine whether a facility is required to report under the Annual Emissions Reporting program.”

## Regulators Wrestle With Limitations

At the May forum, regulators also explained how they're limited on taking action against pollution sites – specifically referencing the crematory in Santa Ana.

“We've been trying to shut that place down since they opened – not just recently, but since it opened,” Andrade said.

Yip responded:

“In terms of shutting down a facility, our agency is designed to control emissions from facilities that operate. And so to really get to a shutdown order, that's a little bit out of our area. And we do need to work with other other land use decision makers and other officials to be able to get to that point.”

There are limitations to each agency's “toolkit,” said Bettinelli, who's the environmental justice coordinator for the U.S. Attorney's office.

She suggested residents use other avenues – like pursuing a nuisance action with the Santa Ana City Attorney's office and forming a neighborhood group with the crematory to understand what's going on with potential issues like equipment.

Yip, a top official with the air quality agency, reacted to the forum in its entirety toward the end of the night.

“I've heard a lot of comments about shifting the burden to community members to file complaints – and that's not what I'm looking for,” he said.

“I've been an inspector for nine years, and some of my most successful cases have been through sitting down with community members, understanding what is impacting them ... what's happening to the neighbors.”

His look swept across the faces who filled the room.

“We are dedicated to this community.”

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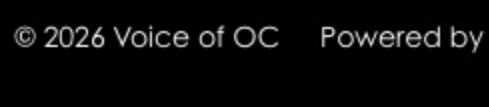
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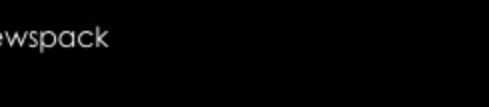
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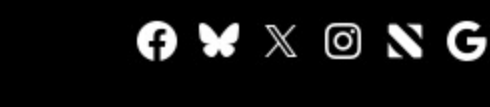
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