



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

February 19, 2014

Rafael DeLeon
Director
Office of Civil Rights (Mail Code 1201A)
United States Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460-1000

RE: Public Participation and Enhanced Outreach
Communities of Kettleman City and Buttonwillow

Dear Director DeLeon:

Following your closure of the Title VI investigation in August 2012, you requested an update of our public participation activities for the hazardous waste facilities near Kettleman City, Buttonwillow and Westmoreland. This letter provides you with the update of our public participation efforts for the period between November 2011 and December 2013.

The Department of Toxic Substances Control (DTSC) has greatly enhanced its public participation activities for the proposed decisions at the Kettleman and Buttonwillow facilities, activities that go far beyond legal mandates and, more importantly, offer every interested member of the community opportunities to discuss, question and participate in our decision-making process. We anticipate a final decision on the Waste Management Kettleman Hills Facility's permit modification request within the next few months. Further steps will be taken for the Clean Harbors Facility in Buttonwillow as that permitting process begins later this year.

To demonstrate our commitment to enhanced public participation, we have compiled the following summary of public participation activities occurring between November 2011 and December 2013. (No permitting activities occurred for the Westmoreland facility during this period because the facility remains largely.)

Environmental Justice Community Assessment

In order to better tailor our outreach efforts to meet the unique needs of Kettleman City and Buttonwillow, DTSC reached out directly to a significant portion of each community's residents. In the process, we gathered information about community concerns and communication needs on the two landfills, and also heard concerns that are well outside our jurisdiction and unrelated to our permitting activities.

Because we see ourselves as the hub of this information, we have directed those unrelated concerns to appropriate agencies at our monthly meetings with the California Department of Public Health (CDPH), and in our meetings with our partners in Cal/EPA. A good example of this is our work with CDPH to bring a source of safe drinking water to the residents of Kettleman City.

For our permitting process, the information gathered was used to design and hold community meetings that truly met the needs of the community. We found that community members appreciated the ability to talk directly with our staff. Our meetings were formatted to address this concern. In addition, the assessment helped us to more effectively distribute written materials to ensure residents received it, use of social media to update some segments of the community, identify which technical documents are of most interest to the community and therefore should be translated, and identify information repositories that best serve residents.

The Buttonwillow plan will provide similar enhancements when completed.

Kettleman City

DTSC conducted an Enhanced Community Assessment in Kettleman City in June 2012. The assessment included 47 face-to-face community interviews and distribution of 664 community surveys. We committed eight of our staff members to the interviews, placing them into four teams, each composed of at least one bilingual speaker for translation into Spanish. The interviews in Kettleman City took place during a two-day period.

Nearly all interviewees offered input about a wide variety of community needs and concerns, including drinking water quality, access to services and health care, quality of education in the community, birth defects and cancer rates, petroleum and fracking, pesticide use, and landfill facility impacts. By far, the primary concern expressed by interviewees was about the quality of drinking water in Kettleman City. With regard to landfill, three interviewees expressed ongoing and strong concern that the landfill is having a negative impact on the health of the community.

Buttonwillow

The Enhanced Community Assessment for Buttonwillow was conducted over three days in February 2013. Similar to the assessment for Kettleman, we sent three teams of interviewers. Each team included bilingual members. This effort resulted in 80 in-person interviews with residents, key stakeholders, and elected officials. The assessment also included more than 850 community surveys distributed in December 2012.

The assessment provided DTSC with input and concerns from the community on a number of topics, including; air quality, groundwater quality, public health issues (examples include asthma and valley fever), pesticide use, landfill concerns, truck traffic through town, drinking water quality, odors emanating from nearby dairy operations, employment and fracking.

Drinking water-related issues were the highest concern of those interviewed. Several community members expressed concerns with the landfill, some citing the landfill as a possible contributor to poor drinking water quality in the Buttonwillow area. In addition, many interviewees stated that odors emanated from the landfill.

Expanded Spanish Translation for the Kettleman Facility

We have significantly expanded translations of key project documents to include not only community outreach materials and executive summaries from selected technical documents, but also specific technical documents, such as the CEQA Findings of Fact and Statement of Overriding Considerations, the Addendum and Initial Study, and the Environmental Impact Report Environmental Checklist. Community members in Kettleman City deemed these documents to be critical in nature, prompting us to provide expanded translation.

Expanded Web Presence

We have also created web sites devoted specifically to the landfill facility projects in the communities of Kettleman City and Buttonwillow. This electronic presence expands community access to a multitude of project documents as well as news and updates, making it easier and more convenient for community members and interested parties to remain aware and involved.

Summary of Kettleman City Outreach Activities

From November 2011 through December 2013 DTSC:

- **November 2011** – Held open house with U.S. EPA;
- **June 2012** – Conducted Community Survey via community canvassing and internet distribution;
- **June 2012** – Conducted Community Interviews with Community Leaders and Residents in Kettleman City and surrounding areas, gathering a wide array of information, input from the community, as well as environmental and quality of life concerns;
- **August 2012** – Met with representatives from *People for Clean Air and Water*, the *Center for Race Poverty and the Environment* and *Greenaction* to discuss legal and Environmental Justice issues;
- **October 2012** – Created a customized webpage for the Kettleman Chemical Waste Management site to allow for enhanced public access to Kettleman information, news updates and documents;
- **November 2012** – Distributed a Community Notice /Fact Sheet) regarding Enforcement Actions / citing violations against Chemical Waste Management for lack of reporting of 72 hazardous waste spills at the Facility;
- **March 2013** – Distributed a Community Notice/Fact Sheet regarding penalty fine for violations of unreported hazardous waste spills at the Facility;
- **May 2013** – Distributed a Public Notice informing the community of Chemical Waste Management’s application for Permit renewal and DTSC’s review of the application;
- **May 2013** – Completed an update of the 1995 Kettleman Public Participation Plan (attached);
- **July 2013** - Conducted three Stakeholder Advisory calls with Various Media Outlets, Local Community Members, Activists and Key Project Stakeholders to discuss the Draft Decision to expand the Chemical Waste Management Facility landfill;
- **July 2013** – Distributed a Community Notice/Fact Sheet announcing the public comment period and public review for DTSC’s Proposed Decision to expand the Facility landfill;
- **July 2013** – Conducted an Open House event at Kettleman City Elementary School to inform the community of the Draft Decision to expand the Facility. Open House participants included the California Department of Public Health, the Central Valley Water Board and the Air Management District;

- **August 2013** – Conducted an Open House event (Drop-in Information Session) similar to the Open House in July to provide another opportunity for community awareness and information for the Draft Permit decision;
- **August 2013** – Announced the extension of the Public Comment Period through a Community Notice (mailed to community and posted to DTSC website), Public Notice (published in the Hanford Sentinel and La Vida Del Valle Spanish news Publication) and paid Radio Advertisements;
- **September 2013** – Held a Public Hearing on September 18 regarding the Draft Decision to expand the Facility landfill.

Summary of Buttonwillow Outreach Activities

- **December 2012** – Distributed a Community Survey to residents, local officials and businesses to assess any possible concerns regarding the Facility, environmental issues and issues related to overall quality of life. The survey was distributed electronically and via mail;
- **February 2013** – Conducted an in-depth Community Assessment, augmenting the community survey from December 2012 with a multitude of in-person community interviews with Buttonwillow residents, local officials, business persons and interested parties;
- **July 2013** – Initiated an update to the Buttonwillow Public Participation Plan, which is expected to be complete in the Spring of 2014.

As you can see, based on specific information gleaned from community interviews and surveys, we have greatly enhanced our public participation processes for the Kettleman City and Buttonwillow communities through a variety of promising practices. We have learned greatly from these efforts and feel these efforts have given the community much greater understanding of the issues at hand, and improved access to our team. We look forward to providing you with further updates.

Sincerely,



Jim Marxen
Deputy Director
Office of Communications
Department of Toxic Substances Control

cc: See next page

Rafael DeLeon
February 19, 2014
Page 6

cc: Jared Blumenfeld
Regional Administrator
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105