CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Department of Toxic Substances Control

News Release

T – 13 – 16
Barbara A. Lee, Director

FOR IMMEDIATE RELEASE
August 10, 2016

Contact: Sam Delson
California Environmental Protection Agency
sam.delson@oehha.ca.gov
(916) 324-0955

Lori Abbott Dutton
Department of Toxic Substances Control
lori.dutton@dtsc.ca.gov
(916) 324-2997

Landmark Agreement Reached to Benefit Environmental Justice Communities and Resolve a Civil Rights Complaint on Hazardous Waste Permitting Decision

SACRAMENTO – The Department of Toxic Substances Control and the California Environmental Protection Agency today announced a historic agreement with Greenaction for Health and Environmental Justice (Greenaction) and El Pueblo/People for Clean Air & Water of Kettleman City (El Pueblo) to resolve Greenaction and El Pueblo's civil rights complaint over DTSC's 2014 decision to approve a permit to expand the Kettleman Hills hazardous waste landfill.

The agreement is one of the first examples of a voluntary resolution jointly developed by state agencies and community groups under Title VI of the federal Civil Rights Act, which prohibits discrimination on the basis of race, color or national origin in any programs or activities receiving federal financial assistance.

The agreement contains provisions designed to improve public health and environmental quality for people in Kettleman City. DTSC has agreed to help facilitate Greenaction and El Pueblo's efforts to conduct a community-based public health assessment, improve third-party and community-based environmental monitoring, and establish an asthma intervention program for residents of Kettleman City.

In addition, the agreement aims to enhance the transparency and rigor of DTSC's compliance with civil rights laws. The agreement describes factors related to environmental justice that DTSC will consider when reviewing Chemical Waste Management Inc.'s pending application to renew its operating permit for the Kettleman Hills landfill and any expansion application if submitted within 3 years. The Department will comply with applicable state and federal civil rights requirements during its permitting process for hazardous waste disposal facilities and during regulatory oversight of facilities under its jurisdiction. The Department will also adopt policies to create a framework for more fully incorporating civil rights considerations, meaningful public participation and language access in its decision-making process.

Matthew Rodriquez, California's Secretary for Environmental Protection, said: "This agreement helps the people of Kettleman City and aligns with our efforts to prioritize environmental justice in the decision-making processes of all the boards and departments within CalEPA. It provides a framework for supporting improvements in public health and the environment in the state's most impacted communities, including Kettleman City."

Barbara Lee, Director of the Department of Toxic Substances Control, said: "Our commitment to engaging communities, furthering environmental justice and civil rights, and enhancing transparency is demonstrated through successfully reaching this agreement. This is an important step towards better partnership with environmental justice communities across the state. We're looking forward to working with Greenaction and El Pueblo to continue our focus on protecting health and the environment for the most vulnerable and impacted communities."

Maricela Mares-Alatorre, with El Pueblo/People for Clean Air & Water of Kettleman City, said: "El Pueblo/People for Clean Air & Water of Kettleman City is proud of the work that went into this agreement. Although the settlement doesn't fix all of the problems, it is good to know that moving forward, everyone can expect to participate in DTSC public processes in a more meaningful and equitable level. It is our hope that Kettleman City's struggle for environmental justice will be an example for other communities facing similar issues."

Bradley Angel, Executive Director for Greenaction for Health and Environmental Justice, said: "This historic settlement will help protect the health, environment and civil rights of low-income, people of color and non-English speaking residents living in Kettleman City and dozens of other at-risk and polluted communities across the state. By affirming that state hazardous waste permitting processes and regulatory oversight must comply with civil rights laws and by strengthening opportunities for meaningful public participation, this agreement is an important step forward in making environmental justice a reality."

On May 21, 2014, El Pueblo and Greenaction objected to DTSC's approval of a permit modification that allowed Chemical Waste Management to expand the hazardous waste landfill at its Kettleman Hills facility, located about three miles from Kettleman City. El Pueblo and Greenaction filed a complaint with the U.S. Environmental Protection Agency's Office of Civil Rights (OCR) against CalEPA and DTSC on March 19, 2015.

El Pueblo and Greenaction objected to DTSC's permit decision on numerous grounds, including that it violated their civil rights. OCR accepted the complaint for investigation by letter on April 17, 2015, and stated that it would contact the parties about entering into alternative dispute resolution to resolve the complaint. The parties agreed to mediation and developed the agreement through facilitated mediation sessions.

The parties would like to thank OCR and U.S. EPA's Conflict Prevention and Resolution Center (CPRC), which assisted with making this mediation a success.

View the Settlement Agreement
http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm

###

FOR GENERAL INQUIRIES: Contact the Department of Toxic Substances Control by phone at (800) 728-6942 or visit www.dtsc.ca.gov. To report illegal handling, discharge, or disposal of hazardous waste, call the Waste Alert Hotline at (800) 698-6942.

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.