



KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY

Gregory R. Gatzka, Director

Web Site: <http://www.countyofkings.com/departments/communitydevelopment-agency>

December 8, 2015

Via Electronic & Regular Mail
gideon.kracov@dtsc.ca.gov

Gideon Kracov, Chairman
DTSC Independent Review Panel
1001 I Street
P.O. Box 806
Sacramento, CA 95812-0806

Re: Independent Review Panel

Dear Chairman Kracov:

It has come to my attention that at the Independent Review Panel (“IRP”) hearing on November 18, 2015, allegations were once again made that the County’s Conditional Use Permit review and approval process for the B-18/ B-20 Project at Chemical Waste Management’s (“CWMI’s”) Kettleman Hills Facility (“KHF”) was discriminatory and unlawful. The allegations are untrue. All proceedings were conducted at length and in a fair manner consistent with the California Environmental Quality Act (“CEQA”), the Brown Act, the Tanner Act, and County Code. The adequacy of the Subsequent Environmental Impact Report (“SEIR”) prepared pursuant to CEQA was also upheld in full by the Superior Court for the County of Kings and the Fifth District Court of Appeal. Both courts also declined Petitioners’ claims of discrimination.

As illustrated in the enclosed detailed project summary, the County and CWMI went above and beyond the legal notification and public hearing requirements to ensure a fair and accessible process, and did so in a manner that also ensured the safety and security of all persons in attendance. As reflected by the official transcripts and video recordings of the four collective public hearings conducted by the Planning Commission and the Board of Supervisors on the Project, live translation service and translation headsets were provided at every public hearing, Spanish speakers were given an equal and in some instances added amount of time to provide comments as English speakers, and, aside from one individual who was repeatedly warned to stop disrupting one of the hearings, and who chose not to do so, no persons were forcibly removed from any of the public hearings.

Although not legally required, Notice of Availability of the Draft SEIR and the two revised and recirculated portions of the Draft SEIR, in addition to each of the executive summaries, were provided in English and Spanish and mailed to each post office box holder in Kettleman City. The applicant

arranged to provide free transportation to Kettleman City residents so that they could attend the public hearings even if they lacked their own transportation. The public testimony portion of the hearings were also planned for starting at 6:00 p.m. to allow for greater participation by people who work during the day.

The County also complied fully with the requirements of the Tanner Act from 2005 through 2009, ensuring the composition of the Local Assessment Committee ("LAC") in accordance with state law, and holding over 25 public Local Assessment Committee meetings in Hanford and Kettleman City after providing notice in Spanish and English. Translation services were also made available at those meetings.

Lastly, it is important to note that the KHF has historically served as a well respected community supporting business in the County of Kings for more than 34 years of operation. During that time KHF has continually remained in good standing with the County in terms of all their approved Conditional Use Permits. In addition, KHF has followed through on their LAC commitments which include a Community Health Survey (\$100,000), pay down of KCCSD Water debt (\$552,300), installation of traffic speed signs along State Route 41 (\$70,000), Placards for the Kettleman City Library, financial support to Reef Sunset Unified School District (\$450,000), conducting an annual Contingency/Disaster Plan review in Kettleman City, and air quality and water quality monitoring results meeting in Kettleman City. All of which, the County would not have had the available funding for to enhance the quality of life for Kettleman City residents.

Should you or any member of the IRP wish to receive copies of the above referenced court opinions, public hearing transcripts or video, or any other supporting evidence of the fairness of the County's process please contact me. Thank you in advance for your consideration.

Sincerely,
Kings County Community Development Agency



Gregory R. Gatzka, Director

Encl.

cc: Arezoo Campbell, IRP member (Arezoo.Campbell@dtsc.ca.gov)
Mike Vizzier, IRP member (Mike.Vizzier@dtsc.ca.gov)