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Comite Civico del Valle and
Greenaction for Health and Environmental Justice

July 18, 2016

Barbara Lee
Director
Department of Toxic Substances Control
Sacramento, CA

RE: Objection to DTSC's Use of 1991 EIR for 2016 permit process for Clean Harbors – Westmorland hazardous waste permit application

Dear Director Lee,

We have been informed by DTSC staff that the agency is considering using a 25 year old EIR prepared in 1991 for the permit process underway now for the Clean Harbors hazardous waste facility in Westmorland.

The use of the 1991 "GSX Imperial Valley Facility Expansion Final Environmental Impact Report" for the Clean Harbors permit application in Westmorland – even with an "update" or "addendum" - would be unacceptable and improper:

- the 1991 EIR is too old and outdated to have any relevance or use whatsoever. For example, the 1991 EIR was for a facility operated by Laidlaw Environmental Services, Inc. seeking to accept wastes from a small geographic region. The EIR's Executive Summary stated: "The objective of the expansion is to increase the disposal capacity for hazardous and non-hazardous wastes generated by industries and small quantity generators in Los Angeles, Orange, San Diego, San Bernardino, Riverside, and Imperial counties."

- Today it is a fact that a Class I disposal facility can accept wastes from other states and even other nations, and such facilities are not limited to the small region described in the 1991 EIR. The full scope of the currently proposed facility, including its waste stream, must be evaluated in a new EIR;

- the 1991 EIR document is English-only and it is our understanding that the EIR process was conducted solely in English, despite the fact that the Westmorland area is heavily Spanish-speaking;

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• using this 25 year old EIR would violate the DTSC's environmental justice and language access policies which were created to ensure the ability of all residents to be provided meaningful public participation opportunities in permit processes, rights that were denied in the 1991 EIR process.

• the state's CalEnviroScreen did not exist in 1991, and the extensive body of information contained in it should be fully evaluated in a new EIR as it is directly relevant to the upcoming permit decision;

• According to the DTSC's Envirostor website, "DTSC is currently expecting to issue a draft permit decision for Clean Harbors Westmorland in the Fall of 2016." This statement indicates that DTSC is indeed moving forward without a new EIR and without providing the public a full opportunity to provide input into any addendum you might use instead of a new and current EIR.

We therefore call on DTSC and Cal EPA to require an entirely new and updated EIR for this project.

DTSC must ensure that diverse residents are provided their right to fully participate in the current permit process in a meaningful way that is consistent with relevant environmental justice and civil rights policies and mandates. An EIR that is comprehensive, current, language accessible, and is based on a Scoping Process and environmental review process with input from diverse residents and other stakeholders is thus required.

We look forward to your prompt response to this request.

For environmental justice,

Luis Olmedo & Humberto Lugo
Comite Civico del Valle

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cc
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