

To: Gideon Kracov, Chairman, Arezoo Campbell and Michael Vizzier
Independent Review Panel

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From: Florence Gharibian, Florencegharibian@yahoo.com

Subject: Public Participation/Environmental Justice

I started working for the hazardous waste management program/DTSC in June 1981 as a federal employee on assignment with the hazardous waste section of the CA Department of Health Services. I was in the Sacramento office. The people in the new DHS Hazardous Waste Section (located in a small office behind a grocery store) were overwhelmed. The people living in communities where hazardous wastes were disposed or mishandled were very concerned. The program was controversial and had high visibility. The engineers and scientists that created the first hazardous waste regulatory program in the country were attempting to respond to extensive legislative and media attention. I was asked to begin the process of building a public relations program. When Governor Jerry Brown (first term) elevated the Hazardous waste section to a Branch I supported Dr. Robert Stephens, the newly appointed Hazardous Waste Management Program Branch Chief. We began the process of responding to the concerns of people in several communities across the state. This work began to make a difference.

I've learned much during the many years I've done environmental work. I hope my comments here will be helpful.

Work with EJ Community Representatives

Go to the environmental justice communities. Talk with them about their communities and concerns. Seek their input on helpful steps DTSC can take to work more proactively with them. Ask them if training or written information would be helpful. Provide data on the locations of sites requiring clean up and companies permitted by DTSC. Work closely with other environmental regulatory agencies.

Support the LA Clean Up/Green Up Initiative.

The Los Angeles City Council has adopted rules to address pollution in three Los Angeles communities, Boyle Heights, Pacoima and Wilmington. The initiative is identified as the Clean Up/Green Up initiative. The momentum is underway to improve the quality of life in these communities. These communities are identified in the California Environmental Protection Agency, Cal Enviro/Screen data base as communities suffering disproportionate harm from pollution. Several Environmental Justice groups worked hard to make the Clean Up/Green Up initiatives happen. DTSC has participated in enforcement task forces for the three cities. Multi program and multi agency work in these communities provides an opportunity for DTSC to make positive progress on EJ initiatives. The Clean Up/Green Up project could provide a model for more work in other communities.

Encourage the development of new technologies through the DTSC hazardous waste reduction program.

DTSC's waste reduction program offers an opportunity for DTSC to take a leadership role in encouraging and nurturing the development of new recycling and treatment technologies. Exide was allowed to continue operating in large part because the company was one of two companies recycling batteries in the western United States. The facility was always old and antiquated, as are all the hazardous waste storage and treatment facilities in California. New technologies are needed to advance environmental restoration in California and in the United States. DTSC should work with the academic community, other Cal/EPA agencies and boards, environmental organizations, and businesses to develop creative new technology opportunities.

Make Public Participation an essential element of DTSC's work.

DTSC is currently updating a Public Participation Manual and developing a Citizen's Guide. This may be useful. I don't think the preparation of these documents will necessarily improve DTSC's ability to conduct public participation. This will be accomplished when the managers and staff in all of DTSC's programs understand that public participation is important and essential to their work. Citizens don't need guides and plans as much they need an educated and willing DTSC.

People always have many ideas about how the government should work with the public it serves.

How should the work be described? Is it public education, public information or public relations? Government officials attempt to do all of these things. Some may believe that what the work is called doesn't matter very much. But I think it does. Government officials assume that the public needs to be educated and trained. This will be the first step in allowing them to comment. But public education can be done badly. A poor outcome; they still don't understand and agree with what we are doing. To community members participating in the process the training may be difficult to understand or not relevant to their lives and their real problems.

Public participation creates an opportunity for the public to provide meaningful input into programs that impact their communities and their lives. Public participation changes the form, shape and direction of the work. The work is successful when it is viewed by communities as positively changing the places they live and work.

Is it possible for the public to educate government officials? I've seen it happen many times! Mitigation of toxic substances involves significant uncertainties. Arrogance doesn't have a place in this work. Time and time again I've participated in public hearings and public meetings. Community members attempt to communicate their concerns only to be disappointed because they don't think anyone was listening. The ability to listen and respond is often missing from the process. Public participation involves two way communication and a willingness to change direction, modify work in order to respond to public comments and concerns.

Squeaky Wheel Phenomena

Members of the Los Angeles Environmental Justice Network represent the communities they serve with sincerity and passion. Many communities in Los Angeles that have serious environmental concerns are

silent. Those communities don't have people reaching out to environmental organizations. Should DTSC do less for those communities? Public participation should invite all communities to participate.

Community representatives do make a difference and some are more effective than others. People working with the Network resent the attention Porter Ranch has received. Is that attention merited due to serious environmental concerns? Of course the concerns are serious and real. Or is that attention due to the ability of the more affluent people living in Porter Ranch to reach out to government representatives and their elected representatives more effectively? Probably both statements are true.

Is there a way to develop a public participation program that equally serves the quiet community and the community that cries out for help? This dilemma does not have easy answers. Often the squeaky wheel gets the grease.

Public Participation for Permits

During a meeting I participate in earlier this year we discussed evaluating permitting projects based on a set of criteria. An example was offered. What about a facility seeking a permit in a rural area where there aren't as many people. They probably will not have serious concerns. Before this conclusion is accepted take a look at Kettleman City.

Public participation staff support was and still is requested by reluctant staff working in the permitting and clean up programs. The prescribed steps are taken for each project, community relations survey, public meetings, fact sheets, response to comments etc. Much of this work is done with monies from almost certainly reluctant responsible parties. The work of the program managers for these projects is not evaluated based on their ability to respond to community concerns, rather it is measured based on completion of technical milestones and compliance with budget restraints. Public participation is often seen as a roadblock. Changing the way things happen at DTSC will involve changing the culture and priorities of DTSC.

Recommendation: Hazardous Waste Facility Permits.

The issues and concerns permits for hazardous waste management facilities are very different from the concerns regarding a cleanup of hazardous wastes. In my knowledge the permits are never for new hazardous waste facilities. No one even wants to try and do this. The permits are for old antiquated facilities. Modification and modernization of these facilities is a cumbersome and difficult process locked in complicated bureaucratic steps. This situation is problematic. I offer the following example.

When I worked at DTSC there were two car battery recyclers, Exide and Quemetco. The Exide facility is in a heavily industrial area. Quemetco is in a mixed residential and industrial area. Often comments were made by permitting staff regarding the scarcity of companies recycling car batteries. Exide and Quemetco were the only car battery recyclers west of the Mississippi. Obviously there is a large volume of old car batteries. Something has to be done with them.

Shouldn't DTSC have a program to encourage new ways of manufacturing batteries so that they could be more safely recycled? Couldn't DTSC convene a work group with community members, industry and academic representatives to seek their input on new alternatives?

Some of the permits do escape public scrutiny and are issued. This may locked DTSC into a failing and outdated process; a process that is a time consuming and tedious one resulting in volumes of documents and lengthy permits. I was the Los Angeles Enforcement Program Branch Chief for many years. The inspectors I supervised were required to review permits and operation plans for the companies they inspected. Unfortunately they did not rely on a DTSC hazardous waste facility permit when they conducted inspections. They relied on the law and regulations. The permits were often outdated and cumbersome and full of problematic and ambiguous language.

At one time DTSC had a program encouraging the development of new treatment technologies and new treatment facilities. It wasn't well thought out, it didn't get a high enough priority and it didn't work. DTSC should explore possibilities for developing new approaches for hazardous waste management. Think it through, work with the academic, research and business communities again. Move California forward by doing business a new way.

Over the years DTSC has had a more effective public outreach program than any other Cal/EPA Board or Department. It is time for DTSC to step forward again.

Thank you for sending me the recent survey document.

Sincerely,

Florence Gharibian