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Subject: Contaminated soils and landfills
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Attachments: [ECISoilDesposition72016DAAC.pdf](#)

Please forward to the panel members.

Thank you,

Cynthia Babich

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July 25, 2016

United States Environmental Protection Agency
California Environmental Protection Agency
Department of Toxic Substances Control

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We are concerned with lack of clarity around the characterization of the ECI soil stockpiles. We have some serious concerns as well with the soil stockpiles final disposition. The soils in these piles come from U S EPA designated Operable Unit 6 of the Montrose Federal Superfund site regardless of Latham & Watkins assertions that this has not been proven. There is an assumption that the soil piles should be treated as clean until proven dirty.

Based on Latham & Watkins correspondence dated November, 27 2015 to Anhtu Nguyen, Remedial Project Manager United States Environmental Protection Agency titled, "Revised Waste Determination for Unilateral Order No. 2016-1" the soil stockpiles are not classified under federal law as Hazardous Waste but are under California Law. Kelly E. Richardson of Latham & Watkins suggested disposal could be cost effectively accomplished by backfilling or disposal at four suggested facilities; Clean Harbors Buttonwillow, California; U S Ecology Beatty, Nevada; Republic Services La Paz Parker, Arizona and Copper Mountain Welton, Arizona.

We have thoroughly reviewed the work plan titled, "Revised Soil Stockpile Removal and Site Restoration Work Plan Version 3.0, submitted by Ecology Control Industries, Inc. on May 6, 2016", including Appendix D: Transportation Plan, prepared by Sharp Environmental Technologies, Inc. This work plan was approved by Anhtu Nguyen, Remedial Project Manager United States Environmental Protection Agency by electronic Mail on May 12, 2016. We have focused on Appendix D which included the following possible off-site land disposal facilities in section 6 subsections 1, 2 and 3 in this correspondence.

They are listed in the work plan as follows.

RCRA Hazardous Waste Facilities (Class I)

Chemical Waste Management, Kettleman, California
CleanHarbors Westmoreland, Westmoreland, California
CleanHarbors Buttonwillow, McKittrick, California
US Ecology, Beatty, Nevada

Non-RCRA Hazardous Waste Facilities (Class I or II)

Chemical Waste Management, Kettleman, California
CleanHarbors Westmoreland, Westmoreland, California
CleanHarbors Buttonwillow, McKittrick, California
US Ecology, Beatty, Nevada
South Yuma Landfill Yuma, Arizona

Non-Hazardous Waste Facilities (Class III)

Bradley Municipal Landfill, Sun Valley, California

TPH-Impacted Soils

Thermal Remediation Solutions, Azusa, California

TPST Soil Recyclers of California, Adelanto, California

As an environmental justice community we share with others some fundamental beliefs. Foremost for the Del Amo Action Committee it is not sending our toxic waste problems to someone else's community. Another common belief is that California classified waste should not be shipped out of State where environmental laws are less stringent or where Tribal lands will be impacted. These work plan listed sites would include; US Ecology in Beatty, Nevada and South Yuma Landfill in Yuma, Arizona as well as sites cited by Latham & Watkins; Republic Services La Paz Parker, Arizona and Copper Mountain Welton, Arizona.

We see Kettleman Hills is a huge Environmental Justice red flag; at the top of our list of concerns. The local residents and area advocates have an active, Title VI of the U.S. Civil Rights Act, complaint against Cal EPA and DTSC alleging racial discrimination in the permit process and decision for the expansion of this facility. Residents have fought the toxic waste landfill for decades. We believe that this facility poses an environmental justice burden on the adjacent communities and until the complaint has been settled this location should be deemed inappropriate for the ECI stockpiled soils and other waste.

The listed non-hazardous waste landfills have residential zones in extremely close proximity and would not be a safe choice for land disposal of the DDT and PCB soils from ECI/Montrose Chemical. Population density is a factor with each of these facilities: Bradley Municipal Landfill, Sun Valley California, Thermal Remediation Solutions, LLC (TRS) in Azusa and TPST Soil Recyclers of California (Soil Safe) in Adelanto; partially based on CalEnvrioScreen and GIS mapping. In addition to population density each specific facility has additional factors to consider.

The Bradley Municipal Landfill, Sun Valley California is the last active garbage dump in the city of Los Angeles. For four years, Waste Management sought to expand the landfill with a 43-foot height extension. This facility is scheduled to close next spring and with the opposition to expansion by Councilman Tony Cardenas, company officials decided to abandoned efforts and withdraw their application.

Thermal Remediation Solutions, LLC (TRS) in Azusa is a storage and treatment facility for non-hazardous TPH-impacted soils. As well, TPST Soil Recyclers of California (Soil Safe) in Adelanto advertises their facility as having the largest volume thermal treatment capacity in California. Both facilities carry the added chance of these soils being accidentally introduced to a thermal treatment process, which could create dioxins and furans, and makes there place on the facilities list more than troubling.

Clean Harbors: Buttonwillow, California and Clean Harbors: Westmoreland, California
Buttonwillow has a population of approximately 1,300. Located a few miles outside of the town

center on 320 acres it is California's second largest Class I toxic waste site (the state has three total). The sites are owned and operated by Clean Harbors one of North America's largest operators of hazardous waste facilities. California's third largest Class I site is located in Westmoreland in Imperial County.

Clean Harbors Westmoreland, California is not currently a facility with a valid permit and has been out of commission for 10 years. It is currently undergoing a CEQA and EIR process with involvement from several EJ community organizations and DTSC. It is of concern to us that this facility was in the work plan list to begin with.

Clean Harbors Buttonwillow, California has a horrid past since originally founded by Miller and Lux Enterprises in 1885. According to the EPA's California Toxics Release Inventory Fact Sheet from June 2004, Clean Harbors Buttonwillow (formally Laidlaw Environmental Services Inc. and Safety-Kleen Corporation) is listed as the second top facility for total on- and off-site releases of all chemicals in California, contributing 2.6 million pounds. It is also listed as the third largest contributor for both total on- and off-site releases of PBT chemicals (persistent, bioaccumulative and toxic chemicals such as lead, mercury, PCBs, dioxin) and total on- and off-site releases of lead compounds in California.

Over an eight-month period in 1992, two babies were born with neural tube birth defects to mothers from Buttonwillow. The occurrence of two cases in one year created a rate twenty-five times higher than expected for Kern County, according to the California Birth Defects Monitoring Program (CBDMP). The Center on Race, Poverty & the Environment (CRPE) represented the Padres Hacia una Vida Mejor (a Buttonwillow community activist group) in a series of civil litigations that eventually forced Safety-Kleen to stop accepting radioactive waste that it had been illegally accepting from the U.S. Army Corps of Engineers, from remediation of a former Manhattan Project production facility in upstate New York, but were unable to close the dump, which has since expanded.

We have made an effort in this correspondence, as an impacted Environmental Justice Grassroots community group, to understand the current state of contaminated soil generation and disposal in California. Our executive director, Cynthia Babich, sits on a DTSC Advisory Panel born from issues surrounding expansion of the Kettleman Hills facility. Her work with the Community Protection and Hazardous Waste Reduction Panel has influenced her understanding of the current practices and pitfalls of dig and haul remediation efforts surrounding contaminated soil in our great state. Contaminated soil is the largest hazardous waste source generated in California. California has the strictest laws on the books for dealing with hazardous waste and protecting communities, therefore as a cheaper (cost effective) remediation our California Waste is sent to other states with less stringent regulations. This is wrong. Many Environmental Justice communities do not want to pass their toxic baton onto others - out of our backyard into yours. After our review of the ECI soil stockpiles we see that better solutions need to be sought after. Solutions that are influenced by the communities that will continue to bear the brunt of the hop scotch of toxic soils from one community to the other. To simply pretend that the solution is to dig, haul and bury and not be concerned with where the piles of soil land or how they are handled, is morally improper and something our community cannot stand behind. We believe there are technologies available that can completely destroy chemicals on site leading to solutions that are permanent. We believe that concerted efforts to explore these technological

solutions need to be immediately implemented. We have reached out to allies across the state to understand their needs and to begin the discussions around the state of disposal in and around our communities. We, EJ communities, have a special understanding of the pros and cons around the landfilling problem. We are highly capable of providing solutions and compromises based on solid and honest information while we simultaneously work on the longer term solutions. Based on the ECI work plan for the stockpiled contaminated soils there are no solid options. We will call on the agencies to be a part of the solution setting agendas and discussions we have outlined in this correspondence. We will be moving this issue forward. In the mean time we stand opposed to the options ECI has proposed in its work plan for the reasons, facility by facility, stated in the correspondence.

We look forward to working with you to find better solutions moving into the future.

Cynthia Babich, Director Del Amo Action Committee

Florence Gharibian, Board Chair Del Amo Action Committee