

APPEALS@DTSC

From: Rev. Tera Little <faithactionforanimals@gmail.com>
Sent: Tuesday, March 03, 2015 1:43 PM
To: APPEALS@DTSC; Wong, Alfred@DTSC
Subject: Stop the "CleanTech" Project—Appeal of Permit Decision and Environmental Impact Report
Attachments: DTSC Irwindale letter 2.pdf

Please see the attached letter. Thank you.

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Rev. Tera Little
Faith Action For Animals
<https://www.facebook.com/FaithActionForAnimals>

Faith Action for Animals
1054 S Bedford St #106
Tel (310) 770-5555
FaithActionForAnimals@gmail.com
www.faithactionforanimals.org



Faith Action
for
Animals

SEPTEMBER 25, 2014

Permit Appeals Officer
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200
Appeals@dtsc.ca.gov

Mr. Alfred Wong, Project Manager
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710
Alfred.Wong@dtsc.ca.gov

RE: Stop the "CleanTech" Project—Appeal of Permit Decision and Environmental Impact Report

Dear Mr. Wong:

Faith Action for Animals—a collection of religious leaders, Jewish, Christian, Buddhist, Muslim, Unitarian Universalist, and more—writes again to object to this "CleanTech" project and DTSC's decision to grant a permit to operate this new hazardous waste facility next to the sensitive Santa Fe Dam Recreational Area and within a "Significant Ecological Area" adopted by the County of Los Angeles. Please consider this letter to be our appeal the Clean Tech Project.

STATEMENT OF REASONS

How we treat animals and wildlife speaks volumes about who we are as a people. Do we chose to peacefully coexist with animals and birds and enjoy the beauty, companionship, and wonder they offer? Or do we chose deny their inherent worth and destroy their habitat and homes when it is convenient for us or when somebody can make more money?

Unfortunately, DTSC is in on the wrong track with this project. For no apparent reason, it has chosen to put the applicant's convenience over wildlife. The project would be just feet away from the Santa Fe Dam Recreational Area. That is the home of many endangered species and sensitive habitat, including the California gnatcatcher, horned lizards, and kangaroo rats. These endangered and sensitive animal species have no choice in the matter. They are dependent on very specific habitat needs, and they cannot simply move when a hazardous waste plant moves in next door.

We noticed that the EIR did not have any pictures of these animals (and we didn't see a technical biological report--was there one?). Here are some photos below:



As you can see by even looking at them, these animals are very vulnerable. They have nowhere to flee if hazardous waste moves in next door. They have nowhere to go if hazardous waste is released into their homes. They can't flee the noise and exhaust that new truck trips will cause.

If DTSC is serious about protecting wildlife, it should reach out to experts in the field. Here are some resources you should consider, and people you should consult with:

- California Audubon Society: <http://ca.audubon.org/>
- Sierra Club: <http://vault.sierraclub.org/ca/>
- Fish and Wildlife Service: <http://www.fws.gov/>
- California Department of Fish and Wildlife: <https://www.wildlife.ca.gov/>

Did DTSC consult with these groups? This site is of statewide, even national importance--DTSC should consult with leading researchers and advocates on behalf of these sensitive species before making a permit decision.

We are very concerned about the appearance of bias. As you know, the applicant's attorney, Mr. Tim Swickard, was previously the DTSC director. Doesn't DTSC have an ethics code that prohibits this kind of revolving door?

The biggest mistake DTSC has made is not requiring this project to be located somewhere else, away from critical habitat for endangered species. DTSC doesn't seem to understand its role in the California Environmental Quality Act. DTSC states that it "does not have jurisdiction over the siting of hazardous waste management facilities." But that is not right; CEQA requires the consideration of feasible project

alternatives. And DTSC, as the lead agency, must adopt an alternative if it would decrease the impact to the environment. It is not up to the applicant to decide where the project could feasibly locate to reduce environmental impacts. That is DTSC's responsibility as the lead agency.

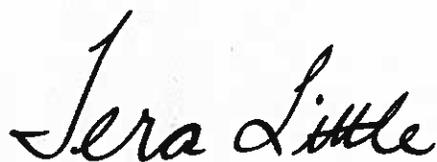
DTSC also should have considered additional alternatives. Clearly there are many sites in Southern California that are not steps from important habitat and recreational areas.

The truck routes for the project surround the Santa Fe Dam Recreational Area. Birds and wildlife enter the Santa Fe Dam Recreational Area from all directions, and it's well known that traffic can directly impact birds and other mobile species of wildlife through visual disturbance and collision: www.bbc.com/future/story/20140212-why-birds-crash-into-car-screens. Traffic noise and vibration can also affect wildlife in harmful ways, like interfering birds' ability to establish and maintain territories and mating and breeding success: www.ecologyandsociety.org/vol14/iss1/art29/. The EIR simply doesn't address these important issues, and that violates CEQA.

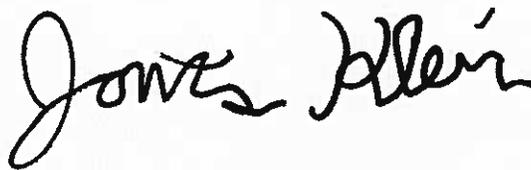
We are also concerned about the lack of effective mitigation. We haven't seen and the public hasn't seen the plan that the applicant is supposed to prepare to protect the environment from spills of hazardous waste. We can't have any confidence that this plan will work unless there is public review.

As people of conscience with respect and love for all life, we respectfully demand, again, that the many animals that make this area their home not be made to suffer the potentially devastating impacts of a new hazardous waste facility in this area.

Peace and Blessings,



Rev. Tera Little
Unitarian Universalist Minister



Rabbi Jonathan Klein
Co-Founder/Director, Faith Action for Animals

