

Greenaction for Health and Environmental Justice
El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City
Central California Environmental Justice Network

February 25, 2022

Meredith Williams, Director

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DTSC Office of Permitting

Submitted by email to Randy.Snapp@dtsc.ca.gov and Meredith.Williams@dtsc.ca.gov

Comments in Support of Denial of Variance Request from Clean Harbors Buttonwillow Hazardous Waste Landfill

Greenaction for Health and Environmental Justice, El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water, and the Central California Environmental Justice Network submit these comments on behalf of our members and constituents in Kern County and across the state.

We urge the Department of Toxic Substances Control (DTSC) to deny the Variance Request submitted by Clean Harbors Buttonwillow (Clean Harbors). DTSC has a legal responsibility to enforce permit conditions, protect public health and the environment, and uphold environmental justice in vulnerable POC communities.

We also urge DTSC to issue a significant monetary fine against Clean Harbors Buttonwillow for their improper disposal of hazardous waste.

Clean Harbors is located in Buttonwillow, California, an unincorporated community in Kern County that is predominantly Latino/a, monolingual Spanish-speaking or Limited English Proficiency (LEP), low-income and highly vulnerable to pollution. California EPA's Office of Environmental Health Hazard Assessment, through CalEnviroScreen 4.0, ranks Buttonwillow as a community that has been heavily impacted by pollution and other health and socio-economic factors, with a CalEnviroScreen Percentile score between 76-80%. The community's Pollution Burden Percentile is at 97%, illustrating the community's disproportionate exposure to adverse environmental conditions.

Not only is the denial of this request by Clean Harbors proper and appropriate; a denial is necessary to deter them and other companies from violating the conditions of their permits and exposing the environment and communities to potential harm in the future. If this Variance Request is approved, it will signal not only to Clean Harbors, but to other polluting companies as well, that it is permissible to violate their permits and threaten public health and the environment without consequences.

Very importantly, the Kettleman City Title VI Settlement of 2016 requires DTSC to comply with civil rights in their permitting and regulatory processes. Granting this improper Variance Request

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would surely violate the terms of this settlement, as allowing a company to get away with illegal waste disposal in violation of its permit requirements would increase the health and environmental threat to an already heavily burdened community that is a protected class under Title VI of the United States Civil Rights Act and California Government Code 11135.

The fact that DTSC and CalEPA have allowed this hazardous waste facility to continue operating for sixteen years without the proper permitting is unacceptable and a violation of environmental justice and civil rights. It is time that DTSC requires polluting corporations to be subject to proper permit processes that are free of racial discrimination and that include meaningful and legitimate public participation, including language access.

Because Clean Harbors has operated on an expired permit for so many years, and has violated its duty to properly handle hazardous materials, DTSC must follow through on its preliminary decision to deny this Variance Request, at the very least. Further, Clean Harbors should be shut down immediately and remain inactive unless and until the facility receives an updated permit through the formal and proper process in compliance with civil rights, with thorough environmental review, and meaningful public participation, including full language access.

This is an important opportunity for DTSC to demonstrate that it takes its mission to protect public health and the environment and to comply with civil rights and environmental justice laws and policies seriously. Enforce the law, deny the Variance Request.

For environmental health and justice,

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