



**THE PEOPLE'S SENATE**

# Groundtruthing DTSC The Big Picture

PRESENTATION TO THE INDEPENDENT REVIEW PANEL

# Overarching Findings

- ▶ DTSC has not been responsive to People's Senate communities
- ▶ DTSC is not an credible narrator concerning its own performance
- ▶ Community trust remains at all time low, despite increased attention on environmental justice
- ▶ Common threads are woven throughout most communities
  - ▶ Inadequate information and communication
  - ▶ Inaccurate site characterization and sampling
  - ▶ Delays in permitting, enforcement, site characterization and remediation
  - ▶ Communities and residents not seen or treated as partners

# Responsiveness

- ▶ People's Senate structured to measure agency responsiveness
  - ▶ 8 agency reforms
    - ▶ Some improvement noted, especially the hiring of additional executive leadership and the addition of an Environmental Justice team
  - ▶ 50 site-specific requests concerning 15 sites
    - ▶ Groundtruthing report contains responses from 12
    - ▶ DTSC completed only 1 out of 39 requests from the participating People's Senate groups.

**"DTSC utterly ignored the IRP's request for a detailed response to site-specific benchmarks. DTSC did not even mention the concerns we had provided... Instead DTSC merely copied and pasted the same sparse and meaningless information it [previously] provided to the IRP."**

# Objectivity by DTSC

- ▶ DTSC report misleading and incomplete
- ▶ Trend throughout the IRP process, where DTSC conveys only information favorable to the agency rather than providing a self-reflective and objective view towards both strengths and weaknesses in the department.
- ▶ DTSC and IRP should view this process as a unique opportunity to address large and systemic issues in the management of CA hazardous waste.
  - ▶ Reducing hazardous waste generation
  - ▶ Reforming clean-up financing
  - ▶ Development of a comprehensive hazardous waste disposal plan that addresses over-burdened communities
- ▶ We can't resolve the systemic issues if DTSC doesn't provide credible and accurate information or isn't open to critical analysis of its shortcomings.

**"They skip important clarifying information and minimize other information; leaving a distorted and inaccurate picture of the activities and conditions."**

# Community Trust

- ▶ None of the 12 participating communities reported increased confidence or trust in the agency.
- ▶ Some sought to discontinue relationships because of a lack of cooperation and responsiveness.
- ▶ Many are losing hope that the IRP can make a meaningful change and are questioning whether participating in the process is useful.

**“These [monthly] calls [between community groups and DTSC] did not serve as a space to find bilateral solutions to the major environmental issues that exist in the community.”**

# Inadequate Information and Communication

- ▶ Autumnwood Housing Dev. – Community sought, did not receive, raw sampling data
- ▶ Brown & Bryant Arvin and Shafer – No public meetings, no groundwater monitoring data provided
- ▶ Elk Hills – General lack of information to residents on site status, pending decisions, and rationales for agency action
- ▶ Clean Harbors Buttonwillow – No community outreach, no follow-up on simple information request on reporting violations
- ▶ Envirostor inadequate repository of information
- ▶ No link to pending permit decisions

# Accuracy of Site Characterization & Sampling

- ▶ In every case where a community has contracted for independent sampling or sampled itself, the independent results reflect higher concentrations or more extensive contamination than found by DTSC
  - ▶ E.g. Autumnwood, Quemetco, Carlton Forge, Jordan Downs
- ▶ Sampling does not extend to areas of concern for the community
  - ▶ E.g. Ag Park, Carlton Forge, Phibro-Tech, Elk Hills, Jordan Downs
- ▶ Sampling does not include all chemicals of concern
  - ▶ E.g. Quemetco, Carlton Forge, Ag Park

# Agency Delay and Inaction

- ▶ Permitting decisions long overdue
  - ▶ Phibro-Tech's permit expired in 1996
  - ▶ Clean Harbors permit expired in 2006
- ▶ Delays in enforcing orders
  - ▶ Original Phibro-Tech corrective order issued 1991, but no compliance
  - ▶ Quemetco stayed enforcement order pending appeal, no information on timeframe
- ▶ Delays in site investigation and characterization
  - ▶ Delano plume first discovered in 2006, public notified of sampling in 2015
- ▶ Delays in clean-up
  - ▶ Brown and Bryant contamination in Arvin and Shafter discovered in 1980s, yet remediation plans adopted in 2008 and 2009.

# Community Partnerships

- ▶ “Residents do not feel their input is considered; that they have any input in decisions but are merely pawns so that DTSC can report that they have a Work Group.” – Ag Park
- ▶ “Offers by the community-based Task Force to provide input to DTSC on transportation alternatives have been rebuffed.” – Santa Susana Field Laboratory
- ▶ “Residents ... expressed to DTSC staff that they were willing to have their homes retested if DTSC doubted the veracity of the soil and dust testing conducted independently...None of homes of these residents have ever been retested despite sharing their contact information with DTSC.” – Carlton Forge
- ▶ “The CAC offered ... to help contact neighbors and encourage them to sign access agreements but our help was declined, even though there was already a precedent set earlier in the Exide case.” – Quemetco

# Conclusions

- ▶ DTSC has a long way to go to rebuild community trust.
- ▶ The success of agency reform must be rooted in on the ground improvements in impacted communities. By this measure, DTSC's reform efforts have not succeeded.
- ▶ DTSC and IRP must acknowledge the communities' experiences as valid and concerning in order to improve the agency.
- ▶ We must institutionalize the communities' perspective, knowledge, and vision within the agency with a formal community board or panel.
- ▶ The IRP should ground its recommendations in the shared problems facing many communities as outlined by the People's Senate.