

State of California

DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMUNITY PROTECTION AND HAZARDOUS WASTE (HAZ-WASTE) REDUCTION INITIATIVE COMMUNITY MEETING

MEETING SUMMARY – DRAFT

November 14, 2016

6:00 – 8:00 p.m.

Junipero Serra State Office Building, First Floor
Carmel Room, 320 West Fourth Street
Los Angeles, California 90013

Advisory Committee Members

Chuck White, Solid Waste Association of North America; California Waste Association
Cynthia Babich, Del Amo Action Committee; Los Angeles Environmental Justice Network
Coordinator
David Asti, Southern California Edison
Ingrid Brostrom, Center on Race, Poverty, & the Environment

Haz-Waste Reduction Initiative Team

Pauline Batarseh, Branch Chief, Policy Implementation and Support
Rick Brausch, Chief, Policy & Program Support Division, DTSC
Cesar Campos, Supervisor, Public Engagement; Translator
Lazaro Cardenas Jr., Outreach Coordinator, Office of Environmental Justice and Tribal
Affairs
Antonette Cordero, Hazardous Waste Management Program Deputy Director
Amelia Hicks, Program Analyst
Anna Hostler, Office Technician, Policy Implementation and Support
Jerry Lile, Senior Environmental Scientist
Elsa Lopez, Public Participation Specialist
Ana Mascareñas, Assistant Director, Office of Environmental Justice and Tribal
Affairs
David Miller, Senior Environmental Scientist
Mosen Nazemi, Deputy Director, Brownsfield and Environmental Restoration Program

Facilitator

Greg Bourne, UC Davis Extension Collaboration Center

Members of the Public

Tracy Bagat, Consultant
Denise Duffield, Associate Director, Physicians for Social Responsibility Los Angeles
Florence Gharibian, Chair, Del Amo Action Committee
David Juarez, Third Assembly District
Tom Lofe

Jesse Marquez, Executive Director, Coalition for a Safe Environment
Duncan McKee, California State Polytechnic University, Pomona
Robina Suwol, Executive Director, California Safe Schools

1. Meeting room opens

- Information table 1: What is DTSC's mission, role, and responsibilities?
- Information table 2: What are the major toxic and hazardous waste challenges facing human health and the environment in California?
- Information table 3: Overview of the Haz-Waste Reduction Initiative and proposed pilot projects

2. Welcome and introductions

Mr. Bourne opened the meeting and introduced himself. He reviewed the agenda and noted the location of the pilot project proposal copies.

Mr. Bourne introduced Antonette Cordero, Hazardous Waste Management Program Deputy Director. Ms. Cordero thanked the community for attending. She explained that the Hazardous Waste Management Program encompasses DTSC's responsibilities for permitting, inspections for hazardous waste facilities, enforcement actions, emergency response, and criminal investigations, as well as innovative policies such as this initiative.

Ms. Cordero stated that California has approximately 119 facilities permitted to store, treat, or dispose of hazardous waste; more than 900 registered transporters; and more than 100,000 businesses that generate hazardous waste. DTSC tries to ensure that all these facilities, transporters, and generators operate in compliance with the law, in a way that protects both public health and the environment.

Ms. Cordero continued that the pilot projects have been proposed to try to reduce hazardous waste generated in large quantities. Low-income communities of color disproportionately bear environmental burdens; these pilot projects are intended to address that problem.

Ms. Cordero introduced the DTSC staff to the audience.

Mr. Cardenas introduced audience members from the 3rd Assembly District Office and Cristina Garcia's 58th Assembly District Office. David Juarez thanked DTSC for holding the meeting in this area which is disproportionately impacted by local sources of pollution. Another member of a district office spoke off mike.

Mr. Bourne invited the members of the Advisory Committee to introduce themselves.

3. Haz-Waste Reduction Initiative presentation

Ms. Batarseh provided an overview of the initiative.

- The Haz-Waste Reduction Initiative is a two-year effort that began in 2015. Using three pilot projects, DTSC's goal is to reduce hazardous waste that causes threats to human health and the environment, as well as impacting environmental justice communities in California.

- The initiative is a collaborative effort between DTSC and other government agencies, state, federal, and local governments, the Advisory Committee, businesses, impacted communities, and other stakeholders.
- DTSC believes that successful pilot projects must include input from all interested stakeholders.
- The Advisory Committee is intended to assist DTSC in the selection and implementation of the pilot projects. Members were selected from a range of diverse stakeholders with expertise in the subject.
- Since March 2016, seven meetings have been held with the Advisory Committee.
- The Advisory Committee proposed over a dozen pilot projects which have now been narrowed down to four. They are:
 - **Lead-acid batteries**
 - **Petroleum refinery waste**
 - **Contaminated soils**
 - **Organic solvent waste**
- The projects met the following selection criteria.
 - They had to be technically feasible, implementable, scalable, and measurable.
 - They had to focus on wastes that are highly toxic, have the potential to cause harm to communities and public health, and are generated in large quantities in California.
 - They had to lead to tangible benefits to impacted communities.
- **Lead-acid batteries.** These comprise a large volume of the overall amount of lead being used in the U.S. They are used in multiple applications: machinery, tools, vehicles, etc. Human exposure to lead can bring adverse impacts, particularly in children. This project is a good candidate for evaluation under the Safer Consumer Products Program.
- **Petroleum refinery waste.** The 19 refineries in California are among the top generators of hazardous waste. They generate solvents, spent catalysts, sludge, waste oil, liquids with metals, and contaminated soils. This project is an opportunity to explore source reduction measures, as well as onsite treatment and recycling options.
- **Contaminated soils.** These are by far the largest volume of hazardous waste generated in California – in 2015, over 500,000 tons. This project allows us to explore innovative treatment options where we can look at destruction of PCBs, metals, pesticides, etc. By focusing on onsite treatment technology, we avoid the need to excavate the soils and ship it to hazardous waste landfills. A key element of the project is avoiding shifting the contaminated soils from one community to another. Another key element is integrating community involvement strategies in cleanup decisions.
- **Organic solvent waste.** These are used in paint stripping, dry cleaning, and parts cleaning and degreasing. Last year over 110,000 tons of organic solvent waste was generated in California. It poses risks to workers and children – the wastes are volatile, easily escaping into the air. They are also very soluble, dissolving easily into water and creating groundwater contamination.
- DTSC has drafted pilot project summaries. Each project has similar aspects which include:
 - Broad solicitation of information from various stakeholders, which will be compiled to establish a baseline, identify data gaps, and identify regulatory and economic tools.

- Broad solicitation for partnerships or proposals where we focus on specific projects with tangible reductions in hazardous waste.
- Findings and recommendations will be summarized into a report due to the Legislature by June 2017. We expect that the selected projects will extend beyond the June 2017 deadline.
- At this time we are proceeding with gathering information on the four pilot projects; later we will decide which ones to drop.
- Major milestones:
 - May 2016 – Selection of the pilot projects
 - April 2017 – Planning and implementation of pilot projects
 - June 2017 – Final report completion
- DTSC is very interested in receiving community feedback. Additional meetings such as this will be held.

4. Comments/questions/discussion from the public

Mr. Duncan McKee stated that he has been working on the Quemetco project since 1996. He could see the potential for something positive happening as a result of this initiative. He had put together a list of things that can be done to reduce the waste coming from Quemetco. He had worked hard on Rule 1420.1, as had Quemetco; this resulted in Exide going out of business. Quemetco is now recycling or processing batteries previously going to Exide. They have a request with South Coast Air Quality Management District for an increase in throughput of 300,000 pounds a day. Mr. McKee stated that it should be denied, and Quemetco should be required to comply with any and all conditions of their Title 22 permit issued by DTSC in 2005.

Mr. McKee continued that we should reduce the number of batteries coming in from out of state, to be processed at that facility. The community should not have to bear the burden of this material from all over the world. Since we know that alternatives to lead-acid batteries are on the horizon, we need to start the process to ratchet down the quantity of material processed at the facility. We need to set a realistic drop-dead closure date so that the inevitable cleanup process can commence.

He continued that we need to be certain that Quemetco has adequate funding in place to ensure that the financial burden for proper cleanup is not placed on the taxpayers. We need to begin the groundwater cleanup process. Data shows that there is lead, cadmium, chromium, mercury and many other contaminants beyond the maximum concentration limits. Wells supplying drinking water to millions of people in the San Gabriel Basin are downstream from the facility.

He showed a photo of seriously contaminated soil leaving Quemetco via truck, and a photo of the same truck going to Puente Hills Landfill, which is not a hazardous waste landfill. Mr. McKee wanted to know where the Enforcement Division for DTSC was, and where the inspectors were when acid has eaten holes in the roof resulting in uncontrolled emissions. He indicated folders where the practices were documented. He urged the committee to take advantage of this opportunity.

Mr. Tom Lofe wondered if DTSC knew of any hazardous waste manifests that Quemetco has asked for. They take waste wherever they can. They have dumped the waste on top of the groundwater aquifers next to the 605 Freeway.

Mr. McKee stated that it is time to ratchet Quemetco down. They have contaminated the community long enough and refused to admit it or do any kind of cleanup. This community should not be bearing the burden of batteries coming from all points west of the Mississippi. It would change a lot if there were some kind of legislation to limit the batteries processed there to those being utilized in California only.

Ms. Robina Suwol, Executive Director of California Safe Schools, a children's environmental health and environmental justice coalition, thanked the DTSC staff that have gone out of their way to reach out to the community. She had appreciated the four presentations given at the Advisory Committee meeting earlier. Ms. Suwol agreed that the toxicity in one area should not become someone else's burden. She supported the look into destruction technologies and hoped that inspections can continue to ensure compliance. Even with policy programs and laws, without enforcement it is very difficult to move forward.

Ms. Denise Duffield, Associate Director with Physicians for Social Responsibility Los Angeles, commented on the cleanup of the Santa Susana Field Laboratory. Community members there have worked to try to prevent radioactively contaminated materials from going to sites such as Buttonwillow. Ms. Duffield stated that she would be wary of a "one size fits all" solution; different communities have different needs that depend on the contaminant, amount of contamination, geology, amount of time to reduce exposures. The top priority should be the reduction and elimination of toxic exposures.

Ms. Florence Gharibian, Chair of the Del Amo Action Committee, stated her belief that the message from the top of any organization sets the priorities and the pace of the organization. Another belief is that new technologies and new ways of doing business are essential and cannot come quickly enough. She urged the CPHWR Initiative to look for new technologies and encourage their development – Quemetco is a sad story of something that isn't working very well at all.

She stressed that enforcement is essential for any program and any set of new laws. SB 14 has large generators diligently carrying out its mandates. She mentioned that at one point we had a "transportable treatment unit" in California. When she starting working at DTSC in the early '80s, Governor Brown had opened an Office of Appropriate Alternative Technologies. It achieved some success in reducing hazardous waste.

Ms. Gharibian mentioned DTSC's Pollution Prevention program from the early '90s which had worked with the refinery industry for 11 years. However, the program had disbanded for lack of budget – a very sad statement. We need to understand what industries are using what chemicals and generating what waste, and what the alternatives are to the products these companies are using.

Mr. Jesse Marquez, Executive Director for the Coalition for a Safe Environment, read three prepared questions and proposed a challenge to DTSC.

1. Is the hazardous waste treated and neutralized?
2. Is the hazardous waste recycled? If yes, all or what percentage, and into what type of products?
3. Has any chemical component of hazardous waste been identified that could be feasibly recycled and marketed?

Mr. Marquez described a scenario in his community of Wilmington in which the sulphur removed from gasoline can be used in other industries. Altering an operation can then actually become a financial benefit. Mr. Marquez's challenge to DTSC was to allocate \$100,000 for an annual symposium. He mentioned an oil-eating microbe that now exists, and an iron bacteria that oxidizes the sulphurous iron in water resulting in ferric oxide. There is also a bacteria that eats PET (plastic bottles), a bacteria that eats alkaline lime waste, and a fungus that eats polyurethane. Scientists could come to the symposium and present research on findings such as this.

Ms. Tracy Bagat, a consultant with oil, gas, chemical, and aerospace industries, stated that her clients try to reduce their hazardous waste but find that other government agencies such as the FDA stop them. Under FDA 21 CFR it is not legal to repurpose one government agency's chemical for another use without that government agency giving permission. The same issue is present with Customs on imported materials. We are wasting tons of chemicals because government agencies are not speaking to each other.

Ms. Cynthia Babich, Del Amo Action Committee, stated that it is heartbreaking to hear fellow community members talk about life changes they have made, as well as the constant stress of trying to find solutions to the problems in their communities. If agencies were doing their jobs, this wouldn't be necessary. She felt that her community should be relocated – it is criminal to keep people in harm's way. Without people in the agencies working for people on the outside, there isn't any hope. The burden of legacy waste shifts from one generation in the community to the next. Prevention is the cure. Speaking from a community perspective, Ms. Babich will be upset if something tangible does not come from this initiative.

Mr. Marquez had an additional comment that he had found a scientific journal that would benefit DTSC staff: *Applied and Environmental Microbiology*.

5. Next steps and closing

Ms. Cordero provided closing comments. She stated that it was very important to DTSC to have the community present so DTSC can hear what is happening. One of Director Barbara Lee's highest priorities is to have DTSC be more transparent and hear more input from the community.

Ms. Bagat asked why the state cannot force upper management of agencies issuing permits to attend these meetings. Whomever is in charge should have to show up. Ms. Cordero replied that current legislation does not allow DTSC to force them. She oversees the permitting division for DTSC, and currently they are looking at what permitting criteria is going to be under various new legislation. The public will be getting a chance to weigh in on that. She hoped to receive input then from the public members that were present today.

(Audience members asked questions and made comments off mike)

Mr. Cesar Campos commented that the public's perspective is that in these meetings, sometimes DTSC is presenting on behalf of the facility. This perspective needs to change – DTSC needs to be seen as a neutral party that is going to make a decision based on all the information gathered throughout the permitting process. Ms. Cordero stated that DTSC has a public participation process when they issue permits. They also hear from people even before they get to the permitting step. The earlier in the process DTSC hears about issues, the more options they have for dealing with them.

Ms. Babich commented that the more stakeholder conversations we have, the better off we will be. Her community has brought different partners together. She stressed the importance of the communities knowing that these conversations are happening so they can attend if possible. She would like to see DTSC being more of a facilitator, bringing partners together.

Ms. Cordero responded that she strongly agreed with the importance of having the community here tonight – it had resulted in a useful, beneficial discussion that will lead us in the proper direction. DTSC has a new Public Participation Deputy Director, Jerilyn Lopez Mendoza; she and Ms. Cordero are both based in the Chatsworth office, which will facilitate DTSC's presence in Southern California. Ms. Cordero recognized that there are some large facilities in this area with substantial problems to address.

Ms. Cordero thanked everyone again for coming. The meeting adjourned at 7:52 p.m.

DRAFT