



Department of Toxic Substances Control

FACT SHEET

Background on DTSC

The Department of Toxic Substances Control (DTSC) protects California residents and the environment from the harmful effects of toxic chemicals by restoring contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products. DTSC's operations fall under three major program areas. The Site

Mitigation Program is responsible for the clean-up and restoration of contaminated sites throughout the state, including providing operation and maintenance support to the 470 sites on the Superfund National Priorities List. The Hazardous Waste Management Program regulates the generation, storage, transportation, treatment, and disposal of hazardous waste to minimize risks to public health and the environment. The program oversees permitting and compliance at 119 authorized facilities that manage hazardous waste, approximately 900 registered businesses that transport hazardous waste, and approximately 100,000 entities that generate hazardous waste in California.

Current Status

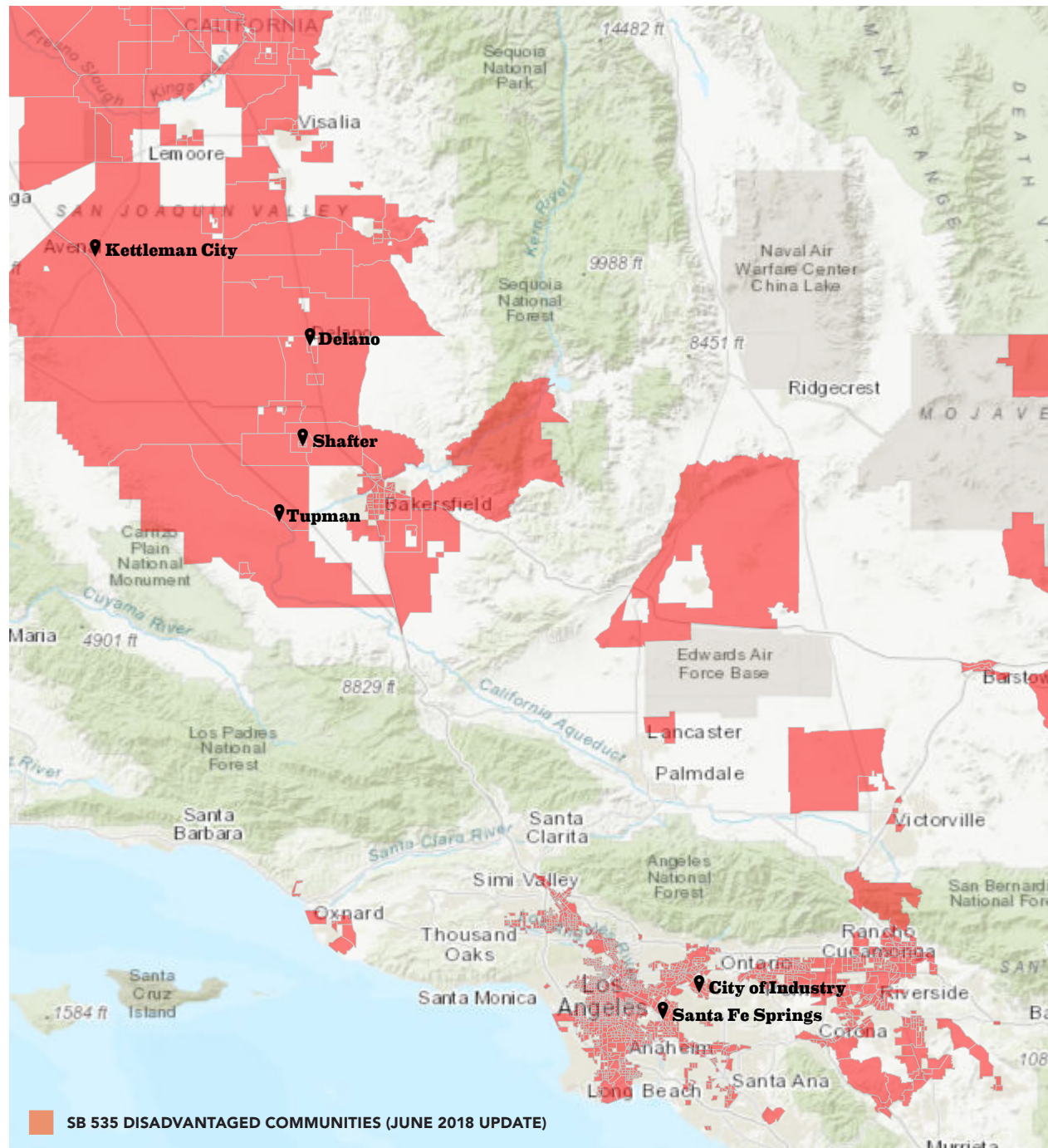
The Department's two main special funds, the Toxic Substances Control Account and Hazardous Waste Control Account, have structural deficits with ongoing expenditures exceeding revenues.

At the time of the Governor's May Revise Budget, the Department had not completed the reconciliation of its past year accounting records. As a result, the magnitude of the Department's funding shortfall was unknown. The Governor's Budget reflected several temporary and placeholder funding shifts from other special funds, including the Lead-Acid Battery Cleanup Fund, to support the Department's current funding level. In February, the Department was able to reconcile its accounting records through the 2017-18 fiscal year and unfortunately found a shortfall of approximately **\$37.5 million General Fund** to be able to have the Administration consider reforms necessary to improve accountability and transparency to impacted communities and regulated entities and develops a fee package to generate sufficient revenue to support the Department's mission.

Recommendations

The State must immediately restructure hazardous waste fees in order to increase revenue; ensure that all industries that generate and dispose of hazardous materials are contributing to the Department's funding; and incentivize a reduction in hazardous waste generation. The State must provide full and adequate funding to the Department, without raiding funds for other important purposes (such as the Lead-Acid Battery Cleanup Fund). Lastly, state funding must be coupled with concrete conditions to ensure that the Department meets its statutory mandates, such as the creation of a Governing Board or other oversight body to increase accountability, transparency and responsiveness.

How DTSC Has Failed Our CA Communities



PHIBRO-TECH, INC.

Santa Fe Springs, CA

SITE HISTORY

For almost 20 years Phibro-Tech Inc. has operated a hazardous waste recycling facility on an expired permit, and is seeking approval to expand. Residents in Santa Fe Springs and neighboring Los Nietos are concerned about the safety of their ground water and air, given the documented presence of hexavalent chromium in the groundwater under the facility which they were ordered to clean up in the 1990s but have still not even started the clean-up process. The carcinogen was found in concentrations nearly 3 million times the state public health goal. Not surprisingly, residents report high rates of cancers near the facility. In the facility's history it has been cited repeatedly, often times for the same violations it never corrected. DTSC has only fined the company about \$500,000 or about 0.1% of the corporation's yearly sales.



COMMUNITY CONCERNS

Given the history of violations and extreme health risks the facility poses, the community is outraged at the possibility of the facility expanding its operations. Their concern is further heightened by the fact that DTSC is not requiring the facility to conduct an environmental review, believing then that the facility imposes no impacts whatsoever on public health or the environment. The community is also concerned about air emissions from the facility: many report overpowering fumes and odors that leave them feeling sick.

COMMUNITY RECOMMENDATIONS

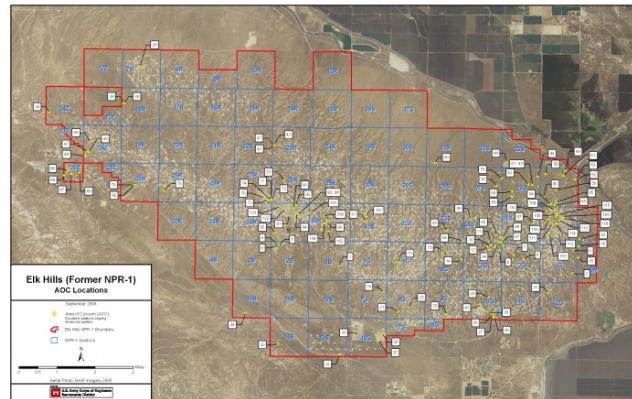
1. Complete a full Environmental Impact Report.
2. Deny request for new permit based on the facility's impacts to nearby residents, DTSC's issuance of three or more notice of deficiencies, the company's recurring pattern of violations, and the company's failure to comply with corrective orders.
3. Require immediate compliance with pending corrective orders and a full remediation of chromium and other legacy contamination linked to the site.
4. Conduct comprehensive off-site testing to determine the presence of contamination that poses a risk to nearby residents.

Elk Hills Oil Field

Tupman, CA

SITE HISTORY

In the 1970 and 1980s, the Department of Energy and Chevron deposited well stimulation fluids and tank bottom sludge into five unlined surface impoundments or trenches. In 1997, DOE sold the Navel Petroleum Reserve of Elk Hills, near Tupman, CA to Occidental Petroleum. The sale required DOE to characterize and clean-up any contamination on the site. DTSC approved a work plan for an assessment of 131 areas of concern, but the assessment was never completed. In 2008, DTSC issued a corrective order to DOE to complete the work. Suspected contamination includes arsenic, selenium, cadmium and lead, among other toxins. In the years since, DTSC alleges that some work has been complete, but little information has been provided to the public. DTSC issued no further action required for 17 sites but, again, has offered no documentation to support that finding. DTSC admits that only two sites have been cleaned to date. Meanwhile, Elk Hills has continued to endanger the community with a list of recent offenses that including illegally dumping fracking wastewater in multiple unlined pits.



Elk Hills Oil Field also neighbors the Clean Harbors Hazardous Waste Dump in Buttonwillow. The site is currently operating on an expired permit and has historically been a major concern for nearby residents who fear the heightened risk of toxic exposure. In 2000, DTSC permitted 2,200 tons of radioactive waste to be disposed of at the facility. In 2012, DTSC again allowed the facility to accept radioactive waste from the Santa Susana Field Laboratory, even though DTSC's permit expressly prohibits the facility from accepting radioactive waste.

COMMUNITY CONCERNS

Tupman and nearby communities are worried not just that the sites have not been cleaned up but also that DTSC has not been transparent about the site and have not been responsive to resident's questions and concerns. The cumulative impacts of the oil fields and the hazardous dump pose additional health risks and threat to neighboring farms.

COMMUNITY RECOMMENDATIONS

1. Provide scientific justification for removing areas of concern ("AOC") from DTSC's clean-up list.
2. Test the 661 well sites suspected of arsenic contamination in AOC 130, not just the 40 sites proposed now.
3. Provide a schedule of clean-up and closure of all sites.
4. Provide a full accounting of funds expended since 1997 on the cleanup.

BROWN & BRYANT

Shafter, CA

SITE HISTORY

The former Brown & Bryant pesticide plant was used from 1955 to 1989 to blend, formulate and package agricultural chemicals including pesticides, fumigants, and fertilizers. During that time nearly all of the commonly utilized fumigants and pesticides were released into the soil, including DDT and over 50 other chemicals. Today, the site remains heavily contaminated by Dinoseb 1 2 3, Trichloropropane, DBCP and EDB. An abandoned Shafter city drinking water well sits adjacent and down-gradient from the site. In fact, the entire City of Shafter lies within one mile of the contaminated site, including many of the city's municipal wells, the adjacent Shafter Youth Center and Community Medical Center and residential streets just blocks away. The State has identified four companies that contributed to Shafter's contamination: Santa Fe Railroad, Shell Oil, Dow Chemical, and Hercules, Inc. The clean-up plan involves the removal of chemical vapors from the soil, excavation of the most contaminated shallow soils and continued monitoring of the site. The total estimated cost of the clean-up is \$2.6 million and will take up to fourteen years to complete.



COMMUNITY CONCERNS

For many years, DTSC allowed the site to fall into disrepair. Kids used the site as a short-cut to school and the fencing had large holes. Residents are concerned that contaminants leached into groundwater when DTSC removed the concrete cap and allowed the site to remain uncovered during two rainy seasons. Shafter's groundwater is contaminated with the same pollutants that appear at the site, yet DTSC has not addressed groundwater contamination. While DTSC has adopted a remedial action plan, they have since ceased all outreach and communication with residents and advocates about the status of the site, leaving the community in the dark.

COMMUNITY RECOMMENDATIONS

1. Schedule and attend regular check-in meetings with residents about the status of the site clean-up.
2. Provide groundwater monitoring data in a user-friendly format to residents and advocates, and provide a report back on whether groundwater contamination is increasing or decreasing.

DELANO PCE/TCE PLUME

Delano, CA

SITE HISTORY

In 2008, an investigation of a leaking underground storage tank by the Central Valley Regional Water Quality Control Board uncovered TCE and PCE contamination in the groundwater of Downtown Delano. DTSC confirmed the contamination and identified several dry cleaners and former dry cleaners in the area as the probable source. In early December of 2014, DTSC collected indoor air samples from 20 businesses near the dry cleaner locations and discovered that every sample contained PCE, TCE or other contaminants. The levels were sufficiently high to pose unacceptable cancer risks and DTSC issued a Proposition 65 notice alerting local authorities of the danger to human health. In February, 2015 DTSC notified some business owners near the site of its discovery, alerting them that breathing the air inside their place of business may have serious effects on their health. However, DTSC did not inform business owners of how to reduce their risks or explain what DTSC planned to do to alleviate the known health risk. Instead DTSC committed to visit some of the buildings and stated that it “may” propose fixes for some of the buildings. DTSC scheduled an Open House to answer questions from the community but cancelled the meeting two days before it was to occur because it stated it did not have a large enough venue. DTSC states it may re-schedule the Open House sometime in the Summer of 2015.



COMMUNITY CONCERNS

Not only did it take DTSC about five years from the time the plume was discovered to do their own testing, they waited another two years to alert the impacted businesses, meaning they sat on this information for seven years. Even given the amount of time that passed since the discovery, DTSC has yet to fully explain to residents the potential risks of the plume or provided adequate public information, and residential properties have yet to be tested. DTSC has also created no clean-up plan and even said they are unsure if they ever will.

COMMUNITY RECOMMENDATIONS

1. Find the extent of contamination by testing additional sites beyond existing testing boundaries.
2. Test residential properties and preschool on Jefferson Ave.
3. Commit to and implement a full remediation of the site and impacted buildings in a timely fashion.
4. Regularly update interested residents about the status of the site and the clean-up and include the community in preparing a remediation plan.

KETTLEMAN HILLS FACILITY

Kettleman City, CA

SITE HISTORY

DTSC permitted the Kettleman Hills Hazardous Waste facility in the early 1980s without alerting nearby residents. Now the facility is one of the largest hazardous waste landfills in the United States. The facility is the only site in California permitted to receive PCBs, a known carcinogen. In 2008, nearby residents discovered a spike in birth defects, notably cleft lip and palate. Though the state was unable to find a cause for the spike, residents believe the birth defects as well as high cancer rates and other illnesses in the community are tied to the cumulative impacts of multiple pollution sources, including the toxic landfill. The facility reached capacity in the early 2010s and applied for an expansion. DTSC approved the expansion in 2013 over the objection of residents and advocates and despite the known cumulative pollution sources in the area, despite the vast number of violations at the site, and despite the elevated incidence of illness in the nearby community of Kettleman City. DTSC's approval of the expansion maintains its history of permitting all the of State's hazardous waste landfills in predominantly Latino communities. Cal/EPA ranks Kettleman City as one of California's most vulnerable communities based on CalEnviroScreen 2.0.



COMMUNITY CONCERNS

Residents are concerned about the number of cumulative pollution sources they are exposed to, including diesel truck emissions, hazardous waste, pesticides, fracking operations, and contaminated air and water. They are concerned that the incidence of cancer, birth defects, and miscarriages is higher than would be expected in a town of only 1500 residents. Residents are concerned that their town is targeted for undesirable land uses because the community is predominantly Latino, low-income, and have little political power. Residents believe the permitting decision relied on an unfair and racist local process, where DTSC relied on the environmental review documents and decisions of Kings County, who excluded Spanish speaking Latino residents from full participation.

COMMUNITY RECOMMENDATIONS

- Revoke the hazardous waste permit for the Chemical Waste Management Kettleman Hills Facility based on its long history of noncompliance and to remedy DTSC's noncompliance with state and federal civil rights laws.

QUEMETCO, INC.

City of Industry, CA

SITE HISTORY

The facility has been operating since 1959, first as Western Lead and then beginning in 1970 as Quemetco, recycling lead-acid batteries. Dallas-based Quexco Incorporated is the parent company that operates 14 lead-acid battery recycling facilities in the U.S. and Europe. Quexco's worldwide revenue is more than \$2 billion and it employs more than 7000 workers. For many years, Quemetco was in violation of air quality rules by exceeding the cancer burden by nearly 3 times the limit outlined in South Coast Air Quality Management District rules for cancer risk

and cancer burden, while having the highest cancer burden in the South Coast Basin. Quemetco has long emitted high levels of arsenic, cadmium, nickel, formaldehyde, and 1,3 Butadiene, all known carcinogens. Despite so-called state-of-the-art pollution control equipment installed in 2009-2010, Quemetco is responsible for 74% of all lead emissions in the South Coast Basin, making it the number one toxic release emitter for lead in Southern California. DTSC's samples taken most recently in 2005 and 2012 just outside the Quemetco fence line found lead above health risk and hazardous waste levels.



COMMUNITY CONCERNS

Quemetco has submitted a proposal to SCAQMD to expand battery processing by 25%. With some homes located only 400 feet from Quemetco, residents are very concerned about historical deposition of toxic metals in soil and water. We know that the groundwater under Quemetco is contaminated and that Quemetco is regularly discharging lead and zinc in storm water run-off over benchmarks. Limited testing of homes for lead was done in 1991 but without any follow-up remediation, while a small study of children's blood lead levels was done in 1994. This study demonstrated that almost half of the children tested in Hacienda Heights living close to Quemetco had blood lead levels over 5 micrograms/dl, which we know could likely result in neurocognitive effects; no remediation of these children's homes occurred and no follow-up study has been done despite our current understanding that there is no safe level of lead. Two schools are within a half-mile of the highest risk area.

COMMUNITY RECOMMENDATIONS:

1. Implement testing and remediation of homes, schools, and businesses within a 1- mile radius of Quemetco.
2. Establish a Working Group that meets regularly to update the community on the status of testing and clean up.
3. Deny Quemetco's Title 22 permit renewal and demand a revised permit application that includes data to reflect the proposed 25% expansion of throughput and its impact on hazardous waste generation.
4. NO EXPANSION OF BATTERY PROCESSING!

FACILITIES OPERATING UNDER A PERMIT

From the EnviroStar database, of the 12 facilities that were operating under expired permits as of March 2015, at least five are still operating under expired permits:

- Phibro-Tech: 7/29/96
- Clean Harbors, Westmorland: 5/2/2004
- Boeing Co-Canoga Park: 05/11/2005
- Clean Harbors, Buttonwillow 4/6/2006
- Lawrence Livermore, Livermore: 11/19/2009

Hazardous Waste Facilities Operation on Expired DTSC Permits: March 2015

| FACILITY NAME | PERMIT EXPIRATION DATE | CITY |
|--|------------------------|------------------|
| BKK Sanitary Landfill | 06-24-1992 | West Covina |
| Phibro-Tech | 07-29-1996 | Santa Fe Springs |
| Clean Harbors | 05-02-2004 | Westmorland |
| The Boeing Co-Canoga Park | 05-11-2005 | Simi Valley |
| Clean Harbors | 04-06-2006 | Buttonwillow |
| Evoqua Water Technologies | 10-07-2006 | Los Angeles |
| Wit Sales and Refining | 09-12-2007 | San Jose |
| Bayside Oil II | 12-20-2007 | Santa Cruz |
| Best Environmental | 12-29-2007 | Lancaster |
| Ramos Environmental Services | 05-18-2009 | West Sacramento |
| Lawrence Livermore National Laboratory | 11-19-2009 | Livermore |
| Lawrence Livermore National Laboratory | 04-03-2013 | Tracy |



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California Environmental Justice Alliance (CEJA)

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