

Commenter: Anon1

Comment Card for U.S. EPA's Proposed PCB Permit for the Kettleman Hills Facility

[Anon1 #1]

HELL  
NO!!!

Please postmark this card by November 1, 2019.

Comments may be placed in the public docket. More information at:

[www.epa.gov/ca/kettleman-hills](http://www.epa.gov/ca/kettleman-hills)

I am completely opposed to the proposed PCB permit for Kettleman City. I do not trust Chem Waste's claims that they will "mitigate potential PCB releases" or protect the local community of environment. The environmental justice community of KC has been through ENOUGH. Stop dumping on them.

Anon2#1

[Anon2 #2]

[Anon2 #3]

Please postmark this card by November 1, 2019.

Comments may be placed in the public docket. More information at:

[www.epa.gov/ca/kettleman-hills](http://www.epa.gov/ca/kettleman-hills)

**Comment Card for U.S. EPA's Proposed PCB Permit for the Kettleman Hills Facility**  
(Received at October 10, 2019 Public Meeting)

This entire process is extremely flawed. [Anon3 #1]  
Violations are not being judged properly.  
WM's history of non-compliance is so  
severe to allow this company to keep  
dumping.



**KETTLEMAN CITY  
COMMUNITY SERVICES  
DISTRICT**

P.O. BOX 179 • KETTLEMAN CITY, CA 93239  
(559) 386-5866 • FAX (559) 386-9202

October 15, 2019

Frances Wicher  
Land, Chemicals & Redevelopment Division  
US Environmental Protection Agency Region 9  
75 Hawthorne Street, LND-4-2  
San Francisco, CA 94105

[KCCSD #1]

Dear Ms. Wicher:

The Kettleman City Community Services District voted today to urge you to grant approval for Waste Management to store, process for disposal, and dispose of polychlorinated biphenyl (PCB) waste at the Kettleman Hills Facility.

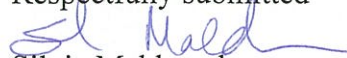
Our Board is regularly briefed on the Kettleman Hills Facility operations, the extensive environmental monitoring and their efforts to reach out to the community and leaders to keep them informed. We are impressed by the extent of their outreach.

We have worked with Waste Management for many, many years. We have found them to be a good corporate citizen and community partner. Waste Management is a critical part of the Kettleman City infrastructure growth, providing a tax revenue to Kings County that has been partially earmarked for the operations and maintenance cost of the new water treatment plant in Kettleman City. Some of the tax revenue is also being used for curb, gutter and sidewalks in the community. Both projects are high priority to the residents of Kettleman City and the Kettleman City Community Services District.

Again, we urge you to grant Waste Management the necessary permits, so they can continue to operate. The Waste Management Kettleman Hills Facility is critical to Kettleman City, Kings County and the entire state of California. We believe the time has come to issue Waste Management the necessary permits.

If you have any questions, please feel free to contact me at (559) 386-5866.

Respectfully submitted

  
Silvia Maldonado  
KCCSD Chairperson



Oct. 20, 2019

Permits Office (LND 4-2)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

I am writing to express my opposition to the planned expansion of PCB waste disposal facility at Kettleman City. [Haines #1]

Kettleman City is a predominantly Spanish-speaking, Latino farmworker community in the heart of California's San Joaquin Valley. Located in Kings County, and unincorporated, Kettleman City and its residents have suffered from decades of environmental, social and economic injustice, and racial discrimination at the hands of county, state and federal government agencies and officials - and dirty industries. [Haines #2]

The community is impacted by multiple sources of pollution, including Chemical Waste Management's Kettleman Hills landfill, the largest hazardous waste landfill in the west, where PCBs and garbage are also dumped. Other pollution includes pesticides, drinking water contaminated with benzene and arsenic, massive diesel truck traffic on Highway 41 and Interstate 5, toxic contamination from old oilfield operations, sewage sludge shipped from Los Angeles to nearby farms, and a former PG&E site. [Haines #3]

The State of California's CalEnviroScreen 3.0 ranks Kettleman City as one of the communities in the state most at risk from pollution due to environmental, health and other socio-economic indicators. [Haines #4]

Kettleman City residents have suffered with toxic contaminated drinking water for decades. The groundwater is contaminated with naturally occurring arsenic as well as benzene from old oilfield operations. Plagued by delays and bureaucracy, the new water treatment plant that would bring water from the nearby California Aqueduct has been stalled. [Haines #5]

Please do NOT finalize Chemical Waste Management, Inc's proposal to continue and expand its PCB waste dumping at Kettleman City. [Haines #1] It needs to mitigate, not expand! [Haines #6]

Sincerely,

**H** Ms. Sbauna Haines  
[Redacted]

Kathy Labriola

October 21, 2019

Permits Office (LND 4-2)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

I am writing to express my opposition to the planned expansion of PCB waste disposal facility at Kettleman City. [Labriola #1]

Kettleman City is a predominantly Spanish-speaking, Latino farmworker community in the heart of California's San Joaquin Valley. Located in Kings County, and unincorporated, Kettleman City and its residents have suffered from decades of environmental, social and economic injustice, and racial discrimination at the hands of county, state and federal government agencies and officials – and dirty industries. [Labriola #2]

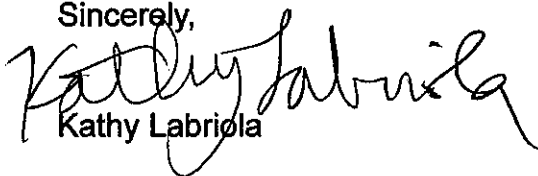
The community is impacted by multiple sources of pollution, including Chemical Waste Management's Kettleman Hills landfill, the largest hazardous waste landfill in the west where PCBs and garbage are also dumped. Other pollution includes pesticides, drinking water contaminated with benzene and arsenic, massive diesel truck traffic on Highway 41 and Interstate 5, toxic contamination from old oilfield operations, sewage sludge shipped from Los Angeles to nearby farms, and a former PG&E site. [Labriola #3]

The State of California's CalEnviroScreen 3.0 ranks Kettleman City as one of the communities in the state most at risk from pollution due to environmental, health and other socio-economic indicators. [Labriola #4]

Kettleman City residents have suffered with toxic contaminated drinking water for decades. The groundwater is contaminated with naturally occurring arsenic as well as benzene from old oilfield operations. Plagued by delays and bureaucracy, the new water treatment plant that would bring water from the nearby California Aqueduct has been stalled. [Labriola #5]

Please do NOT finalize Chemical Waste Management, Inc's proposal to continue and expand its PCB waste dumping at Kettleman City. [Labriola #1]

Sincerely,

  
Kathy Labriola

**From:** [alatmig@netzero.net](mailto:alatmig@netzero.net)  
**To:** [Stoker, Michael B.](#); [Wicher, Frances](#)  
**Cc:** [bradley@greenaction.org](mailto:bradley@greenaction.org); [miguel@greenaction.org](mailto:miguel@greenaction.org); [nayamin.martinez@ccejn.org](mailto:nayamin.martinez@ccejn.org)  
**Subject:** Re: Kettleman City PCB Permit  
**Date:** Tuesday, November 12, 2019 2:16:12 PM

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November 12, 2019

Dear Ms. Wicher and Mr. Stoker,

I am requesting a 60-day extension to the comment period on the draft PCB permit for Chemical Waste Management, Kettleman Hills Facility. The reason I am requesting this extension is that it has recently come to my attention that there are alternate methods for PCB disposal that do not involve burial. Supercritical water oxidation is being described as an effective and safe method of disposal. It is my understanding that the costs involved are on par with burial of PCB waste. I would like for community members to have time to look into this new method of disposal so that we can make informed comments going forward in the permitting process. [#1]

For years USEPA has acknowledged Kettleman City's vulnerability, yet your agency has continued to allow Chem Waste to dispose of PCB's on expired permits and with outdated methods that put the health of my community at risk. [#2]  
Toxics that are buried still have toxic release. [#3]  
It's a temporary and risky "solution" at best. [#4]  
Additionally, it's always the same types of communities that have to deal with the ramifications of everyone's toxic waste disposal; poor, communities of color. [#2]  
It is irresponsible and reprehensible for your agency to continue to allow Kettleman City's environmental burden to increase when there is a potential alternative. [#5]  
For this reason, I am asking for a halt to the permit modification process and an extension of the comment period so that we can look into this alternative method and finally put an end to Kettleman City's toxic burden. Please respond promptly to this modest request, and please enter this into the administrative record.

Thank You,  
Maricela Mares-Alatorre  
on behalf of El Pueblo Para el Aire y Agua Limpia de Kettleman City

Permits Office (LND 4-2)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

I am writing to express my opposition to the planned expansion of PCB waste disposal facility at Kettleman City.

[Paris #1]

Kettleman City is a predominantly Spanish-speaking, Latino farmworker community in the heart of California's San Joaquin Valley. Located in Kings County, and unincorporated, Kettleman City and its residents have suffered from decades of environmental, social and economic injustice, and racial discrimination at the hands of county, state and federal government agencies and officials - and dirty industries.

[Paris #2]

The community is impacted by multiple sources of pollution, including Chemical Waste Management's Kettleman Hills landfill, the largest hazardous waste landfill in the west where PCBs and garbage are also dumped. Other pollution includes pesticides, drinking water contaminated with benzene and arsenic, massive diesel truck traffic on Highway 41 and Interstate 5, toxic contamination from old oilfield operations, sewage sludge shipped from Los Angeles to nearby farms, and a former PG&E site.

[Paris #3]

The State of California's CalEnviroScreen 3.0 ranks Kettleman City as one of the communities in the state most at risk from pollution due to environmental, health and other socio-economic indicators.

[Paris #4]

Kettleman City residents have suffered with toxic contaminated drinking water for decades. The groundwater is contaminated with naturally occurring arsenic as well as benzene from old oilfield operations. Plagued by delays and bureaucracy, the new water treatment plant that would bring water from the nearby California Aqueduct has been stalled.

[Paris #5]

Please do NOT finalize Chemical Waste Management, Inc's proposal to continue and expand its PCB waste dumping at Kettleman City.

[Paris #1]

Sincerely,

*Teresa J. Paris*  
20 Nov. 2019



Teresa Paris

[Redacted signature area]

Permits Office (LND 4-2)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

I am writing to express my opposition to the planned expansion of PCB waste disposal facility at Kettleman City. [Wieder #1]

Kettleman City is a predominantly Spanish-speaking, Latino farmworker community in the heart of California's San Joaquin Valley. Located in Kings County, and unincorporated, Kettleman City and its residents have suffered from decades of environmental, social and economic injustice, and racial discrimination at the hands of county, state and federal government agencies and officials - and dirty industries. [Wieder #2]

The community is impacted by multiple sources of pollution, including Chemical Waste Management's Kettleman Hills landfill, the largest hazardous waste landfill in the west where PCBs and garbage are also dumped. Other pollution includes pesticides, drinking water contaminated with benzene and arsenic, massive diesel truck traffic on Highway 41 and Interstate 5, toxic contamination from old oilfield operations, sewage sludge shipped from Los Angeles to nearby farms, and a former PG&E site. [Wieder #3]

The State of California's CalEnviroScreen 3.0 ranks Kettleman City as one of the communities in the state most at risk from pollution due to environmental, health and other socio-economic indicators. [Wieder #4]

Kettleman City residents have suffered with toxic contaminated drinking water for decades. The groundwater is contaminated with naturally occurring arsenic as well as benzene from old oilfield operations. Plagued by delays and bureaucracy, the new water treatment plant that would bring water from the nearby California Aqueduct has been stalled. [Wieder #5]

Please do NOT finalize Chemical Waste Management, Inc's proposal to continue and expand its PCB waste dumping at Kettleman City. [Wieder #1]

Sincerely,

MARK WIEDER



Anonymous comment posted to Regulations.gov on 11-22-2019

The United States Environmental Protection Agency (EPA) should authorize a chemical waste permit for the Kettleman Hills Facility to increase its capacity. Kettleman Hills has proven that it is in compliance with its previous regulations. Kettleman Hills has also demonstrated that increasing the volume will not cause harm under the National Historic Preservation Act or Section 7 of the Endangered Species Act. Kettleman Hill has already gone through the steps involved and has proven that a "take" will not occur. [Anon4 #1]

Kettleman Hills properly needs a permit under the TSCA to store, treat for disposal, and dispose of PCB. The EPA must issue the permit since it is in compliance with all the regulations. The increased authority under the new permit will allow Kettleman Hills to be more efficient. The new permit will allow for storage containers that are twice the size as the ones currently in use, which will provide for a better use of space. The EPA has correctly used control technology to determine the impacts of the proposal, and found no unreasonable threat of injury to health and the environment arose from PCBs. Based on the Scientific evidence and Kettleman Hill's history of compliance, the EPA should grant the license.

My only concern is that the proposed authorization states that Kettleman Hill is allowed to keep waste within 30 days of its disposal at an offsite facility. What protections is the EPA willing to implement to specifically monitor the environmental impact of storing the waste on land other than the facility? By issuing this permit, the EPA must consider that now we have not only one, but two primary locations where potential toxic substance could spill. How does Kettleman Hills intend to store waste on the offsite facility? Will the offsite facility be held to the same code as the main operating facility? The EPA should consider increasing ground water monitoring for the offsite location to prevent any contaminated runoff from contaminating more areas. [Anon4 #2]



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

November 22, 2019

Via postal and electronic mail to: [r9Landsubmit@epa.gov](mailto:r9Landsubmit@epa.gov); [wicher.frances@epa.gov](mailto:wicher.frances@epa.gov)

Frances Wicher  
Kettleman Hills Project Manager  
Land, Chemicals, & Redevelopment Division (LND-4-2)  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

Re: Comments on Kettleman Hills Proposed PCB Permit Application Approval

Dear Frances Wicher:

California Rural Legal Assistance, Inc. (CRLA) submits this letter in response to the August 29, 2019 Public Notice of the “Proposed Approval TSCA PCB Commercial Storage Facility and Chemical Waste Landfill” (ID EPA-R09-RCRA-2019-0088) for the Kettleman Hills hazardous waste facility (Kettleman Hills or the facility) owned and operated by Chemical Waste Management, Inc. (ChemWaste).

CRLA is a non-profit law firm that has served low-income communities throughout rural California for over fifty years. CRLA represents residents of Kettleman City who are advocating for environmental justice to protect the health and safety of their community. CRLA submits these comments to ensure that the U.S. Environmental Protection Agency (EPA) complies with its legal obligations during the review process of the Kettleman Hills PCB application.

[CRLA #1a]

## **I. The Proposed Approval Continues a Legacy of Environmental Justice Violations in Kettleman City**

*a. The EPA has environmental justice obligations during the Approval decision-making process*

The proposed Environmental Protection Agency (EPA) Approval (the Approval) to store, treat, and dispose of polychlorinated biphenyls (PCB) waste in the Kettleman Hills facility will increase the amount of PCB hazardous waste material being stored and disposed of near Kettleman City. This will continue the long legacy of disproportionate adverse environmental and health impacts on the residents of Kettleman City, in violation of the EPA’s environmental justice obligations.

[CRLA #1b]

The EPA is subject to federal legal requirements related to environmental justice. These requirements originate from Title VI of the Civil Rights Act, and Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” They are designed to

[CRLA #2]

address historical patterns where low-income communities and communities of color have been disproportionately burdened with the social, economic, environmental, and health costs of development while being largely excluded from its benefits

The EPA defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.” (EPA Guidance on Considering Environmental Justice During the Development of Regulatory Actions, or EPA Guidance). Environmental justice obligations apply to agency policies, programs, and activities and require the EPA “[t]o the greatest extent practicable and permitted by law, identify...and address...disproportionately high and adverse human health or environmental effects” of its activities on minority and low-income populations. (EPA Guidance p. 7)

The EPA recognizes in the Draft Environmental Justice analysis (EJ analysis) that most residents in Kettleman City are minority and low income and face cumulative and ongoing environmental burdens at a higher rate than most residents in California. (EJ analysis §3.2-3.4.5). Kettleman City residents are protected by state and federal environmental justice and civil rights laws. [CRLA #3]

*b. The proposed Approval will result in a disproportionate adverse impact on the residents of Kettleman City*

The proposed Approval will result in a net increase of 4.9 million cubic yards of PCB storage in Kettleman Hills, from 10.7 million cubic yards to 15.6 million cubic yards. It also will allow ChemWaste to store PCB waste in an outside containment area, bulk and re-package PCB waste outdoors and perform bin-top and container-top solidification of incidental liquids. These proposed changes to ChemWaste’s current PCB operating permit will constitute an expansion of the Kettleman Hills facility operations. State and Federal agencies repeatedly have issued permits for operations and expansion even though Kettleman City residents have complained of the adverse health effects and conditions created because of the facility. The current expansion, like those before it, would occur without the consent and support from the residents of Kettleman City. [CRLA #4]

Increasing overall PCB storage capacity and operations at Kettleman Hills will result in disproportionate adverse health effects and risks for Kettleman City residents. PCB exposure can result in cancer and adversely affect the liver, nervous system, and endocrine system function. Anxiety about potential exposure to PCB resulting from accidental releases or fires in the facility, and the stigma associated with living near a hazardous waste facility, create chronic stress that leaves residents more vulnerable to other health risks. Kettleman City residents also will be exposed to increased actual and potential health risks resulting from the transport of PCB wastes to Kettleman Hills when transport routes run near or through their community. The PCB storage capacity increase may lead to an increase in daily truck trips, and will result in more truck traffic over time as trucks deliver PCB waste for a longer time than they would [CRLA #5] [CRLA #6] [CRLA #7]

have if the facility had a lower PCB storage capacity. This will increase residents' overall risk of exposure to PCBs as well as truck traffic emissions. The facility's clear record of improper storage and management of hazardous waste, including PCBs, increases the risk of exposure even more. [CRLA #8]

The EPA is required to address these disproportionate impacts to the greatest extent permissible by law. The EPA must exercise its authority under 40 C.F.R. § 761.65(d) to deny the proposed PCB Approval to comply with its environmental justice obligations. [CRLA #9]

*c. The EPA must analyze alternative methods of PCB disposal*

The EPA's environmental justice and civil rights obligations require it to develop plans, practices, and activities that do not have a disproportionate adverse effect on protected communities. These obligations require that EPA investigate and assess all possible alternatives for PCB removal and disposal to determine if there is an option that will cause less risk to Kettleman City residents than additional PCB storage, handling, and disposal at the Kettleman Hills facility. The EPA does not discuss alternative options for PCB disposal anywhere in the Statement of Basis, Environmental Justice Analysis, or other documents. By failing to analyze alternatives, EPA is not complying with its EJ obligations to address disproportionately high and adverse human health effects "to the greatest extent practicable and permissible by law" and so the proposed PCB Approval should be denied. [CRLA #10]

The Environmental Justice Analysis and Statement of Basis must demonstrate that EPA has actively sought to identify or develop safer alternatives to continued PCB disposal and management at Kettleman Hills. The EPA should discuss all potential methods of PCB disposal.<sup>1</sup> The analysis should especially include a discussion of supercritical water oxidation, which has been shown to be beneficial in the disposal of PCBs with less risk on human health and the environment than traditional PCB burial. If an alternative safer method to PCB burial exists, EPA must deny the permit and instead utilize that process to ensure that the residents of Kettleman City, and the surrounding environment, do not face an increased risk of harm. [CRLA #11a] [CRLA #11b]

## **II. The Monitoring and Mitigation Measures Included in the Approval Are Inadequate**

The monitoring, reporting, and mitigation measures included in the proposed Approval are insufficient to protect public health and safety because they fail to provide sufficient oversight of ChemWaste. [CRLA #12]

Most of the compliance activities required under the proposed Approval rely on ChemWaste to conduct self-monitoring, testing, and reporting. Examples of self-monitoring and reporting requirements include, but are not limited to: maintaining logs on the processing and disposal of PCB waste (Approval draft p.

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<sup>1</sup> CRLA asked EPA staff about alternatives at the November 14, 2019 public hearing. EPA staff noted that incineration was an alternative but that it created higher environmental and health risks. Incineration is not an alternative that will be more protective of the community and is not supported by the community. [CRLA #11a]

30); conducting PCB swipe sampling, analysis, and reporting (Approval draft p. 31); inspecting PCB Flushing/Storage unit, tank, and all containers (Approval draft p. 32); sampling and analyzing leachate for PCBs and self-reporting any exceedances (Approval draft p. 41); self-reporting of detections of PCBs in air monitoring samples (Approval draft p. 47); and sampling, analyzing and self-reporting PCB concentrations in groundwater (Approval draft p. 48).

ChemWaste repeatedly has demonstrated noncompliance with permitting requirements related to monitoring, sampling, analysis, and reporting. Allowing ChemWaste to self-monitor, test, and report undermines the monitoring and mitigation measures and renders them inadequate to address the human health and safety risks. The proposed approval is thus inadequate and should be denied.

### **III. EPA Has Failed to Demonstrate that Chemical Waste Will Comply with Health and Safety Requirements and Permit Conditions**

The EPA must consider a facility's compliance history when evaluating a permit; a poor compliance history provides a sufficient basis for denial of a permit when that history evidences a pattern or practice of noncompliance. (40 C.F.R. § 761.65(d)(2)(vii)). ChemWaste has a demonstrated history of noncompliance with permits, including violations that relate to PCB handling and disposal. There is no evidence that ChemWaste will not continue this pattern of permit and reporting non-compliance. EPA should deny the PCB Approval on that basis.

[CRLA  
#13]

ChemWaste repeatedly has failed to comply with its permit requirements. Violations include but are not limited to the following listed violations, which include only those related to hazardous waste handling, monitoring, reporting, and disposing.

- **1992:** ChemWaste cited for violation of its Resource Conservation and Recovery Act permit (RCRA) on three separate occasions.
- **1993:** ChemWaste violated its RCRA in relation to land disposal and container management.
- **1994:** ChemWaste violated its RCRA in relation to land disposal and container management.
- **1995:** ChemWaste violated its RCRA permit on two occasions.
- **1996:** ChemWaste violated its groundwater monitoring obligations.
- **2003:** ChemWaste violated its RCRA permit in relation to its sampling procedures.
- **2004-** ChemWaste disclosed that it had failed to perform monitoring at a PCB disposal unit for seven years.
- **2005:** ChemWaste improperly calibrated its laboratory instruments that were used to analyze PCBs.
- **2005:** The National Enforcement Investigations Center (NEIC) documented problems with ChemWaste's hazardous waste sampling, laboratory and testing protocols, and indications that ChemWaste may have improperly disposed of hazardous wastes.



- **2010:** ChemWaste: (1) failed to correctly label PCB containers with their removal of service date; (2) failed to properly complete PCB manifests; (3) continued to use a PCB contaminated building without decontaminating it; (4) failed to prevent leaks and spills of PCB, which led to levels of PCB in the soil nine times higher than those permitted under federal law.
- **2010:** ChemWaste: (1) failed to determine whether hazardous waste met required standards before disposing of it; (2) impermissibly disposed of prohibited hazardous waste; (3) failed to comply with laboratory quality control requirements; (4) failed to comply with hazardous waste container requirements.
- **2012:** ChemWaste failed to test leachate from Landfill B-18 prior to disposal.
- **2013:** ChemWaste failed to report 72 hazardous waste spills over a four-year period from 2008-2012.
- **2014:** ChemWaste violated its RCRA permit by disposing of waste that did not meet treatment standards.
- **2015:** RCRA violations (EPA fails to disclose type of violations).
- **2016:** ChemWaste violated its RCRA permit by: (1) failed to submit required water quality monitoring data, (2) failed to adequately monitor groundwater wells.
- **2018:** ChemWaste failed to disclose cracking in the floor of the drum storage unit.

ChemWaste repeatedly has violated permit requirements related to handling, monitoring, disposing, analyzing, and reporting of hazardous waste. ChemWaste has failed to report hazardous waste spills. Multiple violations relate to the handling, sampling, and disposing of PCB waste, including mismanagement that led to significant PCB soil contamination. EPA dismisses ChemWaste's history of non-compliance by stating that: [CRLA #14]

We have also reviewed the compliance history of the Kettleman Hills Facility. While the Facility has violated applicable requirements in the past, these violations do not evidence a pattern of noncompliance that demonstrates Chemical Waste Management, Inc.'s unwillingness or inability to achieve and maintain compliance with the regulations applicable to it and its operations at the Kettleman Hills Facility. In addition, the corrective actions that the Facility implemented to address these past violations include physical and operational improvements which reduce the potential for future violations and prevent and contain future releases. (EPA Exec. Summary p.4)

EPA's summary dismissal of ChemWaste's consistent and serious violations is inadequate and unreasonable. It is contrary to the list of violations cited above. ChemWaste's violations include failing to monitor for PCB contamination for seven years, contaminating soil with a large amount of PCB, using contaminated buildings without decontaminating them, using impermissible laboratory testing standards, and withholding information related to hazardous waste spills. This mismanagement has

occurred across decades and demonstrates an unwillingness and inability of ChemWaste to comply with its permits and safety measures that are essential to protect public health.

The monitoring and mitigation measures that ChemWaste has consistently violated are part of its operating permit that the EPA approved and has an obligation to enforce. The EPA has failed to comply with this duty, instead electing to permit ongoing PCB operations despite the repeated violations. The EPA must remedy this failure by not only denying the PCB Approval in accordance with 40 C.F.R. § 761.65(d)(2)(ii), but also revoking the existing permit for non-compliance. [CRLA #15]

Sincerely,

Mariah C. Thompson  
Attorney, California Rural Legal Assistance, Inc.  
3747 E. Shields Ave  
Fresno, CA 93705  
(559) 441-8721

cc: Ilene J. Jacobs, Director of Litigation, Advocacy and Training, CRLA Inc.

Marisol Aguilar, Director, Community Equity Initiative, CRLA Inc.

Maricela Mares-Alatorre, El Pueblo Unido por Agua y Aire Limpia

**From:** james dowdall [REDACTED]  
**Sent:** Friday, November 22, 2019 1:48 PM  
**To:** Wicher, Frances <Wicher.Frances@epa.gov>  
**Subject:** Comments Regarding PCB Permit For Kettleman Hills Facility

Thank you Frances for taking the time to talk to me. My name is James K. Dowdall and I have a broad background of knowledge regarding the Chemical Waste Management, Inc. Kettleman Hills Facility. I worked as the lead geologist on the facility from 1987 to 1992 and head project manager on the facility from 1992 to my retirement in 2011, all at the Water Board in the Fresno office.

The geology, hydrogeology, and location of the facility has not changed and will not change in the foreseeable future. Both air monitoring and groundwater monitoring over the last several years has clearly shown that the facility has an extremely low risk of ever affecting human health and the environment off the facility. [Dowdall #1]

The Kettleman Hills Facility (KHF) is naturally separated from Kettleman City by a ridge barrier where the facility cannot be seen by anyone from the city. This ridge naturally funnels air from the north to the south over an open plain that is not populated. The KHF sits on the western limb of the North Kettleman Dome anticline where the water bearing zones dip away from Kettleman City. It is physically impossible for any groundwater under the KHF to ever reach Kettleman City.

Groundwater flows along strike (basically to the southeast) at less than 10 feet per year. At the part per billion concentration of solvents that have reached groundwater in the corrective action areas, any down-gradient wells will more than likely never detect any constituents since they will be absorbed in the hydrogeologic system way below detection limits (in other words, not present).

With the superior design of waste containment units, expert managing of hazardous waste disposal, and the natural location and isolation of the KHF,

it is one of the best places to dispose of any hazardous waste on the plant.

James K. Dowdall - Professional Geologist #4830

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

November 22, 2019

US EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

**Re: Comments of Greenaction for Health and Environmental Justice and El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water in Opposition to Draft PCB Permit Renewal for the Chemical Waste Management Kettleman Hills Facility.**

El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City and Greenaction for Health and Environmental Justice submit the following comments in opposition to the Draft PCB permit proposed for the Chemical Waste Management Kettleman Hills Facility. Our comments also critique USEPA's flawed and biased Draft so-called "Environmental Justice Assessment." [EIP #1a]

**I. PCB disposal at the Kettleman Hills Facility poses a serious and unacceptable health and environmental threat**

The proposed Environmental Protection Agency (EPA) permit approval is based on an incorrect and flawed premise that large scale disposal of PCBs at the Kettleman Hills Facility would pose no threat to public health and the environment. The facts, including Chemical Waste Management's (Chem Waste) own dismal track record on PCBs and other hazardous wastes, and USEPA's own enforcement actions against Chem Waste for PCB violations, contradict USEPA's current claim that a permit renewal poses no threat. We discuss the environmental and health threat in more detail below in these comments. [EIP #1b]

**II. The Proposed Permit Approval Continues a Legacy of Environmental Justice Violations in Kettleman City**

*a. The EPA has environmental justice obligations in its permit application decision-making process*

EPA's approval of the permit application submitted by Chemical Waste Management to store, treat, and dispose of polychlorinated biphenyls (PCB) waste in the Kettleman Hills facility would [EIP #2a]



increase the amount of PCB hazardous waste material being stored and disposed of in Kettleman City. It would also increase the already terrible air pollution and heavy truck traffic next to and near the residential areas of the community. This will continue and increase the long legacy of disproportionate adverse environmental and health impacts on the residents of Kettleman City, in violation of the EPA's environmental justice obligations. [EIP #2b]

The EPA is subject to federal legal requirements related to environmental justice. These requirements originate from Title VI of the Civil Rights Act, and Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." They are designed to address historical patterns where low-income communities and communities of color have been disproportionately burdened with the social, economic, environmental, and health costs of industry while being largely excluded from its benefits. [EIP #3]

The EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies." (EPA Guidance on Considering Environmental Justice During the Development of Regulatory Actions, or EPA Guidance). Environmental justice obligations apply to agency policies, programs, and activities and require the EPA "[t]o the greatest extent practicable and permitted by law, identify...and address...disproportionately high and adverse human health or environmental effects" of its activities on minority and low-income populations. (EPA Guidance p. 7)

The EPA recognizes in the Draft Environmental Justice analysis (EJ analysis) that most residents in Kettleman City are minority and low income and face cumulative and ongoing environmental burdens at a higher rate than most residents in California. (EJ analysis §3.2-3.4.5). Kettleman City residents are protected by state and federal environmental justice and civil rights laws. [EIP #4]

*b. The proposed Approval will result in a disproportionate adverse impact on the residents of Kettleman City*

The proposed Approval will result in a net increase of 4.9 million cubic yards of PCB storage in Kettleman Hills, from 10.7 million cubic yards to 15.6 million cubic yards. It also will allow Chem Waste to store PCB waste in an outside containment area, bulk and re-package PCB waste outdoors and perform bin-top and container-top solidification of incidental liquids. These proposed changes to Chem Waste's current PCB operating permit will constitute an expansion of the Kettleman Hills facility operations. State and Federal agencies repeatedly have issued permits for operations and expansion even though Kettleman City residents have complained of the adverse health effects and conditions created because of the facility. The current expansion, like those before it, would occur without the consent and support from the residents of Kettleman City. [EIP #5]

Increasing overall PCB storage capacity and operations at Kettleman Hills will result in disproportionate adverse health effects and risks for Kettleman City residents. PCB exposure can result in cancer and adversely affect the liver, nervous system, and endocrine system function. Anxiety about potential exposure to PCB resulting from accidental releases or fires in the [EIP #6] [EIP #27]

facility, and the stigma associated with living near a hazardous waste facility, create chronic stress that leaves residents more vulnerable to other health risks. Kettleman City residents also will be exposed to increased actual and potential health risks resulting from the transport of PCB wastes to Kettleman Hills when transport routes run near and through their community. The PCB storage capacity increase may lead to an increase in daily truck trips, and will result in more truck traffic over time as trucks deliver PCB waste for a longer time than they would have if the facility had a lower PCB storage capacity. This will increase residents' overall risk of exposure to PCBs as well as truck traffic emissions. The facility's clear record of improper storage and management of hazardous waste, including PCBs, increases the risk of exposure even more. [EIP #7] [EIP #8] [EIP #9]

The EPA is required to address these disproportionate impacts to the greatest extent permissible by law. The EPA must exercise its authority under 40 C.F.R. § 761.65(d) to deny the proposed PCB Approval to comply with its environmental justice obligations. [EIP #10]

*c. State of California's CalEnviroScreen 3.0 Confirms Kettleman City residents are vulnerable and at-risk from pollution*

With the data obtained through CalEnviroScreen, the state of California has already established and acknowledged that Kettleman City is disproportionately impacted in terms of health indicators and environmental hazards. Kettleman City residents are at a higher risk to pollution exposure, with their pollution burden being higher than 90% of California. This pollution burden includes ozone levels at 85%, PM 2.5 at 95%, pesticides at 92%, unsafe drinking water at 74%, and exposure to solid waste at 85%. Kettleman City residents are disproportionately impacted by health factors such as asthma rates at 73%, low birth weight at 74%, and cardiovascular disease at 83%, all compared to the rest of California. [EIP #11a]

Exposure to this combination of environmental hazards and pollutants has a cumulative effect that harms the health of Kettleman City residents and makes them highly vulnerable and at risk to pollution. Kettleman City experiences the combined exposure of multiple pollutants at the same time; this creates a cumulative impact that causes residents to be even more at risk and significantly increases their pollution and health burden.

This information is listed on the CalEnviroScreen 3.0 tool created by the California Office of Environmental Health Hazard Assessment (OEHHA). [oehha.ca.gov/calenviroscreen/report/calenviroscreen-30](http://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30)

Kettleman City would rank even higher in vulnerability if the giant hazardous waste landfill was not conveniently excluded by the State for the CalEnviroScreen analysis. [EIP #11b]

### III. The EPA must analyze alternative methods of PCB disposal

The EPA's environmental justice and civil rights obligations require it to develop plans, practices, and activities that do not have a disproportionate adverse effect on protected communities. These obligations require that EPA investigate and assess all possible alternatives [EIP #12]

for PCB removal and disposal to determine if there is an option that will cause less risk to Kettleman City residents than additional PCB storage, handling, and disposal at the Kettleman Hills facility. The EPA does not discuss alternative options for PCB disposal anywhere in the Statement of Basis, Environmental Justice Analysis, or other documents.

The Environmental Justice Analysis and Statement of Basis must demonstrate that EPA has actively sought to identify or develop safer alternatives to continued PCB disposal and management at Kettleman Hills. The EPA should discuss all potential methods of PCB treatment, however we strongly object to any consideration of incineration due to its clear environmental and health impacts.

[EIP #13a]

The analysis should especially include a discussion of supercritical water oxidation, which has been shown to be beneficial in the treatment of PCBs with less risk on human health and the environment than traditional PCB burial. If a safe alternative method to PCB burial or incineration exists, EPA must deny the permit and instead utilize that process to ensure that the residents of Kettleman City, and the surrounding environment, do not face an increased risk of harm.

[EIP #13b]

#### **IV. EPA Has Failed to Demonstrate that Chem Waste Will Comply with Health and Safety Requirements and Permit Conditions – and Chem Waste Significant Violation History Should Result in Permit Denial**

The EPA must consider a facility's compliance history when evaluating a permit; a poor compliance history provides a sufficient basis for denial of a permit when that history evidences a pattern or practice of noncompliance. (40 C.F.R. § 761.65(d)(2)(vii)). Chem Waste has a demonstrated history of noncompliance with permits, including major violations that relate to PCB handling and disposal. There is no evidence that Chem Waste will not continue this pattern of permit and reporting non-compliance. EPA should deny the PCB permit application on that basis.

[EIP #14a]

Chemical Waste Management's track record proves they cannot safely or properly manage the disposal and storage of PCBs. A clear example of this was seen in 2010, when EPA fined Chem Waste over \$300,000 for serious PCB violations at the Kettleman Hills Facility.

[EIP #14b]

[https://archive.epa.gov/epapages/newsroom\\_archive/newsreleases/25b046d8bb8b922b852577eb007a9cc7.html](https://archive.epa.gov/epapages/newsroom_archive/newsreleases/25b046d8bb8b922b852577eb007a9cc7.html)

Chem Waste repeatedly has failed to comply with its permit requirements. Violations include but are not limited to the following violations:

- **1992:** Chem Waste cited for violation of its Resource Conservation and Recovery Act permit (RCRA) on three separate occasions.
- **1993:** Chem Waste violated its RCRA in relation to land disposal and container management.
- **1994:** Chem Waste violated its RCRA in relation to land disposal and container management.
- **1995:** Chem Waste violated its RCRA permit on two occasions.

- **1996:** Chem Waste violated its groundwater monitoring obligations.
- **2003:** Chem Waste violated its RCRA permit in relation to its sampling procedures.
- **2004-** Chem Waste disclosed that it had failed to perform monitoring at a PCB disposal unit for seven years.
- **2005:** Chem Waste improperly calibrated its laboratory instruments that were used to analyze PCBs.
- **2005:** The National Enforcement Investigations Center (NEIC) documented problems with Chem Waste's hazardous waste sampling, laboratory and testing protocols, and indications that Chem Waste may have improperly disposed of hazardous wastes.
- **2010:** Chem Waste: (1) failed to correctly label PCB containers with their removal of service date; (2) failed to properly complete PCB manifests; (3) continued to use a PCB contaminated building without decontaminating it; (4) failed to prevent leaks and spills of PCB, which led to levels of PCB in the soil nine times higher than those permitted under federal law.
- **2010:** Chem Waste: (1) failed to determine whether hazardous waste met required standards before disposing of it; (2) impermissibly disposed of prohibited hazardous waste; (3) failed to comply with laboratory quality control requirements; (4) failed to comply with hazardous waste container requirements.
- **2012:** Chem Waste failed to test leachate from Landfill B-18 prior to disposal.
- **2013:** Chem Waste failed to report 72 hazardous waste spills over a four-year period from 2008-2012.
- **2014:** Chem Waste violated its RCRA permit by disposing of waste that did not meet treatment standards.
- **2015:** RCRA violations (EPA fails to disclose type of violations).
- **2016:** Chem Waste violated its RCRA permit by: (1) failed to submit required water quality monitoring data, (2) failed to adequately monitor groundwater wells.
- **2018:** Chem Waste failed to disclose cracking in the floor of the drum storage unit.

Chem Waste repeatedly has violated permit requirements related to handling, monitoring, disposing, analyzing, and reporting of hazardous waste. Chem Waste has failed to report hazardous waste spills. Multiple violations relate to the handling, sampling, and disposing of PCB waste, including mismanagement that led to significant PCB soil contamination.

[EIP #15]

EPA's summary dismissal of Chem Waste's consistent and serious violations is inadequate and unreasonable. It is contrary to the list of violations cited above. Chem Waste's violations include failing to monitor for PCB contamination for seven years, contaminating soil with a large amount of PCB, using contaminated buildings without decontaminating them, using impermissible laboratory testing standards, and withholding information related to hazardous waste spills. This mismanagement has occurred across decades and demonstrates an unwillingness and inability of Chem Waste to comply with its permits and safety measures that are essential to protect public health.

V. **EPA Improperly Relies on Flawed and Biased Studies** [EIP #16a]

a. *PCB Congener Study was flawed*

The congener study had numerous flaws, including the significant reliance on self-testing by Chem Waste. [EIP #16b]

b. *Kettleman City Birth Defect “Investigation”*

In 2008, two Kettleman City community groups (El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water and Kids Protecting Our Planet) along with Greenaction for Health and Environmental Justice, conducted a community health survey of residents. This survey was conducted confidentially in peoples’ homes, and discovered that this small town was suffering from a plague of birth defects and infant deaths. What was initially thought to be a cluster of five babies born with similar birth defects expanded into the discovery of at least eleven babies born with birth defects between late 2007 and early 2010. At least three of the infants died. [EIP #17a]

When informed of the birth defects and infant deaths, government agencies ignored the health crisis and refused to investigate the alarming news regarding the high number of birth defects and infant deaths in this tiny town. [EIP #17b]

In January, 2010, in response to an outraged community and a growing national uproar, California Governor Arnold Schwarzenegger directed the California Environmental Protection Agency (Cal EPA) and the California Department of Public Health (CDPH) to try to find out what caused recent birth defects in the San Joaquin Valley community of Kettleman City. The State’s report, titled “Environmental Exposure Assessment and Birth Defects Investigation” did confirm that Kettleman City had more birth defects than would be expected, vindicating what residents, community groups and Greenaction said when we first discovered the problem.

Reversing earlier attempts by the State agencies that implied the personal behavior of the mothers might have caused the birth defects, the State report admitted that “none of the mothers whom we interviewed used tobacco, alcohol, or drugs....Also, the medical histories of the six mothers ... did not explain why they had babies with birth defects.” [EIP #17c]

The investigation of pesticide exposure, toxic waste contamination, waste disposal, contaminated drinking water, and other pollution sources was incomplete and flawed. These State agencies are the same ones that have allowed decades of pollution in Kettleman City, including improperly permitting the giant Chemical Waste Management hazardous waste landfill based on racially discriminatory processes. These same agencies had turned a deaf ear to the cries of Kettleman City’s mothers and other residents when the birth defects and infant deaths were first discovered. [EIP #16a] [EIP #38] [EIP #17b]



The State claimed they could not find a common cause of the birth defects. We believe the State agencies did not look hard enough – and instead were focused on trying to “prove” that activities related to the Chemical Waste Management hazardous waste landfill could not have been the cause. [EIP #17a]

- State agencies initially implied that the mothers’ lifestyle may have caused the birth defects: [EIP #17c]

The first “fact sheet” put out by the State in February 2010 implied that the lifestyle of the mothers of the infants may have caused the birth defects. This “fact sheet” put much more emphasis on parental lifestyles instead of pollution as a possible cause of the birth defects, even though the State had been informed that the mothers led a healthy lifestyle free of smoking, drinking or drugs. The State’s initial approach of suspecting or blaming the parents’ lifestyle instead of pollution showed a bias on their part. Ultimately the state did acknowledge that none of mothers who they interviewed used tobacco, alcohol, or drugs – and that the medical histories of the six mothers ... did not explain why they had babies with birth defects.

As the State ultimately ruled out unhealthy behavior by the mothers as a possible cause of the birth defects, it leaves some to wonder what the mothers had in common to all have babies born in this time period with serious birth defects. There seems to be one answer that the state does not want to admit: the mothers all share one thing in common, pollution in their environment.

- The State covered up and withheld the true extent and number of birth defects: [EIP #18]

The State agencies initially made the incorrect claim that there was only one more birth defect than would have been expected. The State justified their claim by watering down the number of birth defects in the initial fourteen-month period over a twenty-two-year period.

In the twenty years prior to the spike of birth defects (1987 – 2006), there was not even one birth defect reported in fifteen of the years and only one in five of the years, for an average of .25 birth defects per year. But the outbreak of birth defects beginning in late 2007 was far above the normal rates, and was not statistically “insignificant” as the government falsely claims.

- State refused to do biomonitoring or a community health survey: [EIP #19]

The State ignored requests from community and environmental justice groups to conduct biomonitoring of the mothers and other residents to determine the types of chemicals in their bodily tissues and breast milk. The State refused to conduct such tests even though they are easy to perform and could reveal significant and relevant information.

Even though it was a door-to-door community health survey that first discovered the birth defect and infant mortality problem, the State refused to conduct its own community health survey to officially determine the extent of the birth defect and health problems in Kettleman City. [EIP #20]

- Cumulative health impacts of all the pollution sources were not evaluated: [EIP #21]

The State agencies failed to consider or evaluate the combined, cumulative impacts of the many different pollution sources in and near Kettleman City as a possible cause of the birth defects, despite being well aware that multiple pollution sources can trigger cumulative and synergistic impacts on health. For example, the state did not consider how the pesticides might have combined with PCBs, hazardous wastes, diesel, contaminated drinking water and poor air quality in the region to affect peoples' bodies.

- State Investigation could not recreate conditions that existed before and during outbreak of birth defect cases: [EIP #22]

Retrospective analysis of the conditions leading up to the outbreak of the birth defects cannot be done if adequate data from that time period does not exist or is not trustworthy.

- State's monitoring and testing during the "investigation" took place when the KHF facility was accepting almost no waste due to lack of capacity: [EIP #23a]

*DTSC confirmed the following in a January 10, 2010 email from Wayne Lorentzen to Bradley Angel/Greenaction " ... the Kettleman Hills hazardous waste landfill (B-18) had less than 5% of permitted capacity remaining in January 2010 by our estimates. "*

Obviously, a facility with a fraction of hazardous waste operations at the time of the "investigation" would have a fraction of detected emissions. Therefore, the State's study cannot be used to claim that the KHF could not be the cause of the birth defects which occurred after a period of vastly increased PCB disposal and large scale hazardous waste disposal.

- State failed to consider that shipments and disposal of PCBs at Chem Waste went up dramatically in 2007, the same year the birth defect cases erupted: [EIP #23b]

According to documents provided by US EPA, Chem Waste received approximately 40% more PCBs in 2007 when compared with 2005.

- Chem Waste Stopped Air Testing for PCBs and Pesticides in April 2008 [EIP #24]

According to US EPA, in April 2008 the DTSC granted Chem Waste a suspension of analyzing the air for pesticides and PCBs. (Personal email from Arlene Kabei, US EPA, to Bradley Angel, Greenaction, 11/23/10).

- Chem Waste may have been aware of the days that the State Air Resources Board was monitoring next to the Kettleman Hills Facility: [EIP #25]

The state acknowledged that “...six 24-hour sampling periods coincided with the Facility’s 24-hour sampling periods....” Did Chem Waste therefore know when they were being monitored? It appears that is the case.

- State failed to consider Chemical Waste Management’s long history of violations of hazardous waste laws including monitoring violations, yet relies in part on Chem Waste’s self-monitoring data: [EIP #26]

The State improperly relied in part on Chem Waste’s self-monitoring data, despite the fact that they were aware of chronic violations including illegal hazardous waste disposal activity, spills of PCBs, and failure to properly monitor PCBs that resulted in serious enforcement action.

Nowhere in the State’s draft report do they mention or consider Chem Waste’s long history of violations of hazardous waste laws, regulations and permit requirements. Many of Chem Waste’s violations involve PCBs, a banned and highly toxic chemical linked to cancer and birth defects.

## **VI. USEPA Acknowledges PCB’s are highly toxic**

EPA acknowledges the extreme toxicity of PCBs: [EIP #27]

*Polychlorinated biphenyls, or PCBs, are a group of toxic chemicals that were widely used in electrical equipment because of their insulating and nonflammable properties. Congress banned the manufacture of PCBs in the United States in 1976 because of their potential environmental and public health hazards. Exposure to high levels of PCBs can harm the human immune, reproductive and nervous systems, and may cause cancer. (from EPA fact sheet)*

Despite their intention to issue a new PCB permit, EPA does acknowledge the extensive negative health effects associated with PCB exposure. EPA has recognized the reproductive, developmental, and carcinogenic effects that PCBs have on human health, and how fetuses and infants experience the most extensive damage. PCBs cause reproductive toxicity and can significantly decrease gestational age and birth weight (EPA, 2018; EPA, 2019a). Infants are most at risk because they are their development can be significantly altered in its early stages and they “can be highly exposed to PCBs during pregnancy and lactation” through the mother’s bloodstream and breast milk (EPA, 2018).

Studies using PCBs most commonly found in breast milk demonstrated learning deficits and behavioral changes as a result of the exposure (EPA, 2018). PCBs can alter normal fetal

development and disturb “thyroid function” and provoke “secondary impacts on organogenesis during development” (EPA, 2018). “Thyroid hormone levels are critical for normal growth and development, and alterations in thyroid hormone levels may have significant implications” (EPA, 2019a). The US EPA has also acknowledged that PCBs can cause “immune system suppression, liver damage, skin irritation, and endocrine disruption” (EPA, 2018).

“Although not covered by this report, PCBs also have significant ecological and human health effects other than cancer, including neurotoxicity, reproductive and developmental toxicity, immune system suppression, liver damage, skin irritation, and endocrine disruption” (EPA, 2018a).

“Regarding early-life exposure, infants can be highly exposed to PCBs during pregnancy and lactation (Dewailly et al., 1991, 1994). The accumulation of PCBs in human adipose tissue creates a store for subsequent release of PCBs into the bloodstream and then into the fetal circulation. During the postpartum period, PCBs are mobilized from adipose stores, transferred into human milk, and delivered to the 47 neonate via nursing (Dewailly et al., 1991)” (EPA, 2018).

“Normal fetal development depends on the timing and rate of release of T3 and T4. Some evidence indicates that PCBs can alter normal T3 and T4 metabolism, thereby disturbing thyroid function and provoking secondary impacts on organogenesis during development” (EPA, 2018).

“Studies in animals provide conclusive evidence that PCBs cause cancer. Studies in humans raise further concerns regarding the potential carcinogenicity of PCBs. Taken together, the data strongly suggest that PCBs are probable human carcinogens” (EPA, 2019a)

“Studies of reproductive effects have also been carried out in human populations exposed to PCBs. Children born to women who worked with PCBs in factories showed decreased birth weight and a significant decrease in gestational age with increasing exposures to PCBs” (EPA, 2019a).

“Some of these studies were conducted using the types of PCBs most commonly found in human breast milk. Studies in humans have suggested effects similar to those observed in monkeys exposed to PCBs, including learning deficits and changes in activity associated with exposures to PCBs” (EPA, 2019a).

“PCBs have been demonstrated to exert effects on thyroid hormone levels in animals and humans. Thyroid hormone levels are critical for normal growth and development, and alterations in thyroid hormone levels may have significant implications” (EPA, 2019a).

“EPA has identified PCBs as probable human carcinogens, and they have been shown to cause other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system” (EPA, 2019c).

Environmental Protection Agency (2018). Cancer Dose-Response Assessment for Polychlorinated Biphenyls (PCBs) and Application to Environmental Mixtures. Retrieved from <https://www.epa.gov/pcbs/cancer-dose-response-assessment-polychlorinated-biphenyls-pcbs-and-application-environmental>

Environmental Protection Agency (2019a). Health Effects of PCB's. Retrieved from <https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs#healtheffects>

Environmental Protection Agency (2019c). U.S. EPA seeks comment on Kettleman Hills proposed PCB permit. Retrieved from <https://www.epa.gov/newsreleases/us-epa-seeks-comment-kettleman-hills-proposed-pcb-permit>

Environmental Protection Agency (2019b). Release and Exposure of PCBs. Retrieved from <https://www.epa.gov/pcbs/learn-about-polychlorinated-biphenyls-pcbs>

## VII. EPA'S Draft EJ Assessment is Flawed, Contains Inaccuracies, and Violates Environmental Justice

The U.S. EPA's Draft EJA correctly recognizes that Kettleman City has "...multiple environmental burdens, as well as social and health issues that make the community more vulnerable to the impacts of pollution." However, EPA goes on to whitewash and minimize the serious and ongoing environmental injustices and environmental racism committed by government agencies and Chem Waste against the people of color and non/limited English speaking residents of Kettleman City. [EIP #28]

EPA obviously did not do its homework in drafting this document. For example, on page 17 it states that there is one school, Kettleman City Elementary School, and one church in Kettleman City. This statement is incorrect, as there are three churches in Kettleman City, all located on Milham Avenue. [EIP #29]

The analysis acknowledges that Kettleman City is above the National Ambient Air Quality Standard (NAAQS) for ozone, PM2.5 and PM 2.10. CalEnviroScreen identifies our community as being in the top percentiles statewide for ozone and PM2.5. Yet the DEJA fails to acknowledge that this proposed permit will only exacerbate this issue by increasing the amount of truck traffic and causing an unacceptable risk to an already vulnerable population. [EIP #30]

On page 20 of the so-called EJ analysis, there is a reference to Caltrans data which shows a large increase in traffic from 2014-2017 with most of that being truck traffic. EPA's report claims that most of traffic stays at the I-5/41 junction rather than going north on Highway 41 through Kettleman City. Does this mean that all the pollution generated at the junction from this increased traffic will stay there and not drift a mile down to town? That is obviously wishful thinking, and not reality. [EIP #31]

On page 22 of the report it discusses how CalEnviroScreen identifies Kettleman City as being higher than 91% of all census tracts in California for pesticide use. Have studies been done to determine the possibility of a synergistic effect happening from exposure to poor air quality compounded with exposure to extreme pesticide use? If there are contingency plans for PCBs leaving the facility, then this means that there is always that possibility. Shouldn't we be worried about the effects of PCB exposure along with the pesticide exposure?

[EIP #32]

On page 23, the DEJA acknowledges that Kettleman City has a high number of linguistically isolated residents. Our average is higher than the county, state or national averages. The material put out for residents is written in a way that's difficult to understand, even for English speakers. The Spanish translations of relevant documents are out there, but the language is difficult to understand, even for someone who speaks/reads Spanish. It is written in a technical language that most people do not use in their daily life. It's a huge burden for people to read through these documents, even if it's written in their native language. For instance, the correct word in Spanish for landfill is 'vertedero' However, most people do not recognize that word being more familiar with the colloquial term 'dompe' which cannot be used in a formal document because it's an Anglicized version of the word dump; or in other words, slang. It's a terrible burden on Kettleman City residents to expect them to read through all of these documents and make an analysis of them if they expect to participate in the public process which regulates these processes. People get frustrated or overwhelmed and don't bother with the documents. This is then interpreted as apathy by regulating agencies and that's really unfair. Very importantly, the part that really interests most people, the history of the facility's violations, is hidden 39 pages into the report.

[EIP #33]

[EIP #34]

On page 24 there is discussion about the infant mortality death having consistently decreased from 2010-2019. This timing is very suspect due to the fact that PCB dumping at the facility also went down significantly during this time. It's also very misleading as Kettleman City had three infants die during the period from 2007 to 2008. The report talks about the number of infant deaths being too small to count significantly. We know that the mothers that lost children in that time period, do not think that the loss of their children was insignificant. Statistics can be twisted to say anything. We know that during that time period, Nehemiah, America and Ashley were all here and now they're not and we don't need a chart to tell me this. Additionally, there was a significant increase in that disposal of PCB's at KHF in the time during which these babies were conceived. By the time the study into the birth defects was conducted, there had been a huge reduction in the amount of PCB's that were being accepted at the facility due to the fact that they were running out of space. In fact, by the time the study was done, dumping was down by 95% of what it was during the time that the children with birth defects were conceived.

[EIP #35a]

[EIP #35b]

[EIP #36]



On page 29 it states, “From 2006-2008, there were no asthma hospitalizations in Kettleman City, [EIP #37] which was lower than the rates estimated for Kings County and California, which were 8.9 and 9.1 visits per 10,000 residents, respectively.”

Is it possible that there were no asthma hospitalizations in Kettleman City during that time because there is no hospital in Kettleman City?

On page 32 it discusses permit status. Chem Waste is operating on expired permits – and these [EIP #38] permits were 100% approved by county, state and federal agencies using well-documented racially discriminatory processes. EPA should not approve disposal of more PCBs on a facility permit that is expired and has been expired for several years.

On page 35 EPA concedes that it is possible to have PCB releases through air emissions from [EIP #39] improper storage, yet somehow pretends there is no risk as EPA tries to justify the unjustifiable issuance of a new PCB permit.

Regarding the ambient air monitoring program. According to the assessment there are four [EIP #40] monitoring stations with only one of them being in between the facility and the town. The monitoring is supposed to ensure that harmful substances, such as PCB’s are not leaving the [EIP#41] facility and potentially harming human health. If this is the case, then why was the facility allowed to turn off the air monitors during a period of time when they were receiving unusually large amounts of PCB’s? If the purpose of these monitors is to protect human health, then why would you let the monitors be turned off?

Conclusion: For the reasons stated above, EPA must issue a permit denial.

For environmental justice,

Maricela Mares Alatorre

El Pueblo Para el Aire y Agua Limpia/People for Clean Air and Water of Kettleman City

Miguel Alatorre and Bradley Angel

Greenaction for Health and Environmental Justice



**WASTE MANAGEMENT**

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 Kettleman City, CA 93239

November 22, 2019

Electronic Submittal ([www.regulations.gov](http://www.regulations.gov) – Docket No. U.S. EPA-R09-RCRA-2019-0088)

Frances Wicher  
 Permits Office, Land, Chemicals, & Redevelopment Division (LND-4-2)  
 U.S. Environmental Protection Agency Region 9  
 75 Hawthorne Street  
 San Francisco, CA 94105

**RE: CHEMICAL WASTE MANAGEMENT, INC. - KETTLEMAN HILLS FACILITY  
 COMMENTS – PROPOSED COMMERCIAL STORAGE FACILITY AND CHEMICAL  
 WASTE LANDFILL, FACILITY: CHEMICAL WASTE MANAGEMENT, INC., US EPA  
 ID NUMBER: CAT 000 646 117**

Dear Ms. Wicher,

Chemical Waste Management, Inc. - Kettleman Hills Facility (KHF) has reviewed the Proposed Commercial Storage Facility and Chemical Waste Landfill Approval (Draft Permit) distributed by U.S. EPA Region 9 for comment.

In the following tables, words requested to be deleted are printed in ~~strikethrough~~, and words to be added are printed in underline. Brief explanatory comments are placed in [square brackets].

<b>Proposed Approval</b>	
Page iii, 2 <sup>nd</sup> paragraph	[Section 13.2 of the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility Revision 3: October 1, 2018 included a total of five requested waivers. Four of the five waivers are addressed in the Draft Permit; however, it is unclear within the Draft Permit if U.S. EPA- Region 9 has approved the waiver requested in Section 13.2.4 of the CWMI TSCA Permit Renewal Application.] <span style="float: right;">[CWM #1]</span>
Page iii, 4 <sup>th</sup> paragraph, Bullet 2	“...possesses the capacity to handle <del>44,015</del> <u>36,420</u> gallons of PCB waste...” <span style="float: right;">[CWM #2]</span> [See KHF’s comment to Section V.C.1]
<b>Part I. Introduction</b>	
Introduction	“It submitted revised applications to renew and modify the amended 1988 and 1992 Approvals on October 20, 2003; January 13, 2005; June 26, 2009; November 21, 2011; July 13, 2017, <del>and</del> <u>April 20, 2018, and October 1, 2018.</u> All of these earlier applications are superseded by the” <span style="float: right;">[CWM #3]</span>

*From everyday collection to environmental protection, Think Green® Think Waste Management.*



November 22, 2019

DTSC: COMMENTS – PROPOSED COMMERCIAL STORAGE FACILITY AND CHEMICAL WASTE LANDFILL, FACILITY: CHEMICAL WASTE MANAGEMENT, INC., US EPA ID NUMBER: CAT 000 646 117

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	<p><del>October 1, 2018</del> <u>November 22, 2019</u> renewal application (Renewal Application”).”</p> <p>[CWMI has updated the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility to Revision 4: November 22, 2019 to capture a change in site management and changes to the maximum storage capacities at the PCB Flushing/Storage Unit, which were reduced as a result of the ongoing discussions with the Department of Toxics Substances Control Part B Permit Renewal Application Process. “TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility Revision 4: November 22, 2019” is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>
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**Part IV. General Approval Conditions**

<p><b>C. PCB Waste Management Standards</b></p> <p>10.</p>	<p>“...and SW-846 Method 8082A or 8082 shall be to analyze the extracts for PCBs.”</p> <p>[California Environmental Laboratory Accreditation Program (CA ELAP) only certifies California laboratories to utilize SW-846 Method 8082. Since CWMI utilizes CA ELAP certified laboratories, 8082 should be specified in the permit condition to ensure CWMI can secure PCB analysis at a California laboratory.]</p>	<p>[CWM #4</p>
<p><b>F. Health and Safety Requirements</b></p> <p>1.</p>	<p>... the Kettleman Hills Facility’s Spill Prevention Control and Countermeasure Plan (<del>October 2016</del>) <u>November 2019</u>.</p> <p>[CWMI has recently completed minor revisions to the Spill Prevention Control and Countermeasure Plan, the most recent version of the document is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	<p>[CWM #5</p>
<p><b>G. Emergency Preparedness and Spill Cleanup</b></p> <p>8.</p>	<p>“Chemical Waste Management, Inc. shall annually update the information on PCB operations at the Kettleman Hills Facility, stored materials (<u>Hazardous Materials Business Plan</u>), and contingency plans, <del>and</del> which contains emergency procedures, provided to local <u>sheriff department police departments</u>, hospitals, and/or state and local emergency response teams that may be called upon to provide emergency service to the Kettleman Hills Facility.”</p>	<p>[CWM #6]</p>





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	<p>[CWMI would like clarification on the required actions for this condition. CWMI will annually review the contingency plan and emergency response procedures described therein and will update those accordingly. Any changes to the contingency plan are distributed to the local sheriff, hospital, and local agencies that may respond to an emergency, i.e. California Highway Patrol, Kings County Fire Department. CWMI will annually update information on stored materials at the facility as part of the Annual Business Plan Update submitted via the California Environmental Reporting System, which is used by emergency response agencies if an emergency were to occur at the facility.]</p>
<p>I. General Inspection Requirements</p> <p>1.</p>	<p>“... shall inspect all communications and alarm systems, fire protection equipment, spill control equipment, decontamination equipment and groundwater monitoring wells at the Kettleman Hill Facility following the procedures and schedule contained in the Operation Plan, Chapter 31 “Inspection Program Plan”; <del>at least once per month to assure their proper operation.</del>”</p> <p>[Operation Plan, Chapter 31 “Inspection Program Plan” contains different frequencies for each of the items listed in this condition. While the majority of the listed inspection items are performed at least monthly, in accordance with Operation Plan, Chapter 31 “Inspection Program Plan, Table 31-1, groundwater monitoring wells are inspected “during sampling events”.]</p>
<p>I. General Inspection Requirements</p> <p>2.</p>	<p>“Chemical Waste Management, Inc. shall, on a monthly basis, conduct inspections of the chain-link perimeter operations fence to identify any loss of integrity that may allow burrowing animals to gain access to the Kettleman Hills Facility.”</p> <p>[CWMI has a barb-wire fence around the 1,600-acre property, and a chain-link fence surrounding the 555-acre operations area. In accordance with Operation Plan, Chapter 31 “Inspection Program Plan, Table 31-1, the chain-link exclusionary fence is inspected monthly for breaches or damage.]</p>

[CWM #7]

[CWM #8]



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<b>Part IV. General Approval Conditions</b>		
<p>L. Post-Closure Estimate 2.</p>	<p>“... shall annually adjust the post-closure cost estimate for inflation prior to March 1 of each year. within 60 days prior to the anniversary date of the establishment of the financial instruments used to demonstrate financial responsibility for post-closure.”</p> <p>[While 40 CFR Part 761, does not specifically include a frequency for the renewal of the post-closure cost estimates, CWMI would like to maintain the annual inflation adjustment on the same schedule as that for closure cost estimates and requests the condition to reflect the same frequency as stipulated for closure cost estimates in 40 CFR 761.65(f)(2)]</p>	<p>[CWM #9]</p>
<p>M. Financial Assurance for Closure and Post-Closure 4.</p>	<p>“Chemical Waste Management, Inc. shall obtain U.S. EPA approval prior to changing its U.S. EPA-approved financial assurance mechanism(s).”</p> <p>[CWMI understands that this approval requirement applies only if CWMI were to change the type of mechanism used for financial assurance (e.g., letter of credit, surety, etc.) and not merely a change such as an annual inflation adjustment.]</p>	<p>[CWM #10]</p>
<p>M. Financial Assurance for Closure and Post-Closure 6.</p>	<p>“Chemical Waste Management, Inc. shall provide U.S. EPA Project Manager with documentation of the revised financial assurance mechanism within 30 days after any change to the financial assurance mechanism.”</p> <p>[CWMI understands that this approval requirement applies only if CWMI were to change the type of mechanism used for financial assurance (e.g., letter of credit, surety, etc.) and not merely a change such as an annual inflation adjustment.]</p>	<p>[CWM #11]</p>





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<b>Part IV. General Approval Conditions</b>	
<p>O. Recordkeeping and Reporting 5.</p>	<p>“Electronic records shall undergo a <del>daily</del> <u>weekly</u> backup to ensure record preservation.”</p> <p>[CWMI employees have data on desktops backed up routinely through cloud services maintained by the Waste Management. However, since the network file servers are local and there may not be trained staff available on non-operating days, CWMI request that the frequency be reduced to weekly.]</p>
<p>O. Recordkeeping and Reporting 8.</p>	<p>“Chemical Waste Management, Inc. shall retain all records, documentation, and information relating to the sampling, analysis, and data quality assurance required by this Approval including the following: [40 C.F.R. § 761.180(d); 40 C.F.R. § 761.65(d)(4)(iv); 40 C.F.R. § 761.75(c)(3)(ii)]</p> <ul style="list-style-type: none"> <li>a. Exact date, place, and time of each sample collected;</li> <li>b. Volume of each sample collected;</li> <li>c. Name of person collecting each sample;</li> <li>d. Name of laboratory and analyst;</li> <li>e. Date and time of analysis;</li> <li>f. The analytical techniques or methods used for each sample;</li> <li>g. The analytical results and for any on-site laboratory analytical results includes <del>including</del> chromatographs, calculations, and other raw data;</li> <li>h. Calibration records, maintenance records of sampling equipment, and analytical instrumentation; and</li> <li>i. Records of quality assurance activities.”</li> </ul> <p>[CWMI does not currently maintain California Environmental Laboratory Accreditation for analysis of PCBs at the onsite laboratory and instead will send samples required by this approval to off-site third-party labs. In these instances, raw data and chromatographs, and calculations are not included in the analytical reports issued to CWMI. However, CWMI understands that if the facility were to reestablish accreditation for PCB analysis, those raw data would be required to be maintained as part of the facility permit.]</p>

[CWM #12]

[CWM #13]





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<b>Part IV. General Approval Conditions</b>	
<p>O. Recordkeeping and Reporting 11.</p>	<p>[CWMI requests clarification that the requirement to report any occurrences not normal to the operation of the Facility applies to the TSCA-approved Waste Management Units, i.e. PCB Flushing/Storage Unit, Landfill B-18, closed landfill (Landfill B-14, B-16, and B-19 Phases IB, II, and III), or any occurrences that impact those PCB operations and not to the Class II/III Subtitle D Landfills.]</p>

[CWM #14]

<b>Part V. Conditions for Storage and Treatment of PCB</b>	
<p>A. Unit Description</p>	<p>“The outside containment area has a reinforced concrete floor with a continuous 1.5 foot-high curb and has no drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area. The floor, curb, and sump are coated with vinyl epoxy resin. The outside containment area does not have a roof or walls.”</p> <p>[In the approved design plans for the outside containment area, CWMI included a provision for the installation of expansion joints. CWMI is working with U.S. EPA Region 9 and DTSC on the design and installation of those expansion joints in the exterior containment area.]</p>
<p>B. Operational and Regulatory Requirements for PCB Waste Storage 3.</p>	<p>“Chemical Waste Management, Inc shall implement the Kettleman Hills Facility’s Spill Prevention Control and Countermeasure Plan (<del>October 2016</del>) (November 2019) for the PCB Flushing/Storage Unit.”</p> <p>[CWMI has recently updated the Spill Prevention Control and Countermeasure Plan and has included the November 2019 update as Attachment 12 to the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility to Revision 4: November 22, 2019 included with this submittal.]</p>

[CWM #15]

[CWM #16]



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<p>C. Operational and Regulatory Requirements for PCB Waste Storage</p> <p>1. Table 1 – Maximum Storage Capacities at the PCB Flushing\Storage Unit</p>	<table border="1"> <thead> <tr> <th>Area</th> <th>Maximum Unit Storage Capacity (gallons)</th> </tr> </thead> <tbody> <tr> <td>PCB F/SU – Enclosed Building – on floor or racks</td> <td><del>16,500</del> <u>13,200</u> (equivalent of <del>300</del> <u>240</u> 55-gallon drums<sup>1</sup>)</td> </tr> <tr> <td>PCB F/SU – Enclosed Building – PCB Storage Tank</td> <td><del>7,500</del> <u>5,900</u></td> </tr> <tr> <td>PCB F/SU – Outside Containment Area</td> <td><del>15,015</del> <u>12,320</u> (equivalent of <del>273</del> <u>224</u> 55-gallon drums<sup>1</sup> and one 5,000-gallon nonstationary container)</td> </tr> </tbody> </table>	Area	Maximum Unit Storage Capacity (gallons)	PCB F/SU – Enclosed Building – on floor or racks	<del>16,500</del> <u>13,200</u> (equivalent of <del>300</del> <u>240</u> 55-gallon drums <sup>1</sup> )	PCB F/SU – Enclosed Building – PCB Storage Tank	<del>7,500</del> <u>5,900</u>	PCB F/SU – Outside Containment Area	<del>15,015</del> <u>12,320</u> (equivalent of <del>273</del> <u>224</u> 55-gallon drums <sup>1</sup> and one 5,000-gallon nonstationary container)	<p>[CWM #17]</p>
Area	Maximum Unit Storage Capacity (gallons)									
PCB F/SU – Enclosed Building – on floor or racks	<del>16,500</del> <u>13,200</u> (equivalent of <del>300</del> <u>240</u> 55-gallon drums <sup>1</sup> )									
PCB F/SU – Enclosed Building – PCB Storage Tank	<del>7,500</del> <u>5,900</u>									
PCB F/SU – Outside Containment Area	<del>15,015</del> <u>12,320</u> (equivalent of <del>273</del> <u>224</u> 55-gallon drums <sup>1</sup> and one 5,000-gallon nonstationary container)									
<p>C. Operational and Regulatory Requirements for PCB Waste Storage</p> <p>3.</p>	<p>“The available containment capacity of the enclosed building is at least <del>16,845</del> <u>17,813</u> gallons as calculated in the Renewal Application, Attachment 6 and the remaining secondary capacity of the outside containment area is at least <del>20,127</del> <u>14,845</u> gallons as calculated in the Renewal Application, Attachment 7.”</p> <p>[CWMI has reduced the maximum containment capacities within the PCB Flushing/Storage Unit to add room for maneuverability of a forklift or hand truck when storage within the unit is at capacity. The revised capacities have been updated within the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility to Revision 4: November 22, 2019 included with this submittal.]</p>	<p>[CWM #18]</p>								





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<p>C. Operational and Regulatory Requirements for PCB Waste Storage</p> <p>5.</p>	<p>[CWMI requests clarification that this condition allows the items described within the condition to be stored adjacent to the building, longer than 30 days from the date of removal from service, provided the storage space conditions and inspections are met, and the storage of these items does not exceed 1 year from the date of their removal from service.]</p>	<p>[CWM #19]</p>
<p>E. Processing of PCB Waste</p> <p>3.</p>	<p>“It shall conduct all drum-top solidification operations in the curbed and sealed containment areas at the PCB Flushing/Storage Unit; bin-top solidification operations will occur on visqueen in an area adjacent to the PCB Flushing/Storage Unit.”</p> <p>[In order to perform bin-top solidification, a wheel-loader needs to be able to access a clean soil spoil pile and be able to access the length of the transport vehicle; therefore, bulk containers, i.e. bin, roll-off, or end-dump trailers, will be placed on visqueen to prevent spills to unlined areas.]</p>	<p>[CWM #20]</p>
<p>G. Sampling of PCB Flushing/Storage Unit</p> <p>1.</p>	<p>“Chemical Waste Management, Inc. shall conduct random wipe sampling of the PCB Flushing/Storage Unit quarterly during the second week of the first month of each quarter (January, April, July, and October) in accordance with the wipe sampling plan in Renewal Application, Section 5.7 “Quarterly Wipe Sampling Plan.”. If wipe sampling cannot occur within the second week of the first month within a given quarter, US EPA IX will be notified prior to the scheduling period with the rescheduled date. Wipe samples shall be analyzed as required by 40 C.F.R. § 761.253. Once per year, Chemical Waste Management, Inc. shall employ a third-party contractor to conduct the sampling”</p> <p>[CWMI requests clarification to the condition that if a wipe sampling event had to be rescheduled, U.S. EPA Region 9 will be notified prior to the scheduling period with the rescheduled date.]</p>	<p>[CWM #21]</p>



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<p>G. Sampling of PCB Flushing/Storage Unit 3.</p>	<p>Chemical Waste Management, Inc. shall fully delineate the extent of PCB contamination and promptly begin a cleanup process in accordance 40 C.F.R. § 761.79 or 40 C.F.R. Part 761 Subpart G. A written report documenting the cleanup and post clean-up sampling shall be submitted to U.S. EPA within 30 days of Chemical Waste Management, Inc. receiving the post clean-up sampling results.</p> <p>[ : CWMI requests clarifying language that the written report would include post-cleanup sampling results. The cleanup report will document the cleanup and results of the cleanup.]</p>
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[CWM #22]

<p><b>Part VI. Conditions for Chemical Waste Landfills</b></p>	
<p>A. Unit Description</p>	<p>[Section 13.2 of the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility Revision 3: October 1, 2018 included a total of five requested waivers. Four of the five waivers are addressed in the Draft Permit; however, it is unclear within the Draft Permit if U.S. EPA- Region 9 has approved the waiver requested in Section 13.2.4 of the CWMI TSCA Permit Renewal Application.]</p>
<p>B. Approved Landfill and Maximum Disposal Capacities 3.</p>	<p><del>Before March 31 of every year,</del> Annually Chemical Waste Management, Inc. shall conduct a survey to determine remaining capacity in Landfill B-18. Chemical Waste Management, Inc. shall submit the survey report to U.S. EPA Project Manager <del>no more than 30 days after the survey is completed</del> by March 1 each year.</p> <p>[CWMI conducts an annual survey to determine remaining capacity in Landfill B-18 for submittal to DTSC, which is due March 1 each year. CWMI requests U.S. EPA allow CWMI to combine the submittal. Alternatively, CWMI would require a minimum of 45 days after the aerial survey for the evaluation the data to calculate the remaining capacity in Landfill B-18.]</p>

[CWM #23]

[CWM #24]





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<p>E. Leachate Collection and Removal System 3.f.</p>	<p>“To determine the leakage rate for each sump in the secondary or vadose leachate collection systems for comparison to the Action Leakage Rate, Chemical Waste Management shall convert the weekly recorded flow rate from the monitoring data obtained under Condition VI.E.3.e. to an average daily flow rate (gallons per acre per day) for each sump using the calculation methods in the Daily Inspection Form (“Landfill B-18 Leachate Pumping Events”) in Operation Plan,”</p> <p>[Sumps within the primary leachate collection system do not have assigned Action Leakage Rates and therefore the requirement to calculate the flow rate to compare to the Action Leakage rate should apply only to sumps within the secondary or vadose collection systems.]</p>	<p>[CWM #25]</p>
<p>E. Leachate Collection and Removal System 4.</p>	<p>“Testing of leachate required under the Response Action Plan shall test for PCBs using Test Method 8082A or 8082 ...”</p> <p>[California Environmental Laboratory Accreditation Program (CA ELAP) only certifies California laboratories to utilize SW-846 Method 8082. Since CWMI utilizes CA ELAP certified laboratories, 8082 should be specified in the permit condition to ensure CWMI can secure PCB analysis at a California laboratory.]</p>	<p>[CWM #26]</p>
<p>E. Leachate Collection and Removal System 5. a.</p>	<p>“Chemical Waste Management, Inc. shall annually take samples of leachate from any Landfill B-18 sump that contain leachate and analyze the samples for pH, specific conductance, PCBs using Test Method 8082A or 8082...”</p> <p>[California Environmental Laboratory Accreditation Program (CA ELAP) only certifies California laboratories to utilize SW-846 Method 8082. Since CWMI utilizes CA ELAP certified laboratories, 8082 should be specified in the permit condition to ensure CWMI can secure PCB analysis at a California laboratory.]</p>	<p>[CWM #27]</p>



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<p>F. Surface Water Handling Procedures</p> <p>1.</p>	<p>“...Section 4.9 “Surface Water Control”; and “Storm Water Pollution Prevention Plan” (March 2016) (June 2019).”</p> <p>[CWMI has recently completed revisions to the Storm Water Pollution Prevention Plan, the most recent version of the document is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	<p>[CWM #28]</p>
<p>F. Surface Water Handling Procedures</p> <p>2.</p>	<p>“...Section 4.9 “Surface Water Control”; and “Storm Water Pollution Prevention Plan” (March 2016) (June 2019).”</p> <p>[CWMI has recently completed revisions to the Storm Water Pollution Prevention Plan, the most recent version of the document is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	<p>[CWM #29]</p>
<p>F. Surface Water Handling Procedures</p> <p>4.</p>	<p>“Chemical Waste Management, Inc. shall analyze a sample from the first collection of accumulated precipitation that contacted waste after each storm event of 1 inch of rain in 24 hours or less for PCBs using Test Method 8082A or 8082”.</p> <p>[California Environmental Laboratory Accreditation Program (CA ELAP) only certifies California laboratories to utilize SW-846 Method 8082. Since CWMI utilizes CA ELAP certified laboratories, 8082 should be specified in the permit condition to ensure CWMI can secure PCB analysis at a California laboratory.]</p>	<p>[CWM #30]</p>
<p>I. Post Closure Care for Landfill B-18</p> <p>2. g.</p>	<p>“Chemical Waste Management, Inc. shall during the post-closure care period annually conduct inspections and repair of the chain-link perimeter fence to identify and prevent any loss of integrity that may allow burrowing animals to gain access.”</p> <p>[CWMI has a barb-wire fence around the 1,600-acre property, and a chain-link fence surrounding the 555-acre operations area. CWMI requests the clarification be added to the condition that the inspection applies to the chain-link fence.]</p>	<p>[CWM #31]</p>





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<b>Part VIII. Environmental Monitoring</b>		
<p>A. Air Monitoring Program 1.</p>	<p>“Chemical Waste Management, Inc. shall implement the ambient air monitoring program for PCBs as provided in the most recent version of Site-Specific Ambient Air Monitoring Plan (January 2016) approved by DTSC and Operation Plan, Chapter 26 Environmental Monitoring Programs, Section “Summary of Ambient Air Monitoring Program”.”</p>	<p>[CWM #32]</p>
<p>A. Air Monitoring Program 2.</p>	<p>“Chemical Waste Management, Inc. shall revise the Site Specific Ambient Air Monitoring Plan to add Downwind Monitoring Station 3 (DMS 3) as an existing ambient air monitoring site to be operated in the same manner and on the same schedule as the other monitoring stations and submit the revised plan as a Class 1 modification to the U.S. EPA Project Manager within 180 days of the effective date of this Approval. [40 C.F.R. § 761.75(c)(3)(ii)]”</p> <p>[The currently approved version of the Site-Specific Ambient Air Monitoring Plan (January 2016) includes the addition of the Downwind Monitoring Station 3 (DMS-3) into the ambient air monitoring program. KHF proposes to have this condition removed for the permit.]</p>	<p>[CWM #33]</p>
<p>B. Groundwater Monitoring 2.</p>	<p>“The samples from the wells monitoring Landfill B-18 shall be tested annually for PCBs and the samples from the wells monitoring Landfills B-14, B-16, and B-19 every five years for PCBs using Test Method 8082A or 8082. Chemical Waste Management, Inc. may substitute testing for the constituents of concern in Table 1 of the MRP R5-2014-0003 for the PCB and Detection Monitoring Parameters. <del>Sampling under this Condition shall be conducted during the second half of the year. Other than during COC monitoring years, sampling under this Condition shall be conducted during the second half of the year. During COC monitoring years, sampling for that year will be conducted consistent with the COC sampling schedule in the Site-Specific Groundwater Monitoring Plan, Class I Waste Management Units, April 2014.”</del></p> <p>[California Environmental Laboratory Accreditation Program (CA ELAP) only certifies California laboratories to utilize SW-846 Method 8082. Since CWMI utilizes CA ELAP certified laboratories,</p>	<p>[CWM #34]</p> <p>[CWM #35]</p> <p>[CWM #34]</p>



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	<p>8082 should be specified in the permit condition to ensure CWMI can secure PCB analysis at a California laboratory.]</p> <p>[Sampling only during the second half of a calendar year conflicts with the COC sampling schedule specified in the Site-Specific Groundwater Monitoring Plan, Class I Waste Management Units, April 2014 (SSMP). The SSMP specifies COC events occur every 4½ years so that sampling alternates between the spring (first half) and fall quarters (second half) of a COC sampling year. The Proposed Approval condition should be clarified to align the COC sampling schedule with the COC sampling schedule specified in the SSMP. Because of the 4½ year rotation of COC monitoring events, other than every 9th year, the specified monitoring parameters, field parameters, PCB, and COC sampling will occur during the second half of the monitoring year. Sampling will occur during the first half of every 9th year (the next COC event is scheduled for first half of 2021).]</p>
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[CWM #35]

<p><b>Part IX. Procedures to Modify, Transfer Ownership or Operational Control, Revoke, Suspend, Deny, Continue, or Renew Approval</b></p>	
<p>Table 3 – Approval of Modification Classifications</p>	<p>[Table 3 does not include permit modification classifications for modifications necessary to update plan revisions or permit revisions that do not affect management of PCB Waste, i.e. a request by CWMI to modify the TSCA permit to incorporate a DTSC approved modification to the Hazardous Waste Facility Permit that does not affect PCB operations or a TSCA approved waste management unit. CWMI does not believe a Class 2 or 3 permit modification would be warranted for such a request as it would be done by CWMI to keep the referenced permit up to date within the TSCA application.]</p>

[CWM #36]



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Table 3 – Approval of Modification Classifications  
 B. General Facility Standards  
 9.

9. Changes to the Contingency Plan, Spill Prevention Control and Countermeasure Plan, and/or Security Requirements that affect PCB Operations:	
a. Changes in emergency procedures (i.e., spill or release response procedures) or security methods including fencing.	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.	1
c. Removal of equipment from emergency equipment list.	2
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the Contingency or SPCC plan.	1
e. Changes to the SPCC plan resulting from non-technical changes that do not require PE certification. Such non-technical changes include more stringent requirements for stormwater discharges to comply with NPDES rules; product changes if the new product is compatible with conditions in the existing tank and secondary containment; and, any other changes which do not materially affect the facility's potential to discharge oil.	1
f. Any changes to the plan that do not affect PCB operations or the potential to discharge any PCB containing oils	1

[CWM #37

[CWMI will periodically review and evaluate the SPCC plan and Contingency Plan for any changes in the facility design, construction, operation or maintenance that affect the facilities potential for an oil discharge or emergency response. For any changes to these plans that do not affect PCB operations, the potential to discharge any PCB containing oils, CWMI requests that the modification to update the TSCA permit with the most current version be a Class 1 modification.]





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<p>D. Closure 4.</p>	<p><del>“Incorporation of annual adjustment to the closure costs under Condition IV.K.3.”</del></p> <p>[Annual inflation adjustments of financial mechanisms are mandatory and prescribed submittals and should not require a permit modification or prior approval from the agency. CWMI agrees that a decrease in any financial mechanism amount would require prior approval from U.S. EPA, however the requirement for a permit modification to incorporate a mandatory and prescribed annual adjustment, which typically only increases the closure and post-closure costs and which is done to comply with 40 CFR, places undue costs on CWMI to produce and distribute notifications to the entire mailing list for a routine annual submittal.]</p>	<p>[CWM #38]</p>
<p>E. Post-Closure 6.</p>	<p><del>“Incorporation of annual adjustment to the post-closure costs under Condition IV.L.3.”</del></p> <p>[Annual inflation adjustments of financial mechanisms are mandatory and prescribed submittals and should not require a permit modification or prior approval from the agency. CWMI agrees that a decrease in any financial mechanism amount would require prior approval from U.S. EPA, however the requirement for a permit modification to incorporate a mandatory and prescribed annual adjustment, which typically only increases the closure and post-closure costs and which is done to comply with 40 CFR, places undue costs on CWMI to produce and distribute notifications to the entire mailing list for a routine annual submittal.]</p>	<p>[CWM #39]</p>
<p>G. Chemical Waste Landfills</p>	<p><u>“G. Chemical Waste Landfills (Authorized for TSCA PCB Waste Disposal)”</u></p>	<p>[CWM #40]</p>



November 22, 2019

DTSC: COMMENTS – PROPOSED COMMERCIAL STORAGE FACILITY AND CHEMICAL WASTE LANDFILL, FACILITY: CHEMICAL WASTE MANAGEMENT, INC., US EPA ID NUMBER: CAT 000 646 117

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<b>Part X. Definitions</b>		
D.	<p>““Closure Plan” means the “Closure and Post-Closure Plans, Kettleman Hills Facility, Kings County, CA,” Golder Associates (March 15, 2018) (July 31, 2019) found in Appendix B-3.”</p> <p>[CWMI has revised the Closure and Post-Closure Plans for the Kettleman Hills Facility through the Part B Permit Renewal Application; the current version is included as an attachment to this submittal.]</p>	[CWM #41]
E.	<p>““Day” means a calendar day unless otherwise stated to be an operating day. Periods of time are calculated by excluding the first day and including the last, unless the last day of the period is a Saturday, Sunday or other legal holiday, in which case the end of the period shall be the next day that is not Saturday, Sunday or other legal holiday.”</p>	[CWM #42]
R.	<p>““Renewal Application” means the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility, Revision 3, October 1, 2018 Revision 4, November 22, 2019 including its Attachments and Appendices.”</p> <p>[CWMI has updated the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility to Revision 4: November 22, 2019 to capture a change in site management and changes to the maximum storage capacities at the PCB Flushing/Storage Unit, which were reduced as a result of the ongoing discussions with the Department of Toxics Substances Control Part B Permit Renewal Application Process. “TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility Revision 4: November 22, 2019” is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	[CWM #43]



November 22, 2019

DTSC: COMMENTS – PROPOSED COMMERCIAL STORAGE FACILITY AND CHEMICAL WASTE LANDFILL, FACILITY: CHEMICAL WASTE MANAGEMENT, INC., US EPA ID NUMBER: CAT 000 646 117

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<b>Appendix A – Findings Pursuant to Findings Pursuant to 40 C.F.R. § 761.65(d)(3) and 40 C.F.R. § 761.75(c)</b>	
Call Sheet	“Findings Pursuant to Findings Pursuant to 40 C.F.R. § 761.65(d)(3)(2) and 40 C.F.R. § 761.75(c)”
<b>Findings Pursuant to 40 C.F.R. § 761.65(d)(2) Storage of PCB Waste at the PCB Flushing/Storage Unit</b>	
2.	“...possesses the capacity to handle 44,015 36,420 gallons of PCB waste...”  [See KHF’s comment to Section V.C.1]

[CWM #44]

[CWM #45]

<b>Appendix B – Incorporated Documents</b>	
Volume 3 4	<p>““TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility.” Chemical Waste Management, Inc. <del>Revision 3: October 1, 2018</del> <u>Revision 4: November 22, 2019.</u>”</p> <p>4.1. Section 5.7 – Quarterly Wipe Sampling Plan.</p> <p>4.2. Section 10.1.1. – PCB Flushing/Storage Unit.</p> <p>4.3. Section 14.1 – Closure and Post-Closure Plans.</p> <p>4.4. Attachment 4 – TSCA Groundwater Monitoring Addendum to Site-Specific Monitoring Plan. April 17, 2018.</p> <p>4.5. Attachment 6 – PCB Building Interior Secondary Containment Calculations. <del>October 1, 2018</del> <u>November 22, 2019.</u></p> <p>4.6. Attachment 7 – PCB Building Exterior Secondary Containment Calculations <del>October 1, 2018</del> <u>November 22, 2019.</u>”</p> <p>[CWMI has updated the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility to <u>Revision 4: November 22, 2019</u> to capture a change in site</p>

[CWM #46]





November 22, 2019

DTSC: COMMENTS – PROPOSED COMMERCIAL STORAGE FACILITY AND CHEMICAL WASTE LANDFILL, FACILITY: CHEMICAL WASTE MANAGEMENT, INC., US EPA ID NUMBER: CAT 000 646 117

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	<p>management and changes to the maximum storage capacities at the PCB Flushing/Storage Unit, which were reduced as a result of the ongoing discussions with the Department of Toxics Substances Control Part B Permit Renewal Application Process. “TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility Revision 4: November 22, 2019” is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	
<p>Volume 3 5.</p>	<p>““TSCA Operation Plan – Landfill B-18 Phases I, II, and III; PCB Building and Outside Containment Area, Chemical Waste Management, Inc. Kettleman Hills Facility.” Chemical Waste Management, Inc. <del>Revision 3: October 1, 2018.</del> <u>Revision 4: November 22, 2019.</u>”</p> <p>[CWMI has updated the TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility to Revision 4: November 22, 2019 to capture a change in site management and changes to the maximum storage capacities at the PCB Flushing/Storage Unit, which were reduced as a result of the ongoing discussions with the Department of Toxics Substances Control Part B Permit Renewal Application Process. “TSCA Permit Renewal Application, Chemical Waste Management, Inc. Kettleman Hills Facility Revision 4: November 22, 2019” is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	<p>[CWM #47]</p>
<p>Volume 4 6.</p>	<p>““Spill Prevention Control and Countermeasure Plan (SPCC) prepared for Chemical Waste Management, Inc. Kettleman Hills Facility.” Golder Associates, Inc. <del>October 2016</del> <u>November 2019.</u>”</p> <p>[CWMI has recently completed minor revisions to the Spill Prevention Control and Countermeasure Plan, the most recent version of the document is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	<p>[CWM #48]</p>



November 22, 2019

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<p>Volume 6 13.</p>	<p>““Storm Water Pollution Prevention Plan Chemical Waste Management, Inc. – Kettleman Hills Facility.” Golder Associates, Inc. June 2015, Amended <del>March 2016</del> June 2019.”</p> <p>[CWMI has recently completed revisions to the Storm Water Pollution Prevention Plan, the most recent version of the document is being submitted along with these comments for U.S. EPA – Region 9 review and evaluation.]</p>	<p>[CWM #49]</p>
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<p><b>Draft Environmental Justice Analysis</b></p>			<p>[CWM #50]</p>
<p>6.3.5 New Drinking Water Source</p>	<p>“In addition, Kings County helped secure water rights to deliver surface water from the California Aqueduct to the community for at least 20 years. CWMI provided \$50,000 for bottled water during the construction and paid KCCSD’s water debt of over \$500,000 to allow for unencumbered loan and grant application. In addition, a \$150,000 of CWMI’s hazardous waste disposal revenue fees is used for rate stabilization for the residents of Kettleman City for the first 20 years of the project.</p> <p>[It is CWMI’s understanding, that on November 18, 2019 the KCCSD Water Treatment Plant began delivering potable water to the residents of Kettleman City.]</p>		

If you have any questions or comments regarding this matter, please contact me at (559) 386-6151.

Sincerely,  
Chemical Waste Management, Inc.

Reyna Verdin  
Environmental Manager

cc: Robert Henry, WM  
Andrew Kenefick, WM

Attachment(s)

*From everyday collection to environmental protection, Think Green® Think Waste Management.*

**In The Matter Of:**

*Receiving Public Comments EPA'S Proposed Permit for  
Kettleman Hills Facility*

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*EPA REGION 9 PUBLIC HEARING*

*November 14, 2019*

*ORIGINAL TRANSCRIPT*

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EPA REGION 9 PUBLIC HEARING

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Re: )  
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 EPA'S Proposed Permit for )  
 Kettleman Hills Facility )  
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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
KETTLEMAN CITY, CALIFORNIA  
THURSDAY, NOVEMBER 14, 2019

Reported by:  
FLORENCE A. COLBY  
CSR #12433

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A P P E A R A N C E S

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Danita Yocom	Presiding Officer USEPA Region 9
Betsy Daniels	Facilitator National Registry of Facilitators
Barbara Gross	Permit Manager USEPA
Soledad Molino	Office of Public Affairs USEPA
Marcus Aguilar	Permit Writer USEPA
Patrick Wilson	Senior Toxicologist USEPA
Margaret Alcon	Project Attorney USEPA
Francis Winters	Project Manager Kettleman Hills Facility USEPA

ORIGINAL TRANSCRIPT

1 BE IT REMEMBERED THAT, pursuant to Notice  
2 of Public Hearing, and on Thursday, November 14, 2019,  
3 at the hour of 6:01 p.m. thereof, at Kettleman City  
4 Elementary School Cafeteria, 701 Petroleum Avenue,  
5 Kettleman City, California, before me, FLORENCE A.  
6 COLBY, a Certified Shorthand Reporter in and for the  
7 State of California

8 ---oOo---

9 PROCEEDINGS

10 MS. MOLINO: Thank you so much for being here  
11 today, welcome. I would like it introduce my fellow  
12 member, Barbara. She will be discussing with you about  
13 process of today's hearing. And she would also  
14 introduce everyone from EPA.

15 MS. GROSS: Good evening everyone, and thank  
16 you so much for coming out tonight. My name is Barbara  
17 Gross, and I manage hazardous waste permits for the  
18 United States Environmental Protection Agency. Our  
19 office is in San Francisco, and there are a number of  
20 us that are here today representing EPA.

21 I would like to introduce Francis Winters, who  
22 is the project manager for the Kettleman Hills  
23 Facility, Patrick Wilson, who is our senior  
24 toxicologist for the regional office, Soledad Molino  
25 who is from our office of public affairs, Marcus



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1 Aguilar, who is also another permit writer working on  
2 other projects, and Margaret Alcon is our attorney on  
3 the project, and Danita Yocom is the hearing officer  
4 tonight, and she will be hearing the comments. And I  
5 would now like to pass the microphone over to Danita.

6 MS. YOCOM: Thank you, Barbara. Welcome, and  
7 good evening. Today is November 14th, 2019, and the  
8 time is 6:02 p.m. This public hearing is now in  
9 session. Again, my name is Danita Yocom, and I am with  
10 the U.S. Environmental Protection Agency in Region 9,  
11 and I am serving as the presiding officer for tonight's  
12 hearing. My role as presiding officer is solely to  
13 facilitate this hearing, and to make sure that members  
14 of the public have an equal opportunity to make -- to  
15 submit their oral comments on EPA's proposed action. I  
16 am not involved in responding to comments, or in making  
17 any final decisions.

18 Before the comments again, I will need to go  
19 over some logistics and information, and I would also  
20 like to first introduce Betsy Daniels, who will be  
21 assisting with facilitating tonight's meeting, and  
22 Betsy will discuss her role briefly, thank you.

23 MS. DANIELS: Good evening, everyone. Thank  
24 you for taking the time to be here tonight. My name is  
25 Betsy Daniels. I am going to be your facilitator

ORIGINAL TRANSCRIPT

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1 tonight. I am not an EPA employee, and I am not under  
2 contract directly to the EPA. I am part of the  
3 national roster of facilitators. It is Federal funding  
4 tax payers dollars that allow me to help with public  
5 meetings where a neutral party can be helpful in both  
6 kind of the design of the meeting, and in facilitation,  
7 and so that's my role tonight. I don't take the place  
8 of a hearing officer or any initial role for the  
9 hearing.

10 This is a hearing, and it's a little bit  
11 different if you haven't been to a hearing before. It  
12 means that you are going to be provided some comments,  
13 and that's what Danita is going to tell you about, the  
14 EPA/ you might be asking questions, but you won't get  
15 an answer tonight, but Danita is going to talk -- I  
16 think, are you going to talk about the response to  
17 cements?

18 MS. YOCOM: Yes.

19 MS. DANIELS: So that will come out in English  
20 and in Spanish. So you'll get to see all of the types  
21 of comments, sometimes they are grouped together of  
22 just different types, the nature. You can get English  
23 and Spanish arranged as to what the comments were, and  
24 I'll let EPA speak specifically to that.

25 So here's what you should expect tonight. My

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6

1 job is to make sure that regardless of your point of  
2 view, you have an opportunity to speak to EPA here  
3 tonight. We have a chair, if you'd like just to make  
4 it comfortable. We had some elderly folks last time,  
5 so we wanted to make sure there was a chair, that was  
6 kind of the intention tonight was to make it easy to  
7 get on the record. You know, one of the things that I  
8 try to instill is that you are probably going to -- I  
9 said this last time for the people that were here. You  
10 are going to probably hear some things you really  
11 disagree with, and sometimes that's really hard, but we  
12 want to make sure that -- everyone gave up something to  
13 be here tonight. You could have been home, you  
14 probably had to arrange childcare perhaps, or elder  
15 care. So even if you are here from a person that you  
16 disagree with, just remember that everyone had to give  
17 up something, so we will stop the meeting to get back  
18 on track if we're finding that people can't get through  
19 their comments without commentary from the audience  
20 because that's just going to slow everything down. We  
21 just really want to make sure people and heard, and get  
22 home tonight; that's kind of the idea.

23 Let's see, so there was a meeting in October,  
24 that's where there was a lot of information presented,  
25 and so some of the posters from that are back here in

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1 English and Spanish if you are interested in. I will  
2 ask that in addition to not interrupting that there's  
3 no applause for people to comment, that also just kind  
4 of slows the whole process down.

5 So, it might be a little quiet as we go from  
6 person to person. So -- let's see, and if you could  
7 direct your comments to EPA, because we do have a court  
8 reporter here, and, Danita, we have a timer, so if you  
9 are orienting yourself this way, that's kind of why I  
10 it set up, that would be really helpful just because  
11 our court reporter, I think, came a long way tonight.

12 So I'll have Danita give the instructions, and  
13 then we'll see if there's any process questions, and no  
14 disguising substantive questions for process questions.

15 MS. YOCOM: Thank you, Betsy. So the purpose  
16 of this hearing is for EPA to receive your oral  
17 comments regarding a proposal to issue a Toxic  
18 Substances Control Act Permit to the Kettleman Hills  
19 facility in Kettleman City California.

20 The proposed permit would regulate the  
21 treatment of storage and disposal of polychlorinated-  
22 byphenol or PCBs at the facility.

23 This hearing is a formal legal proceeding.  
24 Your comments will go into EPA's official record  
25 regarding that proposed permit. You may submit oral



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1 comments, written comments, or both. It is important  
2 for you to know that I am only here to receive your  
3 oral comments on the proposed permit, so I would ask  
4 that you please refrain from making comments unrelated  
5 to this specific permit action. It is also important  
6 to know that EPA will not be responding during  
7 tonight's hearing. Instead, EPA will prepare a summary  
8 of the comments it receives, and a response to those  
9 comments. EPA will not make a final decision on the  
10 draft permit until it considers all comments submitted  
11 during the public comment period. EPA's response to  
12 your comments will be available at the time EPA issues  
13 its final permit decision.

14 Now, regarding the process for calling up  
15 speakers, if you wish to provide oral comments tonight,  
16 please fill out a speaker card which is located at the  
17 registration table if you have not done so already.  
18 Please write your name on the card legibly because the  
19 recorder will be relying on your card for the correct  
20 spelling of your name in the record.

21 If you gave a comment today, the fact that you  
22 gave a comment today, and your name will appear as a  
23 part of the record, so please note that fact. If you  
24 do not wish to give your name, you may also be  
25 identified by the number of your speaker card. And,

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1 again, Betsy will be assisting speakers in order to the  
2 microphone.

3 This hearing is scheduled to end promptly at  
4 8:00 p.m. To allow everyone an equal opportunity to  
5 speak, I am initially limiting each speakers comments  
6 to three minutes. You can comment in English or  
7 Spanish, and if you comment in Spanish, Patricia  
8 Hernandez, who is sitting at the able with us, will be  
9 translating, and the translation is virtually  
10 simultaneous.

11 Margaret will be keeping track of time here.  
12 We have a timer on the computer, and in the first  
13 minute of your allotted time, a dot will gradually  
14 fill, there's gradually going to be a green dot. In  
15 the second minute of your time gradually a yellow dot  
16 will appear, and so at the end of your two minutes,  
17 there will be yellow dot. In the third minute, a red  
18 dot will gradually appear, and when the red dot is  
19 complete, your three minutes will have been completed.  
20 At that time I'll ask you to complete your statement,  
21 and invite you to submit written comments if you wish  
22 to submit additional comments.

23 If we have time available after the first  
24 round of speakers, I will invite anyone who wished to  
25 make additional comments to do so. I will also limit

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1 the second round of comments to three minutes per  
2 speaker.

3 Betsy will be calling the speakers to the  
4 microphone in groups of two, and if your name is called  
5 first, please come up, and be seated at the table and  
6 the microphone. State your name for the record, and  
7 begin presenting your comments. If your name is called  
8 second, please take a seat, I think probably in the  
9 front, so that you'll be readily available when the  
10 first speaker has completed their comment. At that  
11 time, Betsy will then call another two speakers.

12 If you are not in the room when your name is  
13 called, Betsy will recall you after all the other  
14 speakers in the first round have made their oral  
15 comments. This hearing is being digitally recorded by  
16 Florence Colby, who is sitting to my right. The  
17 recording of the public comments offered this evening  
18 are a part of the official record. It is very  
19 important that the record accurately reflects each  
20 person's comment. To assist Florence in this effort, I  
21 ask that you speak slowly and clearly, that you state  
22 your name for the record, and that the audience members  
23 not make comment when another person is giving their  
24 comments at the microphone. It is very difficult to  
25 accurately record multiple voices speaking at the same

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1 time. I would also add as a reminder that the  
2 microphone is a means by which the headphone  
3 translation is being sent to whoever is using that as  
4 well.

5           Regarding the written comments, if you do not  
6 wish to speak at tonight's meeting and prefer to submit  
7 written comments for the official record, please know  
8 EPA will equally consider written comments and oral  
9 comments in reaching its final decision. If you would  
10 like to submit written comments for the official record  
11 while you are here today, please feel free to put your  
12 written comments into the comment box at the table  
13 where Marcus is sitting. If you wish to submit written  
14 comments by U.S. mail, your comments must be posted on  
15 or before 11:59 p.m. pacific daylight time,  
16 November 22nd, 2019. Written comments submitted by  
17 e-mail must be submitted by 11:59 p.m. pacific daylight  
18 time, November 22nd, 2019, and written comments  
19 submitted through the online docket sheet on  
20 regulations.gov must be submitted by 8:59 p.m. pacific  
21 daylight time. I believe there's an instruction sheet  
22 on how to submit written comments at the registration  
23 table, if you have any questions about that.

24           Regarding the notice of decision, again, you  
25 do not need to sign in to attend the hearing; however,



1 if you would like to receive a notice of EPA's final  
2 decision for this project, please fill out the sign-in  
3 form at the table with your name, and your e-mail or  
4 mailing address.

5 EPA's notice of final decision on this permit  
6 will be sent to each person who has submitted written  
7 comments, or who is signed up to receive notice of the  
8 final decision, and who has provided an e-mail or  
9 postal address. EPA's notice of final decision will  
10 also be available on EPA's website. A copy of the  
11 transcript from tonight's hearing will also be  
12 available for inspection at EPA's Region 9 offices in  
13 San Francisco.

14 So with that, if there are any other questions  
15 --

16 MS. DANIELS: There might be a couple process  
17 question. So one clarification, Dsnita, that you  
18 mentioned, the comment table is actually in the back  
19 with a box, and there's pens and some paper, and then  
20 any other process questions?

21 MR. ALATORRE: Yeah, I just wanted to know if  
22 the article, and name, and organizational thing is  
23 going to go against the timer of three minutes? Will  
24 that be separate from our three minutes to speak, or is  
25 that part of or three minutes?

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1 MS. DANIELS: Well, we hadn't thought about  
2 that, but it doesn't have to be. Yeah, we have time  
3 tonight, yeah.

4 MR. ANGEL: Yeah, I mean, I'll enter it into  
5 the record, but three minutes is pretty ridiculous for  
6 something we --

7 MS. DANIEL: Sir, I think you have made your  
8 point. If you want to comment on the process --

9 MR. ANGEL: No, I want to comment on the  
10 proposed permit, and you can't do that in three minutes  
11 for something this important.

12 MS. DANIELS: If you want to speak in Spanish  
13 to give your comment, we do have a translator here that  
14 will be speaking simultaneously because the record  
15 needs to be entered in English. And so noted for the  
16 record that you have an objection to three minutes.

17 Any other questions about the process, just  
18 how to navigate everything?

19 MR. ANGEL: Can I ask how you decided on three  
20 minutes?

21 MS. DANIELS: I don't think that's as answer  
22 we have for tonight unless Barbara -- where's Barbara,  
23 do you want to answer that process question?

24 MS. GROSS: Thank you. I'll just quickly  
25 answer. We didn't know how many people would be coming

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1 tonight and for appearance between 6:00 and 8:00 p.m.  
2 we wanted to make sure we were able to the everyone  
3 heard, but this process also includes that if there is  
4 time after the initial minutes, that we can go through  
5 another round.

6 MS. DANIELS: Okay. We will go ahead and get  
7 started. We do have to end at 8:00 for the school --  
8 is the 8:30 or eight o'clock?

9 MS. YOCOM: Eight o'clock.

10 MS. DANIELS: Eight o'clock because the  
11 custodian needs to leave by 8:30, so that's the end  
12 point. We realize we hadn't set it. It was set by the  
13 school timeframe.

14 Bradley Angel, I think you are coming up  
15 first, and then once you have given your name and  
16 affiliation, Margaret will hit will timer for you.

17 BRADLEY ANGEL: Where are we speaking?

18 MS. DANIELS: What we're finding with this  
19 microphone is you've got to be a little close to it to  
20 work, and so the translators can hear you.

21 MR. ANGEL: Bradley Angel, Green Action for  
22 Health and Environmental Justice, and start by Angel #1  
23 objecting to three minutes. This is a profoundly  
24 important issue about a facility and a community that's  
25 been picture postcard of environmental racism and

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1 injustice. Som I am going to object to the three  
2 minutes.

3 Of course the EPA already has decided what to Angel #2  
4 do. They don't care about compliance with permits. Angel #3  
5 They don't care about the health of the community. The Angel #4  
6 State of California, and EPA acknowledge that Kettleman  
7 City is one of the most vulnerable communities to push  
8 it in the entire state. EPA does not care. You look Angel #5  
9 at the display board over there, you don't even mention  
10 that PCBs are so toxic, they are banned. People need  
11 to know that. If you are serious about meaningful  
12 civic engagement, EPA certainly is not, that should  
13 have been up there because people don't know what we  
14 are dealing about. It is a reproductive toxin. That  
15 os very important in a community that has suffered  
16 extra extraordinary amounts of reproductive health  
17 problems and death which coincidentally happened after  
18 Chem Wast was allowed to, I believe, quadruple the  
19 amount of PCBs that came in, discontinued the PCB  
20 monitors, and so in your draft permit of public Angel #6  
21 relations pitches based on some additional fallacies,  
22 you talk about compliance with the permit. Well, it's  
23 interesting because in 2010, and I know you all don't  
24 like to talk about that, Chemical Waste Management was  
25 fined \$302,000 for what USEPA at the time called

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1 unacceptable violations. How could you issue a permit  
2 to that company for that? So many other violations  
3 including according to government websites failing to  
4 do required monitoring of PCB units for seven straight  
5 years. Where was the government? How did that happen?  
6 It happened because EPA and the State do whatever  
7 Chemical Waste wants to do.

8 Now, some other important issues here. You Angel #7  
9 cannot issue a permit for the PCBs, which you have been  
10 trying to do for years and years and decades. First of  
11 all, they have been allowed to dump on a permit that  
12 was issued in 1992, I believe; that was a really long  
13 time ago. If somebody from Kettleman City who has  
14 brown skin and speaks Spanish drove around on an  
15 expired permit, they would be in jail at one point. But  
16 if you dump PCBs that can kill you, you are allowed to  
17 keep dumping, and get a new permit.

18 The facility's permit expired not one year  
19 ago, not two years ago, it expired in 2003. So EPA is  
20 proposing improperly to allow Chem Waste to do more PCB  
21 dumping on a permit at a facility whose permit is  
22 expired.

23 Lastly, these permits -- I'm just going finish  
24 really quick. These permits were issued with racist Angel #8  
25 rules, with police dogs, with racist hearing rules, and



1 you English only processes, so we will be challenging  
2 this of course.

3 MS. DANIELS: Thank you.

4 MS. YOCOM: Thank you.

5 MS. DANIELS: Miguel Alatorre, you better say  
6 your name for the record.

7 MR. ALATORRE: Hello, my name is Miguel  
8 Alatorre, and I am with Green Action for Health and  
9 Environmental Justice, and my comment has to do with  
10 the history of violations that this company has, and I  
11 just have a little list that I had that came out of  
12 your website. MAlatorre #1

13 In 2005 you guys improperly calibrated PCB  
14 instruments. In 2010 when you were fined \$302,000, you  
15 failed to label PCB containers, failed to complete the  
16 PCB manifest, and use the PCB contaminated building  
17 without decontaminating it. You also failed to  
18 prevent leaks installed with PCB which led to PCB  
19 levels that are nine times higher than the permitted by  
20 Federal law, and so I am wondering, how can we trust  
21 this company if they are not competent enough to stop  
22 having violations? It seems that it's impossible to  
23 issue a permit to someone that keeps breaking the law  
24 over and over.

25 You know, like Bradley said, if me, as a

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1 normal human being that doesn't have billions of  
2 dollars, if I get three DUIs, where am I going to end  
3 up? In prison most likely, and for a good time. But a  
4 company that has a history of violations even until  
5 this very day is considered to be acting in good faith?  
6 That is just something that blows my mind, because I  
7 asked these questions, and I try to figure, you know,  
8 how do you guys justify that they know how to do their  
9 job if they keep doing to wrong?

10 You know, it seems we either need to have them  
11 stop dumping, and put a moratorium on their business  
12 until they actually learn how to do their job, or we  
13 have to find another solution to this problems that  
14 does to include giving them the ability to dump  
15 further, and that's all I have to say on that. Thank  
16 you.

17 MS. YOCOM: Thank you.

18 MS. DANIELS: All right. Maricela, and then  
19 after Maricela is Reyna Verdeen. So come up, Maricela,  
20 state your name for the record, if you'd like.

21 MS. ALATORRE: Maricela Mares Alatorre, People  
22 for Clean Air and Water of Kettleman City. I just have  
23 some concerns. The analysis identifies Kettleman City  
24 as being above national ambient air quality standards  
25 for ozone PM2.5 and PM2.10. CalEnviroScreen identified

1 a certain community as being 95 percent of above, hence  
2 his truck for ozone values higher than 85 percent. So  
3 this permit will only exacerbate this issue by  
4 increasing the amount of truck traffic, and causing an  
5 unacceptable risk to an already vulnerable population.

6 On page 20 of the environmental justice MMAlatorre #2  
7 analysis, there's a reference to the Caltrans data  
8 which shows a huge increase in truck traffic from 2014  
9 to 2017 with most of that being truck traffic.

10 Although this report claims that the traffic  
11 mostly stays at the junction, there's no magical shield  
12 that prevents the pollution that's generated from those  
13 trucks from drifting down to Kettleman City, and I  
14 think it's really, really unacceptable for that to be  
15 increased on us.

16 CalEnviroScreen identifies Kettleman City as  
17 being higher than 91 percent of all senses tracked for  
18 pesticides use. So have studies been done to see if  
19 there's a possible synergistic effect between PCBs that  
20 might migrate off of the sites and pesticides? I don't  
21 think there has been. So that should be taken into  
22 account before approving anymore dumping in Kettleman  
23 City.

24 Kettleman City has a high number of MMAlatorre #4  
25 linguistically isolated residents, our average is

1 higher than the county, state, or national averages.  
2 So the material that's put out in Spanish is difficult  
3 to understand even for English speakers. The Spanish  
4 translations of relevant documents are out there,  
5 sometimes, not all the time, but the language is still  
6 difficult to understand, and it doesn't include  
7 colloquialisms, like the fact that the landfills, they  
8 don't know it, most people know it as el dumpe. So  
9 it's a really difficult and to expect people to make  
10 and form comments when they can't understand the  
11 language in the documents. It makes its very hard for  
12 them to participate in the public process, and  
13 supposedly you are all about public process.

14 Page 24 on the environment justice analysis, MMAlatorre #5  
15 this talks about infant mortality deaths. Having  
16 consistently decreased from 2010 to 2019 when you know  
17 very well that the infant deaths that occurred here  
18 related to the birth defects were from 2007 to 2008.  
19 The report talks about the number of infant deaths  
20 being too small to count significantly. I assure you  
21 that the mothers that lost their children at that time  
22 don't think it was too small to be insignificant. I am  
23 sure the moms of [REDACTED] will all  
24 tell you how this was very significant to them. Seeing  
25 that my time is up, I'll wait for my other three

1 minutes.

2 MS. YOCOM: Thank you.

3 MS. VERDEEN: Reyna Verdeen. I am with the  
4 Chemical Waste Management Inc., Kettleman Hills  
5 Facility. I have worked at the Kettleman Hills  
6 Facility, and I am the environmental protection manager  
7 for the site. Since 2006 the facility has had an Verdin #1  
8 ambient air monitoring program initiated at the request  
9 of the Department of Toxic Substance Control in  
10 accordance with the facilities permit under the US  
11 Resource Conservation Recovery Act. Beginning October  
12 of 2016, that program expanded and now includes a  
13 sampling at a fourth location, and selecting month-long  
14 PCB samples once per quarter at all four of the  
15 monitoring locations. Along with month-long PCB  
16 samples collected quarterly, air samples are collected  
17 every 12 days at all four stations producing a database  
18 of over 1500 PCB samples through June of 2019.

19 Since the inception of the monitoring program,  
20 no PCB has been detected in a sample even in the parts  
21 per trillion detection range. Over the past 20 plus  
22 years there have been numerous studies performed both  
23 by Kettleman Hills Facility and regulatory agencies to  
24 evaluate potential impact of air emissions from the  
25 Kettleman Hills Facility on ambient air quality both in



1 the immediate vicinity of the facility as well as in  
2 Kettleman City which is located three and a half miles  
3 to the northeast of the facility. These investigations  
4 provide a scientific database on air quality at the  
5 site, and along with the results of the monitoring  
6 program support a common conclusion.

7 The KHF PCB operations are not adversely  
8 impacting air quality for the residents of Kettleman  
9 City, and the facility does its best to prevent any  
10 migration of PCB from the site.

11 KHF has an ongoing commitment for the safe  
12 disposal of PCB materials in the manner that is  
13 protective of human health of the environment. Thank  
14 you.

15 MS. DANIELS: I'll remind the participants to  
16 please don't comment while someone is talking because  
17 that can interrupt the process, and it's going to slow  
18 it down. So I would ask you not to comment as it is  
19 appreciated. The next two people are Robert Henry, and  
20 Jose Carillo.

21 MR. HENRY: Good evening, Robert Henry. I am  
22 with Waste Management Kettleman Hills Facility. I have  
23 a letter this evening that I would like to present.  
24 The letter is from the Kettleman City Community Service  
25 District. It was respectfully submitted, or will be

Henry #1

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1 respectfully submitted by the share person, Sylvia  
2 Maldonado.

3 This letter is in support by the elected  
4 officials here in Kettleman City of our project, and I  
5 just wanted to provide that to you this evening.

6 MS. YOCOM: Okay. Thank you.

7 MR. CARILLO: Hello. Hi, my name is Jose  
8 Carillo. I am a resident of Kettleman City for  
9 40 years. I am involved with the community on a  
10 service district water board.

11 I could tell you today's permit is not on the  
12 top ten concerns for me. One, it's water, which we'll  
13 be getting next week. Two, is streets, three, is  
14 sidewalk, and signs. Four, is pesticides, spraying  
15 close to the community, and that's something I am  
16 trying to work with the county supervisors to fix these  
17 problems we have through the community, and I always  
18 have good communication with the Waste Management  
19 whenever I have asked them questions or concerns, they  
20 get back to me as soon as possible. Thank you, have a  
21 good day -- good night.

Carillo  
#1

22 MS. YOCOM: Okay.

23 MS. DANIELS: Okay. I have got two more  
24 people, and then we'll take a quick break, and people  
25 can sign up again, so I know who else, if you want to

1 -- we'll go one more round for an additional three  
2 minutes if anyone wants to talk. So why don't we  
3 finish these, and we will just take a few minutes, and  
4 then we'll start again; is that okay?

5 MS. YOCOM: Okay, yes.

6 MS. DANIELS: I've got a person that has  
7 No. 2, and then, Reyna, I think you already went. So  
8 just go ahead, and you can state your name, if you  
9 chose. If not, that's okay.

10 MR. RODRIGUEZ: Hello. So my name is Luerto  
11 Rodriguez. I was here just to get the vibe, see what's  
12 happening, what's going on. More than anything, I see  
13 more people for what's happening instead of against  
14 what's happening, which is kind of sad. Ain't no  
15 beating around the bush. There's no pretending or  
16 acting as if we don't know that these things are  
17 dangerous for this community. Rodriguez #1

18 My concern is just, you know, how do some of  
19 you guys sleep at night knowing that this is happening,  
20 and still allowing this to happen? And that's the  
21 reality of it; you know, we can't ignore it. We cannot  
22 ignore it. We cannot pretend. This isn't a game, you  
23 know. We're talking about people's lives here. And it  
24 just amazes me that there's people here that are even  
25 willing to present cards, and then just talk highly

1 about it as if this is something good for the  
2 community, knowing damn well this is not good for the  
3 community. There's no way we can sit here, and  
4 pretend, or try to act, you know.

5 I question and ask, I wonder what some of  
6 these people's salaries are, you know? I wonder where  
7 these people live at, right? For sure I am certain  
8 that it's not here, not in Kettleman City, or not these  
9 surrounding areas. You know, you guys need to be more  
10 aware of what's happening. It's the reality, you know.  
11 Ignorance is destroying our ability to live comfortably  
12 on earth, you know, and it's time to wake up and smell  
13 the roses, and quit pretending as if, you know, there's  
14 nobody here, and this is just business, and this is  
15 just money, and this is profiting some people because  
16 it's not profiting the people of this community, and  
17 it's not fair. You know, and it's sad to see that, you  
18 know, there's not a lot of people here, but maybe they  
19 are just fed up. Maybe they are just tired. Maybe  
20 they lost hope. I am not too sure what it is, you  
21 know, but you guys know what's happening here. There's  
22 no pretending, you know. You can't pretend. You can't  
23 act as if you don't see what's happening here, you  
24 can't. There's no way of ignoring it. She just  
25 mentioned there was people here that lost children. I

1 mean, think about that. What would happen if one of  
2 you guys lost your children, right? What would happen  
3 if one of you guys were the victim of what happened  
4 here? Quit pretending, brothers and sisters. It's  
5 time to wake up and see the reality for what it is, and  
6 from what's happening. That's the truth about it.  
7 There ain't no other way to put it, man. You know, it  
8 upsets me. It upsets me very much because I have  
9 children of my own, and I just don't understand why you  
10 guys allow this to happen, allow this to continue, you  
11 know.

12 Thank you for your time. You guys have a good  
13 night.

14 MS. YOCOM: Thank you.

15 MS. DANIELS: Is there anyone that has signed  
16 up to talk, but that I didn't call? Okay. We are  
17 going to take a ten-minute break, and we are just going  
18 to pause the recording until a quarter of according to  
19 the clock on the wall there when the big hand reaches  
20 the nine. I don't have my cell phone to front of me.  
21 So at that clock, 10 minutes, we'll reopen. Please  
22 sign up with Marcus here if you'd like to have an  
23 additional three minutes, or if you haven't spoken yet,  
24 and would like to, please take the time to sign up,  
25 thank you.



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1 (Off the record.)

2 (Back on the record.)

3 MS. YOCOM: We are coming back from a  
4 ten-minute break. The time is 6:45 p.m., and we are  
5 reopening the session.

6 MS. DANIELS: Again, my name is Betsy Daniels,  
7 I am the facilitator tonight, and so if you want to  
8 sign up to speak, or speak again. We'll start with  
9 Bradley Angel, and then go to Miguel Alatorre.

10 MR. ANGEL: Bradley Angel, Green Action for  
11 Health and Environmental Justice. I've been working  
12 with the people of Kettleman City since 1988, and for  
13 all these decades I have heard the government promise  
14 that this company would comply with the permits. I  
15 have heard the company testify that they would comply  
16 with permits. And all you have to do is read when you  
17 go to DTSC envirostor and USEPA's drafts of so called  
18 environmental justice assessment. Even your own  
19 documents show a pattern and practice of chronic  
20 serious violations that demonstrate a double standard  
21 between a rich corporation that dumps on a Spanish  
22 speaking predominantly farm-worker community, and the  
23 people of color and Spanish speakers of this community  
24 who get the raw deal.

25 I just want to address in my last minute and a

1 half or whatever, the comment by the person from Chem  
2 Waste, nothing personal at all, I mean, I am sure you  
3 are hard working person, but the company and the State  
4 and the Feds all cite the so-called huge community  
5 exposure assessment study that was done after the birth  
6 defects, which by the way, no government agency wanted  
7 to investigate which mocked the mothers, but when it  
8 hit every national media, all the national media, they  
9 had to do a study. Angel #10

10 But one thing that wasn't revealed, and Chem  
11 Waste never liked to talk about this, when that study  
12 was found which was clearly an attempt by the State to  
13 help whitewash what was going on here, and pretend that  
14 the emissions couldn't possibly effect the community  
15 and their health, they did what was supposedly  
16 comprehensive air testing that showed emissions  
17 couldn't impact Kettleman City. There was just one  
18 enormous thing that you all don't mention, the dump was  
19 barely operating at the time. Those tests did not  
20 happen when hundreds of trucks a day were going in. It  
21 happened when somewhere between zero and five or ten  
22 trucks were going in, and you forget to mention that.

23 So imagine if someone gets busted for DUI, and  
24 drank, you know, 20 beers and 20 shots, but you don't  
25 test them for two weeks when they have been sober, gee,

Angel #11

1 there is nothing in their body. When Chem Waste dumps  
2 hundreds of trucks a day, and you don't do that  
3 comprehensive testing, but you wait to do the testing  
4 until after all these people have birth defects, and  
5 after kids died, and after almost nothing is going into  
6 the dump, of course it's not going to show anything.  
7 And your so called draft environmental justice  
8 assessments, what a coincidence, left the truth out.

9 But this is what we have come to expect from  
10 EPA. You whitewash what's going on. You put out false  
11 information. You make it seem like this company Angel #12  
12 complies when your own records show they don't, and as  
13 your own regional administrator said a number of years  
14 ago, the violations around PCBs were unacceptable. Do  
15 not issue these chronic violators more permits.

16 MS. YOCOM: Thank you.

17 MR. ALATORRE: This will be short. My name is  
18 Miguel Alatorre. I am with Green Action for Health and  
19 Environmental Justice, and I just want it on the record  
20 that PCBs actually do effect the health. MAlatore #2  
21 mentioned earlier incorrectly that they do not effect  
22 the health of the people in Kettleman City, but in our  
23 ERA reports from Kings County and multiple other  
24 sources, they have mentioned that they actually do  
25 effect the health of residents in Kettleman City.

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1           So, with that being said, I'd like you guys to  
2 take that into consideration when you deny this permit  
3 because there's no reason that we want more PCBs to  
4 effect our health, and we just don't need it. Thank  
5 you.

6           MS. YOCOM: Thank you.

7           MS. ALATORRE: Maricela Mares Alatorre. I  
8 want to go back and talk about the children that were  
9 here and are not here anymore, [REDACTED] MMAlatorre #6

[REDACTED] We all know, as Bradley said, that there was a  
11 significant increase in disposal of PCBs at Kettleman  
12 Hills Facility during the time that these babies were  
13 conceived, and, again, that by the time they did the  
14 study, the dumping of PCBs was down to 95 percent. So  
15 I think that that needs to be considered.

16           I am not a scientist, I don't know. I have  
17 never said that Chem Waste caused these birth defects,  
18 but we never were told what caused them. So there was  
19 no biomonitoring done, there was no significant testing MMAlatorre #7  
20 done on the bodies of people in Kettleman City, and I  
21 want to refer to page 29 of the environmental justice MMAlatorre #8  
22 analysis where it says that from 2006 to 2008 there  
23 were no asthma hospitalizations in Kettleman City,  
24 which was lower than rates estimated for Kings County  
25 and California. I am confused by the statement. Is it

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1 possible that there was no asthma hospitalizations in  
2 Kettleman City because we don't have a hospital? I  
3 really want an answer to that.

MMAlatorre #9

4 I also want you to concede that it is possible  
5 for PCB release to come from the facility. It's  
6 possible because you make them have a contingency plan.  
7 If it wasn't possible, you wouldn't make them have a  
8 contingency plan.

9 So EPA concedes that it's possible to have PCB  
10 releases through air emissions from improper storage,  
11 and we all know that Chem Waste was fined over \$300,000  
12 in March of 2013 for failure to report more than 72  
13 spills of toxic waste including PCBs. Shouldn't these  
14 violations have prevented an extension of any PCB  
15 permits as one of the tenants of their renewals is that  
16 they report any and all spills. It seems pretty clear  
17 cut that that should have ended any further permits.

MMAlatorre #10

18 I also want to on public record request an  
19 extension of this comment period by 60 days. It's  
20 recently come to my attention that there's alternative  
21 methods for disposal of PCB waste. Super critical  
22 water oxidation is said to be effective and safe, and  
23 it's an alternative method to burial, which you know is  
24 ineffective, and you keep -- the definition of crazy is  
25 that you keep doing the same thing over and over again.

MMAlatorre #11



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1 You keep allowing them to bury and bury, and bury, and  
2 they run out of space. So why not the agencies look  
3 into alternative methods of PCBs disposal instead of  
4 continuing to permit this outdated and dangerous [MMAlatorre #12  
5 method. Really, help the people of Kettleman City, and  
6 stop all these meetings. I don't enjoy these meetings,  
7 I am missing Mad Men. You know, just do something for  
8 the community other than doing the same thing over and  
9 over again when you know it's dangerous.

10 MS. YOCOM: Thank you.

11 MS. DANIELS: Okay. Is there anyone else that  
12 had signed up to speak, and hasn't had an opportunity?  
13 Anyone else, Marcus, that has signed up? I believe we  
14 have heard from everyone that's signed up tonight.  
15 I'll leave it to you see if you want to close the  
16 meeting.

17 MS. YOCOM: What we usually do, we have quite  
18 a bit of time, and often sometimes maybe there might be  
19 people who were planning to come at the end of the  
20 meeting. So what we'll do is we'll go off the record  
21 for another -- and check in and see if more people come  
22 in between now and eight o'clock. Okay. So we are  
23 going off the record now.

24 (Off the record.)

25 (Back on the record.)

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1 MS. YOCOM: Okay. Folks, it's 7:15, we are  
2 reopening the session, and I'll give this to Betsy to  
3 bring up the next speaker.

4 MS. DANIELS: So we have two speakers signed  
5 up. Jane Williams, and Donna Tamayo, and Jane and  
6 Donna, the folks before you got to go in two rounds, so  
7 it worked out to about six minutes, so it's up to you  
8 if you want to take the whole six minutes, or -- it's  
9 up to you.

10 Okay. So you'll see a timer. It's  
11 three-minute timer, and we'll start it again.

12 MS. WILLIAMS: I'm not really understanding.  
13 So I have three minutes, or I have six?

14 MS. YOCOM: You have three, and then we will  
15 restart it as if it were a second round.

16 MS. WILLIAMS: Okay. So I'm Jane Williams. I  
17 am the executive director of California Communities  
18 Against Toxic which is a statewide network of  
19 environmental testing -- and one of my specialties is  
20 the ultimate disposition of highly toxic persistent  
21 biochemicals in the environment, and I have spend most  
22 of my 30-year career working on these type of chemicals  
23 which PCBs fall into.

24 PCBs are a unique chemical. It's one of the  
25 few chemical that's we have banned from production

Williams #1

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1 because of their toxicity persistence and mobility in Williams #1  
2 the environment. And the salient point that I want to  
3 make for this public hearing is that when the permits  
4 were originally granted to bury PCBs, we actually did  
5 not have many alternatives. We could only bury PCBs or  
6 burn PCBs, and because it's expensive to incinerate  
7 them, during the Clinton administration PCB made a #11  
8 rolling pass which made it debunk from 5500 parts per  
9 million amounts of residuals to having PCBs that didn't  
10 have to be burned.

11 Well, that was then and this is now. Now,  
12 we're in -- almost to 2020, and what has happened in  
13 the ensuing 20 years from when some of these original  
14 permits were granted, is a program called the Simple  
15 Chemical Weapons Assessment Program, which is a program  
16 that was actually passed by congress and implemented  
17 with the Department of Defense and nine of United  
18 States states, and these were a program to create new  
19 treatment technologies to be able to destroy chemical  
20 warfare agents.

21 Now, you may wonder what does a chemical  
22 warfare agent have to do with the PCB? Well, actually  
23 a lot, because some of the more persistent chemical  
24 warfare agents were very difficult to destroy even  
25 using the incineration, and when we signed onto the

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Williams #1

1 International Chemical Warfare Treaty, we signed on to  
2 destroy the chemicals, not to store them, but to  
3 permanently destroy them, and that destruction process  
4 has to be implemented under the auspices of the  
5 international treaty. Part of that international  
6 treaty says that not only must you destroy them, but  
7 you have to make sure they don't reform in whatever  
8 industrial process you destroy them in. And because of  
9 those requirements, new technologies were created for  
10 the destruction of the chemical weapons got filed.  
11 Some of those technologies are actually applicable to  
12 destruction of PCBs.

13 And so, what I want to say to the USEPA in my  
14 formal testimony here, and I also I will give you some  
15 comments, and put in you an information rich  
16 environment about some of these technologies, is that  
17 they are effective. They do not release residuals into  
18 the environment without pretesting. Because of the  
19 construction of the treaty, you had to be able to test  
20 the residuals, and they had to be below very low levels  
21 before you could release those, and they are being used  
22 all over the world now, these technologies, and they  
23 are not expensive. Some of them are less expensive  
24 than incineration.

25 So I want to try to get the agency within its

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1 process here that it has over on its thing over there,  
2 the poster, to really take a look now. This is 2020,  
3 we have no technologies. Can we find a way to assess  
4 those technologies, and use them for the destruction of  
5 PCBs? Why is that important? Because we know that the  
6 PCBs that we're burying here are never going to go  
7 away. They don't degrade over time. They will still  
8 be here after the pyramids are grown to dust by natural  
9 weathering processes, the PCBs that were buried here  
10 will still be here because they do not degrade because  
11 they're persistent. So rather than basically gifting  
12 the next generation of Californians and Americans a  
13 giant mess to clean up down the road, it would be so  
14 ouch better for both environmental justice and  
15 intergenerational justice to use the technologies that  
16 are off the shelf technologies to destroy PCBs.

17 So, with that, I thank you for the opportunity  
18 to discuss this, and I'll make sure that I have give a  
19 formal written comments into the record on new  
20 technologies and what they can do, so thank you.

21 MS. DANIELS: I'll take the microphone, thank  
22 you. Is it Donna?

23 MS. TAMAYO: It's Donna. Hello, my name is  
24 Donna Tamayo, and I am a resident of Kettleman City as  
25 well as an employee for Waste Management. I have

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1 resided in Kettleman City for a little more than eight  
2 years right here on Milham Avenue, and as an employee  
3 for Waste Management for about three years and three  
4 months. The reason that I am attending this evening is  
5 because I -- I just want, I guess, my community as well  
6 as my co workers to know that I would not work for a  
7 company and live in an area that would be effected by  
8 something negative; it would be setting myself up for  
9 failure.

Tamayo #1

10 I do have some concerns. I think mainly the  
11 dust is a huge issue because my husband has asthma, and  
12 he is 70 years old, and it's very difficult for him  
13 when it's super dusty, but I also have concerns with  
14 pesticides from the orchards, and I think mainly those  
15 are my two main concerns.

Tamayo #2

16 That's all. Thank you very much.

17 MS. DANIELS: Is there anyone that's signed up  
18 to speak that hasn't had the opportunity? Okay. We'll  
19 go on pause again. We'll be here until eight o'clock,  
20 and we'll let you know if anyone else is signed up, and  
21 we'll give a ten-minute warning so we will get ready to  
22 go.

23 (Off the record.)

24 (Back on the record.)

25 MS. YOCOM: Thank you. So it looks like we



1 have received comment from everyone throughout the  
2 night, and that there hasn't been anyone who has wanted  
3 to speak who did not have an opportunity. If there are  
4 no further comments, I will conclude this public  
5 hearing. This public hearing is now closed.

6 Thank you, everyone for coming and for  
7 participating. Good night.

8 (The hearing concluded at the hour of 7:51 p.m.)

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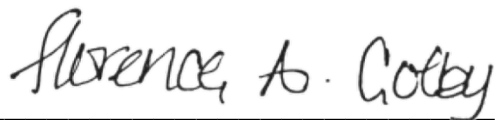
REPORTER'S CERTIFICATION

I, FLORENCE A. COLBY, a Certified Shorthand Reporter, DO HEREBY CERTIFY:

That the foregoing witness was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later be transcribed into typewritten form under my direction; that the foregoing is a true record of the testimony and taken at that time.

I further certify that I am neither counsel for, not in any way related to any party to said action, nor in any way interested in the result or outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name on the 29th of November, 2019.



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FLORENCE A. COLBY, CSR #12433

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<b>8:00 (3)</b> 9:4;14:1,7 <b>8:30 (2)</b> 14:8,11 <b>8:59 (1)</b> 11:20 <b>85 (1)</b> 19:2				
<b>9</b>				
<b>9 (2)</b> 4:10;12:12 <b>91 (1)</b> 19:17 <b>95 (2)</b> 19:1;30:14				