

May 21, 2007

Max Weintraub and Debbie Lowe
US EPA Region 9
75 Hawthorne Street (CED-4)
San Francisco, CA 94105

Re: Comments of Greenaction for Health and Environmental Justice and El Pueblo Para el Aire y Agua Limpio/People for Clean Air and Water documenting why US EPA must rescind their “Draft Environmental Justice Assessment” and reject the proposed PCB permit for the Chemical Waste Management Kettleman Hills Facility.

Dear Mr. Weintraub and Ms. Lowe,

Greenaction for Health and Environmental Justice and El Pueblo Para el Aire y Agua Limpio/People for Clean Air and Water (“El Pueblo”) submit the following comments to voice strong opposition to both the so-called “Draft Environmental Justice Assessment” (DEJA) and the Draft PCB permit proposed for the Chemical Waste Management Kettleman Hills Facility.

We believe that these comments combined with the comments from the Kettleman City and Avenal communities and the many allies in the environmental justice movement who are outraged by US EPA’s proposed actions and assessment will demonstrate clearly that US EPA must rescind the DEJA and reject the proposed PCB permit for Chem Waste. The first section of these comments sets forth numerous reasons USEPA must rescind the DEJA, and the second section of the comments focus on the reasons you must reject the proposed PCB permit.

The Gross Failure of USEPA’s “Draft EJ Assessment” to Assess Environmental Justice

A. USEPA’s failure to correctly define Environmental Justice and failure to design an assessment that adequately addresses Environmental Justice are acts of Environmental Racism

It is astonishing and unacceptable that after a decade of supposedly embracing environmental justice the USEPA clearly violates the most basic Principles of Environmental Justice with the issuance of the DEJA.

The first red flag makes itself glaringly apparent in Part B of the introduction of the DEJA. The USEPA’s version of the definition of Environmental Justice interpreted from the EPA Toolkit for Assessing Potential Allegations of Environmental Justice (EJ Toolkit) and common consensus is incorrect and misleading. The USEPA gives an incorrect and misleading interpretation of adverse and disproportionate impacts in relation to Environmental Justice concerns. The DEJA states: “An action that has an adverse effect, for example, would not necessarily trigger EJ concerns if it affected many populations equally.” USEPA then gives the example of San Joaquin Valley being in violation of ozone standards, which may lead to adverse health effects in multiple parts of the Valley, not just in Kettleman City and Avenal. If USEPA actually understood or acknowledged what Environmental Justice means, it would know that

because of large disparities in socio-economic and cumulative environmental and health conditions present among these many populations in the Valley, the negative effects of something bad, like ozone, will likely effect people living in different socio-economic conditions and in different local environments very differently. USEPA makes a false assumption that all populations in the Valley are experiencing similar socio-economic, health and environmental conditions; this assumption creates a significant design flaw in the DEJA that permeates throughout out the data analysis and conclusions.

Similarly USEPA incorrectly interprets “disproportionately high” in relation to Environmental Justice concerns. In the USEPA’s “Environmental Justice Toolkit” the term “disproportionately high” is used a way to describe an adverse impact, it is not distinguished as separate variable from adverse impact.¹ For the USEPA to state “similarly, a ‘disproportionately high’ impact is not necessarily an EJ concern unless it is also adverse’ is confusing and misleading from what Environmental Justice truly is. Of course the USEPA gives no example or attempts to clarify what they mean.

Throughout the entire document, the DEJA routinely misrepresents and diminishes the significance of Environmental Justice. A key Principle of Environmental Justice is that residents of the community of concern should have meaningful participation in determining any policy or activity that can affect their health and environment. We hereby incorporate the Principles of Environmental Justice (from the first National People of Color Environmental Justice Leadership Summit) as part of our comments, as USEPA will find that the DEJA and proposed PCB permit and the processes relating to them violate the Principles.

As was made perfectly clear at the March 27, 2007 USEPA public hearing in Kettleman City, residents of Kettleman City were systematically excluded from involvement in the preparation of the DEJA. USEPA reached conclusions supposedly finding a lack of adverse impacts without ever speaking to residents who indeed suffer numerous negative impacts from the waste disposal facility near their homes and community. USEPA should have conducted a scoping meeting, conducted a health survey of residents and Chem Waste workers, and engaged in other activities to properly and accurately assess possible impacts of the Chem Waste facility. For example, testimony at the March 27th hearing showed that proper public involvement prior to the issuance of the DEJA would have made it clear that residents suffer health problems and other negative impacts from living near the dump. USEPA’s failure to speak to any residents as part of the DEJA is inexcusable - and would be ridiculous if not so serious an outrage with serious racist impacts. You must throw out your DEJA if for no other reason than your failure to speak to the community members to help ascertain adverse impacts.

Part 2 of the DEJA that looks at the community profile and social indicators is also defective. Again, instead of directly talking with people from the community, the USEPA makes a list of concerns based on notes from past agency public meetings (which tend to be poorly attended and have a dire history having at best minimal communication with predominantly Spanish speaking residents) as the sole source of community concerns.

¹ “Toolkit for Assessing Potential Allegations of Environmental Injustice”, EPA’s Office of Environmental Justice. 2004. Pg 20

Another misrepresentation of Environmental Justice in Part 2 is made woefully clear in the only conclusion it provides: “Kettleman City and Avenal are low-income and minority communities. Many residents speak Spanish. Therefore, we have prepared more the presentation and materials in Spanish.” If this were an actual EJ assessment, any presentation of socio-economic information of any community would naturally lead to an assessment of the vulnerability of this community to environmental and social stresses and impacts. According the EPA’s National Environmental Justice Advisory Committee (NEJAC):

“The concept of vulnerability goes to the heart of the meaning of environmental justice. Vulnerability recognizes that disadvantaged, underserved, and overburdened communities come to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases unacceptably, burdensome.”²

A study described in the NEJAC paper concludes: “groups with lower socioeconomic position may receive higher exposure to air pollution...they may be more susceptible to the health effects of air pollution...and because of the combination of greater exposure and susceptibility, these groups are likely to suffer greater health effects.”³ For the concept of vulnerability to be so important in the EPA’s own determination of Environmental Justice and for it not be addressed in the DEJA, especially in the section devoted to Kettleman City and Avenal’s socio-economic condition, renders the DEJA’s analysis completely defective and racist.

B. USEPA failed to accurately follow guidelines and implement the methodology outlined in their own Environmental Justice Toolkit.

According to page ii of the USEPA’s EJ Toolkit, its purpose is to “...provide tools for EPA staff to use in assessing the environmental and human health concerns of [EJ] communities.” The EJ Assessment therefore is supposed to be a way in which the EPA gets a better understanding of what is going on in a particular community. The title of the DEJA: “Draft Refined Environmental Justice Assessment In Support of the US EPA Region 9 PCB Permit Decision for the Chemical Waste Management Kettleman Hills Facility,” clearly reflects that the DEJA was intended to address a very narrow scope, not to better understand what Kettleman City and Avenal residents are experiencing, but as an insidious way to justify giving permission to continue and expand the amount of toxic PCB waste that is dumped in Kettleman City.

If this DEJA was genuinely about Environmental Justice, USEPA would have taken the sound advice provided in the EJ Toolkit instead of taking great lengths to disregard or misinterpret the guidelines to create a poorly designed assessment, with shallow and irrelevant data that makes dangerous and unfounded conclusions that, if finalized will lead to significant harm done to Kettleman City and Avenal residents.

The DEJA refers to the EJ Toolkit’s suggested tiered approach to making an EJ Assessment. The first tier as insufficiently described in the DEJA is called the EJ Screen, and the purpose is to supposedly determine if there is cause to conduct a more extensive EJ assessment on a particular

² “Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts,” National Environmental Justice Advisory Council, 2004. Pg 23.

³ “Health, Wealth, and Air Pollution”, O’Neil M. et. al., Environmental Health Perspectives, 2003.

community and to help define the scope of the Refined Assessment (the second tier). In the EJ Toolkit⁴ it is recommended that the assessment team conduct "...a walking tour of the area at issue talking with one or more stakeholders familiar with the situation. During the screening assessment, the team members look for qualitative information on a wide range of parameters that might indicate the nature of the situation." The EJ Toolkit also suggests that "sources of information regarding small pockets of minority populations can be obtained through local churches, state colleges, community centers and expanded participation efforts"⁵ It is obvious from the record and admissions of USEPA officials that the toolkit's recommendation on this point was not followed and in fact was completely ignored.

According to the DEJA the EJ screen consisted of making a list of demographic information, without talking to or including in any way meaningful input from community members and thus failing to include the qualitative information that need to be part of shaping any future assessment. By not completing a thorough EJ Screen, the USEPA severely limited the scope of the Refined Assessment, thus skewing any possible conclusions.

The DEJA also disregards EJ Toolkit guidelines for conducting the second tier, the Refined Assessment. As part of this more detailed assessment the EJ Toolkit encourages the USEPA to consider various indicators to determine "all impacts or stressors on any given community."⁶ Environmental indicators include: sources of stress placed on the community, potential exposure to stressors, environmental conditions resulting from stressors, environmental vulnerability.⁷ Health indicators include: existing health conditions and health impacts from environmental stressors.⁸ Social indicators include: vulnerability to exposure, government response actions, and community participation.⁹ A minority of these indicators are given any real, albeit superficial, consideration, while the rest are not even mentioned in the DEJA.

C. USEPA excessively used irrelevant and misleading data that resulted in inaccurate and baseless conclusions.

The DEJA is full of data that is misleading, inappropriate and irrelevant to assessing environmental justice. This section will address four significant concerns. First, the DEJA uses inappropriate reference communities which lead to irrelevant conclusions with respect to conditions that Kettleman City and Avenal residents may experience. The author makes various comparisons between Kettleman City/Avenal and the following reference "communities": other PCB disposal facilities around the country, other environmentally regulated facilities in Kings County and San Joaquin Valley, Kings County as a whole and the San Joaquin Valley as a whole.

Given that environmental justice is about how race and class affect people's exposure and sensitivity to environmental pollution, any reference community would need to reflect that dynamic. For example, a useful comparison for any environmental justice assessment would be

⁴ EJ Toolkit, pg 21

⁵ EJ Toolkit, pg 17

⁶ EJ Toolkit, pg 26

⁷ EJ Toolkit, pg 27

⁸ EJ Toolkit, pg 28

⁹ EJ Toolkit, pg 29

to compare Kettleman City to a higher income and/or whiter rural community in terms of health and environmental quality indicators. The results from this kind of comparison would be much more useful in an environmental justice assessment. To compare two communities without reference to their exposure to environmental pollution in connection to their race and class, as presented in the DEJA, makes the comparison irrelevant to discerning any environmental justice conditions.

Second, the GIS maps are another example of the use of inappropriate and misleading information in the DEJA. There are six colorful, eye-catching GIS maps in the DEJA. All of them map some kind of environmental threat, either environmentally regulated facilities or hazards in the San Joaquin Valley (one is specific to Kings County). USEPA attempts to make the point that because the maps show higher concentrations of environmental threats in urban areas, then rural areas such as Kettleman City are not as adversely impacted as more urban areas.

Similar to the point made previously, this is a completely erroneous assumption, especially in regards to environmental justice, given that the maps do not also chart the race and class demographics in the same area. If the author did add such a layer, we suspect that the GIS maps would colorfully show that most dots representing environmentally regulated facilities or high levels of environmental hazards would be concentrated in the lower-income and people of color communities, be them rural or urban.¹⁰ The GIS maps also in no way indicate that the Kettleman Hills Facility is the largest hazardous waste facility in California and one of the largest in the country. Nor does the GIS map depict that the nearest hospital for Kettleman City residents is 40 miles away. The GIS maps as composed and used in the DEJA are not only inadequate to make any environmental justice assumptions, in this context they are actually misleading to the reader. Its one thing to write an unfounded conclusion, it's another thing to also use a series of seemingly scientifically-credible visuals to reinforce it, lending a false sense of substance to the reader. Unless the USEPA includes race and income demographics on the GIS maps of environmental threats, they should be totally removed.

In addition, the maps do not evaluate the cumulative or individual threats posed. Living next to a giant hazardous, toxic and solid waste landfill, surrounded by pesticides and exposed to massive diesel emissions in a community that suffers poor air and water quality cannot be determined just from a map.

Third, we strongly oppose the use of any data that comes from Chemical Waste Management without any independent verification for use in any public analysis or document. Three times the USEPA cites a letter from Chem Waste to the EPA as a data source for air quality measures.¹¹ Given that Chem Waste is a business and one could safely assume they are trying to stay in and increase their business, any data, especially environmental indicator data that comes from them is most likely to be biased in their favor. It is good that they are required to monitor at least some of the environmental outputs of their hazardous facility, but any data they submit to the EPA must be independently supervised and verified. For the EPA to use such clearly biased data from a facility that is an environmental threat to Kettleman City in an environmental justice assessment is grossly inappropriate. In addition, as US EPA is fully aware that Chem Waste

¹⁰ "Toxic Waste and Race at 20: 1987 - 2007", Bullard, R., *et. al.*

¹¹ Draft Environmental Assessment. US EPA. February 2007. Pages 14 and 17.

failed to provide accurate information required to comply with past permit requirements should taint any uncorroborated information from that company.

The DEJA does a completely inadequate assessment of the threat of hazardous waste at the Kettleman Hills Facility: it superficially examines the extent of PCB disposal, and it does not cover the disposal of all the other hazardous and municipal waste at all. This completely diminishes the extent of the environmental threat posed by the Kettleman Hills Facility for Kettleman City and Avenal residents. The DEJA notes that the facility takes in 250,000 – 330,000 tons of waste a year. According to a March 6, 2007 memo from Chem Waste to the Kettleman City Foundation, Chem Waste reported receiving 83,000 tons of PCB waste in the past year. According to Bob Henry, Chem Waste General Manager, at the Kettleman City Foundation meeting when he paid the PCB settlement funds to the foundation, the typical amount of PCB waste the facility receives is around 15 thousand tons. So in a typical year, PCB waste consists of about 4-6% of the total waste disposed of at the Kettleman Hills Facility. Even in an atypical year, such as this past year, PCB waste consists of 25-33% of the disposed waste. So why in an environmental assessment would it make any sense to fragment the waste stream and then choose to only analyze the smaller proportion of it? The Kettleman Hills Facility receives virtually every kind of hazardous waste which has also been part of the accidents and violations that have taken place at the facility. The full extent of hazardous waste disposal as well as the past violations should also be acknowledged and assessed in the DEJA.

In another negligent omission, the DEJA only describes activities and violations of the currently operating landfill unit that receives PCB waste, B-18. There are three other landfills that hold PCB waste at the Kettleman Hills Facility, B-14, B-16, and B-19, which are not even mentioned. Both the B-14 and B-16 landfills are older landfills that were built before current safety specifications were established for landfills. For example, they were built and filled with PCBs with only a single liner to separate the toxic chemical from the ground, which would be unacceptable for any newly built landfill. This is a serious environmental threat that is ignored in the DEJA, as the dumping of highly toxic PCBs in inadequate landfill units clearly pose an adverse impact.

Also, although the PCB portion of B-19 is closed, B-19 is still open to accept municipal solid waste. Not only is B-19 active, it is also the location for the recently approved and very experimental bioreactor, which will saturate a steeply sloped mountain of garbage with water directly on top of the PCB waste. First, this is a fact that Chem Waste knowingly or negligently failed to reveal in the public process to approve this project. This is just one of the latest examples of the environmental injustice experienced by the local public who are denied access to proper information and regularly excluded from meaningful participation in these decision making processes. Second, the risks of the experimental bioreactor compounded by the risks of being located on top of PCB waste should be more than enough reason to warrant assessment in the DEJA. How will the PCB waste be affected if there is an accident in B-19? How will the liner covering the PCB waste be affected by being covered with a wet mountain of garbage? Won't the increase rates of decomposition in the bioreactor also increase the decomposition of the liner? These are serious environmental threats, threats that need to be acknowledged and assessed as part of the list of adverse environmental conditions that threaten Kettleman City and Avenal residents.

D. Failure to adequately address cumulative risk and impact

The DEJA fails to provide an adequate assessment of cumulative risk and impacts posed by the dumping of PCBs in combination with the many other polluting activities at Chem Waste as well as in the surrounding environment. Understanding the cumulative risks and impacts of a given area is central to understanding the adverse and disproportionate effects a given community may be experiencing.¹² According to EPA's National Environmental Justice Advisory Council's (NEJAC) 2004 report on cumulative risk:

“Recognizing the pivotal importance of the relationship between cumulative risks and impacts and vulnerability to environmental justice, we urge EPA to fully incorporate the concept of vulnerability especially its social and cultural aspects, into the Agency’s strategic planning and research agenda. To enhance the Agency’s capacity to work with communities, we urge EPA to take steps to promote a paradigm shift to community-based approaches.”¹³

Although the DEJA provides a short list of environmental threats to Kettleman City and Avenal residents, it is by no means comprehensive, and it is by no means presented cumulatively. Not only does the DEJA fail to address race, social and economic conditions in conjunction with the environmental threats and hazards as described earlier, nowhere in the document does USEPA attempt to cumulatively evaluate even the few risks it identifies. Conclusion after conclusion recognizes that there may be risk from pesticides, diesel, water pollution etc., but for reasons of either lack of data, lack of methodology or lack of desire to accurately assess the risk, the DEJA fails to make the connection that all of these individual instances of risk may be part of a cumulative, overarching, disproportionately adverse, environmental threat to the community.

Unfortunately USEPA and the DEJA failed to heed the NEJAC's advice that provides good insight in how to address cumulative risk. NEJAC recognizes that cumulative impacts are inherently multi-faceted, interconnected and complex. The EPA's own Framework for Cumulative Risk Assessment highlights the following:¹⁴

- The formulation of risk can include areas outside EPA's regulatory authority (including the lack of public health data for these communities), and poses questions for which a quantitative method or answer does not yet exist.
- Cumulative risk assessment should be done with the focus on a population and all the stressors that effect it, instead of on a source of a particular stressor (like Chem Waste)
- There should be a heavy emphasis on making use of local expertise.

Another important component of cumulative risk that is ignored in the DEJA is the likelihood of synergistic effects. The DEJA neglects the role of synergism between the individual pollutants in affecting environmental quality and health. It is very likely that the combination of certain

¹² Still Toxic After All These Years: Air Quality and Environmental Justice in the SF Bay Area. Pastor, M., Sadd, J., Morello-Frosch, R., February 2007. pg 13.

¹³ Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts. National Environmental Justice Advisory Council. December 2004, pg 3.

¹⁴ Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts. National Environmental Justice Advisory Council. December 2004, pg 12.

pollutants is more harmful than each acting individually.¹⁵ Since the general population is exposed to more than one of the criteria pollutants at a given time, revising the DEJA methodology to account for such synergism would broaden and deepen the relevance and accuracy of the assessment.

Finally to conclude on the comments specific to the DEJA, NEJAC said it best in their report on cumulative risk:

“The community richly understands the degree to which they are burdened, yet find the government unwilling to seek their counsel and provide resources needed for the community to exercise their full voice in regulatory decisions that impact their lives.”¹⁶

Kettleman City and Avenal residents never asked for a hazardous waste landfill to be put near their community. Since that time, they had to deal with the constant threat to their health, the stigma of living near a hazardous waste dump, and even the very tangible spills, leaks and accidents that have plagued the facility since the beginning. Apart from the environmental and socio-economic burdens they bear, they also have had to deal with being ignored, excluded and manipulated by Chem Waste, county and state-wide agencies, and the federal government who are intent on keeping the interests of a private business over the interest of an entire population of people. For example, the DEJA conveniently ignores the years of exclusion and racism practiced by local, state and federal officials. A perfect example of this racism occurred at the height of the historic battle against the proposed Chem Waste hazardous waste incinerator when a hearing was held in Hanford, not Kettleman City, and local Spanish-speaking residents were instructed by government officials speaking in English to “go to the back of the room.”

The DEJA as it is written supports the institutionally racist system of how waste is dealt with in this country by attempting to justify the funneling of toxic waste into the most socially and environmentally vulnerable communities. The DEJA uses such a narrow and superficial premise and methodology to address environmental justice that it creates an analysis so full of flaws that it either intentionally or negligently misleads the public to drawing unfounded, inaccurate and irrelevant conclusions about the experience of Kettleman City and Avenal residents. We demand that this document be immediately rescinded.

The letter containing comments from Environmental Justice groups and allies to US EPA denouncing the so-called “Draft Environmental Justice Assessment” is attached and incorporated into these comments.

Why EPA Must Reject the PCB Permit:

USEPA must reject the PCB permit on the following grounds:

¹⁵ Methodologies for incorporation of synergistic effects in the calculation of the Pollutant Standards Index. Wark, R.W., and Wong, K.V. International Journal of Environment and Pollution (IJEP), Vol. 12, No. 1, 1999.

¹⁶ Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts. NEJAC. December 2004, pg 1.

- Recent studies have shown that hazardous waste facilities are increasingly in communities of color.^{17 18} The EPA fails to adequately acknowledge this and fails to promote any waste treatment strategies that would neutralize toxic waste instead of concentrating it in communities of color. Renewing this permit is an example of how EPA perpetuates institutional racism.
- USEPA ignores the fact that all three commercial hazardous waste landfills in California are located in predominantly Spanish-speaking, low-income farm worker communities (Kettleman City, Buttonwillow and Westmorland).
- “Unreasonable risk” is not defined. The EPA states that it may terminate or suspend this approval if it determines in part that “the PCB waste management activities are being operated in a manner which may result in an unreasonable risk of injury to health or the environment.” Given this point is a significant part of what would determine the grounds for approval for this permit, the EPA should deny any approval for this permit until a full public process can be arranged to determine the criteria of “unreasonable risk” so that there can be meaningful accountability to the terms of the permit on behalf of Chem Waste and the regulatory agencies and enforcement agencies, and the communities directly effected by its operations. There are several issues either addressed or disregarded in the permit that allow for undue risk for nearby communities:
 - Given the nature of PCBs, in that they potentially stay toxic for hundreds of years and persist in the environment, EPA is reckless in failing to require Chem Waste to monitor and remain fiscally responsible for the hazardous waste landfills in perpetuity, or as long as hazardous materials remain toxic. Anything less puts undue burden on local residents.
 - The draft permit states: “The Permittee may store non-leaking PCB items immediately adjacent to the PCB Flushing/Storage Unit for up to 10 days...” Why does the EPA allow for any PCB waste to be temporarily stored outside of the PCB storage unit? This condition allows undue risk for environmental contamination. How could this provision even be enforced especially given Chem Waste’s track record for falsifying information reported to the EPA (most recently documented in a 2005 EPA enforcement action)?
 - The draft permit allows Chem Waste to model the risk of handling the most toxic PCBs. EPA should require air sampling for the most toxic PCBs to identify actual risk instead of allowing Chem Waste model it. The gravity of managing such a dangerous chemical should demand the utmost precaution instead of such a lenient one. If an operator can not or will not take responsibility for taking such precaution, they should be denied any permit to run such a dangerous facility.

¹⁷ Still Toxic After All These Years: Air Quality and Environmental Justice in the SF Bay Area. Pastor, M., Sadd, J., Morello-Frosch, R., February 2007.

¹⁸ Toxic Waste and Race at 20: 1987 – 2007. Bullard, R., *et. al.*

- USEPA failed to properly and fully analyze in a public process how the compacted waste material created by the bioreactor could affect the PCB waste in landfill B-19.
- How will EPA ensure leachate, air samples and other reported information are actually collected and accurately analyzed?
- The EPA should consider the increasing need for water in the area. The local groundwater is already limited, with the new proposed development increasing the PCB disposal here is a huge risk.
- USEPA's recent admission that their permit for a hazardous waste facility in Arizona (the Romic Environmental Technologies facility operating on the Gila River Indian Community on a decades-old interim permit) allows a polluter to have emissions that sicken dozens of people without being considered a violation is all the proof needed to illustrate the injustice and inadequacy of the proposed PCB permit for Chem Waste. If sickening dozens of people under is not considered a violation of a USEPA permit, all communities living near a facility permitted by USEPA are indeed at serious risk. USEPA's reckless decision to not consider Romic's sickening of dozens of people a permit violation is a wake up call to anyone who still thought USEPA actually protects health and the environment – the reality is clear: USEPA permits pollution that harms health and the environment, and commits acts of environmental racism and injustice in Kettleman City, Gila River and many other communities.
- The Executive Order on Environmental Justice instructs federal agencies including the USEPA not to take actions that would have a discriminatory or disproportionate impact on low-income communities of color. As is documented in these comments and in the dozens of oral and written comments from residents of Kettleman City and Avenal, the issuance of a PCB permit to Chem Waste would clearly have a discriminatory, disproportionate and adverse impact on the low-income people of color residents closest to the dump.

In conclusion, while USEPA can continue its futile and desperate attempts to rationalize their decisions in this matter, the facts are clear: The “Draft Environmental Justice Assessment” is racist and inaccurate, and the permitting of more PCB dumping in Kettleman City is dangerous, unjust and a violation of USEPA's mandates.

The draft PCB Permit would allow Chemical Waste Management to further threaten the health, environment and well-being of an already environmentally vulnerable and impacted community. Allowing additional dumping of PCBs in Kettleman City poses an unreasonable risk to the health and environment of local communities. We demand the permit be rejected on these grounds.

For Environmental Justice,

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