

California Board of Environmental Safety

City of Montebello Council Chambers
1600 West Beverly Boulevard, Montebello, CA 90640

MEETING SUMMARY

April 27, 2023

Members Present	BES Staff Present	DTSC Staff Present
Jeanne Rizzo, Chair	Swati Sharma, BES Executive Officer	Meredith Williams, DTSC Director
Alexis Strauss-Hacker, Vice Chair	Sheena Brooks, BES Meeting Facilitator	Katie Butler, DTSC Deputy Director for Hazardous Waste Management Program
Sushma Bhatia, Member	Gregory Forest, BES Attorney Advisor	Todd Sax, DTSC Deputy Director for Site Mitigation and Restoration Program
Georgette Gomez, Member	Linda Ocampo, BES Hazardous Substance Engineer	Diana Ballesteros, DTSC Interim Office of Environmental Equity Deputy Director
Lizette Ruiz, Member	Jessica Swan, BES Ombuds	Wayne Lorentzen, Division Chief for Hazardous Waste Permitting
		Adam Calvillo-Cain, Office of Communications
		Matthew Cummings, DTSC OEIM
		Jennifer Sanchez, DTSC OEIM

YouTube video link: English https://www.youtube.com/watch?v=7_OCOVkJFKt0 and Spanish <https://www.youtube.com/watch?v=vqOnwnT2lro>

1 Call to Order, Roll Call and Establish Quorum

00:01:12

The meeting was called to order at 12:02 PM. The Board Clerk called the roll. Members Rizzo (Chair), Bhatia, Gomez, Ruiz and Strauss-Hacker (Vice Chair) were present and a quorum was established.

2 Welcome and Opening Remarks, Board Chair Report

00:07:39

Chair Rizzo welcomed participants present in the meeting room and via Zoom, reviewed the agenda, and gave opening remarks.

3 Public Forum

00:10:04

Florence Gharibian, Del Amo Action Committee – Del Amo Action Committee commented several times throughout the development of the permit appeals process regulations to encourage the Board to make the permit appeals process more available to community members. Comments were made with the anticipation that the regulations would reflect an improved effort in working with communities. This is not found in the regulations. Felt that trust was broken down with community members. Encouraged the Board to work on the CEQA process and cumulative impacts. Wants to see more consideration of community input.

Stephanie Serrano, Board of Education – Hacienda La Puente Unified School District – Commented on the vast community concerns regarding Quemetco and their plans to expand their operations. Asks the Board to consider how this is impacting the community, the safety concerns, environmental disasters in surrounding communities. Does not want to wait for protests or community disrupt to resolve this issue and encourages the Board to be proactive in listening to concerns of the community. There are 21 schools in a 2-mile radius that are being impacted by current level of emissions. Expanding the facility would expose the community to more cancerous toxins. The health and welfare of children, people of the community, and the environment need to be protected and it is up to the people in positions of power to do so.

Myrna Hayes, Mare Island Naval Shipyard Restoration Advisory Board – There is significant contamination at the shipyard. The Restoration Advisory Board (RAB) was initiated to gain community insight and provide information. The outreach and engagement from DTSC were strong in the beginning but has since waned and become almost non-existent. Community members are no longer involved in decision making process as valuable and integral parts of the cleanup team. No fulfillment of mutual mandate to engage in early and often communication. No longer receiving regular briefings from agency, minimal follow-up to concerns raised, community viewed as a bother. Most of the information received by RAB is when documents are in review which is viewed by the community as a failure of participation in the RAB. Updates from the proponent has changed from monthly to quarterly. DTSC is required to involve community. Politics interfered with RAB ability to carry out their charter and agency is reporting that they are unsure who to escalate to.

Adriana Quinones, resident of Hacienda Heights – Communities surrounding Quemetco have been affected by the facility's operations. The facility has polluted the surrounding community with toxic chemicals that cause illness. Quemetco has had many violations and is asking for a permit to increase operations. This is unacceptable. The VSP scoring procedures need to be changed. Community has lost trust in AQMD and DTSC.

Brendon Woirhaye, Clean Air Coalition of North Whittier and Avocado Heights – Quemetco is a danger to the community and has a lot of violations. The recent settlement with DTSC encourages the facility to continue to negotiate around wrongdoing. Quemetco is asking for an increase in capacity and should not be granted it. Requested that the Board enforce DTSC living up to its mission.

Janet Johnson, Richmond Shoreline Alliance – DTSC only gave the CAG 30 days to review and comment on a several page document related to the cleanup agreement. This action does not follow best practices for public participation. Provided site specific information from the document.

Second part of comment: Community was provided a short timeframe to respond to a highly technical and long document. Asked why Zeneca is afforded privileges over community public health concerns. DTSC has not provided information on how rising ground water is being considered with consideration of new groundwater guidance.

Comment was interrupted by Zoom hackers and was continued after issues were resolved.

Gregg Fritchle, City of Walnut resident – The Quemetco facility has violated several environmental safety regulations. Marketing for the facility is misleading residents. Asked the Board to hold DTSC accountable for the people it is mandated to protect. Asked DTSC to deny the facility's permit renewal.

Edgar, Hacienda Heights resident – Quemetco has accumulated significant violations of hazardous substance regulations. DTSC's job is to protect the community and environment and is not doing that. The Board of Supervisors provided statements against the renewal of the permit for the facility. LA County Public Health Department provides pamphlets to residents on how community members can protect themselves against the pollution from the facility. Community members and public officials agree that Quemetco is a bad neighbor. Asked the Board to stop the permit from being renewed, help the community have a place in the decision-making process, and compel DTSC to uphold regulations.

Jaime Sanchez, Neighbors Against Phibro-Tech – Raised several issues concerning the regulation of Phibro-Tech. Due process has been violated, there were flaws in the public engagement process, a failure to consider violations and cumulative impacts, failure to conduct environmental reviews, and failure to collect adequate pollution data. DTSC has not fulfilled the requirements of SB 673. DTSC is considering the permit renewal and expansion of the facility. Does not believe the Phibro-Tech deserves the opportunity to continue operations.

Gabrielle, Clean Air Coalition and resident – Quemetco is a serial non-complier of hazardous waste laws and pollutes communities in the San Gabriel Valley. DTSC needs to be held accountable and the permit renewal and expansion need to be denied.

Rebecca Overmyer-Velasquez, Clean Air Coalition of North Whittier and Avocado Heights – The Board was created because the environmental justice community wanted it and as such has high expectations for the Board. Read portions of the Board's website.

Max Gabaldon, Clean Air Coalition and resident – Quemetco has been polluting the community (air, soil, and water) for years. Lead exposure can cause significant health issues potentially lifelong consequences. Quemetco is reckless and breaks the law. Quemetco is within a 2-mile radius of about 20 schools. The fees being charged to the facility are not being used to clean up the contamination caused by violations of hazardous waste laws. Asked the Board to hold DTSC and Quemetco accountable. The Board was formed due to the irresponsibility of DTSC.

4 Ombuds Report

00:51:25

Item moved after item 5

Ombudsperson Jessica Swan reported on Ombuds Program updates, reviewed inquiries received so far, discussed future reporting items, and provided the contact information for the program.

Public Comment:

Ivana Castellanos, Physicians for Social Responsibility-LA – Interested in finding out about communication plan for other languages and if there would be a report out about inquiries received in different languages and a better understanding of the program's ability to respond to inquiries in languages other than English. Excited for community engagement plan. Asked the program to consider how prepared it is to accommodate a larger volume of inquiries. It's really important for the Ombuds to be able to address patterns of persistent issues that the community is experiencing when trying to navigate DTSC.

Idalmis Vaquero, Communities for a Better Environment – Encouraged the program to have forms and materials translated in multiple languages. Urge for more transparency for the resolutions barring confidentiality issues.

5 Executive Officer Report and Future Agenda Items

00:49:21

Item moved before item 4

Executive Officer Sharma reported the board's upcoming dates and locations for June and July. Reported that a framework for the DTSC Environmental Justice Advisory Council (EJAC) will be made public soon and that workshops will be held to gain community feedback (dates reported under Board Member Reports). Reported that the Board will post an opening for an Associate Government Program Analyst.

Public comment for this item was taken in conjunction with the Ombuds Report

Member Ruiz reported about meeting with Neighbors Against Phibro-Tech the previous day. Reported on the status of the permit appeals process regulations. Reported on the status of the DTSC Hazardous Waste Management Plan process. The Hazardous Waste Management Report is expected to be presented at a future meeting.

Vice-Chair Strauss-Hacker reported on plans for the Board to visit permitted facilities prior to permit renewal. Discussed tours to Industrial Oil and Phibro-Tech facilities. Also reported on the status of the permit appeals process regulations.

Member Bhatia reported on the status of Board review of DTSC metrics. Reported on the status of the DTSC Hazardous Waste Management Plan process. DTSC is planning workshops to discuss the Hazardous Waste Management Report and the Board may hold additional workshops as needed.

Public Comment:

Angela Johnson-Mezaros, Earth Justice – Quemetco submitted a new version of its Class 2 Permit Modification request. A public hearing is scheduled for May. Information requested from DTSC has yet to be received. Also, during the discussion about the permit appeals process regulations, there were 19 public comments. 17 were from community members opposing adoptions of the regulation and two were from industry in support of moving the regulations forward. Clean Air Coalition of North Whittier and Avocado Heights has not received information about how to proceed with the new appeals process. Clients submitted a 14-page letter during the public comment period for the draft permit appeals process regulations and has not received feedback about it. Stated that clients still feel that the adoption of the regulations is ill-advised and unlawful.

Florence Gharibian, Del Amo Action Committee – Deeply concerned about Phibro-Tech. Concerns are based on Phibro-Tech EnviroStor database and in review of the violations. Two primary concerns: they are asking for a substantial increase in ability to accept more waste and that the groundwater issues that already exist around the facility may get worse if they are able to increase capacity.

Ingrid Brostrom, UC Merced Community Labor Center - California Environmental Quality Act (CEQA) appeals were not included in new permit appeals regulations and will not look at any environmental review. Permitted facilities have outdated environmental review. Phibro-Tech (PTI) is a perfect example of why the Board should look at environmental reviews. PTI's environmental review relied on a relatively short document that found there was no environmental impact associated with PTI even though it is very close to residences and schools. Currently residences have no recourse for environmental issues. Asked the Board to review regulations and strongly consider including environmental review.

Laura Rosenberg, Member of the Public – state needs to make a facility to dump toxic waste so that the facility can meet hazardous waste disposal requirements where no one lives, not near disadvantaged communities and not on tribal land.

7 Review, Discussion and Possible Approval of Minutes

01:43:45

Vice Chair Strauss-Hacker proposed two changes to the draft March 2023 minutes.

Vice Chair Strauss-Hacker motioned to adopt March 2023 board meeting minutes as amended.

Member Bhatia seconded the motion.

Motion passed unanimously.

Member	Aye	Nye	Abstain	Absent	Recusal
Chair Rizzo	X				
Member Bhatia	X				
Member Gomez	X				
Member Ruiz	X				
Vice Chair Strauss-Hacker	X				

Break was taken from 1:50 to 2:05PM

Quorum was maintained by all board members returning from break

8 Environmental Justice Advisory Council (EJAC)

01:47:48

Members Gomez and Ruiz and DTSC Interim Office of Environmental Equity Deputy Director reported on the EJAC framework and upcoming workshops.

Public Comment:

Ingrid Brostrom, UC Merced Community Labor Center – Provided comments for how to craft the EJAC noting that compensation was important and setting targets for residents versus community-based organizations. Encouraged the Board to ensure that the work of the EJAC has established consideration.

Janet Johnson, Richmond Shoreline Alliance – Asked the Board to make a distinction about environmental justice versus public participation. Reminded the Board that public participation is not about feedback or input, it is about having a seat at the table when decisions are being made.

Laura Rosenberg, member of the public – Against the Class 1 permit modification *(inaudible)*

Jenni Knack, Parents Against SSFL – Asked for the contact information to set up a 1-on-1 meeting to discuss the EJAC framework.

DTSC Director Williams reported on the Director's Priorities, a summary of updates on the priorities, list of upcoming permit renewals, chart of expenditures for CVCI program and updates in other areas of DTSC.

Katie Butler, DTSC Deputy Director for Hazardous Waste Management Program reported on the responses to recommendations from Greenaction from the March board meeting and the Hazardous Waste Management Plan and Report.

Public Comment:

Angela Johnson-Meszaros, EarthJustice – Observed that there were significant activities scheduled for the summer, but materials have not yet been provided. Suggested that the Board try to implement a process where the decision making is not from scratch and also not so far completed that there is resistance to change.

Miguel Allatorre, Greenaction – Commented on the Kettleman City and Buttonwillow facilities. Asked for a timeline and explanation of how it was conceived and how Greenaction can be a part of moving it forward. Feels that the timeline is unacceptable. Asked who will be held accountable if these deadlines are not met. Asked for some accountability for DTSC.

Dinner break from 3:45 to 4:50

Quorum was maintained with 4 of 5 board members returning from lunch. Member Bhatia had to leave the meeting early.

10 DTSC Exide Update

03:27:26

DTSC Director Williams reported on ongoing cleanup of Exide and neighboring properties and engagement around that process. Reported on the following topics: engagement, updates on the cleanup, themes of questions received so far, and the parkways cleanup.

Todd Sax, DTSC Deputy Director for Site Mitigation and Restoration Program reported on concerns raised to DTSC, building collaborative decision making, current status of the cleanup, potential approaches for workforce, health and safety, contract issues, and next steps.

Public Comment:

Idalmis Vaquero, Communities for a Better Environment – Encouraged DTSC to continue to have ETAG meetings in person and bring more people to the table. Asked about landlords not allowing cleanups and pace of cleanups. Commented that text updates might be beneficial. Suggested that DTSC place community specialists within the community. Suggested funding for community health study in the PIA. Questioned how DTSC will prioritize cleanups.

Vice Chair Strauss-Hacker presented the following action items:

- There will be two public workshops in June for the EJAC framework and be presented at the July board meeting. The draft framework will be available on BES website May 8 ([EJAC Webpage Link](#)).
- Ombuds will follow up with PSR-LA about offer of assistance
- Once OAL makes a determination, BES will follow up with appellants who submitted appeal prior to new regulations
- After the rule takes effect, BES will take action to ensure public is aware
- Hazardous Waste Management Report is expected to be presented at the June board meeting. Several workshops are being planned for after the release of the Report
- DTSC is seeking input to the Enforcement Strategic Plan
- SB 673 implementation will be discussed in workshops during summer of 2023
- SSFL PEIR may be released in late May or early June
- New solicitation of contract for Exide residential cleanup is schedule for mid-May

12 Closing Remarks and Adjournment

04:58:38

Chair Rizzo adjourned the meeting. Meeting adjourned at 6:15 p.m.