



October 21, 2016

Lauren Zeise  
Acting Director  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95814

**RE: CalEnviroScreen 3.0 Draft Comments**

Thank you for the opportunity to provide comments on the proposed CalEnviroScreen 3.0 screening methodology. The City of Richmond applauds the intent of the Office of Environmental Health Hazard Assessment (OEHHA) and California Environmental Protection Agency (CalEPA) to create a tool to equitably measure the environmental health of communities.

CalEnviroScreen 3.0 represents an innovative way to measure the multi-faceted impacts of environmental health in a community. However, Richmond is concerned the proposed tool still does not accurately represent the impact people living in environmentally burdened communities endure. Richmond has the second lowest median income in the entire nine county Bay Area, with the City of San Pablo, a small community completely encircled by Richmond, only slightly lower. Nearly 83% of Richmond's 106,469 residents identify as people of color, a majority of whom suffer from health disparities caused by the myriad of environmental burdens prevalent throughout the community.

Richmond hosts the largest oil refinery in California, numerous chemical and industrial manufacturers, a regional solid waste facility, industrial recycling facilities, a major port, major railways, Interstate 580, Interstate 80, and the Richmond-San Rafael Bridge toll plaza. Richmond also faces the negative ancillary effects of hosting these facilities, such as the removal of approximately 90 tons of illegal dumping each month.

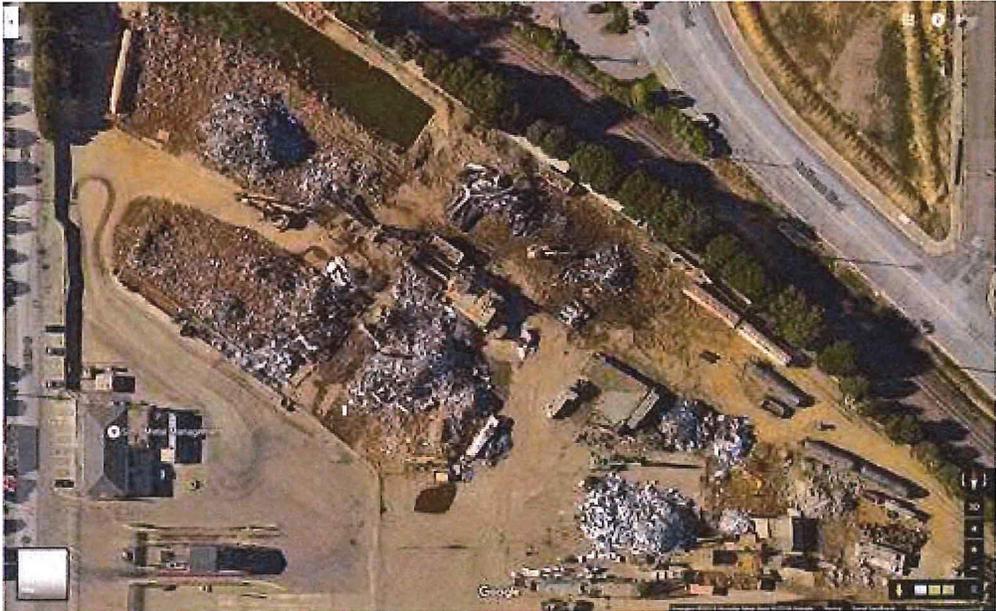
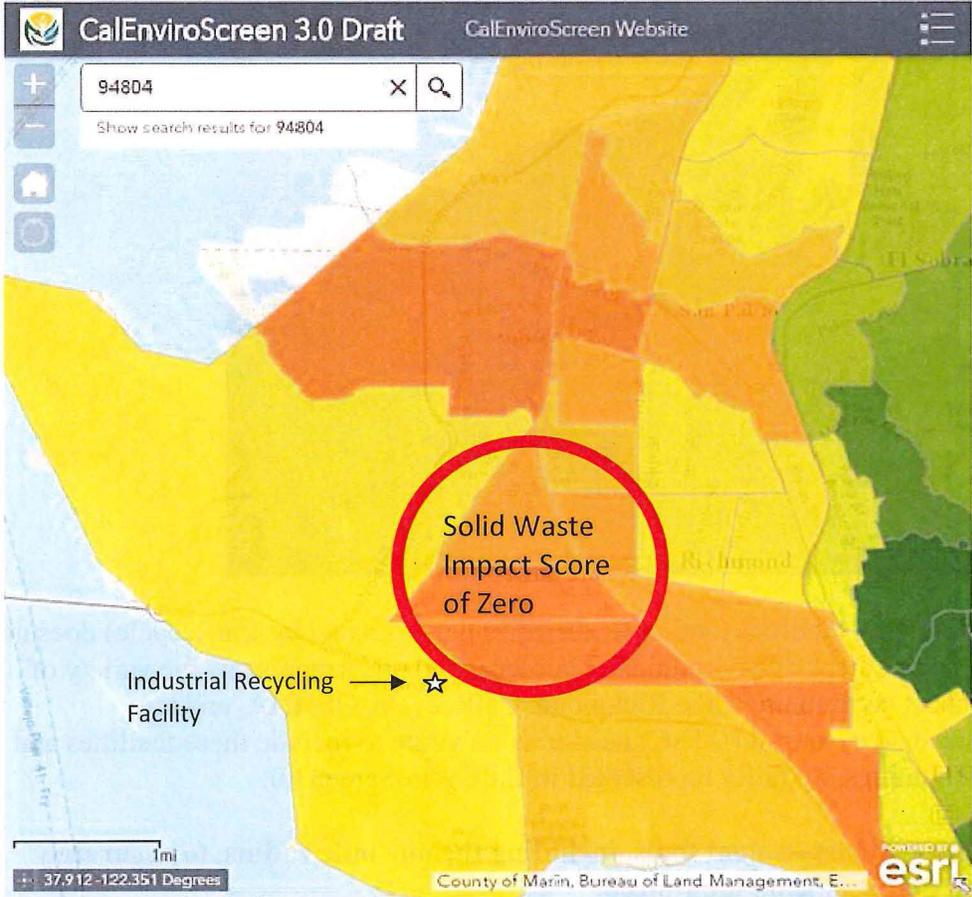
The Bay Area region benefits from Richmond's significant environmental burden, with local residents disproportionately affected by a variety of health, safety, and economic disparities. While it is unrealistic to expect any methodology to completely capture the nuisances of each community in California, there are still basic changes that can be made to CalEnviroScreen 3.0 that can more effectively measure environmental burdens, and ensure the accurate measurement OEHHA and CalEPA desires. CalEnviroScreen 3.0 could be improved by incorporating the following comments into its methodology: 1) including solid waste facilities not regulated by CalRecycle, including industrial recycling facilities; 2) improving the accuracy of the assessment tools, including the one mile radius, to accurately account for facilities that are being monitored; 3) consider expanding one-mile impact radius for assessment purposes, especially in regards to

air quality; and 4) “ground-truthing” of census tracts impacts in relation to their respective scores.

**1. Inclusion of solid waste facilities not regulated by CalRecycle, including industrial recycling facilities.**

Richmond hosts a major industrial recycling facility that processes industrial metals, producing toxic impacts for surrounding neighborhoods. Industrial metal recycling facilities can cause significant impacts to nearby communities. The Bay Area Air Quality Management District began [regulating industrial recycling facilities](#), including this Richmond facility, due to air quality impacts caused by particles emanating from metal during the shredding process. However, such facilities are currently omitted from CalEnviroScreen 3.0’s assessment as they are not regulated by the California Department of Resources Recycling and Recovery (CalRecycle). This is a solid waste facility, regardless of whether it is regulated by CalRecycle, and it is less-than-a-mile from three of Richmond’s census tracts currently registering as a zero solid waste impact (Figure 1).

Figure 1. Industrial Recycling Facility in Richmond





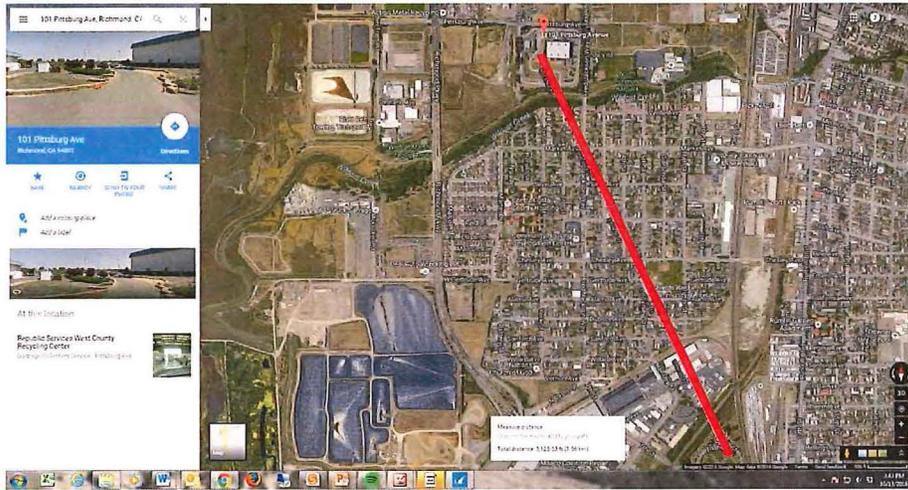
Omitting industrial recycling facilities (and other facilities not regulated by CalRecycle) does not facilitate an accurate assessment of environmental burdens, and underrepresents the variety of burdens prevalent in host communities like Richmond. CalRecycle, OEHHA, and the Department Toxic Substance Control (DTSC) need to collaborate to include these facilities and ensure impacted communities are fairly represented in CalEnviroScreen3.0.

**2. Improve the accuracy of assessment tools, including the one mile radius, to accurately account for facilities that are being monitored.**

Census tract 6013378000 contains the Chevron Richmond Refinery, one of the largest oil refineries west of the Mississippi River, but only scores a 52. All surrounding census tracts are in the 95 percentile. This is exemplary of a glaring inaccuracy that underrepresents Richmond's environmental burden.

There are solid waste facilities currently included on the list of monitored facilities that are not being consistently measured. The current scoring criteria still does not guarantee accurate scores. The regional recycling and hazardous waste facility at 101 Pittsburgh Avenue is within one mile of the census tract 6013376000; this census tract currently scores as a solid waste impact of zero, and needs to be adjusted accordingly (Figure 2).

Figure 2. Distance between the regional recycling and hazardous waste facility and census tract 6013376000



**3. Consider expanding one-mile impact radius for assessment purposes, especially in regards to air quality.**

The Contra Costa Environmental Health Enforcement Agency recently provided Richmond’s West Contra Costa Sanitary Landfill Organic Materials Processing Facility a cease and desist order for violating the management of odors emitted from their facility (Attachment 1). Air quality from the composting facility is impacting households located up to five miles away. This unfortunate incident should help inform changes to CalEnviroScreen 3.0’s current impact score from solid waste facilities, which is currently capped at one mile.

It would be very difficult to explain to 100 plus concerned residents that called the Bay Area Air Quality Management District with air quality concerns that they are not impacted by the compost facility and transfer station because they live over one mile away. While we appreciate the intent of the tool to concentrate funding on the most impacted neighborhoods, it must also consider that air quality is a more fluid measurement with impacts that will undoubtedly dissipate beyond a one mile barrier.

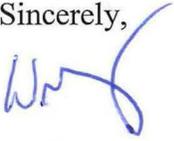
**4. “Ground-truthing” of census tracts impacts in relation to their respective scores.**

Fence-line communities, including Richmond, are not being accurately represented in the proposed CalEnviroScreen 3.0’s. The census tracts representing the Iron Triangle, one of Richmond’s most impacted neighborhoods, is significantly undervalued by the current iteration of the tool. The pollution burden registered in these census tracts is as low as 43, even though it is adjacent to the largest refinery in California, regional solid waste facilities, a major port, Chemtrade (an inorganic chemicals manufacturing facility), major railways and railyards, Interstate 580, and the Richmond-San Rafael Bridge toll plaza. The pollution burden of the Presidio in San Francisco is listed as a 63; ground-truthing the impacts of the Iron Triangle would reveal that San Francisco’s Presidio is incomparable, and underscores fundamental inaccuracies in its ability to provide a fair assessment.

We are confident that incorporating these comments will help improve this tool and its effectiveness to characterize the environmental burdens of communities throughout California.

Thank you for considering these comments and we look forward to seeing the next iteration of CalEnviroScreen.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Lindsay', with a stylized flourish extending from the end.

William A. Lindsay  
City Manager

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

RANDALL L. SAWYER  
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## CEASE and DESIST Order

**Issued to:** West Contra Costa Sanitary Landfill, Inc. (Operator)  
West County Landfill, Inc. (Owner)  
3260 Blume Drive, Suite 115  
Richmond, CA 94806

**Issued by:** Contra Costa County Environmental Health  
Local Enforcement Agency  
2120 Diamond Blvd, Suite 200  
Concord, CA 94520

### Facility Name and Location:

West Contra Costa Sanitary Landfill Organic Materials Processing Facility (Facility)  
Facility Permit No. 07-AA-0044  
1 Parr Blvd  
Richmond, CA 94801

### Observations:

The Local Enforcement Agency (LEA) has observed odors at this facility in violation of the California Code of Regulations, Title 14 Section 17867(a)(2) that all handling activities shall be conducted in a manner that minimizes odor impacts so as to not cause a nuisance. Pursuant to Title 14 Section 17225.45, which defines "Nuisance" to include "anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of annoyance or damage inflicted upon the individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste."

The LEA has received odor complaints that have been confirmed to come from this location by the LEA and the Bay Area Air Quality Management District (BAAQMD). The BAAQMD reported to the LEA that they have received over 100 complaints regarding odors within a 5 mile radius of the facility and that they have confirmed the odors are coming from the Facility digging into the compostable materials pile that has been stored at the facility since February 2016 and from the material pulled from this pile reportedly used as erosion control on the slopes of the landfill.

### Directives:

Pursuant to Public Resources Code 45005, a LEA may issue a **CEASE and DESIST** order to any facility that is operating in violation of any regulation adopted or in a manner that causes or threatens to cause a condition of hazard, pollution, or nuisance. Therefore:



1. The Owner and Operator are hereby ordered to **CEASE** using the material identified above as erosion control on the landfill. The material, which has remained on site for an extensive period of time and allowed to become anaerobic, thus creating odors, is to be removed from the site and disposed at a permitted disposal facility or provide an alternative use to be approved by the LEA within 3 days. The material may not be used on the West Contra Costa Sanitary Landfill.

2. The Facility shall not emit odors in violation of Title 14 Section 17867(a)(2). While the Facility undertakes activities to comply with Directive #1 above, including removal and transport, it shall implement appropriate methods to prevent odors.

**Failure to meet this directive will result in any or all of the following:**

If the directives above are not completed or complied with, the LEA may:

1. Impose administrative civil penalties in an amount not to exceed five thousand dollars (\$5,000) per day for each day the Facility fails to achieve compliance with the above. (PRC Section 45011)

2. Petition the superior court for injunctive relief to enforce this Notice and Order (PRC Section 45014).

3. Petition the superior court for civil penalties not to exceed ten thousand dollars (\$10,000) per day for each violation (PRC Sections 45023 and 45024).

4. Suspend or revoke SWFP (PRC Sections 44305 and 44306).

The LEA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner/operator or related parties in carrying out activities pursuant to this CEASE and DESIST order, nor shall the LEA be held as a party to any contract entered into by the owner/operator or their agent(s) in carrying out activities pursuant to this CEASE and DESIST order.

This CEASE and DESIST order does not relieve the owner/operator from complying with all other local, state, and federal requirements, nor does it preclude the LEA from taking any and all other actions allowed by law.

This order is effective immediately upon issuance.

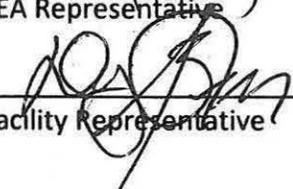
Signed by:

  
LEA Representative

Date Issued:

10/4/16

Signed by:

  
Facility Representative

Date Issued:

10-4-16