

US EPA ARCHIVE DOCUMENT



## RCRA Permit Appeal Fact Sheet

# 1991

**FACILITY:**

Chem-Clear, Inc. (Chem-Clear)  
Vernon, California  
CAD 981 689 534  
RCRA Appeal No. 91-5

**PETITIONERS:**

- Senator Al Torres, Chairman, Senate Committee on Toxics and Public Safety Management Mothers of East Los Angeles (MELA)
- California Association of School Health Educators (CASHE)
- United Teachers of Los Angeles (UTLA)
- Assemblywoman Lucille Roybal-Allard
- United Neighborhoods Organization (UNO)

**PETITIONS DATED:**

- February 13, 1991 (Senator Al Torres)
- March 11, 1991 (MELA)
- March 13, 1991 (CASHE)
- March 14, 1991 (UTLA and Assemblywoman Roybal-Allard)
- March 15, 1991 (UNO)

**STATUS OF PETITION:** See Permit Appeal Status Report

**ISSUES:**

- Other corrective action issues (corrective action provisions)
- Miscellaneous other issues (facility location; emergency contingency plan; waste minimization; fugitive air emissions; public outreach; alternate transportation routes)

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**Summary of Petitions:**

Petitioners request that Region 9 and the California Department of Health Services (DHS) rescind the decision to issue a hazardous waste treatment and storage permit to Chem-Clear. Senator Torres objects to the permit's failure to establish operational or performance standards for corrective action. All petitioners argue that the facility's risk assessment failed to consider sensitive receptors (e.g., schoolchildren) in the highly populated area. A number of petitioners object to the facility's emergency contingency plan, stating that it is not adequate given the number of schools and medical facilities located near the plant.

- **Corrective Action Provisions.** Senator Torres contends that Chem-Clear's permit is deficient in the requirement for the owner/operator to perform corrective action at the site. He argues that the permit fails to establish enforceable operational or performance standards



## *RCRA Permit Appeal Fact Sheet*

**1991**

for the required site cleanup. MELA contends that the facility did not address baseline site conditions, including potential contamination of the groundwater.

- **Facility Location.** Senator Torres contends that the State permitting and planning process failed to require an adequate examination of alternative locations for Chem-Clear. The community around the proposed Chem-Clear facility (including eight schools and a number of medical facilities) is placed at an unreasonable risk from the proposed facility. MELA, also notes that the facility failed to prepare an adequate environmental impact report consistent with land use planning.
- **Emergency Contingency Plan.** Several petitioners contend that Chem-Clear's emergency contingency plan is not adequate to protect the thousands of students at Huntington Park High School (located across the street from Chem-Clear's proposed plant) if an on- or off-site chemical spill occurs. Petitioners maintain that adequate liability coverage, including compensation to the community in the event of accidents or mishaps at Chem-Clear, should also be included in the permit.
- **Waste Minimization.** Senator Torres argues that the permit provides no incentive for waste minimization and no assurance as to the nature and quality of the waste reduction requirement contained in the permit.
- **Fugitive Air Emissions.** MELA argues that Chem-Clear's final permit does not comply with RCRA Part B permit requirements, including a permanent monitoring and control plan of fugitive air emissions.
- **Public Outreach.** MELA contends that Chem-Clear has neglected to provide adequate communications to the surrounding community. Since the community near Chem-Clear is mostly Hispanic, the petitioner maintains that communications should have been made in both English and Spanish.
- **Alternate Transportation Routes.** MELA maintains that, Chem-Clear has not provided alternate transportation routes different from the residential and urban rights of way.

BEFORE THE ADMINISTRATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

In the Matter of:

ChemClear Inc. of Los Angeles  
(Vernon, CA Facility)

RCRA Permit No. CAD 981 689 534

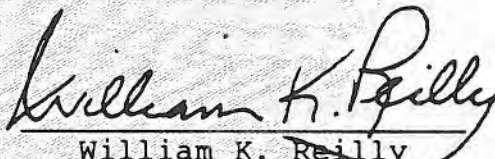
RCRA Appeal No. 91-5

ORDER DENYING REVIEW

For the reasons set forth in Region IX's May 10, 1991 "Response to the Petitions for Review," which reasons are hereby adopted and incorporated by reference as if fully set forth herein, Petitioners have failed to show that the Region's permit determination in this case is clearly erroneous or otherwise warrants review under 40 CFR §124.19, and the Petitions are therefore DENIED.

So ordered.

Dated: JUL 15 1991

  
William K. Reilly  
Administrator

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Denying Review in the matter of ChemClear Inc. of Los Angeles, RCRA Appeal No. 91-5, were sent to the following persons by first class mail, postage prepaid:

Allyn Stern  
Assistant Regional Counsel  
U.S. EPA, Region IX

Bao Hoang

Harry Sauberman  
United Teachers-Los Angeles

Richard Loya, Executive Director  
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Willene Cooper, Chair  
Legislative Committee on  
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Lucille Roybal-Allard  
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Mrs. Carol Perry  
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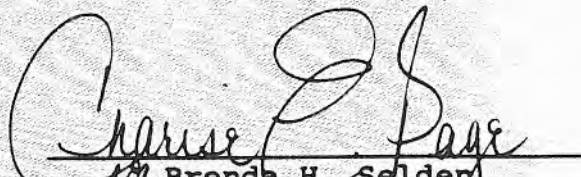
Senator Art Torres  
Chairman, Senate Committee on Toxics and  
Public Safety Management  
California Legislature

Senator Bill Greene  
27th District  
California Legislature

Margaret Bracken  
Rebecca Avila  
United Neighborhoods Organization

Dated:

JUL 16 1991

  
for Brenda H. Selden  
Legal Staff Assistant