

TOXICS TIMELINE

4/4/12

On occasion of confirmation of Debbie Raphael as new director of DTSC, CW writes letter to State Senators asking them to protect communities from toxic harm after a years-long failure to prevent harm from dangerous industries close to homes and schools. Judy Dugan testifies, raising questions about the department's lack of public communication, wrist-slap fines, and consent agreements that keep serial toxic violators like Evergreen Oil and Phibro-Tech out of court. That same day, the Sacramento Bee runs an Op-Ed by Doug Heller and Judy on same theme.

<http://www.consumerwatchdog.org/newsrelease/consumer-watchdog-urges-legislature-probe-state's-failure-protect-communities-under-toxi>

and

<http://www.consumerwatchdog.org/story/viewpoints-confirmation-puts-focus-states-toxic-waste>

6/14/12

DTSC Director Debbie Raphael, Chief Deputy Director Odette Madriago, and Deputy Director for Enforcement Brian Johnson meet with CW in Santa Monica. CW challenges the department to review its culture and practices from wrist-slap fines to the unwillingness to pull permits of serial toxic violators. Director Raphael claims she is studying the culture and how to change it.

7/17/12

CW discovers a hazardous leak has occurred a few days prior at Evergreen Oil and calls for the DTSC to shut down this recycler used motor oil and serial toxic violator.

<http://www.consumerwatchdog.org/newsrelease/consumer-watchdog-urges-regulator-shut-down-refiner-after-leak-endangered-n-california-c>

Video: <http://www.consumerwatchdog.org/video/watchdog-group-calls-oil-refinery-shut-down>

7/24/12

In conversations with CW, DTSC claims it isn't certain it has authority to regulate the whole Evergreen plant.

<http://www.consumerwatchdog.org/newsrelease/consumer-watchdog-cites-contradictory-information-hazardous-waste-plant-accident-norther>

7/26/12

CW chronicles Evergreen's record as a serial toxic law violator, and the DTSC as its enabler, in a blog.

<http://www.consumerwatchdog.org/blog/evergreen-never-clean-time-hazardous-waste-regulators-act>

8/7/12

Richmond refinery catches fire. CW calls on the DTSC to respond to the Chevron fire at the Richmond refinery and sanction the company. The DTSC claims it has little-to-no oversight of dangerous substances produced in refinery accidents.

<http://www.consumerwatchdog.org/newsrelease/chevron-counts-jigsaw-puzzle-safety-regulation-escape-oversight-accountability-says-cons>

8/8/12

CW runs blog questioning Chevron's unwillingness to shut down the crude oil processing unit while leak was still small enough to limit the disaster. The plant's emergency response managers wanted to avoid expense of a shutdown, workers feared bodily harm and didn't agree.

<http://www.consumerwatchdog.org/blog/did-dont-shut-it-down-mentality-cause-chevron-refinery-disaster>

8/12/12

InsideBayArea.com reports that Evergreen Oil is putting itself up for sale. It's saber-rattling gesture to scare workers and regulators. The company spends time emailing industry reporters saying that suspending its permit is unnecessary regulatory overreach.

<http://www.consumerwatchdog.org/story/changes-coming-evergreen-oil-newark-after-recent-plant-accidents>

8/16/12

On August 16, DTSC Director Debbie Raphael writes CW that the DTSC does not have authority over certified recycled oil at Evergreen Oil because it is a product at that stage and exempt from regulation. She skirts the argument made by CW that as long as that product is being treated (cooked into new product) it comes under DTSC regulatory authority. Raphael argues also that the department regulates only hazardous waste and not hazardous materials of which waste is a subset.

http://www.consumerwatchdog.org/resources/2012-response_letter-consumer_watchdog-liza_tucker_08-20-12.pdf

8/22/12

CW meets in Sacramento with top DTSC staff, including DTSC Director Debbie Raphael, Chief Deputy Director Odette Madriago, and Chief Counsel Reed Sato. CW points out that DTSC has extensive legal authority over hazardous wastes, materials and substances, and therefore has authority over refineries and oil re-refineries. DTSC denies CW's argument. CW tells DTSC we will review their existing authority for them.

10/1/12

CW runs a blog about the DTSC issuing an “emergency rule” for certified waste recyclers to dump leaded Cathode Ray Tube glass in hazardous waste landfills, instead of recycling it. Critics say much of this will wind up in cheaper unlined municipal landfills and endanger human health.

<http://www.consumerwatchdog.org/blog/dirty-dancing-dtsc-toxic-lead-coming-landfill-near-you>

10/25/12

CW calls for an end to toxic regulation at the DTSC. It calls on the department to suspend the permits of serial violators or sanction serial violators like Chevron, Evergreen Oil, and Phibro-Tech. The letter outlines all the relevant statute empowering the DTSC to suspend permits and to regulate refineries.

<http://www.consumerwatchdog.org/newsrelease/consumer-watchdog-calls-end-toxic-regulation-department-toxic-substances-control>

10/31/12

CW runs blog on the fact that refineries like Chevron never pay the real price for pollution they cause.

http://www.consumerwatchdog.org/search/apachesolr_search/chevron

12/12/12

DTSC Director Debbie Raphael writes CW in response to its letters on the department’s powers. Raphael now admits that the Chevron fire raises legitimate questions about regulatory authority over refineries, but uses the “blue-ribbon” defense. Governor Brown is forming an interagency task force to look at this issue. She writes that the DTSC’s decision not to suspend Evergreen’s permit “is not based on any perceived lack of authority,” now tacitly admitting that the department regulates the whole of the facility. She argues its serial toxic transgressions “don’t rise” to a sufficient level of harm. She writes that no determination has been made on issuing Phibro-Tech a new permit and that, “The applicable CEQA process is still under consideration,” skirting the question of whether a proper Environmental Impact Report will be done.

http://www.consumerwatchdog.org/resources/dtsc-dr_response_12-12-12.pdf

1/15/13

Consumer Watchdog criticizes DTSC in a letter for granting a new permit to CleanTech Environmental for a used oil refinery in Irwindale. Tells DTSC by law it should have performed an Environmental Impact Report and that its attempt to classify the new facility as a “small-scale” facility to get around the EIR requirement is illegal. The letter serves as a formal petition to the DTSC on the way to possible filing of a writ.

<http://www.consumerwatchdog.org/newsrelease/consumer-watchdog-admonishes-toxics-regulators-who-ignored-law-approve-permit-new-waste->

1/21/13

San Gabriel Valley Tribune publishes Op Ed by Liza Tucker on having to choose between recycling or poisoning of communities.

http://www.sgvtribune.com/opinions/ci_22413904/letters-editor-toxic-releases-or-recycling-do-we

2/21/13

Consumer Watchdog issues report titled *Golden Wasteland*. The report says that California has some of the toughest laws in the nation and some of the weakest enforcement. The Department of Toxic Substances Control (DTSC) epitomizes the problem. It lets serial polluters function on expired permits for up to 16 years, levies wrist-slap fines, and cuts deals out of court repeatedly with serial violators instead of revoking their permits. Consumer Watchdog sends a letter to Governor Jerry Brown and DTSC Director Debbie Raphael to shake up the department and reform it to enforce existing laws, apply maximum penalties, and live up to its mission of protecting Californians and the environment from toxic harm.