

## **Stink over plant**

### **Neighbors want Darling to comply**

By Rebecca Plevin

Vida En El Valle, Wed., May 4, 2011

FRESNO -- When Norma Ventura moved to West Fresno about a year ago, she considered the stench that wafted from Darling International Inc.'s nearby rendering plant as little more than a bad joke.

"In the beginning, it was kind of funny," Ventura said. "We would pass by it, and sometimes it smelled like dog food, and sometimes it smelled like Doritos, and sometimes it smelled like something else."

Ventura began viewing the odor as a more serious issue, though, when she heard that the site has been operating as a rendering facility, and processing up to 850,000 pounds of raw material daily, even though it is permitted -- through a variance issued by Fresno County in 1953 -- to be a slaughterhouse with a small rendering facility to support its operations.

Because Darling has not applied for a conditional use permit for its current use at the site, the facility's potential environment impacts on the physical environment and on the health of West Fresno residents have never been comprehensively analyzed, a West Fresno community group and their lawyers allege.

"That is all we know -- that it smells bad," Ventura said. "But beyond that, we don't know if it is doing anything else (to our health). We have no way of knowing."

After living for decades with the smell of the rendering facility, as well as its potential impacts on economic development and community health, the local group Concerned Citizens of West Fresno, and their lawyers, California Rural Legal Assistance, are calling on the Fresno City Council to require Darling to obtain the necessary conditional use permit.

West Fresno residents are putting pressure on the City Council as the council considers signing an abatement agreement with Darling.

The draft agreement -- which is intended to ensure that Darling does not become a public nuisance -- requires the facility to make physical and operational modifications at the site, among other operational changes. If both parties sign the agreement, the City of Fresno will not require the facility to obtain a conditional use permit, according to the document.

The public comment period on the draft agreement was scheduled to end May 4.

But during a closed session meeting last Thursday, the City Council extended the public comment period another 90 days, and decided to hire an environmental justice consultant to analyze the issue, according to District 3 Councilman Oliver Baines, who represents the West Fresno community.

Mary Curry, a member of the Concerned Citizens of West Fresno, said she and other community residents are not trying to shut down Darling's facility, which supports the operations of Beef Packers, Inc., Harris Ranch Beef, Zacky Farms and Foster Farms, and is directly connected to 4,000 regional jobs, according to the company.

Rather, Curry said, her goal is to ensure that the City of Fresno requires the facility to adhere to the same laws as other city businesses.

Her message to members of the City Council is simple.

"It is not too late to turn around and do the right thing," she said. "You've turned your head and looked the other way for 50-plus years. Now it's time to step up to the plate and own the problem."

The CEO of Darling, Randall Stuewe, said in a press statement last Wednesday that the facility operates with all necessary federal, state and local permits, including a valid conditional use permit.

In a fact sheet sent to the media, Darling said its operations are further bolstered by the City of Fresno's long history of planning, zoning, and building permit decisions regarding the rendering facility.

But letters between the City and the company suggest otherwise.

In a December 2007 letter to the lawyer representing Darling, Nick Yovino, then-director of the city's planning and development department, bluntly said the facility does not have a conditional use permit to operate as a rendering facility.

In the letter, Yovino said the facility is authorized under Variance No. 377, issued in 1953 by Fresno County, to be a slaughterhouse, with a small rendering facility processing about 4,000 pounds of raw material daily.

"Your client's operation is operating in violation of the only permit ever issued that allowed the use," he wrote.

Today, councilmember Baines agrees that Darling needs to come into compliance with the law.

"This business operates in the city's influences, and they have done so without a permit," he said. "No other business is allowed to actually have that carte blanche, and we want to make sure this business has to play by the rules, like any other business."

Baines acknowledged that the city has played a major role in the issue. He said this council now has the opportunity to correct the situation.

"The city over the years has in some way allowed this to happen," he said. "At some point, you've got to make it right."

To Curry and the other Concerned Citizens of West Fresno, the issue is about more than the odor of the facility, or the need for a current conditional use permit. The issue, she said, is also a matter of environmental justice.

"This would not happen in North Fresno for 15 minutes," said Curry, a longtime resident of West Fresno, where an estimated 97 percent of residents are people of color, 52 percent of who are Latino, according to the Fresno West Coalition for Economic Development. An estimated 47 percent of West Fresno residents live below the poverty line.

The facility, she said, has already had devastating impacts on the community's economic development.

"We will never have really good community development because of this plant," she said. "Nobody is going to buy a house close to that -- the only people that are going to buy into that area are low-income, because that is all they can afford."

Curry is also concerned about what health impact the facility is having on community residents. West Fresno already has the highest rate of asthma in the city, and Curry counts herself as one of those asthmatics.

"We just believe there are far more issues associated with this plant than just the smell," she said. "We think there are some real health issues there that haven't been researched."

Ventura, the West Fresno resident, said the community has long suffered the burden of pollution and industry, but has not had the voice to speak out.

"This part of Fresno is often neglected," she said. "I feel it is a part of Fresno that is less invested in."

"As a community, we face a lot of obstacles in trying to have our voices heard. We don't have the influences, and we don't have the contacts. It has been a struggle."

## **Earth Day in Kettleman City: Controversy Swirls Around Toxic Waste Facility, Sick Babies**

By Jeff Gatlin, staff writer

The Valley Voice, Thurs., May 5, 2011

*Editor's Note: Over the last three years at least 11 Kettleman City families have had babies delivered with significant birth defects. At least one other was stillborn and three more died due to complications arising from birth defects. The surnames of the affected families -- Hernández, Alatorre, Saucedo -- demonstrate just how hard this problem is impacting the area's Latino community. The Valley Voice sent veteran reporter Jeff Gatlin to the Kings County community to investigate. Here's his report.*

Kettleman City - Community concern regarding cleft palates, Down's Syndrome, heart defects, asthma, cancer, infant mortality and a host of other health issues remains at the forefront of this small community's focus – and identity.

Although there seems to be general agreement that the exhaust fumes from the hundreds of thousands of passing diesel trucks on Interstate 5 contribute to the problem as well as all of the pesticides sprayed on bordering agriculture and the naturally occurring arsenic in groundwater and nearby oil fields, the ongoing birth-defects controversy swirls primarily around the nearby toxic waste facility.

The Kettleman's Hill Landfill, operated by Waste Management, Inc., opened for business three and a half miles outside Kettleman City in the late 1970s.

Named by Forbes magazine in 2010 as one of the 20 most responsible U.S. companies, Waste Management officials have always maintained that they are a boon to the community. The company Web site is filled with references to environmental advocacy. Their slogan is: "From everyday collection to environmental protection, Think Green. Think Waste Management."

In the hard scrabble, mostly Latino community with a population of about 1,700 and household median income of \$24,345, a vigil was held in late March where doves were released by the mothers of babies who died of birth defects. Tamales and hot chocolate were passed out after the ceremonies and speakers.

"The vigil had lots of community support," said Anna Martinez, a community organizer for the San Francisco-based environmental activist group, Greenaction, which maintains an office in Hanford that deals with local issues.

"We remembered all the children that passed away, including the still-births. We also talked about how the majority of children in the area have asthma, and the importance of the process of counting the miscarriages" – which Martinez stated are a current focus of Greenaction's efforts in Kettleman City.

"It isn't easy," continued Martinez. "Latinos are defensive of their privacy, and they don't come out and share that type of information easily, but it is important to have those numbers."

Meanwhile, Waste Management recently held its own recent function, an observance of Earth Day, held on April 22nd. The company sponsored a community cleanup involving its employees, youth organizations and local firefighters.

"Waste Management likes to get involved in the community," stated Lily Quiro, a community relations representative of the Kettleman facility. "We have been here for 30 years and we believe in coordinating the community and employees."

However, the persistent belief in the community remains that Waste Management's presence is damaging to residents' health.

"The ground is a filter, it catches everything," said Pedro Andrade, a resident of Kettleman City for the last 38 years." Speaking through an interpreter, Andrade went on to say that the company claims to have plastic in place to keep the toxins from getting into the soil.

"But the dump makes the water bad," stated Andrade, "The plastic tears, and the water becomes polluted," he said, adding he also thinks the company could do much more for Kettleman City, citing what he said was a promise to install sidewalks that have never materialized.

Quiro disagreed with both claims, saying that Waste Management does plenty for the community and that its facility is built on solid bedrock that does not absorb water.

Health agencies such as the Environmental Protection Agency (EPA) seem to be on both sides of the issue.

The EPA cited the facility in an April, 2011 report for numerous violations including toxic waste containers that were mislabeled, leaking and improperly stored.

However, state health officials, in a report conducted in 2009, concluded that there was no link between the birth defects and Waste Management's operation. That study tested local water, air and earth as well as looked at the lifestyles of the families with babies born with birth defects.

"While we wish there was an explanation for what caused the birth defects experienced by the children we studied in Kettleman City," California Department of Public Health Director Dr. Mark Horton said of the report. "Our investigation finds that no common health or environmental factor links the cases."

Damien Hernandez, another resident who has lived his entire life in Kettleman City, agrees with Quiro about the company's positive impact on the community and its lack of impact on local health. "They put equipment in the park, built a new gym and a baseball field and a backstop," said the local as he worked on his car's hydraulic system, adding, "Something else makes people sick, but they shouldn't drink the damn water around here anyway."

Whether leading rallies or counting miscarriages, Bradley Angel is at the center of the controversy. Angel is a major activist on behalf of Greenaction. Though he operates from the San Francisco base, he has what he calls, "long ties," with the community.

"I have been working with the community for 25 years," said Angel, who was conducting a health survey of Kettleman when he noticed, and brought to light, what he is sure are birth defects linked to toxic waste.

"There is no smoking gun," said Angel. "There is water contamination, pesticide drift, and pesticides tracked into these homes every day. All of that needs to be addressed."

Angel points out that "[Waste Management's] facility is the only one allowed to accept cancer-causing PCBs in California."

PCBs refer to polychlorinated biphenyls, a substance commonly used in plastics, paint, oil and many other applications in the U.S. before it was banned by the EPA in 1979.

According to the EPA Web site: "PCBs have been demonstrated to cause cancer, as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system... Today PCBs can still be released into the environment from poorly maintained hazardous waste sites that contain PCBs."

Angel maintains a deep-seated belief that, among other hazardous materials, the PCBs Waste Management handles at Kettleman City bear at least some of the responsibility for the community's health woes – and, perhaps most controversially, that the government colludes with the facility.

"The (2009) study was self-serving whitewash like all these studies," said Angel. "The government rubber-stamps these permits then looks the other way. There was alleged air monitoring last summer. Waste Management knew they were being monitored," claimed the activist, "and reduced dumping by 75 per cent during the monitoring period. So, yeah, emissions were down without any scientific validity. It was a joke."

However, Waste Management contends that they are constantly being inspected and monitored and that it is no joke.

"The Kettleman Hills facility is one of the most heavily regulated facilities - in one of the most heavily regulated industries - in California," states a Web site posting by Waste Management. The site goes on to refute claims that it adversely affects the local health and environment, and points

out: "Regulation includes comprehensive air-quality protection and groundwater programs at the site; daily, weekly, quarterly and annual inspections, and regular reports to elected officials and regulatory authorities."

Quiro echoed this statement. When asked about the violations listed in the recent inspection report, she stated, "We quickly corrected any problems. We are constantly audited, and when there is a problem, we quickly make corrections. There is no room for excuses."

The fiercely polarizing issue of a toxic waste dump outside Kettleman City will continue to generate controversy in this tiny community, a fact evidenced by the strong opinions regarding a significant expansion of the Waste Management facility. The move was already unanimously approved by the Kings County Board of Supervisors and immediately brought a Greenaction lawsuit on behalf of the people of Kettleman City, and organized protests by other organizations such as El Pueblo Para El Aire y Agua Limpio (People for Clean Air and Water) and the Center on Race, Poverty and the Environment.

Both sides make good points, with Waste Management pointing out that all our toxic waste must go somewhere, and opponents stating that it is unfair to place toxic waste dumps in or near poor communities where they may be harming, or even killing the locals.

However, the opposing sides remain far apart.

"They (Waste Management) have had so many violations for so many years and they get away with it, they pretend it never happened," Martinez told the Valley Voice. "They claim they have a clean record but they don't know how to handle PCBs. They need to have their permits taken away."

Waste Management's Quiro counters: "There are no surprises about how we operate. We are too heavily monitored by ourselves and officials. The facility has never impacted human health or the environment."

### **Kaweah Delta takes pledge for clean air**

The Valley Voice, Thurs., May 5, 2011

\*Healthy hospital: Kaweah Delta Health Care District has been named a "Healthy Air Living Partner" by the San Joaquin Valley Air Pollution Control District. The designation honors entities that have expressed an interest in reducing emissions at their businesses and organizations to improve air quality in the Valley and demonstrate innovation and commitment to clean air. Kaweah Delta will kick off its commitment to clean air throughout the month of May by asking employees to walk, bike or take public transportation to work to improve air quality and reduce traffic congestion.

### **'Green Paper' details needs of Central Valley rural community**

By David Castellon

Visalia Times-Delta and Tulare Advance-Register, Thurs., May 5, 2011

A group of Valley residents from rural communities say they don't want economic help at the expense of pollution in their areas.

A report presented Tuesday to the Tulare County Board of Supervisors states that residents in several of these communities — including Ducor, Allensworth, Alpaugh, McFarland, Shafter and Wasco — don't want businesses that reduce pollution on a state-wide level but pollute the communities in which they are located.

"The Green Paper" goes on to say that jobs, economic opportunities and environmental health need to be linked when it comes to planning development and creating jobs in rural communities, and residents need to have bigger roles in those discussions.

Caroline Farrell is executive director of the Center on Race, Poverty and the Environment, or CRPE, a nonprofit group based in Delano that prepared the 22-page report. It's based on a series

of meetings held from 2008-10 with residents of rural communities, as well as cities in Tulare, Fresno and Kern counties.

The group's mission is to achieve environmental justice and healthy, sustainable communities in rural areas through organizing residents, education and legal action, she said.

"[In 2007], we started seeing a lot of proposals coming into the Valley for ethanol plants. A number of [natural] power plant proposals were also being proposed for the Valley," she said. The state started pushing to develop cleaner energy sources.

She said there was talk that small communities benefited from being home to some of these green businesses — which include facilities to burn biowaste — and how the state and nation reap ecological benefits from them.

"The problem was the environmental analysis showed [these plants] were going to increase air pollution in the areas where these would be built," she said.

Farrell said her organization began holding meetings to teach rural residents in the south Valley about greenhouse gases as well as the pros and cons of some proposed green businesses.

Among the things the report calls for community leaders to do:

Create vocational training programs for people to work in green businesses.

- Require and offer incentives for existing businesses to adopt practices that don't degrade environmental health.
- Ensure poor, rural communities don't have to bear more environmental burdens than other areas.

Farrell said copies of "The Green Paper" are being presented to county boards of supervisors in the Valley.

Farrell said plans are for CRPE officials to meet in June with Sacramento lawmakers to present and discuss the reports.

"What we hope to accomplish, like we say, is to get more attention to our rural communities and get some of the problems we have solved," said Ruth Martinez, a Ducor resident who attended the meetings that led to "The Green Paper."

Ana Maria Cevallos of Tonyville, who also attended, said she hopes that the supervisors and other leaders will take note that people from these communities are working together to try to solve their problems.

"It's not agencies asking for help, but it's now the community asking," she said. "It's great because we don't need the agencies asking for aid. We can ask for it ourselves."