

THE COST OF SETTLING:

DTSC TOTALLY MISSES OPPORTUNITY TO PROTECT COMMUNITY IN SETTLEMENT WITH QUEMETCO

On December 13, 2022, Quemetco and DTSC agreed to settle DTSC's complaint against Quemetco for 29 violations of environmental regulations. The settlement was entered into without the input or oversight of community members who live with the impacts of Quemetco's operations every day. While DTSC's director, Meredith Williams, praised the settlement for achieving "a result that does so much for impacted communities surrounding the facility" – community members did not share this sentiment. Instead of doing "so much for impacted communities", the settlement does "so much" for Quemetco by allowing the facility to continue to harm nearby communities and paving the way for Quemetco to expand its operations.

In a familiar cycle of injustice, Quemetco violates the law and causes harm to community members, but DTSC fails to hold Quemetco accountable for its violations. Ultimately, this settlement is just a cost of doing business for Quemetco, rather than a meaningful deterrent to actually follow the law. Here are the 4 main issues with the settlement:

1

Quemetco agreed to pay \$1.15 million to fund 2 nonprofits that are not located in the community and do not work on issues related to Quemetco. These funds could have been put to better use by supporting community-led efforts that surrounding residents have been demanding for decades, such as cleaning up contaminated areas or installing multi-metal air toxics sensors in the community.

2

The financial penalty Quemetco has to pay is only a tiny fraction of what the facility was liable for given the number of violations and the duration of violations – with some continuing for years. Based on Earthjustice's calculations, DTSC could have penalized Quemetco for at least \$140 million to up to \$2.2 billion.

3

DTSC agreed to reclassify 6 violations, rescind 1 violation, and recalculate Quemetco's scores as part of the Violation Scoring Procedure, resulting in a 130-point reduction – all done in favor of the company. These actions will make it even more difficult to hold Quemetco accountable for its history of violations.

4

Settling this lawsuit also means that DTSC can now move forward with renewing Quemetco's hazardous waste permit, despite the fact that 2 major violations remain unresolved. Instead of holding Quemetco accountable for the very real impact of their harmful violations, DTSC has chosen to sweep Quemetco's disturbing history under the rug.

*To learn more
and get involved,
visit Clean Air
Coalition's website.*

