



July 16, 2012

Debbie Raphael, Director
California Department of Toxic Substances Control
FAX: (916) 324-3158

Dear Director Raphael,

Consumer Watchdog is appalled to learn of yet another accident at the Newark-based used oil recycler Evergreen Oil. We call on the DTSC to shut this refinery down indefinitely.

On July 6, a broken pipe leaked superheated oil. The potential fire hazard led to the evacuation of 70 workers. Firefighters and a Hazardous Materials team contained the leak. One worker was treated at a medical facility.

This comes on the heels of a burst pipe and major fire at the plant in March 2011 that injured one person and sent flames high into the sky. The facility was shut down for much of the year and then partially re-opened, though the operating portion lacks final operating permit.

Your department has repeatedly cited Evergreen Oil for cracks and gaps in waste container storage and transfer areas, failing to track contaminated petroleum waste coming in and out of the facility, careless soil contamination, and omissions in its own inspection system.

Still, the DTSC fined this company that generates some \$36 million¹ in annual revenues less than \$60,000 under six separate consent decrees between 2006 and 2011. This practice of accepting promises that Evergreen will police itself, instead of taking the company to court, has been an abject failure. The DTSC has cited the company for failure to follow even its own simple safety procedures.

At the same time, members of the local community say that for 25 years Evergreen has ignored federal and state laws and polluted their neighborhoods. In 1994, a huge release of fumes made dozens of elementary school children ill as the plant is located close to residential areas. Then in 1996, another gas release poisoned almost 60 students at Newark Junior High School, sending ten to the hospital. And in 2007,

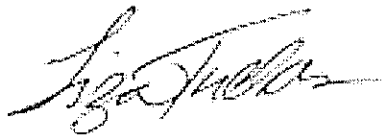
¹ Company data from Glassdoor.com at
http://www.glassdoor.com/Overview/Working-at-Evergreen-Oil-El_IE292644.11,24.htm

Evergreen gases sent one student to the hospital and almost shut down Newark Memorial High School.

Since opening in 1986, Evergreen has had a terrible safety record. According to one activist, there have been at least five major fires, three oil spills that contaminated wildlife, and hundreds of hazardous materials and other odor incidents that required fire department response. Community concerns that the next accident could be a major tragedy appear fully justified.

This is an excellent opportunity for you to steer the agency in a new direction and show toxic polluters that repeated failures to adhere to safe practices have real consequences. We look forward to working with you to in making the DTSC a trusted partner to endangered communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Liza Tucker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Liza Tucker
Consumer Advocate
Consumer Watchdog
Santa Monica, California