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Hinkley Residents Prevail in Challenge to Open-Air Sludge Compost Facility

Community Activists Convince Judge To Order Further Environmental Review for Proposed Project

Hinkley, Calif.—A group of residents in Hinkley, the rural California town Erin Brockovich made famous in a landmark case against a utility for contaminating the local water supply, has won another environmental case—this time against the county, for its approval of a proposed open-air sewage sludge compost facility.

HelpHinkley.org and the Center for Biological Diversity argued that the proposed Hawes Composting Facility Project, to be located near the former Hawes Airport (about 8 miles west and upwind of Hinkley), posed potential environmental risks because it would ferment human sewage sludge and other waste products in the open air. The plaintiffs charged that San Bernardino County failed to adequately consider mitigation measures—in particular, enclosing the proposed facility—that would reduce potential environmental impacts before it approved the Environmental Impact Report by Nursery Products LLC, the company to build the facility.

San Bernardino County Superior Court Judge John Vander Feer agreed, ruling that the county must conduct further environmental review and consider the feasibility of enclosing the proposed facility.

“It is extremely gratifying to know that our concerns were validated and the judge sided with us,” says Norm Diaz of HelpHinkley.org. “We understand the need to compost and deal with waste responsibly. But our communities are not the producers of the majority of sewage sludge in Southern California that would go to this proposed facility. If we are forced to deal with other areas’ waste, we should be protected from any possible effects with the use of state-of-the-art technologies.”

Kassie Siegel, climate, air and energy program director at the Center for Biological Diversity, adds, “Our victory in this case gives the county a second chance to protect the environment and the health and welfare of Hinkley residents by requiring this facility to use today’s technology, rather than last century’s.”

HelpHinkley.org and the Center for Biological Diversity were represented by the Center on Race, Poverty and the Environment (CRPE) and the Golden Gate University Environmental Law and Justice Clinic. Participating attorneys included Brent Plater, staff attorney with the clinic, who supervised Golden Gate University law students working on the case, and Caroline Farrell and Ingrid Brostrom with CRPE.

“We are encouraged that the judge saw matters our way,” CRPE’s Brostrom says. “We hope that the county takes this opportunity to provide Hinkley residents with the same level of protection that is already required in other areas.”

“No one would help or listen until the legal teams at the Golden Gate University Environmental Law and Justice Clinic and the Center on Race, Poverty, and the Environment came to the aid of our community,” says Diaz of HelpHinkley.org. “With their help we have forced San Bernardino County to go back and look at alternatives that will protect the local population.”

The fate of the facility is unclear, attorney Plater notes. “The judge sent the county back to start its environmental review over again. The county could appeal, pull the plug on the project, or try and re-do its analysis over again and address the concerns raised by the judge. In the meantime, regulatory decisions are being made that might make this type of facility a thing of the past.”

Whatever the outcome, one environmental advocate who is especially proud of HelpHinkley.org’s efforts is Erin Brockovich, whose fight to hold Pacific Gas & Electric Co. accountable for contaminating Hinkley’s drinking water resulted in the largest toxic tort injury settlement in US history and was depicted in the film Erin Brockovich. Now president of her own consulting company, Brockovich assisted Hinkley residents in organizing against the proposed Hawes Composting Facility Project.

“I think that Norman [Diaz] has done an excellent job, as well as the community,” Brockovich says. “I admire their tenacity, their community involvement, and standing up for what they believe in.”

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About HelpHinkley.org

HelpHinkley.org is a nonprofit organization sponsored by the Agape Foundation to promote health and safety in the communities of Hinkley and Barstow, California. The organization formed in 2006 in response to a proposed open-air sewage sludge dump to be located upwind from these communities. The group works through nonviolent, nonpolitical group actions for positive change. The goal of HelpHinkley.org is to make the Hinkley/Barstow area a safer, healthier place to live and raise children. The group has 300 members and is expanding its concerns to other local issues. <http://www.helphinkley.org>

About the Center for Biological Diversity

The Center for Biological Diversity works through science, law, and creative media to secure a future for all species, great or small, hovering on the brink of extinction. www.biologicaldiversity.org
<<http://www.biologicaldiversity.org/>>

About the Golden Gate University Environmental Law and Justice Clinic

The Golden Gate University Environmental Law and Justice Clinic (ELJC), founded in 1994, was one of the first US law clinics focusing on environmental justice and has achieved many victories on behalf of clients. The clinic trains students to be effective and ethical lawyers and to improve environmental conditions for low-income communities and communities of color primarily in the San Francisco Bay Area and California. Under close faculty supervision, student clinicians represent clients on a variety of environmental matters and are certified under State Bar of California rules to perform many of the tasks of attorneys, including interviewing and counseling clients, developing legal strategies, drafting legal documents, appearing at hearings, and negotiating with opposing parties. www.ggu.edu/law
<<http://www.ggu.edu/law>>

About the Center on Race, Poverty and the Environment

The Center on Race, Poverty and the Environment is an environmental justice litigation organization dedicated to helping grassroots groups across the United States attack head on the disproportionate burden of pollution borne by poor people and people of color. We provide organizing, technical and legal assistance to help community groups stop immediate environmental threats. <http://www.crpe-ej.org/>