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RESPONSE TO COMMENTS

GENERAL CHEMICAL - BAY POINT WORKS HAZARDOUS WASTE FACILITY PERMIT AND CALIFORNIA ENVIRONMENTAL QUALITY ACT NEGATIVE DECLARATION May 26, 2006

BACKGROUND

General Chemical West, LLC. (GCW) is a chemical manufacturing facility and is located at 501 Nichols Road in Bay Point. GCW manufactures high purity acids for the electronics manufacturing facility. GCW has been operating at this location since 1986. During the course of acid manufacturing, GCW rinses tanks with water and generates acidic wastewater that are considered a hazardous waste. The wastewater is considered hazardous solely because of its acidity versus toxicity or other criteria used to determine if a waste is hazardous or not. GCW was issued a RCRA hazardous waste storage permit by DTSC in 1993 for the storage of these wastes in tanks. This permit expired on July 31, 2004. GCW submitted a Permit renewal application to the Department of Toxic Substances Control (DTSC) on July 1, 2003. DTSC reviewed the permit application and determined that it was technically complete on September 15, 2005. DTSC then prepared a draft Permit and a California Environmental Quality Act (CEQA) Initial Study / draft Negative Declaration. On September 30, 2005 DTSC opened a 45-day public comment period on the draft permit and CEQA draft Negative Declaration. That comment period ran from September 30, 2005 through November 14, 2005. A public hearing was not planned during that initial public comment period. During that initial public comment period, members of the community requested that a public hearing be held. DTSC extended the public comment period until December 22, 2005 and agreed to hold the public hearing. A public hearing was held on December 15, 2006 in Bay Point at the Pittsburg Baptist Church which is located in the City of Bay Point. Prior to the public hearing, some members of the community expressed a concern that the DTSC's documents at the River View Middle School public library were not available at the reference desk. Due to an internal communication error at that school, the documents which DTSC had given to the school administrative office had not been transferred to the reference desk at the library. In order to accommodate the public, DTSC extended the public comment period again to January 6, 2006. The public was informed of the initial public comment period by a display advertisement in the Contra Costa Times, a paid public radio advertisement that aired on KMEL (an English language radio station), and copies of a fact sheet which were mailed to the facility mailing list (approximately 1373 persons) during the week of September 30, 2005. The public was also informed of extensions to the public comment period by

postcard notifications that were sent to the mailing list on November 15, 2005 and December 22, 2005 by postcard mailouts to the facility mailing list.

During the extended public comment period, DTSC received comments from members of the Bay Point Advisory Council and community members via mail, e-mails, and oral testimony given at the public hearing. All comments received during the public comment period including the public hearing are responded to in this Response To Comments (RTC) document. A copy of the RTC will be provided to all commenters. A copy will also be placed in the information repositories for this project.

There were three general issues that were raised by several of the commenters. These issues are described below and detailed responses are provided by DTSC. Cross-references back to these General Comment Numbers are made under the responses to specific comments later in this document.

GENERAL COMMENT NO. 1

General Comment No. 1 – Transportation of hazardous wastes through the City of Bay Point.

Several commenters raised the concern that the shipment of hazardous wastes from the General Chemical facility on Nichols Road travel through city streets and pass by a school enroute to Highway 4. Prior to September 11, 2001 these outgoing trucks with hazardous wastes used to leave the General Chemical facility and travel on Port Chicago Highway and then enter Highway 4. After September 11, 2001 the United States Government closed Port Chicago Highway for public use. Therefore, these trucks had to travel through the City of Bay Point to get to Highway 4. The primary concern expressed was the safety of school children who attend any schools along this route in the event of a truck accident that would spill the hazardous waste contents.

Response to General Comment No. 1

During the public workshop portion of the public hearing that was held on December 15, 2005, DTSC staff discussed this subject with the community members in attendance. DTSC clarified that there are approximately three (3) trucks per month that haul hazardous wastewater from the General Chemical facility. DTSC understands that the former route of going west along Port Chicago Highway to Highway 4 has been closed by the federal government. General Chemical management has informed DTSC that General Chemical has directed the haulers that pick up these loads of hazardous waste to follow a preferred route from the General Chemical facility to Highway 4. The preferred route is exit the facility and turn left onto Port Chicago Highway until Willow Pass Road. Then turn right onto Willow Pass Road and then turn onto Highway 4. These haulers are directed not to travel via any other Bay Point city streets. Therefore,

there should not be any truck traffic on other residential streets. Nor should there be any haulers traveling past the following schools in the City of Bay Point:

1. Rio Vista Elementary School – 611 Pacifica Avenue
2. Shore Acres Elementary School – 351 Marina Road
3. River View Middle School – 205 Pacifica Avenue
4. Mt. Diablo Unified School District – Gateway High School – 235 Pacifica Avenue

DTSC would like to clarify that in the unlikely case that there was an accident wherein the contents of one of these hazardous waste trucks should spill while within the city limits of Bay Point, the risks to any community member, including school children, would be limited to skin burns if a person were to come in direct contact with these waters. The potential for such spills are minimized by requiring the trucks that hauls such wastewaters be approved by the United States Department of Transportation.

DTSC understands the concern of the community to minimize the potential of such an occurrence and to protect residents, especially school children. Therefore, in addition to General Chemical directing their hazardous waste haulers to not use city streets, DTSC has also revised the permit, Part V to include Special Condition 2. which reads as follows:

“2. SPECIAL CONDITION WHICH APPLIES TO THE TRANSPORTATION OF HAZARDOUS WASTES FROM GENERAL CHEMICAL WEST, LLC.

The Permittee shall not transport hazardous wastes from Unit 5 – Hazardous Waste Collection Tanks through the City of Bay Point, California between the following time periods:

- (1) Monday through Friday – 6:00 AM to 8:00 AM
- (2) Monday through Friday – 1:30 PM to 4:00 PM “

DTSC believes these are reasonable restrictions and should minimize any potential impacts to human health and the environment associated with the transport of hazardous wastes from the General Chemical facility.

General Comment No. 2 – The facility is operating without a hazardous waste permit.

Several commenters raised the concern that the facility was operating the hazardous waste tanks illegally because their old permit had expired and a new permit had not been issued.

Response to General Comment No. 2

DTSC would like to clarify this issue. DTSC understands that it can be confusing to the public not familiar with hazardous waste regulations and procedures. General Chemical West, LLC (GCW) has been legally operating under their old permit while the permit renewal application GCW submitted on July 1, 2003 was under review. This permit application was submitted 18 months prior to the expiration of December 31, 2004. In accordance with the California Code of Regulations (CCR), title 22, section 66270.51, a facility is authorized to continue to operate under the terms and conditions of their original permit if they submit a complete application 6 months prior to the permit expiration date. Therefore, until DTSC makes a final decision regarding their permit renewal application, a facility is allowed to continue to operate under the previous permit's terms and conditions. That has been the case for GCW.

General Comment No. 3 – The new permit will allow an increase in storage time.

Several commenters raised a concern that the new permit is different from the old permit in terms of how long the waste can be stored. They were concerned that the proposed permit allows an increase in the amount of time the waste can be held in the storage tanks.

Response to General Comment No. 3

Regarding the amount of time hazardous wastes can be stored in Unit 5 – Hazardous Waste Collection Tanks, there is no change. The storage times are the same for the old permit and this new permit. The old permit allowed hazardous waste to be stored up to 1 calendar year from the date of first placement of hazardous wastes into either of the hazardous waste storage tanks. The proposed permit would allow exactly the same thing. It is worth noting, however, that based on actual operating experience, GCW rarely extends storage of their waste beyond 90 days. However, since there may be situations that may require storage over 90 days, GCW applied for a storage permit that gives them that operational flexibility. It should also be noted that on-site storage of hazardous waste in tanks or containers for up to 90 days does not require a permit from DTSC.

General Comment No. 4 – Health Risks Associated with Hazardous Wastewater

Several commenters during the public workshop expressed concerns about the risks to community members associated with an accidental spill from a hazardous waste trailer truck.

Response to General Comment No. 4.

As stated in the Background section of this RTC, during the course of acid manufacturing, GCW rinses tanks with water and generates wastewaters that are hazardous wastes. These wastewaters are considered hazardous solely because of their acidity. Acidity is measured by a term known as pH. For example, tap water is neutral and would have a pH of 7. As water becomes more acidic, the pH number decreases. DTSC considers acidic wastewaters as hazardous if the pH is less than 2.0. These wastewaters are hazardous because they can cause burns to skin if a person's skin exposed. This would be the risk to a person who came in direct contact with these liquids in the event of a spill from a hazardous waste trailer truck. An example of an acid is automotive battery fluids. The potential health risk is burns to a person's skin. It is noted that these wastewaters are not classified as toxic hazardous wastes which have different potential health risks. During the transport of these wastewaters, Department of Transportation approved vehicles are used. The hazardous waste haulers also require registration with DTSC and they are required to carry liability insurance in the amount of \$750,000. The frequency of hazardous waste shipments from GCW is approximately three (3) truck trips per month. Overall, DTSC believes the potential for accidental spills during transport is minimal. Thus, the potential for adverse health risks associated with hauling these wastewaters through the City of Bay Point is minimal.

SPECIFIC COMMENTS

COMMENTS 1 Ray O'Brien (comments received at the public hearing)

COMMENT 1-1

My name is Ray O'Brien, capital-O-apostrophe-capital-B-r-i-e-n, and I'm a Bay Point resident. Unfortunately, the initial study is flawed in its characterization of the area surrounding and adjacent to General Chemical West Bay Point Facility. First, I'd like to state that it would be very helpful if the pages of the initial study were numbered for easy reference, so I will be making comments about the initial study, but I cannot give an exact page reference.

RESPONSE 1-1

DTSC apologizes that the pages of the Initial Study (IS) were not numbered. However, the IS - Section C - Environmental Impact Analysis is divided into sub-sections from No. 1 – Aesthetics to No. 17 – Mandatory Findings of Significance. These sub-sections can then be used by a reader when referencing comments.

COMMENT 1-2

The initial study is misleading when it states that General Chemical, Chemical's Bay Point Facility is five miles west of Pittsburg. And incidentally, Pittsburg is spelled wrong. It should more correctly state that the facility is located in or immediately adjacent to the community of Bay Point. Rather than say there are no public or residence areas less than one-fourth mile from the plant, a more accurate description would be if the initial study stated that there are residences as close as seven-tenths of a mile from the facility, and that disposal of the acidic wastewater involves transport through residential areas of Bay Point and through intersections frequented by children and students being conveyed or walking to local schools.

RESPONSE 1-2

The spelling error for the City of Pittsburg has been rectified. We concur that it is more accurate to state that the facility is located adjacent to the community of Bay Point. The CEQA Initial Study Site Location section has been revised to read "The nearest residences in the community of Bay Point are approximately seven-tenths of a mile from GCW. In response to the comment regarding the transportation route from GCW and the potential risk to school children, DTSC has revised the Initial Study. The revised Initial Study Project Description section states that, "General Chemical has directed the haulers that pick up these loads of hazardous waste to follow a preferred route from the General Chemical facility to Highway 4. The preferred route is exit the facility and turn

left onto Port Chicago Highway until Willow Pass Road. Then turn right onto Willow Pass Road and then turn onto Highway 4. These haulers are directed not to travel via any other Bay Point city streets. There should not be any truck traffic on other residential streets”.

In addition, please see Response to General Comment No. 1.

COMMENT 1-3

Additionally, old, outdated maps are used in the initial study, including one map that even incorrectly misspells Bay Point as one word. It's actually two words.

RESPONSE 1-3

DTSC used both historical and more recent documents in communicating this project to the public. While some of the maps included are not recent, they are still accurate in the arial information they were intended to illustrate. DTSC reviewed recent satellite photo's and sent personnel to physically tour the area south of the General Chemical facility to compare the maps with the current status of GCW. Nothing was found during these efforts that renders the information in maps used obsolete. In addition, there nor was anything found that would require changes to the findings in the IS.

The incorrect spelling of Bay Point as one word on one of the maps (Figure 3) is regrettable.

COMMENT 1-4

The initial study section on noise states, as noted in previous sections, the General Chemical West Facility is isolated and thus the everyday activities of the plant are not audible to the public. This statement is not accurate, and it is misleading to state that the facility is isolated. It is not. There are residences immediately to the south on Nichols Road, and southeast in Shore Acres. There should be some specific data to support the contention that the facility is not audible to the public. The transport of its trucks certainly is a compounding factor in the audible vehicular noise of Port Chicago Highway and in the adjacent neighborhoods.

RESPONSE 1-4

In the IS, Section 11 – Noise / Analysis of Potential Impact, it was stated that “Due to the isolation of GSW plant as a whole, any noise associated with the the HWSF does not significantly impact the surrounding area.” It is important to remember that the proposed permit is only for the two acidic wastewater storage tanks and four associated sumps. Thus the IS only evaluated the impact of noise associated with the pumps that

move hazardous wastes within the plant and the noise associated with the waste transportation. The word isolation was used to denote a separation of these activities from offsite persons. The noise associated with operating the storage tanks and sumps is not audible outside the facility, and in fact is not audible throughout many areas within the facility. Likewise, the noise associated with the waste hauling (approximately three outgoing trucks per month on average) was evaluated in terms of the overall shipping traffic associated with the site. The trucks hauling waste constitute about 1% of this overall traffic. DTSC determined that the noise associated with these three trucks per month is considered as being insignificant.

COMMENT 1-5

Another misleading statement under transportation and traffic - Traffic in the area of the facility is limited to commercial truck traffic -- that's not true -- which services General Chemical West and neighborhood industries. I would question, are all these trucks and industry legal, including the numerous trucks that are parked on Nichols Road, which I observed just this last week.

RESPONSE 1-5

There are no residences, schools, or other public buildings located in areas that require the public to come within a quarter mile of the GCW facility. Therefore, DTSC stands by the statement in the Initial Study that "Traffic in the area of the facility is limited to commercial truck traffic that services GCW and neighboring industries".

If trucks associated with GCW are parked illegally or are using the roads in an unlawful manner it is a matter for the local law enforcement and is not germane to this permit proposal.

COMMENT 1-6

To the north, east and west of the facility, states the initial study, there are no businesses and no structures. Again, that's not true. There are no roads, it states, and therefore no traffic. This is a very, very misleading statement.

RESPONSE 1-6

DTSC disagrees and stands by this statement. A review of available maps and satellite photos shows that due north of the facility is Suisun Bay with undeveloped wetlands to the east and west of the facility. There are no businesses located within approximately ½ mile of the site in these directions. Railroad tracks, the Port Chicago Highway, and Nichols Road are all located to the south of the facility. The only facilities within

approximately ½ mile of the GCW site is the small energy generating plant and the abandoned Chemical and Pigment Company to the south of the site on Nichols Road.

COMMENT 1-7

I'd like to make a couple of comments on the permit application itself. Page 10 of the permit application states, the permittee shall not store waste in any unit other than that specified in this Part 4 for greater than 90 days. This statement appears to be in direct conflict with the following statement in the initial study, the possibility of storing the waste for greater than 90 days is the only activity that requires the issuance of this permit. What's the case? The, the, it's not clear.

RESPONSE 1-7

DTSC apologizes for any confusion but believe the statements in question are not in conflict. The reason a permit is necessary in this instance is because GCW is seeking the option to store their waste for greater than 90 days and less than one year (just as their old permit allowed). The IS statement is simply indicating this point. The statement in question in the permit application defines the terms under which this storage can take place. One of those terms ensures that hazardous waste will only be stored in the hazardous waste storage tanks. No other units, other than those specified in the permit, (i.e., the storage tanks) can store the hazardous waste for the extended time.

COMMENT 1-8

There appears to be no consideration in either the initial study or the permit application of train traffic or disaster planning in the case of a train wreck. Is this germane to the permit?

RESPONSE 1-8

It is not germane to the permit. The hazardous waste is shipped from General Chemical by trucks and not by train.

COMMENT 1-9

The lack of specificity in the geographic -- geographical description of the initial study points to the main indicator in questioning the granting of the renewal of this permit. There is little awareness of the community of Bay Point acknowledged in the initial study. Despite the lack of this specificity, Bay Point today exists as a community of 25,000 people. Disposal of these wastes must be transported through this community and through its residential areas on either side of Port Chicago Highway up to Highway

4. When a version of this permit was previously approved, there was an alternative western exit out of Bay Point along Port Chicago Highway, through Navy property. Access to that route, which can at least be considered an alternative route, an alternative emergency entry route, or an alternative emergency exit route, for all practical purposes it now no longer exists. The only other alternative is a route up that's going south on Driftwood Drive, and that is through a two lane route, one lane in either direction, again through residential areas.

RESPONSE 1-9

The impact of the waste shipping was evaluated from a cumulative standpoint as per requirements under CEQA. As described in the IS, the shipping of GCWs waste makes up about 1% of the overall truck traffic associated with the facility. It is much less than 1% in relation to all of the traffic on the Port Chicago Highway and Highway 4. Based on these facts, DTSC determined that the amount of traffic associated with the shipping of waste was negligible in relation to all of the other traffic on the routes in question.

Regarding transportation through the City of Bay Point , as stated in Response to General Comment No. 1, the haulers of these hazardous wastewaters are directed to follow a specific route. That route does not involve going south on Driftwood Drive. Please see Response to General Comment No. 1 that explains the specific route and the times of the day that these wastes can be transported..

COMMENT 1-10

Another development that needs to be taken in consideration is that to the west, the East Bay Regional Park is planning a park, and this will be north of Port Chicago Highway. This will mean increased public access and traffic, pedestrian and vehicular, along Port Chicago Highway. In addition, it should also be -- you should also be mindful of the fact that there has been talk of including a housing element or component as part of the Bay Point Harbor development, again along Port Chicago Highway, and again west of the facility.

RESPONSE 1-10

It is not clear from the comment how far west the proposed developments will be from the GCW facility but given the current zoning (industrial) and the current surrounding land use, it does not appear that they will be placed within ¼ mile of the site. Given the location and design of the hazardous waste tanks within the facility, DTSC believes this is a sufficient buffer between the storage tanks and the community.

After September 11, 2001, the federal government made the decision to prohibit traffic along Port Chicago Highway, west of the GCW facility. The trucks that haul hazardous

waste from GCW take Port Chicago Highway going east, not west. In addition, please see the Response to General Comment No. 1 and Response to Comment 1-9 in regards to the traffic concerns.

COMMENT 1-11

If this permit means allowing longer storage periods, then I am still confused. Does it mean increased volumes per trip during the disposal process? This is a fundamental question and I think it needs to be addressed head on.

RESPONSE 1-11

Please see the Response to General Comment No. 3.

COMMENT 1-12

In summary, the initial study does not take into account the existence of Bay Point as a community that in the very foreseeable future could surround the General Chemical West Facility and its environs with human activity, especially residential and recreational, and with greater impact on the truck route for the disposal of these wastes. I believe the question before you tonight is this. With a flawed account of the human activity and habitation surrounding the plant and planned increases of those activities in the near future, does the equation make sense to allow prolonged storage and possibly increased volumes of transport through these areas. Thank you.

RESPONSE 1-12

The facility is located in an area that does not require the public to come within ¼ mile of the site to obtain access to any residence, school, or other public building. The distance from the actual hazardous waste tanks is even greater given their location within the GCW facility and the facility is gated and guarded. In addition, GCW operates on property that is zoned for industrial land use and the neighboring Concord Naval Weapons Station (CNWS) also has building restrictions associated with it. DTSC evaluated the above information along with the storage systems secondary containment design and concluded that there is sufficient safety from community contact even if the tanks or sumps suffer a spill or leak. This conclusion is valid even if the future residences and parks referenced in the comment are built. It is DTSC's understanding that current land use zoning and restrictions will ensure that these areas are at least ¼ mile away. Current maps indicate that the closest public traffic would come to the GCW site in order to access these new developments would be where the Port Chicago Highway and Nichols road meet which is over ¼ mile away from GCW's only access gate. It is our opinion that this is a sufficient buffer with respect to the hazardous waste storage tanks. If additional space between GCW and future parks and housing

developments is desired, local planning commissions and development agencies need to respond to those concerns.

Please see the Response to General Comment No. 1 and Specific Comment 1-9 in regards to the concern about the hauling of waste.

COMMENTS 2 - Michael Sarabia (comments received at the public hearing)

COMMENT 2-1

Yes. My name is Michael Sarabia, I'm with the MAC Council. And I value highly Mr. O'Brien's comments. I don't believe that -- I think that the, the questions that, there's two questions. One is you're storing more things in there for a longer period, and the other one is that you transport these things in a bigger capacity truck. I don't know about the first one being a, a significant concern, but the second one seems to -- I hope that you reconsider using the smaller trucks than the large ones you could find because maybe it's the cheapest. If you could find a safer truck that is of a smaller size, that would use -- would require more trips, when you made your studies they find that this is safer. And a big concern is that you may have the, the truck can have an accident, and a small truck having an accident is different than a big truck having an accident. That's all I have to say. Thank you.

RESPONSE 2-1

Please see the Response to General Comment No. 3 with respect to the comment on storing the waste for longer periods of time.

The size of the trucks used to haul the waste off site is largely a result of the volume of waste to be shipped. All of the trucks used to haul the waste, whether large or small, must meet minimum safety standards set by the Department of Transportation (DOT). DTSC would like to clarify that by storing these hazardous wastewaters onsite, GCW can use fewer and larger trucks to haul these wastes offsite. Otherwise, GCW would have to remove smaller quantities using smaller trucks that would result in more truck trips through the community. Thus, this hazardous waste storage permit reduces truck traffic and the probability of an accident.

As stated in Response to General Comment No. 1, in the event that haulers do not adhere to the preferred truck route that GCW has directed them to take, DTSC is imposing a restriction on the hours that these hazardous waste trucks can travel through the Bay Point Community. Specifically, there are restrictions imposed that avoid the morning and afternoon hours that children would be traveling to and from school. These restrictions provide an added measure of protection to these school children.

COMMENT 2-2

You are to be commended for the well run hearing that allowed some, unnecessary, comments go unchallenged and, we hope, soon forgotten. Since I voiced some of them, I can hardly object to what others may, or not, have said. On the matter of plant safety, I understand there have been no significant violations. Your inspectors know how safe, or risky, it is to keep acids for a longer period.

RESPONSE 2-2

Comment noted.

COMMENT 2-3

On the issue of long term storage of toxic liquids, I do not see how, we, in Bay Point MAC could reach a different conclusion than your agency's findings. You know and periodically inspect the corrosion of the holding tanks. Only you can provide an unbiased evaluation of the actual condition of these tanks. Assuming the tanks are double-walled and assuming the gas composition found between the shells is monitored with properly certified-accurate instruments, your agency would know best how safe the tanks may, or not, be and how long they may be safely used. I believe the issue is fundamentally technical, one your inspectors know the credible and reliable facts. Which, to me, makes contrary opinions appear unsupported.

RESPONSE 2-3

Comment is noted. However, the following are some points of clarification. Only below ground tanks are required to be double walled. The tanks at GCW are above ground tanks. Therefore, GCW tanks are not double walled but they are of a thickness and material that is compatible to the waste being stored. In addition, they are set within a secondary containment system designed to catch and control any spills or leaks that might occur. The tanks and associated equipment undergo a daily inspection process as described in General Chemical's permit application.

The storage tanks being considered under the permit are certified by an independent registered professional engineer in regards to their design and integrity. This includes a certification of stability during seismic events. These tanks are certified by the manufacturer to have a 15-year service life for the wastewaters stored by General Chemical. General Chemical plans to replace these tanks in the year 2010 which is 15 years from their initial installation date in 1995. The secondary containment system had its integrity certified by a licensed professional engineer in the State of California as part of the permit renewal process. The secondary containment integrity would be re-

certified again during the next permit renewal review. All these procedures minimize any potential spills or leaks from affecting human health or the environment.

The hazardous waste stored in these tanks is not volatile and thus there is no "gas" associated with the waste. These aboveground tanks are manufactured of high density polyethylene which is very resistant to corrosive liquids..

COMMENT 2-4

Our concern may be partially derived, maybe, even, justified, from the frequently given assurances, over many years, that storage tanks in gasoline stations were perfectly safe, now we know how far that was from the truth. The oil facilities in Martinez also reassure us periodically that their operations are now safe, and you know the truth about their accident frequency much better than I do. Admittedly, it is bad logic to use the events on one case to justify the views on another, but we are creatures of habit, and assume, often correctly, that accidents in one place may also occur in another place, even if the people are not the same. Your agency is the one that could reassure us on actual facts and risks. The appearance, no more than that, that Bay Point MAC can make an independent technical risk evaluation appears, to me, unfortunate and subject to misinterpretation. But, the opportunity you gave us to express our concern is very much appreciated and your replies will, I trust, greatly reassure us and the public and help us meet part of our public service. The work of Gen. Chem. and three other companies are vital to maintain the viability of Bay Point, and keep alive the hopes of becoming, some day, a full service city. I look forwards to your replies on the meeting testimony.

RESPONSE 2-4

Comment noted. In addition, DTSC would like to reiterate that these hazardous wastewater storage tanks at GCW are aboveground as compared to the underground tanks at gasoline stations as described by the commenter. These tanks at GCW have been properly engineered and certified. They are inspected for leaks or cracks. All these measures ensure that tank integrity will be maintained whereas the underground tanks described by the commenter were underground and the leaks went unnoticed.

COMMENTER 3 Judy Dawson (comments received at the public hearing)

COMMENT 3-1

My name is Judy Dawson, D-a-w-s-o-n. I am outgoing chair of the Bay Point MAC and I've been a resident of Bay Point since 1978. I have three things just to mention. In terms of the truck trafficking, I would like to have a consideration of nighttime travel instead of daytime. This way it would reduce the amount of number of people that

would be coming in contact with that truck, even though it's three times a month, or two times a month, what -- I think consideration of, of the trucks traveling at night would be much appreciated.

RESPONSE 3-1

Please see the Response to General Comment No. 1.

COMMENT 3-2

Also, I am questioning the need to store the waste more than 90 days. And I'm really not in favor of a longer storage time, and I think that should definitely be looked at.

RESPONSE 3-2

Please see Response to General Comment No. 3.

COMMENT 3-3

And the third is to consider, if we're going to be looking at the truck traffic, I think we need to consider widening the Port Chicago Highway on either side to accommodate the trucks in a safer manner. You know, there's a drop-off there, and curves, and, and I just think maybe looking at the, the way that the highway is built, expanding and widening each of the lanes might do a lot to improve that, and at least give a -- make it a little safer. Thank you very much.

RESPONSE 3-3

Comment noted but DTSC has no jurisdiction in this matter of widening Port Chicago Highway. However, considering the restrictions noted under Response to General Comment No. 1, and the limited number of truck trips (approximately three per month) for this GCW hazardous waste activity, DTSC believes the public safety will be well protected.

COMMENTER 4 Steven Hoagland (comments received at the public hearing)

COMMENT 4-1

My name is Steven Hoagland, H-o-a-g-l-a-n-d. I'm a member of the Bay Point Municipal Advisory Council. I guess I have a couple of concerns, and one of them would be the need to store any hazardous waste in our community for any length of time. If it's already being off hauled to another community, I don't understand the, the mind set of leaving it sit in this community for a, a longer length of time. So I certainly don't see a

need to go past the 90 days without them having to off haul it. I'm going to tell you, as a council member, that my, my general feeling would be we have not been privy to any of the things that -- about this coming up from General Chemical. We found out about it through a member of our council, not through General Chemical trying to be a good community business within our community. They weren't forthcoming in talking with us.

RESPONSE 4-1

Please see Response to General Comment No. 3.

COMMENT 4-2

The, the transportation issue, being from out of the area you may not know. Highway 4 is the only way in and out of this community, and, and a few years ago we have experienced what it is to lose Highway 4 when we had a flood and, and a large portion of Highway 4 was closed off and we had to go around to other areas. If this same thing were to happen with a truck, and I understand that they are not all -- but they're the cause of the hauling being done -- if a truck were to be in an accident on Port Chicago Highway, it now becomes inoperable, and now you've got a transportation nightmare in the local community that you've not taken into consideration, what's going to happen. You haven't taken into consideration what's would happen to the chemicals that are now loose in the community that are definitely going in to, to the ground, okay, and the public contact that could be had with that.

RESPONSE 4-2

DTSC recognizes that there is a potential risk in shipping the waste. However, it is our opinion that the risk is not above a level that is inherent in shipping many materials that are already on the roadways. The CEQA evaluation on trucking and traffic mandates that it be done in consideration of what traffic already occurs in the area. The roads in question are used by numerous vehicles and trucks to support various businesses including the shipping of GCW products and raw materials. DTSC also recognizes that there is inherent risk that exists on any roadway. As an example, trucks carrying gasoline to the various gas stations in Bay Point have the potential to be an equal or greater risk than the GCW waste trucks should they be involved in an accident and/or a spill were to occur. Given this inherent risk and the level of traffic that already exists on the roadways, DTSC came to the conclusion that the incremental risks associated with the limited number of trucks used to ship GCW hazardous waste is negligible.

COMMENT 4-3

My, only concern is, that they need to, there needs to be more honest, open communication. There is, for instance, in our community a thing called the CAP, which

is a committee of people that meet on, concerns about these plants. It is not an open committee, it is a committee that you are prohibited from joining unless they vote to allow you to join it. It is not an elected position, so it's not like the citizens of the community are the ones doing the voting. It's the people from the chemical plant and their committee members that decide who gets to sit and, and find out what's going on in the community. Those things generally -- I mean genuinely concern me, because to have anything that's a hazardous substance in our community, I would think if you were a truly good community business you would be concerned about having the community be aware of what is in your community and how they can interact with the community. Thank you.

RESPONSE 4-3

Please be advised that DTSC is not a community business. It is presumed that this comment was directed towards GCW which does operate as business entity in the City of Bay Point. However, in regards to open and honest communication as it pertains to DTSC, we believe that DTSC has carried out the draft permit review process in an open and transparent manner. We point to the notices of the original comment period and extensions, the willingness to accept the request to conduct a public hearing, the question and answer period held prior to the public hearing, and this Response to Comments document itself.

COMMENTS 5 - Vicki Zumwalt (comments received at the public hearing)

COMMENT 5-1

Good evening. My name is Vicki Zumwalt, and I'll spell the last name, it's Z-as in zebra-u-m-as in Mary-w-a-l-t-as in Tom. And I'm the new incoming 2006 chair for the Bay Point Municipal Advisory Council. I want to just concur with my colleagues' comments before me. I don't necessarily want to re-state the same things they've already said, because I agree with everything from Ray O'Brien right through to Steve Hoagland and Judy Dawson.

RESPONSE 5-1

Comment noted.

COMMENT 5-2

But I do want to just mention that in 1907, General Chemical came here to do their work, and I've lived in this community since 1953, and in 1953 there were probably 5,000 people in the town of Bay Point. My folks bought their home when it was brand-new, and there was nothing but fields around it. And so I remember those days when

there was hardly anything between us and General Chemical. Now we're looking at 52-plus years later, and there are 25,000 people in the city, or the town of Bay Point. This is a significant increase from when they first became, you know, a neighbor in Bay Point. As the town has grown our streets have not had improvements. As Ms. Dawson said, the, the road going in and out of Bay Point is just a two lane road. They closed off the access through the Concord Naval Weapons Station, so there is no other access going out through towards Concord, except through a housing development. And that, again, is a two lane, small windy road up the hill. So my concern is disaster planning, and what they've done for disaster planning. I have not had an opportunity to read their disaster plan so I'm not familiar with it. I'd like that opportunity to do that, and I will follow up to see what that looks like.

RESPONSE 5-2

Comment noted. GCW is responsible for having emergency response plans in the event of a disaster for their entire on-site activities. Also, GCW has prepared an emergency response plan as part of their hazardous waste storage permit renewal application. A copy of this document is available in the two local libraries.

DTSC understands that new roads and road improvements are a concern for the community of Bay Point. However, DTSC does not have authority to address this matter.

COMMENT 5-3

I want to just alert you that although we, we have 25,000 people now, we are slated to have a brand-new housing development directly across the street from General Chemical. It's a DeNova Homes project, they're based out of Walnut Creek. And the whole Driftwood Drive street will be filled with homes. That's almost directly across from General Chemical.

RESPONSE 5-3

With respect to how DTSC evaluated these concerns for this permit application, please see Specific Response 1-12.

DTSC understands that the town of Bay Point is growing, but neither DTSC nor GCW has authority to dictate where Bay Point decides to build residences. If indeed homes are slated for the area described in the comment, it is assumed that appropriate investigations and regulations including CEQA were followed for the proposed development. It must therefore be assumed that the proximity to GCW and the level of service of the roads was not considered a problem for the developer or the city. The City of Bay Point Planning Department needs to be prudent before making such a

decision to re-zone the industrial area adjacent to a chemical manufacturing plant like GCW and other neighboring industries to a residential land use. The Planning Department needs to take the location of these manufacturing facilities into account before it approves a decision to allow residential development. We encourage community members to express their concerns to the City of Bay Point Planning Department when such a measure comes before the public for review.

COMMENT 5-4

We have children walking to school on the same route that trucks would take their hazardous waste in and out of General Chemical, and that's on Port Chicago Highway, so I, I urge you to look at that.

RESPONSE 5-4

In recognition of this comment, DTSC is adding a condition to the permit that will prohibit shipments of hazardous wastes through the City of Bay Point during the hours that school children are being dropped off or picked up from school. This special condition is being imposed by DTSC in the event that the haulers of hazardous waste, which are contracted by GCW, do not adhere to the preferred route that GSW has directed them to take. Also, please see the response to General Comment No. 1.

COMMENT 5-5

I feel like if General Chemical wanted to have been a good neighbor to Bay Point they would've communicated widely about this permit request and not had us find out through the information leaflet that was sent by you. And I appreciate the leaflet coming from you all, and you being forthcoming with the materials and helping us out to understand what the permit was about.

RESPONSE 5-5

Comment noted.

COMMENT 5-6

I don't want to see prolonged storage in those tanks. I'd like to see the waste go as quickly as it came. I don't really want to see waste at all in Bay Point. As I said, we've grown as a community, and circumstances have changed, and I think that needs to be looked at.

RESPONSE 5-6

Please see the response to General Comment No. 3.

COMMENT 5-7

I think the CEQA survey is a flawed survey. I think it would be nice to re-look at that survey again, as outlined by Mr. O'Brien. And if all else fails and you determine to approve this, I would ask you to not approve the prolonged storage and to also ask for the hours to be limited in transportation of the chemical out of the area. Thank you for your attention to this.

RESPONSE 5-7

Regarding the duration of storage of hazardous wastes authorized by this permit, please see the response to General Comment No. 2. Regarding transportation through the City of Bay Point please see the response to General Comment No. 1.

COMMENTER 5 (Comments 5-8 through 5-10 were received from Ms. Zumwalt by letter dated October 29, 2005). Comment 5-11 was received from Ms. Zumwalt by another letter dated December 22, 2005

COMMENT 5-8

Please find attached my letter requesting further investigation and public comment on the request for General Chemical West to have a permit to operate a Hazardous Waste Storage Facility. I would appreciate a response to this letter. Thank you.

I received the notice of 45 day public comment on the request to renew the current hazardous waste storage permit for General Chemical West, located at 501 Nichols Road in Bay Point, CA and want to comment on this. Let me first say I would like to see this permit denied. As a member of Bay Point's Municipal Advisory Council I see we are developing more homes adjacent to this property and will soon be developing our water front which borders this property. When General Chemical first came to Bay Point there were many less residents, however our population has grown to nearly 30,000 people and continues to increase. The only transportation route for General Chemical to use in the moving of their toxic substance is Port Chicago Highway. This is the only route leading to the freeway and is the route used by our children to get to school and our residents to get to and from work.

RESPONSE 5-8

Please see the Response to General Comment No.1.

COMMENT 5-9

I take exception to the fact that General Chemical has been out of compliance in not having a valid hazardous storage permit since July 31, 2004 and still continues to operate as if they do. Can you tell me they have not been storing their hazardous waste as usual over the last 16 months despite having no permit? Have there been any fines given to this facility for lack of compliance? I also take exception to the violations which started in 2002 and escalated to over double the amount by 2003, which appears to be the last time that DTSC inspected this facility.

RESPONSE 5-9

Regarding GCW not having a valid permit since July 31, 2004, please see Response to General Comment No. 2.

Regarding the violations found during the 2002 and 2003 annual inspections, GCW corrected all of them and returned into compliance. DTSC is evaluating the assessment of penalties for these violations and has not made a final determination yet.

COMMENT 5-10

I find it unacceptable to believe the DTSC would allow a facility to operate as a hazardous storage facility with no improvements to the site and be in such close proximity to a large residential population. I am requesting two things, one that this permit request be denied based on my comments in this letter and two, at the very least a public hearing be held in the town of Bay Point at the Ambrose Community Center to hear the residents concerns regarding having a hazardous waste storage facility in such close proximity to their homes, schools and children. This is a dangerous combination which Bay Point does not support.

RESPONSE 5-10

Regarding the proximity of GCW to a large residential population, please see responses to comments 1-2 and 1-12.

In response to the request for public hearing, DTSC held a workshop/ meeting and a public hearing on December 15, 2005 at the Pittsburg Baptist Church located at 2586 Willow Pass Road, which is in the City of Bay Point.

Accordingly, DTSC does not concur with the request that the GCW hazardous storage permit renewal be denied.

COMMENT 5-11

Thank you for holding the public hearing on the Hazardous Waste facility permit request for General Chemical, in Bay Point this month. We appreciated your extending public comment through January 6, 2006. I want to also thank you for giving us information on the Hazardous Materials Ombudsman for Contra Costa County Health Services department. We have contacted Mr. Michael Kent, the ombudsman who has provided us with the "2003 County Audit Response, dated 9/03/04" which I am attaching in the email with this letter for your reference. Mr. Kent states the following:

"The audit that was recently completed by the Hazardous Materials Program is in the process of going through internal review."

The County's Industrial Safety ordinance contains the accident prevention requirements for General Chemical and specifies a process for public review and comment:

- 1) Once the audit is complete, the Hazardous Materials Program sends General Chemical a "preliminary determination" that describes any modifications or additions to their safety plan or program that are required.
- 2) General Chemical then has 90 days to respond to the "preliminary determination".
- 3) After receiving the written response from General Chemical, the Hazardous Materials Program will have a 45 day public comment period and make the "preliminary determination" on General Chemical's safety plan and General Chemical's response available for public review. During the 45 day comment period, the Hazardous Materials Program will hold a public meeting to receive comment.

After reading through this 75 page document it clearly indicates to me that General Chemical has a number of safety issues specifically called out in this audit that are due for completion. I urge you to review the 75 page document and to consider the safety issues documented prior to making a decision on the permit request from General Chemical. I believe their track record is not conducive to allowing a permit to store hazardous waste, let alone for even longer periods of time. I specifically would draw your attention to the following items in this document although all items are relevant:

Number	Brief Item Description	Due Date
5	People	8/26/05
6	Wildlife	8/26/05
8	MSDS' s	8/26/05
17	Terrorists and Seismic Issues	6/30/05
20	Tracking records not current	6/3005
21	Communication to employees	6/3005
22	Clear operating procedures	6/3005
23	Process safety	8/26/05
24	Emergency Shut down	8/26/05
25	Emergency Shut down	8/26/05
29	Yearly certification	6/3005
31	Refresher training	8/26/05
34	Inspection testing backlog	8/26/05
41	Open items not corrected	6/3005
42	Outside evaluation-not internal	8/26/05
43	11 incidents in last 2 years	6/3005
44	7 incidents –poor documentation	6/3005
47	Contractor Safety	6/3005
48	Contractor Safety	6/3005
49	Contractor Safety	6/3005
50	Contractor Safety	6/3005
52	Contractor Safety	6/3005
54	Proper 1 st aide-Em. Response	6/3005
55	Em. Response Equipment	6/3005
59	Measurement of Safety program	8/26/05
62	Emergency Training	6/3005
64	Emergency Training	6/3005
65	Review and sign off procedures	6/3005
72	Human Systems	6/3005
74	Employee Training	6/3005
75	Review and Approvals	6/3005
76	Sign off of Em. Procedures	8/26/05
85	Employee Participation	6/3005
86	Employee Participation	6/3005
99	Incomplete permits	6/3005
114	Fire Protection	6/3005

As a resident of Bay Point I have grave concerns about General Chemical's safety record and audit results. Based on information presented including studies and information presented by General Chemical that were not accurate or representative of our community, and including the attached report from Contra Costa County's Health Services department, I urge you not to renew this permit. Thank you for your consideration regarding this request.

RESPONSE 5-11

DTSC's review of the audit items, by the Contra Costa County Department of Environmental Health, found them to be associated with the process and production procedures used at the General Chemical facility. Even the audit item numbers called out in the comment did not pertain to the hazardous waste storage tanks. To ensure a waste related item in this audit was not missed, DTSC spoke with Mr. Michael Kent of the Contra Costa County Department of Environmental Health on January 26, 2006. DTSC asked him to direct us to any specific items in the audit dealing with the hazardous waste storage facility. Mr. Kent indicated that he did not believe any of the items in the audit list were related to the waste storage tanks.

DTSC recognizes the community concerns regarding the GCW facility as a whole. However, it must be remembered that DTSC's jurisdiction at General Chemical is limited to the hazardous waste storage tanks and associated sumps. DTSC's review of GCW hazardous waste permit renewal application revealed that it does meet regulatory standards. Violations of the existing permit have occurred in the past, but they have been largely administrative in nature and DTSC does not believe they rise to a level commensurate with denying this new permit request. The storage tanks being considered under the permit are certified by an independent registered professional engineer in regards to their design and integrity. This includes a certification of stability during seismic events. These tanks are certified by the manufacturer to have a 15-year service life for the wastewaters stored by General Chemical. General Chemical plans to replace these tanks in the year 2010 which is 15 years from their initial installation date in 1995. The secondary containment system had its integrity certified by a licensed professional engineer in the State of California as part of the permit renewal process. The secondary containment integrity would be re-certified again during the next permit renewal review. All these procedures minimize any potential spills or leaks from affecting human health or the environment.

COMMENTS 6 Bay Point Municipal Advisory Council (comments received via letter dated November 9, 2005).

Members include: Vicki Zumwalt, Chair
Attila Gabor, Vice-Chair
Norma Siegfried, Treasurer

Judy Dawson, Secretary
Steve Hoagland, Member
Gloria Magleby, Member
Michael Sarabia, Member

COMMENT 6-1

At their November 1, 2005 meeting, the Bay Point Municipal Advisory Council (from hereon referred to as MAC) – the elected representatives of the Town of Bay Point – unanimously voted to send a letter asking the Department of Toxic Substances Control to request the General Chemical West LLC located at 501 Nichols Road in Bay Point, CA (from hereon referred to as General Chemical), with the Department of Toxic Substances Control (from hereon referred to as DTSC) to hold a public hearing to discuss the potential risks of continuing to have General Chemical operate their hazardous waste storage facility in the community of Bay Point. This public hearing should take place within the jurisdiction of Bay Point.

RESPONSE 6-1

During that initial public comment period from September 15, 2005 through November 14, 2005 DTSC's public participation specialist was in communication with members of the Bay Point Municipal Advisory Council. These members requested that a public hearing be held. DTSC extended the public comment period until December 22, 2005 and agreed to hold the public hearing. A public hearing was held on December 15, 2006 at 7 PM in Bay Point at the Pittsburg Baptist Church which is located in the City of Bay Point. In addition to the public hearing, DTSC held a workshop/meeting prior to the public hearing from 6 PM to 7 PM. Questions from the public were answered at that workshop/meeting.

COMMENT 6-2

NOT to issue any permit(s) to General Chemical before holding a public hearing with the Bay Point community within the jurisdiction of the Town of Bay Point.

RESPONSE 6-2

DTSC did hold a public hearing prior to issuing a permit renewal to GCW. Please see Response to Comment 6-1 which clarifies that the workshop/meeting and public hearing held on December 15, 2006 was in the City of Bay Point at the Pittsburg Baptist Church.

COMMENT 6-3

NOT to renew the permit(s) requested by General Chemical until the concerns of the Bay Point MAC and the Bay Point community is met and/or addressed.

RESPONSE 6-3

Through the process of the public comment period from September 15, 2005 to January 6, 2006, the public meeting/hearing on December 14, 2005 and the responses provided in this Response to Comments document, DTSC believes that it has adequately addressed the concerns of the Bay Point MAC and the Bay Point Community.

COMMENT 6-4

The concerns of the Bay Point community and the Bay Point MAC, as established at the MAC's November 1, 2005 meeting are the following:

The General Chemical operates its hazardous waste storage facility without a license permit for over a year. We understand that it does take time to get the license renewed however, with simple planning the deadline could have been anticipated and the license could have been reviewed in a timely fashion. The members of the MAC view this disregard of basic official guidelines and regulations as a sign of serious neglect toward the safety and the welfare of our community.

RESPONSE 6-4

Please see Response to General Comment No. 2.

COMMENT 6-5

During the past years, the General Chemical was found repeatedly in violation of compliance with state laws and regulations.

RESPONSE 6-5

In four separate inspections between 1998 and 2003, GCW was found to have a total of 11 violations associated with the hazardous waste storage permit. These violations were administrative in nature and did not pertain to any mechanical malfunctions, leaks, or spills from the storage system.

COMMENT 6-6

Frequency of violations has increased. While in April of 2002, the DTSC found three (3) violations at the General Chemical's Bay Point site, the following year, in September of 2003, the company was found of a total of seven (7) violations. This leads the MAC to believe that the company is progressively neglective.

RESPONSE 6-6

As stated in the Response to Comment 6-5, the violations recorded were administrative in nature. DTSC also took into consideration that the facility was undergoing a major reorganization within its business structure during 2003/2004 and emerged as a wholly owned subsidiary of the General Chemical Corporation. It is not unreasonable to assume that these changes may have had a role in the increased number of administrative violations during this time frame. For this reason, DTSC does not believe the increased number of violations in 2003 shows a progressively negligent attitude and GCW has worked to correct deficiencies.

COMMENT 6-7

The General Chemical West did not submit a proposal for structural changes to its facility, which is already outdated, and in some cases obsolete. This is a cause of additional concern for the MAC and the community.

RESPONSE 6-7

Please see Response to Comment 6-10. DTSC only has the authority to regulate the hazardous waste storage system. While we recognize the community concerns regarding the GCW facility as a whole, our review of the waste storage system and its operation at the GCW facility revealed that it does meet all appropriate regulations.

COMMENT 6-8

The current response time to any chemical emergency is inadequate. During 2004 a fire at the General Chemical's Bay Point plant, the fire department of the Contra Costa County responded in a timely fashion. However, because the cause of the fire was not clear, they were not able to enter the facility until the local HAZMAT unit showed up more than an hour later. The community was not notified of the fire, the emergency calls did not go out only after the fire was over.

RESPONSE 6-8

DTSC discussed this incident with GCW and learned the following:

- GCW alerted the County Hazardous Materials (HAZMAT) Division and Contra Costa County Fire Department (CCCFD) within 12 minutes of the discovery of the fire, after internal efforts failed to extinguish it. The fire department was able to enter the facility immediately upon arrival, but chose not to fight the fire and instead elected to try and let the fire burn itself out. The HAZMAT team was called by the CCCFD and extinguished the fire approximately one hour after arriving and assessing the situation (the exact time HAZMAT arrived is not known, but they started to put the fire out approx 4 hours after the fire started). At no time was the fire department or HAZMAT team denied entrance to the facility. The CCCFD operated as the incident command and GCW was not involved in the decision to call in the HAZMAT team.
- With respect to community notification, DTSC has learned that the county activates the Telephone Emergency Notification System (TENS) through the Community Warning System (CWS). TENS is the calling service that alerts individual homes. CWS is also responsible for activating the community alert horn. GCW is not in control of either of these systems. GCW is responsible for notifying the county of the incident (which they did in this case) and the County chooses which alert system should be used and when and how they should be used.

The concerns raised in the comment are actually county related as the county acted as the decision maker during the incident and they were contacted by GCW 12 minutes after the fire was discovered.

COMMENT 6-9

The General Chemical ignored even the most basic request from the community, such as to plant trees around its facility, which is highly visible from thousands of houses and housing units in Bay Point and is an eyesore.

RESPONSE 6-9

Comment noted. However, please note that DTSC does not have authority to order such actions as the planting of trees around its facility. DTSC would suggest that forums such as the Bay Point MAC be used to express community concerns on this issue.

COMMENT 6-10

Our Community has grown in size to about 27,000 people and homes continue to be built in Bay Point. A new development is slated right across the street from their property, which should be finished by the end of 2006. Our final concern is the there is only one road available to truck the hazardous waste off site to a disposal facility and that road, Port Chicago Highway, is used by our residents as well as school age children going to and from school. In some cases trucks also use Driftwood Road not designed for truck traffic.

RESPONSE 6-10

Regarding the proximity of GCW to residential homes, please see the Responses 1-2 and 1-12. Regarding transportation through the City of Bay Point, please see Response to General Comment No.1.

COMMENT 6-11

The general Chemical was not in communication with the Bay Point MAC about their intention to renew their permit, which our members would have seen as the first step to reach out to the community. We, the members of the Bay Point Municipal Advisory Council on behalf of our community are asking Mr. Dean Wright, Project Manager of the Department of Toxic Substances Control to consider the matter at hand.

RESPONSE 6-11

It is understood that this comment was directed towards General Chemical Company. However, in regards to open and honest communication as it pertains to DTSC, we believe that DTSC has carried out the draft permit review process in an open and transparent manner. We point to the notices of the original comment period and extensions, the willingness to accept the request to conduct a public hearing, the question and answer period held prior to the public hearing, and this Response to Comments document itself.

COMMENTS 6 (continued – the following comments were received via letter dated January 4, 2006)

COMMENT 6-12

At their November 1, 2005 meeting, the Bay Point Municipal Advisory Council (from hereon referred to as MAC) – the elected representatives of the Town of Bay Point – unanimously voted to send a letter asking the Department of Toxic Substances Control to request the General Chemical West LLC located at 501 Nichols Road in Bay Point,

CA (from hereon referred to as General Chemical), with the Department of Toxic Substances Control (from hereon referred to as DTSC) to hold a public hearing to discuss the potential risks of continuing to have General Chemical operate their hazardous waste storage facility in the community of Bay Point. This public hearing should take place within the jurisdiction of Bay Point.

RESPONSE 6-13

As stated in Response to Comment 6-1, DTSC did hold a workshop/meeting and public hearing on December 15, 2005 in the City of Bay Point at the Pittsburg Baptist Church.

COMMENT 6-14

NOT to issue any permit(s) to General Chemical before holding a public hearing with the Bay Point community within the jurisdiction of the Town of Bay Point.

RESPONSE 6-14

Please see Response to Comments 6-1 and 6-14 which address this same issue of holding a public hearing.

COMMENT 6-15

NOT to renew the permit(s) requested by General Chemical until the concerns of the Bay Point MAC and the Bay Point community is met and/or addressed.

At their January 2, 2006 meeting the Bay Point MAC once again addressed the topic. After hearing from the public, from Michael Kent, of the Contra Costa County Health Services, Hazardous Materials Ombudsman, and from the MAC members, the MAC voted to request the Department of Toxic Substances Control:

1. NOT to issue any new permit(s) to General Chemical (extending the storage of toxic substances from 90 days to up to 1 year).
2. NOT to renew the permit(s) requested by General Chemical

We, the members of the Bay Point Municipal Advisory Council on behalf of our community are asking Mr. Dean Wright, Project Manager of the Department of Toxic Substances Control to consider the matter at hand.

RESPONSE 6-15

Comment noted.

COMMENTS 7 Gloria Magleby (comments received via letter dated November 9, 2005)

COMMENT 7-1

I am a member of the Board of Directors of the Bay Point Municipal Advisory Council. This letter is to endorse the actions taken by the Council at their meeting of Nov. 1, 2005, asking for a letter to be sent to your office requesting you not to issue a permit at this time to operate a hazardous waste storage facility at the General Chemical West, LLC Facility, located at 501 Nichols Road, Bay Point, CA 94565.

We are requesting a public hearing to discuss past performance of this storage, and to ascertain for the general public in Bay Point, the potential risks to the continuing storage of hazardous waste at General Chemical.

Our community is closest to the storage point. Please give us the opportunity to discuss this contemplated license, and all the risks involved. Our request boils down to more communication regarding this matter.

Thank you for your consideration to the MAC Board and our residents.

RESPONSE 7-1

Comment noted. Please see Response to Comment 6-1.

COMMENTS 8 Federal D. Glover (comment received via letter dated November 11, 2005)

COMMENT 8-1

As a member of the Contra Costa County Board of Supervisors representing East Contra Costa County including the unincorporated area of Bay Point, California, it has come to my attention that the members of the Bay Point Municipal Advisory Council would like some additional information on the proposed permit renewal for the General Chemical West Facility located in Bay Point, California. Therefore, by way of this letter I am requesting that you consider allowing some additional information sharing possibly including a presentation at the next meeting of the Bay Point MAC scheduled for Tuesday, December 6, 2005. I thank you for your consideration of this request and I look forward to your further assistance in this matter. If I can be of further assistance, please feel free to contact my office at (925) 427-8138.

RESPONSE 8-1

We would like to clarify for readers of this Response to Comments document that Supervisor Glover's letter to DTSC was dated November 11, 2005. Subsequent to that letter DTSC did hold a public meeting and public hearing on December 15, 2005. During the public meeting DTSC made presentations on the permit renewal process and on the technical details of GCW's permit application. DTSC hopes that upon reading this Response to Comments document Supervisor Glover will see how DTSC has been very forthcoming in sharing information with the community. In addition, please see Response to Comment 6-1.

COMMENTER 9 Kathy Randolph (comments received via e-mail dated October 11, 2005)

COMMENT 9-1

I am writing to you, because I am greatly concerned about General Chemical West being granted a permit to continue to store hazardous waste. I live in the California Tradewinds development and I do not trust them to manage hazardous waste in a facility that has not been upgraded. I also feel that it is located too close to schools and residences and should be shut down, if it were up to me. All I can do is suggest to you to deny this permit. I would like to feel that families and their health come first.

RESPONSE 9-1

The commenter is referred to Responses to Comments 2-3 and 5-1 in regards to the integrity of the hazardous waste storage tanks. Regarding the proximity of GCW to schools and residences see Responses to Comments 1-2 and 1-12 .

COMMENTER 10 Mary-Jane Walker (comments received via e-mail dated October 29, 2005)

COMMENT 10-1

I received the notice of 45 Day public comment on the request to renew the current hazardous waste storage permit for General Chemical West, located at 501 Nichols Road in Bay Point, CA and want to comment on this.

As a long standing resident of this community I take exception to the granting of the permit by General West to operate as a Hazardous Storage Facility. From 1998 to 2003 it doubled the number of violations and is currently operating without benefit of a permit. This is unacceptable from a company that lives in such close proximity of large residential areas. The town of Bay Point continues to grow its population and expand business. When General Chemical first moved to the town of Bay Point we were very

small. We now have 25,000 to 30,000 residents and continue to expand our housing stock. I believe that there is a potential that General Chemical West will significantly increase Bay Point's health and environmental risk...I am requesting a full inquiry into this along with a public hearing on this matter, to be held in the community of Bay Point at the Ambrose Community Center of Willow Pass Road.

RESPONSE 10-1

Regarding the violations at GCW please see Response to Comment 5-11. Regarding the proximity of GCW to residences please see Responses to Comments 1-2 and 1-12.

COMMENTER 11 Margie Cash (comments received via e-mail dated November 2, 2005)

COMMENT 11-1

I am a neighbor living the California Skyline community located off Driftwood Drive. There is frequently an early morning odor that may be generated from the General Chemical site. I have had cancer in the last year, and my cat has recently been diagnosed with malignant cancer. I would personally like to see the permit for storing hazardous waste at this site and the permit to operate this plant discontinued. Thank you.

RESPONSE 11-1

It is not likely that the odor experienced by the commenter was coming from the hazardous waste storage tanks. The hazardous wastes waters which these tanks hold have a very low vapor pressure and are not volatile (i.e., there is very little "gas" or odor associated with the tanks). The main hazard associated with the waste is as a dermal contact irritant due to the acidity of the waste. DTSC recommends that the commenter contact the Bay Area Air Quality Management District regarding any concerns regarding odors associated with the GCW facility,

COMMENTER 12 Ofelia Ontiveros (comments received via e-mail dated November 7, 2005)

COMMENT 12-1

As a resident of Bay Point, I have received your letter informing me about the Renewal Permit that General Chemical West, LLC Facility has applied for. I would like to comment my opinion. I feel since we are dealing with hazardous waste which is detrimental to the health of the residents of Bay Point, I am against the renewing of their permit. Let's take this opportunity to put a stop to storing hazardous waste in Bay Point.

Although the DTSC has stated that there is no significant impact to the environment, and thus, they prepared a Negative Declaration to fulfill the CEQA requirements, I still believe that there may be some impact, even if minor. So as a concerned resident, I am against this. It is better to be extremely on the safe side than to be sorry later on and perhaps be facing a liability issue. Thank you for considering my opinion on this matter.

RESPONSE 12-1

DTSC does not believe the GCW storage permit simply should be denied because the waste is hazardous. One of DTSC's primary functions is to issue permits for the storage, treatment, and disposal of hazardous waste to ensure all appropriate regulations are being followed. DTSC has reviewed the GCW permit application for the storage of these hazardous acidic wastewaters. DTSC has determined that the continued storage of these wastes is being done in a manner that is protective of human health and the environment. Accordingly, DTSC does not concur with the request to not renew this permit.

COMMENTER 13 Judy Dawson (comments received via e-mail dated November 9, 2005)

COMMENT 13-1

I received the notice of 45 day public comment on the request to renew the current hazardous waste storage permit for General Chemical West, located at 501 Nichols Road in Bay Point, CA and want to comment on this.

I believe a public hearing needs to be set up to discuss the potential risks of continuing to have General Chemical West operate their hazardous waste storage facility in the community of Bay Point. Our community has grown in size to about 27,000 people and homes continue to be built in about the only available housing land in the county of Contra Costa. In fact a new housing development is slated right across the street from their property. It is also far too close to 3 schools for our children. Most of our vacant land is being approved for development on a monthly basis. Also the County is almost finished and is anticipating the EIR report to be finished in February 2005 for the development of our waterfront. This is to be a showcase of beauty. The only road that is allowed to be used by the General Chemical trucks crosses the intersection to the Harbor.

General Chemical has been without a license permit for over a year and has had numerous violations. There are no plans to upgrade the facility indicated by your letter which is of serious concern to me. Of further concern is the fact there is only one road available to truck their hazardous waste off site to a disposal facility and that road, Port Chicago Highway, is used by our residents as well as school age children going to and

from school. As an elected member of the MAC it is my responsibility to request that you deny this permit to General Chemical and hold hearings in this community so our residents can be a part of this important decision. If everything is great then so be it. If not then changes need to be made and we need to be a part of this.

I am requesting your cooperation in holding a public hearing on this matter prior to any permit being authorized to General Chemical West. Your help and consideration in this matter is much appreciated. Our community is owed this and as an important facility best practices must be adhered to by everyone.

RESPONSE 13-1

Please see Responses to Comments 6-3, 6-9 and 7-1.

COMMENTS 14 Lucy Salangsang (comments received via e-mail)

COMMENT 14-1

As a resident of Bay Point, I am NOT in favor of the General Chemical West, LLC Facility Draft Hazardous Waste Facility Permit.

RESPONSE 14-1

Comment noted.

COMMENTS 15 Michael E. Kerr (comments received via e-mail)

COMMENT 15-1

I have a basic concern about General Chemical storing waste materials generated from producing materials for the semi-conductor industry. I lived in the South Bay and worked for National Semiconductor in the 80's. Many of these companies were guilty of contaminating the ground water over vast areas. Is this being allowed to happen in Bay Point?

RESPONSE 15-1

General Chemical is undergoing corrective action to address contamination at the facility due to historic work practices (the facility has been in operation since 1905). However, there is no evidence of that any of these leaks or spills were associated with the hazardous waste storage facility. The hazardous waste storage permit review process has indicated that the storage system does meet all appropriate safety

regulations to ensure that future spills or leaks do not occur that could impact surrounding environmental media.

COMMENTS 16 Ms. Attila J. Gabor, Mr. Knud and Luree Heese, Mr. Michael Dudley, Mr. Milton and Mr. Gale Andaluz (comments received via letters dated December 30, 2005 and December 31, 2005)

COMMENT 16-1

I (We) have serious concerns about the renewal of the General Chemical-Bay Point Hazardous Waste Storage permit. We moved to Bay Point almost a decade ago. Since that time Bay Point has changed a lot. It became a more densely populated suburb, with population around 25,000 to 27,000 residents, with further residential development being planned immediately across the street from the plant. On the street next to ours alone, there were an additional 13 units built just last year, located about 600 yards from the General Chemical Plants. From your brochure we found out that General Chemical has had DTSC violations and has been operating without a permit from your agency is of serious concern to those of us who are residents of Bay Point. General Chemical did not even inform us (the Bay Point Municipal Advisory Council, or the Bay Point CAP) about their plan to request a new permit extending the current 90 day period to store chemicals to a year. General Chemical did not even entertain our simple request to plant some native trees (which do not need watering or require any additional expense for General Chemical) around their facilities so their toxic waste facility would not be visible for miles. As a concerned resident and elected official I would like to ask you not to extend the General Chemical's permit to store these chemicals for up to a year. Thank you very much in advance.

RESPONSE 16-1

Please see the Responses to the General Comment No.s 1, 2, and 3. Also see Responses to Comments 1-12, 4-2, and 6-9.