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Frequently Asked Questions

DTSC Approves the Expansion of the Landfill at the Kettleman Hills Facility

Q: Chemical Waste Management (CWM) applied for a Class 3 Permit Modification so that it can expand its hazardous waste landfill in Kettleman Hills. What is the Department of Toxic Substances Control's (DTSC) response?

A: Based on the most comprehensive review of a permit application in California history, DTSC has approved this Permit Modification that will allow Chemical Waste Management to expand the facility. This permit modification includes the most extensive set of conditions and requirements ever issued by the Department.

For more information on this permit decision please click here:

http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm

Q: How much can the landfill expand and why is it necessary?

A: CWM can increase capacity by up to 4.9 million cubic yards to a total of 15.6 million cubic yards. The landfill is nearing capacity.

Q: Can anyone appeal this decision to expand the Kettleman Hills landfill?

A: If you filed comments on the draft Permit Modification or you participated in the September 18, 2013 public hearing, you may petition to review any condition of this decision. If you did not file comments or participate in the public hearing, you may still file a petition to appeal however; your petition is restricted to changes from the draft Permit Modification to the final Permit Modification.

Q: What is the deadline to file an Appeal?

A: The appeal period will end on June 23, 2014. Your request must be postmarked or e-mailed no later than June 23, 2014.

Q: Is there a fee to file an Appeal?

A: There is no fee.

Q: What should be in an Appeal?

A: Petitions or appeals must include a statement of the reasons supporting the requested review, including a demonstration that any issues being raised were raised during the public comment period, or address a change from the draft to the final permit decision. Requests should also, as appropriate, show that the permit condition in question is based on: (1) a finding of fact or conclusion of law which is clearly erroneous; or (2) an exercise of discretion or an important policy consideration which DTSC should, in its discretion, review.

You must submit a petition to DTSC requesting a review of the permit decision by June 23, 2014. The appeal period will end on June, 23, 2014. Petitions must be postmarked or e-mailed no later than June 23, 2014.

Q: Where should you send your Appeal?

A: Please mail or e-mail to:

**Department of Toxic Substances Control
Permit Appeals Officer
700 Heinz Avenue
Berkeley, CA 94710
Appeals@dtsc.ca.gov**

Q: What kind of waste does CWM accept at Kettleman Hills?

A: CWM is permitted to dispose of or treat and store hazardous waste from all over California. The facility accepts almost all solid, semi-solid, and liquid hazardous waste. It is not permitted to accept biological agents or infectious wastes, regulated radioactive materials, or compressed gases and explosives.

Q: Does this permit modification change the type of waste CWM can accept?

A: No, it does not.

Q: Does the permit modification address health and safety concerns raised by the community?

A: Yes, this Permit Modification contains the most comprehensive set of conditions and requirements that DTSC has ever issued. It requires:

- Reducing diesel truck air emissions by prohibiting the use of trucks older than 2007. Trucks older than 2010 will be prohibited beginning in 2018;
- Constructing an improved containment system to control spills. The new system will be built at the sample rack, where incoming hazardous waste loads are dropped off;
- Annual surveying of the landfill to determine how much capacity remains. DTSC will also track how much capacity is filled through monthly CWM generated reports;
- Increasing air sampling that allows for the detection of very low concentrations of PCBs. Samples will now be taken for 28 consecutive days once each quarter instead of during a 24-hour period every 12 days;
- Enhancing air monitoring by building a fourth ambient monitoring station to provide early indication of contaminant migration when winds are blowing from the facility toward Kettleman City;
- Increasing the sampling and analysis of leachate at the landfill is another permit condition. Leachate is the liquid that accumulates at the bottom of a landfill and is considered hazardous waste. Sampling will be done quarterly for one year and annually after that to determine how best and most safely to treat that waste;
- Explaining the environmental monitoring results by having CWM hold an annual meeting in Kettleman City.

Q: Does the permit modification include any other protections for the community?

A: For the first time in California, a hazardous waste permit requires that only low-emission trucks be allowed to dispose of hazardous waste at a landfill. Under this condition, trucks using the facility must meet 2007 model year emissions standards, when more restrictive air emission standards went into effect in California. In 2018, we

will lower the age of those trucks, allowing only those meeting 2010 model year emissions standards. This will result in a significant drop in diesel emissions from trucks associated with the facility.

Q: Will DTSC change its oversight of the facility?

A: DTSC has increased both the number of inspections at the facility and collaboration with USEPA inspectors.

Q: What input did the community have on the decision?

A: DTSC invited the community and other interested stakeholders to comment on the proposed expansion over a 115 day period stretching from July 2, 2013 to October 25, 2013. Besides the legally required Public Hearing (held in Kettleman City on September 18, 2013), DTSC also held two public workshops also in Kettleman City on July 31 and August 1, 2013.

Over 100 people attended the Public Hearing on September 18, 2013 and over 50 people attended the public workshops. At these events, professional interpreters provided translation services for monolingual English or Spanish speakers.

DTSC took additional extraordinary steps to involve the Kettleman community in the decision. Executives and managers from DTSC, including the Director, met approximately 20 times with community members in the Central Valley and in Sacramento; since 2009, DTSC has participated in 10 public workshops in Kettleman City on health and water issues, and on the status of the permit modification and enforcement issues.

Q: Did DTSC make any efforts to reach community members outside of meetings?

A: DTSC has mailed six community notices in Spanish and English to the Kettleman City community since 2009.

In 2012, DTSC conducted an extensive community outreach effort. The Department distributed 664 community surveys to Kettleman City residents and businesses to gauge concerns regarding the CWM facility. In addition, eight DTSC staff went door-to-door in the community, interviewing residents, and community leaders in both Spanish and English.

Q: What did the community tell DTSC during the outreach?

A: While the majority of community members were interested in the CWM facility, they were less concerned about the impact of the landfill than they were with other issues. The largest concern for residents continues to be drinking water quality. Other issues of more concern than the landfill include; air quality, access to services and health care, education, and pesticide drift.

Q: Will DTSC maintain this higher level of community outreach after the permit decision has been made?

A: Yes. And as a result of what the community shared with DTSC staff during the outreach, the department has enhanced its public participation. In addition to our existing outreach efforts, we now post community notices at frequently visited places in the community such as the post office, community center, local markets and schools (when in session). Additionally we reach out to community members and stakeholders through social media and text messages. We also work with Kettleman City community members to provide project briefings as requested.

Q: CWM applied for the permit modification in December 2008. Why did it take DTSC so long to respond?

A: This was the most comprehensive permit review DTSC has ever done. We took the time needed to listen and respond to community concerns, and to review the complete enforcement record to develop enhancements to the permit requirements that raise the level of protection. We looked into health issues and worked closely with other agencies including the California Department of Public Health, the Office of Environmental Health Hazard Assessment, US EPA, the California State Water Board, the Air Resources Board and local agencies to ensure they had the opportunity to look at data and give us their feedback. With their assistance, we analyzed data on air emissions, groundwater, pesticide use, drinking water quality, risk assessment, and community health issues.

Q: How did DTSC assess the community's health concerns?

A: DTSC's review took into account the findings of multiple health studies including the 2010 report "Cal EPA Kettleman City Community Exposure Assessment," the "California Department of Public Health Birth Defect Study," and results of a US EPA examination of the risks of exposure to polychlorinated biphenyls (PCBs), none of which pointed to significant health risk connected to the facility. DTSC also meets monthly with representatives of the California Department of Public Health to discuss any new issues and to address them.

Q: Was there a health risk assessment?

A: US EPA reviewed four separate health exposure or risk assessments for toxic air pollutants emitted from CWM – one from 1997 and three from 2007-11. Each concluded that the estimated risks and hazards from facility emissions were well below the nationally accepted levels of concern for the nearest residential locations. In addition, the facility submits annual screening level health risk assessments based on ambient air sampling. The assessments indicate similar results.

Q: Would biomonitoring be an effective tool to assess the Kettleman community's exposure to chemicals?

A: While biomonitoring is a useful tool, it cannot answer health questions raised by people in Kettleman City. Biomonitoring could not determine whether chemicals measured in the blood or urine of residents came from the Kettleman Hills facility because it cannot generally distinguish the sources of environmental chemicals. It cannot determine a cause for health issues that concern some community members such as birth defects and cancer.

Q: Did DTSC look at the cumulative impact its permit decision would have on the community?

A: Beyond the required California Environmental Quality Act review, DTSC took a holistic look at the community and the facility to understand the environmental and social impacts of our permit modification decision. The department used the databases of the California Communities Environmental Health Screening Tools (CalEnviroScreen), which identifies communities where there are multiple sources of pollution and where residents may be more vulnerable to the effects of pollution. DTSC's broad-ranging review also included the department's first Environmental Justice Review.

Q: What did DTSC's Environmental Justice Review of the facility conclude?

A: DTSC prepared an Environmental Justice Review to better understand the needs, concerns and vulnerabilities of the community. It showed that that the community near the Chemical Waste Management facility is impacted with more pollution burdens than most other cities in the state and that they may be more susceptible to pollution burdens. DTSC recognizes that this community needs more assistance from government and is working with local agencies and other state agencies to bring clean drinking water to Kettleman City. DTSC also is requiring the facility to reduce local air pollution impacts by limiting access to the facility to cleaner trucks.

Q: Did DTSC perform a California Environmental Quality Act (CEQA) review of the CWM's proposed expansion?

A: Kings County performed the original CEQA review to identify impacts the proposed expansion might have on various environmental indicators. That review determined that there were no significant impacts that could not be somehow mitigated, except for air quality, transportation and traffic issues, greenhouse gas emissions, and global climate change, which remained significant and unavoidable. When CWM later indicated it wanted to build its expansion in phases, DTSC prepared an addendum to the original CEQA review. That addendum did not find any impacts that would be different from those identified in the original CEQA review.

Q: Was CWM's compliance history taken into account in the permit modification decision?

A: Yes. DTSC carefully reviewed the facility's entire compliance history, dating back to 1983, with the greatest focus on compliance since DTSC's last permit decision in 2003. DTSC concluded that none of the violations threatened public health or the environment. That review includes a \$311,000 settlement in March of 2013 for CWM's failure to report 72 small spills and other violations. CWM has corrected all violations, and its response to compliance issues indicates it is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions.

Q: Other than the increase in size of the landfill, what else does this decision on the permit modification allow?

A: The maximum waste elevation in the landfill increases from 965 feet to 1,018 feet above average sea level. The facility will add a second surface water run-off containment basin (so storm water can be collected); it will extend lining below the new area of the landfill to protect the groundwater.

Q: How does this decision approving the Permit Modification affect CWM's overall operational permit?

A: This permit modification does not affect the status of CWM's overall operational permit. That 10-year permit expired on June 16, 2013 and the facility has submitted a renewal application, which extends the current permit while the renewal is considered. Therefore, CWM can continue to operate past the expiration date while DTSC reviews the renewal application.

Q: What are the details of DTSC's plan to reduce landfill waste?

A: DTSC has set a very bold but attainable goal of reducing hazardous waste disposal in California by 2025.

Q: Isn't the waste reduction goal an attempt to divert attention from the unpopular expansion of the hazardous waste landfill in Kettleman Hills?

A: The waste reduction goal and the permit modification decision are closely related. During the past two years of discussion with stakeholders, including community members from Kettleman City, we've heard over and over again that no matter how safe we consider the landfills, they feel they bear the end result of California's hazardous waste system. They have asked for a more equitable system. Disposing hazardous waste in a landfill is not a sustainable practice. If nothing is done, the next generation and each generation after that will be right back here debating the merits of a landfill expansion. We are at a moment of time, when a great deal of attention will be focused on this issue, to commit ourselves to finding a better way to deal with our hazardous waste. We consider this a goal we're placing on ourselves at the state level.

Q: How much hazardous waste is there in California?

A: California generates about 1.7 million tons of hazardous waste each year on average, requiring a system that provides safe and effective methods for treating, transporting and disposing of the waste.

Q: How many hazardous waste landfills are in California?

A: California permits three hazardous waste landfills, but only two currently are accepting waste. Wastes are accepted at the Chemical Waste Management facility in Kettleman Hills and at a Clean Harbors facility in Buttonwillow near Bakersfield. A Clean Harbors landfill at Westmorland in Imperial County has not accepted hazardous waste since 2006.

Q: Is there enough room in those facilities for California's hazardous waste?

A: The capacity is not sufficient to sustain disposal for generations. Permitting hazardous waste facilities is not a long-term and sustainable way to protect the public and our environment.

Q: What other benefits are achieved from reducing the amount of hazardous waste sent to landfills?

A: Besides addressing the lack of long-term capacity, there are other problems with putting hazardous waste in landfills. Disposing of hazardous waste – both within California and in other states - creates greenhouse gases. Shipping the wastes out of state creates even more greenhouse gases. Reducing hazardous waste disposal will reduce greenhouse gases.

Q: Why solve the problem with such a large, broad-reaching initiative?

A: Setting a goal for reducing hazardous waste disposal creates incentives that can lead to innovations in science and technology and establishes an infrastructure for further reductions that ultimately protect future generations.

Q: How will DTSC begin to accomplish this goal?

A: The initiative will start with conversations, and DTSC is asking all stakeholders, including the public, public interest groups, local government and elected officials to join talks with us about how to lower generation of hazardous waste and reduce the amount of waste going into landfills.

Q: What kinds of hazardous waste does California put in landfills?

A: About 50 percent of the hazardous waste disposed in landfills each year is contaminated soil from cleanup sites.

Q: If contaminated soil makes up most of the hazardous waste disposed of in the state, does the waste reduction goal mean the state has to clean up fewer sites?

A: No, California will continue to clean up sites contaminated with hazardous soil.

Q: Has DTSC already identified ways to reduce the hazardous waste taken to landfills?

A: There are alternative ways to handle contaminated soil including increasingly innovative ways to treat the soil where it is (called in situ) instead of hauling it to a landfill. More wastes can be safely consolidated, capped and left in place; contaminated soil can be better characterized so that only hazardous material is being taken from a large cleanup site instead of a large volume of soil that is not contaminated.

Q: What about incentives to discourage generation of hazardous waste?

A: Restructuring the fees that hazardous waste generators pay would make a significant difference. Currently, generators pay incremental amounts based on how much they generate but only up to a certain point. Once they hit 2,000 tons per year, they pay a flat rate, no matter how much they generate. Paying more for generating more would create a disincentive to generate hazardous waste.

Q: What are the next steps on reducing hazardous waste disposal?

A: DTSC's announcement sets in motion a dialogue among industry, public interest groups, local governments, elected officials and the public. The department will conduct six workshops throughout the state beginning this fall.