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RESPONSE TO COMMENTS ON THE DRAFT CLASS 3 PERMIT MODIFICATION AND DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT RESPONSIBLE AGENCY CHECKLIST FOR CHEMICAL WASTE MANAGEMENT, INCORPORATED KETTLEMAN HILLS FACILITY

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INTRODUCTION

The Chemical Waste Management, Incorporated, Kettleman Hills Facility (Facility) is seeking to modify its hazardous waste treatment, storage and disposal permit by a Class 3 Permit Modification to revise the Landfill Unit B-19 Closure Plan. The revised Landfill Unit B-19 Closure Plan incorporates changes planned for the non-hazardous waste operations and revises the Part B Application of the Hazardous Waste Facility Permit. Specific sections that DTSC has changed in the Part B Application are Section 15.3(a)-(b) in Chapter 15.0 and Table 40-1 in Chapter 40.0.

The Facility operates as a permitted hazardous waste treatment, storage, and disposal facility on 499 acres of a 1,600 acre parcel. The Facility accepts virtually all solid, semisolid, and liquid hazardous waste. It excludes all biological agents or infectious wastes, radioactive materials, compressed gases, and explosives.

Landfill B-19 was permitted as an approximately 43-acre hazardous (Class I) landfill with approximately seven million cubic yards of total capacity. The Facility accepted Class I waste in Landfill B-19 from 1988 to 1992. In 1992, Landfill B-19 was placed into inactive status by the Facility and Landfill B-18 became the operating Class I waste management unit. A temporary cover was placed over the Class I waste in Landfill B-19. In 1997, the Facility converted the remaining unused portion of Landfill B-19 from a Class I waste management unit to a designated (Class II) and municipal solid (Class III) waste management unit, with a permit issued by the California Integrated Waste Management Board.

The California Environmental Quality Act (CEQA) requires state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority, prior to taking action on those projects. Additionally a public agency is required to prepare an Environmental Impact Report (EIR) if it determines that a proposed project has the potential to adversely affect the environment. A Draft Subsequent Environmental Impact Report (DSEIR), dated November 2004, and a Final Subsequent Environmental Impact Report (FSEIR), dated May 2005, were prepared in accordance with the requirements of Public Resources Code section 21000 et seq. and the CEQA Guidelines, section 15070 et seq. of title 14 of the California Code of Regulations.

The Department of Toxic Substances Control (DTSC) reviewed the DSEIR and FSEIR certified by the Kings County Planning Agency, and using its independent judgment finds that they are adequate for assessing the environmental impacts of this Class 3 Permit Modification. Approval of this Class 3 Permit Modification will not result in additional significant impacts to the environment. Mitigation measures identified in the documents are incorporated by reference, and as appropriate, will reduce impacts to less-than-significant levels.

DTSC received several comments on the Draft Class 3 Permit Modification and some comments on CEQA issues. A receipt of both the verbal and written comments, DTSC concluded a lengthy and exhaustive review of all the evidence in the record related to the permit and the proposed CEQA determination.

This document represents DTSC's responses to the public comments received during the 60-day Facility-held comment period and the 45-day DTSC-held comment period for the Draft Class 3 Permit Modification.

The Facility comment period began on December 11, 2006 and ended on February 9, 2007 with a public meeting on Thursday, January 4, 2007 at 6:00 PM at the Kettleman City Community Center at 75 Fifth Street. The Facility comment period and public meeting were announced in the Hanford Sentinel in English, and in mailed notices in English and Spanish, on December 11, 2006.

The DTSC comment period began on June 12, 2007 and ended on July 26, 2007 with a public meeting and hearing on Thursday, July 12, 2007 at 6:30 PM at the Kettleman City Elementary School Cafeteria at 701 General Petroleum Street. The DTSC comment period, public meeting, and public hearing were announced in the Hanford Sentinel in English, and in mailed fact sheets in English and Spanish, on June 12, 2007.

During the comment periods, project related documents were available at the DTSC Sacramento Regional Office, the Avenal Library, the Hanford Library, the Kettleman City Library, and the DTSC website.

DTSC wishes to thank all of the individuals and organizations who provided comments on this project. The comments were very helpful and informative. DTSC believes that the public comments contributed to ensuring that this permit is adequately protective of human health and the environment.

GENERAL ISSUE 1: Environmental Justice

Several comments were made that Chemical Waste Management Incorporated Kettleman Hills Facility is located at an Environmental Justice community.

DTSC believes that when people use the expression that Kettleman City is an environmental justice community, they refer to a community of people who bear a disproportionate burden of health and economic impacts associated with both past and present industrial pollution.

We do not have any authority over land use or economic decisions that have impact on the siting of facilities that we permit to conduct hazardous waste management operations. Nevertheless, DTSC is a public regulatory agency whose mission is to prevent environmental damage from hazardous waste and restore contaminated sites for all Californians. DTSC considers all possible health and environmental impacts on the surrounding areas and communities with each and every permit decision, and does its best to include all the public in making its permit decisions.

GENERAL ISSUE 2: Off-Site Migration & Health Impacts to the Community

Several comments were made by residents claiming that the Facility has off-site migration into their community. Comments were made that people are being exposed to odors, contaminated groundwater and contaminated soil - resulting in asthma and other illnesses which may require future medical fees.

The DTSC sympathizes with those who are sick. We strongly encourage all who are not feeling well to seek medical attention.

Nevertheless, all the data gathered at the Kettleman Hills Facility shows that there has been no off-site migration of hazardous waste. DTSC does not have evidence of hazardous waste constituents migrating into soil, air, or water anywhere beyond the Facility. If anyone has evidence to show otherwise, the DTSC will evaluate the data. As far as medical costs are concerned, that is outside the scope of this project and beyond the control of the DTSC.

GENERAL ISSUE 3: Accessibility of Information and Notice to the Public

Several comments were made regarding the accessibility of information including requests for electronic and paper copies of project documents. Several comments were made that people were unaware of the project and public hearing due to improper noticing.

Each of the public agencies that have reviewed this proposal also had public comment periods that were open to anyone who wished to comment on their decisions. DTSC's public comment period on the Class 3 permit modification is the last one in a series of public comment periods. The earliest comment period began in September 2003 for the Notice of Preparation for the Initial Study for the Facility's bioreactor project. In addition to the DTSC public hearing on July 12, 2007, the Facility also held a public meeting on February 9, 2007 in Kettleman City. If there was a concern, the DTSC Public Participation Specialist, Mr. Nathan Schumacher, was available to see if DTSC could make adjustments to meet that concern. Mr. Schumacher's toll-free phone number is 866-495-5651, and his email is NSchumac@dtsc.ca.gov.

DTSC mailed the fact sheet announcing the public comment period and the July 12, 2007 public hearing on the proposed modification to the closure plan for Landfill Unit B-19 at the Chemical Waste Management Kettleman Hills Facility on June 11, 2007. DTSC mailed the fact sheet to a total of six hundred and thirteen addresses. That number includes every post office box holder in Kettleman City.

Also, each mailing included both English and Spanish versions of the fact sheet announcing the public comment period and public hearing as well as describing the proposal.

In checking the June 11, 2007 fact sheet mailing, DTSC staff noticed that the mailing placed the English version on top of the Spanish version. For all future fact sheet mailings, Public Participation staff will specify that the Spanish version be placed on top of the English one for all addresses in Kettleman City and Avenal.

Generally, the DTSC does not mail the numerous documents, some of which are quite voluminous, that are incorporated into the permit by reference or considered in making the permit decision. The main documents used for this decision, are available for public review in the information repositories at the Kettleman City Public Library, the Hanford Public Library and the Avenal Public Library. Copies of all the permit decision documents, referred to as the "administrative record", are intended to be the complete source of information for public review. The fact sheet provided the public with information as to where additional documents were available for review.

Electronic files for the draft modified permit, draft environmental analysis, and draft closure plan for the Facility are also posted on the DTSC website at:
http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm.

GENERAL ISSUE 4: Definition of Bioreactor

Several comments were made requesting the definition of a bioreactor and how it works.

The proposed bioreactor is a non-hazardous municipal solid waste landfill that operates in the absence of oxygen to rapidly degrade organic waste by the addition of semi-solids or re-circulated leachate (water that seeps through the landfill and is captured). The proposed bioreactor will produce landfill gas.

Landfill gas is a product of the natural decomposition of organic material disposed in municipal solid waste landfills, regardless of the presence of a bioreactor. This landfill gas, primarily methane, can be captured to minimize greenhouse gas emissions. The Facility proposes to install a landfill gas collection system, including a built in flare, to reduce the landfill gas emissions and prevent landfill gas from entering the hazardous waste portion of the landfill. Methane is an odorless, colorless, nonpoisonous, flammable gas that is emitted from fossil fuels (oil, natural gas and coal), and is produced by animals (livestock) and the decay of vegetable material or rice.

Potential environmental benefits from the bioreactor landfill include: faster decomposition and biological stabilization, lower waste toxicity and mobility, and increased landfill capacity.

More information on bioreactors can be found on the USEPA website at:
<http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/bioreactors.htm>

GENERAL ISSUE 5: Types of Bioreactors in California

Several comments were made regarding the bioreactor at Landfill Unit B-19. Some questioned if it is the first bioreactor in California and if so, that it should not be an experiment.

The proposed bioreactor is not the first bioreactor in existence in California; however, it is the first bioreactor to be operated by Chemical Waste Management in California. The 20-acre Yolo County Bioreactor Landfill in Davis, California, operated by County of Yolo Planning and Public Works

Department, is one of four landfill pilot projects that have been approved to operate as landfills by the United States Environmental Protection Agency's (USEPA's) Project XL, which stands for "eXcellence and Leadership." The Yolo County Bioreactor Landfill project agreement between Yolo County and USEPA was signed in 2000 which allowed for operation of the landfill in the same year.

Chemical Waste Management operates 10 other bioreactors outside California. These bioreactors are only placed where there is an existing landfill.

GENERAL ISSUE 6: Additional Liquids

Several comments were made concerning of the addition of liquids to the non-hazardous (municipal solid waste) bioreactor portion of Landfill Unit B-19 and type of monitoring involved.

With no bioreactor, incoming wastes into Landfill Unit B-19 vary between 8 and 20 percent moisture. With a bioreactor, wastes would be at 40 to 45 percent moisture, and incoming liquids would have a neutral pH.

Furthermore, there are multiple detection and liner systems to protect groundwater quality in Landfill Unit B-19. Earliest leachate detection would occur in the primary leachate collection and removal system (LCRS), where leachate would be quickly collected and transmitted to sumps to be efficiently removed in order to maintain leachate levels on the primary liner at a regulatory depth of 12 inches or less. A major part of the primary LCRS is the collection sumps. There are four sumps in B-19. Three sumps are for hazardous waste and the fourth sump is for municipal waste, to be shared by the proposed control and bioreactor units. The secondary leachate collection system monitors the performance of the primary liner system and removes any liquids that may accumulate. A secondary detection system monitors the performance of the entire liner system. Leachate can be removed from any of the liner systems if necessary.

The maximum acceptance of liquid permitted by the Solid Waste Facility Permit (Solid Waste Information System Number 16-AA-0021) issued by the Kings County Department of Public Health and California Integrated Waste Management Board and the "worst case" peak leachate generation rate are each less than the design capacity of the LCRS and less than the flow capacity of the municipal solid waste (MSW) sump. Also, the "worse case" peak leachate generation rate will not exceed the regulatory depth of 12 inches on the liners. In the past, modeling has over-estimated the amount of leachate produced and leaked through the liner. Leachate produced from the bioreactor and control unit will be collected by the MSW sump and reintroduced into the bioreactor unit. No leachate from the hazardous waste portion would be introduced into the bioreactor. Engineering analysis shows no impacts from the leachate generated by the bioreactor.

Leachate levels are monitored daily, and the sumps are monitored annually. If the amount of leachate exceeds the regulatory depth, bioreactor operations would halt until the leachate falls under the regulatory depth of 12 inches. Backup pumps can be installed if necessary. Quantity trends and quality of the leachate will be evaluated to determine the source of the leachate.

GENERAL ISSUE 7: Stability of the Landfill

Several comments were made concerning of slopes and stability of Landfill Unit B-19, including the effects of an earthquake or act of terrorism.

A detailed discussion of the site geology, faulting, and seismicity is presented in the proposed Landfill Unit B-19 Modified Closure Plan and Joint Technical Document.

The change of the municipal solid waste slope from 4:1 (4 horizontal units to 1 vertical unit) to 3:1 with benches (2.5:1 actual), which increases the surface area of the working face, was implemented to safely operate municipal solid waste activities.

The bioreactor portion has been designed with the considerations of a surface impoundment. A slope stability evaluation was conducted to address the static and seismic stability of the revised landfill slopes. The evaluation includes the effects of converting part of the landfill to a bioreactor unit. The data and the engineering analysis indicate that the proposed new final fill plan geometry and conversion of part of the municipal solid waste landfill to bioreactor waste results in a stable configuration for seismic and static conditions under California Code of Regulations, title 22, section 66264.310.

The Facility is also required to submit a contingency plan, which details the procedures the Facility will follow in the event of an emergency situation. The plan contains procedures to respond to situations where fire, explosion, spill or material release, vehicle or equipment accident, natural events, or any other emergencies may occur.

GENERAL ISSUE 8: Closure of the Hazardous Waste Portion

Several comments were made about the steps involved for the closure of the hazardous waste portion of Landfill Unit B-19.

For closure, approximately 11 acres of the hazardous waste located in the southern end of Landfill Unit B-19 not covered with municipal solid waste will be capped with a final cover. The final cover over the hazardous waste consists of the following components from bottom to top: a 1-foot thick foundation layer; a 1-foot thick low permeability foundation layer with hydraulic conductivity less than 1×10^{-5} centimeters per second; a 40-mil (or 40-one-thousandths of an inch) thick textured high density polyethylene geomembrane; a 12-ounce non-woven geotextile drainage layer; structural fill in areas where there is buttress fill (for stability); and a minimum of 2.5-foot thickness of vegetative cover.

The Facility will be subject to post-closure care requirements, including post-closure monitoring and Financial Responsibility, to ensure continued protection of public health and the environment.

GENERAL ISSUE 9: Hazardous Waste beneath the Bioreactor

Several comments were made requesting a new California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) if other regulatory agencies, and the public, were not aware that the bioreactor overlapped hazardous waste.

Other agencies were aware of the hazardous waste component. DTSC's fact sheet, distributed to residents in Avenal and Kettleman City, also identified hazardous waste beneath the bioreactor.

The information in the Kings County CEQA Draft Subsequent Environmental Impact Report (DSEIR) and the Joint Technical Document (JTD) described the design and operation of the bioreactor in the municipal solid waste portion of the unit while taking into account the hazardous waste below it. Page 2-5 of the DSEIR states, "the control unit will be situated over the existing Class I disposal area and will be filled with Class II/III waste... The bioreactor will not affect the integrity of the Class I elements of B-19."

The information in these documents was written to address regulatory concerns for the Regional Water Quality Control Board, the Kings County Department of Public Health, the State Water Resources Control Board, and the DTSC. Figures, drawings, and engineering analyses in the DSEIR and JTD indicated that the control unit of the bioreactor will be situated over the separation liner and over the existing hazardous waste. The configuration described in the DSEIR and JTD is identical to that in the closure plan for the hazardous portion of Landfill Unit B-19.

GENERAL ISSUE 10: United States Environmental Protection Agency (EPA)
Notice of Noncompliance

Several comments were made regarding the Notice of Noncompliance (NON) issued by the EPA to the Facility. Questions were raised if the DTSC knew about the NON.

DTSC was aware of the NON; EPA contacted DTSC when the NON was issued. From the EPA press release, the June 26, 2007 NON issued to the Facility was for "procedural discrepancies, a minor violation, with federal [polychlorinated biphenyl] PCB requirements. EPA issued the notice after an inspection and a review of the company's documents revealed inconsistencies in its analytical procedures measuring PCBs in leachate, stormwater, and incoming waste at the Kettleman Hills facility. Steps to calibrate the analytical equipment were not regularly performed. The notice of noncompliance requires the facility to address this minor violation." A notice of noncompliance does not always result in a penalty being assessed.

These inconsistencies in analytical procedures and calibration resulted in over-reporting of low concentration PCBs which would normally have been non-detects. PCBs greater than 50 parts per million (EPA's threshold limit) would have been accurately detected, but to date, this limit has not been exceeded at the Facility.

Also, should anyone want to review any violations received, the Facility's Operating Record contains inspections and monitoring reports.

GENERAL ISSUE 11: Required Monitoring

Several comments were made regarding the type of monitoring required at the Facility and if there can be any assurance that the Facility will monitor properly.

The Facility is required to monitor and submit reports for the bioreactor to multiple authorities for their review. These include the following documents: a Solid Waste Facility Permit by Kings County Department of Public Health and California Integrated Waste Management Board under the Research, Development, and Demonstration guidelines of the United States Environmental Protection Agency (EPA); Waste Discharge Requirements from the Regional Water Quality Control Board; and a Permit to Operate by the San Joaquin Valley Unified Air Pollution Control District. These reports are public documents and will also be part of the Facility's Operating Record. For specific types of monitoring required for the leachate collection and removal system in Landfill Unit B-19, please see "GENERAL ISSUE 6: Additional Liquids".

GENERAL ISSUE 12: Impact of Traffic (Permitted Trucks through Kettleman City)

Several comments were made regarding the number of trucks through Kettleman City.

Page 24-25 of the Kings County Initial Study states, "The current Class II/III waste deliveries through Kettleman City to Landfill B-19 average 55 trucks per day. At the proposed levels of waste delivery, [the Facility] estimates that a maximum of 85 trucks per day would travel through Kettleman City. All additional trucks will travel to the site from the south on SR-41 or from Interstate 5... The Solid Waste Facility Permit currently limits the total truck traffic to Landfill B-19 delivering Class II/III wastes to 86 trucks per day from all incoming routes. The maximum daily traffic for municipal solid waste, liquid waste, and waste used as soil daily cover and for beneficial use is projected to be 168 trucks."

Furthermore, page 1-15 of the Kings County Final SEIR states, the Facility "will track daily and record the number of waste transport trucks that go to the B-19 landfill, based on the origin of the waste and the assumed route of truck travel. This information will be maintained in the B-19 operating records and will be available for review by the [Local Enforcement Agency, the Kings County Department of Public Health]. If the number of waste transport trucks through Kettleman City approaches the maximum allowable limit of 86 truck round-trips per day, some trucks will be rerouted, to maintain the number of waste transport trucks below the allowable limit."

GENERAL ISSUE 13: Business Relationship between the Local Communities and the Facility

Several comments were made not specific to the project but relating to the business relationship with the Facility and the Facility's contributions to the community. Some of these commenters also urged the permit application to be approved.

Comments noted.

RESPONSE TO COMMENTS FROM ERICA SWINNEY OF GREENACTION FOR HEALTH AND ENVIRONMENTAL JUSTICE, FROM E-MAILED LETTER DATED FEBRUARY 5, 2007 AND RECEIVED FEBRUARY 12, 2007. DTSC ACCEPTS THESE COMMENTS EVEN THOUGH THEY WERE SUBMITTED AFTER THE CLOSE OF THE FACILITY-HELD PUBLIC COMMENT PERIOD. THE FACILITY-HELD PUBLIC COMMENT PERIOD WAS DECEMBER 11, 2006 TO FEBRUARY 9, 2007.

Comment 1.0

“The last letter I wrote on this issue was to the California Integrated Waste Management Board. In that letter I was concerned that CIWMB was approving Chem Waste’s permit request to develop a bioreactor as part of their B-19 landfill expansion premature of the USEPA’s approval of issuing Research, Development and Demonstration regulation permits for California. I have not heard any update on that, so I am concerned as to the progression of this project without proper approval of the USEPA’s RD&D permit.”

Response 1.0

The United States Environmental Protection Agency Region IX (USEPA) proposed to approve a modification to California's municipal solid waste landfill (MSWLF) permit program to allow the State to issue research, development, and demonstration (RD&D) permits for new and existing MSWLF units and lateral expansions. A notice of the tentative determination was published on June 19, 2007 in the federal register with the comment period ending on August 13, 2007. The Docket ID Number is EPA-R09-RCRA-2007-0369, and the notice is located at the following website address:

<http://www.epa.gov/EPA-WASTE/2007/June/Day-19/>

The Facility’s Solid Waste Facility Permit (Solid Waste Information System Number 16-AA-0021) issued by Kings County Department of Public Health and California Integrated Waste Management Board, says under section “14. Prohibitions”:

“Additions of extraneous liquids, placement of modified final cover, or other RD&D operations as described in the Joint Technical Document, shall not occur until USEPA has formally approved California's RD&D rule as being substantially equivalent to and consistent with applicable Federal 40CFR RCRA Subtitle D regulations.”

The Facility has not accepted any liquids per the above permit condition and will not be authorized to accept liquids until USEPA has formally approved the California RD&D federal register.

Comment 1.2

“Even with this short but significant list of the risks known to this project and the uncountable unknowns inherent in deliberately increasing biological activity, creating more leachate and gas that mobilizes toxic substances and methane into the environment – we remain opposed to this experimentation at the environmental and public health expense of the residents of Kettleman City. Furthermore, the requested permit modifications are being sought primarily by the interest to reduce the cost of the project, as confirmed by Bob Henry, General Manager of Chem Waste in the January 4, 2007 meeting. These are not modifications to improve the safety of the bioreactor, the neighboring hazardous waste landfill, or the surrounding community. This permit modification request is to suit Chem Waste’s bottom line.”

Response 1.2

The environmental effects of increased leachate

Please see “GENERAL ISSUE 6: Additional Liquids”.

The environmental effects of increased landfill gas

The landfill gas will come entirely from the municipal solid waste portion of the landfill. Research indicates that the operation of a bioreactor generates landfill gas earlier in the process (life of the landfill) and at a higher rate than the dry (traditional) landfill. The bioreactor landfill gas is also generated over a shorter period of time because the landfill gas emissions decline as the faster decomposition process reduces the source waste faster than in a dry (traditional) landfill. For the proposed bioreactor in Landfill Unit B-19, modeling shows that the bioreactor will produce approximately the same amount of landfill gas as the dry traditional landfill. Therefore, there should be no additional environmental effects of the landfill gas.

RESPONSE TO COMMENTS FROM CARMEN MORENO, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 12 LINE 17 TO PAGE 13 LINE 7).

Comment 2.0

The speaker’s comments were regarding the audience’s behavior while other speakers are at the microphone making their comments. The comments were not specific to the permit application.

Response 2.0

Comments noted.

RESPONSE TO COMMENTS FROM MICHAEL ADAMS OF KINGS WASTE AND RECYCLING AUTHORITY, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 16 LINE 6 TO PAGE 18 LINE 11).

Comment 3.0

The speaker's comments were regarding his business relationship with the Facility, and he urged the permit application to be approved because it is "environmentally friendly" and will have a "positive impact ... for Kings County."

The speaker said: "This bioreactor project will give us enough additional airspace through waste consolidation to allow for about an additional 400,000 tons of municipal waste to be placed in the landfill. In a matter of time, this equates to about four additional years of usage of the existing landfill."

Response 3.0

The Solid Waste Facility Permit (Solid Waste Information System Number 16-AA-0021) issued by Kings County Department of Public Health and California Integrated Waste Management Board allows the Facility to receive up to 2,000 tons of municipal solid waste and designated waste and allow the hours of operation to be changed to allow receipt of waste on Saturday from 8 am to 6 pm.

The estimated capacity for the municipal solid waste without liquids is 2.587 million tons. With liquids, the estimated capacity is 2.964 million tons. Thus, the net increase in capacity as a result of adding liquids is 377 thousand tons.

RESPONSE TO COMMENTS FROM UNKNOWN SPEAKER, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 25 LINE 3 TO LINE 6).

Comment 4.0

Plastic produces electricity and I have proof of that. Also it contains radiation. To the people [sic] is never told that that plastic produces radiation. (Indiscernible). That's all.

Response 4.0

All the data gathered at the Kettleman Hills Facility shows that there has been no off-site migration of hazardous waste. DTSC does not have evidence of hazardous waste constituents migrating into soil, air, or water anywhere beyond the Facility. DTSC also does not have evidence that plastic, including the hazardous waste landfill liner system, produces electricity or radiation. If anyone has evidence and/or technical publications to show otherwise, the DTSC will evaluate the data.

RESPONSE TO COMMENTS FROM ANGELA PARJEJO (SPELLING?) OF KETTLEMAN CITY, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 42 LINE 11 TO PAGE 45 LINE 4).

Comment 5.0

The speaker's comments were against the permit application. The speaker said:

"I am speaking from the heart and not from reading a document. Chem Waste has done many things for the employees, for the community, and I thank Chem Waste for that, but that does not give them no right to experiment with people no matter how many things Chem Waste is going to do -- does not give them to right to experiment with people."

The speaker continued to discuss that Kettleman City should be the focus of concern and not Hanford, Corcoran, or Lemoore, because Kettleman City is closer in proximity to the Facility.

Response 5.0

Comments noted. Please also see "GENERAL ISSUE 1: Environmental Justice".

RESPONSE TO COMMENTS FROM MARTHA TORRES OF KETTLEMAN CITY, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 45 LINE 8 TO PAGE 46 LINE 1).

Comment 6.0

"Hello, my name is Martha Torres. I've been living here for 37 years. I am concerned about the workers who think they are not in danger, but the EIR report that was released regarding the expansion project says that (indiscernible) would blow up for people within the property level, this is not something that I am making up. It is in the report in the black and white. Knowing this, how can anyone stand up to protect this company, then I am concerned because all of the people who have stood up for the project are people who have seemed to gain a paycheck or a pre-pay voucher. What I want to say is other communities don't have a Chem Waste, and they have even more services than we do. So, why does everyone act like we depend so much on Chem Waste.

They have fire, they have rules, and no one from the company speaks about that. The Fire Chief (indiscernible). He regulates them, and (indiscernible) on top of something, the workers are going to (indiscernible), why don't they talk about the violations."

Response 6.0

The Facility's operating record contains inspection and monitoring reports, including any violations received. Please also see "GENERAL ISSUE 10: United States Environmental Protection Agency (EPA) Notice of Noncompliance".

The California Environmental Quality Act Environmental Impact Report (EIR) for the expansion project is for Landfill Unit B-18 and Landfill Unit B-20 and is outside the scope of this permit modification. The Draft Subsequent EIR for the expansion project has not yet been released for public comment and is still under review by the Kings County Planning Agency.

For the Landfill Unit B-19 bioreactor project, DTSC reviewed the Draft and Final Subsequent EIRs certified by the Kings County Planning Agency, and using its independent judgment finds that they are adequate for assessing the impacts of this Class 3 Permit Modification for closure of the hazardous portion of Landfill Unit B-19. Page 2-1 of the Draft Subsequent EIR states that the project consists of the

following elements: converts a portion of the existing B-19 landfill to be operated as a bioreactor, increases the permitted tonnage of non-hazardous waste, increases the hours of waste acceptance, reconfigures the footprint and revises the final cover system.

RESPONSE TO COMMENTS FROM UNKNOWN SPEAKER, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 47 LINE 15 TO PAGE 48 LINE 4).

Comment 7.0

The speaker's comments were not specific to the permit modification. The commenter urged people to be unbiased and know each side of the story since the project can affect everyone.

Response 7.0

Comments noted.

RESPONSE TO COMMENTS FROM UNKNOWN SPEAKER OF KINGS COUNTY, FROM THE DTSC-HELD JULY 12, 2007 HEARING (TRANSCRIPT PAGE 48 LINE 8 TO PAGE 51 LINE 20).

Comment 8.0

The speaker comments were regarding the benefits the community and Kings County had because of the Facility. The speaker was impartial to the permit application.

Response 8.0

Comments noted.

RESPONSE TO COMMENTS FROM ERICA SWINNEY OF GREENACTION FOR HEALTH AND ENVIRONMENTAL JUSTICE, FROM E-MAIL DATED JULY 19, 2007. THIS WAS RECEIVED DURING THE DTSC-HELD PUBLIC COMMENT PERIOD AND AFTER THE JULY 12, 2007 DTSC-HELD PUBLIC MEETING AND HEARING. DTSC EMAILED MS. SWINNEY ON JULY 19, 2007 WITH A SIMILAR RESPONSE TO THAT LISTED BELOW:

Comment 9.0

"At the hearing it was mentioned that the oral comments would be responded to. How will that happen and when? When is the deadline to submit written comments?"

Response 9.0

DTSC responds formally to all written and oral comments received. The comments that were given at the meeting/hearing were transcribed by the court reporter. The length of time for a response depends on the type and quantity of comments received. Each needs to be responded to adequately. The deadline to submit comments was July 26, 2007.

RESPONSE TO COMMENTS FROM ERICA SWINNEY AND ANNA MARTINEZ OF GREENACTION FOR HEALTH AND ENVIRONMENTAL JUSTICE, FROM E-MAILED LETTER DATED JULY 25, 2007 AND RECEIVED JULY 26, 2007.

Comment 10.0

"We are writing to supplement the oral comments given by Greenaction, The People for Clean Air and Water and the other Kettleman City and Avenal residents at the public hearing on July 12, 2007.

First, before giving comments on the proposed permit modification, we want to mention a couple issues on the public hearing itself:

1. The hearing was poorly notified in the Spanish-speaking population of Kettleman City and Avenal. If the DTSC was genuine in being accessible to all the residents affected by this facility, given the population is predominantly Spanish-speaking, the public hearing notice and description of the proposal would be clearly in Spanish. All of the Spanish-speaking residents we talked to about the hearing had no prior knowledge that it was happening. Perhaps a cover sheet or banner should be attached to the top of the fact sheet or even stamped onto the envelope, clearly written in Spanish alerting the Spanish speaking public that this is information relevant to the health and safety of their community. "

Response 10.0

Please see "GENERAL ISSUE 1: Environmental Justice" and "GENERAL ISSUE 3: Accessibility of Information and Notice to the Public".

Comment 10.1

2. "The translation provided at the hearing was totally inadequate. The translator did not translate verbatim consistently throughout the hearing. Often, he inaccurately paraphrased residents and even omitted entire points that they had made. That was totally unacceptable. Also it is completely inappropriate to hold a formal meeting without the proper translation equipment. Each person who wanted it should have had a headset and the translator should have been providing continuous translation. "

Response 10.1

Staff, present at the public hearing, has determined that the translation work done by our interpreter was quite adequate. DTSC staff noticed that the interpreter did paraphrase a number of comments by various speakers but we did not find that his paraphrasing was inaccurate or omitted any major points made by a Spanish speaker.

DTSC agrees that simultaneous translation equipment with capable interpreters would be the best way to translate our public meeting and public hearings into Spanish. For future public meeting and hearings in Kettleman City, the Public Participation staff will make every effort to obtain simultaneous translation equipment with capable bi-lingual personnel.

Comment 10.2

3. "The hearing officials should have insisted that comments be specific to the bioreactor and related permit modification. The hearing got out of hand with the excessive and superfluous comments made on Chem Waste's token charity acts and financial contribution to Kings County services. These have no bearing on the validity and safety implications of Chem Waste's proposal. Instead of meeting and hearing that should have better informed the audience of the issue at hand, you facilitated a Chem Waste propaganda session. It was not only distasteful, it was misleading and inappropriate. "

Response 10.2

Any person may submit oral or written comments and data concerning the draft permit per state regulations. Reasonable limits may be set upon the time allowed for oral statements but are not mandatory. Every individual who wished to provide comments was allowed to do so at the public hearing.

DTSC holds public hearings to solicit the public opinion and public wisdom on a particular proposed action. Under our form of democratic government, people who comment have the freedom to share whatever nuggets of knowledge, wisdom or opinion they wish for us to hear, to reflect on, and to possibly change aspects of the proposed project. At a later date, DTSC has an obligation to respond to in writing to everyone who comments. Also as a state regulatory agency, we have an obligation to listen to all points of view.

RESPONSE TO COMMENTS FROM PAUL TUREK OF CHEMICAL WASTE MANAGEMENT, INCORPORATED, KETTLEMAN HILLS FACILITY, FROM E-MAILED LETTER DATED AND RECEIVED JULY 26, 2007.

Comment 11.0

"The Chemical Waste Management, Inc. - Kettleman Hills Facility (KHF) hereby submits comments to the Department of Toxic Substances Control (DTSC) on the Draft Hazardous Waste Facility Permit, modified June 12, 2007, to modify the Landfill B-19 Closure Plan for incorporation of changes planned for the non-hazardous waste operations. Before relaying its comments, KHF takes this opportunity to discuss our exciting plans to develop this bioengineered landfill project. The KHF began the permit process for the proposed bioreactor operation in Landfill B-19 in 2002. This approval from DTSC and the U.S. Environmental Protection Agency's (USEPA's) approval of the California Research, Development, and Demonstration (RD&D) Permit Process regulations are the last two steps in having approval for controlled application of nonhazardous liquids and high moisture-content wastes into this solid waste unit.

Rather than continuing to operate and maintain landfills as "dry-tombs," bio-engineered landfills are designed to optimize moisture content to accelerate and actively control the biodegradation of organic waste portion within the landfill. With the advent of bio-engineered landfill technology, there are now new methods to potentially lower the environmental impact of landfills in light of the existing and foreseeable volumes of organic waste disposal:

- Treating and stabilizing the waste mass more effectively through accelerated biodegradation,
- Developing more effective methane recovery and renewable energy generation programs,
- Treating landfill leachate to a more environmentally benign state,

- Maximizing landfill airspace utilization, thereby reducing the need for more landfill capacity, and
- Finding a beneficial use for special wastes, such as non-hazardous liquid wastes and sludges, which would otherwise burden our municipal wastewater treatment works and pose a direct threat to water quality.

Waste Management has been actively engaged with the USEPA in the development of bioengineered landfill technology and has a number of such projects underway in various locations in the United States. Bioreactor operations at the KHF will be Waste Management's first bioengineered landfill project in California. The KHF has the environmental and engineering parameters, e.g., double-liner construction, availability of food-processing wastewaters, to satisfy the requirements of all the agencies involved and advance to the Next Generation technology for solid waste operations.

Besides the approval of the closure plan modification, the Draft Permit includes updates from the May 5, 2005 Class 1* Permit Modification. The DTSC effort to include the previous changes into this permit modification is greatly appreciated. The KHF would like to see some additional updates that have occurred since May of 2005, in order to make the permit as current as possible. The attached table has each comment listed in detail.

Thank you for giving the KHF the opportunity to comment on the Draft Permit and for your consideration in getting us closer to implementing the bio-engineered landfill project, known as Landfill B-19 Bioreactor Project.”

Response 11.0

Comments noted.

Comment – Table Items 1, 2, 11, 12, 20, and 24

CWM KETTLEMAN HILLS FACILITY
Comments on the Draft Hazardous Waste Facility Permit, modified 06/12/07

Item No.	Permit Location	Suggested Change in Language	Comment Details
1	Page 1 of 57, last two sentences in paragraph	This cover page and <u>the number additions</u> of pages 40-57 to the June 16, 2003 permit are affected by this modification. The revised permit consists of 57 [insert number of pages] pages, including this cover page and additional sections, Part VII and VIII.	The inclusion of the changes to the Operation Plan (aka Permit Application) should not be included in the Permit. None of the previous changes to the Operation Plan has been included in that manner. Therefore, Part VIII should not be added. It is beneficial to retain the permit modification history section (Part VII was added with the July 25, 2006 approval of a Class 1* modification request).
2	Page 2 of 57, three items in Table of Contents	Amend page numbers accordingly; delete STORAGE AND TREATMENT from PART V title; and delete mention of PART VIII entirely.	The suggested changes in language are explained in Items 1 and 20.
11	Page 20 of 57, Part IV, FSU, Activity Description, second paragraph	Macroencapsulation is performed within the FSU on certain Land Disposal Restricted wastes (i.e. debris). When loads of debris are received at the FSU, the loads are either directly loaded into roll-off bins fitted with a high density polyethylene vault, or transferred from the waste processing bins to the Macroencapsulation vault. The Macroencapsulation vault is then capped and sealed prior to transport to a landfill.	“Macroencapsulation” is written as one word in the regulations. The KHF did not notice the format when preparing the May 5, 2005 Class 1 permit modification request.
12	Page 21 of 57, Part IV, FSU, Maximum Capacity of Unit, last sentence	The FSU Facility has the capacity to be expanded by two additional waste processing tanks, an exterior tank farm consisting of six tanks each with a capacity of 20,000 gallons, and two above ground storage tanks of 20,000 gallon capacity each.	The word “Facility” is not necessary and may be misleading. The KHF did not notice the misleading term when preparing the May 5, 2005 Class 1 permit modification request.
20	Page 34 of 57, Part V title	SPECIAL CONDITIONS THAT APPLY TO ALL OF THE FACILITY’S STORAGE AND TREATMENT UNITS	These conditions apply to all units, including disposal units, or, perhaps more accurately, to the entire permitted facility.
24	Pages 41-57 of 57, Part VIII	Delete this entire part.	It is not necessary to add the amended sections of the RCRA Permit Application (aka Operation Plan) to the actual permit. The Operation Plan is incorporated by reference in Part III.1.(A).

Response – Table Items 1, 2, 11, 12, 20, and 24

These suggested changes to the draft permit are in tabular format, where words that were requested to be deleted were printed in strikethrough and words to be added were underlined. These changes regarding formatting of the permit were accepted.

Comment – Table Items 3, 10, 13, 14, 16-18, and 22

3	Pages 4 and 5 of 57, Part II. 4., last two sentences	The Facility conducts the following activities: solar evaporation in three surface impoundments; disposal into two <u>one</u> hazardous waste landfills; PCB draining and flushing; PCB disposal and storage; and stabilization, solidification and storage of bulk and drummed wastes. The Facility is also permitted to operate a drum decant unit and to construct and operate a neutralization/filtration unit and eight one-million gallon above ground evaporation tanks.	The permit should reflect the current status of units. With the completed closure of B-16, only one hazardous waste landfill is in operation. The Drum Decant Unit was clean-closed.
10	Pages 14 and 15 of 57	Delete description of Drum Decant Unit.	This unit was clean-closed and its certification report was accepted by the DTSC.
13	Page 26 of 57, Part IV, (Landfill) Unit Name	Landfill units B-16, B-18, and B-19	Delete mention of B-16 because its closure completion is approved.
14	Page 26 of 57, Part IV, (Landfill) Location, last two sentences	There are two <u>is one</u> inactive units, Unit B-16 and B-19, which are awaiting closure. The Unit B-16 is located immediately to the northwest of the Administration Building, and the Unit B-19 is located immediately north of the closed landfill Unit B-15, and southeast of the Drum Storage Unit.	Delete mention of B-16 because its closure completion is approved.
16	Page 27 of 57, Part IV, (Landfill) Physical Description, paragraph after Vadose Zone component description, second sentence	However, these units, except for B-16, have been closed with covers equivalent to current RCRA standards.	Delete mention of B-16 because its closure completion is approved.
17	Page 28 of 57, Part IV, (Landfill), Maximum Capacity table	<i>Delete B-16 row and change the Total row values in the last three columns to be</i> <ul style="list-style-type: none"> • 93 acres, • 13,300,000 cubic yards, and • 7,300,000 cubic yards. 	Delete mention of B-16 because its closure completion is approved.
18	Page 31 of 57, Part IV, List of Closed, Inactive, and Non-Constructed Units	<i>For DDU and CTU rows, the Status field should be</i> Inactive... permit and Partially-closed... system. <u>Clean-closed December 2006. DTSC approved the closure on 02/26/07.</u> <i>For DDU row, Period of Operation should be</i> 1983 to present-1996	These two units are completely closed. During the closure preparations, the waste records were reviewed. The last waste storage dates in the DDU were in 1996.

22	Page 39 of 57, Part VII, section I	<p>This section incorporates <u>a facility-initiated Class I* permit modification to change</u>. The modification request was submitted on June 12, 2006. The modification to the permit is a 6 month extension of the closure deadline for the Drum Decant Unit (DDU), and as part of the same containment system, the Cyanide Treatment Unit (CTU). The modification of the DDU/CTU date of closure will change from June 16, 2006 to January 16, 2007. These two units were clean closed by December 2006. DTSC accepted the clean closure report in February 2007. The changes in dates in various sections of the permit have been superceded by the updates in the permit modification in section 2 of Part VII.</p> <p><u>In the DDU/CTU closure process, the first step ... (B) Closure Certification for the Drum Decant Unit and the Cyanide Treatment Unit within three and a half (3.5) years from the effective date of this Permit.</u></p>	This section should be updated to reflect the current state.
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Response – Table Items 3, 10, 13, 14, 16-18, and 22

These suggested changes to the draft permit are in tabular format, where words that were requested to be deleted were printed in strikethrough and words to be added were underlined. These changes regarding the Drum Decant Unit, Cyanide Treatment Unit, and Landfill Unit B-16 were accepted to update the permit for dates and accuracy. These units have been closed after the permit was issued on June 16, 2003.

Comment – Table Items 4 and 9

4	Page 7 of 57, Part III.2.(H)	<p>This Permit includes and incorporates by reference any conditions of waste discharge requirements, <u>specific to hazardous waste disposal</u>, issued by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the Water Code, <u>that are specific to hazardous waste units</u>. (Attachment B)</p>	<p>During the permit process for the Landfill B-19 bioreactor operations, the Regional Water Quality Control Board decided to create a separate set of Waste Discharge Requirements (WDR) for the municipal solid waste disposal operations. The new WDR, Order No. R5-2006-0122, supersedes the provisions in Order No. 98-058 for Landfill B-19 Class II/III waste operations, monitoring, and closure/post-closure. Clarification is needed to avoid confusion on which WDR and/or conditions are incorporated by reference in the DTSC Permit.</p>
9	Page 10 of 57, Part III.4.(B)	<p>... Requirements Order Number 98-058 (Exhibit 1), and any groundwater monitoring provision in subsequent Waste Discharge Requirements, <u>that are specific to hazardous waste disposal operations</u>, issued to the Permittee by the Central Valley Regional Water Quality Control Board.</p>	Same comment as in Item 4

Response – Table Items 4 and 9

These suggested changes to the draft permit are in tabular format, where to be added were underlined. These changes regarding the Waste Discharge Requirements were accepted to update the permit for accuracy.

Comment – Table Item 5

5	Page 7 of 57, Part II.3., first paragraph	No change	The KHF requests a copy of the Supplemental Environmental Impact (SEIR), dated February, 1988. Juan Koponen, the previous DTSC Permit Writer, indicated that this document was developed by the Department. The KHF would like to have a copy.
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Response – Table Item 5

Your comment is noted. DTSC will provide a copy when this document is located.

Comment – Table Item 6-8

6	Pages 7 and 8 of 57, Part III.4.(A).(1)(a), first paragraph	The Permittee submitted <u>shall submit, for and the DTSC approved approval,</u> a work plan describing the ambient air monitoring program <u>as required, no later than 180 days from the effective date of this Permit, or as agreed upon, in writing, between DTSC.</u> . . . The ambient air monitoring program shall be designed to protect human health and the environment, using ambient air monitoring techniques, to assess releases of volatile organic compounds, semi-volatile compounds, metals and particulates.	Condition should be updated to reflect the current state. Also, the second paragraph in this condition might warrant a change in verb tense.
7	Page 8 of 57, Part III.4.(A).(1)(b), first sentence	The work plan shall includes a list of chemicals of concern (COCs) to be included in the ambient air monitoring program. . . .	Condition should be updated to reflect the current state. Also, other sentences in this paragraph might warrant a change in verb tense.
8	Page 8 of 57, Part III.4.(A).(1)(c), first sentence	Upon approval by DTSC, the ambient air monitoring workplan shall be <u>was</u> implemented within 180 days. . . .	Condition should be updated to reflect the current state.

Response – Table Item 6-8

These suggested changes to the draft permit are in tabular format, where words that were requested to be deleted were printed in strikethrough and words to be added were underlined. These changes regarding the Ambient Air Monitoring were accepted to update the permit for accuracy.

Comment – Table Item 15 and 19

15	Page 26 of 57, Part IV. (Landfill) Activity Description, second paragraph	As noted above, there is one active landfill, Unit B-18, permitted to accept hazardous wastes. The landfill B-16 is a unit regulated under the federal Toxic Substances Control Act and is currently awaiting final closure cap design approval by the United States Environmental Protection Agency, Region IX. The Unit B-16 is currently approved, by DTSC, to accept an additional 60,000 cubic yards of waste to complete the final grades prior to placing the final cover. The Unit B-16 is considered inactive and has an interim high density polyethylene cover currently in place to minimize erosion and infiltration of precipitation, until the final cover is placed. The hazardous waste portion of Unit B-19 has been closed and the remaining unused portion of the landfill has been converted to accept municipal solid wastes/designated wastes only in accordance with Cal. Code of Regs., title 22, section 66264.113(d). <u>The DTSC retains authority over closure of the entire unit.</u>	Delete mention of B-16 because its closure completion is approved. <u>And update the status of B-19.</u> If the DTSC approves the December 2006 closure certification report before the final permit is issued, the KHF requests that update be included.
19	Page 32 of 57, Part IV, List of Closed, Inactive, and Non-Constructed Units	<p>For Landfill B-16 row, the Status field should be Inactive. This unit is permitted and has the capacity to receive approximately 60,000 additional yards. Closed December 2004. DTSC accepted closure on 06/30/05.</p> <p><i>For Landfill B-16 row, Period of Operation should be</i></p> <p>1983-present<u>2004</u></p> <p><i>For Landfill B-19 row, the Status field should be</i></p> <p><u>Partially closed (hazardous waste portion closed December 2006),</u> converted to a Municipal/Solid Waste Landfill. Final closure will occur upon completion of the Municipal/Solid Waste Landfill in accordance with Cal. Code of Regs., title 22, section 66264.113.</p>	The closure status should be updated.

Response – Table Item 15 and 19

These suggested changes to the draft permit are in tabular format, where words that were requested to be deleted were printed in strikethrough and words to be added were underlined. With the following exceptions, these changes regarding Landfill Unit B-16 and Landfill Unit B-19 were accepted to update the permit for dates and accuracy.

In Part IV, (Landfill) Activity Description, second paragraph, “The hazardous waste portion of Unit B-19 has been closed and the remaining...” has been changed to read “The hazardous waste portion of Unit B-19 has undergone delayed closure and the remaining...”

In Part V, List of Closed Inactive, and Non-Constructed Units, for Landfill B-19 Status, “Partially closed (hazardous waste portion closed December 2006)...” has been changed to read “Partially closed (delayed closure of hazardous waste portion December 2006)...”

Comment – Table Item 21

21	Page 37 of 57, Part V, 5.	(Reserved) The Permittee shall submit the following documents to DTSC . . . air monitoring program within 180 days from the effective date of this Permit.	All of the listed compliance items have been completed.
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Response – Table Item 21

These suggested changes to the draft permit are in tabular format, where words that were requested to be deleted were printed in strikethrough. The deletion of the compliance schedule for closure of Landfill Unit B-16, closure of the Drum Decant Unit and Cyanide Treatment Unit, and a workplan for ambient air monitoring was accepted to update the permit for accuracy. These compliance items were completed after the permit was issued on June 16, 2003.

Comment – Table Item 23

<p>23</p>	<p>Page 40 of 57, Part VII, section 2</p>	<p>This section incorporates a facility-initiated Class 3 permit modification to the Landfill Unit B-19 Closure Plan to incorporate the changes for the Class II/III waste operations <u>that were not addressed by the previously approved hazardous waste closure plan</u>, as described in the following .</p> <p>The Class 3 permit modification request, dated December 7, 2006 and received on December 11, 2006, covers the activity for a temporary authorization that allowed the facility to amend the final closure grades of Landfill Unit B-19 <u>This second modification to the hazardous waste landfill closure plan addresses the following planned changes in the Class II/III waste operations:</u></p> <ul style="list-style-type: none"> • <u>The footprint for the Class II/III waste is smaller.</u> • <u>The Class II/III cover slope is changed from 4:1H:V (4 units horizontal to 1 unit vertical) to 2.5:1 H:V (2.5 units horizontal to 1 unit vertical) between drainage benches (effective 3:1 H:V (3 units horizontal to 1 unit vertical) when benches are included).</u> • <u>The potential impacts from the bioreactor operations are addressed.</u> • <u>A monolithic evapotranspirative cover will be used for the Class II/III waste.</u> <p>The temporary authorization was granted on June 15, 2006 pursuant to California Code of Regulations, title 22, sections 66270.42(e)(3)(C)1 and 66270.42(e)(3)(C)5 for a term of 180 days. The temporary authorization was reissued on January 10, 2007 pursuant to California Code of Regulations, title 22, section 66270.42(e)(4)(C)2 for an additional term of 180 days to allow for the authorized activities to continue while the modification procedures for the Class 3 permit modification were conducted.</p> <p>The approval of this modification changes the following sections in the Part B Application (Operation Plan): Chapter 15.0, Sections 15.3(a) and (b); and Chapter 40.0, Table 40-1. Copies of the Operation Plan Chapter 15.0 and Table 40-1 with the text changes incorporated are in PART VIII. MODIFIED PART B APPLICATION (aka OPERATION PLAN), CHAPTER 15.0 (pages 1-14) and TABLE 40-1 (pages 1-2).</p> <p>Furthermore, this permit corrects word-processing errors from the Class 1* permit modification described in Part VII.1, <u>updates the closure status of the DDU, CTU, Landfill B-16, and Landfill B-19; updates completed action items; corrects some minor errors; and reflects a facility-initiated Class 1 permit modification from May 5, 2005 which corrected typographical . . .</u></p>	<p>Discussion of the temporary authorization is not necessary – the actions are covered in the Class 3 permit modification. A paragraph was added to give a general listing of the reasons why the closure plan was modified. It is not necessary to add the changes to the Operation Plan, as described in Item I. It may also not be necessary to retain the first sentence in that third paragraph, but it does not seem to add confusion. Lastly, the updates to the closure status of the DDU and CTU alters the language in Part VII.1; therefore, that part of the last paragraph should be deleted and the closure (and other) updates should be mentioned.</p>
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Response – Table Item 23

These suggested changes to the draft permit are in tabular format, where words that were requested to be deleted were printed in ~~strikeout~~ and words to be added were underlined. With the following exceptions, these changes regarding Landfill Unit B-19 were accepted to update the permit for dates and accuracy.

In the fourth bullet, “will be used” has been changed to read “has been proposed” and in the last paragraph, “Landfill B-16, and Landfill B-19” has been changed to read “Landfill Unit B-16, and Landfill Unit B-19”.
