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## Department of Toxic Substances Control

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Arnold Schwarzenegger  
Governor

**RESPONSE TO COMMENTS  
FOR  
ADVANCED ENVIRONMENTAL INC.  
13579 WHITTRAM AVENUE,  
FONTANA, CALIFORNIA 92335  
EPA ID Number: CAT 080025711**

**September 24, 2007**

### **BACKGROUND**

Advanced Environmental Inc. (AEI) submitted a Standardized Permit application to the Department of Toxic Substances Control (DTSC) on January 14, 2005 for its Hazardous Waste Storage and Transfer Facility. DTSC reviewed the permit application, prepared the draft Permit and informed the public of a 45-day public comment period on the draft Permit and California Environmental Quality Act (CEQA) Negative Declaration on March 11, 2005. The public comment period ended on April 25, 2005. The public was informed by a display advertisement in the Fontana Herald News. Copies of a fact sheet (in English and Spanish) were mailed to the facility mailing list (approximately 528 persons) during the week of March 11, 2005. A paid public notice announcing the public comment period was aired on an English language radio station.

DTSC received comments from two (2) public agencies, a citizen and AEI. This document summarizes the comments and provides DTSC's responses. This document will be provided to commenters, placed in information repositories for this project and added to the administrative record for the Final Permit Decision.

**COMMENTER-1** Fontana School Unified School District, Yvonne A. Alaniz

### **COMMENT 1-1**

This letter is in response to your request for comments on a draft Standardized Hazardous Waste Facility permit and draft Negative Declaration for Advanced Environmental Inc. (AEI), located at 13579 Whittram Avenue, in Fontana.

The proposed site is located in the Fontana Unified School District. The District has no comments at this time, other than to remind the applicant that the District does require payment of statutory fees at the applicable rate for commercial development.

## **RESPONSE 1-1**

Regarding the payment of statutory fees for commercial development, DTSC has forwarded your letter to AEI.

**COMMENTS 2** South Coast Air Quality Management District, Gordon Mize

### **COMMENT 2-1**

On pages 5 and 13 of the Draft Negative Declaration (ND), the lead agency describes construction activities that include the proposed New Tank Farm, North and South Loading and Unloading Racks, Roll-off Bin Storage Area and relocation of the existing tanks. The lead agency does not, however, estimate the proposed project's short- and long-term emissions, and therefore has not demonstrated that project impacts are less than significant.

CEQA Guidelines §15070(a), which refers to preparation of a negative declaration, states, "The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment,..." Therefore, the Draft ND should include the emission estimates, emission factors, methodologies and control efficiencies for any proposed mitigation measures. This information could be included in the Final ND in a table, as part of the narration or as an appendix. Without this information, the lead agency has not demonstrated that air quality impacts are not significant.

In order to ensure that the proposed project's emission impacts are not significant, the lead agency can utilize the current CARB URBEMIS 2002 emissions model, which can be accessed at <http://www.arb.ca.gov/planning/urbemis/urbemis2002/urbemis2002.htm> or follow the calculation methodologies in Chapter 9 and the Appendix to Chapter 9 in the South Coast AQMD's CEQA Air Quality Handbook.

In the event that quantification of the air quality impacts from the proposed project, either construction and/or operational, exceed established significant thresholds, mitigation measures may be necessary. In addition to identifying feasible mitigation measures, the lead agency should specify the control efficiency of each mitigation measure (if one is available) and apply the control efficiency to the total emissions estimated for the project. In this way the lead agency can quantitatively determine the significance of air quality impacts from the proposed project.

### **RESPONSE 2-1**

Based on this comment, DTSC applied the CARB URBEMIS 2002 emissions model to the two scenarios suggested by the commenter. The results of these two scenarios are shown in Attachment 1A and 1B of this Response to Comments document. One

scenario was for air emissions associated with normal operating conditions (incoming and outgoing trucks, staff and visitor passenger vehicles, and normal maintenance type vehicles). The second scenario added construction equipment, construction worker vehicles, construction equipment and supplies delivery vehicles, and dust from excavation for the foundation for the new tank farm area including loading and unloading areas. Air emission thresholds were not exceeded in either scenario and do not change the conclusion of the Initial Study.

### **COMMENT 2-2**

In the Final ND (see comment #1), the lead agency states on page 6 (Proposed Operations) that storage capacity during the operation of the proposed new tank farm will increase by about 12 percent under the new (DTSC) Permit and alludes to SCAQMD permitting requirements under the Existing Facility section on page 12. The lead agency, however, by not estimating the project impacts from the proposed equipment has not demonstrated that the 12 percent increase in tank capacity will not result in increase in operation emissions. Simply saying that operational impacts will comply with SCAQMD rules and regulations does not provide full disclosure of impacts to the public. Further, the SCAQMD, as a responsible agency, will use the ND as part of the process to deem permit applications for the proposed project complete. Without quantitative air quality information for stationary equipment subject to the SCAQMD permitting requirements, the CEQA documents may not be sufficient for SCAQMD permitting purposes. For questions related to SCAQMD requirements and estimating operational impacts from the proposed operating equipment, the lead agency can obtain assistance from SCAQMD engineering staff at (909) 396-3611.

### **RESPONSE 2-2**

As stated in Response to Comment 2-1, DTSC has used the CARM URBEMIS 2002 emissions model and analyzed the air emissions associated with vehicular traffic, etc during normal operating conditions and air emissions during the construction of the new tank farm. Neither scenario resulted in air emissions above threshold limits and does not change the conclusions of the Initial Study.

### **COMMENT 2-3**

In the project description on page 5, the lead agency discusses excavation for the new tank farm foundations that would require a depth of 4-5 feet. If the proposed project includes activities in which soil is found to be contaminated by hydrocarbon contaminants, the lead agency is reminded that contaminated sites would be subject to SCAQMD Rule 1166 and compliance should be referenced in the Final ND.

### **RESPONSE 2-3**

The area where the new tank farm will be constructed was characterized during the Corrective Action investigations at this site. The results of soil sampling in that area indicate Total Petroleum Hydrocarbons are not present in the soil or groundwater in this area.

### **COMMENT 2-4**

Permit to Construct applications will need to be submitted to the SCAQMD by the lead agency. These applications should include analyses of typical waste materials stored and calculation of criteria pollutant and Hazardous Air Pollutant (HAP) emissions. This information should have been included in the Draft ND and should also be included in the Final ND.

### **RESPONSE 2-4**

DTSC has spoken with the SCAQMD and confirmed that it is the responsibility of AEI to submit to the SCAQMD the application for the Permit to Construct along with the analyses of typical waste materials and calculation of HAP emissions. AEI has reported to DTSC that it submitted its application for the Permit to Construct and associated materials to the SCAQMD in February 2004. The SCAQMD may consider this information when it makes its permit decision(s). The Initial Study is not a draft document. Since this information does not change the conclusion of the Initial Study, the Initial Study will not be changed.

### **COMMENTS 3** Philip B. Chandler

### **COMMENT 3-1**

The Department of Toxic Substances Control (DTSC) has failed to provide adequate environmental protection in proposing to approve the draft Standardized Permit without Assurance of Financial Responsibility (AFR) for Corrective Action. In fact it is noted that this facility filed for reorganization under Chapter 11 of the federal bankruptcy code in August 1998. This should have taught DTSC a lesson with regards to corrective action AFR in at least this instance, but apparently not.

### **RESPONSE 3-1**

With respect to corrective action financial assurance, the corrective action consent agreement requires the Facility to establish a financial assurance mechanism for corrective measures implementation once the Corrective Measures Study is approved by the Department, and the Department has made a final remedy selection decision and approved the Facility's detailed workplan for implementation of the selected remedy. Until that point in the corrective action process, there is insufficient information available

from which to develop an accurate cost estimate, which is a necessary precursor to the establishment of a financial assurance mechanism. AEI conducted a RCRA Facility Investigation (RFI) at the site to characterize the vertical and horizontal extent of any releases. AEI submitted the final RFI Report on July 29, 2005, which concluded that no further action is needed at the site. AEI also prepared a Human Health Risk Assessment to support the conclusion of the RFI report. On March 29, 2007, DTSC deemed the final RFI Report and Human Health Risk Assessment to be complete. DTSC will proceed with the public participation process which will include circulating a Fact Sheet and a Statement of Basis to the members of the public for a 45-day public comment period before issuing a "No Further Action" determination for the site. Please also see Response 3-5.

DTSC's bankruptcy claims against AEI were resolved by way of a stipulation that was approved by the United States Bankruptcy Court, Central District of California (Riverside) in 1999. In the stipulation, AEI agreed that DTSC's claims for response costs, corrective action, facility closure and/or remediation for the AEI site *were not discharged* and that AEI remained obligated to investigate and remediate the contamination at the AEI site. (Stipulation, pp. 3-4). A copy of this Stipulation order is included in the administrative record for this project.

Any of these documents that are not available on-line are available in hard copies at the various applicable repositories and DTSC's Glendale office.

### **COMMENT 3-2**

Moreover, DTSC continues to make only partial documentation available in an on-line repository. The following represent some of my general concerns with this proposed project.

A portion of the *Draft Standardized Hazardous Waste Facility Permit* was placed on-line but other project documents related to the proposed permit, such as the July 31, 2003, Standardized Permit Application ("application") and the 1993 RCRA Facility Assessment, were not included on-line with the notice and draft permit. Since the application is incorporated into the permit by reference, it is really part of the permit, and therefore DTSC has only provided a partial permit on-line for the public comment. At a minimum, the entire permit should be placed in the on-line repository. The U.S. EPA recommends in FRL-7875-9 [Draft Final Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs], which was published in CFR Vol. 70, No. 42 [March 4, 2005] that its recipients – agencies such as DTSC that receive funding from them – establish an on-line information repository as a means to enhance public participation. A repository should include electronic versions of all applicable documents such as the *Draft Hazardous Waste Facility Permit* [sic] DTSC has failed to do this. Please re-notice and assure that all applicable information is available in an on-line repository.

### **RESPONSE 3-2**

The comment cites guidance that was in draft form at the time of the comment. Although the guidance has been finalized, it is only a recommendation and guidance, not a requirement. Additionally, State laws, regulations and policies do not require DTSC to post on its website all documents pertaining to hazardous waste facility permit decisions. As a matter of practice, DTSC does post many of the key documents relating to a pending or completed permit decision on this website (e.g. fact sheets, draft and final permit public notices, draft and final permits). The purpose is to provide the public with online access to as many documents in the administrative record as practically possible. Generally, DTSC does not post on its website the numerous documents, some of which are quite voluminous (e.g. permit applications), that are incorporated into the permit by reference or considered in making the permit decision. The purpose of posting these documents on the website is to inform the public about the status of the permit decision (e.g. public comment period and public hearing dates), provide basic background information concerning the facility and the pending permit decision, and provide information regarding the location(s) where interested parties may view further details concerning the permit decision. All of these documents, however, are available for public review in the DTSC office issuing the permit and/or the public repositories established during the public comment period. In this case, the public information repository is the Fontana Branch Library located at 16860 Valencia Avenue, Fontana. The actual documents posted on the website for a specific permit decision vary on a case-by-case basis and are based upon a variety of factors, including, but not limited to, amount of public interest, number of documents, and document size. Therefore, regarding the request to re-notice the draft permit and CEQA draft Negative Declaration, DTSC respectfully declines to honor this request.

### **COMMENT 3-3**

Please explain and document the amount of corrective action costs that DTSC estimated and submitted through the Attorney General to the bankruptcy court in 1998 in order to protect the State of California from having to assume the costs of completing corrective action.

### **RESPONSE 3-3**

On or about November 24, 1998, DTSC filed a proof of claim with the United States Bankruptcy Court, Central District of California (Riverside), which estimated future cleanup costs of \$825,000 for the AEI facility that is the subject of this permit decision (Proof of Claim, pp. 6-7). As discussed in Response 3-1 above, AEI remains responsible for those costs pursuant to the stipulation approved by the court. Additionally, DTSC is not constrained by the amount of the estimate cited in the proof of

claim. If, for example, DTSC's estimate increases over time, DTSC retains the authority to rely on the higher estimate.

#### **COMMENT 3-4**

Please explain and document the condition of the vadose zone and ground water underlying Units 8 through 12, with respect to contamination, which are being approved for closure. Please explain why the issue of potential post-closure care for these units is not discussed and a contingency provided for in the draft permit? Has the corrective work proceeded to the point of identifying groundwater contamination? Has it been demonstrated that these closing units have not contributed to such contamination? Has corrective action work demonstrated any releases in the vicinities of either the closing units or where the proposed units are to be located? Is DTSC approving any installation of new tanks at locations that are contaminated?

#### **RESPONSE 3-4**

Investigations of the condition of the vadose zone underlying existing operating Units 8 through 12, with respect to contamination, will be conducted after AEI has ceased operating these tanks and removed them. Then access will be available for drilling equipment. Regarding groundwater underlying Units 8 through 12, the regional groundwater table is known to be approximately 400 feet below the AEI facility. During Phase I-B of the RCRA Facility Investigation (RFI) of this facility, an exploratory boring was drilled and it was determined that groundwater was not present to a depth of at least 100 feet below ground. The RFI identified the depth of contamination from Solid Waste Management Units 1 and 2 and concluded that groundwater has not been contaminated. Potential post-closure care for the units not addressed in the draft permit was addressed in the AEI Standardized Permit application. Section XI.D of the Permit application is titled "Post-closure Plan/Contingent Post-closure Plan". It states that because the AEI facility will be closed as a clean site, no post-closure and contingent post-closure inspection, monitoring and maintenance is expected.

The RFI Investigations concluded that there have not been any releases to soils or groundwater in the area where the new Units 1 through 4 will be located. DTSC is not approving any installation of new tanks at locations that are contaminated.

#### **COMMENT 3-5**

The AFR for corrective action is required by statute to be included in permits issued by DTSC. Why isn't this addressed? Why isn't the AFR for corrective action addressed in the corrective section of the draft permit? By its silence on corrective action AFR, it is believed that this draft permit is inconsistent with and contradictory to the intent of H&SC §25200.10(b). This section of the H&SC requires that, "When corrective action cannot be completed prior to issuance of the permit, the permit shall contain schedules of compliance for corrective action and assurances of financial responsibility for

completing the corrective action" [H&SC §25200.10(b)]. Title 22 states "That the permit or order [emphasis added] will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial §66264.101(b)] A Corrective Action Consent Agreement (CACA) was entered into in June of 1996, and corrective action is still not complete nine (9) years later, before the proposed issuance of this draft permit. Still DTSC has failed to require corrective action AFR in the draft permit. Moreover, there appears to be no schedule of compliance for completion of corrective action in the draft permit proper.

I would urge DTSC to re-examine its policies on AFR for corrective action.

### **RESPONSE 3-5**

The Standardized Permitting and Corrective Action Branch of DTSC has been working with AEI since January, 1999 when AEI decided to seek a Standardized Permit for its transfer activities versus a RCRA Treatment and Storage permit, which AEI had been pursuing with DTSC's Southern California Permitting and Corrective Action Branch in Glendale. RCRA Facility Investigation (RFI) investigations have been conducted in phases from that time to the present. This work included removal of non-operating tanks/equipment, which facilitated subsurface investigations. To conduct those investigations, AEI used and funded the services of geological engineering consultants. Prior to the conclusion of those investigations, selection of a remedy (if applicable) and approval of workplan (if applicable) would have been too speculative and could not have been used to determine a cost estimate and establish a mechanism for Assurance for Financial Responsibility (AFR). AEI submitted the Final RFI Report to DTSC on July 29, 2005. The findings of that report recommend No Further Action. The RFI Report concluded that no further action is needed at the site. AEI also prepared a Human Health Risk Assessment to support the conclusion of the RFI report. On March 29, 2007, DTSC deemed the final RFI Report and Human Health Risk Assessment to be complete. DTSC will proceed with the public participation process which will include circulating a Fact Sheet and a Statement of Basis to the members of the public for a 45-day public comment period before issuing a "No Further Action" determination for the site. If the No Further Action recommendation is finalized, additional corrective action will not be required and therefore financial assurance for corrective action will not be necessary.

Regarding the issue that Corrective Action has not been completed since the Corrective Action Consent Agreement was signed 11 years ago, we would like to clarify that this project was transferred to the Standardized Permitting and Corrective Action Branch in November 1998 from DTSC's Glendale regional office. Since 1998, our office has conducted phased investigations at this site as non-operating tanks and equipment were removed to allow drilling equipment to gain access. This phased approach added time but resulted in a thorough investigation.

Concerning the claim that there is no schedule of compliance for completion of corrective action in the draft permit, Part VI of the draft permit refers to the June 25, 1996 Corrective Action Consent Agreement (CACA), which is an enforceable agreement and the Permit requires the corrective action to be carried out pursuant to the CACA. Page 19 of the CACA contains a schedule of compliance. Thus a schedule of compliance is included in the Permit because the CACA is part of the permit by reference.

**COMMENTER 4** AEI, via Paul, Hasting, Jonofsky and Walker

**COMMENT 4-1**

On behalf of Advanced Environmental, Inc. (AEI) we are writing to provide comments on the draft Hazardous Waste Facility permit for the AEI facility in Fontana, California. AEI's comments pertain to Figure 3, New Transfer Facility Proposed Plan and Part V, Special Conditions Applicable to the Entire Facility's Storage Units.

In reviewing the plans for the proposed tank farm, it appears that the proposed tank farm is too close to the southeast property line to allow for tractor trailers to effectively and safely maneuver around the tank farm. In addition the current design of the southern loading areas does not allow drive-through ingress and egress. Consequently, AEI requests that the tank farm be shifted to the northwest.

Attached hereto is the proposed amended drawing that reflects the requested adjustments. The changes proposed in this comment will not diminish or in any way alter the design of the secondary containment calculations or in any other way alter the design of the tank farm. As indicated on the attached drawing, the entire footprint of the tank farm would be moved northwest from the location on Figure 3 in the draft permit. Both the north and south loading and unloading areas would be increased by five additional feet in width. The footprint of the southern loading area would also be shifted east from the western end of the tank farm. This configuration will allow trucks to safely enter the south loading area from either the west or the east direction.

These changes will not restrict vehicle ingress and egress trucks entering at either end of the facility. In fact, vehicle movement will be facilitated by eliminating the need to back into or out of the southern loading area. The proposed changes will not trigger any changes in operations, throughput, capacity or tank system design. The proposed changes to the tank farm do not require narrative changes in either the draft permit or the Standardized Permit application.

**RESPONSE 4-1**

DTSC has reviewed the revised plot plan drawing and the revised location for the proposed new tank farm submitted with this comment. DTSC has determined that this new drawing and the new location are technically acceptable. This revised drawing will

replace the previous version in the Standardized Permit application. Figure 3 - New Transfer Facility Proposed Plot Plan has been revised to reflect the new tank farm location.

#### **COMMENT 4-2**

AEI has the following comments pertaining to Part V, Special Conditions Applicable to the Entire Facility's Storage Units, Condition E, Condition M.4, and Condition N.2

Condition E states that the Permittee shall not accept or store any RCRA hazardous waste. There is potential for RCRA waste to be stored as exempt transfer waste at the AEI facility as specified in Condition K. AEI is therefore concerned that the general prohibition against storing RCRA hazardous waste may result in an alleged permit violation during a future DTSC facility inspection. AEI requests that Condition E be rewritten to state "**Except as provided in Condition K**, the Permittee shall not accept or store any RCRA hazardous waste." The proposed change to Condition E does not require narrative changes in the Standardized Permit application.

#### **RESPONSE 4-2**

This permit does not authorize or regulate exempt transfer activities, except to the extent those activities could interfere with compliance with the permit (See Paragraph K). Waste acceptance and storage procedures etc. in this permit, such as paragraphs E, M, N and O apply only to permitted units and do not apply to exempt transfer waste. DTSC believes it would cause confusion to create exemptions within some conditions and not others for exempt transfer waste, when in fact, the permit in general does not authorize or regulate exempt transfer activities. Therefore, DTSC will not make the change requested by the commenter. To clarify that the permit does not authorize any exempt transfer facilities, the phrase "Except as provided in Condition K," , in Part V., Condition J, of the draft permit has been deleted.

#### **COMMENT 4-3**

Condition M.4 states that the Permittee shall conduct the fingerprint tests specified in Table 4 prior to accepting the hazardous waste streams identified in Table 1 [used oil]. Table 4 includes PCBs. It is impractical for trucks to wait for PCB testing results since it takes approximately 4-5 hours to obtain results for PCB testing. AEI has agreed to test used oil after a tank has been filled as identified in Condition O and as stated in its Standardized Permit application. AEI requests that either the PCB finger test be deleted from Table 4 in reliance on Condition O, or that the detailed Requirement 4 in Table 4 be amended to read: "PCBs shall be tested be using EPA method 8082, after incoming shipments have been placed in a receiving tank, but prior to the used oil tank being shipped offsite." AEI believes that a condition imposing PCB testing prior to acceptance is both unnecessary and more stringent than acceptance conditions placed

on other Standardized Permitted Facilities. The proposed change to Condition M.4 does not require narrative changes in the Standardized Permit application.

### **RESPONSE 4-3**

First, DTSC wants to clarify that Condition M.4 was not imposed with the intent to require AEI to test each *incoming* load of used oil for PCBs. On the contrary, our intent was to require the testing for each *outgoing* load. Therefore, DTSC has agreed to delete the PCB testing procedures from Table 4.

Next, DTSC has reevaluated the requirement for AEI to test each outgoing load of used oil for PCBs. DTSC believes the statutory requirement of California Health and Safety Code, section 25250.1(a)(1)(B)(iv) that used oil not include oil that contains polychlorinated biphenyls (PCBs) at a concentration of 5 parts per million or greater can be achieved by implementation of other equivalent procedures. In addition to AEI testing each outgoing shipment of used oil, another viable option is to allow the same testing to be conducted by whatever receiving facility receives that outgoing shipment of used oil from AEI, provided certain conditions, such as adequate instructions and documentation, are met. Therefore, DTSC has modified condition O as shown in the final Permit and incorporated herein by reference. (See Attachment 2 of this document)

### **COMMENT 4-4**

Condition N.2 states that when the Permittee has determined that a used oil shipment contains more than 1,000 ppm total halogens and seeks to rebut the presumption under California Code of Regulations, title 22, section 66279.10(b), then the Permittee shall test the used oil and demonstrate through analytical testing results that halogenated hazardous waste is not present in the used oil. Condition N.2 also states that the Permittee cannot rebut the presumption by using only generator analytical results and/or generator knowledge. The requirement to independently test the used oil and the restriction against relying upon generator analytical results and/or generator knowledge unreasonably limits the language in title 22, CCR, section 66279.10(b), and no other TSDF has such requirement included in its permit. AEI specifically requests that the requirement for independent testing and the entire last sentence of Condition N.2 be deleted from the permit. The proposed changes to Condition N.2 do not require narrative changes in the Standardized Permit application.

### **RESPONSE 4-4**

DTSC has re-evaluated this condition's previous requirement that only independent testing by used oil transfer facilities can be used to rebut the rebuttable presumption that used oil does not contain RCRA hazardous halogens. DTSC is willing to add other options that would allow the Permittee in certain circumstances to use documentation from generators and test results from transporters to rebut the rebuttable presumption that used oil contains RCRA hazardous halogens, provided that specific requirements

are met. DTSC believes the revised procedures that have been incorporated into the new Condition N.2. in the final Permit, incorporated herein by reference, are consistent with California Code of Regulations, title 22, section 66279.10(b). (See Attachment 3 of this document)

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URBEMIS 2002 For Windows 8.7.0

File Name: C:\Program Files\URBEMIS 2002 Version 8.7\Projects2k2\AEI2.urb  
 Project Name: AEI2  
 Project Location: South Coast Air Basin (Los Angeles area)  
 On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT  
 (Pounds/Day - Summer)

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 TOTAL	PM10 EXHAUST	PM10 DUST
*** 2005 ***							
TOTALS (lbs/day,unmitigated)	0.00	0.00	0.02	0.00	0.00	0.00	0.00

	ROG	NOx	CO	SO2	PM10 TOTAL	PM10 EXHAUST	PM10 DUST
*** 2006 ***							
TOTALS (lbs/day,unmitigated)	0.76	0.00	0.02	0.00	0.00	0.00	0.00

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day,unmitigated)	0.12	0.00	0.78	0.00	0.00

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day,unmitigated)	0.11	0.69	1.44	0.01	0.09

SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day,unmitigated)	0.23	0.70	2.22	0.01	0.10

ATTACHMENT 1A - CARB URBEMIS 2002 EMISSIONS MODEL  
 NORMAL OPERATING CONDITIONS

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URBEMIS 2002 For Windows 8.7.0

File Name: C:\Program Files\URBEMIS 2002 Version 8.7\Projects2k2\AEI1.urb  
Project Name: AEI  
Project Location: South Coast Air Basin (Los Angeles area)  
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

SUMMARY REPORT  
(Pounds/Day - Summer)

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 TOTAL	PM10 EXHAUST	PM10 DUST
*** 2005 *** TOTALS (lbs/day, unmitigated)	13.81	95.77	101.68	0.00	4.17	4.16	0.01

	ROG	NOx	CO	SO2	PM10 TOTAL	PM10 EXHAUST	PM10 DUST
*** 2006 *** TOTALS (lbs/day, unmitigated)	10.88	70.19	90.46	0.00	2.93	2.93	0.00

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10
TOTALS (lbs/day, unmitigated)	0.11	0.69	1.44	0.01	0.09

ATTACHMENT 1B - CARB URBEMIS 2002 EMISSIONS MODEL  
ADDITIONAL OF CONSTRUCTION EQUIPMENT AND DUST FROM EXCAVATION

ATTACHMENT 2 – SPECIAL PERMIT CONDITION O (EXCERPTED FROM AEI  
FINAL STANDARDIZED HAZARDOUS WASTE FACILITY)

**O. Used Oil - PCBs Testing**

1. The Permittee shall collect and retain a representative sample from each truck unloading used oil at the Facility. The Permittee shall retain the sample until the PCBs testing specified below is completed and documented. Each retained sample shall identify the specific shipment of used oil it represents.
2. All outgoing used oil shall be tested for PCBs to ensure that the used oil load does not contain PCBs at a concentration of 2 ppm or greater. The Permittee shall test the used oil from each storage tank for PCBs pursuant to the procedures specified in Condition O.2.a below or the Permittee shall comply with the requirements in Condition O.2.b, which provide for the receiving facility to test the used oil for PCBs.
  - a. If the Permittee is performing the tests for PCBs in used oil, the Permittee shall test the used oil for PCBs using all of the following procedures:
    - (1) The Permittee shall obtain a representative sample of the used oil from the tank to be emptied using the sampling procedure specified in Section III of the DTSC-approved Standardized Permit Application. No additional loads of used oil shall be added to the storage tank once the sample is taken and used oil shall not be unloaded until the PCB test specified below is completed.
    - (2) The Permittee shall test the used oil sample for PCBs using EPA test method 8082 or other similar methods approved by the United States Environmental Protection Agency or DTSC.
    - (3) If the used oil does not contain PCBs at a concentration of 2 ppm or greater, the tank contents may be emptied and released for shipment. The used oil may then be delivered to an authorized used oil transfer or treatment facility.
    - (4) If the used oil contains PCBs at a concentration of 2 ppm or greater, a second sample shall be obtained and tested after cleaning the sampling equipment using the permanganate cleanup procedure.

- (5) If the second test result discussed in a.(4) above of the used oil in the storage tank confirms that the used oil contains PCBs at a concentration of 2 ppm or greater, the retained sample from each tanker truck that was unloaded into the storage tank shall be tested.
  - (6) If all the retained samples for shipments unloaded into the storage tank show less than 5 ppm of PCBs, the Permittee may manage the tank contents as used oil.
  - (7) If any retained sample is at or above the 5 ppm limit for PCBs, the entire contents of the storage tank shall be shipped to a facility permitted to accept PCBs-contaminated hazardous waste pursuant to all applicable requirements, including those of the Toxic Substances Control Act (TSCA, Public Law [Pub.L] 94-469). The storage tank shall be decontaminated to remove all PCBs residues prior to reuse. Any waste generated as a result of decontamination of the storage tank shall be managed as PCBs-contaminated hazardous waste.
  - (8) If any sample shows a PCB concentration of 5 ppm or greater, the Permittee shall provide the written test results to DTSC within seven (7) days of obtaining the test results.
  - (9) The result of the PCB testing specified in this section shall be valid only if no additional loads of used oil are added to the storage tank from which the sample is taken. If additional loads of used oil are added to the storage tank, a new sample shall be taken and the PCB testing conducted again.
- b. If the Permittee elects to have the receiving facility test the used oil for PCBs and the receiving facility agrees to test the used oil for PCBs in accordance with this Condition O, the Permittee shall provide written instructions to the receiving facility that directs it to test the used oil for PCBs to ensure that the used oil load does not contain PCBs at a concentration of 2 ppm or greater. The instructions shall, at a minimum, direct the receiving facility to do all the following:
- (1) Take a sample for PCBs testing directly from the Permittee's used oil load and test the Permittee's used oil load separately from any other load.
  - (2) Do not unload the truck or commingle the Permittee's used oil load with any other used oil at the receiving facility until PCBs

testing indicates that the Permittee's load does not contain PCBs at a concentration of 2 ppm or greater.

- (3) Use EPA test method 8082 or other similar methods approved by the United States Environmental Protection Agency or DTSC to test the used oil.
  - (4) Write the manifest number on the written test results for the used oil load that was tested.
  - (5) Provide the Permittee with written test results within 24 hours after the test has been performed. The written test results shall clearly show whether or not the used oil load contains PCBs at a concentration of 2 ppm or greater.
  - (6) Reject the load if the test results show that the used oil contains PCBs at a concentration of 2 ppm or greater.
  - (7) Provide a signed certification, under penalty of perjury, for each set of test results, to the Permittee stating that the receiving facility has followed all of the Permittee's written instructions for each used oil load received from the Permittee.
3. a. If the load is rejected under Condition O.2.b.(6), the Permittee shall test, in accordance with Condition O.2.b.(3), each retained sample from each tanker truck that unloaded into the PCBs-contaminated storage tank that was subsequently emptied and transported to the receiving facility. If all the retained samples show less than 5 ppm of PCBs, the Permittee may manage the storage tank contents as used oil. If the Permittee sends this used oil back to the same receiving facility that previously tested and rejected the load, the Permittee is not required to direct the receiving facility to test the same load again pursuant to the above instructions.
- b. If any retained sample is at or above the 5 ppm limit for PCBs, the entire load from the PCB-contaminated transport vehicle (i.e., tanker trailer), any waste remaining in any other transport vehicle that transported the PCB-contaminated load, and any remaining waste in the PCBs-contaminated storage tank (including any subsequent loads placed into the storage tank) shall be shipped to a facility permitted to accept PCBs-contaminated hazardous waste pursuant to all applicable requirements, including those of the Toxic Substances Control Act (TSCA, Public Law [Pub. L.] 94-469). Any transport vehicles and the storage tank that held the PCBs-contaminated hazardous waste shall be decontaminated to remove all PCB residues prior to reuse. Any

waste generated as a result of decontamination of the transport vehicles and storage tank shall be managed as a PCBs-contaminated waste.

4. The Permittee shall immediately notify DTSC of any rejected load by e-mail and in writing and provide the written test results to DTSC within seven (7) days of obtaining the test results. The Permittee shall comply with the requirements of Health and Safety Code section 25160.6 for any rejected load.
5. The Permittee shall keep all documentation for PCBs testing for at least three (3) years, including but not limited to, (i) the written instructions to the receiving facility, (ii) the written test results provided by the receiving facility that show that the used oil load has been tested for PCBs pursuant to Condition V.O.2.b above or test results obtained by the Permittee pursuant to Condition V.O.2.a above, (iii) test results for retained samples that were conducted pursuant to Condition V.O.2.a.(5) and Condition V.O.3 above; and (iv) the certifications required by Condition V.O.2.b.(7) above. The Permittee shall make the documentation available for inspection upon DTSC's request.

ATTACHMENT 3 – SPECIAL PERMIT CONDITION N.2 (EXCERPTED FROM  
AEI FINAL STANDANDIZED HAZARDOUS WASTE FACILITY)

**N. Used Oil - Total Halogen Testing**

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2. a. When the Permittee has determined that a used oil shipment contains more than 1,000 ppm total halogens, the Permittee:
- (1) shall reject the load pursuant to Health and Safety Code section 25160.6 and any other applicable requirements; or
  - (2) may seek to demonstrate that the rebuttable presumption under California Code of Regulations, title 22, section 66279.10(a), should be rebutted pursuant to California Code of Regulation, title 22, section 66279.10(b).

If the Permittee seeks to rebut the presumption by demonstrating that the used oil does not in fact contain halogenated hazardous waste pursuant to California Code of Regulations, title 22, section 66279.10(b), (b) (1) and (2), the Permittee shall follow the applicable procedures in condition N.2.c below.

- b. The Permittee may only accept a used oil shipment containing more than 1000 ppm total halogens and manage it as used oil when the rebuttable presumption has been rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2) using the procedures in condition N.2.c. below or based on California Code of Regulations, title 22,section 66279.10 (b)(3), (4), or (5).
- c. The Permittee shall use the following options for rebutting the rebuttable presumption pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2).
  - (1) Option 1. For used oil received from a single generator and when the generator provides a Waste Profile Sheet. The Permittee may not use this option when the generator is a commercial oil change operation, auto repair shop, or collection center where the used oil may have come from different sources.

- (A) The Permittee may rebut the rebuttable presumption pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2) only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by complying with conditions N.2.c.(1)(B) through (G) below, which are the only other means of demonstrating that the used oil does not contain halogenated hazardous waste for purposes of California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2) and this Permit;
  - (B) The Permittee shall obtain from the transporter a copy of the Generator's Waste Profile Worksheet (GWPW), attached to the manifest;
  - (C) The Permittee shall review this documentation and confirm in the operating log that the GWPW: i) is less than 365 days old, ii) is based on a representative sample of the waste; and iii) was analyzed by a laboratory certified in accordance with the Environmental Laboratory Accreditation Program by using the test methods specified in California Code of Regulations, title 22, section 66279.90(b);
  - (D) The Permittee shall obtain a written certification from the generator that the generator repeats the waste testing and certification process outlined in condition N.2.c.(1)(C) above at least every 365 days;
  - (E) The Permittee shall review the documentation discussed above and enter into the operating log the reason that the rebuttable presumption can be rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2);
  - (F) The Permittee shall confirm in the operating log that the GWPW is on file at the Facility; and
  - (G) The Permittee shall maintain copies of all documentation required in conditions N.2.c.(1)(B) through (F) above at the Facility.
- (2) Option 2. For used oil received from a single generator and when the generator does not provide a Waste Profile Sheet, the Permittee may rebut the presumption only through analytical testing in accordance with the test methods specified in California Code of

Regulations, title 22, section 66279.90(b) accompanied by a determination that the rebuttable presumption is rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2).

- (3) Option 3. For used oil received from multiple generators (Consolidated Loads) and when the transporter provides fingerprint test data for each generator using EPA Test Method 9077.
  - (A) The Permittee may only rebut the rebuttable presumption through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by demonstrating that the used oil does not contain halogenated hazardous waste by satisfying condition N.2.c.(3)(B) below.
  - (B) The Permittee shall obtain the fingerprint test data referenced in N.2.c.(3) above from the transporter; and
    - (i) For any generator whose used oil has a concentration that exceeds 1000 ppm total halogens, the Permittee shall receive and have on file proper documentation and follow the procedures in Option 1 above; and
    - (ii) The finger print test data shall demonstrate that the used oil collected from all the other generators has concentrations at or below 1000 ppm total halogens.
- (4) Option 4. For used oil received from multiple generators (Consolidated Loads) and when the transporter cannot provide fingerprint data for each generator using EPA Test Method 9077, but the transporter has collected individual samples from each generator and retained the samples along with the load.
  - (A) The Permittee may rebut the rebuttable presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by demonstrating that the used oil does not contain halogenated hazardous waste by satisfying the conditions in (i) and (ii) below.
    - (i) The Permittee shall obtain the individual retained samples from the transporter and test the retained samples using EPA Test Method 9077; and

- (ii) For any generator whose used oil has a concentration that exceeds 1000 ppm total halogens, the Permittee shall receive and have proper documentation on file prior to acceptance and follow the procedure in Option 1 above.
- (5) Option 5. For used oil received from multiple generators (Consolidated Loads) and when the transporter cannot provide fingerprint data or retained samples as discussed in Options 3 and 4 above, the Permittee may rebut the rebuttable presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) accompanied by a determination that the rebuttable presumption is rebutted pursuant to California Code of Regulations, title 22, section 66279.10 (b), (b)(1) and (2).