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RESPONSE TO COMMENTS

ASBURY ENVIRONMENTAL SERVICES, CHICO, CALIFORNIA STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT

March 13, 2009

BACKGROUND

Asbury Environmental Services Facility is located at 2549 Scott Avenue, Chico, Butte County, California. On December 30, 1997, DTSC issued a Standardized Hazardous Waste Facility Permit to Evergreen Environmental Services to operate the Facility. Evergreen Environmental Services later changed its name to Evergreen Oil, Inc. On January 3, 2002, Evergreen Oil, Inc. submitted a request to DTSC for a permit modification to transfer its Permit to Asbury Environmental Services. In March 2003, DTSC modified the Permit to authorize Asbury Environmental Services as the new facility owner and operator. Asbury Environmental Services continues to operate the Facility.

Asbury Environmental Services submitted a new Standardized Hazardous Waste Permit, Series C Application which was reviewed by DTSC and determined to be technically complete on December 1, 2008. DTSC prepared a draft Permit and a Notice of Exemption pursuant to California Environmental Quality Act. On December 1, 2008, DTSC informed the public of a 45-day public comment period on the draft permit. That comment period ran from December 1, 2008 to January 29, 2009. The public was informed of the public comment period by a display advertisement in the Chico Enterprise on December 1, 2008. A radio advertisement was aired on KGO 810 News talk on December 1, 2008. In addition, copies of a fact sheet were mailed to persons on the facility mailing list.

DTSC received one comment during the public comment period. The comment was from Ms. Rosemary Domino, representing Asbury Environmental Services, via electronic mail. The following is DTSC's response to this comment.

Response to Comment from Rosemary Domino received January 28 2009

Comment:

Asbury has identified a problem with Item 2 located in Part IV, Permitted Units and Activities, Unit #1, Unit-Specific Special Conditions of the draft permit which must be addressed before any final permit can be issued.

Part IV, Permitted Units and Activities, Unit #1, Unit-Specific Special Conditions, Item 2.

This condition states; “where a leak or damage is detected in the tank, the Permittee shall submit a new tank integrity assessment certification for this tank to DTSC for approval within 60 days of the repair or placement. The Permittee shall not put the affected tank back into service until the Permittee receives written approval from DTSC.”

The condition of submitting a new tank integrity assessment certification for leaks and damages and not putting the tank back into service until the Permittee receives written approval from DTSC adopts a standard where there is no regulatory requirement to support it. This condition is inconsistent with both California and federal regulatory schemes for tank systems. However for major repairs, California Code of Regulations, title 22, section 66264.196(b)(7) does require the Permittee to obtain a new tank integrity assessment certification and submit the certification to the Department within seven days after returning the tank system to use.

Asbury requests that this condition be revised to state:

“Where a major leak or damage is detected in a tank, the Permittee shall comply with California Code of Regulations, title 22, section 66264.196(b)(7) prior to returning the tank back into service.”

Response to Comment:

DTSC agrees with the comment and has revised the permit condition to read:

“Where a leak or damage is detected in a tank, the Permittee shall submit to DTSC a new tank integrity assessment certification prepared in accordance with California Code of Regulations, title 22, section 662264.191 and signed by an independent, qualified professional engineer registered in California within seven days after returning the tank to service.”