



Closed Site Management Group
9081 Tujunga Ave.
Sun Valley, CA 91352
818.252.3202 (direct)
832.668.3044 (fax)

By Email and U.S. Mail

September 13, 2007

Mr. Wade Cornwell
Northern California Permitting and Corrective Action Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
8800 Cal Center Drive, R1-2
Sacramento, CA 95826

**Re: Hazardous Waste Facility Post-Closure Permit
Permit No. 05-SAC-10
Status Report; Request for Extension of Stay**

Dear Mr. Cornwell:

Thank you for meeting with us on July 16 and August 16, 2007 to discuss the options provided in the above-referenced permit for addressing long-term care at the Chemical Waste Management, Inc. (CWM) facility near Bakersfield. As you know, those options include "declassification" under California Code of Regulations, title 22, section 66260.200 (Option 1), "clean closure" under chapter 14 of division 4.5 of title 22 of the California Code of Regulations (Option 2), or complying with the permit's post-closure care provisions (Option 3).

This letter provides a detailed report on the technical work CWM has underway to evaluate which of the three options is most appropriate for the Bakersfield landfill. We also are writing to acknowledge receipt of DTSC's August 20, 2007 letter stating that DTSC will hold CWM's appeal of the permit in abeyance until at least October 18, 2007 pending further evaluation of CWM's progress in implementing one of the three options. As discussed below, because of the effort required to evaluate the declassification and clean closure options, and to avoid unnecessarily processing the appeal while we continue working with DTSC on these options, we request that the October 18, 2007 stay be extended until December 18, 2007.

Permit Options – Efforts To Date

Waste-In Database

CWM recognized that to implement either Option 1 (declassification) or Option 2 (clean closure), CWM will need to develop a waste-in database to identify manifested wastes received at Bakersfield. That work is well underway. The initial source of this data is from CWM waste manifests in the company's internal files.

CWM's consultant, Professional Environmental Group (PEG), began work on the waste-in database on July 5, 2007 and completed the initial review of the CWM manifests on July 15, 2007. Other than four D002 corrosive shipments, which were neutralized at the facility, PEG identified no federal RCRA listed wastes. PEG is entering the CWM manifest information into an electronic database that will be made available to both CWM and DTSC. Data entry is expected to continue through September 2007.

M.P. Disposal Company Manifests

On July 16, 2007 and again on August 16, 2007, CWM met with you and several of your colleagues at DTSC to discuss the three alternatives presented in the permit. Specifically, we discussed the possibility of implementing a "risk-based" approach to clean closure, possibly in combination with "hot spot" removal and a deed restriction. You acknowledged that, with sufficient waste characterization and risk assessment, CWM might be able to leave wastes in place and still "clean close" the facility (*i.e.*, risk-based clean closure). You requested that, as part of its waste characterization effort, CWM review manifests from the prior owner of the facility, M.P. Disposal Company.

As you requested, PEG has undertaken a search for the M.P. Disposal Company manifests. PEG found no such manifests in CWM's company records. As a next step, on August 27, 2007, PEG began reviewing the microfilm files at DTSC's office in Sacramento for the M.P. Disposal Company manifests. There are approximately 156 rolls that require reviewing with each roll containing approximately 3,000 images. This is work that must be done manually as the microfilm cannot be electronically scanned or key-word searched. Moreover, PEG was constrained by the fact that there is only one microfilm reader available at DTSC's office and PEG had to occasionally share the reader. Under those conditions, PEG estimated it could take as long as an additional twenty-six weeks to complete the review. In addition to the time required for PEG to review the DTSC microfilm, additional time will be required to enter and verify the accuracy of the information entered into the database from the manifests.

Waste and Risk Characterization – Deliverables

At the August 16, 2007 meeting DTSC also provided detail on its expectations for the waste and risk characterization efforts needed for risk-based "clean closure". DTSC requested that the waste and risk characterization include:

- A review and summary of all available CWM and M.P. Disposal Company manifests;
- A review and presentation of available historical aerial photographs;
- A geophysical survey to investigate the possibility of buried drums or other unpermitted materials at the facility;
- A graphical presentation depicting the approximate spatial locations of the wastes;
- A summary of all analytical data collected so that DTSC toxicologists have a better idea of the facility's environmental conditions; and
- Collection of 50 waste samples or more, some of which should be analyzed for Appendix IX constituents.

CWM intends to address DTSC's requests in the following deliverables:

- Waste-In Report that describes the types and volumes of permitted wastes accepted at the facility (based on the manifest review);
- Waste Characterization Work Plan that describes the field sampling plan for characterizing the wastes within each of the permitted units at the facility;
- Human Health/Ecological Risk Assessment Work Plan that describes the methodology for conducting an assessment of the current and future risk posed by the facility, using data generated by the Waste Characterization study;
- Geophysical Survey Report that describes the methodology used for identifying and documents any buried drums or other un-permitted materials at the facility;
- Waste Characterization Report; and
- Human Health/Ecological Risk Assessment Report.

Permit Options – Future Efforts and Deliverable Schedule

Waste Characterization and Risk Assessment Work Plans

CWM's waste characterization and risk assessment consultant, Geomatrix, is preparing the waste characterization and risk assessment work plans. As requested by DTSC at the August 17 meeting, Geomatrix is preparing comprehensive work plans tailored to and incorporating specific site conditions. When implemented, these work plans will allow for the "robust" waste and risk characterization DTSC requested. To that end, Geomatrix has been reviewing all available data regarding the facility including the Facility Closure and Post-Closure Plan, the Closure Construction Report, and historical waste, leachate and groundwater analytical data. As requested, aerial photographs are being obtained and reviewed to confirm the historical layout of the site and to potentially identify areas needing further investigation. Geomatrix also anticipates incorporating available results from PEG's initial manifest review efforts. By waiting for this data and incorporating it into the work plans, Geomatrix will avoid unnecessarily having to revise the work plans after the waste-in report is submitted to DTSC.

In addition to Geomatrix's ongoing efforts, CWM has retained a contractor to perform the geophysical survey requested by DTSC. Because of scheduling conflicts, this contractor is not able to perform field work until late September or possibly early October. To provide DTSC with comprehensive, tailored work plans, Geomatrix proposes to incorporate the results of the geophysical survey in the waste characterization and risk assessment work plans.

As requested during the August 17 meeting, we propose to schedule a meeting with personnel from DTSC's permitting and risk groups in the next several weeks to discuss the proposed work plans and to make sure they will meet DTSC's expectations. To facilitate a more productive meeting, we will provide draft work plan documents (e.g., tables, figures, maps) in advance of the meeting. Depending on the outcome of the meeting, we expect that the waste characterization and risk assessment work plans can be submitted to DTSC for review on or before **November 1, 2007**. CWM requests that

DTSC's permitting and risk groups review these work plans together to ensure that the data collection needs are sufficient for both the characterization and risk reports. In addition, the geophysical survey report will be submitted to DTSC on or before **November 15, 2007**.

Waste-In Report

PEG's review of the M.P. Disposal Company manifests at DTSC's offices is ongoing. As of August 31, 2007, PEG had reviewed 15,000 records; 291 M.P. Disposal Company manifests had been identified. As noted, it is difficult to estimate when PEG's DTSC microfilm review will be completed. PEG initially estimated that it would take another twenty-six weeks to complete the review. However, now that you have agreed to allow a bonded vendor to copy the microfilm, the manifest review should be completed much more quickly.

We anticipate the waste-in report will be completed in draft approximately 30 days after data entry and quality control is complete. Because this manifest review work is required for waste characterization, it is the critical path for both the declassification and risk-based clean closure options. Assuming a bonded vendor copies the DTSC microfilm so that PEG can review the records in its own offices, our best estimate is that PEG's work will be completed, and the waste-in report submitted to DTSC by **December 14, 2007**.

Deliverable Schedule

The following table provides a summary of our proposed schedule for submitting deliverable to DTSC for review.

Deliverable	Proposed Date
Waste-In Report	December 14, 2007
Waste Characterization Work Plan	November 1, 2007
Human Health/Ecological Risk Assessment Work Plan	November 1, 2007
Geophysical Survey Report	November 15, 2007
Draft Waste Characterization Report	150 days after Work Plan approval
Draft Human Health/Ecological Risk Assessment Report	200 days after Work Plan approval

We currently anticipate preparing a comprehensive report including the waste-in report, waste characterization work plan, geophysical survey report and risk assessment work plan. A draft Table of Contents for the Waste Characterization Work Plan and Human Health/Ecological Risk Characterization Work Plan is attached.

Permit Appeal – Extension of Stay

On July 19, 2007 we submitted an appeal of the post-closure permit, requesting that the appeal be held in abeyance while we work with the agency to evaluate the

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declassification and clean closure options. On August 20, 2007, Mr. Mohinder Sandhu sent a letter stating that DTSC will hold the appeal in abeyance until October 18, 2007. He further stated that DTSC may grant an extension of the stay based on good cause. In order to avoid unnecessary processing of the appeal while we continue to work with you on the declassification and clean closure options, we request that the October 18, 2007 stay be extended until **December 18, 2007**.

* * * *

For the reasons discussed above, CWM requests DTSC's concurrence on the deliverable schedule outlined above and for an extension of the stay on the permit appeal proceeding to **December 18, 2007**.

Thank you for your attention to this matter. Please call at your earliest convenience if you have any questions or would like to discuss our request.

Sincerely,

Chemical Waste Management, Inc.

//original signed by//

Philip C. Perley
Closed Sites Project Manager

cc: James M. Pappas, DTSC
Watson Gin, DTSC
Mohinder Sandhu, DTSC
Ann Carberry, DTSC
Steve Richtel, CWM

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