



Closed Site Management Group
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August 31, 2006

Mr. Scott Ward
Hazardous Substance Engineer
Department of Toxic Substance Control
8800 Cal Center Drive
Sacramento, California 95816

Re: Chemical Waste Management Bakersfield Draft Post-Closure Permit

Dear Mr. Ward:

Chemical Waste Management Inc. (CWM) appreciates the opportunity to provide comments to the Department of Toxic Substance Control's (DTSC) draft Bakersfield Post-Closure Permit (Permit). As you are aware, this Permit is a renewal of the initial Permit that was issued on April 30, 1991. The draft Permit renewal documentation provided by the DTSC is divided into three sections, the Post-Closure Care Findings and Determination (Findings), the July 2006 Fact Sheet, and the draft Permit. Our detailed comments on each of these documents are attached.

As a general comment, CWM agrees with DTSC that a functional cover is one key component to protecting human health and the environment from exposure to wastes at closed waste disposal facilities. Other key components specific to the Bakersfield facility that limit risk to human health and the environment include: the facility received no significant quantities of hazardous waste; contained wastes were stabilized during closure; and the geologic environment inhibits waste migration. We also agree that there are certain site conditions and maintenance issues, cited by DTSC, which CWM needs to address going forward to ensure that such protection continues. However, where we disagree with the DTSC is on the issue of whether the current cap, as designed constructed and certified in the late 1980s is, in fact, performing as required. CWM has established a substantial body of information and analytical data that confirms the integrity of the cover and demonstrates its effectiveness in protecting human health and the environment.

To evaluate the cover's past and current function, CWM has engaged experts in cover design, construction and maintenance in arid environments to review the Bakersfield cover. In addition, CWM has analyzed leachate and groundwater quality collected from the facility over the past two decades. These data all support the conclusion that the cover was built to meet state regulations and state-approved design specifications, has been adequately maintained, and with some enhanced maintenance in the future, will continue to meet its design specifications -- as necessary to protect the environment.

Over 19 years of laboratory analyses of leachate and groundwater from the facility demonstrate that NO hazardous concentrations of waste constituents are, or ever have been, found. Moreover, samples collected over 20 years verify that the groundwater quality data (as submitted to DTSC and the California Regional Water Quality Control Board - Central Valley Region [RWQCB]) clearly shows that groundwater downgradient of the waste disposal areas has markedly improved, rather than degraded over time, and in most cases is now approaching background quality. We are therefore puzzled by the extreme measures proposed in the draft Permit.

Given our common goals but contrasting views of the relevant facts, CWM would like to engage DTSC in a dialogue regarding the Permit renewal. We note that in order to provide the further technical analysis critical to identifying the proper future scope of cover maintenance and monitoring at the site, CWM:

1. is conducting a preliminary assessment of the cracks in the cover. CWM is cataloging and characterizing the cracks to determine if they represent the potential for failure of the underlying clay layer. Once the data collection is complete (expected by October, 2006), the results will be presented to DTSC along with a plan for additional assessment activities. CWM will seek DTSC approval before conducting any additional work.
2. has replaced over 400 feet of fence and posts (completed in July 2006). An inspection and repair program has been implemented to ensure the fences surrounding the facility are maintained to effectively prevent cattle from entering the premises. An additional 800 feet of fence will be replaced this Fall as a result of the inspection program. The entire fence line will be inspected and repaired quarterly as necessary and CWM is willing to include language regarding fence inspection and repair in the Permit.
3. is collecting data to understand the extent and location of burrowing animals on the facility. Thomas Reid Associates of Menlo Park is developing a mitigation plan to control the burrowing animals. CWM will submit the plan to DTSC for its approval. It should be noted that the facility is in the range of the state and federally listed San Joaquin kit fox. Consequently, any effort to restrict burrowing will be coordinated with the approval of the State Department of Fish and Game.
4. is removing and will continue to remove on a monthly basis, leachate from P-02 located in the Eastern Waste Management Unit and impacted groundwater from the Northwest Canyon.
5. has submitted a revised Site Specific Groundwater Sampling and Analysis Plan (SAP) to the RWQCB for review and approval. It is recommended that this SAP (once it is approved) be used in lieu of the environmental monitoring plan noted in the Permit.

As noted above, more specific comments to the Findings, Fact Sheet and draft Permit are attached to this letter.

CWM would like to meet with DTSC, in the near future, to discuss further implementation of the actions discussed above; resolve the specific comments contained in this response; and, obtain the Permit for the next 10 years. We will contact you in early September to arrange such a meeting.

Sincerely,



Philip C. Perley
Closed Site Project Manager
Chemical Waste Management Inc.

Cc: Steve Richtel, CWM
Jim Dowdell, RWQCB

Attachments: Comments of Permittee of California Department on Toxic Substances Control
June 2006 Post-Closure Care Findings and Determination for Chemical Waste
Management Bakersfield Facility

Comments of Permittee on California Department on Toxic Substances Control
Fact Sheet and Draft Hazardous Waste Facility Post-Closure Permit for Chemical
Waste Management Bakersfield Facility