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Department of Toxic Substances Control

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DRAFT NOTICE OF DECISION

May 10, 2010

In accordance with the requirements of California Code of Regulations, title 22, section 66270.1(c)(5)&(6), the California Department of Toxic Substances Control (DTSC) is providing this notification of a proposed decision that the following facility has demonstrated it meets the requirements of closure by removal or decontamination:

Chemical Waste Management Bakersfield
27001 Round Mountain Road
Bakersfield, CA 93309
USEPA ID Number CAT000624056

The Chemical Waste Management Bakersfield (CWM) facility (Facility) operated between 1972 and 1985. The Facility was originally operated by the M.P. Oil Company and was used for disposal of Class II-1 wastes, consisting mostly of scrubber wastes, drilling mud, tank bottom sludge, wastewater, and petroleum brine derived primarily from nearby oil field development and production activities. In 1981, CWM purchased the Facility. CWM initially planned to expand the site to accept large volumes of hazardous waste, but by 1985 stopped taking waste and began closure. At the time of closure, the Facility consisted of nine surface impoundments, two landfills, and one land spreading area. The Facility completed closure construction activities in 1988 in accordance with approved Closure and Post-Closure Plans. DTSC post-closure activities are currently administered through a Post-Closure Hazardous Waste Facility Permit (HWFP) dated April 30, 1991.

On October 13, 2009, the Facility submitted a document entitled Petition for Closure By Removal or Decontamination (Petition). The purpose of the Petition was to demonstrate that the Facility meets the closure by removal or decontamination standards of the California Code of Regulations, title 22, section 66270.1(c)(5)&(6), and that the Facility does not present a significant risk to human health or the environment. The Petition referenced and summarized a site characterization study and a human and ecological risk assessment previously submitted to DTSC. The site characterization study presented the results of a data collection effort in which two hundred and thirty eight soil samples were collected and analyzed for chemical constituents potentially present in waste accepted at the Facility. Laboratory analysis indicated that subsurface soil samples did not contain concentrations of chemicals that present a significant environmental or human health risk, a conclusion documented in the separate health

and ecological risk assessment report. The risk assessment report adequately demonstrates that the chemical concentrations detected at the Facility were present at levels which do not require a Post-Closure HWFP, but rather can be managed appropriately through the implementation of a land use covenant. Upon developing and recording of a land use covenant, the CWM Bakersfield Facility will no longer be required to continue post-closure care under the DTSC Post-Closure HWFP dated April 30, 1991. Future oversight of the Facility's closure cover, drainage structures, and monitoring system, shall be provided through the Central Valley Regional Water Quality Control Board. Compliance with the requirements of the land use covenant will be provided by DTSC during annual inspections.

From the date of this Draft Notice of Decision, a 30 day public comment period will be held. During this time, interested parties can submit written comments to the DTSC contact person listed below. Following the 30 day public comment period, DTSC will reach a final decision according to procedures stipulated in California Code of Regulations, title 22, section 66270.1(c)(5)&(6). A public meeting or hearing is not scheduled for this Notice of Decision at this time; however, if you feel one is warranted you can request a meeting or hearing through the DTSC contact person listed below. In your request please indicate the reason(s) for the request and DTSC will evaluate if a meeting is warranted. In the event a public meeting or hearing is held, notice of the meeting will be provided at least 30 days prior to its scheduled date.

DTSC contact person:

Scott Ward, Project Manager
8800 Cal Center Drive
Sacramento, CA 95826
e-mail comments to: sward@dtsc.ca.gov

Copies of the reports identified in this Notice of Decision, and additional documents related to this matter, are available for review at the following locations:

Kern County Public Library
701 Truxtun Ave
Bakersfield, CA 93301

California Department of Toxic Substances Control
Sacramento Regional Office File Room
8800 Cal Center Drive
Sacramento, CA 95826
<http://www.dtsc.ca.gov/>