

**RESPONSE TO COMMENTS
CLEAN HARBORS LOS ANGELES, LLC
LOS ANGELES, CALIFORNIA
RCRA HAZARDOUS WASTE FACILITY PERMIT**

December 21, 2010

BACKGROUND

Clean Harbors Los Angeles, LLC (Clean Harbors) submitted an application to the Department of Toxic Substances Control (DTSC) on November 29, 1994 to renew its RCRA Hazardous Waste Facility Permit (Permit). The Permit would allow Clean Harbors to continue to operate the hazardous waste storage and treatment facility at 5756 Alba Street in Los Angeles. The application was revised several times with the last revision being April 2010. DTSC deemed the application to be complete and prepared a draft Permit. DTSC also proposed to issue a Negative Declaration for this project to comply with the California Environmental Quality Act. DTSC informed the public of a 45-day public comment period on the draft Permit and the proposed Negative Declaration on June 8, 2010 by having display advertisements in the L.A. Press Enterprise newspaper (English) and in the La Opinion newspaper (Spanish). Copies of a fact sheet (in English and Spanish) were mailed to the persons on the facility mailing list. A paid public notice announcing the public comment period was also aired in English on 104.3 FM and in Spanish on KTNQ AM. The public comment period ended on July 26, 2010.

DTSC received comments from several persons including the facility's representative. This document summarizes the comments and provides DTSC's responses. DTSC excerpted the written comments received. The person who made the comments is identified and the comments are shown in italics and listed after the person's name. DTSC's response to each comment follows. This document will be provided to the commenter, placed in information repositories for this project and added to the administrative record for the Final Permit Decision.

COMMENTS #1: Anonymous

Comment #1-1:

Please keep these toxic substances out of this neighborhood.

Response #1-1:

The Clean Harbors Los Angeles facility is an existing facility. It has been operating in the same location since 1979. DTSC does not have jurisdiction over the siting of hazardous wastes management facilities. Siting of hazardous wastes management facilities is usually within the jurisdiction of the local planning agency. Once a facility has been sited and an application for a permit submitted to DTSC, DTSC is obligated to review the application to ensure that the proposed project would be operated in a manner that is safe and protective of human health and the environment and to make a determination on the application.

Clean Harbors Los Angeles submitted an application to renew its hazardous waste facility permit. The permitting of a hazardous waste facility is governed by federal and state environmental statutes, and implementing regulations. These statutes and regulations take into account the constitutional due process and equal protection principles.

DTSC must be consistent in applying the applicable and regulatory criteria in making its decision on any given permit application to ensure that the environment and public health are adequately protected. Clean Harbors Los Angeles, LLC has met all of the requirements for obtaining a permit renewal.

DTSC has reviewed the application and the supporting documentation, and determined that the treatment and storage of hazardous wastes at the Clean Harbors Los Angeles facility does not pose any significant increase in risk to human health and/or environment.

COMMENTS #2: Felipe M. Toro

Comment #2-1:

I am against the permit renewal for the simple fact that there are two elementary schools within a few short blocks of this facility. Unacceptable!

Response #2-1:

The two schools are Lillian Street Elementary School and Holmes Avenue Elementary School. These schools are approximately 0.25 mile and 0.4 mile

from the facility respectively. We understand your concerns regarding the safety of children in these schools. Please be assured that DTSC is committed to making permit decisions that are protective of human health and the environment. As part of the DTSC permit determination process, Clean Harbors Los Angeles was required to prepare a Health Risk Assessment (HRA) to determine this project's impacts to human health and the environment. The HRA has been reviewed for accuracy by a toxicologist from DTSC and was accepted as being technically accurate. The HRA took into consideration these schools in evaluating the risk to children attending these schools. Based upon the risk evaluation, it was determined that this project will not significantly increase any risk to human health and/or the environment.

Also see Response #1-1.

COMMENTER #3: Ana Cabrera

Comment #3-1:

Please, we don't need these types of businesses because they are very toxic. Move them to other cities. We already have enough smog every day in the city of Vernon, 24 hours, 365 days.

Response #3-1:

One of the purposes of the permit process is to review and evaluate the facility's operation plan to insure that emissions are minimized and that any health risks are assessed and considered acceptable. For example, the facility must keep all containers closed at all times, except when adding or removing waste from the container, and obtain and comply with air emission permits. Also a HRA was prepared for this facility to evaluate emissions associated with the hazardous waste activities. The HRA evaluated the risk for the emissions of Volatile Organic Compounds. The results of the evaluation determined that the treatment and storage of hazardous wastes at the facility will not significantly increase any risk to human health and/or the environment.

Also see Response #1-1.

COMMENTER #4: Alfonso Esparza

Comment #4-1:

I feel that it's contaminating our eco system by polluting the air, and is toxic for us and our children.

Response #4-1:

The HRA prepared for this facility included an ecological screening evaluation. The results of that evaluation found that there was no ecological habitat on-site or within a significant proximity of the facility. No rare, endangered, or threatened plants or animals have been identified at the site due to the highly developed nature of the area.

Also see Responses #1-1 and #2-1.

COMMENTER #5: Bonnie Martin, Compliance Manager, Clean Harbors Los Angeles, LLC

Comment #5-1:

Section III, Item #1 - The Part "B" Application referenced should be the latest version submitted to DTSC, i.e. April 2010 not September 2009. The April 2010 version is referenced correctly on Page 1 of the Draft Permit.

Response #5-1:

Item 1 of Part III of the Permit was revised. The permit application reference as "September 2009" has been replaced with "April 2010".

Comment #5-2:

Section III, Item #5 - DTSC made an adjustment to the closure cost estimate submitted in our April 2010 Part B permit application. The closure cost estimate submitted by Clean Harbors Los Angeles, LLC included a 10% contingency cost. DTSC increased the contingency cost to 20%" based on CostPro widely-accepted industry standards and knowledge from cost estimates from previous facilities." CostPro is a tool that can be used to determine whether our estimate is accurate; however, the accuracy of a closure cost estimate depends on the unit cost used in the local market area, not unit cost used nationally which CostPro uses. There is no regulatory basis for a contingency cost to be included in a closure cost estimate. A contingency cost was added to the closure cost estimate to cover unexpected costs that may be incurred during closure. The unit costs used in our closure cost estimate are detailed and are up to date.

Response #5-2:

A twenty-percent contingency is indicative of the variable nature of environmental projects. Twenty percent is an acceptable contingency for projects involving closure of a hazardous waste facility, including the scenario of the State

performing the necessary closure activities if Clean Harbors Los Angeles can not or will not perform them.

Comment #5-3:

Section IV, Unit 1 Waste Types - please include TSCA in the listing since this area is EPA-permitted to store TSCA regulated material as acknowledged in both the Activity Description and Maximum Capacity sections of the draft permit.

Response #5-3:

Listing TSCA waste as an authorized waste stream in this RCRA Hazardous Waste Facility Permit is not appropriate. The types of wastes that are listed in this Permit are the hazardous wastes that are regulated under federal and state hazardous waste laws and its implementing regulations in Title 40, Code of Federal Regulations and Title 22, California Code of Regulations (CCR). Wastes with PCBs concentration at or above 50 ppm are not regulated under these regulations. Instead, they are regulated under the Toxic Substance Control Act (TSCA) and therefore, they are not an appropriate waste stream to be regulated under this Permit. Although the Activity Description and Maximum Capacity sections in Unit 1 acknowledge the storage of TSCA PCB waste in this unit, this information does not regulate the TSCA PCBs waste. DTSC regulates the Hazardous Waste Management Unit and any waste stored in this Unit is subject to the requirements of the Unit as long as it remains in the Unit. However, this does not mean that the waste is regulated by DTSC, as it is TSCA waste.

Comment #5-4:

Section IV, Unit 1 Activity Description - please include draining and dismantling of electrical equipment as submitted in Sections 4.1.5.5 and 4.1.5.6 of our Part "B" application.

Response #5-4:

The section of the permit referenced in the comment was revised as requested. The following language was added:

“Electrical equipment containing PCBs less than 50 ppm are drained in the storage bays and pumped into containers or tanks. The Electrical equipment that contained PCBs less than 50 ppm is dismantled in the storage bays after all residual PCBs have been removed from the equipment. Wastes with PCBs between 5 ppm and less than 50 ppm are pumped to Tank V-10. Wastes with less than 5 ppm PCBs are pumped to tanks dedicated to store PCBs less than 5 ppm.”

Comment #5-5:

Section IV, Unit 2 Activity Description - please include draining and dismantling of electrical equipment as submitted in Sections 4.2.5.2.2 and 4.2.5.2.3 of our Part "B" application

Response #5-5:

The section of the permit referenced in the comment was revised as requested. The following language was added:

“Electrical equipment containing PCBs less than 50 ppm are drained in the storage bays and pumped into containers or tanks. The Electrical equipment that contained PCBs less than 50 ppm is dismantled in the storage bays after all residual PCBs have been removed from the equipment. Wastes with PCBs between 5 ppm and less than 50 ppm are pumped to Tank V-10. Wastes with less than 5 ppm PCBs are pumped to tanks dedicated to store PCBs less than 5 ppm.”

Comment #5-6:

Section IV, Unit 3 Activity Description - please include draining and dismantling of electrical equipment as submitted in Sections 4.3.5.3 and 4.3.5.4 of our Part "B" application

Response #5-6:

The section of the permit referenced in the comment was revised as requested. The following language was added:

“Electrical equipment containing PCBs less than 50 ppm are drained in the storage bays and pumped into containers or tanks. The Electrical equipment that contained PCBs less than 50 ppm is dismantled in the storage bays after all residual PCBs have been removed from the equipment. Wastes with PCBs between 5 ppm and less than 50 ppm are pumped to Tank V-10. Wastes with less than 5 ppm PCBs are pumped to tanks dedicated to store PCBs less than 5 ppm.”

Comment #5-7:

Section IV, Unit 4 Activity Description - please include draining and dismantling of electrical equipment as submitted in Sections 4.4.5.2 and 4.4.5.3 of our Part "B"

application.

Response #5-7:

The section of the permit referenced in the comment was revised as requested. The following language was added:

“Electrical equipment containing PCBs less than 50 ppm are drained in the storage bays and pumped into containers or tanks. The Electrical equipment that contained PCBs less than 50 ppm is dismantled in the storage bays after all residual PCBs have been removed from the equipment. Wastes with PCBs between 5 ppm and less than 50 ppm are pumped to Tank V-10. Wastes with less than 5 ppm PCBs are pumped to tanks dedicated to store PCBs less than 5 ppm.”

Comment #5-8:

Section IV, Unit 5 Physical Description- WMU-5 is constructed with a gross secondary containment capacity of 250,148 gallons and has a net secondary containment capacity of 205,073 gallons as submitted in Section 4.5.3.

Response #5-8:

The section of the permit referenced was revised to correct the secondary containment volume for this unit. The permit now states the following:

“WMU-5 is constructed of steel reinforced concrete base and walls designed to contain spills and releases. The net secondary containment will hold 205,073 gallons. The base is sloped to promote drainage and ease of removal of standing liquid.”

Comment #5-9:

Section IV, Unit 5 Physical Description - Tank V-10 is also permitted to store waste containing <50 mg/l, of PCBs, such as, mineral oil dielectric fluid which is a non-wastewater.

Response #5-9:

The section of the permit referenced was revised as requested. The corresponding paragraph now states the following:

“Tanks V-8 and V-10 are aboveground, atmospheric, welded carbon steel

tanks. These tanks are used for blending and/or storage of incoming low BTU wastewaters. V-10 is also used to store waste containing <50 mg/l, of PCBs, such as, mineral oil dielectric fluid which is a non-wastewater.”

Comment #5-10:

Section IV, Unit 5 Physical Description - Tanks DP-V-03, DP-V-04, and DP-V-05 are located in Unit 2 not Unit 5.

Response #5-10:

The corresponding paragraph of the section of the permit referenced was deleted. No revision was made to Unit 2 because it already includes Tanks DP-V-03, DP-V-04, and DP-V-05.

Comment #5-11:

Section IV, Unit 5 Waste Types - please include "waste containing <50 mg/L of PCBs" as submitted in Section 4.5.7 of our Part "B" application.

Response #5-11:

The section of the permit referenced was revised as requested. The corresponding paragraph now reads as follows:

“RCRA and/or non-RCRA Wastewaters, oily wastewaters, used oil, oily solvents and solvent contaminated liquids, other organic liquids, sludges, miscellaneous materials, and waste containing <50 mg/L of PCBs, such as mineral oil dielectric fluid which is a non-wastewater.”

Comment #5-12:

Section IV, Unit 6 Activity Description - please include TSCA in the listing since this area is EPA-permitted to store TSCA regulated material as submitted Section in 4.6.5.2.1 of our Part" B" application.

Response #5-12:

The following statement was added:

“This Unit is also approved by USEPA for the storage of TSCA waste in containers.”

Comment #5-13:

Section IV, Unit 6 Waste Types - please include TSCA in the listing since this area is EPA-permitted to store TSCA regulated material as submitted in Section 4.6.5.2.1 of our Part "B" application

Response #5-13:

See Response #5-3.

Comment #5-14:

Section IV Unit 6 Air Emissions Standards- WMU-6 does not contain any tanks

Response #5-14:

The section of the permit referenced was corrected. The section now reads:

“This unit does not store containerized hazardous waste with VOC’s. This Unit is not subject to the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5 or article 28 or article 27.”

Comment #5-15:

Section V, Item #3 – Should a crack, gap, or tear be detected in a hazardous waste unit or a secondary containment system or device repairs shall be initiated as soon as possible, however, depending on the severity of the repair the procurement of specialized parts and materials may not be attainable within one week of discovery as proposed by this Special Condition.

Response #5-15:

DTSC believes one week is sufficient time for repairing cracks, gaps, or tears. If the repair is severe or requires more than one week to repair, then that unit must be taken out of service until repairs are completed. Condition number 3 of section V of the permit was revised to allow the facility additional time to repair cracks, gap, or tears in a hazardous waste management unit. The condition now reads:

“In the event that any cracks, gaps or tears are detected in a hazardous waste management unit or a secondary containment system or device, repairs shall be initiated as soon as possible and completed within one

week of discovery of the problem. The Permittee shall notify DTSC within 24 hours whenever a crack, gap or tear is found. Within seven days of discovery of the problem, the Permittee shall notify DTSC in writing of the corrective measures that have been taken. If the crack, gap, or tear is severe or if more than one week will be required to repair the hazardous waste management unit, secondary containment, or device then the unit must be taken out of service and no hazardous waste shall be placed in this unit until the repairs are completed.”

Comment #5-16:

Section V, Item #3 – Should a crack, gap, or tear be detected in a hazardous waste unit or a secondary containment system or device which allowed a leak or spill to be released that endangered human health and/or the environment, the leak or spill will be reported to DTSC within 24 hours pursuant to 22 CCR §66264.56 and 22 CCR §66264.196. It is unnecessary to report a crack, gap, or tear that has not endangered human health or the environment. The unnecessary reporting of normal repairs that do not endanger human health or the environment would result in burdening regulatory staff for routine maintenance procedures that are already documented in the facility's operating record as part of our normal inspection procedures. The operating record is available for agency review upon request. Please clarify that the reporting proposed in Special Condition #5 is for situations that endanger human health or the environment not normal operational procedures that are documented as part of the facility's routine inspections. Also clarify which regulation requires notification of DTSC in writing of the corrective measures within seven days of discovery. 22 CCR §66264.56 and 22 CCR §66264.196 require written submittals after 15 days and 30 days respectively.

Response #5-16:

Section V, Special Condition #3 currently reads as follows: “In the event that any cracks, gaps or tears are detected in a hazardous waste management unit or a secondary containment system or device, repairs shall be initiated as soon as possible and completed within one week of discovery of the problem. The Permittee shall notify DTSC within 24 hours whenever a crack, gap or tear is found. Within seven days of discovery of the problem, the Permittee shall notify DTSC in writing of the corrective measures that have been taken.” DTSC believes that if a crack, gap, or tear should be detected in a hazardous waste unit (tank, reactor vessel, storage area, etc.) or secondary containment system, the situation is serious enough to warrant a 24-hour notification to DTSC to allow for monitoring of the situation and necessary repairs. DTSC also believes written notification within 7 days of discovery of the problem is also warranted to allow DTSC to assess whether the corrective measures were adequate and if further corrective action may be needed. DTSC does not believe that such notifications

would unduly burden the regulatory staff as these notices would not be routine.

In regards to Title 22, California Code of Regulations, Section 66264.56, a written report must be sent to DTSC within 15 days only if the contingency plan has been implemented. Title 22, California Code of Regulations, Section 66264.196 requires a written report be sent to DTSC within 30 days only if there has been a release to the environment. Repairing a hazardous waste unit or secondary containment would not necessarily require those reports to be sent to DTSC. Therefore, no changes will be made to Special Condition #3 other than changes already stated in Response #5-15. (See Response #5-15)

Comment #5-17:

Section V, Item #14 - All containerized waste is stored on pallets within the waste management units, however, the facility routinely receives oversized and odd-shaped containers such as transformers and bushings. These types of containers are stored on pallets within the waste management units; however, it is unrealistic to mandate no overhang for these types of containers. Please clarify the "no overhang" requirement proposed by this Special Condition.

Response #5-17:

The reason for this permit condition is to prevent unsafe storage of containers. The stability of the containers may be compromised if containers hang over the pallet. Overhanging containers may also compromise the aisle, prevent personnel from leaving an unsafe area, and obstruct firefighting equipment. As a hazardous waste facility, equipment for handling hazardous wastes should be available for different types and size of containers including transformers and bushings. To be consistent with other permits, DTSC is allowing the facility to have oversize containers including electrical equipment such as transformers and bushing to overhang three inches over the pallet on each side. Permit condition number 14 now reads:

“The Permittee shall not place any 55-gallon containers on a pallet if any portion of the 55-gallon container overhangs. The Permittee shall not place oversize containers such as 85 gallon containers, and electrical equipment such as transformers and bushings on a pallet if any portion of the containers or electrical equipment hangs over the side of the pallet by more than 3 inches.”