

**NEGATIVE DECLARATION**

**Submitting:**  **Draft**  
 **Final**  
 **Mitigated Negative Declaration**

**Project Title:** ISSUANCE OF SERIES "A" STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT FOR  
CLEAN HARBORS SAN JOSE, LLC, RAIL SPUR TRANSFER FACILITY

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**State Clearinghouse Number:** \_\_\_\_\_

**Contact Person:** Alfred Wong **Phone #** (510) 540-3946  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 300, Berkeley, California 94710-2721

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**Project Location (Include County):**

Clean Harbors San Jose, LLC, Rail Spur Transfer Facility  
660 Lenfest Road  
Santa Clara County  
San Jose, California 95133-1614

**Project Description:**

The project consists of issuance of Series "A" Standardized Hazardous Waste Facility Permit (Standardized Permit) for Clean Harbors San Jose, LLC, Rail Spur Transfer Facility (Lenfest Rail Facility), San Jose, California. In accordance with California Health and Safety Code (H&SC), section 25201.6, the Department of Toxic Substances Control (DTSC) is proposing to issue a Standardized Permit to Clean Harbors Lenfest Rail Facility for the operation of a non-Resource Conservation and Recovery Act (RCRA) hazardous waste rail transfer facility located at 660 Lenfest Road, San Jose, California. The Standardized Permit is based on the Standardized Permit Application (Permit Application) submitted by Clean Harbors, dated September 15, 2004, with the following revisions dated March 18, 2005, September 23, 2005, and February 2007. The Permit Application identifies all possible waste codes or waste types, the estimated annual generation rate, and the number of storage units. A detailed description of Clean Harbors Lenfest Facility's waste characterization procedures and operations are provided in the Permit Application. The Standardized Permit identifies the transfer areas and their associated capacities.

**Project Activities:**

The permit would authorize the following activities:

- Continue the transfer of bulk liquid hazardous wastes, originating from Clean Harbors San Jose, LLC, located at 1021 Berryessa Road, San Jose, California (Berryessa Facility) to the rail tank cars at the existing Lenfest Facility. The hazardous waste streams remain unchanged. The loaded rail cars will be moved within 10 days of receipt to authorized offsite treatment, storage or disposal facilities. There is no treatment of hazardous waste allowed at the Lenfest Facility.
- Construct a concrete pad measuring 65 feet by 12 feet with a 3-inch berm to allow for one tanker/vacuum truck at the Transfer Unit, 33 feet away from the existing warehouse. The design and construction of the Transfer Unit is also subject to the approval from the City of San Jose.
- Construct a below grade 27,000-gallon open sump as spill containment adjacent to the concrete pad. The sump is set into the ground lower than the railroad track. This open sump is approximately 7.4 feet below ground surface and measures 64 feet long by 24 feet wide. It is lined with a 60-mil high density polyethylene (HDPE) liner with anchor trench to hold the liner in place. The design and installation of the open sump is also subject to the approval from the City of San Jose.

- Install four sets of track pan systems below the rail tracks as spill containment system for four rail tank cars at the Storage Area. First two sets of track pan systems adjacent to the concrete pad and within the Transfer Unit where bulk hazardous wastes are being transferred into rail cars, are connected by drain pipe that is sloped to the 27,000-gallon sump. The other two sets of track pans are positioned below the other two rail tank cars waiting to be loaded or moved offsite within 10 days. The design and construction of the track pan systems are subject to the approval from the City of San Jose.
- Conduct soil sampling according to a DTSC approved sampling plan before any construction begins to determine if there are no prior hazardous waste constituent releases.
- Install and operate a vapor recovery system for use during transfer of bulk liquid hazardous wastes. The design and construction of the system is subject to the approval from the Bay Area Air Quality Management District.

**Findings of Significant Effect on Environment:**

*(A copy of the Initial Study which supports this finding should be attached.)*

DTSC has determined that the project will not have a significant effect on the environment as that term is defined in the Public Resources Code Section 21068. A copy of the Initial Study which supports this finding is attached.

**Mitigation Measures:**

DTSC has determined that the project does not require any mitigation measures beyond those incorporated as part of the project.

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DTSC Branch Chief Signature

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Date

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Ray LeClerc, P.E.  
DTSC Branch Chief Name

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Permit Renewal Team Leader  
DTSC Branch Chief Title

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