



California Environmental Protection Agency
Department of Toxic Substances Control

HAZARDOUS WASTE POST-CLOSURE FACILITY PERMIT

Facility:

**Ducommun AeroStructures, Inc.
4001 El Mirage Road
El Mirage, California 92301
San Bernardino County**

FACILITY EPA ID NUMBER: **CAD 093 245 645**

EFFECTIVE DATE: **April 13, 2010**

EXPIRATION DATE: **April 13, 2020**

Owner:

**Ducommun AeroStructures, Inc.
4001 El Mirage Road
El Mirage, California 92301**

Operator:

**Ducommun AeroStructures, Inc.
4001 El Mirage Road
El Mirage, California 92301**

Pursuant to California Health and Safety Code section 25200, this Resource Conservation and Recovery Act (RCRA)-equivalent Hazardous Waste Post-Closure Facility Permit is hereby issued to: Ducommun AeroStructures, Inc.

The Issuance of this Permit is subject to the terms and conditions set forth in Attachment A. The Attachment A consists of 27 pages, including Figure 1, Figure 2, and Figure 3.

//Original signed by//

Farshad Vakili, P.E., Team Leader,
Treatment and Storage Team
Department of Toxic Substances Control

Date: **March 8, 2010**

**DUCOMMUN AEROSTRUCTURES, INC.
4001 EL MIRAGE ROAD
EL MIRAGE, SAN BERNARDINO COUNTY, CALIFORNIA 9230145
EPA IDENTIFICATION NUMBER CAD0932456**

**HAZARDOUS WASTE POST-CLOSURE FACILITY PERMIT
ATTACHMENT "A"**

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PART I. DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, division 20, chapter 6.5 and California Code of Regulations, title 22, division 4.5, unless expressly provided otherwise by this Permit.

1. **"DTSC"** as used in this Permit means the California Department of Toxic Substances Control.
2. **"Facility"** as used in this Permit means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste. A hazardous waste **facility** may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling operational units or combinations of these units.

For the purpose of implementing corrective action under California Code of Regulations, title 22, division 4.5, a hazardous waste **facility** includes all contiguous property under the control of the owner or operator required to implement corrective action.

3. **"Permittee"** as used in this Permit means the Owner and Operator.
4. **"RCRA"** as used in this Permit means the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.).

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. OWNER of FACILITY:

Ducommun AeroStructures, Inc.
4001 El Mirage Road
El Mirage, California 92301

2. OWNER of REAL PROPERTY:

Ducommun AeroStructures, Inc.
4001 El Mirage Road
El Mirage, California 92301

3. OPERATOR of FACILITY:

Ducommun AeroStructures, Inc.
4001 El Mirage Road
El Mirage, California 92301

4. FACILITY LOCATION:

The Ducommun AeroStructures, Inc. El Mirage Facility (Facility) is located at 4001 El Mirage Road, El Mirage, California 92301. It is situated on a 120-acre site southwest of the intersection of El Mirage Road and Sheep Creek Road. It is bounded by El Mirage Road on the north and by Sheep Creek Road on the east. Its County Assessor Parcel Number is 045711202-0000 AER. (See Figure 1)

The Facility is located within the community of El Mirage, an unincorporated area of San Bernardino County. It is located nine miles west of U.S. Highway 395 and the City of Adelanto; and 13 miles north of Highway 138 and the community of Phelan.

The Facility is located in the southwest section of San Bernardino County, just north of the San Bernardino Mountains, northwest of the Cajon Pass (Interstate Highway 15). It lies within the El Mirage Valley and approximately two miles south of the El Mirage Dry Lake.

5. DESCRIPTION of FACILITY OPERATIONS:

The Permittee performs chemical milling of aerospace components. The Permittee currently does not operate any active permitted hazardous waste management unit. This Permit only authorizes the Permittee to conduct post closure care activities at the Closed Surface Impoundment.

6. FACILITY HISTORY:

From 1967 to 1978, the Facility was owned and operated by-Anadite, Inc. primarily as a chemical milling plant for processing aircraft and spacecraft parts. Anadite, Inc. discharged its wastewaters to a 2.25-acre, unlined percolation pond. Use of the pond was discontinued when the Facility was purchased by Aerochem, Inc. in 1978. This pond became part of the closed Unit.

In 1980, Aerochem, Inc. constructed a 0.75-acre lined surface impoundment within the percolation pond and discharged wastewaters to the lined surface impoundment, primarily caustic wastewater from the aluminum etching. The California Department of Health Services, DTSC's predecessor agency, issued an Interim Status Document to Aerochem, Inc. effective March 6, 1981. Aerochem, Inc. stored acidic wastewaters in above-ground tanks before sending them off-site. Aerochem, Inc. ceased discharging wastewaters to the surface impoundment in October 1987.

Aerochem, Inc. closed the percolation pond and surface impoundment as a combined regulated unit. At the start of closure, the surface impoundment contained an estimated 1,500 cubic yards (approx 2,000 tons) of waste sediment and sludge. The waste was treated in-situ (pH adjustment), then ex-situ (stabilization and solidification), and then the treated waste was placed back into the surface impoundment. A protective cap was constructed over the percolation pond and the surface impoundment. DTSC acknowledged the closure certification in June 1992. DTSC issued a Post-Closure Permit to Aerochem, Inc. in November 1995, with an effective date of January 9, 1996, and an expiration date of January 9, 2006.

In January 2001, Ducommun AeroStructures, Inc. became the owner and operator of the Facility.

7. FACILITY SIZE and TYPE, for FEE PURPOSES:

The Facility is categorized as a LARGE post-closure facility pursuant to the California Health and Safety Code section 25205.7(d)(5).

8. POST-CLOSURE CARE PERIOD:

For the purpose of California Code of Regulations, title 22, section 66264.117(b), the post-closure care period for the Facility shall be deemed to have started on May 21, 1992, which reflects the date the Permittee transmitted to DTSC the Certification Report "*As Built Report for the Aerochem El Mirage Pond Closure*" dated November 27, 1991; and additional required information dated May 21, 1992. DTSC acknowledged the closure certification on June 22, 1992.

Pursuant to California Code of Regulations, title 22, section 66264.117(b)(2)(B), the Post-Closure Care Period shall be extended to 30 years beginning on the effective date of this Permit.

9. POST-CLOSURE CARE COST ESTIMATE:

For purposes of California Code of Regulations, title 22, section 66264.144, the post-closure cost estimate is \$1,618,856 (as of March 2009) over the post-closure care period of 30 years.

PART III. GENERAL CONDITIONS

1. **PERMIT APPLICATION DOCUMENTS:**

The Post Closure Permit Application submitted by Ducommun AeroStructures, Inc, dated February 9, 2009; the revised Appendix 5 of the Permit Application, dated March 2009; and the revised pages of the Permit Application dated February 15, 2010 clarifying the name of the Facility, Operator and Owner, from "Ducommun AeroStructures" to "Ducommun AeroStructures, Inc." are hereinafter referred to as the "Permit Application" and are hereby made a part of this Permit by reference.

2. **EFFECT OF PERMIT:**

- (a) The Permittee shall comply with the terms and conditions of this Permit and the provisions of the Health and Safety Code and California Code of Regulations (Cal. Code Regs.), title 22, division 4.5. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, those required by the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Facility.
- (b) The Permittee is permitted to operate, monitor and maintain this Facility for post closure activities in accordance with the terms and conditions of this Permit and the Approved Application. Any management of hazardous wastes not specifically authorized in this Permit is strictly prohibited.
- (c) Compliance with the terms and conditions of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.
- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee.

- (e) Failure to comply with any term or condition set forth in the Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to Health and Safety Code section 25187.
- (f) Failure to submit any information required in connection with the Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Cal. Code Regs., tit. 22, §66270.43).
- (g) In case of conflicts between the Approved Application and the Permit, the Permit conditions take precedence.
- (h) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the Facility by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the Water Code.

3. COMPLIANCE with CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

A Notice of Exemption has been prepared in accordance with the requirements of Public Resources Code section 21000 et seq. and the CEQA Guidelines, section 15061(b)(3) et seq. of California Code of Regulations, title 14.

4. ACCESS:

- (a) DTSC, its contractors, employees, agents, and/or any United States Environmental Protection Agency representatives are authorized to enter and freely move about the Facility for the purposes of interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of Part VI of the Permit; conducting such testing, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit, Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of any provision of this Permit, Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5, and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to

the entire Permit or undertake any other activity necessary to determine compliance with applicable requirements.

- (b) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable State or federal laws and regulations.

PART IV. PERMITTED UNITS and ACTIVITIES

This Permit authorizes the operation, monitoring and maintenance only of the facility units and activities listed below. The Permittee shall not treat, store or otherwise manage hazardous waste in any unit other than those specified in this Part IV. Any modifications to a unit or activity authorized by this Permit require the written approval of DTSC in accordance with the permit modification procedures set forth in California Code of Regulations, title 22, division 4.5

For the purpose of California Code of Regulations, title 22, section 66270.1(c) and other similar, unit-specific regulatory requirements, the Facility has one Hazardous Waste Management Unit. This unit is described in detail in the Approved Application and is as follows:

1. UNIT NAME:

Closed Surface Impoundment

a.k.a.: Former Percolation Pond and Closed Surface Impoundment

a.k.a.: Closed Caustic Ponds

UNIT LOCATION:

The Unit is located in the northwest portion of the Facility, just south of El Mirage road and west of Ducommun's main parking area. (See Figure 2 and Figure 3)

UNIT ACTIVITY TYPE AND DESCRIPTION:

The Unit is a closed surface impoundment with waste left in place. A RCRA cap was placed over the Unit with a vegetative cover on top. Closure of the Unit was certified in November 1991. Post-closure care activities include maintenance of the cap and conducting environmental monitoring.

Maintenance includes maintaining the integrity of the top vegetative soil layer of the cap which serves as a protective layer. Maintenance of the vegetative layer includes, but is not limited to, erosion control, replacement of material, removal of burrowing animals, weed removal of unwanted vegetation, grading to promote runoff without erosion and to prevent ponding. Maintenance also includes weeding and grading the drainage channels.

UNIT PHYSICAL DESCRIPTION:

The Unit is a closed percolation pond and closed surface impoundment. When in use, the unlined percolation pond measured approximately 380 feet by 350 feet by 12 feet deep. A lined surface impoundment was constructed inside the southeast section of the percolation pond and measured approximately 150 feet by 150 feet by 11 feet deep. The percolation pond and surface impoundment were closed as one single unit. When closure began in 1989, the surface impoundment contained an estimated 1,500 cubic yards (approx. 2,000 tons) of waste sludge and 270,000 gallons of wastewater. The wastewater was removed and pumped into holding tanks for industrial process use. The waste sludge was first treated in-situ (pH adjustment), then removed from the surface impoundment for further treatment (solidification and stabilization). The treated waste was then placed back into the surface impoundment. The amount of waste returned to the impoundment and the status of the liner were not recorded in the Closure Report. Clean fill and a cap were placed over both the percolation pond and surface impoundment. Closure was certified by the Facility in November 1991.

FILL and CAP:

Clean soil taken from an onsite area was placed over both the percolation pond and the stabilized waste in the surface impoundment to a minimum depth of 24 inches. An 18-inch clay layer (mixture of on-site soil and bentonite) was placed over the initial fill layer and compacted to a permeability of less than 1×10^{-6} cm/s. A 60-mil HDPE flexible membrane cover was placed over the clay layer and constructed with overlapping welded seams. A 12-inch sand/gravel drainage layer was installed over the HDPE flexible membrane; the drainage layer was specified to have a permeability of 1×10^{-2} cm/sec or greater. The entire cap area was covered with a 2-foot protective soil/vegetative layer and seeded with an annual grass (panoche red broom).

The completed Unit is a raised mound with a relatively flat top and a rectangular base approximately 370 feet by 370 feet. The top of the cover has a shallow gradient of approximately 3° from a high point near the center. The high point of the top of the Unit is approximately 10 feet above the surrounding grade. All four sides of the structure are steeply sloped to meet ambient grade. Two permanent monuments were installed in the project area by a state-licensed land surveyor.

UNIT MAXIMUM CAPACITY:

This Unit is closed and does not accept any additional waste.

When closure began in 1989, the surface impoundment contained an estimated 1,500 cubic yards (approx. 2,000 tons) of waste sludge and 270,000 gallons of wastewater. Both the sludge and wastewater were removed from the surface impoundment. The sludge was treated and placed back into the surface impoundment. The final volume of the treated sludge was not recorded in the Closure Report. The treated sludge was placed back into the surface impoundment in 8-inch lifts and compacted.

UNIT WASTE SOURCES AND TYPES:

This Unit is closed and does not accept any additional waste.

When in use, both the percolation pond and surface impoundment received wastewaters from the chemical etching operation conducted on-site at the Facility. The surface impoundment also received similar wastewater from another chemical etching operation located in Orange, CA. Discharge to the percolation pond ceased in 1978. Discharge to the surface impoundment ceased in October 1987.

Wastewater discharged to the percolation pond included caustic (high pH) and acidic (low pH) wastewaters with various metals in solution. Only caustic wastewaters were discharged to the surface impoundment. Acidic solutions were used to etch titanium, steel and magnesium; caustic solutions were used to etch aluminum. The caustic wastewater discharged to the impoundment consisted primarily of caustic soda, sodium sulfide and dissolved aluminum. Before closure, the caustic sludge remaining in the surface impoundment had a pH of 12 to 13. Soil samples taken in the area of the pond showed slightly elevated levels of lead, cadmium, and barium. Groundwater investigations from under the pond and impoundment showed levels of lead, cadmium, and chromium that exceeded maximum concentration limits (MCL), and elevated levels of fluoride, and nitrates.

UNIT AIR EMISSION STANDARDS:

This Unit is not subject to air emission standards because the waste capped in the Unit is inorganic with insignificant levels of organic waste or material.

UNIT-SPECIFIC SPECIAL CONDITIONS:

- (a) Within 30 days of the effective date of this Permit, the Permittee shall seed and maintain appropriate vegetation on the Unit (e.g., panoche red brome) in the vegetative layer to provide erosion control. The vegetation shall cover at least 65% of the vegetative layer.
- (b) The Permittee shall comply with the evaluation monitoring program requirements of California Code of Regulations, title 22, chapter 14, article 6.
- (c) The Permittee shall conduct inspection and maintenance activities for the final cover of the Unit according to the Approved Application, except that the Permittee shall inspect the Unit's vegetative cover (soil and vegetation) at least semi-annually starting from the effective date of this permit and for the duration of this Permit.
- (d) The Permittee shall comply with the applicable environmental monitoring and response program requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 6 and article 17, including the following:
 - (1) Specific Elements of Required Programs: For the purpose of California Code of Regulations, title 22, section 66264.91(b), the specific elements of the Water Quality Monitoring and Response Programs for the Facility are those described in the Approved Application, Part B - Section 7.0 and Appendix 5.
 - (2) Water Quality Protection Standard: For the purpose of California Code of Regulations, title 22, section 66264.92, the Water Quality Protection Standard for the Facility is described in the Approved Application, Appendix 5 - Section 2.0.
 - (3) Constituents of Concern: For the purpose of California Code of Regulations, title 22, section 66264.93, the Constituents of Concern for the Facility are described in the Approved Application, Appendix 5 - Section 2.4.1, and specifically listed in Appendix 5 - Table 6.
 - (4) Concentration Limits: For the purpose of California Code of Regulations, title 22, section 66264.94, the Concentration Limits for each of the Constituents of Concern for the Facility are described in the Approved Application, Appendix 5 - Section 2.4.3 and specifically provided in the Table located in Appendix 5 - Section 2.4.3.

- (5) Point of Compliance: For the purpose of California Code of Regulations, title 22, section 66264.95, the Point of Compliance and Monitoring Points at the Point of Compliance are described in the Approved Application, Appendix 5 - Sections 2.2 and Section 2.3. as shown in Figure 3.
- (6) Compliance Period: For the purpose of California Code of Regulations, title 22, section 66264.96, the Compliance Period for the Unit at the Facility shall extend to the end of the post-closure care period as defined in section 66264.117 and set in Part II Section 8 of this Permit.
- (7) Recording and Reporting of Monitoring Results: For the purpose of California Code of Regulations, title 22, section 66270.31, the recording and reporting of monitoring results for the Facility are described in the Approved Application, Appendix 5 - Section 5.0.

PART V. SPECIAL CONDITIONS

1. LAND USE COVENENT

Within 180 days of the effective date of this Permit, the Permittee shall sign and record a Land Use Covenant as approved by DTSC pursuant to California Code of Regulations, title 22, section 67391.1. This Land Use Covenant may be modified as part of the corrective action remedy selection process provided in Part VI of this Permit. The Permittee shall reimburse DTSC for its costs incurred in implementing and enforcing the Land Use Covenant, including costs incurred in conducting inspections, preparing inspection reports, and reviewing any Soil Management Plan or Health and Safety Plan as may be required by the Land Use Covenant. The Permittee's payments of DTSC's costs shall be made within 30 days of the date of the billing statement by check payable to the Department of Toxic Substances Control and shall be sent to: Accounting Unit, Department of Toxic Substances Control, P. O. Box 806, Sacramento, California 95812-0806. All checks shall reference the name and address of the Facility.

PART VI. CORRECTIVE ACTION

1. The Permittee shall conduct corrective action at the Facility pursuant to Health and Safety Code sections 25187 and 25200.10 to address any release of hazardous waste or constituents from any solid or hazardous waste management unit at the Facility regardless of when the waste or constituent was released at the Facility.
2. Hazardous waste or constituents found at the Facility include volatile organic compounds (VOCs) and metals. Additional hazardous waste and/or constituents of potential concern may be identified at the Facility as part of the on-going investigation.
3. Previous investigation at the Facility has confirmed the release of hazardous waste or constituents into soil and groundwater and that a significant source of volatile organic compounds (VOCs) is located within or immediately adjacent to the Main Plant Building. The investigation conducted between 1994 and 2004 resulted in the implementation of groundwater hydraulic control activities to control the migration of VOCs (including tetrachloroethylene (PCE) and trichloroethylene (TCE)) and the hexavalent chromium-contaminated groundwater in the northeastern portion of the Facility in 2004. Further investigation since that time has shown that the hazardous waste or constituents from the Facility have migrated beyond the Facility to adjacent properties. The investigation since 2004 has also identified groundwater contamination north of El Mirage Road and at the eastern boundary of the Facility and resulted in the removal from use of a privately owned domestic well. The Permittee is undertaking interim measures to control the migration of contaminated groundwater, reduce the contamination from soil beneath the Main Plant Building, and provide drinking water to residents affected by Facility-related groundwater contamination. The Permittee is operating a groundwater pumping system and has removed more than three million gallons of groundwater to control offsite migration and protect private domestic wells in the vicinity of the Facility.
4. The Permittee shall conduct corrective action to address any release of hazardous waste or hazardous constituents at and from the Facility, including, but not limited to, any release at or from the following solid waste management units (SWMUs), regardless of the time at which hazardous waste was released at the Facility:

SWMU 1 - Hazardous Waste/Materials Storage Area

(Less than 90-day storage; approximately 15 ft. x 8 ft.)

SWMU 2 - Hazardous Waste/Materials Storage Area

(Less than 90-day storage; approximately 65 ft. x 50 ft.)

- SWMU 3 - Satellite Accumulation Area for 55-gallon drums
(Less than 90-day storage)
- SWMU 4 - Dip Tank
- SWMU 5 - Maskant Spray Booth Area
- SWMU 6 - Waste solvent Storage Area next to Maskant Spray Booth
- SWMU 7 - Lab Waste Storage Tank
- SWMU 8 - Septic System and Leach Field
- SWMU 9 - Transfer Pad for Caustic Waste
- SWMU 10 - Nine-Cubic-Yard Dumpster
- SWMU 11 - Waste Water Treatment System
- SWMU 12 - Hazardous Waste Roll-off Bin Storage Area

5. WORK TO BE PERFORMED:

The Permittee shall perform the work required by this Permit in accordance with applicable local, state and federal statutes, regulations, ordinances, rules, and guidance documents, including the applicable DTSC and the United States Environmental Agency guidance documents known as the respective Scope of Work for Interim Measures, RCRA Facility Investigation (including the Current Conditions Report), Corrective Measures Study, Corrective Measures Implementation and other corrective action requirements.

(a) INTERIM MEASURES (IM)

- (1) The Permittee shall conduct interim measures (IMs) at the Facility to control or abate immediate threats to human health or the environment, or to prevent or minimize the spread of contamination while long-term corrective measures are being evaluated. If and when IMs are proposed by the Permittee or required by DTSC, the Permittee shall submit an IM Workplan to DTSC for approval. The IM Workplan shall describe how the IM will be implemented, operated and maintained. The Permittee shall conduct IMs in accordance with a DTSC-approved IM Workplan and schedule. The Permittee shall continue to evaluate the available data and assess the need for additional IMs or revisions to existing IMs.

(b) RCRA FACILITY INVESTIGATION (RFI)

- (1) Within 90 days of the effective date of this Permit or as otherwise specified by DTSC, the Permittee shall submit to DTSC a Current Conditions Report and a Work Plan for RCRA Facility Investigation (RFI Work Plan). To the extent applicable, the RFI Work Plan must detail the methodology to: (A) gather data needed to make decisions on interim measures/stabilization during the early phases of the RCRA Facility Investigation; (B) identify and characterize all

sources of contamination; (C) define the nature, degree and extent of contamination; (D) define the rate of movement and direction of contamination flow; (E) characterize the potential pathways of contaminant migration; (F) identify actual or potential human and/or ecological receptors; and (G) support development of alternatives from which a corrective measure will be selected by OTSC. A specific schedule for implementation of all activities shall be included in the RFI Work Plan.

(A) The RFI Work Plan shall include a list of constituents to be used as part of the RFI. This list of constituents shall be used during the RFI Investigation.

(2) The Permittee shall submit a RFI Report to DTSC for approval in accordance with a DTSC-approved schedule. The RFI Report shall describe the facility investigation and present an evaluation of its results. If there is a phased investigation, separate RFI Reports and a report that summarizes the findings from all phases of the RFI must be submitted to DTSC.

(c) RISK ASSESSMENT

Based on the information available to DTSC, the Permittee may be required to conduct a Risk Assessment to evaluate potential human health risk and ecological risk and to establish site-specific action levels and cleanup standards. If DTSC determines that a Risk Assessment is required, the Permittee shall submit to DTSC for approval a Risk Assessment Workplan within 90 days of receipt of DTSC's determination or as otherwise specified by DTSC. The Permittee shall conduct the Risk Assessment in accordance with a DTSC-approved Risk Assessment Workplan. The Permittee shall submit to DTSC for approval a Risk Assessment Report in accordance with a DTSC-approved schedule.

(d) CORRECTIVE MEASURES STUDY (CMS)

(1) The Permittee shall prepare a Corrective Measures Study (CMS), if contaminant concentrations exceed human health-based or ecologically-based action levels established by the DTSC-approved Risk Assessment Report if one is required under this Permit, or if DTSC otherwise determines that the contaminant releases pose a potential threat to human health or the environment.

- (2) Within 60 days of DTSC's approval of the Risk Assessment Report (if one is required by this Permit), or as otherwise specified by DTSC, the Permittee shall submit a CMS Workplan to DTSC for approval. The CMS Workplan shall detail the methodology for developing and evaluating potential corrective measures to remedy any contamination at the Facility. The CMS Workplan shall identify the potential corrective measures, including any innovative technologies that may be used for the containment, treatment, remediation, and/or disposal of contamination.
 - (3) If deemed necessary by DTSC, the Permittee shall prepare treatability studies for all potential corrective measures that involve treatment except where the Permittee can demonstrate to DTSC's satisfaction that they are not needed. The CMS Workplan shall include, at a minimum, a summary of the proposed treatability study including a conceptual design, a schedule for submitting a treatability study workplan, or the Permittee's justification for not proposing a treatability study.
 - (4) The Permittee shall submit a CMS Report to DTSC for approval in accordance with a DTSC-approved schedule.
- (e) REMEDY SELECTION
- (1) DTSC will provide the public with an opportunity to review and comment on the final draft of the CMS Report, DTSC's proposed corrective measures for the Facility, and DTSC's justification for selection of such corrective measures. Depending on the level of community concern, DTSC may conduct a public hearing to obtain comments.
 - (2) Following the public comment period, DTSC will select final corrective measures or require the Permittee to revise the CMS Report and/or perform additional corrective measures studies.
 - (3) DTSC will notify the Permittee of the final corrective measures selected by DTSC in the Final Decision and Response to Comments. The notification will include DTSC's reasons for selecting the corrective measures.

(f) CORRECTIVE MEASURES IMPLEMENTATION (CMI)

- (1) The Permittee shall implement the corrective measures as selected by DTSC. Within 60 days of the Permittee's receipt of notification of DTSC's selection of the corrective measures or as otherwise specified by DTSC, the Permittee shall submit to DTSC a Corrective Measures Implementation (CMI) Workplan.
- (2) The CMI program shall be designed to facilitate the design, construction, operation, maintenance, and monitoring of corrective measures at the Facility. In accordance with the schedule contained in a DTSC-approved CMI Workplan, the Permittee shall submit to DTSC the documents listed below, to the extent applicable:
 - i. Operation and Maintenance Plan
 - ii. Draft Plans and Specifications
 - iii. Final Plans and Specifications
 - iv. Construction Workplan
 - vi. Construction Completion Report
 - vii. Corrective Measures Completion Report
- (3) As directed by DTSC, within 90 days of DTSC's approval of all required CMI documents or as otherwise specified by DTSC, the Permittee shall establish a financial assurance mechanism for Corrective Measures Implementation. The financial assurance mechanism may include any mechanism described in California Code of Regulations, title 22, sections 66264.143. The mechanism shall be established to allow DTSC access to the funds to undertake Corrective Measures Implementation tasks if the Permittee is unable or unwilling to undertake the required actions.

(g) Health and Safety Plan

Except as otherwise specified by DTSC, concurrent with the submittal of any workplan required by this Permit, the Permittee shall submit to DTSC a Health and Safety Plan, or when applicable, an addendum to the Health and Safety Plan, for any proposed work to be conducted pursuant to this Permit.

(h) Progress Report

Except as otherwise specified by DTSC, beginning with the first full month following the effective date of this Permit, the Permittee shall provide DTSC with quarterly progress reports of corrective action activities conducted pursuant to this Permit. Progress reports are due in the first week of the fourth month after the effective date of this Permit, and every quarter following the close of each reporting period. DTSC may adjust the frequency of progress reporting to be consistent with site-specific activities.

(i) Public Participation

Except as otherwise specified by DTSC, concurrent with the submittal of the RFI Workplan or any other initial workplan, the Permittee shall submit to DTSC a Community Profile for approval. Concurrent with the submittal of any subsequent workplan, the Permittee shall submit an addendum to the Community Profile to update the information as necessary. Based on the information provided in the Community Profile and the level of community interest, DTSC may conduct a public hearing to obtain comments during the public comment period. If required by DTSC, the Permittee shall prepare and submit to DTSC for approval Fact Sheets that summarize the RFI, IM and/or other corrective action activities. When a Fact Sheet is required by DTSC, the Permittee shall submit a draft Fact Sheet to DTSC for review and approval. Proponent shall mail the DTSC-approved Fact Sheets to all individuals on a mailing list established pursuant to California Code Regulations, title 22, section 66271.9(c)(1)(D), within 15 days of receipt of DTSC's written approval. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require the Permittee to prepare a Public Participation Plan.

(j) Land Use Covenant

If a Land Use Covenant (LUC) is required as part of the final remedy for the Facility pursuant to California Code of Regulations, title 22, section 67391.1, the Permittee shall sign and record the LUC as approved by DTSC in accordance with a DTSC-approved schedule.

(k) CALIFORNIA ENVIRONMENTAL QUALITY ACT

DTSC must comply with the California Environmental Quality Act (CEQA) insofar as activities required by this Permit are projects subject to CEQA. The Permittee shall provide all information necessary to facilitate any CEQA analysis. DTSC will make an initial determination regarding the applicability of CEQA. If the activities are not exempt from CEQA, DTSC will conduct an Initial Study. Based on the results of the Initial Study, DTSC will determine if a Negative Declaration or an Environmental Impact Report (EIR) should be prepared. DTSC will prepare and process any such Negative Declaration. However, should DTSC determine that an EIR is necessary, such an EIR would be prepared under a separate agreement between DTSC and the Permittee.

6. ENDANGERMENT DURING IMPLEMENTATION

- (a) The Permittee shall notify DTSC immediately upon learning of any condition that may pose an immediate threat to public health or safety or the environment. Within seven days of the onset of such a condition, the Permittee shall furnish a report to DTSC setting forth the conditions and events that occurred and the measures taken in response thereto.
- (b) In the event DTSC determines that any activity (whether or not pursued in compliance with this Permit) may pose an imminent or substantial endangerment to the health or safety of people at the Facility or in the surrounding area or to the environment, DTSC may order the Permittee to stop further implementation of this Permit for such period of time as may be needed to abate the endangerment. DTSC may request that the Permittee implement interim measures to address any immediate threat or imminent or substantial endangerment.

7. ACCESS FOR CORRECTIVE ACTION

- (a) Subject to the Facility's security and safety procedures, the Permittee shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of Part VI of this Permit and shall permit such persons to inspect and copy all data, reports and other documents that pertain to work undertaken pursuant to Part VI of this Permit and that are within the possession or under the control of the Permittee or its contractors or consultants.

- (b) To the extent that work being performed pursuant to Part VI of the Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part of the Permit from the present owner(s) of such property within 30 days of approval of any workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within 30 days of approval of any workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within 14 days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property. If there is any conflict between this permit condition on access and the access requirements in any agreement entered into between DTSC and the Permittee, this permit condition on access shall govern.

8. SUBMITTALS

- (a) Except as otherwise specified by DTSC, any report or other document submitted by the Permittee pursuant to Part VI of this Permit shall be signed and certified by the project coordinator, a responsible corporate officer, or a duly authorized representative. The certification required herein shall be in the following form:

I certify that the information contained in or accompanying this submittal is true, accurate, and complete. As to those portions of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared at my direction in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Signature: _____
Name: _____
Title: _____
Date: _____

- (b) Except as otherwise specified by DTSC, for any report or other document required pursuant to Part VI of this Permit, the Permittee shall submit one hard (paper) copy together with one electronic copy with all applicable signatures and certification stamps as a text-readable Portable Document Formatted (pdf) file Adobe Acrobat or Microsoft Word formatted file.

9. RECORD PRESERVATION

- (a) The Permittee shall retain, during the implementation of Part VI of this Permit and for a minimum of six years thereafter, all data, reports, and other documents that relate to the implementation of Part VI of this Permit or to hazardous waste management and/or disposal at the Facility. If DTSC requests that some or all of these documents be preserved for a longer period of time, Permittee shall either comply with the request, deliver the documents to DTSC, or permit DTSC to copy the documents at Permittee's expense prior to destruction.
- (b) If the Permittee retains or employs any agent, consultant, or contractor for the purpose of complying with the requirements of Part VI of this Permit, the Permittee shall require any such agents, consultants, or contractors to provide the Permittee a copy of all documents produced pursuant to Part VI of this Permit.

10. SAMPLING, DATA AND DOCUMENT AVAILABILITY

When requested by DTSC, the Permittee shall make available for DTSC's inspection, and shall provide copies of, all data and information concerning contamination at or from the Facility, including technical records and contractual documents, sampling and monitoring information and photographs and maps, whether or not such data and information was developed pursuant to this Agreement.

11. NOTIFICATION OF FIELD ACTIVITIES

Except as otherwise specified by DTSC, the Permittee shall inform DTSC at least seven days in advance of all field activities conducted pursuant to Part VI of this Permit and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by the Permittee.

12. PERMITTEE'S PROJECT MANAGER, CONSULTANT AND CONTRACTOR

All work performed by the Permittee pursuant to Part VI of this Permit shall be under the direction and supervision of a professional engineer or professional geologist, licensed in California, with expertise in hazardous waste site cleanup. The Permittee's project manager, contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Except as otherwise specified by DTSC, within 14 days of the effective date of this Permit, the Permittee shall notify DTSC in writing of the name, title, and qualifications of its project manager, any contractors or consultants and their personnel to be used in carrying out the work under Part VI of this Permit in conformance with applicable state law, including but not limited to, Business and Professions Code sections 6735 and 7835.

13. REIMBURSEMENT OF DTSC'S COSTS

Pursuant to Health and Safety Code section 25205.7(b), the Permittee shall reimburse DTSC for all costs incurred by DTSC in overseeing the work required by Part VI of this Permit, including DTSC's review of documents and site visits.

14. Nothing in Part VI of the Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action, including corrective action beyond the facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

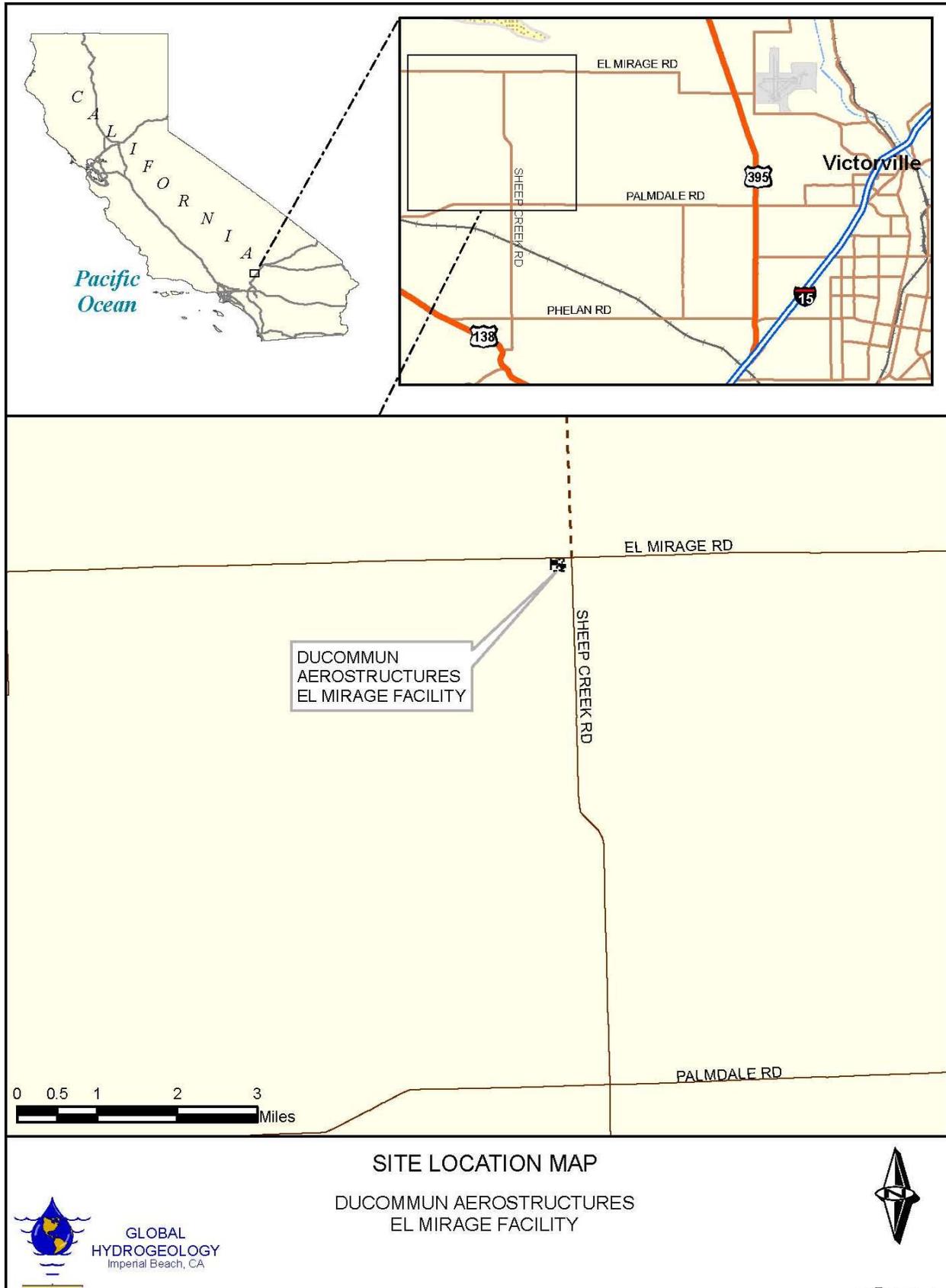


Figure 1 - Facility Location

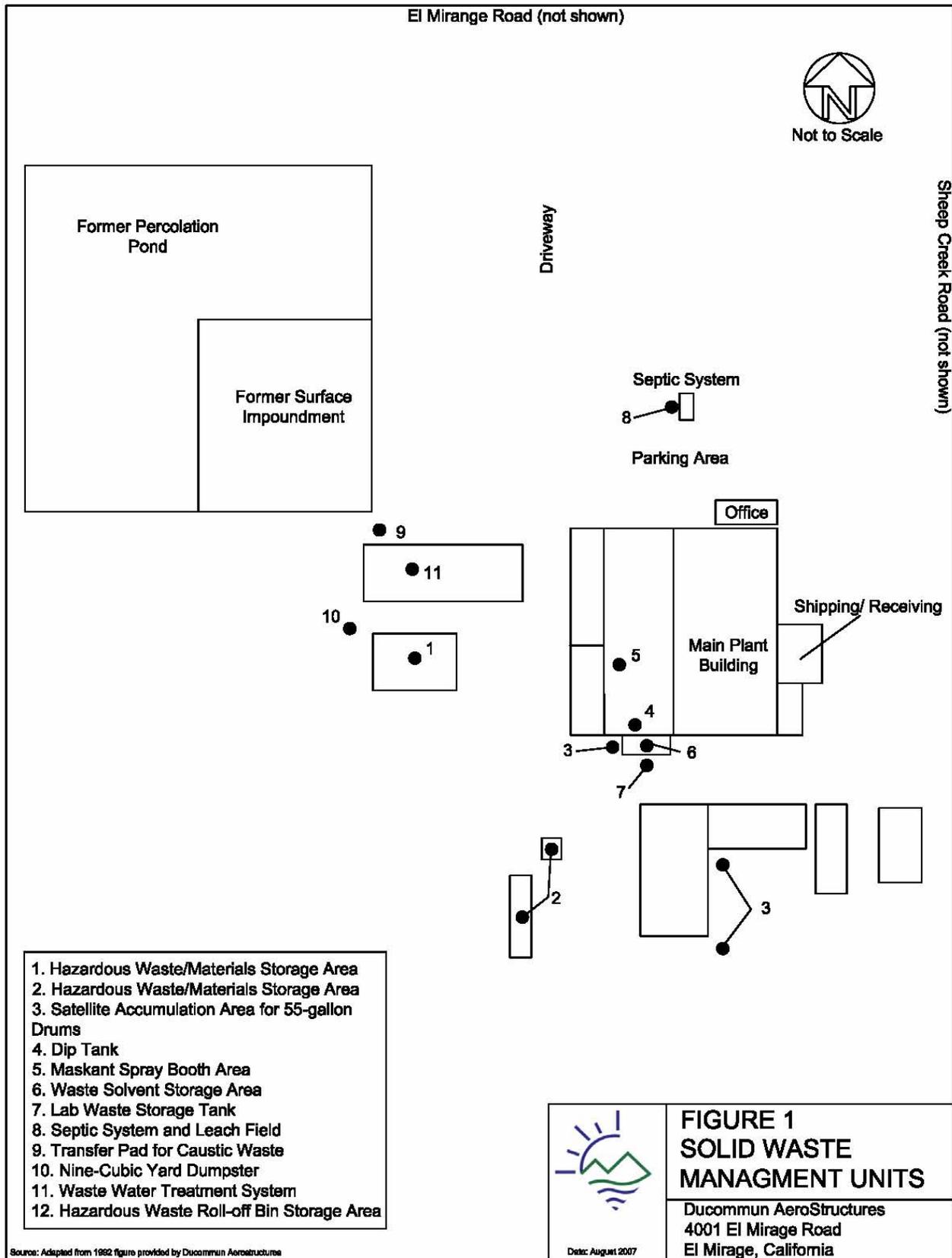


Figure 3 - Unit and SWMU Locations