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**RESPONSE TO COMMENTS
FOR
EVERGREEN OIL, INC. – DAVIS
44561 ROAD 30-B
DAVIS, CALIFORNIA 95616
EPA ID No. CAD 982446874**

Evergreen Oil, Inc. (formerly known as “Evergreen Environmental Services”) operates a hazardous waste facility in Davis, California that stores and transfers used oil, waste antifreeze, non-RCRA wastewater, and solids contaminated with oil. The Davis facility was issued a Standardized Hazardous Waste Facility Permit (Standardized Permit) by DTSC on December 30, 1997. On December 29, 2006, Evergreen Oil, Inc. submitted an application to renew its Standardized Permit. DTSC reviewed the permit application and prepared a draft Standardized Permit. DTSC also proposed to issue a Notice of Exemption to comply with the California Environmental Quality Act (CEQA).

On August 1, 2008, DTSC published a public notice in the Davis Enterprise to announce the start of a 45-day public comment period to solicit comments on the Draft Permit. Copies of a fact sheet were mailed to the facility mailing list. A paid public notice announcing the public comment period was aired on a local radio station. The public comment period ended at 5 pm on September 15, 2008. Public comments were received by electronic mail and postal mail.

During the public comment period, DTSC received a total of four comment letters from Olin Woods, Dr. F.P Brady, Mr. Bart Miller, and Mr. Stephen Douglas.

This document responds to those comments received during the public comment period. DTSC excerpted comments verbatim from the written comments received. The persons who made the comments are identified and their comments are shown in italics and listed after the person’s name. DTSC’s response to each comment is follows:

Commentor #1: Olin Woods

Comment #1-1:

The facility is very much needed and it appears from Department of Toxic Substances Control records to be operating in a very satisfactory manner. It is important for auto repair shops and individuals, like me, who do minor repair work on their on cars to have nearby locations to recycle oil, etc.

Response:

Thank you for your comment. Your comment has been noted.

Commentor #2: Dr. F.P. Brady

Comment #2-1:

It seems that Evergreen is performing a valuable service. We support Permit Renewal. Think of the consequence and costs if the State has to take over this operation!!

Response:

Thank you for your comment. Your comment has been noted.

Commentor #3: Bart Miller

Comment #3-1:

Will there be an area wide notification system (e.g. telephone, sirens, etc.) that will be advising surrounding residents/business that a spill/release has occurred?

Response:

No, there is no area-wide notification system at the facility. The Evergreen Oil, Inc. – Davis facility is an unmanned facility and will manage very low-risk hazardous waste. The facility is permitted to accept only used oil, waste antifreeze, non-RCRA wastewater, and solid waste contaminated with oil. The facility is also located on farm land in an isolated area of Davis and consists of a tank storage area with four tanks, a 10-drum storage area, and a loading/unloading area for the trucks to park. The tank storage area and drum storage area are locked at all times unless trucks are loading and unloading waste. Both storage areas have secondary containment walls to contain any spill and leak from leaving the facility. Trucks arrive at the facility three to five times a day so any leaks will be noticed by Evergreen employees. No spill is expected to be significant and any spill will be cleaned by employees with an absorbent material or vacuumed into tanker trucks.

Comment #3-2:

What path will the trucks containing hazardous materials be traveling to/from the facility?

Response:

The most like path would be for trucks to leave the Evergreen Oil, Inc – Davis facility and make a left turn onto County Road 30. County Road 30-B then turns into County Road 104-A which then turns to County Road 30-B and then to County Road 104. At the end of County Road 104, trucks can either turn right onto E. Covell Road if the trucks are going to pick up waste locally or trucks can truck left onto Mace Boulevard which leads to Interstate 80.

Commentor #4: Stephen Douglas

Comment #4-1:

Under Part II, Section 5a "General Description", the draft permit states that "Only Evergreen Oil, Inc. drivers are allowed to unload and load hazardous waste at the facility." Evergreen would like this statement to be removed from the draft permit or reworded so that it is clear that other transporters other than Evergreen Environmental Services may transport waste to and from the facility. Procedures are outlined in Evergreen's Part B application for accepting waste from a transporter other than Evergreen Environmental Services, and an Evergreen representative will be present to receive waste from these transporters. With the way the statement is currently worded, it could be interpreted that no transporters other than Evergreen can transport waste to and from the facility.

Response:

DTSC believes that Mr. Douglas has confused this permit with the Evergreen Oil, Inc. – Fresno draft permit which was issued at the same time. Under Part II, Section 5a, it currently reads "Only Evergreen Oil, Inc.'s employees, including drivers, are allowed to unload and load hazardous waste at the Facility", not "Only Evergreen Oil, Inc. drivers are allowed to unload and load hazardous waste at the facility" as stated by Mr. Douglas. DTSC believes this is sufficiently clear that transporters other than those from Evergreen Oil, Inc. can bring hazardous waste to the facility but only Evergreen Oil, Inc. employees may operate the equipment to unload the waste into the tanks. Therefore, changes will not be made as requested. However, the sentence "Hazardous waste (used oil, waste antifreeze, non-RCRA wastewater) is brought to the Facility in tanker trucks." has been added to this section to clarify the description.

Comment #4-2:

Under Part IV, Unit #1, Unit Specific Conditions #4, the draft permit states, "The Permittee shall store only used oil, waste antifreeze and oily water in the tanks identified in Table 4." Evergreen is requesting that the phrase "oily water" be replaced with "Non-RCRA wastewater" to maintain consistency throughout the permit.

Response:

DTSC agrees with this comment. All instances of the phrase "oily water" in the Permit have been replaced with "Non-RCRA wastewater."