California Environmental Protection Agency
Department of Toxic Substances Control

STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT, SERIES B

Facility Name: Evergreen Oil, Inc. – Davis
44561 County Road 30-B
Davis, California

Owner Name: Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560

Operator Name: Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560

EPA ID Number: CAD 982446874

Effective Date: November 6, 2012

Expiration Date: November 6, 2022

Pursuant to California Health and Safety Code sections 25200 and 25201.6, this Standardized Hazardous Waste Facility Permit is hereby issued to Evergreen Oil, Inc. for its Davis facility.

The Issuance of this Permit is subject to the terms and conditions set forth in Attachment A. This Permit consists of 28 pages, including this cover page and Attachment A.

//Original signed by//

Edward Nieto, P.E.
Supervising Hazardous Substances Engineer I
Used Oil and Tanks Team
Office of Permitting
Department of Toxic Substances Control

10-2-2012

Date

EVERGREEN OIL INC. – DAVIS
44561 COUNTY ROAD 30B
DAVIS, CALIFORNIA 95616

EPA ID NUMBER: CAD 982446874

STANDARDIZED HAZARDOUS WASTE 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.).

5. **"RCRA hazardous waste"** as used in this Permit has the same definition as in Health and Safety Code section 25120.2.

6. **"Non-RCRA hazardous waste"** as used in this Permit has the same definition as in Health and Safety Code section 25117.9, and includes non-RCRA wastewater.

7. **"Used oil"** as used in this Permit has the same definition as in Health and Safety Code section 25250.1(a)(1).

8. **"Transfer"** as used in this Permit has the same definition as in California Code of Regulations, title 22, section 66260.10.

PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. Owner of Facility:

Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560

2. Owner of Real Property:

The Chew Family Trust
5820 Holstein Way
Sacramento, California 95822

3. Operator of Facility:

Evergreen Oil, Inc.
6880 Smith Avenue
Newark, California 94560

4. Location:

The Evergreen Oil, Inc. – Davis facility (Facility) is located at 44561 County Road 30-B in Davis, Yolo County, California at latitude 38° 34' 15" N and longitude 121° 41' 05" W (Figure 1). The Facility occupies approximately 6,000 square feet, about 400 feet south of County Road 30-B on The Chew Family Trust property known as K.C. Farms.

5. Description of Facility Operations:

(a) General Description

The Facility is an unmanned hazardous waste storage facility and is locked at all times. Hazardous waste (used oil, waste antifreeze, non-RCRA wastewater) is brought to the Facility in tanker trucks. Only Evergreen Oil, Inc.'s employees, including drivers, are allowed to unload and load hazardous waste at the Facility. Evergreen Oil, Inc.'s operations consist of collecting used oil, waste antifreeze, non-RCRA wastewater, and oil-contaminated solid waste from offsite generators (gas stations, oil changers, auto repair shops, etc.) and consolidating these wastes at the Facility before shipping them to an authorized hazardous waste treatment or disposal facility.

(b) Listing of units regulated by this permit

Units listed below are identified and located on the Facility Site Plan as shown in Figure 2.

(1) Tank Storage Unit in Containment Area #1 (Unit #1)
(2) Drum Storage Unit in Containment Area #2 (Unit #2)
(3) Truck-to-Truck Transfer, Loading, and Unloading Area (Unit #3)

6. Facility History:

DTSC issued a Series C Standardized Hazardous Waste Facility Permit (Standardized Permit) to Evergreen Environmental Services to operate the Evergreen – Davis facility on December 30, 1997. Evergreen Environmental Services subsequently changed its name to Evergreen Oil, Inc. On December 29, 2006, Evergreen Oil, Inc. submitted an application to renew its Standardized Permit. DTSC determined the application to be administratively complete on January 30, 2007. The Standardized Permit expired on December 30, 2007. In accordance with California Code of Regulations, title 22, section 66270.51, Evergreen Oil, Inc. was allowed to continue operating under the terms of the expired permit until DTSC made a final permit determination on Evergreen Oil, Inc.'s Renewal Application.

7. Facility Size and Type for Fee Purposes

This Permit is categorized as a "Series B Standardized Permit" pursuant to Health and Safety Code section 25201.6 and for purposes of Health and Safety Code sections 25205.2 and 25205.19.

8. Closure Cost Estimate

The closure cost estimate (in 2007 Dollars), as approved by DTSC on July 30, 2008, is $109,539.11.

PART III. GENERAL CONDITIONS

1. PERMIT APPLICATION DOCUMENTS

The Standardized Permit Application, "Standardized Permit Renewal Application, Evergreen Oil, Inc. – Davis, 44561 Road 30B, Davis, CA 95616" dated April 2008 and submitted to DTSC by the Permittee is hereinafter referred to as the "Standardized Permit Application" and is 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 store hazardous wastes in accordance with the terms and conditions of this Permit. 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 this Permit in the time or manner specified herein is grounds for revocation of this Permit (Cal. Code Regs., tit. 22, §66270.43), and will subject the Permittee to enforcement action and penalties pursuant to Health and Safety Code sections 25187 and 25189.2(b).

(f) Failure to submit any information or document required in connection with the Permit, or falsification or misrepresentation of any submitted

information or document is grounds for revocation of this Permit (Cal. Code Regs., tit. 22, §66270.43), and will subject the Permittee to enforcement action and penalties pursuant to Health and Safety Code sections 25187 and 25189.2(a).

(g) In case of conflicts between the Operation Plan 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)

DTSC has prepared a Notice of Exemption 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 operation 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.

Unit #1:

UNIT NAME:

Tank Storage Unit in Containment Area #1

LOCATION:

The Unit occupies the southern portion of the Facility and is adjacent to the south side of the Truck-to-Truck Transfer, Loading, and Unloading Area (Unit #3), as shown in Figure 2.

ACTIVITY TYPE:

Storage In Tanks

ACTIVITY DESCRIPTION:

Used oil, waste antifreeze, and non-RCRA wastewater are brought to the Facility in tanker trucks ranging in size from 1,500 gallons up to 5,000 gallons. Upon arrival at the Facility, the driver, one of the Permittee's employees trained to handle the Facility's transfer operations, performs fingerprinting tests on the waste using the procedures specified in Table 1, 2, and 3 of this Permit prior to unloading. If the waste meets the criteria set forth in Table 1, 2, and 3 of this Permit, the waste can be unloaded into the appropriate storage tank. Otherwise, the load is transported directly to an authorized hazardous waste treatment or disposal facility.

After the tests confirm the identity of the wastes, the driver opens the facility gate and connects a hose from the tanker truck to the tank manifold. The wastes are then pumped from the tanker truck into the appropriate storage tank in Containment Area #1. During the pumping operations, a bucket is placed under the hose's connection point to contain any drips. The storage tanks are equipped with sight gauges for visual measurement of the capacity of the storage tank to ensure the tank's capacity is sufficient for the contents of the truck. The sight gauges are visible from a location within reach of the valves controlling the flow of waste into the tank. The Facility's operating procedure requires the person filling the tank to monitor the operation from a position where both the sight gauge can be seen and the control valve can be reached. When all the wastes have been pumped from the tanker truck to the storage tanks, the

hose is disconnected and the manifold locked. The driver records the quantity of waste unloaded into the facility's operating record, locks the gate, and leaves the facility with the unloaded tanker truck. A tanker trailer with a capacity of up to 7,000 gallons will come periodically to unload the storage tanks and deliver the hazardous waste to an authorized treatment or disposal facility.

PHYSICAL DESCRIPTION:

The Unit measures 54 feet by 41 feet 6 inches on a 6-inch thick foundation constructed of reinforced concrete. Four hazardous waste storage tanks (See Table 4) are situated in this Unit. Each storage tanks has a capacity of 12,125 gallons and the total maximum permitted capacity of this Unit is 48,500 gallons. The tanks are completely enclosed within a 29-inch high, 6-inch thick berm. A 8-foot high chain link topped with barbed wire sits on top of the berm and also completely surrounds the Unit. Access to the storage tanks is through locked gates located at the north end of the Unit. A sump measuring 12 inch by 12 inch and 4 inch deep is located in the northwest corner of Containment Area #1. The berm and sump provide a secondary containment capacity of 31,770 gallons.

MAXIMUM CAPACITY:

The total maximum permitted capacity is 48,500 gallons. The maximum permitted capacity of each individual tank is 12,125 gallons.

WASTE TYPES:

See Table #4

CALIFORNIA HAZARDOUS WASTE CODES:

See Table #4

UNIT-SPECIFIC SPECIAL CONDITIONS

1. During the unloading and loading operations and/or when a hose is disconnected from a tank truck or a tank, the Permittee shall place a bucket or a drip pan under the hose's decoupling point to contain any release of hazardous waste.

2. The tank integrity assessment certification prepared by an independent, qualified, professional engineer pursuant to California Code of Regulations, title 22, section 66270.16, for a tank shall be valid for five years from the date of the tank assessment, unless a leak or damage is detected in a tank. The Permittee shall submit a new tank integrity assessment certification no later than five years from the date of the previous tank assessment.

3. Where a leak or damage is detected in a tank, the Permittee shall submit a new tank integrity assessment certification for this tank to DTSC for approval within 60

days of the repair or replacement. The Permittee shall not put the affected tank back into service until the Permittee receives written approval from DTSC.

4. The Permittee shall store only used oil, waste antifreeze and Non-RCRA wastewater in the tanks identified in Table 4.

Unit #2:

UNIT NAME:

Drum Storage Unit in Containment Area #2

LOCATION:

The Unit is adjacent to the western wall of the Tank Storage Unit in Containment Area #1 (Unit #1) and south of the Truck-to-Truck Transfer, Loading, and Unloading Area (Unit #3) as shown in Figure 2.

ACTIVITY TYPE:

Storage in Containers

ACTIVITY DESCRIPTION:

Used oil, non-RCRA wastewater, waste antifreeze, solid waste contaminated with oil (oily debris), and emptied contaminated containers are transported to the facility on a flatbed truck. The containerized hazardous wastes are stored in this Unit.

Analysis of the solid waste contaminated with oil are conducted before the waste is collected. Similar and compatible oil contaminated wastes (oily debris, sludge waste) are transferred from container to container for the purpose of consolidation. The oil-contaminated hazardous wastes collected include items such as oily rags and cat litter used to absorb small spills at gas stations. Liquid hazardous wastes stored in drums in this Unit are limited to used oil, waste antifreeze, and non-RCRA wastewater. When sufficient quantities of containers are accumulated at the Facility, the wastes are manifested and transferred by truck to an authorized treatment or disposal facility.

PHYSICAL DESCRIPTION:

The Unit measures 10 feet by 10 feet with a total maximum permitted capacity of 550 gallons. The foundation of this Unit is constructed of a reinforced concrete slab measuring 6 inches thick. The Unit is enclosed by a 9-inch high, 6-inch thick berm on the south and west sides. The east side of the Unit is the wall of the Tank Storage Unit in Containment Area #1. A 9-inch high, 6-inch thick berm with a ramp encloses the north side. A 8-foot high chain link topped with barbed wire sits on top of the berm and partially surrounds the Unit. Access is provided by a locked gate over the ramp on the north end. The secondary containment capacity of 519 gallons is provided by the 6-inch

high berms, Tank Storage Unit in Containment Area #1 wall, and the ramp surrounding the Unit.

MAXIMUM CAPACITY:

Total maximum permitted capacity is 550 gallons or 10 drums, whichever is less.

WASTE TYPES:

See Table #5

CALIFORNIA HAZARDOUS WASTE CODES:

See Table #5

UNIT-SPECIFIC SPECIAL CONDITIONS

The Permittee shall not stack a container holding hazardous waste on top of any other container.

Unit #3:

UNIT NAME:

Truck-to-Truck Transfer, Loading, and Unloading Area

LOCATION:

The Unit is north of the Tank Storage Unit in Containment Area #1 (Unit #1) and Drum Storage Unit in Containment Area #2 (Unit #2), as shown in Figure 2.

ACTIVITY TYPE:

Storage in Containers

ACTIVITY DESCRIPTION:

Hazardous waste is transferred from one tanker truck into another tanker truck in this Unit. Hazardous waste is transferred from truck to truck by positioning each truck in this Unit prior to the transfer. Trucks are positioned back to back with a reasonable working space between trucks. The transfer hoses are connected to the appropriate fittings on each truck. A drip pan or bucket is placed under each hose's connection point. The receiving truck pump is activated to receive the waste. All connections are made with installed fittings on each truck. The tanker truck pump is manually controlled.

Drums containing used oil, waste antifreeze, or non-RCRA wastewater are placed in this Unit and pumped into the appropriate storage tank or tanker truck. Similar and

compatible wastes are transferred from container to container, container to truck, truck to container and container to tank for the purpose of consolidation.

PHYSICAL DESCRIPTION:

The Unit measures 20 feet by 64 feet with a total maximum permitted capacity of 14,400 gallons. The foundation of this Unit is constructed of a reinforced concrete slab measuring 6 inches thick. The Unit is surrounded by a 4-inch high concrete roll over curb. A sump measuring 12 inch by 12 inch and 4 inch deep is located in the southwestern corner of the Truck-to-Truck Transfer, Loading, and Unloading Area. The berms and sump provide a secondary containment capacity of 3,194 gallons.

MAXIMUM CAPACITY:

The total maximum permitted capacity is two tanker trucks/trailers or 14,400 gallons, whichever is less.

WASTE TYPES:

See Table #6

CALIFORNIA HAZARDOUS WASTE CODES:

See Table #6

UNIT-SPECIFIC SPECIAL CONDITIONS

1. The Permittee shall not store hazardous waste for more than 10 days in this Unit. Containers used for storage in this Unit shall be limited to tanker trucks and tanker trailers. Other types of containers holding hazardous waste may only be stored in this Unit up to 24 hours for transfer purpose only.

2. Prior to any transfer operation, the Permittee shall check the dip stick in the opened manway on the receiving truck to prevent overfilling. During transfer operations and/or when a hose is disconnected from a tanker truck, tanker trailer, or a tank, the Permittee shall place a bucket or a drip pan under the hose's decoupling point to contain any release of hazardous waste.

PART V. SPECIAL CONDITIONS

1. Used Oil - Total Halogen Testing

(a) The Permittee shall determine, prior to accepting used oil, whether the used oil contains more than 1,000 ppm total halogens by testing each shipment of used oil for total halogens as specified in California Code of Regulations, title 22, section 66279.90(a) in accordance with California Code of Regulations, title 22, section 66279.10(a)(4).

(b) (1) When the Permittee has determined that a used oil shipment contains more than 1,000 ppm total halogens, the Permittee:

(A) shall reject the load pursuant to Health and Safety Code section 25160.6 and any other applicable requirements; or

(B) may seek to demonstrate that the rebuttable presumption under California Code of Regulations, title 22, section 66279.10(a), should be rebutted pursuant to California Code of Regulation, title 22, section 66279.10(b).

If the Permittee seeks to rebut the presumption by demonstrating that the used oil does not in fact contain halogenated hazardous waste pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2), the Permittee shall follow the applicable procedures in paragraph V.1(b)(3).

(2) The Permittee may only accept a used oil shipment containing more than 1000 ppm total halogens and manage it as used oil when the rebuttable presumption has been rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2) using the procedures in paragraph V.1(b)(3) or based on California Code of Regulations, title 22,section 66279.10(b)(3), (b)(4), or (b)(5).

(3) The Permittee shall use the following options for rebutting the rebuttable presumption pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2).

(A) Option 1. For used oil received from a single generator and when the generator provides a Waste Profile Sheet. The Permittee may not use this option when the generator is a commercial oil change operation, auto repair shop, or collection center where the used oil may have come from different sources.

(i) The Permittee may rebut the rebuttable presumption pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2) only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by complying with the procedures in paragraphs V.1(b)(3)(A)(ii) through (v), which are the only other means of demonstrating that the used oil does not contain halogenated hazardous waste for purposes of California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2) and this Permit;

(ii) The Permittee shall obtain from the transporter, at the time of delivery, a copy of the Generator's Waste Profile Worksheet (GWPW) and the analytical results for the halogen content used to rebut the presumption;

(iii) The Permittee shall review the documents obtained under paragraph V.1(b)(3)(A)(ii) prior to accepting the waste and shall subsequently enter into its operating record that the Permittee reviewed the documents and verify that a) the GWPW is less than 365 days old; b) the GWPW is based on a representative sample of the waste; and c) the data used to rebut the presumption was analyzed by a laboratory certified in accordance with the Environmental Laboratory Accreditation Program by using the test methods specified in California Code of Regulations, title 22, section 66279.90(b).;

(iv) The Permittee shall obtain for its review a written certification from the generator that the generator repeats the waste testing and certification process outlined in paragraph V.1(b)(3)(A)(iii) at least every 365 days;

(v) After reviewing the documents obtained under paragraphs V.1(b)(3)(A)(ii) and (iv), the Permittee shall place the documents into its operating record. These documents shall demonstrate that the rebuttable presumption can be rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2).

(B) Option 2. For used oil received from a single generator and when the generator does not provide a Waste Profile Sheet, the Permittee may rebut the presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) accompanied by a determination that the rebuttable presumption is rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (b)(2).

(C) Option 3. For used oil received from multiple generators and when the transporter provides fingerprint test data for each generator using EPA Test Method 9077.

(i) The Permittee may only rebut the rebuttable presumption through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by demonstrating that the used oil does not contain halogenated hazardous waste by satisfying the requirement in paragraph V.1(b)(3)(C)(ii).

(ii) The Permittee shall obtain the fingerprint test data referenced in paragraph V.1(b)(3)(C) from the transporter; and

a) For any generator whose used oil has a concentration that exceeds 1000 ppm total halogens, the Permittee shall receive and have on file proper documentation and follow the procedures in Option 1 above; and

b) The finger print test data shall demonstrate that the used oil collected from all the other generators has concentrations at or below 1000 ppm total halogens.

(D) Option 4. For used oil received from multiple generators and when the transporter cannot provide fingerprint data for each generator using EPA Test Method 9077, but the transporter has collected individual samples from each generator and retained the samples along with the load.

(i) The Permittee may rebut the rebuttable presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) or by demonstrating that the used oil does not contain halogenated hazardous waste by satisfying the

requirements in a) and b) below.

a) The Permittee shall obtain the individual retained samples from the transporter and test the retained samples using EPA Test Method 9077; and

b) For any generator whose used oil has a concentration that exceeds 1000 ppm total halogens, the Permittee shall receive and have proper documentation on file prior to acceptance and follow the procedure in Option 1 above.

(E) Option 5. For used oil received from multiple generators and when the transporter cannot provide fingerprint data or retained samples as discussed in Options 3 and 4 above, the Permittee may rebut the presumption only through analytical testing in accordance with the test methods specified in California Code of Regulations, title 22, section 66279.90(b) to demonstrate that the rebuttable presumption is rebutted pursuant to California Code of Regulations, title 22, section 66279.10(b), (b)(1) and (2).

(c) Used oil shall not be intentionally mixed with other hazardous waste, including household hazardous waste and hazardous waste from a conditionally exempt small quantity generator.

2. <u>Used Oil - PCBs Testing</u>

(a) The Permittee shall collect and retain a representative sample from each truck unloading used oil at the Facility. The Permittee shall retain the sample until the PCBs testing specified below is completed and documented. Each retained sample shall identify the specific shipment of used oil it represents.

(b) All outgoing used oil shall be tested for PCBs to ensure that the used oil load does not contain PCBs at a concentration of 2 ppm or greater. The Permittee shall test the used oil from each storage tank for PCBs in accordance with the procedures in paragraph V.2(b)(1) or the Permittee shall comply with the requirements in paragraph V.2(b)(2), which provide for the receiving facility to test the used oil for PCBs.

(1) If the Permittee is performing the tests for PCBs in used oil, the Permittee shall test the used oil for PCBs using all of the following procedures:

(A) The Permittee shall obtain a representative sample of the used oil from the tank to be emptied using the sampling procedure specified in Section III of the DTSC-approved Standardized Permit Application. No additional loads of used oil shall be added to the storage tank once the sample is taken and used oil shall not be unloaded until the PCB test specified below is completed.

(B) The Permittee shall test the used oil sample for PCBs using EPA test method 8082 or other similar methods approved by the United States Environmental Protection Agency or DTSC.

(C) If the used oil does not contain PCBs at a concentration of 2 ppm or greater, the tank contents may be emptied and released for shipment. The used oil may then be delivered to an authorized used oil transfer or treatment facility.

(D) If the used oil contains PCBs at a concentration of 2ppm or greater, a second sample shall be obtained and tested. The second sample shall be obtained using sampling equipment that is new or has been cleaned using (i) the permanganate cleanup procedure (EPA Method 3665A); or (ii) an appropriate decontamination procedure that has been approved in writing by DTSC for use at the Facility.

(E) If the second test result required in paragraph V.2(b)(1)(D) of the used oil in the storage tank confirms that the used oil contains PBCs at a concentration of 2 ppm or greater, the retained sample from each tanker truck that was unloaded into the storage tank shall be tested.

(F) If all the retained samples for shipments unloaded into the storage tank show less than 5 ppm of PCBs, the Permittee may manage the tank contents as used oil.

(G) If any retained sample is at or above the 5 ppm limit for PCBs, the entire contents of the storage tank shall be shipped to a facility permitted to accept PCBs-contaminated hazardous waste pursuant to all applicable requirements, including those of the Toxic Substances Control Act (TSCA, Public Law [Pub.L] 94-469). The storage tank shall be decontaminated to remove all PCBs residues prior to reuse. Any waste generated as a result of decontamination of the storage tank shall be managed as PCBs-contaminated hazardous waste.

(H) If any sample shows a PCB concentration of 5 ppm or greater, the Permittee shall provide the written test results to DTSC within seven days of obtaining the test results.

(I) The result of the PCB testing specified in this section shall be valid only if no additional loads of used oil are added to the storage tank from which the sample is taken.

(2) If the Permittee elects to have the receiving facility test the used oil for PCBs and the receiving facility agrees to test the used oil for PCBs in accordance with paragraph V.2, the Permittee shall provide written instructions to the receiving facility that directs it to test the used oil for PCBs to ensure that the used oil load does not contain PCBs at a concentration of 2 ppm or greater. The instructions shall, at a minimum, direct the receiving facility to do all the following:

(A) Take a sample for PCBs testing directly from the Permittee's used oil load and test the Permittee's used oil load separately from any other load.

(B) Do not unload the truck or commingle the Permittee's used oil load with any other used oil at the receiving facility until PCBs testing indicates that the Permittee's load does not contain PCBs at a concentration of 2 ppm or greater.

(C) Use EPA test method 8082 or other similar methods approved by the United States Environmental Protection Agency or DTSC to test the used oil.

(D) Write the manifest number on the written test results for the used oil load that was tested.

(E) Provide the Permittee with written test results within 24 hours after the test has been performed. The written test results shall clearly show whether or not the used oil load contains PCBs at a concentration of 2 ppm or greater.

(F) Reject the load if the test results show that the used oil contains PCBs at a concentration of 2 ppm or greater.

(G) Provide a signed certification, under penalty of perjury, for each set of test results, to the Permittee stating that the receiving facility has followed all of the Permittee's written

instructions for each used oil load received from the Permittee.

(c) (1) If the load is rejected under paragraph V.2(b)(2)(F), the Permittee shall test, in accordance with paragraph V.2(b)(2)(C), each retained sample from each tanker truck that unloaded into the PCBs-contaminated storage tank that was subsequently emptied and transported to the receiving facility. If all the retained samples show less than 5 ppm of PCBs, the Permittee may manage the storage tank contents as used oil. If the Permittee sends this used oil back to the same receiving facility that previously tested and rejected the load, the Permittee is not required to direct the receiving facility to test the same load again in accordance with the above instructions.

(2) If any retained sample is at or above the 5 ppm limit for PCBs, the entire load from the PCB-contaminated transport vehicle (i.e., tanker trailer), any waste remaining in any other transport vehicle that transported the PCB-contaminated load, and any remaining waste in the PCBs-contaminated storage tank (including any subsequent loads placed into the storage tank) shall be shipped to a facility permitted to accept PCBs-contaminated hazardous waste pursuant to all applicable requirements, including those of the Toxic Substances Control Act (TSCA, Public Law [Pub. L.] 94-469). Any transport vehicles and the storage tank that held the PCBs-contaminated hazardous waste shall be decontaminated to remove all PCB residues prior to reuse. Any waste generated as a result of decontamination of the transport vehicles and storage tank shall be managed as a PCBs-contaminated waste.

(d) The Permittee shall immediately notify DTSC of any rejected load by e-mail and in writing and provide the written test results to DTSC within seven days of obtaining the test results. The Permittee shall comply with the requirements of Health and Safety Code section 25160.6 for any rejected load.

(e) The Permittee shall keep all documentation for PCBs testing until closure of the facility, including but not limited to; (1) the written instructions to the receiving facility; (2) the written test results provided by the receiving facility that show that the used oil load has been tested for PCBs in accordance with paragraph V.2(b)(2) or test results obtained by the Permittee in accordance with paragraph V.2(b)(1); (3) test results for retained samples that were conducted in accordance with paragraph V.2(b)(1)(E) and paragraph V.2(c); and (4) the certifications required by paragraph V.2(b)(2)(G). The Permittee shall make the documentation available for inspection upon DTSC's request.

3. Non-RCRA Wastewater

   (a) Prior to accepting shipments of non-RCRA wastewater, the Permittee shall require and obtain a generator profile and certification that verifies the waste is non-RCRA hazardous waste. Waste profiling shall be completed either by generators prior to shipment to the Facility or by transporters of loads that qualify for use of consolidated manifests prior to acceptance at the Facility.

   (b) The Permittee shall maintain the profiles and certifications required in paragraph V.3(a) until closure of the facility.

4. The Permittee is prohibited from conducting any hazardous waste transfer, storage, treatment or other management activity unless it is specifically described in this Permit or otherwise authorized by law.

5. The Permittee shall not conduct any hazardous waste management activities that would require a permit issued under RCRA or a RCRA-equivalent Hazardous Waste Facility Permit issued by DTSC.

6. Except as otherwise specified in this Permit, the Permittee shall not store hazardous waste in excess of one calendar year from the date the hazardous waste arrives at the Facility.

7. The Permittee shall maintain an Operating Record at the Facility which documents all hazardous waste activities at the Facility, including the quantities and types of hazardous waste transferred to and from the Facility, the dates of arrival and departure of shipment, and the manifest document numbers.

8. In the event any cracks, gaps or tears are detected in any hazardous waste management units, 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 containment crack, gap or tear is found. Within seven days of discovery of the problem, the Permittee shall notify DTSC in writing of corrective measures that have been taken.

9. Containers holding hazardous wastes shall be stored only in the authorized areas designated in Part IV of this Permit. Any non-hazardous waste that is stored in a designated hazardous waste storage area as provided by this Permit shall be subject to the conditions of this Permit, including volume calculations, compatibility and inspections.

10. The Permittee shall collect all rainwater and washwater accumulated within the authorized units and determine whether it is hazardous waste; if it is hazardous waste, the Permittee shall manage it accordingly.

11. Household hazardous waste collected by the Facility shall be limited to used oil, waste antifreeze, Non-RCRA wastewater, and oily debris (solid waste contaminated with oil).

12. Only employees of the Permittee who are fully trained in the Facility's operations and procedures are allowed to handle the transfer and storage operations at the Facility.

13. The Permittee shall not mix different waste streams together in containers, tanks, tanker trailers or tanker trucks.

14. If a hazardous waste separates into phases (i.e., oily water into oil and water) pursuant to Health and Safety Code section 25123.5(b)(2)(B), the Permittee shall manage all phases of the hazardous waste as hazardous waste after separation.

15. Any of the Permittee's transfer activities conducted pursuant to California Code of Regulations, title 22, section 66263.18 shall be conducted only in the Truck-to-Truck Transfer, Loading and Unloading Area (Unit #3).

16. The Facility shall not be a designated Treatment, Storage, or Disposal Facility on the manifests for any exempt transfer activities conducted pursuant to California Code of Regulations, title 22, section 66263.18.

17. For the purpose of calculating the permitted maximum capacity limitations for storage and for secondary containment, all containers in the authorized units are assumed to be full, and all hazardous waste that is stored or located in an authorized unit shall be included in the calculation for that unit, including any hazardous waste that is covered by the transfer facility exemption under California Code of Regulations, title 22, section 66263.18.

18. The Permittee shall maintain adequate lighting and security at the Facility, and shall keep the Facility locked except when the Permittee is conducting activities authorized by this Permit.

19. The Permittee shall, within 60 days of the effective date of this Permit, apply a chemical resistant coating material to the floors and walls of the secondary containment areas of all the Units. The coating material shall be compatible with the hazardous wastes to be managed in the Units and shall be sufficiently impervious to contain leaks and spills.

20. The Permittee shall conduct sampling activities only within the Units.

PART VI - CORRECTIVE ACTION

1. In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within 10 days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment.

2. DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment and newly identified SWMUs or releases of hazardous waste and/or hazardous constituents. If and when corrective action is required at the Facility, the Permittee shall conduct corrective action under either a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action issued by DTSC pursuant to Health and Safety Code sections 25187 and 25200.10.

3. 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.

4. 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.

Table 1 - Minimum Screening Requirements per Truck Load of Used Oil

Constituents	Method/Field Analysis	Rationale	Acceptable Range
Odor	Observation	to determine the presence of foreign substances such as gasoline	Oil Like
Halogens	Chlor-DTech or other test kits approved by DTSC	to determine if oily wastewater is contaminated with chlorinated solvent	< 1,000 ppm unless rebutted
Color	Visual of coliwasa tube	to determine the presence of foreign substances such as gasoline	Amber to Black

Table 2 - Minimum Screening Requirements per Truck Load of Waste Antifreeze

Constituents	Method/Field Analysis	Rationale	Acceptable Range
pH	pH paper or meter	to determine if antifreeze exhibits corrosivity	2.0 <pH< 12.5
Odor	Observation	to determine the presence of foreign substances such as gasoline	Sweet, Antifreeze Like
Color	Visual of coliwasa tube	to determine the presence of oil and gasoline	Green, Pink, or Yellow

Table 3 - Minimum Screening Requirements per Truck Load of Non-RCRA Wastewater

Constituents	Method/Field Analysis	Rationale	Acceptable Range
Odor	Observation	to determine the presence of foreign substances such as gasoline	No Strong Gasoline or Solvent Odor
pH	pH paper or meter	to determine if the water phase exhibits corrosivity	2 <pH< 12.5

Table 4 - Tanks in the Tank Storage Unit in Containment Area #1 (Unit #1) and Allowable Waste Streams

Tank Number	Permitted Capacity (Gallons)	Diameter	Length	Allowable Waste Stream (Common Name)	Allowable Waste Codes
Tank #1	12,125	8 feet	32 feet	Non-RCRA Wastewater	132, 133, 134, 135, 221, 222, 223, 241, 331
Tank #2	12,125	8 feet	32 feet	Waste Antifreeze	133, 134, 135, 343
Tank #3	12,125	8 feet	32 feet	Used Oil	221, 612
Tank #4	12,125	8 feet	32 feet	Used Oil	221, 612
Total Permitted Capacity	48,500				

Table 5 - Allowable Waste Streams for Drum Storage Unit in Containment Area #2 (Unit #2)

Waste Stream Number	California Waste Code	Common Name of Waste
1	221, 612	Used Oil
2	133, 134, 135, 343	Waste/Used Antifreeze
3	132, 133, 134, 135, 221, 222, 223, 241, 331	Non-RCRA Wastewater
4	223, 352	Non-RCRA Solids Contaminated with Oil
5	512	Contaminated Containers

Table 6 - Allowable Waste Streams for Truck-to-Truck Transfer, Loading, and Unloading Area (Unit #3)

Waste Stream Number	California Waste Code	Common Name of Waste
1	221, 612	Used Oil
2	133, 134, 135, 343	Waste/Used Antifreeze
3	132, 133, 134, 135, 221, 222, 223, 241, 331	Non-RCRA Wastewater

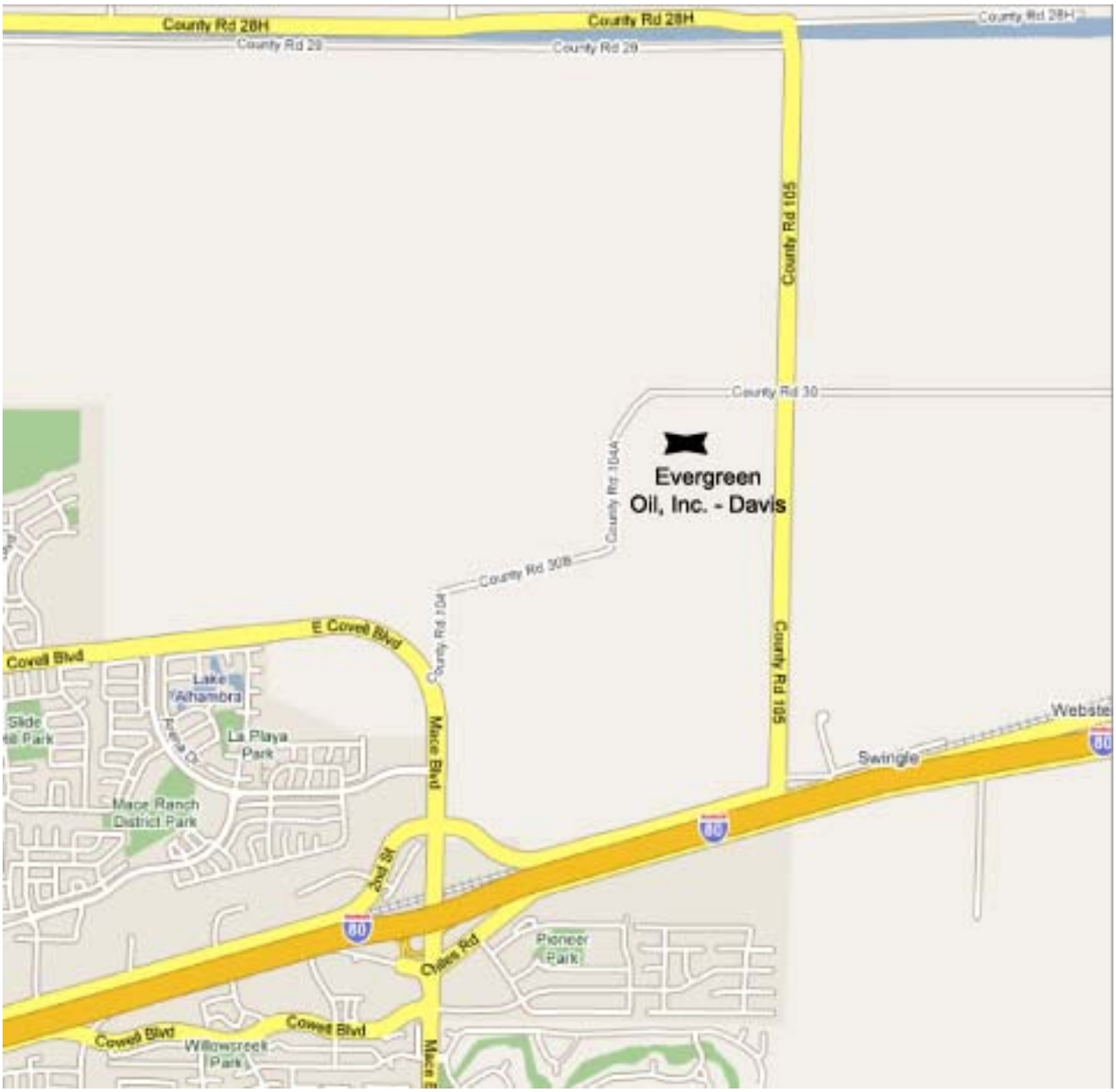

Figure 1. Location of Evergreen Oil, Inc. – Davis Facility

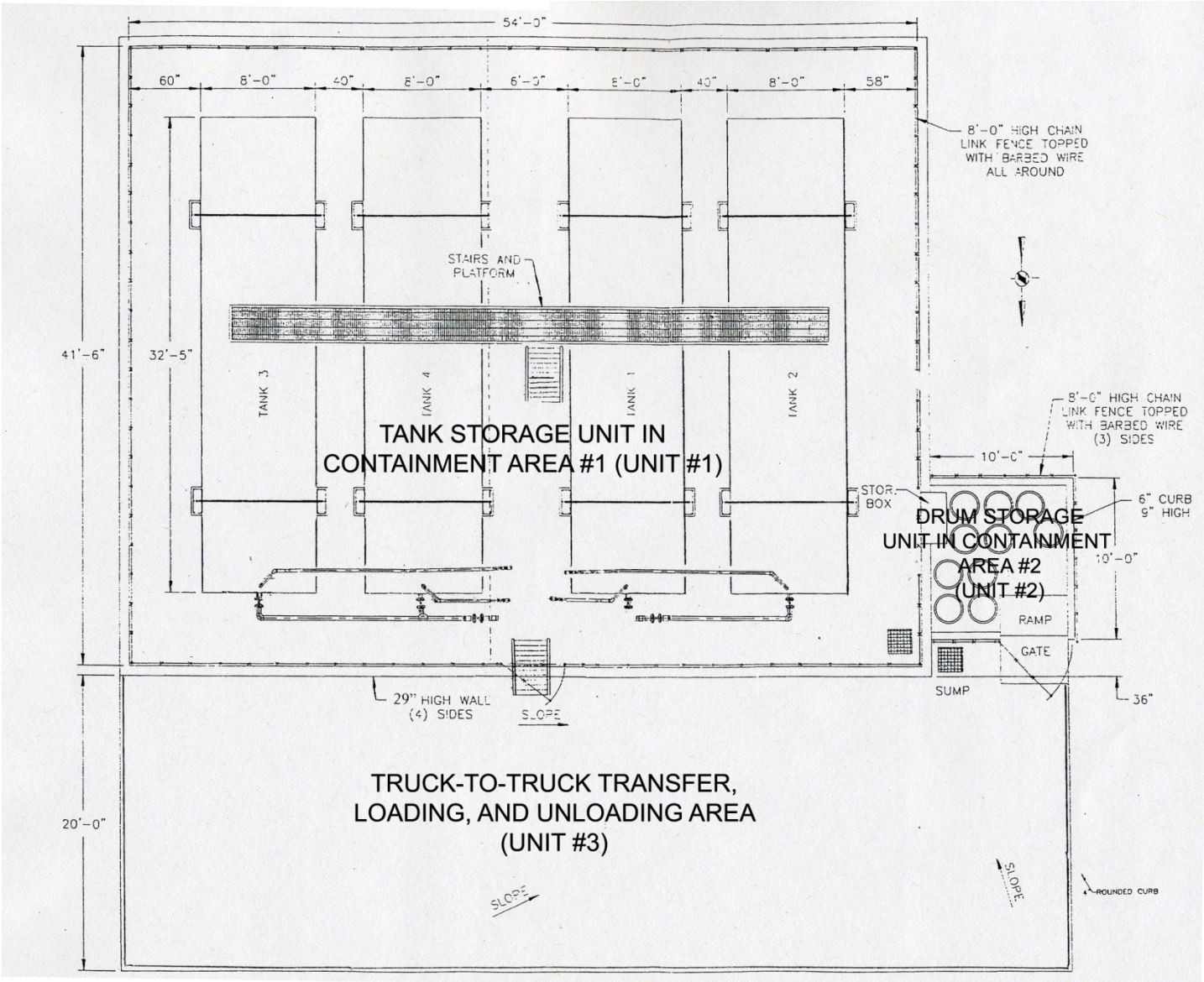

Figure 2. Facility Site Plan