

May 2004

Evergreen Oil, Inc. Newark, California



Please Comment on a Draft Hazardous Waste Facility Permit

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. The Department's mission is to restore, protect and enhance environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



*California
Environmental
Protection Agency*



We invite you to comment on a proposed Hazardous Waste Permit for Evergreen Oil, Inc., located at 6880 Smith Avenue in Newark, California. In the permit renewal application, Evergreen requested a major expansion and modifications to the facility, both in capacity and the types of waste managed.

The facility receives, stores, recycles, and transfers used oil; and stores and transfers antifreeze. The proposed Hazardous Waste Permit, if approved, would allow the facility to:

- 1) continue current operations under a final permit. The facility has been operating since 1985;
- 2) add several hazardous waste activities, and develop the facility's infrastructure;
- 3) increase its hazardous waste storage and recycling capacity.

To accommodate the proposed increase in hazardous waste storage and treatment, the facility would do the following:

- construct 14 storage tanks totaling 245,000 gallons to manage used oil;
- construct 6 tanks totaling 835,285 gallons to hold non-hazardous oil products from their recycling and re-refining activities;

Public Comment Period

May 28, through July 28, 2004

We will hold a 60-day public comment period on the draft permit, and invite you to submit comments during this time. Our agency will make a final decision only after all public comments have been considered. Please submit your written comments, postmarked or emailed by July 28, 2004, to:

Mike Eshaghian
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, CA 91201
Email: meshaghi@dtsc.ca.gov

Documents relating to the draft permit are available at the locations listed on page 4 of this fact sheet.

Public Hearing

Tuesday, June 29, 2004

Silliman Activity Center
6800 Mowry Avenue
Newark, CA 94560

Open House: 5 p.m. to 7 p.m.
Public Hearing: 7 p.m.

The open house is an opportunity for you to talk informally with DTSC staff about the project. At the public hearing, we will present information about the facility and the permitting process, and take both oral and written comments.

- add 2 roll-off bins with a total storage capacity of 40 cubic yards;
- add 1 new 25,000-gallon tank to an existing 10,000-gallon tank in order to bring in off-site hazardous fuel waste so that it can be stored, mixed, and exported;
- construct a wastewater treatment plant and add 15 tanks totaling 148,500 gallons for hazardous waste water management;
- add 3 rail car loading/unloading stations to the existing station, with a total storage capacity of 100,000 gallons; and allow all 4 stations to manage hazardous waste;
- construct 3 storage pads for waste containers with a storage capacity of 55,440 gallons;
- install a drum crushing unit.

Under the proposed permit, the facility will increase its annual hazardous waste storage and treatment capacity by the following amounts:

- increase used oil processing capacity from 15,768,000 gallons to 45 million gallons;
- add 10 million gallons of consolidation, solidification, and transfer of hazardous waste;
- increase the storage and handling capacity for antifreeze from 750,000 gallons to 1 million gallons;
- handle 1 million gallons of hazardous waste fuel storage and transfer;
- add 55 million gallons of hazardous wastewater treatment.

Our agency is the Department of Toxic Substances Control (DTSC). We regulate the generation, storage, treatment, and disposal of hazardous waste in California.

Request to remove used oil re-refining from the permit

Evergreen has requested a partial closure of their oil re-refinery to remove the used oil re-refining section from the hazardous waste permit. The used oil that they re-refine is not a hazardous waste since it meets California standards for recycled oil. Evergreen will expand their used oil re-refining operation, which is not regulated by this permit since it is not hazardous waste.

A detailed description of the partial closure of the re-refinery can be found in the Part B Permit Application available at the locations listed on page 4 of this fact sheet.

Permit history

On October 10, 1985, DTSC issued to Evergreen a state hazardous waste permit that included the storage, recycling, and transfer of used oil. The facility has been operating under extensions to this original 5-year permit since 1990. This permit was modified in 1997, 1999, and 2002 to allow some increases in capacity and the addition of some operations. Each modification went through public review and comment before being approved. The last revised Part B Permit application with major modifications was submitted to DTSC in January 2004. This application is the basis of the proposed permit that is being presented for public review and comment.

Land Use Permit and environmental analysis prepared for the project

Between 1983 and 2003, the City of Newark issued and amended a Conditional Land Use Permit so that Evergreen could continue and expand its operations.

As required by the California Environmental Quality Act (CEQA), the City completed an environmental analysis called an Initial Study and determined that the proposed project

would not have a significant adverse impact on the environment. This finding is described in a document called a Negative Declaration. The updated modified Negative Declaration was certified by the City on March 13, 2003, upon DTSC's approval of Evergreen's Part B permit application and the acceptance and approval of a Health Risk Assessment. This determination and supporting documents are available at the locations listed on page 4.

Health Risk Assessment results

The City included in the Land Use Permit a condition requiring Evergreen to prepare a Health Risk Assessment (HRA) to be approved by DTSC prior to expanding the facility. The primary objective of the HRA is to evaluate the potential effects on human health, both from the facility's routine operation and from a possible accident. The results of the assessment are summarized briefly below. For full details, the HRA is available at the locations listed on page 4 of this fact sheet.

The HRA evaluated potential cancer and non-cancer health effects that could be caused by the facility operating at full capacity. It considered a variety of factors, including the types and maximum amounts of waste that would be stored and handled at the facility, and all the possible ways people could be exposed (through breathing the air emissions, coming into contact with the soil surrounding the facility, eating fruits and vegetables grown in the soil, and so forth).

For cancer, the potential effects from the facility would be well within safety limits. For non-cancer health risks, the HRA evaluated chronic and acute health effects for both the nearby residents and facility workers. The assessment concluded that non-cancer health risks are also well within safety limits.

Risk to wildlife also assessed

The facility was also required to prepare a "Screening Ecological Risk Assessment" (SERA) for DTSC review and approval. The SERA identified potential risks to plants and animals, including the wetlands next to the facility, associated with the upgrade and expansion of the Evergreen facility. The assessment looked at the potential effects of airborne emissions that could deposit on soil, sediment, and surface water. The findings of the SERA indicate that the risk posed to nearby plants and animals, including those in the wetlands, by emissions from the facility would be minimal. Soil, sediment, and surface water exposures are estimated to be below levels associated with adverse effects in wildlife.

Facility assessment performed

DTSC performed a facility assessment at Evergreen to identify if any equipment at the facility was leaking or damaged, and whether any activities at the facility may have caused, or have the potential to cause, any release of hazardous substances into the air, soil, or ground water. The assessment process included a review of company historical records, and a visual site inspection.

A preliminary review of the facility's files, and observations made during site visits, have identified 15 suspect solid waste management units and 5 areas of concern. These are areas that may have potential spills or leaks of hazardous waste. As part of the proposed permit, Evergreen shall be required to investigate and mitigate any contamination from these areas.

You can obtain further information about the facility assessment in the RCRA Facility Assessment (RFA) documents located at the Newark Public Library (see "Where to find the documents" on the next page).

Enforcement history

In December 2000, a court approved a settlement between DTSC and Evergreen to resolve several violations alleged by DTSC against the facility. Violations included: illegal storage, treatment, and disposal of hazardous waste; failure to conduct testing of recycled oil; failure to certify recycled oil shipments; failure to follow Waste Analysis Plans; and various paperwork violations. One condition of the settlement also required Evergreen to cease burning hazardous waste at this Newark facility.

How to give us your comments

The public comment period runs from May 28, 2004 through July 28, 2004. All comments must be postmarked or emailed by July 28, 2004, and sent to:

Mike Eshaghian, Project Manager
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, CA 91201
Email: meshaghi@dtsc.ca.gov

In addition, oral and written comments will be taken at the public hearing on Tuesday, June 29, 2004 (see the text box on page 1).

Where to find the documents

The proposed Permit, Part B permit application, Health Risk Assessment, Screening Ecological Risk Assessment, and other documents related to the site are available at the following locations:

Newark Public Library
6300 Civic Terrace Avenue
Newark, California

Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California
Call Jone Barrio at (818) 551-2952 to make an appointment.

The complete Administrative Record for the Evergreen Oil site can be viewed at this DTSC office.

For more information

If you have any questions about the project, please contact:

Mike Eshaghian, Project Manager
(818) 551-2926
Email: meshaghi@dtsc.ca.gov

Tim Chauvel, Public Participation Specialist
(714) 484-5487
Email: tchauvel@dtsc.ca.gov

Media inquiries

Angela Blanchette
Public Information Officer
(510) 540-3732/ fax (510) 540-3927
Email: ablanchet@dtsc.ca.gov

Meeting accessibility

For information on accessibility and to request reasonable accommodations, please call Tim Chauvel at the number listed above at least one week in advance of the meeting.

Notice to the hearing impaired

You can obtain additional information by using the California State Relay Service at: 1(888) 877-5378 (TDD). Ask them to contact Tim Chauvel at (714) 484-5487.

DTSC website

For more information about DTSC, please visit our website at **www.dtsc.ca.gov**

COMMENT FORM AND MAILING COUPON

EVERGREEN OIL, Inc.
NEWARK, CALIFORNIA

DRAFT PERMIT

You may use this sheet to:

- **send us your comments**
- **be added to or taken off the mailing list**

If you use this form to send us your comments, please include your name and address. All written comments must be postmarked no later than July 28, 2004. Please send this form to:

Mike Eshaghian, Project Manager,
Department of Toxic Substances Control
1011 North Grandview Avenue,
Glendale, CA 91201

You may also e mail this same information to: meshaghi@dtsc.ca.gov

Please take me off the mailing list

Please add me to the mailing list

Name: _____

Address: _____

Affiliation (if any): _____

Phone number (optional): _____

Comments: (If you need more space, please feel free to use another sheet of paper)

Did you find the information contained in this fact sheet useful? Yes No Please explain:

DTSC mailing lists are only used only for keeping you informed of our activities. However, they are considered public records and, if requested, may be subject to release.