

**Permit Appeal Comments Granted Review  
For Industrial Service Oil Company Inc. (ISOCI)  
Excerpted from DTSC Order Number HWCA 06/07-P003**

The following Permit Appeal Comments are excerpted from the Department of Toxic Substances Control's (DTSC) Order Number HWCA 06/07-P003 (Order), issued on June 29, 2007. The Order to Set Briefing Period for Petition for Review and Denial of Review contains DTSC's decision on the appeal comments for which review was granted.

Interested persons are invited to submit written arguments; though such arguments must be restricted to the issues raised by these comments, only, and must include a statement of reasons. Please see the Public Notice of Briefing Period for other details at [www.dtsc.ca.gov/HazardousWaste/Projects/ISOCI.cfm](http://www.dtsc.ca.gov/HazardousWaste/Projects/ISOCI.cfm). More information on the Permit Appeal process is available at: [www.dtsc.ca.gov/HazardousWaste/Permit\\_Appeals.cfm](http://www.dtsc.ca.gov/HazardousWaste/Permit_Appeals.cfm).

**COMMENT 1-7 by Communities for a Better Environment (CBE) (Rail Car Storage Containment):** The permit allows ISOCI to store up to 250,000 gallons of hazardous waste in rail cars for up to one year on a rail spur without adequate secondary containment. Storage of this amount of hazardous waste for such an extended period of time is unprecedented in California, posing severe risks to the surrounding communities that have not been properly analyzed.

**COMMENT 1-9 by CBE (Waste Analysis Plan):** The facility's Waste Analysis Plan (WAP) is complex and difficult to understand, and will be challenging to implement even with highly educated and trained personnel. CBE requested that personnel performing the WAP tasks have proper education and training. Figure III-2 of the WAP which refers to a flow chart for waste receiving procedures was not included in this version of the WAP. DTSC did not explain how this objective has been met. The WAP included in the Part B application is dated June 2004. There is no indication that DTSC has required ISOCI to revise the WAP to reflect that waste analysis tasks will always be performed by trained personnel, or to require that ISOCI document that all personnel have received appropriate training. The WAP is unclear as to which analyses will be performed in-house by ISOCI rather than by outside laboratory services and the WAP should be revised to clarify this issue.

**COMMENT 1-11 by CBE (Waste Analysis Plan):** The frequency and methodology of "fingerprint testing" for incoming hazardous waste streams should be clarified. DTSC has not stated whether ISOCI has determined if adequate laboratory methodologies are available to quantify all the chemicals listed on Table III of the application. No specific analysis for hexavalent chromium is required even though there is a specific regulatory threshold level for this chemical in 22 CCR § 66261.24.

**COMMENT 1-12 by CBE (Waste Analysis Plan):** DTSC has not identified the adequacy of the detection limits for polychlorinated biphenyls (PCBs) and it is unclear why the facility will be allowed to process wastes that contain PCBs with concentrations up to 49 parts per million.

**COMMENT 1-13 by CBE (Waste Analysis Plan):** Current operations test for PCBs after commingling, which conflicts with a requirement of the permit, which requires testing before commingling of the waste oil. Conditions to ensure that dilution does not occur

should be imposed by DTSC if the facility submits a permit modification request to modify the WAP. DTSC must amend the permit to ensure that PCBs are not introduced or discharged from the facility's wastewater treatment unit.

**COMMENT 1-16 by CBE (Acceptance of Reactive Hazardous Waste):** Language ensuring that ISOCI will analyze each shipment of bulk waste for the characteristic of reactivity must be added to both the WAP and to Permit special condition 2 q.

**COMMENT 1-17 by CBE (Acceptance of Reactive Hazardous Waste):** Ten percent sampling frequency for containerized waste is insufficient to ensure ISOCI will not be accepting reactive wastes. All containers of waste codes F007-F011 should be sampled and analyzed to ensure none of them exhibit the characteristic of reactivity. Table III-1 of the WAP should be revised to remove any reference to reactivity being allowed for waste codes F007-F011. ISOCI should be expressly prohibited from accepting all waste codes in which reactives may be present.

**COMMENT 1-20 by CBE (Truck Loading and Unloading Activities):** DTSC must clarify exactly which hazardous waste management activities will be taking place in the "Truck Loading/Unloading and Storage Areas" described in Figure II-4 in the Part B application. If the area is used for storage, this is one more reason secondary containment meeting the regulatory requirements for hazardous waste container storage of California Code of Regulations, title 22, Section 66264.175 should be constructed for the area.

**COMMENT 1-21 by CBE (Truck Loading and Unloading Activities):** DTSC must add a narrative to the permit that describes both the truck loading/unloading activities and the loading/unloading areas, as other permits do.

**COMMENT 1-22 by CBE (Segregation of Incompatible Wastes):** The permit must be amended to include a condition specifying how ISOCI will comply with the requirements of California Code of Regulations, title 22, section 66264.177, which requires segregation of incompatible wastes.

**COMMENT 1-23 by CBE (Segregation of Incompatible Wastes):** DTSC must require ISOCI to demonstrate how the facility will evaluate whether an incoming waste is incompatible with other wastes that are being stored at the facility, and include appropriate conditions in the permit to ensure that this evaluation occurs.

**COMMENT 1-26 by CBE (Staging of Hazardous Waste Containers):** DTSC must scrutinize ISOCI's hazardous waste container management practices in greater detail and amend the permit to include a description of authorized staging practices for hazardous waste containers.

**COMMENT 1-27 by CBE (Storage Tank Assessment):** DTSC must amend the permit to require ISOCI to inspect and certify its tanks every three years by a professional engineer. DTSC has included a special permit condition requiring tank assessment every five years in accordance with the API 653 standard but it does not require that inspection be certified by a professional engineer. DTSC also has not explained the basis for selecting the 5-year interval. The special condition must be revised to require certification by a California registered professional engineer with a confined space certification.

**COMMENT 1-28 by CBE (Closure Cost Estimates):** The closure cost estimates for both existing and proposed operations, stated in special condition 1 of the Permit, are insufficient.

**COMMENT 1-29 by CBE (Closure Plan):** CBE requests that DTSC require ISOCI to revise the closure plan to list all facilities permitted to handle waste generated during closure of the facility. CBE also requests that the closure plan be revised so that it is consistent with the closure cost estimate.

**COMMENT 1-30 by CBE (Wastewater Treatment System):** The description of waste streams to be treated by the Waste Water Treatment System (WWTS) in the permit is inconsistent with the description in the Health Risk Assessment. "Oil containing liquid waste" is one of the waste streams going to the WWTS, which can include PCB's. DTSC must ensure that PCB's are prevented from entering the WWTS. Based on the waste codes to be accepted by the WWTS, it appears that it should be subject to Clean Water Act requirements under the definition of "centralized waste treatment facility" See 40 CFR 437.20, et seq. The permit must be amended to specifically require ISOCI to comply with any applicable pre-treatment standards established by Clean Water Act regulations.

**COMMENT 3-1 by ISOCI:** Petitioner states that the requirement in the draft permit for PCB testing on each truck-to-receiving tank transfer of used oil is unnecessary and establishes a precedent which would pose an obstacle to the routine collection and transportation of used oil in California. Special Condition 2(b) on page 52 of the Final Permit requires that information sheets and waste profile forms shall include results for PCBs for all incoming loads. This requirement should be modified.

**COMMENT 3-2 by ISOCI:** Special Condition 1(b) on page 52 of the Final Permit, the closure cost estimate (CCE), represents an erroneous application of the law. The CCE is based on an actual quote from a third-party contractor. DTSC used one or more software programs to develop its estimate.

**COMMENT 3-3 by ISOCI:** Special Condition 2(f) on page 53 of the Final Permit, requiring that all waste profiles shall be analyzed by a certified laboratory on an annual basis. This requirement is unnecessarily burdensome and costly to generators, especially those who conduct auto and truck repair and maintenance services and produce used oil and spent antifreeze.

**COMMENT 3-4 by ISOCI:** Special Condition 2(u) on page 57 of the Final Permit states, as a new condition, that "the permit for the proposed units shall not become effective until the applicant is granted a local land used (sic) permit." It is clearly erroneous for DTSC to impose land use conditions which are not within DTSC's statutory jurisdiction, and this statement should be stricken from the permit. The first part of the Special Condition, stating that ISOCI shall not begin construction without the required local permits is sufficient to ensure that ISOCI will obtain land use permits as necessary and required by local laws and regulations. ISOCI, located within an M3 "heavy industrial" zone, is permitted by right to conduct various existing and proposed activities.

9/6/07