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Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
9211 Oakdale Avenue
Chatsworth, California 91311



Edmund G. Brown Jr.
Governor

May 23, 2012

RESPONSE TO COMMENTS

FOR THE

HAZARDOUS WASTE FACILITY PERMIT

AND NEGATIVE DECLARATION- SCH #1993041058

PACIFIC RESOURCE RECOVERY SERVICES

3150 East Pico Boulevard,
Los Angeles, California 90023.

On December 15, 2011, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) public noticed the start of a 50-day public comment period to solicit comments on the draft Hazardous Waste Facility Permit (draft Permit) and the draft Negative Declaration (ND) for the Pacific Resource Recovery Services (PRRS) Facility.

During the public comment period which ended on February 2, 2012, DTSC received thirty-eight written comments on the draft Permit and draft ND from the community, interested groups, and public agencies. Two comments were received during the public hearing held on January 24, 2012 at the Resurrection Church Parish Hall, located 3324 East Opal Street, Los Angeles. DTSC has considered all the comments and has prepared this Response to Comments to address each comment. The comments and responses listed below and are incorporated into the administrative record for the final permit decision.

The complete copy of the administrative record of notice of final permit decision to interested parties, cover letter to permittee, final permit response to comments, permit application and supporting file, fact sheet, comments received during the public comment period including any written material submitted as part of the public hearing, public hearing transcripts, proof of newspaper, proof of radio spot, mailing list and CEQA decision can be found at the DTSC's Chatsworth Office File Room located at 9211 Oakdale Avenue, Chatsworth, California 91311, (818) 717-6521.

Selected documents including but not limited to: notice of final decision to interested parties, cover letter to permittee, final permit response to comments, permit application and supporting file, fact sheet, comments received during the public comment period

including any written material submitted as part of the public hearing, public hearing transcripts, proof of newspaper, proof of radio spot, mailing list and CEQA decision can also be found at the Robert Louis Stevenson Branch Library located at 803 Spence Street, Los Angeles, California 90023, (323) 268-4710.

DTSC wishes to thank the commenters for their participation in this public review process.

A. COMMENTS RECEIVED FROM THE COMMENT FORM AND MAILING COUPON, DATED DECEMBER 19, 2011, THROUGH FEBRUARY 7, 2012:

1. COMMENT A-1:

The following are eleven (11) persons requested, "Please remove my name from the mailing list."

Ralph Carmona, Z.S. Place, Juan M. Rosales (dated 12/19/2011)
Louis M. Banuelos, No Name and Address provided, Maria P. Landazuri,
Roberto M. Ortez (dated 12/20/2011)
Sandra Garza, Elisa Alonso (dated 12/22/2011)
Lourdes Loya, Rolando Lopez (dated 12/28/2011)
Yolanda E. Medina (dated 12/29/2011),
Teresa Vasquez (dated 12/30/2011)
Filiberta Hernandez (dated 1/13/2012)
Imelda Diaz (dated 1/18/2012)
Jose Gre Vazquez (dated 1/23/2012)
Felipe Escalante (dated 2/7/2012)

RESPONSE A-1:

DTSC has removed your name from the existing mailing list.

2. COMMENT A-2:

The following are eight (8) requested, "Please add my name to the mailing list."

Poly-Lux, Inc. (dated 12/19/2011),
Sang Hyun Park, Estela Garcia, Sylvia Vargas (dated 12/20/2011),
Mercedes Lopez, (dated 12/22/2011),
Nancy Fong, (dated 1/6/2012),
Genovera de laTozze (dated 1/17/2012)
Jennie Fernandez (dated 1/20/2012)

RESPONSE A-2:

DTSC has added your name to the existing mailing list.

B. COMMENTS ON THE PERMIT RENEWAL:

1. COMMENT B-1, DATED JANUARY 25, 2012:

The following is a written comment from Diana Del Pozo-Mora, Executive Director of Mothers of East Los Angeles:

“As Executive Director of a long standing non-profit environmental justice organization I would like to comment on the Public Hearing held on January 24, 2012, at Resurrection Church Parish Hall.

I have such great appreciation for the PRRS’s community involvement with outreach and forums to keep us aware of the process which took place in our community.

I think the way this company managed their process should be mandated as an example that all companies that are having different phases of approval should have to go by. This is greatly appreciated by the community and yet often overlooked by companies that don’t care.”

RESPONSE B-1:

Comment noted. DTSC is happy to hear PRRS had provided community outreach and involvement activities for the community.

2. COMMENT B-2, DATED JANUARY 26, 2012:

The following is an e-mailed comment from Hector Hernandez of Paramount Mattress, Inc.:

“As treasurer of the Boyle Heights Chamber of Commerce, L.A.P.D. Hollenbeck Division's CPAB, and active member of different boards, I am always concerned for what is good and what is not good for our community here is East Los Angeles.

I am writing you in support of Pacific Resource Recovery Services permit renewal with your department. I have known Sandra Berg and members of her staff for many years and I can assure you that they are as devoted and concerned about our community as I am. They are active members of our community, hire local people, help different school programs for local children and support our local

community at whole.”

RESPONSE B-2:

Comment noted.

3. COMMENT B-3, DATED FEBRUARY 1, 2012:

The following is an e-mailed comment from Mike McClure, Member of Dick James & Associates, LLC:

“I have worked with the staff and management of PRRS for several years, as a member of the Boyle Heights Chamber of Commerce (President/BOD Member 2003-2007), Member of Adelante Eastside Project Advisory Committee, CRA (Member 2004-2006), and currently as the Planning & Land Use Officer of the Boyle Heights Neighborhood Council. During this period I have had the opportunity to tour their facilities in Boyle Heights on several occasions and I have always found them to be open/honest and transparent with their operations and their dealings with the public. I would encourage you to grant the renewal of their permit without any hesitation.”

RESPONSE B-3:

Comment noted.

4. COMMENT B-4, DATED FEBRUARY 1, 2012:

The following is a written comment from Catherine D. Williams, Corporate Secretary of Cal West Environmental Services, Inc.:

“Our company, Cal West Environmental Services, Inc., has done business with Pacific Resource Recovery Services Inc. since 2003 and we hold Pacific Resource Recovery Services Inc. in high regard and consider them an important vendor. We support their permit renewal.”

RESPONSE B-4:

Comment noted.

5. COMMENT B-5, DATED FEBRUARY 2, 2012:

The following is a written comment from Gary A. Eaker, North State

Environmental:

“North State Environmental is a licensed broker/transporter of hazardous waste. We have been doing business with Pacific Resource Recovery Services for the last twenty years. We serve a large number of the colleges and hospitals in the State of California. We send the majority of the bulk organic waste to Pacific Resource Recovery Services. Based on our site visits and the feedback from our drivers that deliver to their facility, we have complete confidence in Pacific Resource Recovery Services. This ongoing relationship has allowed us to expand our business over the years. We completely support Pacific Resource Recovery Services permit renewal.”

RESPONSE B-5:

Comment noted.

6. COMMENT B-6, DATED FEBRUARY 2, 2012:

The following is a written comment from James Jimenez of Metropolitan Transportation Authority:

“The Los Angeles County Metropolitan Transportation Authority does business with Pacific Resource Recovery Services (PRRS) and we consider PRRS a valued supplier. We support the PRRS permit renewal.”

RESPONSE B-6:

Comment noted.

7. COMMENT B-7, DATED FEBRUARY 2, 2012:

The following is a written comment from Richard K. Weier, EH&S Director, Kaiser Permanente Regional Reference Laboratories:

“Our company, Kaiser Permanente SCPMG Regional Reference Laboratories does business with PRRS and we consider PRRS a valued supplier. We strongly support the PRRS permit renewal.”

RESPONSE B-7:

Comment noted.

8. COMMENT B-8, DATED FEBRUARY 2, 2012:

The following is a written comment from Travis Findley, President, Haz Mat Services, Inc.:

“The purpose of this correspondence is to express our need and support for Pacific Resource Recovery Services in Los Angeles. Haz Mat Services is a small, disadvantaged business that appreciates vendors such as PRRS who support our efforts to compete against large predatory disposal facilities, and to provide cost effective and green environmental solutions.

PRRS provides valuable local resources for energy recovery and solvent recycling to assist our customers from the education, government, biotech and manufacturing business sectors. These local private and public business entities would be negatively impacted if PRRS permit is not renewed.”

RESPONSE B-8:

Comment noted.

9. COMMENT B-9, DATED FEBRUARY 2, 2012:

The following is a written comment from Kenneth Oldmixon, General Manager, Siemens Industry, Inc.:

“Siemens Industry’s Vernon Facility has done business with Pacific Resource Recovery Services (PRRS) for over ten years. We consider PRRS a valued supplier and fully support the PRRS permit renewal.”

RESPONSE B-9:

Comment noted.

10. COMMENT B-10, DATED FEBRUARY 2, 2012:

The following is a written comment from Don Byer, Manager of Environmental Services, Miles Chemical Company Inc.

“Our company, Miles Chemical Company, Inc. does business with PRRS and we consider PRRS a valued supplier. We support PRRS permit renewal.”

RESPONSE B-10:

Comment noted.

11. COMMENT B-11, DATED JANUARY 24, 2012:

The following is a verbal comment received from Miguel Alfaro, 2818 East Guirado Street, Los Angeles, California 90023, during the public Hearing:

“I live in the Boyle Heights community for since 1979, and I only had to move twice from one door to another. Good evening, ladies and gentlemen. Thank you for being here in our community. Thank you, also, for the opportunity to speak to you. This is the first time that I have in my 15 years of community involvement to see the owner and representatives of this company approach our community and speak very highly and very proudly of their operations at their facility. They have been upfront and honest. It is very pleasing to hear them speak about their history and dedication of safety, especially for their employees as well as the community where they do their business. I believe this community has an open door at PSRS (typo, should be PRRS) if we have any concerns or questions about their operations. This community needs more companies like Pacific -- PSRS (typo, should be PRRS). They provide jobs, are concerned with public safety and their employees, they work with the community that they do business in.”

RESPONSE B-11:

Thanks for your comments. DTSC encourages the facility to have good communication with the public and the community members.

12. COMMENT B-12, DATED JANUARY 24, 2012 :

The following is a verbal comment received from Ms. Raquel Escamilla, 3216 Future Street, Los Angeles, California 90065, during the public Hearing:

“I used to live in East Los Angeles on 1042 South Rowan until I got married and live now in Glendale -- or Los Angeles, actually, close to Glendale, 3216 Future Street, Los Angeles, California 90065.

The reason that I'm speaking here tonight just to let you now that I am a long-time employee of this company. I'm going on 45 years. And most of my -- most of my 45 years is actually working outside, promoting the -- well, it used to be PCO, now

PRR System. And I am very proud to be working for this company which pride themselves to be very concerned about the health and responsibilities and the -- of the community, not only the employees but of the community.

So I just wanted to give you my input and my -- how can I say -- my comments here that I am very pleased and very happy to have been working for this company for that many years. Thank you very much.”

RESPONSE B-12:

Comment noted.

C. COMMENTS ON CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) - DRAFT NEGATIVE DECLARATION-SCH #1993041058:

1. COMMENT C-1, DATED DECEMBER 23, 2011:

The following is a written comment from Dave Singleton representing the Native American Heritage Commission submitted directly, dated December 23, 2011, and also received as an attachment from the Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit, dated January 12, 2012:

“The Native American Heritage Commission(NAHC) is the State of California “Trustee Agency” for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statues (sic) relating to Native American historic properties of religious and cultural significance to Native Indian tribes and interested Native American individuals as ‘Consulting parties’ under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA- CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a ‘significant effect’ requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as ‘a substantial, or potentially

substantial, adverse change in any of physical conditions within an area affected by the proposed projects, including...objects of historic or aesthetic significance.” In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the ‘area of potential effect (APE), and if so, to mitigate the effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. Also, the absence of archaeological resources does not preclude their existence. California Public Resources Code §§5097.94(a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254(r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC ‘Sacred Sites,” as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §62549(r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non-federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the

NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the 'historic context' of proposed projects and to "research" the cultural landscape that might include the "area of potential effect."

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APES and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects."

RESPONSE C-1:

DTSC has complied with the applicable requirements of the California Environmental Quality Act (CEQA) Guidelines. DTSC has reviewed the relevant information and conducted a cultural resources evaluation, as discussed in Item 5 of the Initial Study, dated April 2, 2008, for the Pacific Resource Recovery Services (PRRS) Facility permit renewal project.

The PRRS Facility has been graded and covered in asphalt and concrete. The

proposed project will not affect the Facility which is already covered by concrete. It is located in a primarily industrial area. No known unique ethnic cultural values or cultural resources have been observed or otherwise been reported at the Facility. There are no bedrock exposures on-site and the fluvial nature of the underlying geological materials obviates the likelihood of any paleontological resources. There are no reported unique ethnic cultural values, archeological resources or cultural/ paleontological resources at the Facility. The Facility is not on the historical properties/buildings list pursuant to the Office of Historic Preservation, and the Facility is not on the archeological resources list pursuant to electronic information provided through the California Native American Heritage Commission and Office of Historic Preservation. This proposed project will not have an adverse change in the significance of a historical resources or archeological resource as defined in CEQA Guidelines section 15064.5.

The Facility lies within the ancestral lands of the Gabrielino/Tongva which stretch from Topanga Canyon in Los Angeles County through Aliso Creek in Orange County. The Facility does not lie on or near any reported sites of sacred importance to the Gabrielenos. The location has been previously disturbed extensively because 10 or more underground tanks were removed. No further excavation of any part of the Facility is proposed as part of this project. The project involves a permit renewal with equipment modification to add an additional liquefaction vat at the existing concreted processing area.

The project will not have impacts that are individually limited but cumulatively considerable. In other words, the incremental effects of an individual project are not considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Therefore, DTSC has already addressed the concerns raised in this comment and there is no need to revise the Initial Study and the draft Negative Declaration.

2. COMMENT C-2, DATED FEBRUARY 1, 2012:

The following is a comment letter dated February 1, 2012, from the South Coast Air Quality Management District

“The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final CEQA document.

In the project description, the lead agency proposes the permit renewal that would

allow the facility to continue operations at its current level treating, storing, and recycling hazardous waste from a variety of industries for another 10 years. Based on field inspections conducted by AQMD staff in January 2012, there are some AQMD permit concerns regarding two operations at the facility. Specifically, it was noted during these inspections that the blending/liquefaction operation would require permit review by the AQMD staff in order to determine that activity's potential air quality impacts. Therefore, the project applicant should submit permit applications for the blending/liquefaction operation activity. Further, a permit application should also be submitted to the AQMD in order to evaluate the bulk waste solvent loading and unloading operation. Permitting questions concerning these two operations can be directed to AQMD staff at (909) 396-2663. Please provide the AQMD with written responses to these comments contained herein prior to the adoption of the Final MND. The AQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.”

RESPONSE C-2:

Thank you for your comment.

On February 15, 2012, DTSC staff contacted Mr. Gordon Mize and Mr. Frad Del Rosaria of SCAQMD to discuss your recommendations. We agreed to request PRRS to submit a separate AQMD permit application for the blending/liquefaction unit and the solvent loading/unloading area for the tank truck and rail car. The liquefaction unit currently has an AQMD permit No.D37190 issued to Ellis Paint Company, a sister entity located at the same address and under same owner.

The air quality monitoring data collected from the western rectangular area of the site were included in the analysis and evaluation of the air emission and greenhouse gas emission impacts at the site as described in the Initial Study for the draft ND. The area includes a reclaimed process area at the north, and a tank farm area at the south. These areas have nine (9) air permits issued from SCAQMD [six tanks (tank Nos. 59, 61, 81, 82, 84, and 85), boiler, tube still, and thin film evaporator]. The loading/unloading area is located east of this area. The current operation is limited to the loading of out-bounded fuel wastes to the cement kiln manufactures for energy reuse. PRRS will operate the tank truck loading/unloading activities. PRRS shall apply for AQMD permit before it can operate the tank car loading/unloading activities. The Initial Study and draft ND will not be revised.

D. COMMENTS ON THE DRAFT PERMIT:

The following written comments were received from Pacific Resource Recovery Services in a letter dated February 2, 2012

Following are written comments from Pacific Resource Recovery Services:

“Pacific Resource Recovery Services respectfully submits the attached comments concerning the draft Permit for our facility. We appreciate the effort you and your fellow DTSC staff have put into reviewing our permit application and developing this draft Permit. We hope our comments prove to be helpful to you in preparing the final Permit.

Comment # D-1

Part 11, section I of the draft Permit refers to PRRS as the owner of the "Facility." Section 5 of part II of the draft Permit describes the "Facility" as occupying three acres; i.e., the entire property, including the Ellis Paint factory.

Suggested Change

We suggest DTSC consider the following change so the permit clearly states PRRS & related companies both occupy the property by revising the first sentence of the first paragraph of section 5 of Part II to read:

"The real property that includes the Facility and the operations of related entities occupies approximately three (3) acres in mostly heavily industrial surroundings, zoned M3-1 by the City of Los Angeles."

RESPONSE D-1:

Comment accepted in part. In addition, DTSC is clearly defining the occupied area for the hazardous waste management area at the second last sentence of Section 5; therefore, DTSC will revise the first paragraph of DESCRIPTION (section 5 of Part II) in the permit as follows:

The real property that includes the Facility and the operations of related entities occupy approximately three (3) acres in mostly heavily industrial surroundings, zoned M3-1 by the City of Los Angeles. The Facility's hazardous waste management activities include transportation, transfer, storage, treatment, and consolidation of hazardous wastes and materials. The hazardous waste management area occupies approximately 0.4 acre or less than 20% of the real property. Figure 2 presents the general layout of the Facility.

Comment # D- 2

The fourth paragraph of section 5, part II, includes a reference to "10-day transfer universal waste handling." PRRS is not a universal waste handler, as that term is defined at Cal. Code Regs., title 22, section 66273.9, but rather is a universal waste transporter. As a universal waste transporter, PRRS does indeed limit the time universal waste remains at the facility to ten days or less.

Suggested Change

We suggest that the first numbered item in the fourth paragraph of section 5, part II be revised to read:

"(1) 10-day transfer of universal waste" or, alternately, "(1)10-day transfer of universal waste as a universal waste transporter.

RESPONSE D-2:

DTSC has considered your comment and reviewed other related documents and found that the universal waste handling activity was described in Part A and section B.1 of the operation plan, dated August 17, 2009. On April 20, 2004, PRRS notified DTSC regarding Small Quantity Universal Waste Handling activities. On April 26, 2004, DTSC responded to the notification and indicated that PRRS should not store or treat the universal wastes in PRRS hazardous waste management units unless PRRS had applied for a permit. The universal waste should be located at the Ellis Paint warehouse and should not stay more than 10 days. The permit will not be revised.

Comment # D-3

The fourth paragraph of section 5, part II, includes a reference to "Satellite 90-day Accumulation activities." The activity generally known as "satellite accumulation" is described in and governed by Cal. Code Regs., title 22, section 66262.34(3). It is not subject to a 90-day accumulation time limit. While we believe this mention was not intended to impose a requirement above and beyond the regulation cited herein, we do not want this to become a point of confusion in the future.

Suggested Change

We suggest that the fourth numbered item in the fourth paragraph of section 5, part II be revised to read:

"(4) Hazardous waste generator accumulation activities conducted in accordance with Cal. Code Regs., title 22, section 66262.34."

RESPONSE D-3:

DTSC has considered your comment and reviewed other related documents and found that the Satellite Accumulation/90-day Accumulation activity was described in section B.1 of the operation plan, dated August 17, 2009. The permit will not be revised.

Comment # D-4

The fifth paragraph of section 5, Part II, states that containers of compacted and consolidated solid hazardous wastes will be "stored in south of the container storage area (Main Warehouse, Unit No.1)...." In discussions with the DTSC Project Manager, we confirmed that the Department's intent was not to limit storage of such containers in the southern portion of Unit No. 1, but rather to indicate that Unit No. 1 occupied the southern portion of the warehouse part of the building.

Suggested Change

We suggest that the fifth paragraph of section 5, part II, be revised to read: "Solid hazardous wastes generated from recycling operations are compacted and consolidated into containers at the Processing Area, then transferred to and stored in the Main Warehouse, Unit No. I, while awaiting shipment by truck to another off-site facility for further treatment and disposal."

RESPONSE D-4:

Comment partially accepted. DTSC will revise the DESCRIPTION (fifth paragraph of section 5) of Part II in the permit as follows:

Solid hazardous wastes generated from recycling operations are compacted and consolidated into containers at the Processing Area, then transferred to and stored in the container storage area (Unit I), while awaiting shipment by truck to another off-site facility for further treatment and disposal.

Comment # D-5

Section 6 of part II needs to be updated to reflect the recent sale of PCL System to PRRS, effective January 2011, which included only the sales and billing operations into PRRS. PRRS has processed all the waste streams for PCL System since 1993 and this change does not represent any change to the operations including no volume or waste stream changes. Plus we need to add "Partners, L.P." for the correct ownership name Berg Family Partners, L.P.

Suggested Change

We suggest that the follow italic words or sentences be added to section 6, Facility History, of part II,
"The operation at 3150 East Pico Boulevard has been a paint manufacturing plant since the 1930s. The Berg Family *Partners, L.P.* purchased the property in 1977 and leased it to their paint manufacturing and solvent distribution company known as Ellis Paint Company. PRRS was incorporated in April, 1990, to assume the paint-related solvent recycling program from its sister company PCL, who began recycling solvent waste in 1979 from its customers under the trade name PCL System. *In January 2011 PRRS purchased PCL System which included the sales, marketing, delivery and billing and has re-branded this program under the name PRR System.* Currently, PRRS accounts for 20% of the total operating space and sales volume. Ellis Paint Company, including PCL, represents the other 80%. PRRS was issued a RCRA-equivalent hazardous waste facility permit in 1993. Since then, two class I and one class II permit modifications were authorized by DTSC. On August 1, 2003, the Permittee submitted a hazardous waste facility permit renewal application. The Revised Part "B" Application (Operation Plan), dated August 17, 2009, and the supplemental document on the rail car specification and rail car loading/unloading area dimensions, dated April 13, 2011, were deemed technically complete on August 2, 2011. (See Figure 3)."

RESPONSE D-5:

Comment partially accepted. In addition, DTSC also considered the comment No. 7 regarding the typical rail car specification, therefore, DTSC will revise the Facility History (section 6 of Part II) in the permit as follows:

The real property at 3150 East Pico Boulevard has been a paint manufacturing plant since the 1930s. The Berg Family Partners, L.P. purchased the property in 1977 and leased it to their paint manufacturing and solvent distribution companies known as Ellis Paint Company and Pacific Coast Lacquer (PCL). PRRS was incorporated in April, 1990, to assume the paint-related solvent recycling program from its sister company PCL, who began recycling solvent waste in 1979 from its customers under the trade name PCL System. In January 2011 PRRS purchased PCL System which included sales, marketing, delivery and billing and has re-branded this program under the name PRR System. Currently, PRRS accounts for 20% of the total operating space at the real property. Ellis Paint Company, including PCL, represents the other 80%. PRRS was issued a RCRA-equivalent hazardous waste facility permit in 1993. Since then, two class I and one class II permit modifications were authorized by DTSC. On August 1, 2003, the Permittee submitted a hazardous waste facility permit renewal application. The Revised Part "B" Application (Operation Plan), dated August 17, 2009, and the supplemental document on the typical rail car specification and rail car loading/unloading area

dimensions, dated April 13, 2011, were deemed technically complete on August 2, 2011. (See Figure 3.)

Comment # D-6

Subdivision (a) of section 1 of Part III contains a typographical error. "Loaning" should be corrected to read, "loading."

RESPONSE D-6:

Comment partially accepted. DTSC will revise the information in the section of PERMIT APPLICATION DOCUMENTS (section 1(a) of Part III) in the permit as follows:

The Revised Part "B" Application (Operation Plan), dated August 17, 2009 and the supplemental document on the typical rail car specification and loading/unloading area dimensions dated April 13, 2011 (Figure 3) are hereby made a part of this Permit by reference.

Comment # D-7

Subdivision (a) of section I of Part III references Figure 3. Figure 3 depicts the rail loading area and includes physical information about a representative rail car for illustration purposes. Neither the text in this subdivision nor captions or legends on the figure state that the rail car information provided is representative.

Suggested Change

We suggest that a note be added to Figure 3 to clarify that the rail car information provided is representative of a typical rail car (see Comment # 17 below). Alternately, a sentence could be added to III. 1.(a) stating that, "A typical rail car is depicted in Figure 3, along with physical specifications for that rail car, for illustration purposes. Rail cars may vary in dimensions and capacity."

RESPONSE D-7:

Comment partially accepted. DTSC will revise the information in the section of the PERMIT APPLICATION DOCUMENTS (section 1(a) of Part III) in the permit as follows:

The Revised Part "B" Application (Operation Plan), dated August 17, 2009 and the supplemental document on the typical rail car specification and loading/ unloading area dimensions dated April 13, 2011 (Figure 3) are hereby made a part of this

Permit by reference.

Comment # D-8

The Activity Description for Unit No. I in Part IV of the draft Permit states that hazardous waste will be stored in containers 110 gallons in capacity or less. Intermediate Bulk Containers are a type of container subject to US DOT regulatory standards that provide increased efficiency and reduction in risk due to reduced handling. Intermediate Bulk Containers are in common use, and have a capacity greater than 110 gallons.

Suggested Change

We suggest that subdivision (b) of the Activity Description for Unit No. I be revised to read:

"Hazardous wastes are stored in containers up to 350 gallons in capacity that meet the applicable U.S. Department of Transportation (DOT) regulations for packaging hazardous wastes for transportation."

RESPONSE D-8:

Comment partially accepted. In addition, DTSC will add the description of sampling and transfer activities in the ACTIVITY TYPE. DTSC will revise the ACTIVITY TYPE and item (b) of the ACTIVITY DESCRIPTION for Unit No.1 in the permit as follows:

ACTIVITY TYPE: Sampling, transfer, and storage of hazardous waste in containers.

ACTIVITY DESCRIPTION:

(b) Container storage activities: Hazardous wastes are stored in 350 gallons or less containers/drums (mostly 55 gallons) that meet the applicable U.S. Department of Transportation (DOT) regulations for packaging hazardous wastes for transportation.

Comment # D-9

The Activity Description for Unit No. 2 in Part IV of the draft Permit states that hazardous waste will be stored in containers 110 gallons in capacity or less. Intermediate Bulk Containers are a type of container subject to US DOT regulatory standards that provide increased efficiency and reduction in risk due to reduced handling. Intermediate Bulk Containers are in common use, and have a capacity

greater than 110 gallons.

Suggested Change

We suggest that subdivision (b) of the Activity Description for Unit No. 2 be revised to read:

"Hazardous wastes are stored in containers up to 350 gallons in capacity that meet the applicable U.S. Department of Transportation (DOT) regulations for packaging hazardous wastes for transportation."

RESPONSE D-9:

Comment partially accepted. In addition, DTSC will add the description of transfer activity in the ACTIVITY TYPE. DTSC will revise the ACTIVITY TYPE and item (b) of the ACTIVITY DESCRIPTION for Unit No.2 in the permit as follows:

ACTIVITY TYPE: Transfer and storage of hazardous waste in containers.

ACTIVITY DESCRIPTION:

(b) Container storage activities: Hazardous wastes are stored in 350 gallons or less containers/drums (mostly 55 gallons) that meet the applicable U.S. Department of Transportation (DOT) regulations for packaging hazardous wastes for transportation.

Comment # D-10

Paragraphs (b) and (c) of the Activity Description for Tank T-84 in Unit No. 5 (typo, should be No. 3) discuss "reclaimed solvent wastes and still bottoms generated from the recycling processes" being blended in this tank and pumped to rail cars for off-site shipment. The previous paragraph discusses other wastes that will be managed in these tanks; the universe of wastes described in paragraphs (b) and (c) is limited in comparison with the description in paragraph (a). Paragraph (a) is accurate; paragraphs (b) and (c) should be revised.

Suggested Change

In addition to the addressing the above concern, we would like to make suggested changes to improve the readability of the text. We suggest paragraph (b) be revised to read:

"(b) Waste blending in tanks: Tank No. 84 is equipped with a top-mounted agitator (mixer) which is used for blending organic wastes as described above."

We suggest paragraph (c) be revised to read:

"(c) Waste transfer activities: The organic wastes blended and stored in this tank are pumped to rail cars or transport trucks for off- site shipment."

RESPONSE D-10:

Comment partially accepted. In addition, DTSC will add the description of sampling and transfer activities in the ACTIVITY TYPE. DTSC will revise the ACTIVITY TYPE and the ACTIVITY DESCRIPTION items (b) and (c) of T-84, for Unit No.3 in the permit as follows:

ACTIVITY TYPE: Transfer, storage and/or treatment of hazardous waste in tanks

ACTIVITY DESCRIPTION:

T-84: The activities include:

- (b) Waste blending in tanks: Tank No. 84 is equipped with a top-mounted agitator (mixer) which is used for blending organic wastes as described above.
- (c) Waste transfer activities: The organic wastes blended and stored in this tank are pumped to a rail car adjacent to the storage tank area or a transport truck for off- site shipment.

Comment # D-11

Paragraphs (b) and (c) of the Activity Description for Tank T-85 in Unit No. 5 (*typo, should be Unit No. 3*) discuss "reclaimed solvent wastes and still bottoms generated from the recycling processes" being blended in this tank and pumped to rail cars for off-site shipment. However the previous paragraph discusses other wastes that will be managed in these tanks; the universe of wastes described in paragraphs (b) and (c) is limited in comparison with the description in paragraph (a). Paragraph (a) is accurate; paragraphs (b) and (c) should be revised.

Suggested Change

In addition to the addressing the above concern, we would like to make suggested changes to improve the readability of the text. We suggest paragraph (b) be revised to read:

"(b) Waste blending in tanks: Tank No. 84 is equipped with a top-mounted agitator (mixer) which is used for blending organic wastes as described above."

We suggest paragraph (c) be revised to read:

"(c) Waste transfer activities: The organic wastes blended and stored in this tank are pumped to rail cars or transport trucks for off- site shipment."

RESPONSE D-11:

Comment accepted. The ACTIVITIES DESCRIPTION for Unit No.3 (Item 3.T-85, (b) and (c)), PART IV PERMITTED UNITS AND ACTIVITIES) will be revised as follows:

- (b) Waste blending in tanks: Tank No. 85 is equipped with a top-mounted agitator (mixer) which is used for blending organic wastes as described above.
- (c) Waste transfer activities: The organic wastes blended and stored in this tank are pumped to rail cars or transport trucks for off- site shipment.

Comment # D-12

This comment concerns the Physical Descriptions for the tanks in Unit No. 5 (*typo, should be Unit No.3*). To improve the readability of the text, we suggest inserting commas between descriptive terms in the individual tank descriptions. For example, the Physical Description for T-59 could be revised to read, "T-59 is a vertical, fixed-roof, welded, flat-bottom, carbon steel tank...."

RESPONSE D-12:

Comment noted. DTSC has evaluated your comment and decided not to change the permit language as provided in the PHYSICAL DESCRIPTION for Unit No.3 (Item 3, T-59, T-61, T-81, T-82, T-84, and T-85), PART IV PERMITTED UNITS AND ACTIVITIES). The language used in the draft permit came from the approved Part B application. The physical description in draft permit is more emphasized in the type of a vertical fixed-roof tank.

Comment # D-13

Table 4 of the draft Permit, "Authorized Waste Codes for Tank Farm", appears to have some waste codes inadvertently left off. California Waste Codes 212, 331, 551, and 741 were all listed in Table C-1 in the Operation Plan as being acceptable for solvent recovery and fuel blending and thus should have been included in draft Permit Table 4. California Waste Code (CWC) 212 refers to "oxygenated solvents"; CWC 331 refers to "off-specification, aged, or surplus organics"; CWC 551 refers to "laboratory waste chemicals"; and CWC 741 refers to "liquids with halogenated organic compounds ≥ 1000 mg/l." The waste types represented by these waste codes can be safely stored in the Tank Farm.

RESPONSE D-13:

Comment noted. DTSC has evaluated your comment and decided not to change the permit language as provided in the Table 4 of the draft Permit, "Authorized Waste Codes for Tank Farm". Table 4 has included California waste codes 212, 331, 551, and 741.

Comment # D-14

Special Condition # 1, in Part V of the draft Permit, would preclude the stacking of even very small containers, such as 1-gallon cans, more than two high. Most other facilities that have been granted container storage permits have provisions in their permits allowing them to stack smaller containers to a specified height or a height equivalent to, say, two 55-gallon drums. Further, this Special Condition does not account for intermediate bulk containers, which either have a pallet integral to the container, or are so constructed that they do not need a pallet.

Suggested Change

We suggest revising the text of Special Condition No. 1 to read:
"The Permittee shall store containers holding hazardous waste on pallets, except for intermediate bulk containers. Containers may only be stacked on pallets to a height equivalent to a 55-gallon drum. Pallets may be double-stacked."

RESPONSE D-14:

Comment partially accepted. DTSC will change the permit language as provided in Special Condition No. 1, PART V:

The Permittee shall store containers holding hazardous waste on pallets, except for intermediate bulk containers which either have a pallet integral to the container or are constructed to not need a pallet. Small containers (55-gallon or less) with support device to prevent tipping or falling during an earthquake or fire may only be stacked on pallets to a height equivalent to a 55-gallon container. Pallets with containers may be double-stacked.

Comment # D-15

Special Condition # 3, in Part V of the draft Permit, is somewhat vague and potentially overly restrictive. The condition could be read, in its extreme, to require the separation of spent paint filters from solvent-contaminated soils, as they could be considered "different waste types", even though they would not pose any risk from being in close proximity.

Suggested Change

In order to provide additional clarity, we suggest Special Condition # 3 be revised to read: " Containers containing incompatible wastes or materials shall be separated to prevent inadvertent mixing in the event of a release."

RESPONSE D-15:

Comment noted. DTSC has evaluated your comment and make a decision that special condition 3 of PART V. SPECIAL CONDITIONS will not be revised. Pursuant to section 66264.177, title 22, California Code of Regulations, DTSC has authority to require a more stringent requirement for the management of containers handling incompatible wastes.

Comment # D-16

Special Condition # 4, in Part V of the draft Permit, limits "10-day universal wastes handling activities" to the container loading/unloading area. As noted above in Comment # 2, PRRS is not a universal waste handler, but rather a universal waste transporter. While the condition as written does not, in and of itself, impose the requirements of universal waste handler regulations on the facility, we would like to suggest wording to avoid future confusion.

Suggested Change

In order to address the above concerns, we suggest Special Condition # 4 be revised to read:

"Universal wastes being transported will only be stored in the container loading/unloading area at the south end of Unit No. I, the Main Warehouse area."

RESPONSE D-16:

Comment noted. DTSC has evaluated your comment and made a decision that item 4 of PART V. SPECIAL CONDITIONS for the universal waste handling activities will not be revised. Pursuant to section 25200.19 of the California Health and Safety Codes, the container loading/unloading area is designed for the container loading/unloading operations only, not for storage purpose. PRRS should conduct 10-day UW handling activities at the Ellis Paint Warehouse, located north of the Main Warehouse. Also please see Response to Comment #2 regarding the universal waste handling activities.

Comment # D-17

Neither Figure 3 nor the referencing text in III. I.(a) indicates that the rail car depicted in the figure is representative of a typical rail car, and not intended to be limiting. Further, there is a typographical error in one of the inserted captions; "plate form" should read, "platform."

We suggest that a note be added to the callout information for the rail car depicted on the figure indicating that this information reflects a typical rail car, and that actual rail car dimensions and capacities may vary.

RESPONSE D-17:

Comment noted. DTSC has evaluated your comment and made a decision that item 4 of PART V. SPECIAL CONDITIONS for the universal waste handling activities will not be revised.

However, a typical rail car specification has been referenced in section 1(a) of PART III.

A revised Figure 3 will be inserted to reflect the correction of the typographical error for platform and that the typical rail car specification and actual rail car dimensions and capacities may vary.