



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
9211 Oakdale Avenue  
Chatsworth, California 91311



Arnold Schwarzenegger  
Governor

**RESPONSE TO COMMENTS  
FOR  
SQUARE D COMPANY  
1060 EAST THIRD STREET  
BEAUMONT, CALIFORNIA 92223**

**EPA ID Number: CAD050746775**

Square D Company (Facility) operated hazardous waste surface impoundments under an interim status document issued in March 1981. The Facility ceased its manufacturing activities in 1988 and closed the surface impoundments. Clean closure was not achieved for an area known as North Post-Closure Area and DTSC requested a post-closure permit application for the North Post-Closure Area. DTSC issued a post-closure permit on March 28, 1998 for long-term groundwater monitoring and cover integrity maintenance.

DTSC published a public notice for Post Closure Permit Renewal in the Press Enterprise (an English language newspaper) on November 10, 2008 and the La Prensa Hispana on November 14, 2008 (a Spanish language newspaper) to announce the start of a 45-day public comment period to solicit comments on the Draft Permit. Copies of a fact sheet (in English and Spanish) were mailed to the facility mailing list. A paid public notice announcing the public comment period was aired on local radio stations, KDAY (93.5 AM) and Univision -KTNQ (1020AM) in English and Spanish, respectively. The public comment period ended at 5 pm on December 24, 2008. Public comments were received by electronic mail and postal mail.

DTSC received three comment letters from Mr. Larry Nolan, City of Beaumont and Mr. Phillip B. Chandler.

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

**Comment No. 1 by Mr. Larry Nolan:**

*The Water that leaked into the ground could be a cause of health problems in Beaumont.*

**Response to Comment No. 1:**

At this time, DTSC does not have any evidence of any risk to human health at the North Post-Closure Area. After closure, a cover was applied to the entire North Post-Closure Area to prevent any impact to groundwater and any exposure to human. The groundwater at the Facility is monitored annually for constituents of concerns to ensure that these chemicals do not migrate off-site. The results indicate the concentration of the monitored chemicals remain below the concentration limits established by the California Regional Water Quality Control Board. The Facility continues to monitor the groundwater, should these chemicals exceed the concentration limits, the Facility is required to follow the response procedures specified in the approved sampling and analyses plan, notify DTSC and propose a response action.

**Comment No. 2 by City of Beaumont**

*As the local land use authority, we are of course concerned with the use and operation of the site and we fully support the State's effort to monitor and regulate the use of the affected areas. The current occupant of the site, Priority Pallets, has at times operated in a manner which lacks full compliance with local requirements and conditions of approval of their occupancy, so we request that the State closely and vigorously monitor compliance matter now and into future.*

*We also request that a copy of the final permit, and any future notices or documentation of violations, be transmitted to our office for our files, so we can be fully aware of any limitations which are imposed upon the use of the site, and to be able to report any violations thereof promptly.*

**Response to Comment No. 2:**

Comment noted. A copy of the final permit will be mailed to the City. Any information regarding any possible future violations will be available at DTSC's public record office. Please continue to contact DTSC at (714) 484-5337 or (818) 717-6521, where compliance documents will be available for your review upon request.

**Comment No. 3 by Mr. Philip B. Chandler:**

*California Code of Regulations, title 22, requires that corrective action be specified in the permit. No schedule of compliance provided in [sic] the draft permit and there is no evidence that any form of corrective action mechanism, such as a Corrective Consent*

*Agreement, exists. DTSC is clearly not satisfying the corrective requirements in the applicable statutes for issuance of this permit.*

**Response to Comment No. 3:**

As stated in the draft permit, Part II, Section 6, all corrective action was completed in 2000 and a Class 3 Permit Modification was approved by DTSC on June 19, 2000 to reflect the completion of the corrective action at the Facility. As a result, any corrective action was not required in this permit.

**Comment No. 4 by Mr. Philip B. Chandler:**

*Has corrective action financial assurance been established for the facility in accordance with the intent of Health and Safety Code (H&SC). 25200.10(b)? It is widely known that DTSC fails to comply with this statute, allowing permit applicants to defer the establishment of assurances of financial responsibility for corrective action at facilities. The usual means of deferral is through an enforcement order such as is cited in this draft permit. H&SC requires that, **When corrective action cannot be completed prior to issuance of the permit, the permit shall contain schedules of compliance for corrective action and assurances of financial responsibility for completing the corrective action.** [H&SC, 25200.10(b)] Title 22 states **That the permit or order [emphasis added] will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.** [Title 22 CCR, 66264.101(b)] Currently DTSC fails to require assurance of corrective action financial responsibility in the permits that it issues. Has it failed again to require such **assurances of financial responsibility** for corrective action?*

**Response to Comment No. 4:**

The corrective action was completed prior to the issuance of this permit; therefore, financial assurance for corrective action is not required. Also see Response to Comment No. 3.

**Comment No. 5 by Mr. Philip B. Chandler:**

*Please explain the various required elements of Article 6 [sic] are not specified in the DTSC document rather than referred to as being part of the application.*

**Response to Comment No. 5:**

DTSC is not aware of which elements of Article 6 are not specified in the Permit. All elements required in California Code of Regulations, title 22, chapter 14, article 6, were specified in the Permit and the Post Closure Permit application, which is incorporated into the permit by reference. The incorporation of documents by reference is a common practice, and is specifically acknowledged in California Code of Regulations, title 22, section 66270.32(e), as a legitimate method in constructing hazardous waste facility permits.

**Comment No. 6 by Mr. Philip B. Chandler:**

*Please explain why there is no vadose monitoring as specified in article 6? How is infiltration through the caps monitored? Does DTSC rely entirely on groundwater monitoring wells to determine if the cap is leaking?*

**Response to Comment No. 6:**

The Facility's constituents of concern are alkalinity, antimony, barium, calcium, hexavalent chromium, total chromium, copper, lead, magnesium, mercury, nickel, phosphorus, sulfate, zinc, total dissolved solids and specific conductance. These constituents are not highly volatile and vadose zone monitoring is inefficient for detecting the infiltration. The cap is equipped with a leak detection system which is used for detecting any leak from the cap. The cap is also inspected for any cracks to minimize any infiltration or emissions.

**Comment No. 7 by Mr. Philip B. Chandler:**

*Are there Article 17 air emission issues that DTSC has neglected?*

**Response to Comment No. 7:**

The facility's constituents of concern are alkalinity, antimony, barium, calcium, hexavalent chromium, total chromium, copper, lead, magnesium, mercury, nickel, phosphorus, sulfate, zinc, total dissolved solids and specific conductance. These constituents are not highly volatile and air emissions are not expected to occur. As stated in Response to Comment No. 6, the cap is inspected for any cracks to minimize any infiltration or emissions.

**Comment No. 8 by Mr. Philip B. Chandler:**

*Part IV includes material that is more appropriate to an operating permit than for one describing post-closure care. All of the units are closed and do not accept waste. For example, the Permit authorizes “operation” of facility units, etc. The first several sentences need to be revised to limit the permit to provision of post-closure care.*

**Response to Comment No. 8:**

This Section is to identify the units that are subject to the post-closure permit. Although the units are no longer receiving the waste, post-closure activities including groundwater monitoring, cap maintenance and inspection are still required