



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

RESPONSE TO COMMENTS

THE UNITED TECHNOLOGIES CORPORATION, SAN JOSE, CALIFORNIA HAZARDOUS WASTE FACILITY STORAGE PERMIT

September 13, 2007

BACKGROUND

The United Technologies Corporation (UTC) located at 600 Metcalf Road, San Jose, California, 95138 in Santa Clara County began operation in 1959. The 5,200-acre facility activities included the development, manufacture, and testing of solid rocket motors for a variety of space exploration and defense purposes. The major portion of the manufacturing process was the mixing, casting, and curing of solid rocket motor propellants. Production of solid propellant was discontinued in August 2003 and all other operations ended in December 2004. Currently, UTC's major activities are decommissioning/closure of facilities and equipment, cleaning up soil and groundwater, and facilities support operations. These activities result in the generation of hazardous wastes. There are 241 buildings and structures that will be assessed and decontaminated as needed in order to remove chemicals and materials that may remain from the rocket manufacturing processes. UTC is also conducting investigation and cleanup of soil and groundwater contamination.

UTC submitted a timely Resource Conservation and Recovery Act (RCRA) permit renewal application to the Department of Toxic Substances Control (DTSC) for storage of waste over 90 days in two designated areas known as the Storage Facility (2233) and Storage Magazine (0312) on May 31, 2006. UTC was previously issued a RCRA Hazardous Waste Facility Storage permit by DTSC on June 21, 1997. UTC requested to continue the same storage activities for the Storage Facility (2233) and Storage Magazine (0312) as authorized by the 1997 permit. DTSC reviewed the permit application and determined that it was technically complete on June 16, 2007. DTSC prepared a draft Permit and a California Environmental Quality Act (CEQA) Notice of Exemption. On July 9, 2007 DTSC informed the public of a 45-day public comment period on the draft permit and CEQA Notice of Exemption. That comment period ran from July 9, 2007 to August 22, 2007. A public meeting was held on July 27, 2007 at the San Jose Community College District, Board Room, 4750 San Felipe Road, San Jose at 6:00 p.m. The public was informed of the public comment period by a display advertisement in the San Jose Mercury on July 9th and radio advertisements

aired on KBAY 94.5 FM. In addition, copies of a fact sheet were mailed to the facility mailing list (a total of 653 addresses) during the week of July 9, 2007.

DTSC received one set of comments during the public comment period. These comments were from Mr. Timothy Marker, representing the facility, UTC, via regular and electronic mail. There were no comments received during the public meeting held on July 26, 2007. All comments received during the public comment period are responded to in this Response To Comments (RTC) document. A copy of this RTC will be provided to all commenters. A copy will also be placed in information repositories for this project.

SPECIFIC COMMENTS

COMMENTER 1. Mr. Timothy Marker (comment received via electronic mail)

COMMENT 1

On page 8 of 54, under paragraph (h), the sentence ends the words: "...pursuant to section 13227 or the Water Code." Perhaps this should read "... pursuant to section 13227 of the Water Code."

RESPONSE 1

The permit has been changed to correct the typographical error on page 8 of 54.

COMMENT 2

On page 13 of 54, under Maximum Capacity, the stated total maximum permitted storage capacity for all sheds at the Storage Facility (2233) is 17,600 gallons. Since there are 14 sheds and each shed has a capacity of 440 gallons, the total capacity of all sheds at the Storage Facility (2233) is 6,160 gallons.

RESPONSE 2

The permit has been changed to correct the typographical error on page 13 of 54.

COMMENT 3

Page 34 of 54, Section 2 and parts of Section 3 reference access agreements. We contend that access agreements are not applicable and should be removed as there is no threat of site impacts from RCRA activities at either the Storage Facility (2233) or the Storage Magazine (0312). UTC suggests that the wording in Part IV be replaced with the wording in Part VI of the current Hazardous Waste Facility Permit that was last modified on October 21, 2003, which reads:

The Permittee is required to conduct corrective action at the facility pursuant to H&SC 25200.10. The Permittee is currently conducting corrective action under the oversight of the California Regional Water Quality Control Board, San Francisco Bay region (RWQCB). As a condition of this Permit, the Permittee is required to comply with any and all requirements imposed by the RWQCB relating to, or with regards to, any investigation, remediation, and corrective action at the facility. DTSC reserves its right under Health and Safety Code section 25200.10 and 25187 to require the Permittee to comply with additional corrective action requirements for the protection of the environment and public health.

RESPONSE 3

DTSC will keep the current statement in page 34 of 54 Section 2 and parts of Section 3, as written. Access language is standard text for all DTSC hazardous waste facility permits. Accordingly, the permit was not modified to accommodate this requested change.