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RESPONSE TO COMMENTS ON THE DRAFT PERMIT FOR VEOLIA ES TECHNICAL SOLUTIONS L.L.C, RICHMOND, CALIFORNIA SEPTEMBER 8, 2014

I. INTRODUCTION

This document constitutes the Response to Comments by the Department of Toxic Substances Control (DTSC) on the Draft Permit and Draft Negative Declaration for Veolia ES Technical Solutions, located at 1125 Hensley St. in Richmond, California. The first public comment period was held from February 11th through March 28th, 2014. Because some members of the community may not have received notification of this public comment period, a second public comment period was held from June 27th to August 11th, 2014. DTSC received comments via e-mail on August 8th from Mr. John Schofield and Mr. Richard Francis of the United States Environmental Protection Agency (US EPA).

The responses address each comment received. DTSC wishes to thank the commenters for their participation in this public review process. The following changes were made to the draft permit:

PART IV. PERMITTED UNITS AND ACTIVITIES, page 11 and 15

The following language has been added:

The plastic curtain partition at the opening of each storage bay must be maintained. Any missing or torn pieces of the curtain shall be replaced within 30 days of discovery.

PART IV. PERMITTED UNITS AND ACTIVITIES, page 16

The last sentence in the Activity Description has been changed for clarification purposes to state:

Storage of consolidated hazardous wastes in the Unit is limited to a maximum of one (1) year from the date of the earliest manifest received and signed by the Permittee.

PART V. SPECIAL CONDITIONS, page 18

Special Condition 4 has been revised to state the following:

The permittee shall collect all rainwater and washwater accumulated within the authorized units within 24 hours of discovery and perform a waste classification of the rainwater and washwater and manage them accordingly. Collection events shall be documented in the operating record and shall note, at a minimum, the date of discovery, collection date, and volume. The daily inspection report discussed in Section VI of the Operation Plan shall include inspection of sumps and any observations of liquids accumulating in the sumps.

PART V. SPECIAL CONDITIONS, page 19

Special Condition 8 has been changed for clarification purposes to state:

The Permittee shall only load and unload containers in the Truck Loading area as shown in Appendix B, Facility Layout. The Permittee shall complete any loading or unloading operations within 8 hours after the trailer truck enters the Truck Loading area.

II. COMMENTS FROM US EPA

Comment #1 regarding the Permitted Units and Activities under Part IV of the Draft Permit

Parts 1 and 2 mention the plastic curtain used to partition the storage area from the outside environment, however, it makes no mention of inspection schedules or repairs that may need to be made to them. When the facility was inspected on July 10, 2014, EPA observed approximately 90% of the curtains were missing or damaged leaving the storage areas exposed to the elements. EPA recommends Veolia either install new curtains before the permit is issued, or that a fixed schedule for installing new curtains be included in the permit.

DTSC Response

Comment noted. A unit-specific special condition will be added to the Permit for Storage Areas 1 and 2 that states the following:

The plastic curtain partition at the opening of each storage bay must be maintained. Any missing or torn pieces of the curtain shall be replaced within 30 days of discovery.

Comment #2 regarding Special Condition 2 under Part V of the Draft Permit

The permit instructs Veolia to repair any cracks, gaps, or tears in the hazardous waste management unit or the secondary containment system, but makes no direct reference to the epoxy coating that lines the floor, nor does it make mention of any epoxy coating non-destructive testing that should be performed either after repairs have been made or performed on a periodic basis to insure the integrity of the coating.

DTSC Response

Special Condition 2 under Part V of the Draft Permit was added to ensure the facility complies with Title 22 section 66264.175(b)(1), which states the following:

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“a base shall underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed”

If the facility does apply an epoxy coating, it is considered part of the “base” to the hazardous waste management unit (HWMU) and must be free of cracks. Special condition 2 contains a compliance schedule that requires the permittee to notify DTSC within 24 hours if any cracks, gaps or tears are detected to the HWMU, which includes the epoxy coating, and to make repairs and notify DTSC within 7 days of the corrective measures that were taken.

Comment #3 regarding Special Condition 4 under Part V of the Draft Permit

Veolia is instructed to remove rainwater from the authorized units, however there is no time limit applied to the removal, nor is there mention of inspection of liquid in sumps during daily or weekly inspections of the area. When the facility was inspected on July 10, 2014, EPA observed liquid in the sumps.

DTSC Response

Special Condition 4 under Part V of the draft Permit states:

The permittee shall collect all rainwater and washwater accumulated within the authorized units and manage it as hazardous waste.

DTSC will revise this condition to contain a compliance schedule. This condition in the final Permit will state the following:

The permittee shall collect all rainwater and washwater accumulated within the authorized units within 24 hours of discovery and perform a waste classification of the rainwater and washwater and manage them accordingly. Collection events shall be documented in the operating record and shall note, at a minimum, the date of discovery, collection date, and volume. The daily inspection report discussed in Section VI of the Operation Plan shall include inspection of sumps and any observations of liquids accumulating in the sumps.

Comment #4 regarding the Part B application

Part B Application, Section IV-2, references engineering plans certified by a State of California, Professional Engineer for existing structures. None of the plans or associated engineering reports are included with the Part B. EPA recommends that any engineering documents Veolia relied on to construct and maintain the storage facilities be included as an attachment to the Part B (i.e., incorporated into the permit by reference).

DTSC Response

A Seismic Assessment for the facility was completed by Shaw Environmental & Infrastructure, Inc. in 2006. It was certified by Mr. Anthony Gokoffski, P.E. and is found

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in Appendix D of the current Part B. Also, in Appendix M of the current Part B, Shaw Environmental & Infrastructure, Inc. provided calculations to document that the secondary containment system at the site is capable of holding 10 percent of the volume of the maximum allowable storage, or 100 percent of the largest container, whichever is greater. This document is certified by Mr. Mike Ayala, P.E.

Comment #5 regarding the Part B application

It appears that the daily, weekly, monthly, etc., inspection checklists utilized by the facility are not incorporated into the Part B permit. We recommend that all inspection checklists utilized by the facility be included as an attachment to the Part B permit.

DTSC Response

A Monthly Inspection Checklist and a Supplemental Monthly Yard Ramp Inspection list are included in the current Part B under Section VI – 19. A daily checklist for the daily inspection report discussed in Section VI, 8.0 is not included in the current Part B. However, it was included in a previous draft of the Part B. This daily checklist was requested by DTSC on August 12, 2014 and received via e-mail the same day from the facility. This checklist will be placed in Section VI C. of the current Part B, which is included by reference to the final permit.

Comment #6 regarding the Part B application

The Daily Inspection Log utilized by the facility does not include checking sumps for water or debris. We recommend that this item be added to the facility daily inspection checklist.

DTSC Response

See DTSC response to comment number 3, which indicates sumps will be inspected also.