



**California Environmental Protection Agency
Department of Toxic Substances Control**

VARIANCE

Facility Owner:

Variance Number V1-01/06-001

Chevron U.S.A Inc.
26244 Highway 33
Fellows, California 93324

Facility Location:

Westside Disposal Facility
SE 1/4 Section 25 T31S, R22E, Mount Diablo B&M
Fellows, California

Facility Operator/Applicant:

Chevron Environmental Management Company
6001 Bollinger Canyon Road, Room K2288
P.O. Box 6012
San Ramon, California 94583-2324
Attn: Mr. John Macleod

EPA ID # CAT080010283

Effective Date: _____

Expiration Date: _____

Pursuant to section 25143 of the California Health and Safety Code, the Department of Toxic Substances Control hereby issues the attached Variance consisting of 6 pages to Chevron U.S.A. Inc.

Jan Radimsky, P.E. Chief
Program Support Branch
Department of Toxic Substances Control

Date: _____

VARIANCE

1. INTRODUCTION:

Pursuant to Health and Safety Code section 25143, the California Department of Toxic Substances Control (DTSC) grants a variance from post-closure groundwater monitoring requirements to Chevron U.S.A. Inc. for the Westside Disposal Facility (Facility).

2. FACILITY OWNER/OPERATOR AND APPLICANT INFORMATION:

Facility Owner:
Chevron U.S.A. Inc.
26244 Highway 33
Fellows, California 93324

Facility Location:
Westside Disposal Facility
SE 1/4 Section 25 T31S, R22E, Mount Diablo B&M
Fellows, California

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Chevron Environmental Management Company
6001 Bollinger Canyon Road, Room K2288
P.O. Box 6012
San Ramon, California 94583-2324
Attn: Mr. John Macleod

3. TYPE OF VARIANCE:

This variance waives post-closure groundwater monitoring requirements at the Westside Disposal Facility.

4. EFFECTIVE DATE AND EXPIRATION DATE:

EFFECTIVE DATE: _____ EXPIRATION DATE: _____

5. APPLICABLE STATUTES AND REGULATIONS: California Code of Regulations, title 22, (Cal.Code Regs., tit 22) division 4.5, article 6

6. FINDINGS/DETERMINATIONS: DTSC has determined that the issuance of this variance meets the requirements set forth in Health and Safety Code section 25143. This variance is issued on the basis of variance request letters dated August 18, 2005, and September 30, 2005, from Chevron Environmental Management Company to DTSC and supporting documents: Supplementary Hydrogeologic Characterization of the Westside Disposal Facility, Santa Fe Energy Resources, Inc., prepared by Uribe & Associates, dated March 1990. The specific findings and determinations made by DTSC are as follows:
- 6.1 This Variance, in conjunction with a waiver from the U.S. Environmental Protection Agency (U.S. EPA), waives the requirements of Cal.Code Regs., tit. 22, division 4.5, article 6 to conduct post-closure groundwater monitoring at the Westside Disposal Facility.
- 6.2 The Westside Disposal Facility consists of 80 acres located within the Midway-Sunset Oil Field in the southern San Joaquin Valley, approximately 35 miles southwest of Bakersfield, 8 miles northwest of Taft, and 1.7 miles northwest of Fellows, near the extreme western edge of Kern County. The Westside Disposal Facility operated as a surface impoundment facility that accepted liquid waste from oil production operations during the period from 1973 to 1981. In 1981, the facility began to accept plating wastes, which contained several hazardous waste constituents, including heavy metals. The facility ceased operation in November 1985. A total of approximately 15.1 million barrels of liquid waste was accepted at the site; the plating wastes comprise less than 4 percent of the total volume of the waste received during the operation of the facility.
- 6.3 The U.S. EPA issued a groundwater monitoring waiver to Santa Fe Energy Resources, Inc. (SFER), the former owner of the Westside Disposal Facility, pursuant to 40 CFR 264.90 (b)(4) on April 8, 1991. The waiver was issued based upon the findings of "no potential for liquid migration." An email from Cheryl Nelson, Senior Regulatory Advisor, U.S. EPA, to Steve Armann, U.S. EPA, dated October 21, 2005, confirms the applicability of the federal waiver to the site itself. Hence, the federal waiver remains in effect despite change of ownership.

California Department of Health Services (the predecessor to DTSC) issued a groundwater monitoring variance on May 14, 1991, to SFER, the previous owner and operator of the facility. A variance cannot be transferred to a different owner or operator.

6.4 On April 21, 1992, DTSC issued a Certification of Facility Closure to SFER for the Westside Disposal Facility. During closure, approximately 12,000 cubic yards of soils with high lead and zinc concentrations were excavated and placed at the bottom of three designated surface impoundments. The designated impoundments were covered with at least two feet of uncontaminated soil. The site was then graded and compacted. Site leveling was followed by verification soil sampling to assure that the site soils meet cleanup standards. Sampling performed during closure indicated that waste residuals at the site surface are within background levels for soils in an arid region. Native vegetation was planted; and a 6-foot chain-link fence was installed around the site for security. In January 1992, a deed restriction was filed and recorded with the Kern County Planning Agency. Future use of the facility is prohibited without prior DTSC approval.

6.5 This waiver of groundwater monitoring requirements is based upon the following:

- Lack of Driving Force – The arid climate in the region limits recharge to the uppermost aquifer and leachate generation. Net evaporation (approximately 96 inches per year) far exceeds net precipitation (approximately 6 inches a year). The lack of driving force limits the potential for waste migration to groundwater.
- Depth to Groundwater/Geologic Features: The depth to the uppermost groundwater aquifer (vadose zone thickness) is approximately 675 to 900 feet. The presence of a low permeability stratigraphic unit of 50 to 100 feet of silts and clays (basal alluvial clay) near the base of the vadose zone serves as a potential barrier to the downward migration of liquids and waste constituents.
- Oil in Upper Groundwater Aquifer: The uppermost aquifer beneath the site is partially saturated with crude oil, producing groundwater of poor water quality.
- Discontinuous Nature of the Uppermost Aquifer: The uppermost aquifer occurs within the Upper Tulare Formation which is composed of lenticular sand units. The sands within the Upper Tulare Formation are not likely to be laterally continuous. These conditions hinder the lateral transport of liquids or waste constituents away from the site.

7. SPECIFIC WAIVER

DTSC, subject to all terms and conditions herein, waives the hazardous waste requirements of Cal.Code Regs., tit. 22, division 4.5, article 6. These requirements are waived as set forth in Health and Safety Code section 25143. Based upon the findings and determinations set forth above, the requirements from which this variance is being granted are insignificant in preventing or minimizing a potential hazard to public health or to the environment.

8. SPECIFICATIONS OF THE TERMS, CONDITIONS, LIMITATIONS, OR OTHER REQUIREMENTS: The owner/operator shall be subject to the following conditions:

8.1 A copy of this variance shall be kept at the following location:

Chevron U.S.A.
Midway Sunset Office
262251 Hwy 33
Fellows, California 93224

8.2 All correspondence regarding this variance shall be directed to the following office:

Mr. Jan Radimsky, Chief
Program Support Branch
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

9. DISCLAIMER:

9.1 The issuance of this variance does not relieve Chevron U.S.A. Inc. of responsibility for compliance with Health and Safety Code, Division 20, Chapter 6.5, or the regulations adopted therein, and any other laws and regulations other than those specifically identified in section 7 of this variance. Chevron is subject to all terms and conditions herein. The granting of this variance confers no relief from compliance with any federal, state, or local requirements other than those specifically provided herein.

9.2 The issuance of this variance does not release Chevron U.S.A. Inc. from any liability associated with the handling of hazardous waste, except as specifically provided herein and subject to all terms and conditions of this variance.

10. VARIANCE MODIFICATION OR REVOCATION: This variance is subject to review at the discretion of DTSC and may be modified or revoked by DTSC at any time pursuant to Health and Safety Code section 25143.
11. CEQA DETERMINATION: DTSC has prepared a Notice of Exemption for this project, pursuant to of Cal.Code Regs., tit.14, section 15061(b)(3). The Notice of Exemption will be filed with the Office of Planning and Research.