



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

March 30, 2010

Mr. Philip C. Perley
Closed Sites Project Manager
Chemical Waste Management, Inc.
9081 Tujunga Avenue
Sun Valley, California 91352

Certified Mail No.: 7006 0100 0003 0797 2194

Mr. Scott Ward, Permitting Project Manager
Permit Renewal Team
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

REQUEST FOR SUPPLEMENTAL BRIEFING --
IN RE APPEAL OF PERMIT DECISION FOR CHEMICAL WASTE MANAGEMENT --
BAKERSFIELD, 27001 ROUND MOUNTAIN ROAD BAKERSFIELD, CALIFORNIA
93308 (CAT000624056)

Dear Mr. Perley and Mr. Ward:

In the course of considering the briefs submitted by Chemical Waste Management Inc. and DTSC Permitting on the appeal comments that were granted review in Chemical Waste Management Inc., Bakersfield Facility, Case No. PAT-FY08/09-03, Order to Set Briefing Period for Petition for Review and Denial of Review, dated February 10, 2009, the Permit Appeals Officer has determined that supplemental briefing by the parties would be helpful. The issues that are involved in this supplemental briefing relate to Appeal Comment 1(a). It is requested that Chemical Waste Management Inc. and DTSC Permitting submit supplemental briefs addressing the following issues:

1. Does the final permit impose a new 30 year post-closure care period for the facility? Please specify the text in the final permit, including the Part B application incorporated by reference, that requires or does not require a new 30 year post-closure care period.

2. Why was the first paragraph of Part V. Special Conditions included in the draft permit¹ and what is the effect, if any, of the deletion of that paragraph from the final permit?

The parties are requested to submit briefing arguments addressing the foregoing questions no later than April 29, 2010, with an electronic copy to the other party to be provided concurrently. Each party may thereafter submit arguments responding to the other party's submission no later than May 14, 2010. Also, briefs will be posted on the DTSC website on the facility permitting page as they are received.

After considering all submitted written arguments DTSC will issue an order with the final permit decision.

If you have any questions, please contact Mr. Michael O'Docharty, of my staff, at (916) 324-4754 or e-mail appeals@dtsc.ca.gov.

Sincerely,

// original signed by //

Mohinder S. Sandhu, P.E.
Permit Appeals Officer

cc: (via e-mail and U. S. Mail)

Ms. Karen Nardi, Esq
Counsel
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¹ This paragraph read as follows: The Department of Toxic Substances Control finds it is necessary to extend the post-closure period for the CWM Bakersfield Facility a minimum of thirty years from 2006. This finding is made to ensure isolation of wastes to minimize the risk posed by these wastes to either humans or environmental receptors for an indefinite and possibly perpetual period. A separate report entitled *Chemical Waste Management Bakersfield Facility Post-Closure Care Findings and Determination* (DTSC, 2006) documents these findings. This report additionally includes document review, analysis, and field observations which show that the existing closure cover is not effective in preventing rainfall from entering the waste or sustaining damage from weathering and animal activity. Extension of the post-closure period and replacing or conducting extensive repairs to the existing closure cover is required.

Messrs. Perley and Ward

March 30, 2010

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cc: (via e-mail only)

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