



# Department of Toxic Substances Control



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## CALIFORNIA ENVIRONMENTAL QUALITY ACT

### STATEMENT OF FINDINGS

#### **Chemical Waste Management, Incorporated, Kettleman Hills Facility, Kings County, California.**

#### **Hazardous Waste Treatment, Storage and Disposal Permit Renewal and Use of the Previous Environmental Impact Reports (EIR's)**

The Department of Toxic Substances Control (DTSC) reviewed the Final Subsequent Environmental Impact Report (FSEIR), dated November 1997, the Final Environmental Impact Report (FEIR), dated October 1985, prepared and certified by the Kings County Planning Agency, and the Supplemental Environmental Impact Report (SEIR), dated February 1988, prepared and certified by DTSC, formerly the Department of Health Services. DTSC, using its independent judgment, finds:

1. The FSEIR, SEIR and FEIR:
  - (A) Adequately addressed the proposed impacts of the project now before DTSC for decision.
  - (B) DTSC concurs with the findings made by Kings County in the FSEIR and FEIR relating to the Conditional Use Permit, for the Kettleman Hills Facility. Two permit conditions have been added to clarify ongoing requirements. The first clarifies the limits on acceptance of radioactive materials. The second specifies activities that must occur in order to meet the air monitoring requirements of the California Code of Regulations, title 22, division 4.5, chapter 14, article 17. Both of these conditions provide clarifications based on comments received during the public comment period and neither of them could result in new or increased environmental effects.

In assessing impacts associated with the Conditional Use Permit, Kings County concluded that potential effects of the proposed project would be reduced to below a level of significance with the implementation of mitigation measures with the exception of the following:

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

The proposed project would contribute to the ongoing cumulative regional air quality impacts associated with fugitive dust. This contribution to the ongoing cumulative air quality impact was considered to be significant and unavoidable even after implementation of feasible mitigation measures. In accordance with the California Environmental Quality Act (CEQA) Cal. Code of Regs., title 14, section 15000, et seq., a statement of overriding considerations was prepared by Kings County.

2. Approval of the Hazardous Waste Treatment, Storage and Disposal Permit Renewal will not result in additional significant effects on the environment. Mitigation measures identified in the 1997 FSEIR, 1988 SEIR and 1985 FEIR have been implemented to reduce impacts to less than significant levels. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA. Based on the attached analysis, DTSC further finds that none of the conditions requiring a Subsequent EIR or Negative Declaration pursuant to CEQA Guidelines section 15153 exist.
3. A Notice of Determination (NOD) indicating the results of said findings will be filed with the State Clearinghouse of the Governor's Office of Planning and Research pursuant to CEQA Guidelines sections 15096(i) and 15153.

**Signature:** \_\_\_\_\_ /original signed by/  
James M Pappas, P.E., Chief  
Northern California Permits and Corrective  
Action Branch

**Date:** 6/16/03

While concurring with the findings made by the Kings County, DTSC concluded the following relative to its assessment of impacts associated with the renewal of the Hazardous Waste Facility Permit.

### **Aesthetics**

The project will not have a substantial adverse effect on a scenic vista as none exists at the site, nor will it substantially damage any scenic resource, as the site is currently an operating hazardous waste disposal facility. The project does not involve the disturbance of any land.

### **Agricultural Resources**

The proposed project would not be converting prime farmland, unique farmland or farmland of statewide importance to non-agricultural use as the site has not been used for agricultural purposes in approximately 35 years. The project will not be in conflict with existing zoning.

### **Air Quality**

The feasible mitigation measures for both onsite and offsite sources of PM10 would not have reduced the potential cumulatively significant impact below a level of significance. The resulting cumulatively significant PM10 impact therefore required Kings County to provide a statement of overriding considerations. The facility is currently under a permit from the Kings County Air Pollution Control District. No new or revised air permit will be required. This Permit imposes conditions that must occur in order to meet the air monitoring requirements.

As a result, direct, local air quality impacts from onsite emissions associated with the proposed project will not result in new or increased significant environmental effects.

### **Biological Resources**

The proposed project does not alter existing site conditions, and no new disturbance or alterations will occur. Therefore, there will be no significant impact on any protected and/or sensitive wildlife species, nor will there be any impact on any riparian habitat or other natural community, wetlands, or biological resource.

### **Cultural Resources**

There will be no new or additional land disturbances proposed with this project. Prehistoric archeological, historic, ethnographic or paleontological resources were identified on the site; however, an archeological and paleontological survey of the site in 1988 determined that the invertebrates and occasional vertebrate rodent and plant fossils found on the site were consistent with those found throughout a regional geologic formation and were not unique or of regional significance. Therefore, the impacts will not be significant and no mitigation measures are required.

### **Geology and Soils**

DTSC's project is limited to the renewal of the permit for the operation of the hazardous waste facility. There is no new or proposed construction being granted with this renewal. Continued implementation of previously approved mitigation measures will assure that there will be no significant impact.

## **Hazards and Hazardous Materials**

There will be no impact due to the risk of accidental explosion or release of hazardous waste.

This proposed project is the renewal of a permit. It does not introduce any new waste streams, any new units or waste handling practices. Although a condition has been added to the permit to clarify the limits on acceptance of radioactive materials, it does not change the waste that will be handled by the facility or the potential impacts of the facility operations.

## **Hydrology and Water Quality**

The proposed project will not violate any water quality standards or waste discharge requirements, deplete groundwater supplies, interfere with groundwater recharge, alter existing drainage patterns, create or contribute to runoff water or otherwise substantially degrade water quality.

## **Land Use and Planning**

The proposed project does not introduce the construction of any new units and merely allows the continued operation of an existing facility. This permit renewal will not represent an incompatible land use. Therefore, the potential impacts to land use are below a level of significance.

## **Mineral Resources**

The project will not result in the loss of availability of locally important mineral resource recovery.

## **Noise**

Based on the study conducted for the 1997 FSEIR, there will be no violation of any standards established in the County General Plan, and there will be no substantial permanent or temporary increase in ambient noise levels from the proposed project. The facility is operating at levels that are significantly less than those cited in the 1985 FEIR. In accordance with the site Health and Safety Plan, personal hearing protection is required of all workers, and mufflers are required on all operating vehicles. Therefore, there will be no significant exposure to excessive ground borne vibration or noise levels.

## **Population/Housing/Recreation**

Landfill operations are part of the public service system that continues in response to community growth and requirements. Based upon these considerations, the proposed project will not result in significant growth inducing effects.

## **Public Services**

The facility is operating at levels much lower than at their peak during the early 1990s. Staffing levels have dropped from 400 site personnel to less than 100 today. Therefore, the proposed project will not present an increase in demand for public services, and no significant impact will result from continued operations.

### **Transportation and Traffic**

The volume of traffic as a result of this project will not result in an unmanageable load on the existing transportation system. The number of trips per day projected through the year 2020 results in an increase of traffic of less than 1% to less than 4%, depending on the specified roadway. However, for a specified roadway, the Level of Service will not change. The proposed project is not in conflict with plans, policies or programs supporting alternative transportation. Therefore, there will be no significant impact to traffic or transportation.

### **Utilities and Service Systems**

The proposed project does not include any increase in the existing operations, or expansion of the existing facility, and therefore will not have a significant impact to public utilities or services.

### **Cumulative Effects**

No new technologies will need to be developed in order to manage hazardous or non-hazardous wastes that the proposed project will generate. The final closure of the facility will be the final remedy for the site, and therefore, the closure will not lead to a larger project or a series of smaller projects. The proposed project will not affect existing housing, public services, public infrastructure, or create demands for additional housing. A finding of no impact or less than significant impact was found for the overall project in that it would not require new or alterations to existing utility systems and other public services.