

NOTICE OF DETERMINATION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Northern California Permitting and
Corrective Action Branch
8800 Cal Center Drive
Sacramento, CA 95826

Subject: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108
OR 21152 OF THE PUBLIC RESOURCES CODE

Project Title: Chemical Waste Management, Inc. – Kettleman Hills Facility
Class 3 Permit Modification to Modify the Landfill B-19 Closure Plan, and
Use of the Previous Kings County Environmental Impact Reports (EIRs) for This Purpose

State Clearinghouse No.: 2002091023 (Kings County Draft SEIR)
2003091023 (Kings County Final SEIR)

Project Location: 35251 Old Skyline Road
Kettleman City, California 93239
(Unincorporated)

County: Kings County

Project Description:

The project activity is the Class 3 permit modification for a revised Landfill Unit B-19 Closure Plan. The revised Landfill Unit B-19 Closure Plan will incorporate changes planned for the Class II/III waste operations and will revise the Part B Application of the Hazardous Waste Facility Permit. Specific sections that need to be changed in the Part B Application are Section 15.3(a)-(b) in Chapter 15.0 and Table 40-1 in Chapter 40.0.

The following are the primary objectives of the revised Landfill Unit B-19 Closure Plan:

1. Provide closure of the remaining Class I portion of Landfill Unit B-19 (Landfill B-19) at the Kettleman Hills Facility.
2. Amend the final closure grades of the entire B-19 unit by removing planned placement of Class II/III waste at the southern portion of Landfill B-19 and changing the Class II/III cover slope from 4:1 (horizontal to vertical) [H:V] to 2.5:1 (H:V) between drainage benches (effective 3:1 (H:V) when benches are included).
3. Address the potential impacts of converting a portion of the Class II/III waste to a bioreactor.
4. Amend the stability buttress configuration due to a revised waste fill configuration as discussed above.
5. Amend the proposed Class I waste prism closure schedule.
6. Present engineering analysis demonstrating that the landfill, with the proposed amendments, complies with requirements of the state regulations in 22 CCR and 23 CCR.

The operational and financial management of Landfill B-19 will be as a partially closed hazardous waste unit and an active solid waste unit; however, the Department of Toxic Substances Control (DTSC) retains its authority over the entire landfill and will be contacted for any changes to the closure of the Class II/III portion of the landfill and approval may be required for changes that may impact the Class I portion of the landfill.

The permitting decision made by the DTSC is predicated on the use of the Kings County SEIRs for the B-19 Landfill Bioreactor Project. Aside from the bioreactor, no new impacts have been found since then. No substantial change in standards, circumstances, or surrounding land uses has occurred. Therefore, based on a review of the prior environmental documents, the DTSC has found that these documents are adequate to address the modification of the Landfill Unit B-19 Closure Plan.

Background:

The Kettleman Hills Facility (KHF) is part of Chemical Waste Management, Incorporated (CWMI), a major international waste handling corporation. CWMI operates KHF as a permitted hazardous waste treatment, storage, and disposal facility on 499 acres of a 1,600 acre parcel. KHF accepts virtually all solid, semisolid, and liquid hazardous waste. It excludes all biological agents or infectious wastes, radioactive materials, compressed gases, and explosives.

Landfill B-19 was permitted as an approximately 43-acre hazardous (Class I) landfill with approximately seven million cubic yards of total capacity. CWMI accepted Class I waste in Landfill B-19 from 1988 to 1992. In 1992, Landfill B-19 was placed into inactive status by CWMI and Landfill B-18 became the operating Class I waste management unit. A temporary cover was placed over the Class I waste in Landfill B-19. In 1997, CWMI converted the remaining unused portion of Landfill B-19 from a Class I waste management unit to a designated (Class II) and municipal solid (Class III) waste management unit, with a permit issued by the California Integrated Waste Management Board.

As Lead Agency a Responsible Agency under the California Environmental Quality Act (CEQA), DTSC approved the above-described project on 9/21/2007 and has made the following determinations:

1. The project will will not have a significant effect on the environment.
2. A Negative Declaration Mitigated Negative Declaration Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not made a condition of project approval.
4. A mitigation reporting or monitoring plan was was not adopted for this project.
5. A Statement of Overriding Considerations was was not adopted for this project.
6. Findings were were not made pursuant to the provisions of CEQA.

This is to certify that the final environmental document, comments and responses, and the record of project approval are available to the public at the following location: 8800 Cal Center Drive, Sacramento, CA 95826.

Ruth Cayabyab	Hazardous Substances Engineer	(916) 255-3601
Contact Person Name	Contact Person Title	Phone #
//signed by James M. Pappas//		9/21/07
Branch Chief Signature		Date
James M. Pappas	Chief, Northern California Permitting and Corrective Action Branch	(916) 255-3572
Branch Chief Name	Branch Chief Title	Phone #

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Date Received For Filing and Posting at OPR: