



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
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Arnold Schwarzenegger
Governor

CALIFORNIA ENVIRONMENTAL QUALITY ACT

STATEMENT OF FINDINGS

Chemical Waste Management, Incorporated – Kettleman Hills Facility Kings County, California

Class 3 Permit Modification to Modify the Landfill B-19 Closure Plan, and Use of the Previous Kings County Environmental Impact Reports (EIRs)

The Department of Toxic Substances Control (DTSC) reviewed the *Draft Subsequent Environmental Impact Report (DSEIR), B-19 Landfill Bioreactor, Kettleman Hills Facility, Chemical Waste Management, Incorporated (SCN 2003091023)* and *Final Subsequent Environmental Impact Report (FSEIR), B-19 Landfill Bioreactor, Kettleman Hills Facility, Chemical Waste Management, Incorporated (SCN 2003091023)* prepared by CH2MHill for the Kings County Planning Agency and certified by the Kings County Planning Agency. DTSC, using its independent judgment, finds:

1. The DSEIR and FSEIR:
 - (A) Adequately addressed the proposed impacts of how the project now before DTSC for decision.
 - (B) DTSC concurs with the findings made by Kings County in the DSEIR and FSEIR relating to the Class 3 Permit Modification to Modify the Landfill B-19 Closure Plan Bioreactor Project for the Kettleman Hills Facility. In assessing impacts associated with the project, 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 air quality.

The proposed project will have a significant and unavoidable effect on air quality after mitigation. The Project will contribute to the ongoing cumulative regional San Joaquin Valley Air Basin (SJVAB) air quality impacts associated with nitrogen oxide (NO_x), reactive organic gases (ROG), particulate matter with aerodynamic diameters less than or equal to 10 and 2.5 micrometers (PM₁₀ and

PM2.5) because the entire SJVAB is designated as nonattainment of the National Ambient Air Quality Standards and California Ambient Air Quality Standards for ozone and PM10. In addition, the SJVAB is being recommended by the state as nonattainment for PM2.5. The project-specific and cumulative air quality impacts are considered to be significant and unavoidable even after implementation of feasible mitigation measures included in the project.

Mitigation measures were made a condition of the approval of the project (bioreactor) and a mitigation reporting/monitoring plan was adopted for this project, which DTSC adopts. In accordance with the California Environmental Quality Act (CEQA) Cal. Code of Regs., title 14, section 15000, et seq., a statement of overriding considerations has been prepared.

The DSEIR and FSEIR determined that the bioreactor could have the following potentially significant environmental issues: air quality, geology and soils, hydrology and water quality, land use, hazards and hazardous materials, and transportation and traffic. The DSEIR and FSEIR determined that with the implementation of proposed mitigation measures or adherence to permit and regulatory conditions, the following would have less than significant impacts: geology and soils, hydrology and water quality, land use, hazards and hazardous materials, and transportation and traffic. However, for air quality, project-specific and cumulative impacts would remain significant and unavoidable even after mitigation. The DSEIR and FSEIR determined that the project would have no significant environmental impacts on the following environmental resources: aesthetics, agriculture, biological resources, cultural resources, mineral resources, noise, population and housing, utilities and service systems, and recreation. DTSC concurs with the findings made by Kings County relative to the DSEIR and FSEIR impact assessments associated with the activities outlined in the Class 3 Permit Modification to Modify the Landfill B-19 Closure Plan. DTSC evaluated the project and concluded that no significant effects would occur to the resources noted above as having less than significant impacts and no impacts.

2. Approval of the Hazardous Waste Treatment, Storage and Disposal Permit Modification will not result in additional significant effects on the environment. Mitigation measures identified in the DSEIR and FSEIR will be implemented to reduce impacts to less than significant levels with the exception of air impacts. Air impacts will be reduced to the extent possible through mitigation measures. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA. Based on the analysis in the attached Findings of Fact, DTSC further finds that none of the conditions requiring a Subsequent EIR or Negative Declaration pursuant to CEQA Guidelines section 15162 exist.

3. A Notice of Determination 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.
4. Files for this project may be viewed at the following location:

Department of Toxic Substances Control
File Room
8800 Cal Center Drive
Sacramento, California 95826
Telephone number (916) 255-3601.

Signature: //signed by James M. Pappas//

Date: 9/21/07

James M. Pappas, P.E., Chief
Northern California Permitting and Corrective Action Branch