



*Matthew Rodriguez*  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Barbara A. Lee, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



*Edmund G. Brown Jr.*  
Governor

September 14, 2017

Mr. Robert Henry  
Chemical Waste Management, Inc.  
Kettleman Hills Facility  
P.O. Box 471  
Kettleman City, California 93239

TRANSFER OF HAZARDOUS WASTE WITHIN LANDFILL B-18 AT THE  
CHEMICAL WASTE MANAGEMENT, INC., KETTLEMAN HILLS FACILITY,  
KINGS COUNTY, CALIFORNIA; EPA ID. NO. CAT 000 646 117

Dear Mr. Henry:

On April 14, 2017, the Department of Toxic Substances Control (DTSC) received a "Landfill B-18 Waste Transfer Plan" (Plan) from Chemical Waste Management, Inc. (CWMI) for the Kettleman Hills Facility (KHF) located 35251 Old Skyline Road, Kettleman City, California. The Plan details a proposal to transfer hazardous waste within Landfill B-18 (proposed waste transfer) to create additional capacity within Landfill B-18 to dispose of waste containing poly-chlorinated biphenyls (PCBs). The Plan, dated April 7, 2017, was prepared jointly by CWMI and Golder Associates, Inc.

DTSC reviewed the Plan to determine whether the proposed waste transfer is authorized by the existing Hazardous Waste Facility Permit (Permit). Based on its review, DTSC concludes that the proposed waste transfer is not authorized by the Permit as currently written. In reaching this decision, DTSC considered other authorized actions that have resulted in the movement of waste at KHF, including the final grading of landfill slopes and the recovery of containers of waste disposed of in error. DTSC concludes that the proposed waste transfer is distinguishable from the other authorized actions due to several factors:

1. The volume of waste involved in the proposed waste transfer (at least 45,000 cubic yards) compared to prior authorized actions;
2. The potential need to relocate containers that have been in the landfill for many years as part of the proposed waste transfer; and

3. The lack of specific provisions in the Permit or Operation Plan describing the hazardous waste management practices to be employed for hazardous waste transfer activities at KHF.

DTSC has determined that a Class 2 permit modification will be required prior to proceeding with the proposed waste transfer. See Appendix I of Chapter 20 of Division 4.5 of the Title 22 Regulations, at J.5 (Modification of a Landfill Management Practice). The requirements for implementing a Class 2 permit modification are found in California Code of Regulations, title 22, section 66270.42. The first step to obtaining a permit modification will be for CWMI to provide a formal written request to DTSC for a Class 2 permit modification pursuant to California Code of Regulations, title 22, section 66270.42(b)(1).

DTSC estimates that the timeframe to make a permit decision on the Class 2 permit modification, including preparing the necessary California Environmental Quality Act (CEQA) documentation, will be approximately nine (9) to 20 months from the time DTSC receives the permit modification request. The estimated timeframe for review depends on the type of CEQA documentation required for the permit decision. Please note that Health and Safety Code section 25205.7, as amended by Senate Bill 839, effective September 2016, authorizes DTSC to seek reimbursement of its costs incurred in processing a request for a Class 2 or Class 3 modification to a hazardous waste facility permit and require an advance payment to DTSC of at least 25% of DTSC's total estimated costs of processing the request. Health and Safety Code section 25205.7 no longer provides the requester with the flat fee option.

If you have any questions regarding this letter, please contact me at (916) 255-3644 or at [Ryan.Batty@dtsc.ca.gov](mailto:Ryan.Batty@dtsc.ca.gov).

Sincerely,



Ryan W. Batty, P.E.  
Senior Hazardous Substances Engineer  
Permitting Division – Landfill Unit

cc: See next page.

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cc (via email):

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