



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

Response to Comments (January 5, 2007)

INTERIM REMOVAL MEASURE WORK PLAN

Former Gibson Environmental, Inc. Site
2401 Gibson Street
Bakersfield, California 93308
EPA Id. No. CAR000086942

Background

Public Participation Activities:

The Department of Toxic Substances Control (DTSC) issued the public notice for the "Draft Revised Interim Removal Measure Work Plan" (IRM Work Plan) and Draft Negative Declaration for the former Gibson Environmental, Inc. (Gibson) site on October 21, 2006. A display advertisement was placed in the Bakersfield Californian on October 21, 2006, announcing the 30-day public comment period and the public meeting. A fact sheet with information about the project and public participation activities was mailed to approximately 120 addresses on the facility mailing list. Document repositories were set up at the Beale Memorial Library in Bakersfield and the DTSC's office in Clovis. On November 8, 2006, a public meeting was held at the Double Tree Hotel located at 3100 Camino Del Rio Court in Bakersfield. No members of the public attended the public meeting. The public comment period was from October 21, 2006, to November 24, 2006. Written comments were received during the comment period from Mr. David Mitchell, Division of Oil, Gas, and Geothermal Resources (DOGGR) and from Mr. David Warner, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). After the close of the public comment period, written comments were received from Mr. Christopher Huitt, Department of Water Resources (DWR).

California Environmental Quality Act (CEQA):

DTSC prepared an Initial Study and Draft Negative Declaration for the IRM project. The Draft Negative Declaration was provided to the State Clearinghouse at the Office of Planning and Research for distribution to State agencies and to the Kern County Clerk

for posting. The State Clearinghouse Number for this project is 2006101123. The Draft Negative Declaration and Initial Study were placed in the project information repositories and were available for public review during the public comment period. DTSC has prepared a Final Negative Declaration and filed a Notice of Determination with the State Clearinghouse.

Comments Received and Responses to Comments

The following comments were received in a letter dated November 7, 2006, from Mr. David Mitchell, Senior Oil and Gas Engineer, DOGGR. A copy of the letter is attached.

Comment 1:

Presently there are two idle production wells within the project boundaries. These wells need to be addressed as potential hazards in the remedial process.

Response to Comment 1:

Thank you for your comments. A copy of the DOGGR letter was forwarded to the project proponent, the Gibson Potentially Responsible Parties (PRP) Group on November 13, 2006. Representatives of the Gibson PRP Group, DOGGR, and the owner of the idle production wells inspected the condition of the wells on October 5, 2006, and repairs were made to the wells. The detailed implementation plans for the IRM will include provisions for preventing damage to the two production wells on the project site.

Comment 2:

The first well on the list, the Harr Petroleum well, is located very near the south line of the project. It was abandoned in 1938 and its location is approximate. If this well is disturbed by the clean up operations such that the surface plug begins to leak, reabandonment operations will be required.

Response to Comment 2:

This abandoned well may be located in the vicinity of the proposed access road to be constructed on the property south of the project site. The Gibson PRP Group has been informed about this abandoned well. The detailed implementation plans for the IRM will include provisions for preventing damage to this abandoned well.

Comment 3:

If any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. This office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

Response to Comment 3:

The Gibson PRP Group has been informed of this requirement and will contact DOGGR to obtain the requirements and approval to perform any necessary remedial operations in the event that a well is uncovered or damaged.

Comment 4:

Please understand that excavation and grading activities may disturb buried flowlines or pipeline in this oilfield. The Division recommends that the oil and gas operator should be contacted for site plan review.

Response to Comment 4:

The Gibson PRP Group plans to notify Underground Services Alert and have a private underground utilities locator service survey the site prior to any subsurface excavations. The Gibson PRP Group will also contact the oil and gas operator for additional information concerning buried pipelines on the project site.

The following comments were received in a letter dated November 22, 2006, from Mr. David Warner, Director of Permits Services, SJVUAPCD. A copy of the letter is attached.

Comment 5:

Based on the information provided, the proposed project will be subject to the District rule listed below [Regulation VIII, Fugitive PM10 Prohibitions, Rules 8011-8081]. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office.

Response to Comment 5:

Thank you for your comments and prior review of the proposed project. The detailed implementation plans for the IRM will include measures to control PM10 (particulate matter less than 10 microns) emissions. A Dust Control Plan has been prepared and was approved by the SJVUAPCD on December 21, 2006.

Comment 6:

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider for incorporation into the project.

The applicant/tenants(s) should implement measures to reduce the amount of single occupancy vehicle employee traffic to and from the project area that further reduce air pollution in the valley.

The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling.

Response to Comment 6:

A copy of the SJVUAPCD letter was forwarded to the Gibson PRP Group on January 3, 2007, for consideration of the suggested measures to reduce air quality impacts. Many of the suggestions for measures to reduce the amount of single occupancy vehicle traffic are appropriate for commercial development projects and are not directly applicable to this site clean-up project. However, the Gibson PRP Group will consider and implement appropriate measures to reduce employee traffic for this project.

The detailed implementation plans for the IRM will include measures to reduce emissions from idling diesel engines.

The following comments were received in a letter dated December 12, 2006, from Mr. Christopher Huitt, Staff Environmental Scientist, DWR. A copy of the letter is attached.

Comment 7:

The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. If indeed you project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities.

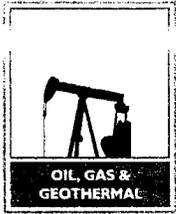
If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice.

Response to Comment 7:

DTSC has reviewed the supplied Encroachment Permits Fact Sheet and Frequently Asked Questions and examined the Designated Floodway maps at <http://recbd.ca.gov>. The vicinity of the project site is shown on the Kern River Designated Floodway, Kern County, Tupman to Golden State Highway, Sheet 3 of 46 and Sheet 31 of 46. The project site is not located within the Kern River Designated Floodway. The project site is located north of the Cross Valley Canal and south of Rosedale Highway approximately a half mile west of Highway 99. Based on this review, DTSC believes that the project is not within the authority of the Reclamation Board and that an encroachment permit is not required.

Attachments

1. Letter, "Gibson Environmental Site, Portion of Section 26 T29S R27E MDB&M," Mr. David Mitchell, Department of Conservation, Division of Oil, Gas, and Geothermal Resources, November 7, 2006.
2. Letter, "CEQA comments regarding cleanup of the Gibson Environmental Site, Bakersfield, CA," Mr. David Warner, San Joaquin Valley Unified Air Pollution Control District, November 22, 2006.
3. Letter, "Gibson Environmental (Bakersfield) Soil Pile Removal, State Clearinghouse (SCH) Number: 2006101123," Mr. Christopher Huitt, Department of Water Resources, December 12, 2006.



DEPARTMENT OF CONSERVATION

DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

4800 Stockdale Highway • Suite 417 • BAKERSFIELD, CALIFORNIA 93309

PHONE 661 / 322-4031 • FAX 661 / 861-0279 • WEBSITE conservation.ca.gov/DOG

November 7, 2006

Mr. Paul Ruffin, P.E.
Department of Toxic Substances Control
8800 Cal Center Drive, 2nd Floor
Sacramento, CA 95826-3200

Subject: Gibson Environmental Site
Portion of Section 26 T29S R27E MDB&M

Dear Mr. Ruffin:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the proposed project. The Division supervises the drilling, maintenance, and abandonment of oil, gas, and geothermal wells in California. The Division offers the following comments for your consideration.

The proposed project is located within the administrative boundaries of the Fruitvale oilfield. Presently there are two idle production wells within the project boundaries. Please refer to the attached portion of Division Map 435. These wells need to be addressed as potential hazards in the remedial process. The wells and their respective approximate locations are listed in Table 1 attached. The Operator of Record is as follows:

John L. Sowers
235 Panorama Drive
Bakersfield, CA 93305
Agent: Mr. John L. Sowers, (661) 324-1817

The first well on the list, the Harr Petroleum well, is located very near the south line of the project. It was abandoned in 1938 and its location is approximate. If this well is disturbed by the clean up operations such that the surface plug begins to leak, reabandonment operations will be required.

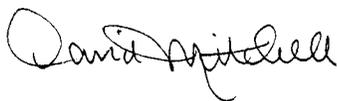
If any other abandoned or unrecorded wells are uncovered or damaged during excavation or grading, remedial plugging operations may be required. This office must

be contacted to obtain information on the requirements for and approval to perform remedial operations.

Please understand that excavation and grading activities may disturb buried flowlines or pipelines in this oilfield. The Division recommends that the oil and gas operator should be contacted for site plan review.

If you have any questions, please call Tom Giallonardo at the Bakersfield district office: 4800 Stockdale Highway, Suite 417, Bakersfield, CA 93309; phone (661) 334-3663.

Sincerely,

A handwritten signature in cursive script that reads "David Mitchell".

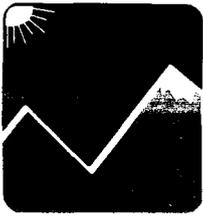
David Mitchell
Senior Oil and Gas Engineer

Cc: Mr. John L. Sowers

Table 1
Gibson Environmental Site
Well Summary

API #	OPERATOR	LEASE	WELL #	SEC	TWN	RGE	Approximate Location	Latitude	Longitude	ACTIVE
02908183	Harr Petroleum Co., Ltd.	Harr & White Ticehurst	1	26	29S	27E	Fr NW cor 1263S 496E	35.379881	-119.053982	N
02963748	John L. Sowers	Anderson	1-26	26	29S	27E	Fr NW cor 1140S 535E	35.380183	-119.053761	Y
02908420	John L. Sowers	Gladys Nickel	1	26	29S	27E	Fr NW cor 1065S 154E	35.380437	-119.055201	Y

Coordinates are NAD 27 US Continental



San Joaquin Valley
Air Pollution Control District

NOV 22 2006

Paul Ruffin
State of California
Department of Toxic Substances Control
8800 Cal Center Drive, 2nd Floor
Sacramento, CA 95826-3200

Project: Draft Negative Declaration:
Gibson Environmental Site Soil Pile Removal

Subject: CEQA comments regarding cleanup of the Gibson Environmental Site,
Bakersfield, CA

District Reference No: **C200602398**

Dear Mr. Ruffin

The San Joaquin Valley Unified Air Pollution Control District (District) has previously commented on this project

(District Reference Number C200601598, dated August 2, 2006, for DTSC Project Gibson Environmental (Bakersfield) Site Soil Pile Removal).

(District Reference Number C200601598 Addendum, dated October 5, 2006, for DTSC Project Gibson Environmental (Bakersfield) Site Soil Pile Removal).

The District has reviewed the additional information/calculations provided by Geomatic, and the additional information/calculations have adequately addressed the comments in the District's letter dated August 2, 2006.

Findings of Significance

- The exhaust emissions from on-site construction equipment and the haul trucks for the project do not exceed the District's threshold of significance for oxides of nitrogen (NOx) or reactive organic gases (ROG) of 10 tons in any year.

Sayed Sadredin
Executive Director / Air Pollution Control Officer

Northern Region Office
4800 Enterprise Way
Modesto, CA 95356-8718
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061
www.valleyair.org

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
(661) 326-6900 • FAX (661) 326-6985

- The health risk from the proposed project would not be greater than the District's left of significance.

Applicable District Rules

Based on the information provided, the proposed project will be subject to the District rule listed below. These rules have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (661) 326-6969. Current District rules can be found at www.valleyair.org/ruies/1ruieslist.htm.

Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at www.valleyair.org/busind/comply/PM10/Reg VIII CAB.pdf.

If a non-residential project is 5.0 or more acres in area or the project will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials on at least three days, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. Construction activities shall not commence until the District has approved the Dust Control Plan. A template of the District's Dust Control Plan is available at www.valleyair.org/busind/comply/PM10/forms/DCP-Form.doc

Recommended Mitigation Measures

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as DTSC or Bakersfield development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider for incorporation into the project.

The applicant/tenant(s) should implement measures to reduce the amount of single occupancy vehicle employee traffic to and from the project area that further reduce air pollution in the valley. This could include such provisions as encouraging employees to rideshare or carpool to the project site through preferential parking spaces for employees who participate in carpooling or vanpooling, incorporating a compressed workweek schedule, guaranteed ride home, carpool matching programs, shower/changing facilities, providing free transit passes, providing an alternative-transit

information center, and having a dedicated employee transportation coordinator. Check out the "Spare the Air" section of our website at www.valleyair.org/.

The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling. The applicant should install equipment that provides amenities that would otherwise be powered by idling engines. An example of such technology includes IdleAire. See www.idleaire.com/.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Georgia Stewart at (559) 230-5937 and provide the reference number at the top of this letter.

Sincerely,

David Warner
Director of Permits Services



for
Arnaud Marjollet
Permit Services Manager

DW: gs

cc: file

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



December 12, 2006

Paul Ruffin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

Gibson Environmental (Bakersfield) Soil Pile Removal
State Clearinghouse (SCH) Number: 2006101123

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Huitt".

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a “responsible agency” within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the “lead agency” [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.