

PART III. DTSC RESPONSE TO COMMENTS

PARTE III. RESPUESTA A LOS COMENTARIOS DTSC

Response to Comments
Chemical Waste Management Request for Class 3 Permit Modification
Expansion of Hazardous Waste Landfill
May 2014

INTRODUCTION

In December 2008 Chemical Waste Management, Inc. (CWMI) submitted a request to the Department of Toxic Substances Control (DTSC) to modify its Hazardous Waste Facility Permit to allow for expansion of one of its hazardous waste landfill units. DTSC is acting in its authority to review the application and has determined that the proposal is protective of public health and the environment. DTSC tentatively approved the proposal and solicited public comment before making a final decision. The public comment period was opened and began on July 2, 2013. DTSC allowed the community more than 90 days to prepare and submit written comments. During this public notice period DTSC received 1,822 pages of comments from 5,553 comment submittals. DTSC prepared this document for the purpose of responding to all of the comments submitted.

DTSC prepared this Response to Comments document as required by California Code of Regulations (CCR), title 22, division 4.5, chapter 21, article 1, section 66271.16 in order to address public comments on the draft Hazardous Waste Facility Permit for the Chemical Waste Management, Kettleman Hills facility. The public comments were obtained as a result of the public notice and public hearing processes associated with DTSC's draft permit decision for this facility made on July 2, 2013. This document is organized into three main sections: Section I, FINAL PERMIT CONDITIONS, Section II, GENERAL RESPONSES, Section III, DTSC RESPONSES TO SPECIFIC COMMENTS, and SECTION IV, SPANISH LANGUAGE SECTION.

I. FINAL PERMIT CONDITIONS

In accordance with California Code of Regulations, title 22, the following provisions of the draft permit have been changed in the final permit decision:

1. Draft Permit: Part III.4 (B)

The Permittee shall comply with the groundwater monitoring requirements of Cal. Code of Regs., title 22, section 66294.90 et seq., and the Waste Discharge Requirements issued by the Central Valley Regional Water Quality Control Board and any groundwater monitoring provision in subsequent Waste Discharge Requirements that are specific to hazardous waste disposal operations issued to the Permittee by the Central Valley Regional Water Quality Control Board.

A. Final Permit: Part III.4 (B)

The Permittee shall comply with the groundwater monitoring requirements of Cal. Code of Regs., title 22, section 66264.90 et seq., and the Waste Discharge Requirements issued by the Central Valley Regional Water Quality Control Board and any groundwater monitoring provision in subsequent Waste Discharge Requirements that are specific to hazardous waste disposal operations issued to the Permittee by the Central Valley Regional Water Quality Control Board.

B. Reason for change:

The Central Valley Regional Water Quality Control Board submitted comment that there was an apparent error in the draft permit referencing 66294.90 of title 22. DTSC reviewed the draft permit and found that the referenced text was in fact an error. DTSC has revised the text as suggested by replacing “66294” with “66264.” This revision only corrects an error in the original text. The revision does not provide any new information that would change the decision for the proposed permit modification. The response to the comment is situated in DTSC Response 28.

2. Draft Permit: Part IV. Landfill Units B-18 and B-19. Maximum Capacity Table.

Unit	Operational Status	Wastes Managed	Unit Area (acres)	Total Capacity (cubic yards)	Net Disposal Volume Remaining (cubic yards)
B-18	Active	All types of solid hazardous wastes as described in the Part A application Appendix A, including TSCA-regulated wastes, except those that are restricted as listed in this	67	15,700,000	6,189,000

Unit	Operational Status	Wastes Managed	Unit Area (acres)	Total Capacity (cubic yards)	Net Disposal Volume Remaining (cubic yards)
		permit.			
B-19	Converted to Subtitle D unit	n/a	40	7,000,000	0
Total			107	22,700,000	6,189,000

A. Final Permit: Part IV. Landfill Units B-18 and B-19. Maximum Capacity Table.

Unit	Operational Status	Wastes Managed	Unit Area (acres)	Total Capacity (cubic yards)	Net Disposal Volume Remaining (cubic yards)
B-18	Active	All types of solid hazardous wastes as described in the Part A application	67	15,600,000	6,089,000

Unit	Operational Status	Wastes Managed	Unit Area (acres)	Total Capacity (cubic yards)	Net Disposal Volume Remaining (cubic yards)
		Appendix A, including TSCA-regulated wastes, except those that are restricted as listed in this permit.			
B-19	Converted to Subtitle D unit	n/a	40	7,000,000	0
Total			107	22,600,000	6,089,000

B. Reason for change:

DTSC received a comment from Remy, Moose and Manley, LLP, indicating that the total capacity specified in the SEIR prepared for the Kings County Conditional Use Permit is 15,600,000 cubic yards instead of 15,700,000 cubic yards. The permitted capacity for the B-18 landfill is based on the final closure specifications and therefore the total capacity listed in the table is an estimate of that volume. Nevertheless, DTSC adjusted the amounts in the table to be consistent with the County's figures. The response to the comment is situated in DTSC Response 5551-11. DTSC updated the Maximum Capacity table in the Landfill units B-18 and B-19 section of Part IV of the draft permit by revising the final permit Total Capacity for B-18 from 15,700,000 to 15,600,000 cubic yards, by revising the Total Capacity for both landfills from 22,700,000 to 22,600,000 cubic yards, by revising the Net Disposal Volume Remaining for B-18 from 6,189,000 to 6,089,000 cubic yards, and by revising the Net Disposal Volume Remaining for both landfills from 6,189,000 to 6,089,000 cubic yards. The revision does not revise the final permitted configuration design and so does not change the amount

of waste that can be disposed in the landfill. This revision does not provide any new information that would change the decision for the permit modification proposal.

3. Draft Permit: Part IV. Landfill Units B-18 and B-19. Unit Specific Conditions. 4.

The Permittee shall reject all high density polyethylene geomembrane liner materials that are damaged during installation under windy conditions. The definition of “wind damage,” and the required remediation necessary for both preventing and repairing wind damaged geomembrane liner materials, are to be addressed by the Permittee and submitted for DTSC’s review and approval within the text of the Construction Quality Assurance Plan sections 66270.41 and 66271.4 for approval.

A. Final Permit: Part IV. Landfill Units B-18 and B-19. Unit Specific Conditions. 4.

The Permittee shall reject all high density polyethylene geomembrane liner materials that are damaged during installation under windy conditions. The definition of “wind damage,” and the required remediation necessary for both preventing and repairing wind damaged geomembrane liner materials, are to be addressed by the Permittee and submitted for DTSC’s review and approval within the text of the Construction Quality Assurance Plan (or plan addenda) required for each new landfill construction or closure construction project. These plans (or addenda) require a permit modification in accordance with Cal. Code of Regs., title 22, sections 66270.41 and 66271.4 for approval.

B. Reason for change:

DTSC received a comment from Remy, Moose and Manley, LLP, indicating that language from the previously operable permit had been omitted from the draft permit. DTSC reviewed the draft permit and found that the language had been unintentionally omitted. DTSC added the missing language so that the permit condition is identical to the language in the previous operable permit. The response to the comment is situated in DTSC Response 5551-9. The omitted text is supplemental information related to a subsequent submittal of a Construction Quality Assurance Plan and an explanation of the regulatory requirements related to such plans. The reinstatement of this text restores the original intent of the permit condition and does not provide any new information that would change the decision of the proposed permit modification.

4. Draft Permit: Part V.6.

Upon initial placement of waste in Landfill B-18 Phase IIIA and through December 31, 2017, the Permittee shall prohibit entry to the facility of any heavy-duty diesel truck delivering material with a hazardous waste manifest if that truck is equipped with a pre-2007 model year emission equivalent engine. However, the Permittee may allow a heavy-duty diesel truck equipped with a pre-2007 model year emission equivalent engine to enter the facility once, provided that the Permittee shall notify the driver of these requirements, and that access by that truck and by trucks equipped with a pre-

2007 model year emission equivalent engine and owned or operated by the same entity shall thereafter be prohibited. On or after January 1, 2018, the Permittee shall prohibit entry to the facility of any heavy-duty diesel truck delivering material with a hazardous waste manifest if that truck is powered by a pre-2010 model year emission equivalent engine.

Record keeping and DTSC notification responsibilities of the Permittee.

The Permittee shall record the date, identity of the trucking company, the Vehicle Identification Number, and engine model year emission standard information for each heavy-duty diesel truck allowed access to the facility and maintain that information on file at the facility for three years.

The Permittee shall notify DTSC in writing within 30 days of allowing access to the facility by any heavy-duty diesel truck equipped with a prohibited model year emission equivalent engine. The notification shall include the date, identity of the trucking company and the Vehicle Identification Number of the truck.

The Permittee shall notify DTSC in writing within 30 days of refusing access to the facility by any heavy-duty diesel truck equipped with a prohibited model year emission equivalent engine. The notification shall include the date, identity of the trucking company and the Vehicle Identification Number of the truck.

A. Final Permit: Part V.6.

1. Upon initial placement of waste in Landfill B-18 Phase IIIA and through December 31, 2017, the Permittee shall prohibit entry to the facility of any heavy-duty diesel truck delivering material with a hazardous waste manifest if that truck is equipped with a pre-2007 model year emission equivalent engine. However, the Permittee may allow a heavy-duty diesel truck equipped with a pre-2007 model year emission equivalent engine to enter the facility once, provided that the Permittee shall notify the driver of these requirements. Upon notification to the driver and owner or operator of the entity of these requirements, a pre-2007 model year emission equivalent engine may only enter the facility once, after which the non-compliant truck will be prohibited. On or after January 1, 2018, the Permittee shall prohibit entry to the facility of any heavy-duty diesel truck delivering material with a hazardous waste manifest if that truck is equipped with a pre-2010 model year emission equivalent engine.

2. Record keeping and DTSC notification responsibilities of the Permittee.

a) The Permittee shall record the date first allowed access, identity of the year emission standard information for each heavy-duty diesel truck and maintain that information on file at the facility for three years.

b) The Permittee shall notify DTSC in writing within 30 days of allowing access to the facility by any heavy-duty diesel truck equipped with a prohibited model year

emission equivalent engine. The notification shall include the date allowed access, identity of the trucking company and the Vehicle Identification Number of the truck.

c) The Permittee shall notify DTSC in writing within 30 days of refusing access to the facility by any heavy-duty diesel truck equipped with a prohibited model year emission equivalent engine. The notification shall reflect the Permittee's best efforts to obtain the date denied access, identity of the trucking company and the Vehicle Identification Number of the truck. If the Permittee is unable to obtain this information, the notice shall state the reasons why such efforts were unsuccessful.

B. Reason for change:

DTSC received a comment from Remy, Moose and Manley, LLP, indicating that the language in the draft permit was not consistent with the language in Waste Management's agreement to enter into a voluntary permit condition. DTSC reviewed the language in the agreement and determined the language was not consistent. The response to the comment is situated in DTSC Response 5551-22. DTSC made the suggested changes to the final permit because they are voluntary conditions. The revision of the permit condition does not provide any new information that would change DTSC's decision on the permit modification proposal.

5. Draft Permit: Part VII

Increase the total capacity of B-18 from 10,700,000 to 15,700,000 cubic yards,

A. Final Permit: Part VII

1) increase the total capacity of B-18 from 10,700,000 to 15,600,000 cubic yards,

B. Reason for change:

DTSC revised the total capacity from 15,700,000 cubic yards to 15,600,000 cubic yards to reflect the changes made in the Maximum Capacity Table discussed in item 2 of this Final Permit Conditions section.

II. GENERAL RESPONSES

DTSC observed that in the over 5,000 Comments submitted during the public comment period there were a number of issues that were raised by more than one commenter. Although DTSC has responded individually to the individual comments later in this document, DTSC felt it would be useful to the reader to provide responses to the common comment issues. The General Responses set forth below should be read in conjunction with the individual comment responses when the comment relates to a common issue, and DTSC specifically incorporates applicable General Responses into the responses to individual comments in Section III. To provide context for the reader,

the common issues raised in the comments have been summarized by DTSC. Each common issue summary is followed by DTSC's response to the issue raised.

COMMENT SUMMARY-BIRTH DEFECTS – Kettleman City residents have experienced a high number of birth defects since 2007 and the landfill is the cause. The investigation into birth defects in Kettleman City was flawed and should not be relied upon by DTSC in this permit modification decision.

A. DTSC General Response – Birth Defects

The death or illness of even a single child saddens all of us, for few among us are as innocent or vulnerable as our children. State government awareness of the apparent high incidence of birth defects led to several studies conducted simultaneously, starting in January, 2010, to assess the environmental toxins to which Kettleman City residents were exposed and to determine whether there was a link between landfill operations and the birth defects. Useful information was developed but no link between the landfill and the birth defects was found. Other specific, important findings are discussed below.

The first of the two studies is the Cal EPA Kettleman City Community Exposure Assessment.

In January 2010, Governor Arnold Schwarzenegger directed Cal EPA to assess possible environmental contaminants in the air, groundwater and soil that may have contributed to the increase in birth defects in the Kettleman City community since 2007.

Cal EPA developed a comprehensive list of chemicals known to cause birth defects and other developmental effects and worked with the California Department of Pesticide Regulation to identify pesticides that could cause birth defects in the community. Cal EPA solicited public comments for creating the list of chemicals for which to test and received requests to evaluate other potential health risks in addition to developmental effects. Through the course of public meetings and public comments, Cal EPA added 182 compounds to the list of chemicals for analysis.

The Cal EPA Assessment did not find any source of exposure that could likely be associated with birth defects. The investigation found levels of environmental pollutants in Kettleman City to be comparable to those found in other San Joaquin Valley communities and concluded that the environmental conditions in Kettleman City do not pose unique health risks to residents and could not explain the incidences of birth defects.

The study recommended follow up actions including the pursuit of a new drinking water source for Kettleman City, continued implementation of plans for statewide assessments of chlorpyrifos and diazinon and identification of mitigation measures for

methyl isothiocyanate, investigation of elevated benzene emissions from air stripping units at water treatment units, investigation of chlordane in the soil adjacent to a single home, and preparation of a written update to Kettleman City residents.

The update that was sent to residents in 2011 on each recommendation is available at: <http://www.calepa.ca.gov/envjustice/Documents/2011/KC/UpdateOct.pdf>.

The Exposure Assessment is available at: <http://www.calepa.ca.gov/EnvJustice/Documents/2010/KCDocs/ReportFinal/FinalReport.pdf>.

The second study is the California Department of Public Health (CDPH) Birth Defect Study.

Also in January 2010, Governor Arnold Schwarzenegger directed CDPH to investigate an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. The objectives of the investigation were to evaluate the presence of known or suspected genetic, medical or pregnancy-related risk factors, the presence of known or suspected behavioral and lifestyle risk factors, and the potential for environmental or occupational exposures that may be associated with an increased risk of birth defects. The investigation was conducted in parallel with and informed by data gathered by the Cal EPA Kettleman City Community Exposure Assessment investigation (discussed above).

CDPH's investigation did not find a specific cause or environmental exposure that would explain the increase in the number of children born with birth defects in Kettleman City. The conclusions of the investigation included:

1. The number of children born with birth defects in the time period of investigation, 2007 to March 31, 2010, was in excess of what would be expected for the number of births in Kettleman City based on the historical pattern.
2. Maternal, medical, family, and pregnancy risk factors are unlikely to explain the increased numbers of birth defects seen from 2007 - 2010.
3. None of the mothers interviewed used alcohol, drugs, or tobacco; therefore, these potential risk factors were not found to be a cause of these birth defects.
4. The observed birth defects did not represent a unique pattern nor were they all of the same type – characteristics that would be expected with a common underlying cause.
5. No specific environmental exposure was identified as a likely cause of the increase in birth defects.

6. Environmental concerns expressed by mothers reflect exposures relevant to Kettleman City residents. The mothers articulated consistent concerns about water and air quality in Kettleman City. Any exposures to mothers living in Kettleman City would apply to other residents as well.
7. CDPH supports the tentative plans of the U.S. Environmental Protection Agency to sample indoor dust for pesticides in a limited number of homes in Kettleman City.

The Birth Defect Study is available at:

<http://www.calepa.ca.gov/EnvJustice/Documents/2010/KCDocs/ReportFinal/FinalReport.pdf>.

CDPH recommended continued monitoring of birth defects for the next few years. CDPH released an update to the 2010 report which is available at <http://www.cdph.ca.gov/programs/CBDMP/Pages/BirthDefectsinKettlemanCityandSurroundingAreas.aspx>.

In summary, no link between the landfill and the birth defects was found.

With respect to the assertion that the studies are flawed because they were performed when the landfill operated at a low level of operations, DTSC disagrees with the commenters. The Investigation of Birth Defects and Community Exposures in Kettleman City, CA specifically acknowledges the concern that the investigation was conducted during a time of decreased activity at the facility. To address the concern, the California Air Resources Board (CARB) analyzed the upwind and downwind monitoring data from the facility between 2007 and 2009. CARB also compared the 2010 sampling results with the facility's sampling results for the same period. The results of the additional CARB analyses show, "... there does not appear to be a substantial difference in levels from 2007, when KHF [Kettleman Hills Facility] was operating much as it has for many years, and from 2010," and "Because there was no consistent bias in the facility's data, these differences do not put into question the validity of the monitoring data collected by the facility from 2007 to 2009." (Brackets added for clarification.)

After DTSC suspended PCB monitoring in April 2008 due to the lack of any detection of PCBs in air samples, extensive PCB soil tests were conducted at the facility boundary in March and April of 2009 and in Kettleman City in July 2010. The Final Dioxin-Like Polychlorinated Biphenyl (PCB) Congeners Study Report directed by US EPA shows that the concentrations of dioxin-like PCB congeners found in soil at the facility in 2009 are similar to those measured elsewhere in the country, including in rural soils located away from industrial land uses and even in remote wilderness areas. The Kettleman City Community Exposure Assessment directed by Cal EPA in 2010 shows that PCBs were not detected in residential soil samples.

The investigation included collection of ambient air and soil samples for PCB analysis. PCBs bind strongly to soil and can persist in the environment for long periods of time, thus PCBs likely would have been detected in soil samples from recent years of operations had releases occurred. No PCBs were detected in the residential soil samples collected in Kettleman City. PCBs have not been detected in any air sample collected at the facility since 2006. Ambient air samples are collected every 12 days at the facility for a period of 24 hours.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC concludes that facility emissions of hazardous constituents, including PCBs, are not the source based on the investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

Further, CDPH specifically acknowledged at Page CDPH-11 in its Investigation of Birth Defects in Kettleman City that potentially relevant cases of birth defects were not included in the study because three mothers declined an interview and two could not be reached.

COMMENT SUMMARY-A DTSC decision to approve the landfill expansion will violate persons' civil rights as set forth in Title VI and in Government Code section 11135.

B. DTSC General Response -- Civil Rights

DTSC does not agree that approval of this permit modification violates Title VI or Government Code section 11135. The comments making this claim are substantially similar to allegations contained in a 1994 Title VI complaint investigated by EPA and dismissed without adverse findings in August of 2012. The US EPA's Office of Civil Rights (OCR) conducted an investigation into a complaint filed in December 1994 under Title VI of the Civil Rights Act of 1964 (Title VI) by the Center on Race, Poverty and the Environment and the California Rural Legal Assistance foundation on behalf of Padres Hacia una Vida Mejor, California, El Pueblo para el Aire y Agua Limpio, and Concerned Citizens of Westmorland (Padres Complaint). The Padres Complaint alleged that discrimination against Latinos occurred by state and county agencies in determining and permitting the location of California's three hazardous waste landfill facilities: Westmorland, Buttonwillow and CWMI's Kettleman Hills facility. OCR investigated allegations about 1) the public participation process related to the three landfills and 2) the disparate impacts from air and groundwater pollution to the community. Most of OCR's investigation included reviewing relevant past studies and reports including those mentioned in this General Response.

Although OCR dismissed all claims against state and county agencies, OCR was aware of voluntary improvements DTSC was incorporating into its Public Participation activities

and requested DTSC provide annual reports of these activities to OCR until 2016. Furthermore, OCR recommended that DTSC “revise its written guidance materials to reflect its improved public participation practices and include this information in the annual reports.” DTSC submitted its annual report for 2013 which is available at: http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm

OCR dismissed allegations that Latinos were bearing disproportionate potential impacts from these facilities relative to “accidental releases from hazardous chemicals; groundwater contamination and drinking water; surface water contamination and drinking water; earthquakes; particulate matter (PM) (e.g., dust) emissions; ozone precursor emissions; and air toxics emissions.”

With respect to the assertion that DTSC action will violate Government Code section 11135, DTSC disagrees. Section 11135 prohibits unlawful discrimination “on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability” in the administration of state programs and, in this way, is the state analog of Title VI of the 1964 Civil Rights Act. To this extent the response of DTSC to Title VI allegations is applicable to Section 11135 allegations for the purposes of this Response to Comments.

The findings of the Title VI investigation are presented in a letter from US EPA to DTSC on August 30, 2012. EPA File No: 01R-95-R9; Dismissal and Closure of Title VI Complaint is available at: http://www.epa.gov/civilrights/TitleVIcases/decisions/padres/Padres_complaint_01-95-R9_decision-ltr_DTSC_20120830.pdf

Details of the investigation are presented in a 145-page investigation report available at: http://www.epa.gov/civilrights/TitleVIcases/decisions/padres/Padres_01R-95-R9_Investigation_Report.pdf

COMMENT SUMMARY-Notice not Adequate: DTSC failed to provide adequate or legally required notice of the public comment period on the proposed decision.

C. DTSC General Response – Notice not Adequate

All persons legally entitled to receive notice were, in fact, provided notice satisfying regulatory requirements for the public comment period and the public hearing. The public comment period was opened and began on July 2, 2013, though a dozen persons and organizations were inadvertently omitted because they were on an email notice list that was temporarily misplaced. The mistake was corrected as soon as it was discovered and time periods for the comment period and the public hearing were adjusted accordingly when the matter was re-noticed. The comment period for the draft permit modification remained open until October 25 after adjustments and extensions.

Over 5,000 individual comments were received and the public hearing was standing-room-only in the Kettleman City Community Center.

The minimum time periods for providing notice of a public comment period or a public hearing are set forth in California Code of Regulations, title 22, sections 66271.9 (b) (1) and (2), respectively.

Notice must be provided for at least 45 days before the end of the public comment period. In this instance, notice to all was given on August 8, 2013 for a comment period that ended, after a later extension, on October 25, 2013, a period of 78 days. Many stakeholders, including local residents, had a much longer period, having been given notice on July 2, a period of 115 days.

Notice of a public hearing shall be given at least 30 days before the hearing. In this instance, notice was given on August 8, 2013, for the hearing on September 18, 2013, a period of 41 days.

To publicize the events, DTSC mailed Community Notices to the mailing list on July 1, 2013, announcing the opening of the public comment period. DTSC also scheduled an Open House, a Drop in Session for the community and interested parties to talk to DTSC staff, and scheduled a public hearing for August 27, 2013. DTSC held an Open House in Kettleman City on July 31, 2013, to inform the community and interested parties about the draft decision and encourage submittal of public comments. DTSC hosted a drop in session in Kettleman City on August 1, 2013, to answer any questions and promote the submittal of public comments. DTSC mailed a second Community Notice on August 8, 2013, extending the public comment period to end on October 11, 2013, and moving the date for the public hearing to September 18, 2013.

On September 10, 2013, DTSC mailed to the mailing list answers to frequently asked questions (FAQs) to prepare the Kettleman City community and interested parties for the public hearing that was held the following week on September 18. At least one commenter appears to regard the FAQs as the public hearing notice. Instead, the FAQs were mailed out to promote attendance and understanding of the public hearing. DTSC held the public hearing on September 18. DTSC announced on October 11, 2013, a second extension of the public comment period. The public comment period ended on October 25, 2013.

There is no evidence to support the assertion that proper notice was not provided. In fact, the thousands of comments submitted and the well-attended public hearing demonstrate this assertion is without merit.

All persons entitled to receive notice did, in fact, receive notice providing them with legally sufficient time required, and even additional time, to submit a comment or to attend the public hearing. All notices were provided in English and Spanish.

COMMENT SUMMARY-Environmental Justice: What has DTSC done to identify the burdens borne by the Kettleman City community and what has it done to alleviate those burdens?

D. DTSC General Response – Environmental Justice

DTSC prepared an Environmental Justice Review for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Environmental Justice Review also assessed the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. DTSC acknowledges that databases such as CalEnviroScreen provide information reflecting the multiple environmental pollution burdens endured by the Kettleman City community. That is why, although it is not statutorily obligated to do so, DTSC agreed to add permit conditions to address potential air emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering waste to the facility beginning in 2018. These restrictions could reduce Nitrogen Oxides (NO_x) emissions by as much as 165,000 pounds per year and airborne particulate matter 10 micrometers in diameter or smaller (PM₁₀) emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Similarly, even though the poor drinking water quality in Kettleman City is not related to DTSC's permit decision nor to operation of the Chemical Waste Management Kettleman Hills facility, DTSC continues to work with the CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board (RWQCB) to bring clean drinking water to Kettleman City.

COMMENT SUMMARY-Drinking Water: What is DTSC doing to ensure that Kettleman City's drinking water is not contaminated with toxins from the landfill?

E. DTSC General Response – Drinking Water

Groundwater below the Kettleman Hills facility is hydrogeologically isolated from any drinking water source and surface water is retained on site and allowed to evaporate. Due to these site conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Groundwater sampling is conducted in accordance with a groundwater monitoring plan approved by DTSC. Groundwater samples are taken quarterly from 39 monitoring wells across the site and depth to groundwater is measured quarterly in 48 wells. Groundwater samples are analyzed quarterly for 32 organic constituents, 10

supplemental hydrochemical parameters, and 5 field parameters. The samples are analyzed every 5 years in the monitoring wells for 239 constituents of concern. Additionally, samples are analyzed annually for 239 constituents of concern in 10 of the monitoring wells.

Groundwater underneath the site flows away from Kettleman City at a rate of .002 to 4 feet per year. Groundwater is 300 to 520 feet below ground surface. Even though groundwater is hydraulically isolated from any drinking water source, groundwater monitoring is conducted to facilitate early detection of releases from the hazardous waste management units at the facility if they should occur; no risk assessments are evaluated for groundwater because there is no pathway for exposure to people.

COMMENT SUMMARY-Investigations and Studies: What investigations or studies have been performed to ensure that the landfill's neighbors are not exposed to contamination from the landfill or its operation?

F. DTSC General Response – Investigations and Studies

The environmental impacts of the landfill have been the subject of numerous investigations and studies to ensure that its neighbors are not exposed to contamination. There is no evidence that neighbors are exposed to contamination by the landfill's operations. Following is a list and description of the major studies.

A. Water

Historical groundwater investigations and monitoring reports indicate that groundwater below the Kettleman Hills facility is hydrogeologically isolated from any drinking water source. The engineered slopes, drainages, and the presence of storm water basins at the Kettleman Hills facility allow for the retention and eventual evaporation of surface water on site. Due to these site conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, DTSC reviews groundwater monitoring data on a quarterly basis.

B. Air Quality

The primary potential pathway for contamination from the facility to possibly reach nearby residents is the migration of hazardous substances through ambient air. Winds blow toward Kettleman City approximately 5 percent of the time. DTSC requires air monitoring and health risk assessments.

The current permit requires an Ambient Air Monitoring Program (Program). The Program is designed to test for and quantify the facility emissions of chemicals that could be expected to be found in air based on the profile of waste that the facility has

accepted in the past. These chemicals include volatile organic compounds (VOCs), carbonyls, pesticides, PM₁₀ metals, and polychlorinated biphenyls (PCBs). Samples are collected every 12 days over a 24-hour period from 3 sampling locations - 1 upwind location and 2 downwind locations. The sampling and analytical data are reported quarterly by the facility. In April 2008, due to the lack of detections of PCBs and the limited detections of pesticides in air samples, DTSC authorized the suspension of analysis for those compounds from collected samples. However, in December 2010, DTSC directed the facility to resume analysis for pesticides and PCBs in response to community concerns. The proposed permit requires an additional sampling location that will quantify facility emissions when winds are blowing from the facility toward Kettleman City. Additionally, the permit requires longer sampling times for PCBs in order to detect even lower concentrations.

C. Health Risk Assessments

A 2011 health risk assessment was conducted in accordance with plans approved by DTSC and included an inhalation health risk assessment and a residential health risk assessment. The inhalation health risk assessment evaluated the risk associated with a hypothetical worker working at the facility's fence line. This assessment will be used to compare with subsequent annual health risk assessments to evaluate future risk levels at the fence line.

The residential health risk assessment evaluated the risk associated with residential areas in and around Kettleman City and indicated that facility emissions of hazardous chemicals would not pose a significant health risk to residential areas in and around Kettleman City.

Subsequent screening level health risk assessments prepared in 2012 and 2013 show similar conclusions.

D. SEIR Analyses of Impacts

The 2010 Subsequent Environmental Impact Report (SEIR) demonstrated that extensive mitigation measures are required to reduce the level of significance for all but two of the significant impacts. The following impacts (for which DTSC does not generally administer oversight) remain significant and unavoidable from the proposed expansion:

1. Air Quality
 - a. Periodic Construction and Operations Impacts
 - b. Long Term Operations Impacts
2. Land Use
 - a. Compatibility with Kings County Regional Transportation Plan

The SEIR is available at:

http://www.envirostor.dtsc.ca.gov/public/hwmp_profile_report.asp?global_id=CAT000646117&starttab=. Please click on the Community Involvement tab.

E. SEIR Analyses of Cumulative Impacts

The SEIR prepared for the Kings County Planning Agency identified and evaluated other sources of environmental or health burdens in the area of the facility which, considered with the proposed project, could contribute to significant cumulative impacts.

F. California Environmental Quality Act (CEQA) Analysis after May of 2009

Due to the serious level of local concern, DTSC reviewed additional potential sources of environmental or health burdens from projects that were introduced after the preparation of the Recirculated Portions of Draft Subsequent Environmental Impact Report for the Kings County Community Development Agency dated May 2009. After review of additional projects, DTSC prepared an Addendum to the Subsequent EIR and determined that the contributions to cumulative impacts from the additional projects would not result in new or substantially more severe cumulative impacts than those which were identified in the SEIR.

The Addendum is available at:

http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm.

The document is located under the 2013/2014 Project-Related Documents heading with a posting date of July 2013.

G. US EPA Air Emission Study on Kettleman Hills Facility Ponds

On November 12, 2010, the US EPA Office of Enforcement and Compliance Assurance, Air Enforcement Division, and EPA Region IX conducted an unannounced inspection at the Kettleman Hills facility to determine if the facility emits significant concentrations of Volatile Organic Compounds (VOC). US EPA conducted the inspection at and downwind of potential sources using photo-ionization detectors and an infrared gas imaging camera. The results of the inspection presented in US EPA's 2010 Inspection Report indicate that the Kettleman Hills facility did not appear to be a significant source of the measured VOCs at the time of inspection.

H. US EPA Kettleman Hills facility PCB Congener Study

On December 2, 2008, in response to comments received from community stakeholders and environmental organizations regarding alleged adverse health impacts from the Kettleman Hills facility on the residential community and ecosystem, US EPA directed the facility to conduct additional sampling of air, soil, and biota/vegetation for dioxin-like PCB congeners. The objective of the sampling was to "collect sufficient data to assess the magnitude of potential human and ecological impact to off-site receptors from PCB disposal activities at the Kettleman Hills facility" (USEPA 2008).

The study evaluated the risk to the current land use scenario which included a rancher working next to the Kettleman Hills facility. The study also evaluated the risks posed to hypothetical receptors, which are not based on any real scenario, including a resident rancher, a resident subsistence rancher, a resident non-farmer, and a nursing infant who reside at the Kettleman Hills facility fence line. The results of the study indicate that human health risks at the facility boundary are below levels of concern for the current land use scenario (a rancher), but exceed the levels of concern for hypothetical receptors (imaginary residents or ranchers assumed to live at the facility fence line for conservative risk estimation).

The Congener Study is available at:

http://www.envirostor.dtsc.ca.gov/public/hwmp_profile_report.asp?global_id=CAT000646117&starttab=. Please click on the Community Involvement tab and refer to a November 1, 2010 document listed under "Project Related Documents."

I. Exposure Assessment and the Birth Defect Study

1. Cal EPA Kettleman City Community Exposure Assessment

Simultaneous with the CDPH Birth Defect Study, in January 2010, Governor Arnold Schwarzenegger directed Cal EPA to assess possible environmental contaminants in the air, groundwater and soil that may have contributed to the increase in birth defects in the Kettleman City community since 2007.

Cal EPA developed a comprehensive list of chemicals known to cause birth defects and other developmental effects and worked with the Department of Pesticide Regulation to identify pesticides that could cause birth defects. Cal EPA solicited public comments on the list of chemicals to assess and received requests to evaluate other potential health risks in addition to developmental effects. Through the course of public meetings and public comments, Cal EPA added 182 compounds to the list of chemicals for analysis. The Cal EPA Assessment did not find any source of exposure that could likely be associated with birth defects. The investigation found levels of environmental pollutants in Kettleman City to be comparable to those found in other San Joaquin Valley communities and concluded that the environmental conditions in Kettleman City do not pose unique health risks to residents and could not explain any incidences of birth defects.

The study recommended follow up actions including the pursuit of a new drinking water source for Kettleman City, continued implementation of plans for statewide assessments of chlorpyrifos and diazinon and mitigation for methyl isothiocyanate, investigation of elevated benzene emissions from air stripping units at water treatment units, investigation of chlordane in the soil adjacent to a single home, and preparation of a written update to Kettleman City residents.

The Exposure Assessment is available at:

<http://www.calepa.ca.gov/EnvJustice/Documents/2010/KCDocs/ReportFinal/FinalReport.pdf>.

2. CDPH Birth Defect Study

Kettleman City Community members had raised concerns about birth defects and questioned whether there was a link to a nearby hazardous waste landfill or other environmental exposures. In January 2010, Governor Arnold Schwarzenegger directed CDPH to investigate an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. The objectives of the investigation were to evaluate the presence of known or suspected genetic, medical or pregnancy-related risk factors, the presence of known or suspected behavioral and lifestyle risk factors, and the potential for environmental or occupational exposures that may be associated with an increased risk of birth defects. The investigation was conducted in parallel with and informed by data gathered by the Cal EPA Kettleman City Community Exposure Assessment investigation (discussed above). CDPH's investigation did not find a specific cause or environmental exposure that would explain the increase in the number of children born with birth defects in Kettleman City. The conclusions of the investigation included:

- a. The number of children born with birth defects in the time period of investigation, 2007 to March 31, 2010, was in excess of what would be expected for the number of births in Kettleman City based on the historical pattern.
- b. Maternal medical, family, and pregnancy risk factors are unlikely to explain the increased numbers of birth defects seen from 2007 - 2010.
- c. None of the mothers interviewed used alcohol, drugs, or tobacco; therefore, these potential risk factors were not found to be a cause of these birth defects.
- d. The observed birth defects did not represent a unique pattern nor were they all of the same type – characteristics that would be expected with a common underlying cause.
- e. No specific environmental exposure was identified as a likely cause of the increase in birth defects.
- f. Environmental concerns expressed by mothers reflect exposures relevant to Kettleman City residents. The mothers articulated consistent concerns about water and air quality in Kettleman City. Any exposures to mothers living in Kettleman City would apply to other residents as well.
- g. CDPH supports the tentative plans of the U.S. Environmental Protection Agency to sample indoor dust for pesticides in a limited number of homes in Kettleman City.

The Birth Defect Study is available at:

<http://www.calepa.ca.gov/EnvJustice/Documents/2010/KCDocs/ReportFinal/FinalReport.pdf>.

[CDPH recommended continued monitoring of birth defects for the next few years.](#)

[CDPH released an update to the 2010 report which is available at](#)

<http://www.cdph.ca.gov/programs/CBDMP/Pages/BirthDefectsinKettlemanCityandSurroundingAreas.aspx>.

COMMENT SUMMARY-Public Outreach: What has DTSC done to facilitate opportunities for interested persons to effectively participate in the permit modification process?

G. DTSC General Response – Public Outreach

DTSC has committed to keeping the Kettleman City community informed of facility activities and involved in relevant decision-making processes. From 1987 on, DTSC began public participation activities in support of the permitting and corrective action activities for this facility. DTSC updated its Public Participation Plan in May 2013, which is available at: http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm. The more recent public outreach program for this site included the following sampling of activities:

September 2001 – DTSC placed a public notice in two local newspapers (one in English and one in Spanish) announcing a public comment period on the draft permit renewal for the facility.

September 2001 – DTSC sent out a fact sheet to the site mailing list (one in English and one in Spanish) announcing a public comment period on the draft permit renewal for the facility.

October 2001 – DTSC held a public hearing on the draft permit renewal for the facility.

June 2003 -- DTSC sent a Notice of Decision announcing the final permit renewal out to the facility mailing list. Accompanying this Notice to those who commented was a Response to Comments document.

June 2007 -- DTSC placed a public notice in two local newspapers (one in English and one in Spanish) announcing a public comment period on a draft class 3 permit modification for the facility. This modification proposed to convert a portion of the existing landfill unit B-19 to be operated as bioreactor unit. At the same time, DTSC sent fact sheets out to the facility mailing list.

September 2007 -- DTSC sent out a Notice of Decision to the facility mailing list announcing the final permit modification allowing the bioreactor operation.

January 2008 -- DTSC received, analyzed, and then denied a petition for review of the bioreactor decision filed by four environmental organizations.

November 2011 – U.S. EPA and DTSC held a joint open house and meeting to discuss the status of the permits, the DTSC air monitoring program, both agencies' enforcement programs, and DTSC risk assessment work among other topics.

June 2012 – DTSC interviewed 47 people regarding the effectiveness of DTSC's community outreach program, what people think about the facility and what concerns people have about their community.

Since 2009, DTSC sponsored and/or attended a number of meetings in the community as listed below.

January 15, 2009 – Waste Management hosted a public meeting for a Class 3 permit modification. This date was wrong on the Public Notice, so another meeting was held on February 10, 2009. One DTSC staff person attended the meeting.

February 4, 2009 – EPA hosted a public meeting in Kettleman City for Permitting and PCB study discussions. Two DTSC staff members attended the meeting.

February 10, 2009 – Waste Management hosted a public meeting for the expansion proposal (a Class 3 permit modification). One DTSC staff person was in attendance.

June 11, 2009 – DTSC staff met with People for Clean Air and Water (about twenty Kettleman City residents) as well as Bradley Angel and one other Greenaction staff member in Kettleman City. Five DTSC staff participated in this meeting to discuss community concerns.

June 11, 2009 – Three DTSC staff briefed District staff for State Senator Dean Florez in Fresno about the facility.

July 28, 2009 – One DTSC staff attended a Kings County meeting to discuss plans for a health study. Attendees included Kings County Community Development Agency, Kings County Department of Public Health, Kings County Counsel, Central Valley Health Institute, US EPA Region 9, DTSC, Waste Management, Waste Management Counsel, Alicia Jacobo of Office of Senator Dean Florez, and CDPH.

August 12, 2009 – DTSC attended a listening Session in Kettleman City, in response to an invitation from Greenaction, People for Clean Air and Water, and

Kids Protecting Our Planet. Three DTSC staff attended as well as U.S. EPA Region 9 staff and others.

October 5, 2009 -- Kings County Planning Commission held a public meeting in Hanford on their EIR and the changes to the Conditional Use Permit. They approved the expansion proposal as two DTSC staff observed the proceedings.

November 30, 2009 -- Two DTSC staff spoke about the facility at the San Joaquin Environmental Justice Task Force meeting in Fresno. 13 community people attended including three Kettleman City residents and two Greenaction staff members.

December 7, 2009 – One DTSC staff attended the Kings County Board of Supervisors meeting. The supervisors voted 5-0 to approve Waste Management's Conditional Use Permit for the expanded B-18 landfill unit and for an added B-20 landfill unit.

December 16, 2009 – One DTSC staff member was present at the U.S. EPA Region 9 hosted meeting in Kettleman City to discuss the preliminary results of their PCB Congener Study.

January 28, 2010 – One DTSC staff met with the Principal of the Kettleman City Elementary School in Kettleman City.

January 28, 2010 – Three DTSC staff met with El Pueblo Para El Aire y Agua Limpio, People for Clean Air and Water, Kids Protecting Our Planet, and Greenaction for Health and Environmental Justice in Kettleman City following up on DTSC'S earlier June 11, 2009 meeting with those same groups.

March 25, 2010 – Four DTSC staff attended the Cal EPA/ CDPH public meeting in Kettleman City. This meeting discussed the scope of the environmental assessment of Kettleman City.

June 22, 2011 – One DTSC staff attended a Kettleman City forum sponsored by State Senator Rubio about the status of the Kettleman City Community Services District proposed improvements for Kettleman City drinking water.

November 17, 2011 -- Ten DTSC staff as well as U.S. EPA Region 9 staff held a joint public open house or availability session from 6:00 pm-7:00 pm. During the open house, local residents spoke with representatives from EPA and DTSC,

August 27, 2012 – Four DTSC staff and two Cal EPA staff met with representatives of the Center for Race, Poverty and the Environment (CRPE), Greenaction, and People for Clean Air and Water to discuss legal and other issues about the Kettleman Hills facility at the CRPE office in Delano, California.

January 30, 2013 – Two DTSC staff attended the Waste Management facilitated public meeting on their application for renewal of the permit for the Kettleman Hills facility. This meeting was held in Kettleman City.

In June 2012, DTSC prepared and distributed 664 community surveys to all Kettleman City residents and businesses to receive feedback about the level of interest in, and concerns regarding the facility. DTSC received 6 responses (a 1 percent response rate).

On June 14 and June 15 as well as June 21, 2012, four teams of two interviewers each (one English speaking and one Spanish speaking) met with representatives of the Kings County, Kettleman City Community Services District, other service agencies, business people, and area residents to gather information for the Public Participation Plan. DTSC staff interviewed 47 people of whom 29 were Kettleman City residents.

COMMENT SUMMARY- COMPLIANCE HISTORY: The facility's enforcement record dating back to 1983 demonstrates that it is a serial violator and that it cannot safely operate the facility without endangering public health and harming the environment.

H. DTSC General Response – Compliance History

California law, Health and Safety Code section 25186, provides the Department with broad authority under which it may deny, suspend or revoke a permit. According to law, DTSC *may* deny, suspend or revoke a permit if, among other requirements, the violation or noncompliance shows a repeating or recurring pattern or may pose a threat to public health or safety or the environment. The statutory language provides DTSC authority to deny in certain circumstances, but leaves it to the discretion of the agency whether denial is warranted in a particular case. Although a decision to deny a permit is based on the circumstances pertaining to that particular facility, DTSC has identified circumstances under which denial should be considered. These include: when an act of the permit applicant or holder poses a threat to public health or the environment, results in conviction of a crime significantly related to the fitness to perform under the permit, is a violation of an administrative or court order, shows a clear unwillingness or inability to comply with environmental laws, or results in the revocation or suspension of any related permit.” (Permit Writer’s Instructions, Revision III, OPP 87-15, Appendix 13.1.) In evaluating the compliance history for this applicant to determine if denial is warranted, DTSC has found that the facts present here (as further discussed below) do not warrant such an action. When considering a permit application, DTSC carefully evaluates a facility’s compliance history to determine whether approval of the application is warranted. For all permit applicants, DTSC also considers the severity and pattern of any violations, potential for environmental or human health impact and the applicant’s cooperation and timeliness in returning to compliance. DTSC considers the full picture of a facility’s history, with an emphasis placed on facility activities since DTSC’s last permit decision. What follows is a more detailed summary of the compliance history for the facility.

DTSC included in its compliance review inspections conducted by the most active and relevant agencies with oversight responsibilities at Kettleman, including DTSC, US EPA, the Regional Water Quality Control Board, the Air Quality Management District, and the Kings County Environmental Health Department (the Certified Unified Program Agency, or CUPA).

DTSC found documentation of over 60 relevant inspections by the above agencies since 2003. This is indicative of the extensive oversight of this facility by regulatory agencies.

DTSC Compliance History

DTSC conducted at least 16 inspections in the last 10 years, and found violations during two of these inspections. DTSC also followed up on one inspection with a request for records, which resulted in a Summary of Violation citing 72 small-spill reporting violations.

2014 The most recent DTSC inspection was a groundwater audit in February 2014. No violations were found. The Facility self-disclosed a violation in February 2014. The violation involved disposal of hazardous waste that did not meet land treatment standards. DTSC action on this self-disclosure is pending. DTSC conducted a CEI in March 2014. No violations were found.

2013 DTSC conducted a Comprehensive Evaluation Inspection (CEI) in April 2013. No violations were found.

2012 Through a document request dated [June 29, 2012](#), DTSC found 72 instances where the facility failed to report spills of hazardous waste at the facility. This violation was a repeat from a violation found in a February 2010 inspection. DTSC took enforcement against the facility in 2010 for failure to report spills and for these more recent reporting violations (along with two other violations) in March 2013. The March 2013 enforcement action resulted in a monetary settlement of \$311, 194.

DTSC reviewed the circumstances surrounding the 72 small spills that the facility failed to report. The evaluation included the size, location, offsite consequences, cleanup response, and causes of these spills. Of the 72 spills, the largest spill was estimated at approximately 5 – 8 gallons, 4 other spills were more than a gallon, 54 spills were between a gallon and a pint, and 13 spills were less than a pint. Almost all were solid hazardous wastes. The largest number of spills involved non-RCRA hazardous waste between a quart and a gallon.

Most of these spills (60 out of 72) occurred at the sample rack, where the facility samples incoming loads for analysis. During the time frame of these spills (August 2008 – May 2012), the facility received over 54,000 manifested shipments of hazardous

waste. The sample rack now has secondary containment, providing additional environmental protection for future spills.

In evaluating the types of materials and quantities spilled and air and water monitoring records for the facility, DTSC found no indication of offsite consequences. In all cases, these spills were cleaned up immediately after occurrence, and the spills were documented in facility operating records. In sum, DTSC found no evidence to suggest that any of the 72 spills posed any threat to human health or the environment.

The general cause of these 72 spills appears to be human error by facility staff as samples of waste were removed from the loads for laboratory analysis. The facility representatives have stated that they believed the spills were too small in volume to report. DTSC has clarified this spill notification requirement and will continue to require that all spills outside of secondary containment be reported, regardless of size. Even though the failure to report spills was a repeat violation cited in the 2010 inspection, and the subject of a prior administrative enforcement action, DTSC found there was no intent to hide the spills, as the facility recorded the spills and cleanup response associated with the spill itself. The March 2013 enforcement settlement included clarification and agreement on reporting requirements, and language reflecting this is being incorporated into the facility permit as well. These violations could be viewed as meeting the repeating or recurring standard in the statute under which DTSC may exercise its discretion to deny. In assessing these violations DTSC looked at the nature and extent of the reporting violations, the frequency, corrective measures, and potential causes in order to get a complete picture of the ability and willingness of a facility to comply. In examining the totality of the facts surrounding these violations including the impacts of these violations, DTSC does not find that they warrant exercise of its discretion to deny the modification.

In an inspection in April 2012, DTSC found two significant violations. One was a failure to resolve a manifest discrepancy within 15 days of discovery. The other was the facility's failure to properly treat a shipment of hazardous waste to meet land disposal restriction (LDR) requirements prior to placement in the landfill. There was also one minor paperwork violation for failure to properly complete a waste treatment and disposal form. The failure to properly treat waste prior to disposal had occurred before on more than one occasion. This was also found in a February 2010 US EPA/DTSC inspection, and addressed in a US EPA enforcement action. The facility also self-disclosed a similar violation in 2014 which they discovered through their own procedures, and took corrective action to address.

While the failure to properly treat to meet LDR requirements prior to placement is a repeat violation, DTSC has determined that these failures posed no threat to public health or safety or the environment. Also, given the number of loads of hazardous waste treated, the nature of these failures and corrective actions taken by the facility, DTSC does not find that these violations warrant utilizing its denial discretion. Nor does DTSC find that they show an inability or unwillingness to comply with requirements.

2010 In February 2010, DTSC and US EPA jointly inspected the facility. Both agencies looked at compliance with hazardous waste management requirements. US EPA evaluated compliance with the federal Toxic Substances Control Act (discussed in more detail below), which includes regulation of polychlorinated biphenyls (PCBs). DTSC cited the facility for failure to notify DTSC of spills, as noted above, and finalized an enforcement action on June 14, 2011, which included a \$46,000 penalty.

2009 DTSC conducted a CEI in September 2009. No violations were found. DTSC conducted Financial Responsibility Review in March and October of 2009. No violations were found.

2008 DTSC conducted a CEI in October 2008. No violations were found.

2007 DTSC conducted a CEI in November 2007. No violations were found. DTSC conducted a Financial Responsibility Review in March 2007. No violations were found.

2006 DTSC conducted a CEI in November 2006. No violations were found.

2004 DTSC conducted a CEI in November 2004. No violations were found. DTSC conducted a Financial Responsibility Review in September 2004. No violations were found. DTSC conducted a groundwater Operation and Maintenance Inspection in June 2004. One minor violation was found.

2003 DTSC conducted a groundwater Groundwater Monitoring Evaluation June 2003. No violations were found.

Significant violations cited by DTSC prior to 2003 were reviewed, including the 1988 landfill slope failure, and none were found to merit consideration for denial of the permit modification request. DTSC found that, while of concern, these violations do not represent a repeating or recurring pattern showing an unwillingness or inability to comply, nor that they pose a threat to public health or safety or the environment.

United States Environmental Protection Agency/Central Valley Regional Water Quality Control Board/San Joaquin Valley Air Pollution Control District/Kings County Environmental Health Compliance History

US EPA inspections in February 2010 and August – December of 2005 found several violations. The most significant of these involved illegal disposal of PCBs through spillage near the PCB Storage and Flushing Building. There were also several violations involving problems with the facility's laboratory testing for PCB and other wastes, failure to make hazardous waste determinations for land disposal restrictions, failure to close containers, and improper treatment of wastes prior to disposal. Toxic Substances Control Act violations included failure to indicate the date of removal from service for PCB electrical equipment and a continued use violation.

US EPA took enforcement action for these violations in August 2011, and assessed a \$400,000 penalty. The facility corrected all violations, and remediated the PCB releases near the PCB Storage and Flushing Building. There was one sample that was as high as 440 ppm PCB, but the majority of the samples were much lower. The nature and location of these spills did not pose a threat to public health and safety or the environment beyond the location of the spills. Both DTSC and US EPA continue to monitor the facility's handling of PCBs, and their implementation of corrections to laboratory procedures. DTSC finds that, while of concern, these violations do not represent a repeating or recurring pattern showing an unwillingness or inability to comply, nor that they pose a threat to public health or safety or the environment.

For the Regional Water Quality Control Board (RWQCB) inspections, no onsite inspection since 1995 found violations of the facility's waste discharge requirements. The RWQCB did issue a notice of violation in April 2003 for violations in 2002. This was for failing to sample one monitoring well during the 3rd and 4th quarters of 2002 and failing to sample two gas probes in November 2002.

For the Air Pollution Control District (APCD) inspections, the violations found did not relate to hazardous waste operations. We did not include in our evaluation inspections of the gasoline dispensing facility. The APCD issued several NOVs since 2003. These all relate to operation of the B-19 landfill for control of landfill gas, and do not relate to hazardous waste management activities. The APCD fined the facility a total of \$43,050 in five actions during this time.

The Kings County Environmental Health Department also inspects the facility under the Unified Program, which includes hazardous materials and hazardous waste generator requirements. We did not include in our evaluation inspections of the facility's underground fuel storage tanks. DTSC found no violations of concern from these inspections.

Summary

While the facility has been cited for a number of violations throughout its operational life, DTSC finds they do not show an unwillingness or inability to comply with applicable requirements. In addition, DTSC has determined that these violations did not represent a threat to public safety or health or the environment. Therefore, DTSC determined that based on its review of the compliance history of this facility and the facts presented that exercise of its discretion to initiate denial of this permit modification is not warranted.

III. DTSC RESPONSES TO SPECIFIC COMMENTS

DTSC Responses 1 through 15:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Responses 16 through 19:

On March 27, 2013, DTSC announced an enforcement settlement with Waste Management for alleged violations at the Kettleman Hills facility, including a total monetary settlement of \$311,194. This includes a civil penalty of \$291,208.84 and \$19,985.16 for reimbursement of DTSC's costs. The penalty is largely due to the facility's failure to report 72 hazardous waste spills to DTSC over a four year period from June 2008 to 2012.

Although DTSC considers each violation as serious and settled for a substantial penalty for these spill reporting violations, DTSC does not consider these violations as posing a threat to human health or the environment. The violations were not cited for the actual spills but for violating the requirement to report each spill to DTSC. Spills do not necessarily violate the conditions of the permit or regulation, but DTSC needs to be aware of these spills in order to take possible causes into consideration when establishing or modifying permit conditions. Based upon DTSC's review of the facility's monitoring records (including ambient air samples and health risk assessments) and the facility's documentation, DTSC has no evidence to suggest that any of the 72 spills posed any threat to human health or the environment.

Although the violations did not threaten human health or the environment, DTSC does take these violations seriously and has added a permit condition to the permit to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. The permit condition also clarifies procedures and notifications that must be completed after spills or leaks are discovered.

Thank you for your comments.

DTSC Response 20:

Please see DTSC General Response – Birth Defects for more information about the birth defects investigations conducted for the community. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source.

Disposal of hazardous waste in landfills is limited to the wastes that meet the Land Disposal Restrictions specified in CCR, title 22. Hazardous wastes that do not meet the Land Disposal Restrictions must be treated through prescribed methods until they are safe for disposal in hazardous waste landfills.

DTSC does not have any evidence that Kettleman City residents are being exposed to chemicals from operations at the Kettleman Hills facility. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The human health and ecological risk studies that have been conducted show that there is no significant risk to Kettleman City residents from emissions from the facility. DTSC is making this decision because it has determined that the proposal is protective of public health and the environment.

Thank you for your comments.

DTSC Responses 21 through 22:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments. DTSC Response 23-1:

DTSC is required to consider CWMI's application for a permit modification in accordance with California Code of Regulations, title 22, section 66270.42(c)() (6).

DTSC Response 23-2:

CWMI acquired the Kettleman Hills facility in 1979. In April 1985, the Kings County Planning Agency (County), the lead agency, certified an EIR and approved a project to

expand the then 1,280 acre site to 1,600 acres, permitting three new waste disposal areas including the B-18 landfill. The April 1985 EIR provided the basis for approval of Conditional Use Permit (CUP) No. 1412 which incorporates the B-18 landfill. In 2004, the County issued a Notice of Preparation (n NOP) of a SEIR for the B-18/B-20 Hazardous Waste Landfill Project, including consideration for expansion of the existing B-18 Hazardous Waste Landfill by 14 acres (and closure), and construction of a new B-20 Hazardous Waste Landfill. A Revised NOP was issued in August 2005. After circulation of the Draft SEIR, the project description was refined, and a Revised Project Description and Analysis was noticed and recirculated for 45-days of public review and comment in May 2008. In 2009, in response to comments received on the Draft SEIR, the County noticed and recirculated the Recirculated Portions of the Draft SEIR for another 45-day public review and comment period in May 2009.

The County released the Final SEIR in October 2009. In October 2009, after holding two public hearings, the County approved the project and certified the Final SEIR, which was appealed to the Board of Supervisors on October 27, 2009. The Board held a hearing on the appeal of the County's approval on December 7, 2009. After holding a second hearing, in December 2009, the Board of Supervisors denied the appeal and granted the Conditional Use Permit for the project. On January 21, 2010, two groups of petitioners filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenging the approval of the expansion project and certification of the Final SEIR. A hearing on the merits of the Petitioners' CEQA claims was held on November 22, 2010. The Superior Court for the County of Kings issued an order denying Petitioners' petition for writ of mandate on the merits on January 3, 2011. Notice of Entry of Final Judgment denying all of petitioners' claims on the merits was entered on January 27, 2011. On appeal, the Fifth District Court of Appeal heard oral arguments on June 19, 2012, and a decision was entered on July 3, 2012 affirming the Trial Court's decision for the Final SEIR. The California Supreme Court denied review on September 26, 2012.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC Response 23-3:

CCR, title 14, division 6, chapter 3, section 15130 requires Environmental Impact Reports to include a discussion of significant cumulative impacts from either a list of past, present and probable future projects, or from a summary of projections in an adopted general plan. The Draft SEIR evaluated cumulative impacts from a list of projects the County developed. This list includes the Kettleman Hills facility B-19 Landfill Bioreactor project, the Kettleman Hills facility B-17 Landfill Project, the Avenal Landfill, the Westlake Farms Co-Composting Facility, the Caltrans SR-41 Rehabilitation Project and the Quay Valley Ranch Planned Community Development. The Recirculated Portions of the Draft SEIR evaluated cumulative impacts from an additional

source, the Avenal Energy Project, which was not a reasonably foreseeable future project at the time the NOP for the Draft SEIR was issued 2.5 years earlier. Additionally, DTSC prepared an Addendum to the SEIR and evaluated cumulative impacts from a list of additional projects that were not reasonably foreseeable at the time the County issued the NOP. DTSC also examined the County's evaluation of the Avenal Energy Project amid comments from community members expressing concern that the Final SEIR did not evaluate the project appropriately.

The list of additional projects DTSC evaluated include the Federal Express Transfer Facility, Commercial Development at SR-41 and Bernard Drive, Kettleman City Surface Water Treatment Plant and Commercial Water Storage Tanks, Dudley Ridge Water Transfer Project, Jackson Ranch Water Allocation Project, Avenal Photovoltaic Solar Farm, Avenal Park Photovoltaic Solar Farm, Zodiac Energy LLC Exploratory Wells, Zodiac #4-9 Exploratory oil and Gas Well, Zodiac #1-10 Exploratory Oil and Gas Well, Innex California, Oil and Gas Wells with A.P.I. Numbers Only, Zodiac Energy LLC Processing Facility, Grow King Solar II LLC, City of Avenal Chlorination Project and the City of Avenal 2009-2014 Housing Update. DTSC evaluated these projects due to public concern about cumulative impacts that were expressed during DTSC's November 17, 2011 Public Workshop in Kettleman City.

Considering some community members' concern about cumulative impacts, DTSC also prepared the Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. While this review examines the potential for current and future multiple impacts to the people in the communities near the facility, it is not prepared pursuant to CEQA, and may contain information and analysis that either differ from, or would not be required under CEQA.

DTSC has concluded that cumulative impacts have been adequately studied for this proposed expansion. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018.

DTSC Response 23-4:

This comment addresses a specific individual.

Thank you for your comments.

DTSC Responses 24 through 27:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 28:

DTSC has reviewed the draft permit and found that the referenced text is an error. DTSC has revised the text as suggested by replacing "66294" with "66264." This revision only corrects an error in the original text. The revision does not provide any new information that would change the decision for the proposed permit modification.

Thank you for your comments.

DTSC Response 29-1:

All names with either a mailing address or an email address have been added to DTSC's contact list for this facility.

DTSC Response 29-2:

On March 27, 2013, DTSC announced an enforcement settlement with Waste Management for alleged violations at the Kettleman Hills facility, including a total monetary settlement of \$311,194. This includes a civil penalty of \$291,208.84 and \$19,985.16 for reimbursement of DTSC's costs. The penalty is largely due to the facility's failure to report 72 hazardous waste spills to DTSC over a four year period from June 2008 to 2012.

Although DTSC considers each violation as serious and settled for a substantial penalty for these spill reporting violations, DTSC does not consider these violations as posing a threat to human health or the environment. The violations were not cited for the actual spills but for violating the requirement to report each spill to DTSC. Spills do not necessarily violate the conditions of the permit or regulation, but DTSC needs to be aware of these spills in order to take possible causes into consideration when establishing or modifying permit conditions. Based upon DTSC's review of the facility's monitoring records (including ambient air samples and health risk assessments) and the facility's documentation, DTSC has no evidence to suggest that any of the 72 spills posed any threat to human health or the environment.

Although the violations did not threaten human health or the environment, DTSC does take these violations seriously and has added a permit condition to the permit to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. The permit condition also clarifies procedures and notifications that must be completed after spills or leaks are discovered.

DTSC Response 29-3:

The comment does not specify the actions alleged to be attributed to environmental racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.
6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in the California Office of Environmental Health Hazard Assessment's (OEHHA's) California Communities Environmental Health Screening Tool (CalEnviroScreen) to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.
3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.
4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.
5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.
6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.
7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Thank you for your comments.

DTSC Responses 30 through 137:

Please see DTSC Response 29-1 through 29-3.

Thank you for your comments.

DTSC Responses 138 through 139:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 140-1:

DTSC prepared the Community Notice in accordance with California Code of Regulations, division 4.5, title 22, section 66271.9. DTSC included the section entitled “Public Comment Procedures” in accordance with section 66271.9(d) (2) (C) which requires “a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.” The statement, “During the public comment period, any interested person may submit written comments on the draft permit,” was included in accordance with section 66271.10. The Community Notice states, “DTSC’s Office of Permitting invites you to review and comment on a draft decision to approve ...” and then provides the address - “Department of Toxic Substances Control (Office of Permitting) 8800 Cal Center Drive Sacramento, CA 95826.” The address provided accepted the written comments during the public comment period. Please see C. DTSC General Response – Notice not Adequate.

DTSC Response 140-2:

The comment does not provide any reference to a legal citation that specifies what a proper and legal notice is; however, DTSC prepared this notice in accordance with California Code of Regulations, division 4.5, title 22, section 66271.9 and provided the address where comments were received. DTSC has concluded that the public comment period and public hearing were properly noticed. Please see C. DTSC General Response – Notice not Adequate.

Thank you for your comments.

DTSC Responses 141 through 154:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC’s draft decision. The comments do not provide any new information that would change DTSC’s decision.

Thank you for your comments.

DTSC Response 155-1:

Please see DTSC Response 140-1 and 140-2.

DTSC Response 155-2:

DTSC has reviewed the September 6, 2013 email from Patrice Bowen to bradley@greenaction.org. There is no reference in this email to a “legal notice”; however, DTSC is required to prepare several documents for a draft permit decision.

The September 6, 2013 email from Patrice Bowen provides links to two such documents – the Class 3 Permit Modification Fact Sheet and the Public Notice. The Class 3 Permit Modification Fact Sheet was prepared in accordance with California Code of Regulations (CCR), title 22, division 4.5, section 66271.7. The Public Notice is a newspaper ad which was prepared in accordance with CCR, title 22, division 4.5, section 66271.9(c)(2)(B). DTSC is not required to mail the Fact Sheet or the newspaper ad to the mailing list; however, DTSC did post them to our website. DTSC prepared the Community Notice in accordance with CCR, title 22, division 4.5, section 66271.9, which requires it be mailed to the mailing list described in subsection (c)(1)(D). It is not clear in the comment what is meant by the “official legal notice,” but the Community Notice mailed to the mailing list is the notice required to be sent to the mailing list.

DTSC Response 155-3:

DTSC appreciates your attendance. DTSC maintains a mailing list in accordance with CCR, title 22, division 4.5, section 66271.9(c)(1)(D). DTSC has not denied anyone’s request to be added to the facility mailing list and has mailed the required notification for this draft decision to the mailing list.

DTSC Response 155-4:

DTSC has no intention of violating our legal obligations. DTSC does not plan to provide a new notice to residents and all persons on the mailing list because it has already been provided in accordance with the legal requirements.

DTSC Response 155-5:

Please see DTSC Response 140-1 and 140-2.

DTSC Response 155-6:

DTSC has complied with our legal obligations for this draft decision. Please see DTSC Response 29-3.

DTSC Response 155-7:

DTSC has invested significant resources into the public comment period for this draft decision.

Thank you for your comments.

DTSC Responses 156 through 157:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC’s draft decision. The comments do not provide any new information that would change DTSC’s decision.

Thank you for your comments.

DTSC Response 158-1:

The documents emailed to you, and to which you responded, consist of answers to frequently asked questions and a comment form. DTSC mailed answers to frequently asked questions to prepare the Kettleman City community and interested parties for the public hearing that was held the following week on September 18. The document included a discussion of the following:

What is a DTSC Public Hearing?

When is the Public Hearing?

How can I Participate in the Public Hearing or Public Comment Process for the Proposed Kettleman Hills facility Class 3 Permit Modification?

What to Expect at the Public Hearing?

What not to Expect at the Public Hearing?

How do I Comment?

Where do I send my Comments?

When can I Comment?

What can I Comment about?

What is the Appeals Process?

DTSC included comment forms with the letters. Although not required to do so, DTSC mailed these to announce the Public Hearing and encourage the community and interested parties to submit public comments.

DTSC Response 158-2:

The public comment period was opened and began on July 2, 2013. DTSC mailed Community Notices to the community and interested parties on July 1, 2013, announcing the opening of the public comment period, a scheduled Open House, a Drop in Session to talk to DTSC staff, and a scheduled public hearing. Although not required to do so, DTSC held an Open House in Kettleman City on July 31, 2013, to inform the community and interested parties about the draft decision and encourage submittal of public comments. DTSC hosted a drop in session in Kettleman City on August 1, 2013, to answer any questions and promote the submittal of public

comments. DTSC mailed a second Community Notice on August 8, 2013, extending the public comment period and the date for the public hearing. Both Community Notices promoted the submittal of public comments.

The frequently asked questions and comment form embody the third document mailed by DTSC in over a 60-day period soliciting public comment on the draft decision. Since the mailing of the first Community Notice on July 1, DTSC allowed more than 90 days to prepare and submit written comments.

DTSC Response 158-3:

The allegation that DTSC admitted that no one on the contact list received the “official legal notice” is incorrect. Please see DTSC Response 155-2.

DTSC Response 158-4:

Thank you for your comments.

DTSC Responses 159 through 162:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC’s draft decision. The comments do not provide any new information that would change DTSC’s decision.

Thank you for your comments.

DTSC Response 163-1:

Dust and particulate matter emissions of hazardous materials from site activities are addressed in section 9A.6 and 40.2(a)(3) of the Operations Plan, which includes the practice of placing clean soil cover over hazardous waste after disposing in the landfill and suspending operations at the landfill during periods of high winds. Neither the application for a class 3 permit modification nor this decision includes a proposal to change these sections of the Operations Plan. The Operations Plan is available at: http://www.hwmpenvirostor.dtsc.ca.gov/regulators/site_documents/5012723624/2006-12-7 Part B %28WM%29.pdf.

DTSC Response 163-2:

DTSC recognizes that limiting access of older, more polluting trucks will not address all health issues. The Kettleman Hills facility does not operate a fleet of trucks to pick up hazardous waste loads, but rather accepts waste delivered in trucks operated by transportation companies and independent owner/operators hired by the hazardous waste generator. Although zero-waste emissions alternatives are available, these companies and independent owners/operators are not required to utilize them, and DTSC does not have the authority to require their use.

The diesel emission reduction permit condition represents an unprecedented effort to reduce the impact of diesel truck emissions. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC acknowledges the need to use opportunities such as this to alleviate part of the pollution burden by reducing the impact of diesel emissions on the people in the communities near the facility. This condition complements DTSC's work with the CDPH and other agencies to secure clean drinking water for Kettleman City, which is another opportunity to improve the environmental quality for this burdened and vulnerable community. DTSC also added additional permit conditions to address health and safety concerns raised by the community including a spill containment system, annual aerial or land surveys of the landfill, increased air sampling and enhanced air monitoring, increased sampling and analysis of leachate and enhanced public outreach.

DTSC Response 163-3:

The Kyoto Protocol targets national emissions of greenhouse gases. The United States has not ratified this treaty; however, greenhouse gas mitigation measures are required for construction and operation of the landfill expansion. The measures include restrictions on the purchase of landfill operational equipment to meet applicable model year emission standards, and requirements for meeting Tier 4 emission standards for heavy duty diesel equipment. For a discussion of the greenhouse gas analysis for the proposed expansion please see page 59 of DTSC's Addendum and Initial Study/Environmental Checklist to the Final SEIR:

http://www.dtsc.ca.gov/HazardousWaste/Projects/upload/Kettleman_AddendumAndInitialStudyEnvironmentalChecklist_EIR_0513.pdf.

Thank you for your comments.

DTSC Responses 164 through 168:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 169-1:

DTSC agrees that Kettleman City residents should have access to a healthy and safe environment. That is why DTSC has expended the time and resources to investigate the Kettleman Hills facility to understand whether its operations threaten human health

or the environment for the residents of Kettleman City. All of the studies have shown that the facility is not threatening human health or the environment which allows DTSC to approve the proposed permit modification. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 169-2:

DTSC has studied the facility's impacts to groundwater and ambient air extensively and has concluded that they are not significant. Wind blows from the facility toward Kettleman City approximately 5% of the time; consequently, health risks to Kettleman City residents from landfill emissions are minimal to nonexistent. DTSC analyzes ambient air samples taken at the facility every 12 days that show that the facility is emitting hazardous constituents into ambient air but not at concentrations that could cause significant impacts to human health or the environment. Similarly, groundwater at the site flows away from Kettleman City in aquifers that are not connected to drinking water sources in Kettleman City; however, DTSC analyzes groundwater samples taken quarterly at the site. Supporting evidence shows that there is no pathway to human exposure from groundwater under the site.

DTSC Response 169-3:

Although DTSC has imposed severe penalties for violations at the site, none of the violations have resulted in any threat to human health or the environment. Please see H. DTSC General Response - Compliance History.

DTSC Response 169-4:

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

DTSC Response 169-5:

DTSC does not take the proposal to expand lightly and has dedicated a significant amount of time and resources to understand the risks associated with this proposal. DTSC has worked closely with the community of Kettleman City to determine how best to communicate with them and what their concerns are. DTSC prepared the Public Participation Plan for the Kettleman Hills facility in May 2013 which documents local community interest, views and concerns related to the town's environment as well as

DTSC's permitting and corrective action activities. The Plan also identifies specific public participation activities that will facilitate community involvement in DTSC's decision-making process for the facility. The Public Participation Plan is available at: http://www.dtsc.ca.gov/HazardousWaste/Projects/CWMI_Kettleman.cfm. The document is located under the 2013/2014 Project-Related Documents heading with a posting date of July 2013.

DTSC Response 169-6:

DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 169-7:

As mentioned above, DTSC prepared the Public Participation Plan for the Kettleman Hills facility in May 2013 which documents local community interest, views and concerns related to the town's environment as well as DTSC's permitting and corrective action activities. In addition to air pollution, the community identified water quality as a significant concern, so DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. DTSC is committed to protecting human health and the environment in Kettleman City.

Thank you for your comments.

DTSC Responses 170 through 173:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 174-1:

Thank you for your comments.

DTSC Response 174-2:

DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC Response 174-3:

Please see DTSC General Response – Birth Defects. Please see DTSC Response 174-2 above for the response to cumulative impacts.

DTSC Response 174-4:

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income.

Thank you for your comments.

DTSC Responses 175 through 272:

DTSC acknowledges the Kettleman City community has endured multiple environmental pollution burdens and the presence of poverty, language barriers and other factors which tend to make them vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address potential air emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering waste to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. Though the poor drinking water quality is not related to operation of the Chemical Waste Management Kettleman Hills facility, DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City to assist with lessening the environmental burden on the community.

Thank you for your comments.

DTSC Responses 273 through 278:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 279-1:

Thank you for your comments.

DTSC Response 279-2:

It is not clear which announcement the comment refers to. The initial announcement for the draft decision on the permit modification to expand the landfill was mailed on July 1, 2013, but it did not include a discussion of violations; however, DTSC did distribute a Fact Sheet in March 2013 that includes a discussion of 72 spills that occurred over a four-year period at the facility. That Fact Sheet stated, "None of the spills happened outside the facility and none posed significant risk to workers or to the nearby communities."

Although DTSC considers each violation as serious and settled for a substantial penalty for these spill reporting violations, DTSC does not consider these violations as posing a threat to human health or the environment. The violations were not cited for the actual spills but for violating the requirement to report each spill to DTSC. Spills do not necessarily violate the conditions of the permit, but DTSC needs to be aware of these spills in order to take possible causes into consideration when establishing or modifying permit conditions. Based upon DTSC's review of the facility's monitoring records (including ambient air samples and health risk assessments) and the facility's documentation, DTSC has no evidence to suggest that any of the 72 spills posed any threat to human health or the environment.

Although the violations did not threaten human health or the environment, DTSC does take these violations seriously and has added a permit condition to the permit to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. The permit condition also clarifies procedures and notifications that must be completed after spills or leaks are discovered.

DTSC Response 279-3:

The mitigation measures adopted for this project are required as conditions for approval of the Final SEIR prepared for the Kings County Community Development Agency. They include mitigation measures for air quality, biological resources, cultural and paleontological resources, land use, transportation and traffic, and greenhouse gas emissions and global climate change. Some of these measures reduce the level of significance of an impact from significant to less than significant. DTSC views these measures as necessary to eliminate or substantially reduce potentially significant environmental impacts associated with this project and has added a permit condition to the permit to ensure that the facility complies with them.

Although DTSC views these measures as necessary, DTSC agrees that they will not eliminate all of the impacts endured by the people of Kettleman City. DTSC acknowledges the multiple burdens endured by the community and has taken additional steps to assist them. Please see DTSC General Response – Environmental Justice.

DTSC Response 279-4:

It is not clear what is meant by this comment. Please see F. DTSC General Response – Investigations and Studies for more information about the scientific studies associated with this facility and community.

DTSC Response 279-5:

It is unclear which health risk assessment the commenter is referring to. DTSC required the facility to submit a comprehensive human health risk assessment titled “Final 2011 Health Risk Assessment. In addition, DTSC requires the facility to submit annual ambient air health risk assessments to estimate risk to residents and hypothetical receptors from facility emissions of hazardous constituents. The risk assessments submitted to DTSC meet all the stringent criteria recommended by the US EPA. All risk assessments are based on actual sampling and analysis data collected from air monitoring stations at the facility. DTSC also participated in the development of the Kettleman City Community Exposure Assessment to assess possible environmental contaminants in the air, groundwater and soil that may have contributed to the increase in birth defects in the Kettleman City community since 2007. This assessment was also based on actual sampling and analysis data collected from air monitoring stations in Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 279-6:

The objective of the mitigation measure is to reduce the level of significance of an impact identified in an Environmental Impact Report under CEQA. The Kings County Board of Supervisors (County) is the lead agency for CEQA. The County certified the Final SEIR dated September 2009 on December 22, 2009 (State Clearinghouse Number 2005041064). DTSC is acting as a Responsible Agency under CEQA for purposes of this permit modification (Cal. Code Regs., title 14, section 15096, 15381).

It is unclear from the comment how “true medical research data” can be used as a mitigation measure or how “enhanced health care access” can mitigate any of the significant impacts.

DTSC Response 279-7:

DTSC is making this decision because the proposal is protective of public health and the environment. Please see DTSC General Response – Environmental Justice.

Thank you for your comments.

DTSC Responses 280 through 285:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC’s draft decision. The comments do not provide any new information that would change DTSC’s decision.

Thank you for your comments.

DTSC Response 286-1:

DTSC acknowledges the multiple environmental pollution burdens in the Kettleman City community and the presence of poverty, language barriers and other factors that tend to increase the vulnerability to impacts of pollution. That is why DTSC focused time and resources on an expanded public outreach effort in 2012 which identified air pollution and water quality as significant community concerns. DTSC worked with sister state and local agencies to focus efforts to bring clean drinking water to Kettleman City, and encouraged the facility to require trucks using the facility to have cleaner running engines, thereby decreasing harmful air emissions.

DTSC Response 286-2:

DTSC does not make a final decision based on how many comments support or oppose the proposal. DTSC solicits comments from anyone who wishes to comment including residents, interested parties, local governments and other boards and agencies. DTSC considers all comments before making a final decision.

DTSC Response 286-3:

Thank you for your comments.

DTSC Response 287-1:

DTSC would not approve this permit modification if there were any evidence that this facility was causing significant risk to human health or the environment. If the facility violated a permit condition which resulted in a threat to human health or the

environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit. Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing any health impacts to Kettleman City residents and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment. DTSC is proposing to approve this permit modification because the expansion, when operated in accordance with DTSC's permit conditions is protective of public health and the environment. Please see F. DTSC General Response – Investigations and Studies for more information about the health studies that have been conducted regarding the Kettleman Hills facility and the Kettleman City community.

DTSC Response 287-2:

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. DTSC is also committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. That is why DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC Response 287-3:

Although DTSC has determined that the facility is not causing significant risk to human health or the environment at the time of this decision, DTSC has dedicated resources to ensure ongoing protection. DTSC continues to inspect this facility, monitor any emissions to ambient air and strictly enforce the permit conditions and operating requirements. DTSC requires an annual health risk assessment to monitor year to year impacts.

Thank you for your comments.

DTSC Responses 288 through 292:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 293-1:

The public comment period was opened and began on July 2, 2013. DTSC mailed Community Notices to the mailing list on July 1, 2013, announcing the opening of the public comment period, a scheduled Open House, a Drop in Session to talk to DTSC staff, and a scheduled public hearing. DTSC mailed a second Community Notice on August 8, 2013, extending the public comment period and the date for the public hearing. DTSC held the public hearing on September 18 and the public comment period ended on October 25, 2013. DTSC prepared both Community Notices in accordance with CCR, title 22, division 4.5, section 66271.9. In accordance with subsection (b) of that section, DTSC is required to allow at least 45 days for public comment and mail the public notice at least 30 days before a hearing. DTSC allowed more than 90 days for public comment and mailed both public notices of the hearing at least 41 days before the hearing.

DTSC Response 293-2:

DTSC mailed a Community Notice in March 2013 notifying the community and interested parties that DTSC settled an enforcement case including penalties with CWMI. CWMI's permit requires the facility to report spills to DTSC. During an inspection, DTSC discovered a log of spills the facility had not reported to DTSC. The spills were not violations of the permit because there was no significant risk to human health or the environment. Failing to notify DTSC of the spills, however, was a violation of the permit conditions. DTSC considers these as serious violations. Please see H. DTSC General Response – Compliance History for more details about consequences for noncompliance.

DTSC Response 293-3:

There are three monitoring stations located to detect emissions into ambient air from the facility operations. DTSC has been monitoring actual emissions data collected at these locations since 2006 and approved a health risk assessment based on data collected between 2006 and 2010. The health risk assessment shows that emissions from the facility do not pose significant health risks for residents of Kettleman City, Kettleman Junction and the nearest residence. Total excess incremental lifetime cancer risks calculated for the three residential receptors were: 7×10^{-8} at Kettleman City, 1×10^{-7} at Kettleman Junction, and 9×10^{-8} at the nearest residence, all of which are below DTSC's levels of concern. The total noncancer hazard indices were all below DTSC's

noncancer hazard threshold of 1 (0.001 at Kettleman City, 0.002 at Kettleman Junction, and 0.001 at the nearest residence), indicating that adverse noncancer health effects are not expected based on the modeled exposure concentrations associated with potential Kettleman Hills facility emissions.

Chemical Waste Management does not operate a fleet of hazardous waste delivery trucks from this facility. Trucks originate from a variety of locations from two general market sources – manufacturers shipping waste every 90 days and remediation projects shipping high volumes of waste over a short period of time. These trucks will travel on our freeways to deliver hazardous waste to hazardous waste facilities regardless of the outcome of this decision. The number of trucks delivering to the facility can vary significantly on a daily basis. The impacts identified in the Final SEIR prepared for the Kings County Community Development Agency are based on a daily count of 400 trucks per day. This count is derived from waste and manifest logs and represents the anticipated maximum peak average number of trucks per day that would arrive at the facility so that a most conservative analysis of impacts could be considered in the FSEIR. The actual number of trucks delivering hazardous waste in California would not increase based on the results of this decision.

DTSC recognizes that the Kettleman City community is burdened with poor air quality and possible increased susceptibility to air contaminants. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 293-4:

The Investigation of Birth Defects and Community Exposures in Kettleman City is comprised of two studies. The objective of CDPH's Birth Defect Study was to evaluate the presence of known or suspected genetic, medical or pregnancy-related risk factors, the presence of known or suspected behavioral and lifestyle risk factors, and the potential for environmental or occupational exposures that may be associated with an increased risk of birth defects. The objective of Cal EPA's Kettleman City Community Exposure Assessment was to assess possible environmental contaminants in the air, groundwater and soil that may have contributed to the increase in birth defects in the Kettleman City community since 2007. Although CDPH's study included a survey, Cal EPA's assessment included a comprehensive investigation for contaminants associated with birth defects in the Kettleman City community. The investigation did not find a specific cause or environmental exposure pathway that would explain the increase in the number of children born with birth defects in Kettleman City

Please see A. DTSC General Response – Birth Defects for more information.

DTSC Response 293-5:

DTSC's decision is based on the conclusion that the project is protective of public health and the environment. Please see DTSC Response 23-2.

DTSC Response 293-6:

This comment is incomplete, but DTSC prohibits the facility from accepting regulated radioactive material. DTSC has not discovered evidence that the facility has violated this provision.

Thank you for your comments.

DTSC Responses 294 through 295:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 296-1:

DTSC is required to consider Waste Management's application for a permit modification in accordance with California Code of Regulations, title 22, section 66270.42(c)(6).

DTSC Response 296-2:

The Cerrell Report addresses siting of Waste-to-Energy facilities. The Kettleman Hills facility is not a Waste-to-Energy facility, but a hazardous waste facility. DTSC does not site hazardous waste or Waste-to-Energy facilities.

DTSC Response 296-3:

DTSC has received numerous signatures on petitions and comments from Kettleman City residents both in opposition and in support of the proposed permit modification. DTSC has studied the facility's impacts to groundwater and ambient air extensively and has concluded that they are not significant. Wind blows from the facility toward Kettleman City approximately 5% of the time; however, DTSC analyzes ambient air samples taken at the facility every 12 days that show that the facility is emitting hazardous constituents into ambient air but not at concentrations that could cause significant impacts to human health or the environment. Similarly, groundwater at the site flows away from Kettleman City in aquifers that are not connected to drinking water sources in Kettleman City; however, DTSC analyzes groundwater samples taken

quarterly at the site. There is no pathway to human exposure from groundwater under the site.

DTSC Response 296-4:

This comment is directed at members of the audience.

DTSC Response 296-5:

DTSC agrees that human health is a priority and considers it the top priority in this decision.

Thank you for your comments.

DTSC Response 297-1:

DTSC does not have any information supporting the notion that the Kettleman Hills facility is responsible for any deaths or cancer. DTSC reviewed extensive studies to determine the acute and cancer risk to residents from facility operations. The studies show that there is no significant risk due to air emissions or groundwater from the facility. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC Response 297-2:

The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC has concluded that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC will ensure the permit conditions are followed through the use of unannounced enforcement inspections and review of facility records.

DTSC Response 297-3:

This comment is directed at a member of the audience.

DTSC Response 297-4:

DTSC acknowledges the reference to the facility's previous proposal to add an incinerator; however, that proposal is not being considered for this proposed permit modification.

DTSC Response 297-5:

DTSC conducts unannounced enforcement inspections at this facility to ensure that it is operating within the requirements of the law and DTSC's permit conditions. Although

DTSC has imposed severe penalties for violations at the site, none of the violations have resulted in any threat to human health or the environment. Please see H. DTSC General Response - Compliance History for more information.

Thank you for your comments.

DTSC Response 298-1:

The facility is permitted to accept hazardous waste; however, DTSC is committed to protect public health and the environment. That is why DTSC has added permit conditions that ensure the facility can operate safely without exposing the community to significant risk from toxic chemicals.

DTSC Response 298-2:

DTSC acknowledges that some people could not attend the public hearing; however, DTSC is not basing this decision on the number of people who express opposition or support for the proposal. DTSC opened the public comment period to allow any person who believes any condition of the draft permit is inappropriate or that the tentative decision to prepare a draft permit is inappropriate to submit all reasonably ascertainable issues, arguments, and factual grounds supporting their position.

DTSC Response 298-3:

DTSC acknowledges the Kettleman City community has endured multiple environmental pollution burdens and the presence of poverty, language barriers and other factors which tend to make residents vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 298-4:

DTSC has conducted extensive public outreach in the Kettleman City community for this proposal and draft decision. DTSC has held open houses and public workshops to educate the community on the proposed changes to the facility and on how to submit a public comment. Please see G. DTSC General Response – Public Outreach for more information.

DTSC Response 298-5:

It is unclear what is meant by mitigating factors; however, Chemical Waste Management is required to follow the mitigation measures adopted by the Kings County Community Development Agency as listed in the Final SEIR. DTSC's permit requires those mitigation measures be followed in addition to other permit conditions that DTSC added for this decision.

DTSC mailed a Community Notice in March 2013 notifying the community and interested parties that DTSC settled an enforcement case including penalties with Waste Management. Waste Management's permit requires the facility to report spills to DTSC. During an inspection, DTSC discovered a log of spills the facility had not reported to DTSC. The spills were not violations of the permit because there was no significant risk to human health or the environment. Failing to notify DTSC of the spills, however, was a violation of the permit conditions.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit.

Thank you for your comments.

DTSC Responses 299 through 300:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 301-1:

DTSC acknowledges the reference to the facility's previous proposal to operate an incinerator; however, that proposal is not included in this proposed permit modification.

DTSC Response 301-2:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

DTSC Response 301-3:

After review of numerous studies, DTSC has not found any evidence that this facility is a public health threat. Studies looked at whether waste leaving the facility impacted residents 3.5 miles away. DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Nevertheless, DTSC acknowledges the poor quality of Kettleman City's water. That is why DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. DTSC Response 301-4:

DTSC mailed a Community Notice in March 2013 notifying the community and interested parties that DTSC settled an enforcement case including penalties with Waste Management. Waste Management's permit requires the facility to report spills to DTSC. During an inspection, DTSC discovered a log of spills the facility had not reported to DTSC. The spills were not violations of the permit because there was no significant risk to human health or the environment. Failing to notify DTSC of the spills, however, was a violation of the permit.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit.

DTSC Response 301-5:

City streets and sidewalks are not within DTSC's scope of oversight. The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

Thank you for your comments.

DTSC Responses 302 through 303:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 304-1:

DTSC acknowledges your sorrow and outrage. DTSC's mission is to protect human health and the environment. That is why we participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 304-2:

It is unclear which spill or spills are referred to in this comment; however, DTSC did mail a Community Notice in March 2013 notifying the community and interested parties that DTSC settled an enforcement case including penalties with Waste Management for failure to report spills. Waste Management's permit requires the facility to report spills to DTSC. During an inspection, DTSC discovered a log of spills the facility had not reported to DTSC. The spills were not violations of the permit because there was no significant risk to human health or the environment. Failing to notify DTSC of the spills, however, were violations of the permit. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit.

DTSC Response 304-3:

DTSC is committed to protecting public health and the environment.

Thank you for your comments.

DTSC Response 305-1:

DTSC is soliciting public input on the draft decision to approve a proposed permit modification to expand the existing landfill.

DTSC Response 305-2:

The Final SEIR and associated documents prepared for the Kings County Community Development Agency consider cumulative impacts. Cumulative impacts associated with sewage sludge processing at the Westlake Farms Co-Composting facility were analyzed in the FSEIR. The FSEIR identifies significant air quality impacts for periodic construction and operations impacts and long-term operations impacts because the San Joaquin Valley Air Basin is in federal and state nonattainment for ozone, federal and state nonattainment for PM_{2.5} (particulate matter 5 micrometers in diameter and smaller) and state nonattainment for PM₁₀. Mitigation measures are required in the FSEIR, but the impacts remain significant and unavoidable. The FSEIR also identifies significant air quality impacts for toxic air contaminants that are cumulatively significant at the property boundary but less than significant at a distance of 2,000 feet from the property boundary.

DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the facility. The Environmental Justice Review identifies pesticides, air pollution and water quality as community concerns. US EPA collected samples inside Kettleman City homes in March and July of 2011 to determine whether residents are being exposed to agricultural pesticides in their homes. The results of the sampling indicate that residents are exposed but at levels that are too low to present a significant health risk. Nevertheless, DTSC acknowledges the multiple environmental pollution burdens borne by the Kettleman City community, and the presence of poverty, language barriers and other factors which tend to make people vulnerable to the impacts of pollution. That is why DTSC has taken steps to address environmental pollution burdens and community concerns.

To address the issue of air pollution, the facility has agreed to an enforceable plan to reduce diesel truck emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

To address the issue of water quality and the lack of a safe drinking water supply for Kettleman City residents, DTSC continues to work with CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board. In October 2012, the State Water Resources Control Board allocated \$2 million to assist CDPH in providing drinking water to economically disadvantaged communities. These funds will support efforts to bring clean drinking water to Kettleman City.

DTSC Response 305-3:

DTSC has reviewed the cumulative impacts identified in the FSEIR and acknowledges the combined impact of environmental contaminants from different sources. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County).

Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC Response 305-4:

Hazardous waste generators transport hazardous waste to hazardous waste landfills. Diesel impacts to air quality from mobile sources transporting hazardous waste to landfills have already been addressed in the Air Quality Attainment Plan adopted by the San Joaquin Valley Unified Air Pollution Control District.

DTSC Response 305-5:

The discussion of impacts associated with the Avenal Energy Project begins on page 3-2 of the Recirculated Portions of Draft Subsequent Environmental Impact Report prepared for Kings County and dated May 2009. The project is also discussed on pages 13 and 14 of the Addendum & Initial Study/Environmental Checklist to the Final SEIR prepared by DTSC.

DTSC Response 305-6:

DTSC did not include an analysis for Valley Fever impacts; however, mitigation measures for fugitive dust emissions are required as a condition of approval for this project. Valley Fever fungal spores are considered endemic in Kings County, but there is no reliable method to test soils for spores to determine whether they are present in a particular area. Valley Fever is caused by inhaling airborne spores from activities that disturb soils. DTSC's permit includes a permit condition that requires the facility to comply with the requirements of the Mitigation Monitoring and Reporting Plan included in the Final SEIR. Those requirements include controlling fugitive dust emissions to meet the requirements of San Joaquin Valley Unified Air Pollution Control District's Regulation VIII.

DTSC Response 305-7:

DTSC has tentatively approved the request for permit modification because DTSC has determined that the proposal is protective of public health and the environment when the facility operates in accordance with the permit conditions.

Thank you for your comments.

DTSC Response 306-1:

Please see F. DTSC General Response – Investigations and Studies for more information about the investigations that have been conducted and which agencies were involved.

DTSC is the regulatory authority for the management of hazardous waste in California. This facility is operating under the terms and conditions of a Hazardous Waste Facility Permit issued by DTSC in 2003. The facility also operates under permits issued by other state and local agencies including the Kings County Planning Agency, the Central Valley Regional Water Quality Control Board, the California Department of Resources Recycling and Recovery, the San Joaquin Valley Unified Air Pollution Control District and the United States Environmental Protection agency. The facility has applied for a permit modification from DTSC's Office of Permitting to expand the existing landfill. DTSC's Office of Permitting is located at 8800 Cal Center Drive, Sacramento CA 95826.

DTSC Response 306-2:

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC Response 306-3:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

Thank you for your comments.

DTSC Responses 307 through 309:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 310-1:

This comment is directed at members of the audience. Please see H. DTSC General Response - Compliance History for more information about violations.

DTSC Response 310-2:

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years.

Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC recognizes that the Kettleman City community is burdened with poor air quality and possible increased susceptibility to air contaminants. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 310-3:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

DTSC Response 310-4:

DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the facility. The Environmental Justice Review identifies pesticides, air pollution and water quality as community concerns. US EPA collected samples inside Kettleman City homes in March and July of 2011 to determine whether residents are being exposed to agricultural pesticides in their homes. The results of the sampling indicate that residents are exposed but at levels that are too low to present a significant health risk. Nevertheless, DTSC acknowledges the multiple environmental pollution burdens borne by the Kettleman City community, and the presence of poverty, language barriers and other factors which tend to make people vulnerable to the impacts of pollution. That is why DTSC has taken steps to address environmental pollution burdens and community concerns.

To address the issue of air pollution, the facility has agreed to an enforceable plan to reduce diesel truck emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

To address the issue of water quality and the lack of a safe drinking water supply for Kettleman City residents, DTSC continues to work with CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board.

In October 2012, the State Water Resources Control Board allocated \$2 million to assist CDPH in providing drinking water to economically disadvantaged communities. These funds will support efforts to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 311 through 312:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 313-1:

DTSC considered the distance from the facility to the community when evaluating acute and cancer risk from ambient air emissions from the facility. The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC will ensure the permit conditions are followed through the use of unannounced enforcement inspections and review of facility records. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit. Please see H. DTSC General Response - Compliance History for more information about the violations.

DTSC Response 313-2:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit

modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit. Please see H. DTSC General Response - Compliance History for more information about the violations.

DTSC Response 313-3:

The nature of past violations has not been of the type that has threatened public health or the environment; however, DTSC ensures the permit conditions are followed through the use of unannounced enforcement inspections and review of facility records.

DTSC Response 313-4:

DTSC's mission is to protect human health and the environment. That is why we participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. DTSC's decision is based on the conclusion that the project is protective of public health and the environment.

Although DTSC has determined that the facility is not causing significant risk to human health or the environment at the time of this decision, DTSC has dedicated resources to ensure ongoing protection. DTSC continues to inspect this facility, monitor any emissions into ambient air and strictly enforce the permit conditions and operating requirements.

Thank you for your comments.

DTSC Response 314-1:

The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC's decision is based on the conclusion that the project is protective of public health

and the environment. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 314-2:

DTSC's mission is to protect human health and the environment. That is why we participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. DTSC's decision is based on the conclusion that the project is protective of public health and the environment.

Although DTSC has determined that the facility is not causing significant risk to human health or the environment at the time of this decision, DTSC has dedicated resources to ensure ongoing protection. DTSC continues to inspect this facility, monitor any emissions into ambient air and strictly enforce the permit conditions and operating requirements.

DTSC Response 314-3:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

DTSC Response 314-4:

DTSC is not asking anyone to leave their home.

DTSC recognizes that the Kettleman City community is burdened with poor air quality and possible increased susceptibility to air contaminants. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These

restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Response 315-1:

Please see DTSC Response 23-3.

DTSC Response 315-2:

Residents of Kings County are at elevated danger from Valley Fever because the fungus, *Coccidioides immitis*, is endemic in Kings County. People contract Valley Fever by breathing the fungal spores into their lungs. Fungal spores become airborne when the soil containing the fungus is disturbed. DTSC's permit requires dust mitigation measures to reduce the amount of fugitive dust emitted during construction and operations of the proposed expansion. DTSC anticipates these control measures will reduce the potential exposure to airborne fungal spores that may be present in soils at the site.

DTSC Response 315-3:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

Thank you for your comments.

DTSC Response 316-1:

The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC will ensure the permit conditions are followed through the use of unannounced enforcement inspections and review of facility records. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 316-2:

DTSC has conducted extensive public outreach in the Kettleman City community for this proposal and draft decision. DTSC has held open houses and public workshops to educate the community on the proposed changes to the facility and on how to submit a public comment. Please see G. DTSC General Response – Public Outreach for more information.

DTSC Response 316-3:

DTSC recognizes that the Kettleman City community is burdened with poor air quality and possible increased susceptibility to air contaminants. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. The diesel emission reduction permit condition represents an unprecedented effort to reduce the impact of diesel truck emissions. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC acknowledges the need to use opportunities such as this to alleviate part of the pollution burden by reducing the impact of diesel emissions on the people in the communities near the facility. This condition complements DTSC's work with the CDPH and other agencies to secure clean drinking water for Kettleman City, which is another opportunity to improve the environmental quality for this burdened and vulnerable community. DTSC also added additional permit conditions to address health and safety concerns raised by the community including a spill containment system, annual aerial or land surveys of the landfill, increased air sampling and enhanced air monitoring, increased sampling and analysis of leachate and enhanced public outreach.

Thank you for your comments.

DTSC Response 317-1:

DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the facility. The Environmental Justice Review identifies pesticides, air pollution and water quality as community concerns. US EPA collected samples inside Kettleman City homes in March and July of 2011 to determine whether residents are being exposed to agricultural pesticides in their homes. The results of the sampling indicate that residents are exposed but at levels that are too low to present a significant health risk. Nevertheless, DTSC acknowledges the multiple environmental pollution burdens borne by the Kettleman City community, and the presence of poverty, language barriers and other factors which tend to make people vulnerable to the impacts of pollution. That is why DTSC has taken steps to address environmental pollution burdens and community concerns.

To address the issue of air pollution, the facility has agreed to an enforceable plan to reduce diesel truck emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. This plan will reduce the impact of diesel

emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

To address the issue of water quality and the lack of a safe drinking water supply for Kettleman City residents, DTSC continues to work with CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board. In October 2012, the State Water Resources Control Board allocated \$2 million to assist CDPH in providing drinking water to economically disadvantaged communities. These funds will support efforts to bring clean drinking water to Kettleman City.

DTSC also participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 317-2:

DTSC does not make decisions based on the behavior of those who submit a comment. DTSC has tentatively determined that the permit modification request submitted by the facility is appropriate and protective of human health and the environment. DTSC is soliciting public input before making a final decision. DTSC has proposed to approve the permit modification because all of the studies have shown that the facility is not threatening human health or the environment. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Response 318:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 319-1:

DTSC understands the controversy associated with this decision and has expended significant time and resources to comprehend and investigate the concerns of the

community and interested parties. DTSC's decision is based on the conclusion that the proposed project is protective of public health and the environment. The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that this facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 319-2:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit. Please see H. DTSC General Response - Compliance History for more information about the history of violations.

DTSC Response 319-3:

DTSC acknowledges that some people could not attend the public hearing; however, DTSC is not basing this decision on the number of people who express opposition or support for the proposal. DTSC has tentatively approved the request for permit modification because DTSC has determined that the proposal is protective of public health and the environment when the facility operates in accordance with the permit conditions. DTSC opened the public comment period to allow any person who believes any condition of the draft permit is inappropriate or that the tentative decision to prepare a draft permit is inappropriate to submit all reasonably ascertainable issues, arguments, and factual grounds supporting their position.

DTSC has also conducted extensive public outreach in the Kettleman City community for this proposal and draft decision. Please see G. DTSC General Response – Public Outreach for more information. DTSC has held open houses and public workshops to educate the community on the proposed changes to the facility and on how to submit a public comment. DTSC has received an extensive number of comments from residents in the community and interested parties as a result of our efforts, and we have considered each comment before making a final decision.

Thank you for your comments.

DTSC Response 320-1:

It is unclear from the comment what promise is referred to; however, DTSC acknowledges the multiple environmental pollution burdens borne by the Kettleman City community, and the presence of poverty, language barriers and other factors which tend to make people vulnerable to the impacts of pollution. That is why DTSC has taken steps to address environmental pollution burdens and community concerns.

To address the issue of air pollution, the facility has agreed to an enforceable plan to reduce diesel truck emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀ (particulate matter 10 micrometers in diameter and smaller). NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

To address the issue of water quality and the lack of a safe drinking water supply for Kettleman City residents, DTSC continues to work with CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board. In October 2012, the State Water Resources Control Board allocated \$2 million to assist CDPH in providing drinking water to economically disadvantaged communities. These funds will support efforts to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 321 through 322:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 323-1:

Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. DTSC's decision is based on the conclusion that this project is protective of public health and the environment.

Although DTSC has determined that the facility is not causing significant risk to human health or the environment at the time of this decision, DTSC acknowledges the multiple environmental pollution burdens borne by the Kettleman City community, and the presence of poverty, language barriers and other factors which tend to make people vulnerable to the impacts of pollution. That is why DTSC has taken steps to address environmental pollution burdens and community concerns.

To address the issue of air pollution, the facility has agreed to an enforceable plan to reduce diesel truck emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

To address the issue of water quality and the lack of a safe drinking water supply for Kettleman City residents, DTSC continues to work with CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board. In October 2012, the State Water Resources Control Board allocated \$2 million to assist CDPH in providing drinking water to economically disadvantaged communities. These funds will support efforts to bring clean drinking water to Kettleman City.

DTSC Response 323-2:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

Thank you for your comments.

DTSC Response 324-1:

The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that this facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC's decision is based on the conclusion that the project is protective of public health and the environment. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 324-2:

DTSC does not site hazardous waste landfills. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC Response 324-3:

DTSC recognizes the Kettleman City community as a primarily Hispanic community.

Thank you for your comments.

DTSC Responses 325 through 332:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 333:

DTSC opened this public comment period to solicit input on DTSC's draft decision and the draft permit which were released on July 2, 2013. DTSC did not base its tentative decision on any comments presented during the Public Hearing held more than 60 days later on September 18, 2013, or on any other public comments received during the public comment period which began after DTSC made a draft decision. The public comments received during the public comment period and during the public hearing do not form a basis for DTSC's draft decision, so DTSC is not soliciting input on these other individual's comments. DTSC has no legal obligation to release the public hearing transcript before the end of this public comment period. DTSC released the transcripts in English and Spanish as soon as it was translated to Spanish.

Thank you for your comments.

DTSC Response 334-1:

DTSC acknowledges the Kettleman City community has endured multiple environmental pollution burdens and the presence of poverty, language barriers and other factors which tend to make residents vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address these factors including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 334-2:

DTSC understands that Chemical Waste Management Inc. has entered into agreement with the Kings County Local Assessment Committee to pay off the existing debt of the Kettleman City Community Services District as a condition for approval of the County's Conditional Use Permit, and that the payment of that debt has significant implications for the procurement of a clean drinking water source for Kettleman City residents; however, DTSC is not basing its decision on this agreement. DTSC's decision is based on the determination that the proposed permit modification to expand the facility is protective of public health and the environment. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC Response 334-3:

DTSC acknowledges that there are residents in Kettleman City that oppose and support the permit modification proposal. DTSC does not make a final decision based on how many comments support or oppose the proposal. DTSC solicits comments from anyone who wishes to comment including residents, interested parties, local governments and other boards and agencies. DTSC considers all comments before making a final decision. DTSC's decision is based on the determination that the project is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant acute or cancer risk to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC Response 334-4:

DTSC mailed a Community Notice in March 2013 notifying the community and interested parties that DTSC settled an enforcement case including penalties with Waste Management. Waste Management's permit requires the facility to report spills to DTSC. During an inspection, DTSC discovered a log of spills the facility had not reported to DTSC. The spills were not violations of the permit because there was no significant risk to human health or the environment. Failing to notify DTSC of the spills, however, was a violation of the permit.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit.

Thank you for your comments.

DTSC Response 335-1

This comment expresses opposition to approval of the landfill expansion because Title VI of the Civil Rights Act of 1964 prohibits discrimination based on ethnicity or national origin, among other criteria.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites.
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.
6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects.

Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.
3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.
4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.
5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.
6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.
7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Please see B. DTSC General Response – Civil Rights for additional information.

DTSC Response 335-2:

The comment asserts that expansion of the landfill is tantamount to environmental racism.

DTSC disagrees with the foregoing assertion.

DTSC worked with other boards, departments, and office within Cal EPA in the development of the Cal EPA Environmental Justice Action Plan released in October 2004. The Environmental Justice Plan resulted in the development of OEHHA's CalEnviroScreen, the first comprehensive screening methodology to identify California communities that are disproportionately burdened by multiple sources of pollution. The data behind the indicators present relevant information regarding multiple pollution burdens in the Kettleman City community and a number of significant sensitive population and socioeconomic factors, all of which informed DTSC's analysis.

DTSC considers these efforts to be consistent with Cal EPA's anticipated use of the screening tool, "... it will provide meaningful insight into how decision makers can focus available time, resources, and programs to improve the environmental health of Californians, particularly those most burdened by pollution."

Please see B. DTSC General Response – Civil Rights and D. DTSC General Response – Environmental Justice for additional information.

DTSC Response 335-3:

With respect to the assertion that the Kings County EIR was flawed, please see DTSC Response 5469-18.

With respect to the assertion that the decision to permit expansion of the facility perpetuates unlawful institutional racism, please see DTSC Response 499-5.

DTSC Response 335-4:

This comment expresses a commitment to participating in DTSC's initiative to reduce hazardous waste by 50 percent by 2025.

DTSC appreciates your commitment and looks forward to your participation.

DTSC Response 335-5:

This comment recommends denying any expansion of the facility until a comprehensive assessment of all hazards present at the facility and a cumulative impact assessment of the chemical and biological exposures of neighbors and facility workers.

Numerous studies have been performed and no evidence of significant risk to Kettleman City residents from chemical or biological exposures from facility operations has been identified.

A series of studies have been conducted at the facility to determine the risk associated with facility operations:

1. Groundwater below the Kettleman Hills facility is hydrogeologically isolated from any drinking water source and surface water is retained on site and allowed to evaporate. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, DTSC reviews analytical data from a series of quarterly groundwater monitoring samples collected from 48 monitoring wells at the facility.
2. DTSC reviews analytical data from samples taken at 3 on site ambient air monitoring stations collected every 12 days for a continuous period of 24 hours.
3. DTSC worked with other Cal EPA boards and departments to assess potential contaminants and test for chemicals in Kettleman City air, water and soil that could cause birth defects and other adverse health effects. In December 2010, Cal EPA released the Kettleman City Community Exposure Assessment with the CDPH's Investigation of Birth Defects in Kettleman City.
4. DTSC reviews annual screening level health risk assessments that evaluate the risk associated with air emissions from the facility. The assessment is based on the data collected from the air monitoring stations every 12 days at the facility and is calculated for exposure to Kettleman City residents, the nearest resident, ranch workers at the facility boundary and hypothetical commercial/industrial workers at the facility boundary.
5. On November 12, 2010, the US EPA Office of Enforcement and Compliance Assurance, Air Enforcement Division, and EPA Region IX conducted an unannounced inspection at the Kettleman Hills facility to determine if the facility emits significant concentrations of volatile organic compounds. US EPA conducted the inspection at and downwind of potential sources using photo-ionization detectors and an infrared gas imaging camera.
6. In December 2008, US EPA directed one of the most extensive polychlorinated biphenyl (PCB) congener studies ever conducted at a permitted hazardous waste facility. The study measured PCB congeners in soil, air and vegetation at the facility and evaluated the potential human health and ecological risks associated with the management of PCBs at the facility.
7. In September 2009, the Kings County Planning Agency released a Final SEIR to identify and evaluate potentially significant adverse environmental impacts associated with the proposal to expand the facility. The report includes evaluation of cumulative impacts to aesthetics, air quality, biological resources, cultural and paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation and traffic, greenhouse gas emissions and global climate change.
8. DTSC prepared an Addendum to the SEIR for this decision that evaluates cumulative impacts from projects that were introduced after the preparation of the Draft SEIR prepared by the Kings County Planning Agency. The Addendum includes evaluation of cumulative impacts to aesthetics, air quality, biological

resources, cultural and paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, transportation and traffic, greenhouse gas emissions and global climate change.

9. In March and July of 2011 US EPA collected samples from inside a small number of Kettleman City homes to determine whether residents are being exposed to agricultural pesticides in their homes.

DTSC has reviewed all of these studies and continues to review ongoing studies associated with the risk to Kettleman City residents. Available evidence indicates that the facility is not causing significant risk to Kettleman City residents from chemical or biological exposures from facility operations.

Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 335-6:

This comment suggests the facility pay for a biomonitoring study of Kettleman City residents.

While biomonitoring is a useful tool, it cannot answer health questions raised by people in Kettleman City. Biomonitoring could not determine whether chemicals measured in the blood or urine of residents came from the Kettleman Hills facility because it cannot generally distinguish the sources of environmental chemicals. Instead, DTSC monitors the constituents that are being emitted from the facility into ambient air and assisted in the preparation of the Kettleman City Community Exposure Assessment which measured contaminants in air, water and soil in Kettleman City. DTSC does not have evidence that Kettleman City residents are being exposed to chemicals from operations at the Kettleman Hills facility. The studies that have been conducted show that there is no significant risk to Kettleman City residents from emissions from the facility.

DTSC Response 335-7:

This comment suggests that DTSC propose sites for at least two new hazardous waste landfills in communities that are not low-income communities of color.

DTSC does not site hazardous waste landfills. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC Response 335-8:

This comment suggests generators be required to safely store hazardous waste onsite until a viable solution is found.

The suggestion runs counter to a principle of hazardous waste management; to wit, prohibition of accumulations of hazardous waste except for a relatively short period of time.

The State of California has adopted strict regulations governing the management of hazardous waste to protect human health and the environment. These regulations prohibit the accumulation of hazardous waste beyond a certain time period, usually 90 days, unless the generator meets the stringent requirements of a hazardous waste storage facility as specified in California Code of Regulations, title 22, division 4.5, chapter 14.

DTSC Response 335-9:

This comment suggests translation of all communications, assessments, and studies into the language of the communities.

DTSC recognizes the Kettleman City community as a primarily Spanish speaking community. That is why DTSC has devoted significant time, money and resources to translating key decision documents into Spanish. In June 2012, DTSC prepared and distributed 664 community surveys to all Kettleman City residents and businesses in order to receive feedback about the level of interest in, and concerns regarding the facility. DTSC conducted a total of 47 interviews with representatives of Kings County, the Kettleman City Community Services District, other service agencies, business people and area residents. DTSC staff conducted in-person interviews (with translators) with 29 Kettleman City residents in June 2012 to determine how best to communicate with them. In May 2013, DTSC updated the Public Participation Plan for the Kettleman City community to document local community interest, views and concerns related to the town's environment as well as DTSC's permitting and corrective action activities, and to identify specific public participation activities that would facilitate community involvement in DTSC's decision-making process for the Kettleman Hills facility.

Although DTSC has translated the key documents for this draft decision and has provided simultaneous Spanish translation at our meetings and public hearing, we recognize that more can be done. That is why DTSC has added a permit condition to the permit that requires Waste Management to conduct annual meetings in Kettleman City to provide a summary of the environmental monitoring results from the prior year.

DTSC Response 335-10:

This comment encourages DTSC to take the same kind of courageous stand as it made with the Safer Consumer Products regulations.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income.

Thank you for your comments.

DTSC Response 336-1:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit.

The comment does not specify the actions alleged to be attributed to the violation of environmental justice and civil rights; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites.
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.

6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.

3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.

4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.

5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.

6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.

7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

DTSC Response 336-2:

The comment asserts that issuance of the draft permit is unacceptable due to violations, racial discriminatory processes, flawed studies, Kettleman City ranking in the top 10% of impacted zip codes in the state on CalEnviroScreen ranking tool, and one of the most vulnerable communities in the State.

DTSC's decision is based on the determination that the proposed expansion is protective of public health and the environment. With respect to your comment that the facility is unacceptable due to violations, please see DTSC General Response – Compliance History. DTSC thoroughly reviewed the entire compliance record for this facility before making this decision. Chemical Waste Management has corrected all its violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the prior violations serious, they do not warrant denial of this permit modification request.

With respect to your assertion that permit processes were racially discriminatory, DTSC conducts its programs in a manner that ensures fair treatment for all races, cultures, and income levels, including minority populations and low-income populations of the state. To this end, DTSC imposes permit conditions to ensure that facilities are well designed and will be operated safely for the protection of everyone, without regard to race, culture, income levels or other factors. Further, DTSC is aware that the SEIR was challenged in court and that the County's SEIR certification was affirmed by trial and appellate courts. DTSC is unaware of any evidence in the court record to support the assertions of racist acts or unlawful discrimination, claims which should have been raised when the alleged wrongful actions occurred. The appeals court decision rejecting these claims may be found in the administrative record under the titled *EI Pueblo, etc. v. Kings County Board of Supervisors*. The trial court decision, which also rejected the claims, is available in the administrative record.

As the portion of the comment regarding the CalEnviroScreen tool identifies, DTSC acknowledges that Kettleman City is among the long list of California communities burdened by pollutions from multiples sources. For this reason, DTSC added permit conditions to address impacts. DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents and that the DTSC-imposed permit conditions ensure that the facility operates in a manner that is protective of public health and the environment.

With respect to the portion of your comment regarding "flawed studies," please see A. DTSC General Response - Birth Defects.

DTSC Response 336-3:

The commenter asserts that Kettleman City residents continue to suffer high rates of birth defects, infant deaths, and childhood cancer and that expansion of the landfill would expose residents to decades of increased toxic pollution including breathing the emissions from hundreds of toxic waste trucks every day. DTSC participated in

investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source and that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies and A. DTSC General Response - Birth Defects for more information. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision.

To address the issue of air pollution, the facility has agreed to an enforceable plan to reduce diesel truck emissions by prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. This plan will reduce the impact of diesel emissions of NO_x and PM₁₀. NO_x emissions could be reduced by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 336-4:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit. Please see H. DTSC General Response - Compliance History for more information about the violations.

DTSC Response 336-5:

CWMI acquired the Kettleman Hills facility in 1979. In April 1985, the Kings County Planning Agency (County), the lead agency, certified an EIR and approved a project to expand the then 1,280 acre site to 1,600 acres, permitting three new waste disposal areas including the B-18 landfill. The April 1985 EIR provided the basis for approval of CUP No. 1412 which incorporates the B-18 landfill. In 2004, the County issued an Notice of Preparation (NOP) of a SEIR for the B-18/B-20 Hazardous Waste Landfill Project, including consideration for expansion of the existing B-18 Hazardous Waste Landfill by 14 acres (and closure), and construction of a new B-20 Hazardous Waste Landfill. A Revised NOP was issued in August 2005. After circulation of the Draft SEIR, the project description was refined, and a Revised Project Description and

Analysis was publically noticed and recirculated for 45-days of public review and comment in May 2008. In 2009, in response to comments received on the Draft SEIR, the County again publically noticed and recirculated the Recirculated Portions of the Draft SEIR for another 45-day public review and comment period in May 2009.

The County released the Final SEIR in October 2009. In October 2009, after holding two public hearings, the County approved the project and certified the Final SEIR, which was appealed to the Board of Supervisors on October 27, 2009. The Board held a hearing on the appeal of the County's approval on December 7, 2009. After holding a second hearing, in December 2009, the Board of Supervisors denied the appeal and granted the Conditional use Permit for the project. On January 21, 2010, two groups of petitioners filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenging the approval of the expansion project and certification of the Final SEIR. A hearing on the merits of the Petitioners' CEQA claims was held on November 22, 2010. The Superior Court for the County of Kings issued an order denying Petitioners' petition for writ of mandate on the merits on January 3, 2011. Notice of Entry of Final Judgment denying all of petitioners' claims on the merits was entered on January 27, 2011. On appeal, the Fifth District Court of Appeal heard oral arguments on June 19, 2012, and a decision was entered on July 3, 2012 affirming the Trial Court's decision for the Final SEIR. The California Supreme Court denied review on September 26, 2012.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC Response 336-6:

The commenter asserts that DTSC uses State funding for highly impacted communities to remediate past disparities and "incentive programs" as its grounds for supporting the decision to grant the permit. DTSC prepared the Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility, assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community, and review authoritative and voluntary actions taken by DTSC, local government, the federal government, and Chemical Waste Management to address impacts on the people in the community from the facility or from the multiple impacts of other activities. Neither DTSC nor its Environmental Justice Review cites any incentive programs as a basis for approving this permit modification request.

Thank you for your comments.

DTSC Responses 337 through 387:

Please see DTSC Responses 336-1 through 336-6.

Thank you for your comments.

DTSC Responses 388 through 490:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 491-1:

The Class 3 permit modification is not a proposal from DTSC. In December 2008 CWMI submitted a request to DTSC to modify its Hazardous Waste Facility Permit to allow for expansion of one of its hazardous waste landfill units. DTSC is acting in its authority to review the application and has determined that the proposal is protective of public health and the environment when the facility operates in accordance with the permit conditions. In accordance with state laws and regulations, DTSC tentatively approved the proposal and solicited public comment before making a final decision.

DTSC Response 491-2:

The need to secure additional disposal capacity or reduce hazardous waste generation in California is not a basis for DTSC's decision. The siting of hazardous waste facilities is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit. This facility permit modification was requested by CWMI. DTSC has tentatively approved the request for the permit modification because DTSC has determined that the proposal by CWMI is protective of public health and the environment when the facility operates in accordance with the permit conditions.

DTSC Response 491-3:

The Class 3 permit modification is not a proposal from DTSC. The mitigation of potential effects and cumulative effects on the community is addressed in the Final SEIR prepared for the Kings County Community Development Agency (County), which is the lead agency for this project.

The County released the Final SEIR in October 2009. In October 2009, after holding two public hearings, the County approved the project and certified the Final SEIR, which was appealed to the Board of Supervisors on October 27, 2009. The Board held a hearing on the appeal of the County's approval on December 7, 2009. After holding a second hearing, in December 2009, the Board of Supervisors denied the appeal and granted the Conditional use Permit for the project. On January 21, 2010, two groups of

petitioners filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenging the approval of the expansion project and certification of the Final SEIR. A hearing on the merits of the Petitioners' CEQA claims was held on November 22, 2010. The Superior Court for the County of Kings issued an order denying Petitioners' petition for writ of mandate on the merits on January 3, 2011. Notice of Entry of Final Judgment denying all of petitioners' claims on the merits was entered on January 27, 2011. On appeal, the Fifth District Court of Appeal heard oral arguments on June 19, 2012, and a decision was entered on July 3, 2012 affirming the Trial Court's decision for the Final SEIR. The California Supreme Court denied review on September 26, 2012.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC Response 491-4:

DTSC acknowledges the Kettleman City community has endured multiple environmental pollution burdens and the presence of poverty, language barriers and other factors which tend to make residents vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address community concerns including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board to bring clean drinking water to Kettleman City.

DTSC Response 491-5:

CCR, title 14, division 6, chapter 3, section 15130 requires Environmental Impact Reports to include a discussion of significant cumulative impacts from either a list of past, present and probable future projects, or from a summary of projections in an adopted general plan. The Draft SEIR evaluated cumulative impacts from a list of projects the County developed. This list includes the Kettleman Hills facility B-19 Landfill Bioreactor project, the Kettleman Hills facility B-17 Landfill Project, the Avenal Landfill, the Westlake Farms Co-Composting Facility, the Caltrans SR-41 Rehabilitation Project and the Quay Valley Ranch Planned Community Development. The Recirculated Portions of the Draft SEIR evaluated cumulative impacts from an additional source, the Avenal Energy Project, which was not a reasonably foreseeable future project at the time the NOP for the Draft SEIR was issued 2.5 years earlier. Additionally, DTSC prepared an Addendum to the SEIR and evaluated cumulative

impacts from a list of additional projects that were not reasonably foreseeable at the time the County issued the NOP. DTSC also examined the County's evaluation of the Avenal Energy Project amid comments from community members expressing concern that the Final SEIR did not evaluate the project appropriately.

The list of additional projects DTSC evaluated include the Federal Express Transfer Facility, Commercial Development at SR-41 and Bernard Drive, Kettleman City Surface Water Treatment Plant and Commercial Water Storage Tanks, Dudley Ridge Water Transfer Project, Jackson Ranch Water Allocation Project, Avenal Photovoltaic Solar Farm, Avenal Park Photovoltaic Solar Farm, Zodiac Energy LLC Exploratory Wells, Zodiac #4-9 Exploratory Oil and Gas Well, Zodiac #1-10 Exploratory Oil and Gas Well, Innex California, Oil and Gas Wells with A.P.I. Numbers Only, Zodiac Energy LLC Processing Facility, Grow King Solar II LLC, City of Avenal Chlorination Project and the City of Avenal 2009-2014 Housing Update. DTSC evaluated these projects due to public concern about cumulative impacts that were expressed during DTSC's November 17, 2011 Public Workshop in Kettleman City.

Considering community members' concern about cumulative impacts, DTSC also prepared the Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. While this review examines the potential for current and future multiple impacts to the people in the communities near the facility, it is not prepared pursuant to CEQA, and may contain information and analysis that either differ from, or would not be required under CEQA.

DTSC has concluded that cumulative impacts have been adequately studied for this proposed expansion. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018.

DTSC Response 491-6:

The permit condition prohibiting older trucks complements DTSC's work with the CDPH and other agencies to secure clean drinking water for Kettleman City, which is another opportunity to improve the environmental quality for this burdened and vulnerable community. DTSC also added additional permit conditions to address health and safety concerns raised by the community including a spill containment system, annual aerial or land surveys of the landfill, increased air sampling and enhanced air monitoring, increased sampling and analysis of leachate and enhanced public outreach.

DTSC Response 491-7:

DTSC's goal to reduce hazardous waste generation is not a basis for this decision. DTSC has tentatively approved the request for the permit modification because DTSC has determined that the proposal by CWMI is protective of public health and the environment when the facility operates in accordance with the permit conditions.

DTSC Response 491-8:

The number of trucks delivering to the facility can vary significantly on a daily basis. The environmental impacts identified in the Final SEIR are based on a daily count of 400 trucks per day. This count is derived from past waste and manifest logs and represents the anticipated maximum peak average number of trucks per day that would arrive at the facility so that a most protective analysis of impacts could be considered.

Thank you for your comments.

DTSC Response 492:

Community benefits were negotiated through the Tanner Act and were adopted by Kings County as condition for approval of the Conditional Use Permit. DTSC is not making this decision based on any of the benefit agreements reached by the Local Assessment Committee through that process. DTSC's decision is based on the determination that the proposed expansion is protective of public health and the environment.

Thank you for your comments.

DTSC Response 493:

DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Response 494:

These comments indicate support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comments do not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 495:

DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Response 496:

DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City.

DTSC acknowledges the multiple environmental pollution burdens in the Kettleman City community and the presence of poverty, language barriers and other factors that tend to increase the vulnerability to impacts of pollution. That is why DTSC focused time and resources on an expanded public outreach effort in 2012 which identified air pollution and water quality as significant community concerns. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Response 497-1:

Please see DTSC responses to Greenaction for Health and Environmental Justice and Center on Race, Poverty and the Environment for responses to comments submitted by those organizations.

DTSC Response 497-2:

The public comment period was opened and began on July 2, 2013. DTSC mailed Community Notices to the mailing list in both English and Spanish on July 1, 2013, announcing the opening of the public comment period, a scheduled Open House, a Drop in Session to talk to DTSC staff, and a scheduled public hearing. DTSC mailed a second Community Notice in both English and Spanish on August 8, 2013, extending the public comment period and the date for the public hearing. DTSC also published notices in The Hanford Sentinel and Vida en el Valle in both English and Spanish. DTSC prepared both Community Notices in accordance with CCR, title 22, division 4.5, section 66271.9.

DTSC held the public hearing on September 18 and the public comment period ended on October 25, 2013. More than 130 people attended the public hearing in Kettleman City. 46 residents of Kettleman City signed DTSC's Sign-In Sheet at the public hearing. DTSC received public comments from 5,553 individuals and organizations during the public comment period. DTSC received petitions that included signatures from 180 individuals who identified themselves as residents of Kettleman City and individual comments from approximately 100 Kettleman City residents. On the basis of this information, DTSC has concluded that our outreach efforts have resulted in substantial and sufficient involvement of Kettleman City residents in our public process.

DTSC Response 497-3:

DTSC's expanded public outreach efforts in 2012 identified siting of the facility in a low-income Latino community as an environmental justice concern. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

The Investigation of Birth Defects and Community Exposures in Kettleman City is comprised of two studies. The objective of CDPH's Birth Defect Study was to evaluate the presence of known or suspected genetic, medical or pregnancy-related risk factors, the presence of known or suspected behavioral and lifestyle risk factors, and the potential for environmental or occupational exposures that may be associated with an increased risk of birth defects. The objective of Cal EPA's Kettleman City Community Exposure Assessment was to assess possible environmental contaminants in the air, groundwater and soil that may have contributed to the increase in birth defects in the Kettleman City community since 2007. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous

constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 497-4:

Just as CDPH supported sampling in homes for pesticide exposure, DTSC supported sampling ambient air in Kettleman City for chemicals. DTSC assisted in Cal EPA's Kettleman City Community Exposure Assessment which included extensive testing of air, water, soil and soil gas for chemicals that may cause birth defects and other health issues. The air sampling occurred at the Kettleman City Elementary School and at the facility. The assessment also considered the air sampling analytical results that date back to 2007. The assessment found that it is unlikely that airborne contaminants measured at the facility pose health risks to the residents of Kettleman City.

DTSC also routinely monitors the constituents emitted from the Kettleman Hills facility. DTSC has routinely required the facility sample ambient air at the fence line of the property for chemicals and compounds that are present in the waste streams accepted by the facility. Annually, DTSC requires that data be used to develop a risk assessment that quantifies the acute and cancer risk to Kettleman City residents.

DTSC has concluded that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 497-5:

Please see the previous comment relating to the extensive lack of data. DTSC has accumulated extensive data from the investigations and studies and ambient air sampling activities related to emissions from the site.

The Environmental Justice Review does not propose 'mitigation standards.' The Environmental Justice Review reviews authoritative and voluntary actions taken by DTSC, local government, federal government, and the facility to address impacts on the people in the community from the facility or from the multiple impacts of other activities. These voluntary actions include limiting access of more polluting trucks, assistance with a new drinking water source and expanded public outreach.

DTSC requires the facility to implement the mitigation measures adopted in the Final SEIR prepared for the Kings County Community Development Agency. They include mitigation measures for air quality, biological resources, cultural and paleontological resources, land use, transportation and traffic, and greenhouse gas emissions and global climate change. Some of these measures reduce the level of significance of an impact from significant to less than significant. DTSC views these measures as necessary to eliminate or substantially reduce potentially significant environmental

impacts associated with this project and has added a permit condition to the permit to ensure that the facility complies with them. Bringing a new clinic to Kettleman City is not an appropriate mitigation measure because it would not eliminate or reduce the significance of any of the identified impacts. Adventist Health operates a clinic in Kettleman City. The Community Care Clinic is located at 304 Becky Pease Street in Kettleman City.

DTSC's decision is based on the determination that the project is protective of public health and the environment. Although the birth defects studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 497-6:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit. Please see H. DTSC General Response - Compliance History for more information about the violations.

DTSC considers threats to human health or the environment as exposure to hazardous constituents at levels that result in significant risk to human health or the environment. DTSC evaluates the significance of exposures by evaluating the nature of the spill, the characteristics of the hazardous constituents, analytical results from ambient air samples, toxicity factors and other indicators. DTSC does not rely solely on documentation from the facility to assess the threat of violations but does evaluate air monitoring data at the site to determine whether hazardous constituents are being released into the air at concentrations that could cause a significant risk.

DTSC Response 497-7:

DTSC's Addendum and Initial Study/Environmental Checklist (Addendum) concluded that there are no substantial changes proposed by the phased approach that would require major revisions to the SEIR. The Addendum also concluded that review of additional projects that were filed after certification of the SEIR did not result in information that would change the findings and conclusions of the SEIR. These findings and conclusions include the significant and unavoidable impacts identified in the SEIR.

DTSC Response 497-8:

The results of DTSC's investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC will ensure the permit conditions are followed through the use of unannounced enforcement inspections and review of facility records. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 497-9:

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 497-10:

The Cerrell Report addresses siting of Waste-to-Energy facilities. The Kettleman Hills facility is not a Waste-to-Energy facility, but a hazardous waste facility. DTSC does not site hazardous waste landfills. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC Response 497-11:

The cited statement is a declaration by the California State Legislature in California Health and Safety Code (HSC), division 20, chapter 6.5, article 4.5, section 25146. DTSC's Findings of Fact and Statement of Overriding Considerations states that the project will assist the State of California in meeting the objectives set forth in HSC section 25135, subdivision (a)(5), Section 25146 and Section 25146.5 for safe and responsible management of hazardous waste. The project does so by meeting the

objective of HSC section 25146.5(a) which states, “It is a matter of urgent public necessity and statewide concern that the number of existing hazardous waste facilities be retained to the extent feasible.”

DTSC Response 497-12:

DTSC is making this decision because the proposal is protective of public health and the environment. The results of DTSC’s investigations and studies have shown that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see D. DTSC General Response – Environmental Justice.

Thank you for your comments.

DTSC Response 498-1:

Groundwater at the facility flows away from Kettleman City in aquifers that are not connected to drinking water sources in Kettleman City; however, DTSC analyzes groundwater samples taken quarterly at the site. There is no pathway to human exposure from groundwater under the facility. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. Based on this information DTSC has concluded that contaminants found in the Kettleman City drinking water are not from the facility.

DTSC Response 498-2:

US EPA collected samples inside Kettleman City homes in March and July of 2011 to determine whether residents are being exposed to agricultural pesticides in their homes. The results of the sampling indicate that residents are exposed but at levels that are too low to present a significant health risk. Nevertheless, DTSC acknowledges the multiple environmental pollution burdens borne by the Kettleman City community, and the presence of poverty, language barriers and other factors which tend to make people vulnerable to the impacts of pollution. That is why DTSC focused time and resources on an expanded public outreach effort in 2012 which identified air pollution and water quality as significant community concerns. DTSC worked with sister state and local agencies to focus efforts to bring clean drinking water to Kettleman City, and encouraged the facility to require trucks using the facility to have cleaner running engines, thereby decreasing harmful air emissions.

Thank you for your comments.

DTSC Response 499-1:

The commenter states that the applicant’s past compliance history and impacts on residents are sufficient to deny the permit modification. DTSC would not approve this

permit modification if there were any evidence that this facility was not able or willing to comply with the permit or was causing significant risk to human health or the environment. Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing any health impacts to Kettleman City residents and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment. Please see F. DTSC General Response – Investigations and Studies for more information about the health studies that have been conducted regarding the Kettleman Hills facility and the Kettleman City community.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Please see H. DTSC General Response - Compliance History.

DTSC Response 499-2:

With respect to your comment that DTSC proposes to allow continued disposal of toxic waste despite the disproportionate impact this will have on Kettleman City residents, DTSC has been careful to ensure that the proposed facility operations do not impact its neighbors in any negative and significant way. Please see General Response – B. Civil Rights. DTSC's decision is informed by numerous studies, including air and groundwater monitoring results, the Birth Defect Study, and the Community Health Assessment, to name a few. Please see F. DTSC General Response – Investigations and Studies for more information.

With respect to your comment that the facility has a pattern of chronic and repeated violations, please see H. DTSC General Response – Compliance History. DTSC does not share your interpretation of the facility's enforcement record. Effective enforcement and verification through inspections and monitoring are sufficient to identify and eliminate threats to public health or safety and the environment. .

DTSC Response 499-3:

With respect to the assertion that expansion of the landfill violates state and federal civil rights laws, DTSC conducts its programs in a manner that ensures fair treatment of all races, cultures, and income levels, including minority populations and low-income populations of the state. To this end, DTSC imposes permit conditions to ensure that facilities are well designed and will be operated safely, with no significant, negative impacts on neighbors.

The portion of the comment regarding the Cerrell Report does not take into account the fact that DTSC does not site hazardous waste facilities. The siting of the facility, by law,

was a local decision made by Kings County. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community or harm the environment, and that it operates safely within the requirements of its hazardous waste permit. Please see B. DTSC General Response - Civil Rights.

DTSC Response 499-4:

With respect to the assertion that expansion of the landfill violates state civil rights laws, DTSC conducts its programs in a manner that ensures fair treatment of all races, cultures, and income levels, including minority populations and low-income populations of the state. To this end, DTSC imposes permit conditions to ensure that facilities are well designed and will be operated safely for the protection of everyone, without regard to race, culture, income levels or other factors.

Nevertheless, DTSC acknowledges that Kettleman City is among the long list of California communities most burdened by pollution from multiple sources. That is why DTSC added permit conditions to address impacts.

For example, DTSC has worked with the applicant who agreed to including a permit condition that prohibits trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and will prohibit model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal, and the San Joaquin Valley Air Basin.

The articles submitted as supporting evidence indicate that impacts to resident's mental health occurs for neighbors of such facilities; however, those persons live much closer than the distance from Kettleman City to the facility, and distance is a crucial factor. The Kettleman City community is located 3.5 miles from the facility so there are no significant impacts from toxic air contaminants identified for this population.

Finally, as stated before, the siting of a facility is, by law, a local decision made in this case by Kings County. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and that it operates within the requirements of its hazardous waste permit. Please see B. DTSC General Response - Civil Rights.

DTSC Response 499-5:

With respect to your assertion that DTSC perpetuates King County's discrimination, it is unclear from the comments which "criteria or methods of administration" DTSC has allegedly utilized that perpetuate discrimination. Further, DTSC is aware that the SEIR was challenged in court and that the County's SEIR certification was affirmed by both trial and appellate courts. DTSC is unaware of any evidence in the court record to support the assertions of racist actions or unlawful discrimination, claims which should

have been raised when the alleged wrongful actions occurred. The appeals court decision rejecting the claims of the commenter may be found in the administrative record under the title El Pueblo, etc. v. Kings County Board of Supervisors. The trial court decision, which also rejected the claims, is available in the administrative record. Please see B. DTSC General Response – Civil Rights.

Also, DTSC observes that there is no evidence that the alleged wrongful composition of the local assessment committee was challenged, though appeal procedures exist.

Other important facts distinguish DTSC's activities and demonstrate its fairness: DTSC has provided extensive interpretative assistance to Spanish speaking residents in the community. Please see G. DTSC General Response – Public Outreach for more information. DTSC has not contracted with large police or security forces for the decision-making process and has received extensive public input from the Kettleman City community through attendance at the public hearing and comments submitted for the draft decision.

DTSC's decision is based on the determination that this project is protective of public health and the environment. DTSC has reviewed the Final SEIR and determined that it, along with the Addendum prepared by DTSC, is adequate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC Response 499-6:

With respect to the comment that DTSC makes or permits the selection of hazardous waste facility sites, DTSC does not do so. Site selection is a local decision, not a DTSC decision.

DTSC Response 499-7:

With respect to the comment that DTSC's alleged failure to adopt a statewide hazardous waste management plan has led to pervasive patterns of discriminatory siting, it should be noted that the preparation of such a plan is not a condition precedent to making permit decisions. Further, the legislature did not provide sufficient funding to prepare a plan and did not provide further legislative direction. Finally, the siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, DTSC acknowledges its responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Please see DTSC Response 499-3. Finally, the siting of the Kettleman Hills facility predates the legislature's requirement to approve a Statewide Hazardous Waste Management Plan by 1991.

DTSC Response 499-8:

The comment asserts that DTSC's approval of the expansion will violate Title VI of the Civil Rights Act of 1964. DTSC states, unequivocally, that it has no discriminatory intent, express or implied. DTSC's intention is to ensure that the landfill is well designed and operated safely to protect everyone, including its neighbors, from harm.

Similar issues were examined by the US EPA Office of Civil Rights as it investigated the complaint filed by the commenter in 1994. That complaint was dismissed as without merit and the investigation was terminated in August 2013. For more information, please see B. DTSC General Response – Civil Rights.

It should be noted that DTSC does not site hazardous waste facilities. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit. The Cerrell Report is not a basis for DTSC's decision on this permit modification.

DTSC's decision is based on the determination that this project is protective of public health and the environment. DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income; however, it is acknowledged that the Kettleman City community faces many environmental and socio-economic issues, most of which are outside the jurisdiction of DTSC. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC Response 499-9:

The comment alleges that DTSC's approval of the expansion will violate the Equal Protection Clause. DTSC denies the assertion. DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. Please see B. DTSC General Response – Civil Rights. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.

2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites.
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.
6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.
2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.
3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices were sent to communities through media that have been identified as effective by the update, such as email and public posting.

4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.
5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish.
6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.
7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Please see B. DTSC General Response - Civil Rights and D. DTSC General Response – Environmental Justice.

DTSC Response 499-10:

The commenter refers to the DTSC Director's letter and statements in the consultant's report (CPS HR Consulting, Department of Toxic Substances Control Permitting Process Review and Analysis Final Report, October 2, 2013) that "the department does not have clear guidelines for when to deny a permit," and asserts that DTSC must postpone action on the permit modification until it has implemented changes to the permitting program because Kettleman City residents deserve a deliberate process with clear and objective criteria.

DTSC acknowledges these concerns of stakeholders and the specific statements of the letter and consultant's report. While DTSC may consider clarifying its regulatory program requirements in response to these concerns in the future, there is nothing that precludes it from exercising its existing statutory authority to act on current permit applications. Moreover, guidance on DTSC's permit power is codified in HSC and CCR. For instance, CCR, title 22, division 4.5, chapter 20, article 4 specifies the requirements for Permit Changes and Denials. Additional guidelines for revoking or denying a permit are codified in CCR, title 22, section 66270.43 and HSC, section 25186. Please see H. DTSC General Response - Compliance History for more detail about how DTSC used the compliance record to evaluate whether to approve or deny this permit modification proposal.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations that rise to the level to warrant denial of this permit modification request. If the facility violated a permit condition which resulted in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit.

DTSC agrees that Kettleman City residents deserve a deliberate process with clear and objective criteria. That is why DTSC has followed the criteria set forth in regulation and statute for this decision. DTSC's criteria for permit decisions are firmly founded in CCR and HSC. DTSC's decision is based on these criteria. In addition, CCR, title 22, division 4.5, chapter 20, article 4, section 66270.41(a)(5) requires DTSC to modify a permit as necessary to assure that the facility is in compliance with the currently applicable requirements in chapters 10 through 16, 20 and 21 of division 4.5 and as necessary to protect human health and the environment. DTSC, in considering this permit modification request, has modified the permit by adding permit conditions that assure facility compliance with applicable requirements and protect public health and the environment. DTSC has concluded that the facility can operate safely when following the permit conditions for this decision. Please see H. DTSC General Response – Compliance History.

DTSC Response 499-11:

This commenter expresses concern that DTSC is not complying with the precautionary principle in this permit decision and that in the absence of knowledge of the definitive causes of public health impacts in Kettleman City, DTSC's decision is inconsistent with the policy. As evidence of this position, the commenter cites the gap in PCB air monitoring in 2008, the lack of a comprehensive health study of the community and the absence of an identified cause of the public health impacts in recent community health studies. The commenter furthermore indicates that DTSC is demanding that community provide definitive proof linking health problems to the facility.

DTSC is committed to both the precautionary principle and DTSC's environmental justice policy. Both policies set forth general guidelines that the Department implements with actions and decisions specific to each situation. The precautionary principle policy provides a decision and policy framework in the event of scientific uncertainty. In the case of Kettleman City, each of the studies has ruled out the facility's operation as a demonstrable cause.

Although DTSC suspended PCB monitoring in April 2008 due to the lack of any detection of PCBs in air samples, extensive PCB soil tests were conducted at the facility

boundary in March and April of 2009 and in Kettleman City in July 2010. The Final Dioxin-Like Polychlorinated Biphenyl (PCB) Congeners Study Report directed by US EPA shows that the concentrations of dioxin-like PCB congeners found in soil at the facility in 2009 are similar to those measured elsewhere in the country, including in rural soils located away from industrial land uses and even in remote wilderness areas. The Kettleman City Community Exposure Assessment directed by Cal EPA in 2010 shows that PCBs were not detected in residential soil samples.

Although DTSC directed the facility to resume sampling for PCBs in 2010, PCBs have not been detected in any air sample collected at the facility since 2006. Ambient air samples are collected every 12 days at the facility for a period of 24 hours. These samples are collected and analyzed to characterize the ambient air emissions from the facility and are situated in locations that are downwind from facility operations during predominant wind patterns. Winds blow toward Kettleman City approximately 5 percent of the time. The permit condition requiring an extra monitoring point was added to provide an early indication of contaminant migration when winds are blowing toward Kettleman City. DTSC has concluded that prior monitoring was adequate to characterize facility emissions.

DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC recognizes that the Kettleman City community is burdened with poor air quality and possible increased susceptibility to air contaminants. That is why DTSC acknowledged the additional environmental burdens the Kettleman City community endures and has added permit conditions that address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.
3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.
4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.
5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.
6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.
7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

This permit decision is in compliance with the precautionary principle and DTSC's environmental justice policies. Please see D. DTSC General Response – Environmental Justice.

DTSC Response 499-12:

The comment asserts that even though DTSC acknowledges that Kettleman City residents face a cumulative risk from multiple pollution sources, it does little to identify the nature of those impacts or address them. It is a fact that DTSC exercised its authority to the maximum extent to protect the facility's neighbors and to identify and alleviate local concerns. Specifically, through extensive outreach efforts and by review of the numerous studies and projects in the area, DTSC identified the issues that most

concern residents: air and drinking water. DTSC worked with the facility to include an enforceable condition limiting truck access to newer, cleaner models, with a significant reduction of air contamination as a result. Though the facility is not responsible for the drinking water problem and though DTSC has no authority to provide a solution, DTSC worked with those sister government agencies with the competencies and authority to help community residents get better drinking water.

The Environmental Justice Review did, in fact, consider the studies of birth defects, pesticide exposures and considered the facility's contribution, which is minimal. And then DTSC took steps to help as much as it could with the truck limits and getting better drinking water. California Code of Regulations, title 14, division 6, chapter 3, section 15130, requires Environmental Impact Reports to include a discussion of significant cumulative impacts from either a list of past, present and probable future projects, or from a summary of projections in an adopted general plan. The Draft SEIR evaluated cumulative impacts from a list of projects the County developed. This list includes the KHF B-19 Landfill Bioreactor project, the Kettleman Hills facility B-17 Landfill Project, the Avenal Landfill, the Westlake Farms Co-Composting Facility, the Caltrans SR-41 Rehabilitation Project and the Quay Valley Ranch Planned Community Development. The Recirculated Portions of the Draft SEIR evaluated cumulative impacts from an additional source, the Avenal Energy Project, which was not a reasonably foreseeable future project at the time the NOP for the Draft SEIR was issued 2.5 years earlier. Additionally, DTSC prepared an Addendum to the SEIR and evaluated cumulative impacts from a list of additional projects that were not reasonably foreseeable at the time the County issued the NOP. DTSC also examined the County's evaluation of the Avenal Energy Project amid comments from community members expressing concern that the Final SEIR did not evaluate the project appropriately.

DTSC evaluated numerous projects due to public concern about cumulative impacts that were expressed during DTSC's November 17, 2011 Public Workshop in Kettleman City. The list of additional projects DTSC evaluated include the Federal Express Transfer Facility, Commercial Development at SR-41 and Bernard Drive, Kettleman City Surface Water Treatment Plant and Commercial Water Storage Tanks, Dudley Ridge Water Transfer Project, Jackson Ranch Water Allocation Project, Avenal Photovoltaic Solar Farm, Avenal Park Photovoltaic Solar Farm, Zodiac Energy LLC Exploratory Wells, Zodiac #4-9 Exploratory oil and Gas Well, Zodiac #1-10 Exploratory Oil and Gas Well, Innex California, Oil and Gas Wells with A.P.I. Numbers Only, Zodiac Energy LLC Processing Facility, Grow King Solar II LLC, City of Avenal Chlorination Project and the City of Avenal 2009-2014 Housing Update.

Considering some community members' concern about cumulative impacts, DTSC also prepared the Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. While this review examines the potential for current and future multiple impacts to the people in the communities near the facility, it is not prepared pursuant to CEQA, and may contain information and analysis that either differ from, or would not be required under CEQA.

Cumulative impacts have been adequately studied for this proposed expansion. DTSC's Addendum concluded that review of additional projects that were filed after certification of the SEIR did not result in information that would change the findings and conclusions of the SEIR. These findings and conclusions include the cumulative impacts identified in the SEIR. The voluntary actions listed in the Environmental Justice Review are not listed as mitigation measures. The only mitigation measures DTSC relies on for this decision are those listed in the County's Final SEIR. Please see F. DTSC General Response – Investigations and Studies.

DTSC Response 499-13:

The commenter states that DTSC has authority under HSC, section 25186 and CCR, title 22, section 66270.43 to deny or revoke a permit based on violations of statute, regulations or permit conditions that threaten health and the environment or show a repeating or recurring pattern of non-compliance. The commenter also states that DTSC erred by only evaluating the facility's compliance history for violations which could potentially harm public health or safety of the environment. Lastly, the commenter asserts that DTSC should have evaluated the facility's compliance history based on a recurring pattern of non-compliance.

Please see H. DTSC General Response - Compliance History for more detail about how DTSC used the compliance record to evaluate whether to approve or deny this permit modification proposal.

DTSC Response 499-14:

The commenter asserts that DTSC should deny the permit modification request based on the facility's violations of its permit. The commenter provides specific examples of violations emanating from noncompliance with permit conditions.

The commenter specifically cites three types of conditions from DTSC guidance that allow it to consider permit denial: a) failure to install an adequate environmental monitoring system, b) failure to construct the facility properly, and c) failure to manage waste properly, and the commenter then provides specific examples which they state should lead DTSC to deny the permit modification request.

It is important to note that, while the commenter accurately reflects the specifics of examples included in DTSC guidance for denial of a permit, they do not refer to additional important language in that guidance. Specifically, the referenced guidance also states, "Generally, denial or revocation of a permit should only be considered when an act of the permit applicant or holder poses a threat to public health or the environment, results in conviction of a crime significantly related to fitness to perform under the permit, is a violation of an administrative or court order, shows a clear unwillingness or inability to comply with environmental laws, or results in the revocation

or suspension of any related permit.” (Permit Writer’s Instructions, Revision III, OPP 87-15, Appendix 13.1)

As discussed in the general responses regarding the facility’s compliance history, DTSC has determined that the facility’s compliance history does not show a clear unwillingness or inability to comply with environmental laws. Please see H. DTSC General Response - Compliance History for more detail.

Failure to install an adequate environmental monitoring system

The commenter states that USEPA, Central Valley Regional Water Quality Control Board (RWQCB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD) have cited the Kettleman Hills facility for environmental monitoring violations. The violations raised in regards to failure to implement a groundwater monitoring program were actually a failure to implement a monitoring system that meets all regulatory requirements. At the time of these citations 29 years ago, Kettleman did have a groundwater monitoring system in place. Regulatory agencies’ and facilities’ understanding of the requirements to properly monitor groundwater was evolving with increased regulatory and technological developments based upon the relatively new requirements. As with almost all facilities required to have a groundwater monitoring system at that time, agencies found areas where existing monitoring systems needed to be improved. The facility addressed the deficiencies and their monitoring system has been functioning properly since that time. These activities also occurred prior to the guidance referenced by the commenter. To date, no agency has alleged that the facility’s groundwater monitoring system has failed to detect any releases of hazardous waste or constituents from any unit at the facility.

In light of the age, nature and circumstances of this violation, along with the facility’s corrections and the continued functionality of the groundwater monitoring system over the last 29 years, DTSC finds this example an insufficient reason to initiate denial of this permit modification request.

Failure to construct the facility properly

The commenter states the facility had one of the largest ever failures of a hazardous waste landfill liner system, implying that this failure meets DTSC guidance for considering denial of a permit. The commenter further states that the incident involving the failure of the liner (in Unit B-19) in 1988 was due to “design and construction issues.”

DTSC acknowledges the significance of the failure and that the failure of the liner was due to design and filling issues. The failure involved slippage of the synthetic liner system. It is important to point out that the liner failure did not result in a catastrophic release to the environment.

Chemical Waste Management designed and constructed the liner system according to industry standards in place at the time, and that were used successfully in many other

applications nationwide. The incident has been studied extensively and has provided insights that have led to better industry standards for landfill construction design and landfill filling procedures.

The wastes involved in the incident were subsequently properly managed. The facility adapted its design and operational standards to address the cause of the failure. This event occurred 26 years ago, and does not reflect any current or recent problems with proper construction of hazardous waste management structures and appurtenances.

Based on the standards in place at the time of this event, the amount of time that has elapsed since this incident occurred, and a lack of any indication of current or recent construction deficiencies at the facility, DTSC does not find this event to be a basis for denial of this permit modification request.

Failure to properly manage waste

The commenter states that failure to manage waste properly at the facility should be grounds for denial of the permit modification request. They state that DTSC and US EPA have cited the facility numerous times for failing to adequately treat waste prior to placement in the landfill, impermissibly disposing of prohibited wastes, failing to maintain and operate the facility to minimize releases, and improper disposal.

The commenter provides one example related to violations cited in USEPA's 2010 Toxic Substances Control Act (TSCA) inspections, and implies that those violations warrant a permit denial.

DTSC agrees that the TSCA violations relating to the regulated PCB Storage and Flushing Building do reflect poorly on the facility's handling and management of PCB wastes, and these violations are certainly of concern to DTSC.

EPA took enforcement action against the facility for the violations mentioned, imposed a penalty, and the facility has corrected these violations and remediated the localized contamination found. In response to concerns, DTSC and EPA have increased their scrutiny of these activities to ensure compliance continues, and will take appropriate action should there be additional instances.

The commenter states that the levels of PCB's detected in samples collected from soils next to the PCB Storage and Flushing Building are in "violation of Federal Law" because they exceed 1 part per million. DTSC is not aware of a TSCA requirement that requires a clean-up level of below 1 part per million for an area with this type of land use (an active hazardous waste landfill). Code of Federal Regulation, Title 40, section 761.61 identifies a clean-up level of less than 1 part per million for "high occupancy areas." The regulations identify examples of "high occupancy areas" as "a residence, school, day care center, sleeping quarters." DTSC finds that that the facility's PCB Storage and Flushing Building does not conform to the definition of a "high occupancy area" and therefore does not apply the standard noted by the commenter.

There have been several instances where individual loads of waste were not adequately treated. The facility double checks their determinations, and has self-reported instances to DTSC. From the records available, DTSC has evaluated the circumstances in each of those instances and has determined these violations are not a basis for denial of the permit modification request. The facility has taken corrective action to remove the waste from the landfill, re-treat it, and re-dispose after confirming the waste meets required treatment standards. US EPA also addressed these violations in its August 2011 enforcement action.

DTSC found that, while of concern, these violations do not represent a repeating or recurring pattern showing an unwillingness or inability to comply, nor that they pose a threat to public health or safety or the environment.

DTSC Response 499-15:

This comment alleges DTSC failed to consider the facility's compliance history and that this violates CEQA.

First, DTSC did, in fact, consider the compliance history of the facility, though not in the context of CEQA. See H. DTSC General Response – Compliance History.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld on appeal, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) The time has passed for making such objections based on CEQA. They should have been raised in the CEQA challenge and at the county administrative level.

DTSC Response 499-16:

The commenter states that DTSC failed to conduct a comprehensive compliance review because DTSC stated that it did not review TSCA/PCB inspection records prior to 1998.

DTSC finds that our compliance review, in total, is adequate to make a determination as to whether the facility's compliance history shows a repeating or recurring pattern or may pose a threat to public health or safety or the environment.

Toxic Substances Control Act (TSCA) inspections are conducted by US EPA staff. DTSC has requested copies of TSCA inspections conducted by US EPA at the Kettleman Hills facility. US EPA has not provided copies of these inspection reports. DTSC has been able to review the last 15 years of the TSCA compliance history for the facility, which is most relevant to consideration of the proposed modification to the facility's permit. While the TSCA compliance history may be incomplete, DTSC has been able to review the compliance history for the RWQCB, SJVAPCD and the Kings County Environmental Health Department. DTSC finds that, along with its other detailed review of compliance history, this is a fully adequate period of time to consider

US EPA's TSCA/PCB compliance history in determining whether to approve this permit modification request. The facility's compliance history with these other agencies does not show a recurring pattern of non-compliance nor represent a threat of harm to human health or the environment. See H. DTSC General Response - Compliance History.

DTSC Response 499-17:

The commenter expresses the view that DTSC should apply criteria in a 1993 guidance document to determine that this permit modification should be denied. .

The criteria for revocation and denial of permits are codified in statute and regulation. Although Health and Safety Code section 25186 and California Code of Regulations section 66270.43 allow for the revocation and denial of permits for any omission of significant facts, the failure of the facility to report spills which were timely addressed by the facility are not the types of violations for which DTSC would consider denying this permit modification request because the spills themselves did not result in a threat to human health or the environment. Additionally, the facility has demonstrated a willingness to comply with requirements.

As explained previously in its response to 499-13, although legally DTSC may initiate denial for violations which show a repeating or recurring pattern, DTSC has discretion as to whether the facts in a particular case warrant the exercise of this discretion. DTSC has explained in detail the evaluation it made in this case and its determination that denial of the requested modification is not warranted for these violations. See H. DTSC General Response - Compliance History.

The FSEIR identifies significant air quality impacts for periodic construction and operations impacts and long-term operations impacts because the San Joaquin Valley Air Basin is in federal and state nonattainment for ozone, federal and state nonattainment for PM_{2.5} and state nonattainment for PM₁₀. Mitigation measures are required in the FSEIR, but the impacts remain significant and unavoidable. These are identified significant impacts to the attainment status of the San Joaquin Valley Air Basin, not to human health or the environment. The significant impact results from the facility's contribution of criteria air pollutants to an air basin that is in nonattainment status for the listed pollutants.

The FSEIR also identifies significant air quality impacts for toxic air contaminants that are cumulatively significant at the property boundary but less than significant at a distance of 2,000 feet from the property boundary. These toxic air contaminants include all constituents potentially emitted from the facility including diesel exhaust from 400 trucks per day. The significant impact results from the exposure to facility emissions by a hypothetical receptor within 2,000 feet from the facility boundary. The hypothetical receptor used for the risk assessment was an individual living in a single family residence at the facility boundary. There are no residences within 2.5 miles from the facility.

There are three monitoring stations located to detect emissions into ambient air from the facility operations. DTSC has been monitoring actual emissions data collected at these locations since 2006 and approved a health risk assessment based on data collected between 2006 and 2010. The health risk assessment shows that emissions from the facility do not pose significant health risks for residents of Kettleman City, Kettleman Junction and the nearest residence. Total additional lifetime cancer risks calculated for the three residential receptors were: 7×10^{-8} at Kettleman City, 1×10^{-7} at Kettleman Junction, and 9×10^{-8} at the nearest residence, all of which are below DTSC's levels of concern. The total noncancer hazard indices were all below DTSC's noncancer hazard threshold of 1 (0.001 at Kettleman City, 0.002 at Kettleman Junction, and 0.001 at the nearest residence), indicating that adverse noncancer health effects are not expected based on the modeled exposure concentrations associated with potential Kettleman Hills facility emissions.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM_{10} emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents and that the proposed expansion operated in accordance with DTSC's permit conditions is protective of public health and the environment, which is the basis for this decision.

DTSC Response 499-18:

The commenter indicates that residents have requested that DTSC conduct a comprehensive health survey. The commenter states that stakeholders prepared and circulated a health questionnaire to 88 residences in Kettleman City and referred to responses indicating various illnesses including cancers and birth defects. It is claimed that stakeholders asserted different or more frequent health problems were observed compared with the results of the State's 2010 investigation, which the commenter suggests is invalid or inconclusive. The commenter states that DTSC should conduct a comprehensive health survey prior to approving the permit modification.

DTSC acknowledges the multiple environmental pollution burdens and various health problems endured by the Kettleman City community; however, no available evidence demonstrates facility operations have contributed to these effects. DTSC has made the decision to approve the permit modification on the basis of available evidence. In the event future information demonstrates facility operations are contributing to health problems, DTSC has authority to take action on the basis of such evidence. Such action may include permit modification or revocation, or denial of a permit renewal

application, or imposition of additional permit conditions to protect public health and the environment.

Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing any health impacts to Kettleman City residents and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment. This conclusion is the basis for this decision.

DTSC Response 499-19:

The commenter states that DTSC should not rely upon the CDPH Investigation of Birth Defects and Community Exposures in Kettleman City because at the time of the study, operations at the facility "had all but ceased", and "birth defect rates were no longer as elevated as they were in 2007 and 2008." CRPE also asserted that DTSC had allowed the facility to stop monitoring for PCBs, which have been linked to birth defects, at a time when the facility accepted more PCBs than usual and when birth defects were also at the highest rate. CRPE suggests that because the CDPH investigation did not identify the cause of the elevated rate of birth defects, it was incapable of determining whether the facility caused or contributed to the effect.

DTSC is aware of the information CRPE noted. However, although the CDPH investigation and other studies are inconclusive as to the cause of the birth defects, adequate information and evidence were documented in the studies for DTSC to determine that facility emissions of hazardous constituents, including PCBs, are not the cause.

The CDPH report specifically acknowledges the concern that the investigation was conducted during a time of decreased activity at the facility. To address the concern, CARB analyzed the upwind and downwind monitoring data from the facility between 2007 and 2009. CARB also compared the 2010 sampling results with the facility's sampling results for the same period. The results of the additional analyses show, "... there does not appear to be a substantial difference in levels from 2007, when KHF was operating much as it has for many years, and from 2010," and "Because there was no consistent bias in the facility's data, these differences do not put into question the validity of the monitoring data collected by the facility from 2007 to 2009."

Although DTSC suspended PCB monitoring in April 2008 due to the lack of any detection of PCBs in air samples, extensive PCB soil tests were conducted at the facility boundary in March and April of 2009 and in Kettleman City in July 2010. The Final Dioxin-Like Polychlorinated Biphenyl (PCB) Congeners Study Report directed by US EPA shows that the concentrations of dioxin-like PCB congeners found in soil at the facility in 2009 are similar to those measured elsewhere in the country, including in rural soils located away from industrial land uses and even in remote wilderness areas. The Kettleman City Community Exposure Assessment directed by Cal EPA in 2010 shows that PCBs were not detected in residential soil samples.

Although the investigation included collection of PCB samples in ambient air during a period of decreased activity at the facility, it also included collection of PCB samples in soil. PCBs bind strongly to soil and can persist in the environment for long periods of time. No PCBs were detected in the residential soil samples collected in Kettleman City. PCBs have not been detected in any air sample collected at the facility since 2006. Ambient air samples are collected every 12 days at the facility for a period of 24 hours. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, the studies did find that the observed birth defects did not represent a unique pattern nor were they all of the same type – characteristics that would be expected with a common underlying cause. No specific environmental exposure was identified as a likely cause of the increase in birth defects. DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years, as described above. Please see F. DTSC General Response – Investigations and Studies and A. DTSC General Response - Birth Defects for more information.

DTSC Response 499-20:

This comment states that DTSC has not put out a formal statement of whether biomonitoring would be a good thing to use in Kettleman City. Further, the commenter asserts that the community was not included in the conversation whether biomonitoring would provide new information.

DTSC issued a statement when DTSC announced the draft decision to approve the permit modification request from the facility on July 2, 2013 and provided, at that time a Frequently Asked Questions (FAQs) document and posted it to the website. The FAQs included the following question and answer:

Q: Would biomonitoring be an effective tool to assess the Kettleman community's exposure to chemicals?

A: While biomonitoring is a useful tool, it cannot answer health questions raised by people in Kettleman City. Biomonitoring could not determine whether chemicals measured in the blood or urine of residents came from the Kettleman Hills facility because it cannot generally distinguish the sources of environmental chemicals. It cannot determine a cause for health issues that concern the community such as birth defects and cancer.

The FAQs are available at

http://www.dtsc.ca.gov/HazardousWaste/Projects/upload/FAQs_50_Kettleman_070213.pdf.

DTSC repeatedly reached out to Kettleman City residents and engaged them in conversations about many topics, including biomonitoring. It does not appear to be an effective tool to assess sources of health concerns, as stated above.

DTSC Response 499-21:

This comment states that DTSC must prepare a supplemental or subsequent EIR.

A supplemental or subsequent SEIR is not legally permissible because DTSC, as a responsible agency under CEQA, must follow rules required by the CEQA guidelines. The Addendum explains the reasons it was prepared instead of a supplemental or subsequent EIR.

Section 7 of the Addendum to the SEIR states the following:

The above evaluation and enclosed additional substantial evidence (e.g., Appendices A-C) supports the conclusion that preparation of a supplemental or subsequent EIR is not required prior to approval of the above-referenced Class III HWFP modification by DTSC, and that the Addendum and Initial Study/Environmental Checklist is the appropriate document for DTSC to prepare under CEQA for approval of the Class III HWFP modification request.

There are no substantial changes proposed by the phased construction of the B-18 Landfill expansion or in the circumstances in which the project will be undertaken that require major revisions of the existing Final SEIR for the B-18/B-20 Hazardous Waste Disposal Project, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the phased construction of the B-18 Landfill expansion is consistent with the Final SEIR and would involve only minor design modifications (CEQA Guidelines, section 15162, subdivision (a)).

The current proposed phased construction of the B-18 Landfill expansion does not require major revisions to the Final SEIR for the B-18/B-20 Hazardous Waste Disposal Project. No new significant information or changes in circumstances for the B-18/B-20 Hazardous Waste Disposal Project have occurred since the adoption of the Final SEIR. The previous analysis completed for the B-18/B-20 Hazardous Waste Disposal Project under CEQA and included in the Final SEIR therefore remains adequate, as considered and supplemented herein by the & Addendum and Initial Study/Environmental Checklist prepared pursuant to CEQA.

In addition, consideration of the Additional Projects for which applications were either filed or approved with the County after the SEIR was certified in the analysis of the Project's cumulative impacts does not result in new significant cumulative impacts or substantial increase in the severity of a cumulative impacts, and does not change the findings and conclusions in the certified SEIR concerning the potential cumulatively considerable impacts of the proposed Project.

For the foregoing reasons, DTSC prepared an addendum and not a supplemental or subsequent SEIR.

DTSC Response 499-22:

This comment asserts that new information which was not known and could not have been known at the time of SEIR certification is now available.

The new information described by the commenter does not change the project or its impacts. The new information consists of new standards and metrics.

The SEIR did not include US EPA's 2010 1-hour National Ambient Air Quality Standard for nitrogen dioxide (NO₂). The impact on air quality, however, was already considered significant in accordance with the San Joaquin Valley Air Pollution Control District's recommended threshold for significant impact. As discussed in section 5.2 of Appendix F of the SEIR, the projected NO_x emissions exceed the District's recommended threshold of 55 lbs/day. Since the projected emissions exceed the recommended threshold, the SEIR considered the project and cumulative projects to have a significant impact on air quality. The SEIR continued analysis of impacts by modeling the ground level concentrations of NO_x that were then used to assess risk. The modeling of emissions and the health risk assessment are not based on any air quality standard but on toxicity values, exposure pathways, wind patterns, etc.

The newly enacted federal standard does not provide new information that would change the significance of ozone precursor impacts to air quality because the impacts were already considered significant. Further, the new standard does not provide new information that would change the significance of air quality impacts from toxic air contaminants because the analysis and conclusions are not based on any national or state standard. The SEIR already identifies mitigation measures for ozone precursors including NO_x.

No new information sufficient to trigger the need for a supplemental or (another) subsequent SEIR has been discovered.

DTSC Response 499-23:

This comment asserts that changes in the emissions standards for the Avenal Power Plant is significant new information.

As discussed in DTSC Response 499-22, the impacts to air quality from ozone precursors are already considered significant. The newly enacted federal standard does not provide new information that would change the significance of ozone precursor impacts to air quality because the impacts were already considered significant. The new standard does not provide new information that would change the significance of air quality impacts from toxic air contaminants because the analysis and conclusions

are not based on any national or state standard. The SEIR already identifies mitigation measures for ozone precursors including NO_x.

No new information sufficient to trigger the need for a supplemental or (another) subsequent SEIR has become known.

DTSC Response 499-24:

This comment asserts that there is nothing that prevents DTSC from using information contained in the EnviroScreen tool about the community's high vulnerability to pollution as part of its CEQA analysis.

The scope of analysis performed under CEQA is more limited than the analysis of multiple pollution burdens and vulnerabilities, which is not part of CEQA's statutory scope.

The statutory definition of "cumulative impacts" contained in CEQA is substantially different than the working definition of "cumulative impacts" used to guide the development of CalEnviroScreen. DTSC has reviewed the Final SEIR and determined that it, along with an Addendum prepared by DTSC, is adequate in its analysis of project and cumulative impacts; however, DTSC used CalEnviroScreen to improve its understanding of the multiple burdens endured by people near the facility. DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

In summary, DTSC went above and beyond CEQA and reviewed the multiple pollution burdens while considering the community's vulnerabilities, in addition to performing the legally required CEQA analysis for the project. Please see D. DTSC General Response – Environmental Justice.

DTSC Response 499-25:

This comment asserts that additional CEQA analysis is required because of substantial changes in the circumstances under which the project is undertaken.

No substantial changes sufficient to trigger additional CEQA analysis have occurred.

The SEIR did not include an analysis for Valley Fever impacts. Valley Fever is caused by inhaling airborne spores from activities that disturb soils. To address possible dust problems, mitigation measures for fugitive dust emissions are required as a condition of approval for this project. Further, DTSC's permit includes a permit condition that requires the facility to comply with the requirements of the Mitigation Monitoring and Reporting Plan included in the Final SEIR. Those requirements include controlling fugitive dust emissions to meet the requirements of San Joaquin Valley Unified Air Pollution Control District's Regulation VIII. Finally, although Valley Fever fungal spores are considered endemic in Kings County, there is no reliable method to test soils for spores to determine whether they are present in a particular area so it is unknown whether spores are present in the soils at the facility.

DTSC Response 499-26:

This comment points out that the facility presently receives far fewer than the 400 trucks each day that were estimated and that this number of trucks understates the emissions to be expected from the expansion.

The 400 daily trucks estimate is actually a more protective and more conservative estimate of facility emissions related to truck activity because emission estimates are based on a higher level of activity than is actually occurring. Further, the commenter's argument was rejected by the Court of Appeal in its opinion in *El Pueblo, etc., et al v. County of Kings*.

DTSC Response 499-27:

The commenter asserts that DTSC's initiative to reduce hazardous wastes going to landfills is a changed circumstance that must be analyzed under CEQA. DTSC's waste reduction initiative is in the early stages of development. Any attempt to evaluate its impact on this facility would be complete speculation. There are many variables that come into play in assessing volumes of hazardous waste that will be disposed at the facility over time. It would be inappropriate to attempt to estimate impacts under this setting.

DTSC Response 499-28:

This comment states that the addition of pollution from "related" projects is a changed circumstance that may lead to new or more severe cumulative impacts than previously analyzed, triggering a need for more CEQA analysis.

It is noteworthy that the cited regulations apply to the SEIR, which was prepared by the lead agency, the County of Kings. Under CEQA, DTSC is a responsible agency and, as such, it neither has the ability nor the duty to re-do the SEIR unless new significant environmental effects or a substantial increase in the severity of previously identified significant effects becomes known.

This comment misstates DTSC's conclusions about the Federal Express Transfer facility, stating "DTSC concludes that the transfer facility 'does not change the Final SEIR findings or conclusions' because the project does not increase the number of trucks travelling through Kettleman City." DTSC's Addendum and Initial Study/Environmental Checklist (Addendum) states as follows, illustrating that its conclusion is more broadly based than the commenter asserts:

The County's staff report and related traffic study for the Federal Express Transfer Facility Project was reviewed in conjunction with the Project. The Federal Express Facility Project, for example, will be constructed approximately 1.5 miles away from Kettleman City. (See Yamabe & Horn, Figure 1.) Trucks traveling to and from the new Federal Express Facility will continue to travel, as they do to the existing California Overnight Facility, to/from I-5, along SR-41 and, to reach the new facility, to 25th Avenue. Truck trips related to the Federal Express Project are therefore not expected to create an increase in the number of trucks travelling through Kettleman City. Levels of Service will also remain acceptable.

With respect to air quality, the trucks that will be accommodated by the Federal Express Facility travel to/from the Bay Area and Southern California (Yamabe & Horn, p. 19.) Some trucks also currently use the California Overnight Facility in Kettleman City. The current facility was included in the Investigation of Birth Defects and Community Exposures in Kettleman City (December 2010). See pp. 25, 41-42, 65 (assessment of diesel exhaust found contribution from local sources to Kettleman City relatively small); Appendix E, pp. 74-76. DTSC concludes that the Federal Express Facility does not change the Final SEIR findings or conclusions.

Under the County Code, this project's site plan approval was deemed ministerial and therefore exempt from environmental review under CEQA Guidelines. Nevertheless, DTSC reviewed the County's staff report and traffic study as part of the additional cumulative impacts analysis included in DTSC's Addendum. DTSC concluded that the transfer facility does not change the Final SEIR findings or conclusions for the proposed permit modification because the facility impacts to air quality identified in the SEIR are considered significant and cumulatively significant.

The comment misrepresents DTSC's assertion that "air quality impacts from the facility were included as part of the Investigation of Birth Defects and Community Exposures in Kettleman City (December 2010)" by implying that DTSC was referring to the Federal

Express facility. Again, DTSC's Addendum and Initial Study/Environmental Checklist (Addendum) states:

With respect to air quality, the trucks that will be accommodated by the Federal Express Facility travel to/from the Bay Area and Southern California (Yamabe & Horn, p. 19.) Some trucks also currently use the California Overnight Facility in Kettleman City. The current facility was included in the Investigation of Birth Defects and Community Exposures in Kettleman City (December 2010). See pp. 25, 41-42, 65 (assessment of diesel exhaust found contribution from local sources to Kettleman City relatively small); Appendix E, pp. 74-76. DTSC concludes that the Federal Express Facility does not change the Final SEIR findings or conclusions.

The Federal Express transfer facility was built to accommodate Federal Express operations that had been conducted at the California Overnight facility located at 27706 Bernard Drive in Kettleman City. The Investigation of Birth Defects and Community Exposures in Kettleman City included that facility.

The cumulative impacts from the Federal Express facility have been adequately considered and that they do not change the findings of significance identified in the SEIR.

DTSC Response 499-29:

This comment asserts that DTSC has a duty to consider the cumulative impacts of oil and gas projects, including fracking. The oil and gas projects listed in DTSC's Addendum include several exploratory wells. None of the exploratory wells listed in the Addendum involve fracking operations. DTSC does not attempt to predict the viability of exploratory wells and they were not probable future projects at the time of review. Production wells are separate projects under CEQA and must be analyzed separately.

DTSC Response 499-30:

The commenter suggests that the phased build out of the B-18 landfill will cause concurrent construction and operation related impacts, including diesel emissions, to a greater degree than analyzed in the SEIR. CRPE also states that the phased construction of the liner could cause it to leak at a greater rate than might otherwise occur, and this potential impact was not considered in the Addendum to the SEIR. Finally, CRPE is concerned that the proponent's proposal to eliminate the clay liner from the side slope design analyzed in the county's SEIR will increase the permeability of the liner system, and states that DTSC must analyze impacts of removing the clay liner from the design.

Air quality impacts from diesel emissions in the SEIR were analyzed under two scenarios: periodic construction and operations impacts, and long term operations. Impacts from periodic construction and operations were evaluated for expansion of the

B-18 landfill, and construction of three landfill cells at landfill B-20 (which is not yet proposed to DTSC). Periodic construction impacts include concurrent diesel emissions from construction equipment and diesel emissions from disposal of hazardous waste at the site. They are considered significant in the SEIR and are addressed as such. Construction of the liner system will be completed in one continuous construction sequence in accordance with the certified SEIR. A Construction Quality Assurance (CQA) Report will be submitted to DTSC after construction of the northwestern portion of the liner is complete. The second CQA Report will be submitted upon completion of construction. The submittal of the two CQA reports does not modify the construction requirements for the liner system in the SEIR and as required by the California Code of Regulations. DTSC determined the potential impacts from the phasing of the liner construction in section 4.0 of the Addendum are consistent with those identified in the SEIR.

A robust landfill design includes side slope liners that allow free flow of liquids to the base of the landfill to collect in a drainage layer to be pumped out. The presence of a geosynthetic clay liner on the side slopes inhibits this flow of liquids due to the absorption and expansion of the clay. As stated in the Addendum, the elimination of the geosynthetic clay liner from the side slope liner system will maximize the flow rate of liquids through the sloping geocomposite drainage layer allowing for faster removal of liquids from the side slopes and of the landfill. The original design incorporated the geosynthetic clay liner beneath the primary liner which would result in the accumulation of liquids in clay. Eliminating the geosynthetic clay liner transmits the liquids that do conduct through the primary layer to the leachate collection and removal system (LCRS) more quickly, maximizing the flow rate to the LCRS. DTSC analyzed the potential impacts in section 4.0 of the Addendum and determined the design to be adequate.

DTSC Response 499-31:

This comment asserts that DTSC's CEQA findings are clearly erroneous and quotes parts of the CEQA Guidelines. As discussed elsewhere, DTSC prepared an addendum to the SEIR to determine whether the proposal to phase the construction of the landfill expansion changed the project in a way that triggered the need for additional CEQA analysis. The conclusion is that it did not.

The commenter revives the argument rejected by the Court of Appeal in the El Pueblo case. Essentially the Court of Appeal agreed with the trial court that an objection to the baseline should have been raised at the administrative level and failure to do so is a forfeiture of the argument.

Noise impacts were evaluated for future operations by direct measurements of noise levels at the landfill in June 2004. The SEIR used these measurements to estimate noise levels of future operations as described in section 3.10 of the draft SEIR. Noise impacts were considered insignificant because the estimated noise levels for future

construction and operations were below the significance criteria set in the Kings County General Plan (70dBA at the property fence line).

The traffic studies included in Appendix L of the draft SEIR and Appendix L-2 of the Recirculated Portions of Draft Subsequent Environmental Impact Report, and the air quality technical analysis included as Appendix F of the draft SEIR evaluated the impacts from 400 trucks per day. Air quality, transportation and traffic, and greenhouse gas emissions and global climate change impacts are all considered significant and/or cumulatively significant based on future operations. They did not discount any existing traffic. Public health impacts from toxic air contaminants were evaluated in Appendix F of the draft SEIR including the impacts from diesel emissions from 400 trucks per day. DTSC has concluded that the potential impacts have been adequately characterized. In short, a high level of activity was used in the SEIR to estimate facility emissions with the result that the “worst case” was analyzed, and not the lower level of activity existing presently that has a lower level of emissions.

DTSC Response 499-32:

This comment asserts that, because DTSC has no support for its Statement of Overriding Considerations and is unable to demonstrate that the facility provides any benefit, it should not approve the expansion.

The need for hazardous waste disposal capacity was acknowledged by the California State Legislature and codified in Health and Safety Code, division 20, chapter 6.5, article 4.5, section 25135, subdivision (a)(5), section 25146 and section 25146.5. With the exception of the periodic construction impacts to air quality, the significant and unavoidable impacts identified in the SEIR are dependent on the stated benefits of hazardous waste disposal capacity. Without the demand for capacity, truck traffic to the facility would be diminished and the significant and unavoidable impacts to air quality, traffic and greenhouse gas emissions associated with peak operations would be less than previously estimated.

DTSC Response 499-33:

This comment asserts DTSC erred by not considering the B-20 landfill as part of the project.

The B-20 landfill has not been proposed to DTSC and is not a subject of this permit modification decision; however, the SEIR did evaluate the impacts from the construction and operation of B-20. DTSC has reviewed the Final SEIR and determined that it, along with an Addendum prepared by DTSC, adequately evaluates the impacts associated with the proposed permit modification.

DTSC Response 499-34:

This comment states that the health risk assessment required by a condition in the permit should be performed before the permit decision, and that inclusion of new air monitoring requirements indicates the existing monitoring is insufficient and that the data from the new air monitoring should be analyzed prior to the permit decision. Further, the health risk assessment should not be included as mitigation; rather, it should be completed prior to the permit decision.

DTSC disagrees with the commenter's analysis and conclusions.

Health risk assessments based on actual ambient air monitoring data would not adequately represent health risk due to emissions from construction and operations of the proposed expansion. It should be noted that the SEIR includes a health risk assessment that is appropriate for the evaluation of impacts due to anticipated facility emissions; it is included in Appendix F of the Draft SEIR.

The permit condition referenced in this comment, from Part III.4(a)(5) of the draft Permit prepared for this decision, is an existing permit condition that has been in the current Hazardous Waste Facility Permit since 2003. DTSC requires an HRA from the facility to monitor the estimated risk from facility emissions to receptors. The facility prepares these HRAs annually and DTSC reviews them annually. The requirement to prepare an HRA is not a mitigation measure. It does not mitigate an identified impact – it is a permit condition. DTSC has reviewed the Final SEIR and determined that it, along with the Addendum prepared by DTSC, adequately evaluates the impacts associated with the proposed permit modification.

The existing monitors are located in areas that will capture emissions from facility operations during the predominant wind direction. The existing monitors capture representative emissions from facility operations. DTSC added permit condition Part III.4(A)(1)(e) of the Permit requiring an additional ambient air monitoring location in accordance with California Code of Regulations, title 22, section 66264.705, to specify an additional monitoring point for ambient air sampling. The additional monitoring point will provide an early indication of contaminant migration during periods of time when winds are blowing from the facility toward Kettleman City, which occurs approximately 5% of the time. The facility would be required to provide a summary of this and other monitoring data annually to interested parties in Kettleman City in accordance with Part III.4(C) of the Permit.

The anticipated ambient air emissions (including greenhouse gases) for the proposed expansion are included as section 3.3 and 3.12 of the Draft SEIR. The SEIR evaluated the potential impacts from those emissions and the Final SEIR identified mitigation measures for the impacts that were found to be significant or cumulatively significant.

DTSC has reviewed the Final SEIR and determined that it, along with the Addendum prepared by DTSC, adequately evaluates the impacts associated with the proposed permit modification.

DTSC Response 499-35:

The comment asserts that the public notice for the hearing and comment period is legally inadequate. It asserts that notice was provided on September 11, 2013.

The commenter appears to be referring to the document mailed on September 10, 2013, at which time DTSC mailed to the mailing list answers to frequently asked questions to prepare the Kettleman City community and interested parties for the public hearing that was held the following week on September 18. The document included a discussion of the following:

- What is a DTSC Public Hearing?
- When is the Public Hearing?
- How can I Participate in the Public Hearing or Public Comment Process for the Proposed Kettleman Hills Facility Class 3 Permit Modification?
- What to Expect at the Public Hearing?
- What not to Expect at the Public Hearing?
- How do I Comment?
- Where do I send my Comments?
- When can I Comment?
- What can I Comment about?
- What is the Appeals Process?

DTSC included comment forms with the letters. Although not required to do so, DTSC mailed these to promote the Public Hearing and encourage the community and interested parties to submit public comments.

The public comment period was opened and began on July 2, 2013. DTSC mailed Community Notices to the mailing list on July 1, 2013, announcing the opening of the public comment period, a scheduled Open House, a Drop in Session to talk to DTSC staff, and a scheduled public hearing. DTSC mailed a second Community Notice on August 8, 2013, extending the public comment period and the date for the public hearing to September 18. DTSC held the public hearing on September 18, 2013 and the public comment period ended on October 25, 2013. DTSC prepared both Community Notices in accordance with California Code of Regulations, title 22, section 66271.9. In accordance with subsection (b) of that section, DTSC is required to allow at least 45 days for public comment and mail the public notice at least 30 days before the hearing. DTSC allowed more than 90 days for public comment and mailed both public notices of the hearing at least 41 days before the public hearing.

The public comment period and public hearing were in fact properly noticed in accordance with California Code of Regulations, title 22, section 66271.9. Please see C. DTSC General Response – Notice not Adequate.

DTSC Response 499-36:

This comment asserts that the addendum is not written in plain language, in a way that violates CEQA.

DTSC added explanations to the original project description to explain why the changes outlined in the Addendum were being considered. For example, the last sentence in the first quoted section in the Addendum was added by DTSC. The language used in the additional text to describe the changes is necessary to describe the project adequately. DTSC also translated the Addendum for Spanish speakers in the Kettleman City community to help them understand the entire content.

DTSC Response 499-37:

The commenter refers to the permit condition requiring the applicant to propose one new air monitoring location to assess emissions from the facility when the wind direction is toward Kettleman City. The commenter expresses concern that the applicant has a vested interest in selecting a location that would underreport emissions to avoid liability, and appeals to DTSC to select the location with input from interested stakeholders.

For this permit modification DTSC added permit condition Part III, Condition 4(A) (1) (e) to the permit which states:

Within 90 days of the final decision on the class 3 permit modification request submitted on December 12, 2008, the Permittee shall submit for DTSC approval a proposed location for one additional ambient air monitoring location for ambient air sample collection. The additional station shall be located between the active hazardous waste landfill operations and Kettleman City to assess releases of volatile organic compounds, semi-volatile compounds, metals and particulates that are emitted when the predominant wind direction is from the facility toward Kettleman City.

DTSC opened the public comment period for the draft decision to provide an opportunity for stakeholders to submit input, including commenting on any of the draft permit conditions. The permit requires the facility to submit a proposed air monitoring location. DTSC will review the monitoring station location CWMI submits to assure it is properly located as described in the permit condition to monitor air emissions when the wind direction is from the facility toward Kettleman City, and will deny the proposal if it is not appropriate. Ultimately, the facility must submit a proposed location that DTSC will accept. DTSC has not modified this permit condition as a result of this comment.

DTSC Response 499-38:

The commenter claims that the air district has indicated that the applicant proposes to use VOC-tainted soil instead of clean soil for cover at the site, asserts that this would increase air emissions, and states that DTSC has not disclosed or considered this potential source of pollution and should prohibit the use of contaminated soil as cover.

DTSC currently does prohibit the use of contaminated soil as cover. Unit Specific Condition 5 for Landfill units B-18 and B-19 states, "The Permittee shall apply a daily cover soil over exposed wastes to control wind dispersal of particulate matter within the landfill operations area, as required by Cal. Code of Regs., title 22, section 66264.301(i). The Permittee may use other appropriate materials (such as polymeric soil sealers or foaming agents) that have been specifically approved through a permit modification in accordance with Cal. Code of Regs., title 22, sections 66270.41 and 66271.4." The permit and this permit modification specifically do not authorize the use of any other materials; therefore there is no need for a permit condition to prohibit the use of VOC-contaminated soil.

DTSC Response 499-39:

The commenter describes in detail the air district requirements related to wastes disposed at the facility that are the source of nuisance odors or volatile compounds and decries their inadequacy, requesting DTSC to add a provision to the permit to require the operator to immediately cover materials that may cause odors.

Based on the following information, DTSC does not anticipate nuisance odors from operations at the facility will be significant to Kettleman City or other residents, so no additional conditions are necessary to address nuisance odors.

According to wind direction records collected at the site, the winds blow away from Kettleman City approximately 95% of the time. In addition, the nearest resident is located approximately 2.5 miles from the facility and Kettleman City residents are located about 3.5 miles from the facility. The SEIR found that potential odor impacts would be less than significant. DTSC concurs with the findings of the SEIR and does not anticipate odor impacts from the facility to be significant for Kettleman City residents; therefore, DTSC has concluded that no additional permit conditions are necessary to address nuisance odors.

DTSC Response 499-40:

The commenter states that in January 2011 an anonymous call from an employee of a waste hauler alleged that 50 to 70% of Northern California trucks destined for the facility bypassed CHP weigh stations, that CWM accepts waste from overloaded trucks and encourages the practice. The commenter claimed to have relayed the information to DTSC and other agencies but received no response. The commenter claims that by accepting overloaded trucks, the facility is contributing to unsafe conditions that put the public at risk, and finally, the commenter states DTSC should add a condition to the permit that the facility be required to reject any truck that is overloaded.

Past safety issues related to transportation of hazardous waste or materials can be reported to the Department of Transportation (DOT) by calling 1-888-DOT-SAFT (368-7238) or by filing a complaint on DOT's website.

DTSC does not concur that a permit condition should be added to the permit to require the operator to reject overloaded trucks for several reasons. If an overloaded truck is unsafe when travelling to the facility, it will be equally unsafe when leaving the facility. The permit applies to operation of the facility, not to operation of the trucks arriving at the facility. The permit does not apply to transporters of hazardous waste. Hazardous waste transporters must comply with CCR, title 22, division 4.5, chapter 13 and the rules and regulations established by the Department of Transportation. Chemical Waste Management staff is not authorized to enforce regulations applicable to transporters of hazardous waste, nor does DTSC support the suggestion to turn away overloaded trucks to drive back onto the public roads.

DTSC Response 499-41:

Thank you for your comments.

DTSC Responses 500 through 518:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information, DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 519:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC does not site hazardous waste facilities. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Responses 520 through 543:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and

studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC does not site hazardous waste facilities. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Response 544:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x

emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 545 through 569:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 570:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified.

Thank you for your comments.

DTSC Responses 571 through 863:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC does not site hazardous waste facilities. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's

responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Response 864:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 865 through 1010:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous

constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Response 1011:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 1012 through 1020:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1021:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 1022 through 1050:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1051:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x

emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1052 through 1061:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1062:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC agrees with the statement that it is time to think about eliminating toxic wastes in byproducts and DTSC has several programs in place to promote the idea such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 1063 through 1089:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1090:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's assurance is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 1091 through 1094:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1095:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

For this type of permit modification, DTSC requires the facility to issue a public announcement and host a public meeting to provide the community with information about the facility's plans and to accept public comment. The facility held the meeting in 2009 as required by CCR, title 22, division 4.5, chapter 20, article 4, section 66270.42(c).

As stated in the Environmental Justice Review, benefits to local people the facility has agreed or is required to provide include:

- To pay \$159,000 for a county-wide pre-conception education program through the Kings County Department of Public Health for the next two years.
- To pay \$50,000 to match a United States Department of Agriculture grant to the Kings Community Action Organization to build an Opportunity Center in Kettleman City. The Center will house a computer lab, after school tutoring, youth and adult job training, day and evening distance learning college classes, pregnant/parenting/teen support services, utility assistance, child care assistance programs, marriage classes, and a community garden.

Further, as a condition of receiving its conditional use permit from Kings County, facility operator Chemical Waste Management Inc., agreed to provide significant benefits to the local people:

- To pay \$100,000 for a community health survey of Kettleman City
 - To pay \$552,300 to pay off the outstanding water service debts of the Kettleman City Community Services District
 - To pay 10% (up to a maximum of \$150,000) toward construction of the Caltrans Safe Crossing Project for State Highway 41 – funding to acquire and install two electronic speed indication devices to be placed at opposite ends of the residential area of State Route 41.
 - To provide DOT Hazmat transportation placards with written definitions in English and Spanish and an informational presentation during its annual contingency plan meeting.
 - To pay \$450,000 to the Reef Sunset School District for construction of a walking track, soccer field lighting, pavilion, and parking lot at the Kettleman City Elementary School.
 - To provide annual community education about its contingency plan and assist the community in preparing their disaster plan.
- To provide an annual summary of air quality and water quality monitoring reports for the community.

Thank you for your comments.

DTSC Responses 1096 through 1127:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1128:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 1129 through 1130:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1131:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous

constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 1132 through 1161:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1162:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010

from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1163 through 1194:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1195:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1196 through 1235:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1236:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1237 through 1254:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1255:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the

birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1256 through 1258:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1259:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 1260 through 1264:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1265:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1266 through 1291:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1292:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation, and pollution prevention.

Thank you for your comments.

DTSC Responses 1293 through 1301:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the

groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1302:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of

DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 1303 through 1337:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1338:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 1339 through 1389:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater

monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1390:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1391 through 1403:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1404:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The comment does not specify the actions alleged to be attributed to environmental racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 1405 through 1434:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1435:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic

substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 1436 through 1478:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Response 1479:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from

facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 1480:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1481:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate

safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies

Thank you for your comments.

DTSC Responses 1482 through 1515:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1516:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income

communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.

6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in the California Office of Environmental Health Hazard Assessment's (OEHHA's) California Communities Environmental Health Screening Tool (CalEnviroScreen) to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.

3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.

4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.

5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. . DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.

6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.

7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is

informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Thank you for your comments.

DTSC Responses 1517 through 1610:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1611:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities

and sites on community health and the environment by significantly reducing exposure risks from individual sites

5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.

6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns. For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in the California Office of Environmental Health Hazard Assessment's (OEHHA's) California Communities Environmental Health Screening Tool (CalEnviroScreen) to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.

3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.

4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.

5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. . DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.

6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.

7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Thank you for your comments.

DTSC Responses 1612 through 1644:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Response 1645:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant acute or cancer risk to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 1646 through 1812:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1813:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 1814 through 1871:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1872:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 1873 through 1899:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1900:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Responses 1901 through 1943:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1944:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the

birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

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Thank you for your comments.

DTSC Responses 1945 through 1974:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Response 1975:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

Thank you for your comments.

DTSC Responses 1976 through 1979:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1980:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents,

including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 1981 through 1997:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 1998:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin

Thank you for your comments.

DTSC Responses 1999 through 2039:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2040:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 2041 through 2064:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2065:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC continues to work with the CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 2066 through 2097:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2098:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Thank you for your comments.

DTSC Responses 2099 through 2106:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2107:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites.
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.

6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.

2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.

3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.

4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.

5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.

6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.

7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Thank you for your comments.

DTSC Responses 2108 through 2143:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2144:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the Central Valley Regional Water Quality Control Board to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 2145 through 2166:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents,

including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2167:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the

community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 2168 through 2212:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2213:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 2214 through 2287:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2288:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has proposed to approve the permit modification because all of the studies have shown that the facility is not threatening human health or the environment. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 2289 through 2379:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Response 2380:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC conducts unannounced enforcement inspections at this facility to ensure that it is operating within the requirements of the law and DTSC's permit conditions. Although DTSC has imposed severe penalties for violations at the site, none of the violations have resulted in any threat to human health or the environment. Please see H. DTSC General Response - Compliance History for more information.

DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 2381 through 2588:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2589:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community and the presence of poverty, language barriers and other factors which tend to make residents vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous

waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

Thank you for your comments.

DTSC Responses 2590 through 2601:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2602:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

This facility is permitted to accept, treat, transfer and dispose of hazardous wastes in landfills specifically engineered to prevent exposure to hazardous substances. These wastes are generated throughout California and can be dangerous without proper treatment and disposal.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 2603 through 2617:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2618:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the

birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The comment does not specify the actions alleged to be attributed to environmental racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 2619 through 2622:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the

birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2623:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as

7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 2624 through 2671:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2672:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 2673 through 2680:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2681:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

There is a cattle ranch located several miles from Kettleman City that is a well-known source of odor for California travelers. Because the significance criterion for odor is 1 mile, the SEIR prepared for Kings County found that potential odor impacts from the Waste Management hazardous waste facility would be less than significant. DTSC does not anticipate odor impacts from the facility to be significant for Kettleman City residents.

Thank you for your comments.

DTSC Responses 2682 through 2741:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows

from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2742:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 2743 through 2803:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2804:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

Thank you for your comments.

DTSC Responses 2805 through 2808:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2809:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 2810 through 2912:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 2913:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from

facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 2914 through 2920:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2921:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 2914 through 2920:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2921:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents,

including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 2922 through 2989:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 2990:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 2991 through 3023:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3024:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3025 through 3071:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3072:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3073 through 3075:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3076:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents,

including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 3077 through 3111:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3112:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

Thank you for your comments.

DTSC Responses 3113 through 3119:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3120:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has proposed to approve the permit modification because all of the studies have shown that the facility is not threatening human health or the environment. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment.

Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 3121 through 3133:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3134:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has proposed to approve the permit modification because all of the studies have shown that the facility is not threatening human health or the environment. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 3135 through 3145:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3146:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3147 through 3148:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3149:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

Thank you for your comments.

DTSC Responses 3150 through 3223:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3224:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 3225 through 3272:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3273:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has set up repositories in the surrounding communities including Kettleman City, Hanford and Avenal. The repositories contain many of the decision documents related to this permit modification decision including the SEIR and the Engineering and Design Report. DTSC has added an additional permit condition that requires the facility to hold an annual meeting in Kettleman City to provide and explain the sampling and analysis results obtained during the prior year.

Thank you for your comments.

DTSC Responses 3274 through 3291:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3292:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from

facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has proposed to approve the permit modification because all of the studies have shown that the facility is not threatening human health or the environment. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 3293 through 3299:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the

birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3300:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3301 through 3308:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3309:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC is authorized by EPA to administer the Resource Conservation Recovery Act (RCRA), in California; specifically promulgated to manage hazardous waste from cradle to grave. Hazardous waste generators must follow specific rules and regulations required by the California Code of Regulations, title 22 for the management of hazardous waste. Much of this waste, in accordance with the regulations, ends up at hazardous waste landfills which are designed and engineered for the safe disposal of hazardous substances.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 3310 through 3336:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3337:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3338 through 3392:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from

facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Responses 3393 through 3395:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine

emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 3396:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3397:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3398 through 3403:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Responses 3404 through 3405:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3406 through 3417:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 3418:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3419 through 3447:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater

monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3448:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3449 through 3500:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3501:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3502 through 3508:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3509:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The comment does not specify the actions alleged to be attributed to racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.

4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites.
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.
6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.
2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.
3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.
4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.
5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, more translation of documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified the linguistic isolation in the communities and translated significant draft decision

documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.

6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.

7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Thank you for your comments.

DTSC Responses 3510 through 3522:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3523:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3524 through 3551:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3552:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over

the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3553 through 3583:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3584:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3585 through 3598:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous

constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3599:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3600 through 3657:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3658:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3659 through 3681:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3682:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x

emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3683 through 3715:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3716:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3717 through 3722:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows

from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3723:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3724 through 3730:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3731:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3732 through 3756:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from

facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3757:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3758 through 3762:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Responses 3763 through 3764:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3765 through 3774:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3775:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has conducted extensive public outreach in the Kettleman City community for this proposal and draft decision. Please see G. DTSC General Response – Public Outreach for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3776 through 3806:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Responses 3807 through 3808:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the

groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The comment does not specify the actions alleged to be attributed to environmental racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 3809:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents,

including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 3810 through 3813:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3814:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3815 through 3819:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3820:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 3821:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and

studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Responses 3822 through 3823:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

DTSC received public comments from 5,553 individuals and organizations during the public comment period. DTSC received petitions that included signatures from 180 individuals who identified themselves as residents of Kettleman City and individual comments from approximately 100 Kettleman City residents. DTSC has concluded that our outreach efforts have resulted in substantial and sufficient involvement of Kettleman City residents in our public process.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant acute or cancer risk to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3824 through 3842:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3843:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The comment does not specify the actions alleged to be attributed to environmental racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3844 through 3859:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after

2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3860:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC

prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3861 through 3881:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3882:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3883 through 3897:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3898:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3899 through 3908:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3909:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the

birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The comment does not specify the actions alleged to be attributed to environmental racism; however, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 3910 through 3921:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3922:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3923 through 3928:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that

groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3929:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste.

Thank you for your comments.

DTSC Responses 3930 through 3931:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3932:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and

studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant acute or cancer risk to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3933 through 3954:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3955:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents and the Kettleman City Elementary School are located 3.5 miles from the facility.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 3956 through 3970:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows

from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3971:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 3972 through 3998:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 3999:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be possible exposure pathways for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 4000 through 4019:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. DTSC reviews groundwater monitoring data on a quarterly basis. Based on this information, DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4020:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as

7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4021 through 4050:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4051:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and conservatively engineered to be safe for the placement, treatment, transfer, or disposal of hazardous waste.

Thank you for your comments.

DTSC Responses 4052 through 4063:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4064:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4065 through 4068:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the

groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4069:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. DTSC added permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting

model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4070 through 4075:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. DTSC reviews groundwater monitoring data on a quarterly basis. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4076:

The commenter asserts that the facility should not be expanded and that CWMI should be held accountable for reporting spills from their sites and the health effects on residents near waste sites. The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman

City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. DTSC reviews groundwater monitoring data on a quarterly basis. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC added a permit condition to the permit to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. The permit condition clarifies procedures and notifications that must be completed after spills or leaks are discovered and includes a requirement to evaluate the immediacy and magnitude of any potential threat to human health and the environment.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4077 through 4094:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface

water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4095:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste

Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4096 through 4098:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4099:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4100 through 4102:

The comment states that industries that generate waste must be held responsible for clean up and compensation for adverse consequences. The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to

continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC added a permit condition to the permit to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. The permit condition clarifies procedures and notifications that must be completed after spills or leaks are discovered and includes a requirement to evaluate the immediacy and magnitude of any potential threat to human health and the environment.

Thank you for your comments.

DTSC Response 4103:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4104 through 4107:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4108:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4109 through 4113:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4114:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents,

including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 4115 through 4144:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4145:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts, including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. Thank you for your comments.

DTSC Responses 4146 through 4200:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any

health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4201:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Response 4202:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4203:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has proposed to approve the permit modification because all of the studies have shown that the facility is not threatening human health or the environment. The studies include groundwater monitoring reports, air monitoring reports, annual health risk assessments, a PCB Congener study, a US EPA Air Emission Study on the Kettleman Hills facility ponds and CAL EPA's Kettleman City Community Exposure Assessment. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Response 4204:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4205:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous

constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4206 through 4261:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4262:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4263 through 4289:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate

vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4290:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 4291 through 4337:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4338:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4339 through 4342:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4343:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4344 through 4358:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4359:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and

studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4360 through 4376:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4377:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4378 through 4423:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that

groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4424:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate

safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4425 through 4459:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4460:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4461 through 4467:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4468:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 4469 through 4530:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4531:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 4532 through 4536:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4537:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

Thank you for your comments.

DTSC Responses 4538 through 4582:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the

groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4583:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents and the Kettleman City Elementary School are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4584 through 4622:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. DTSC reviews groundwater monitoring data on a quarterly basis. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 4623:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. DTSC added permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4624 through 4642:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a

minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4643:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of

hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Hazardous waste must meet the land disposal restrictions specified in CCR, title 22, division 4.5, chapter 18 and must be treated using the specific technologies associated with each waste as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Landfilling of hazardous waste that meets the land disposal restrictions is allowed as long as the landfill is designed and engineered to meet stringent specifications.

Thank you for your comments.

DTSC Responses 4644 through 4732:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4733:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air

monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4734 through 4764:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby

residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4765:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Responses 4766 through 4777:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous

constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4778:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4779 through 4794:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4795:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous

constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). DTSC does not site hazardous waste management units. Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 4796 through 4808:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the

groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4809:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of

eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4810 through 4849:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race,

national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 4850:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste.

DTSC's responsibility is to adopt and apply standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment in accordance with California Code of Regulations, division 20, chapter 6.5, article 5, section 25150, et seq. The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.

Thank you for your comments.

DTSC Responses 4851 through 4859:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4860:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4861 through 4901:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4902:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4903 through 4963:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from

facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 4964:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 4965 through 5041:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community and the presence of poverty, language barriers and other factors which tend to make residents vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Response 5042:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5043 through 5195:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5196:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents and the Kettleman City Elementary School are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City

approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5197 through 5288:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5289:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community and the presence of poverty, language barriers and other factors which tend to make residents vulnerable to the impacts of pollution. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in

2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 5290 through 5322:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5323:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that

groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document. DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 5324 through 5349:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5350:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste.

Thank you for your comments.

DTSC Responses 5351 through 5377:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results.

Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5378:

The nearest resident and the Kettleman City Elementary School are located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

This facility is a permitted hazardous waste disposal facility. Hazardous waste facilities are designed and engineered to be the safest place to treat, transfer or dispose of hazardous waste.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate

safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5379 through 5404:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5405:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water

are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Residents of Kings County are at elevated danger from Valley Fever because the *Coccidioides immitis* fungus is endemic in Kings County. People contract Valley Fever by breathing the fungal spores into their lungs. Fungal spores become airborne when the soil containing the fungus is disturbed. DTSC's permit requires dust mitigation measures to reduce the amount of fugitive dust emitted during construction and operations of the proposed expansion. DTSC anticipates these control measures will reduce the potential exposure to airborne fungal spores that may be present in soils at the facility.

Thank you for your comments.

DTSC Responses 5406 through 5417:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A.

DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5418:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC has several programs in place to promote the idea of eliminating toxic waste by-products such as the Safer Consumer Products and Green Chemistry initiatives.

Thank you for your comments.

DTSC Responses 5419 through 5465:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that

groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5466:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate

safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5467 through 5468:

The nearest resident is located approximately 2.5 miles from the facility. Kettleman City residents are located 3.5 miles from the facility. The analytical results of ambient air monitoring samples collected near the active portions of the landfill and immediate vicinity of the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The results of numerous subsurface investigations characterize the groundwater at the facility as flowing away from Kettleman City and show that groundwater is hydrogeologically isolated from any drinking water source. Surface water is retained on site. Because of these conditions, groundwater and surface water are not considered to be a possible exposure pathway for contaminants to reach nearby residents. Nevertheless, the facility is required to continue collecting groundwater monitoring data on a quarterly basis and DTSC continues to review these results. Based on this information DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents. DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. Further explanation of this basis is presented in A. DTSC General Response - Birth Defects, and DTSC General Response - Investigation and Studies located at the beginning of this document.

Thank you for your comments.

DTSC Response 5469-1:

Greenaction for Health and Environmental Justice (Greenaction) states it is submitting comments on behalf of members and constituents in Kettleman City, Avenal, and other communities impacted by the facility. Greenaction asserts DTSC must deny the permit modification to expand the facility because it would impose further pollution burdens on the already overburdened nearby residents, and because DTSC is required to uphold public health, environmental, civil rights and other requirements, described in detail in subsequent comments, and states that the applicant's compliance history and project impacts are so significant that they justify permit denial.

DTSC has considered all the issues the commenter raises, and finds that this decision to approve the permit modification is appropriate because operation of the facility in

compliance with the permit, permit conditions and applicable laws and regulations will be protective of public health and the environment. Please see D. DTSC General Response – Environmental Justice and H. DTSC General Response - Compliance History.

DTSC Response 5469-2:

Greenaction gives a detailed description of the demographic profile of residents nearby the facility, pointing out they are overwhelmingly Latino or of other minority groups, are exposed to much higher levels of a wide range of pollutants from various sources than any other sector of society, yet they have fewer resources or political power to cope with these exposures. Greenaction further asserts that with the expansion, the facility will fail to comply with permit conditions and regulatory requirements, and will negatively impact the already heavily burdened population.

DTSC acknowledges that databases such as CalEnviroScreen provide information reflecting the multiple environmental pollution burdens endured by the Kettleman City community. However, no available evidence demonstrates facility operations have contributed to these effects. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information. DTSC has made the decision to approve the permit modification on the basis of available evidence.

In addition, DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they were not determined to warrant denial of this permit modification request. See H. DTSC General Response - Compliance History. If the facility were to violate a permit condition which results in a threat to human health or the environment, DTSC would evaluate the situation and determine whether to initiate steps to suspend or revoke the permit or take other actions.

DTSC has concluded that this facility is not causing any health impacts to Kettleman City residents and that the proposed expansion operated in accordance with DTSC's permit conditions is protective of public health and the environment, which is the basis for this decision.

DTSC Response 5469-3:

The comment asserts that DTSC has “made a mockery of CEQA by relying in significant part on an EIR prepared pursuant to CEQA through an illegal, blatantly racist

and discriminatory process, and by failing to conduct a thorough and comprehensive [analysis?] of all potential impacts”.

DTSC disagrees.

DTSC has reviewed the Final SEIR prepared by Kings County and determined that it, along with an Addendum prepared by DTSC, is adequate. The Kings County Planning Agency (County) released the Final SEIR in October 2009. In October 2009, after holding two public hearings, the County approved the project and certified the Final SEIR, which was appealed to the Board of Supervisors on October 27, 2009. The Board held a hearing on the appeal of the County’s approval on December 7, 2009. After holding a second hearing, in December 2009, the Board of Supervisors denied the appeal and granted the Conditional Use Permit for the project. On January 21, 2010, two groups of petitioners filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenging the approval of the expansion project and certification of the Final SEIR. A hearing on the merits of the Petitioners’ CEQA claims was held on November 22, 2010. The superior court for the County of Kings issued an order denying Petitioners’ petition for writ of mandate on the merits on January 3, 2011. Notice of Entry of Final Judgment denying all of petitioners’ claims on the merits was entered on January 27, 2011. On appeal, the Fifth District Court of Appeal heard oral arguments on June 19, 2012, and a decision was entered on July 3, 2012 affirming the Trial Court’s decision for the Final SEIR. The California Supreme Court denied review on September 26, 2012.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) The time has passed for making such objections based on CEQA. Such claims should have been raised in the CEQA challenge and at the county administrative level. Please see B. DTSC General Response – Civil Rights.

DTSC Response 5469-4:

Please see DTSC Response 499-8 with respect to allegations of civil rights violations and DTSC Response 140-1 and 140-2 with respect to the allegations of defective public process.

DTSC Response 5469-5:

The portion of the comment regarding the Cerrell Report does not take into account the fact that DTSC does not site hazardous waste facilities. The siting of the facility, by law, was a local decision made by Kings County. Nevertheless, it is DTSC’s responsibility to ensure the facility does not pose a health risk to the community or harm the environment, and that it operates safely within the requirements of its hazardous waste permit.

Please see H. DTSC General Response – Compliance History, F. DTSC General Response - Investigations and Studies, and B. DTSC General Response – Civil Rights for more information about violations at this facility and claims regarding Title VI of the Civil Rights Act.

DTSC Response 5469-6:

This comment alleges that expansion of the landfill violates state civil rights laws. Please see DTSC Response 499-4. Please see B. DTSC General Response – Civil Rights.

DTSC Response 5469-7:

With respect to the assertion that DTSC perpetuates Kings County’s discrimination, it is unclear from the comments which “criteria or methods of administration” DTSC has allegedly utilized that perpetuate discrimination. Further, DTSC is aware that the SEIR was challenged in court and that the County’s SEIR certification was affirmed by the court of appeal. DTSC is unaware of any evidence in the court record to support the assertions of racist actions or unlawful discrimination, claims which should have been raised when the alleged wrongful actions occurred. The appeals court decision rejecting the claims of the commenter may be found in the administrative record under the title *El Pueblo, etc. v. Kings County Board of Supervisors*. The trial court decision, which also rejected the claims, is available in the administrative record.

Also, DTSC observes that there is no evidence that the alleged wrongful composition of local assessment committee was challenged, though appeal procedures exist. Please note that DTSC has provided extensive interpretative assistance to Spanish speaking residents in the community. Please see G. DTSC General Response – Public Outreach for more information. DTSC has received extensive public input from the Kettleman City community through attendance at the public hearing and comments submitted on the draft decision.

DTSC’s decision is based on the determination that this project is protective of public health and the environment. DTSC has reviewed the Final SEIR and determined that it, along with the Addendum prepared by DTSC, is adequate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) Please see B. DTSC General Response – Civil Rights.

DTSC Response 5469-8:

With respect to the comment that DTSC makes or permits the selection of hazardous waste facility sites, DTSC does not do so. Site selection is a local land use decision, not a DTSC decision. DTSC’s decision is based on the determination that this project is

protective of public health and the environment. See also DTSC Response 499-5 and DTSC Response 499-6.

DTSC Response 5469-9:

With respect to the comment that DTSC's alleged failure to adopt a statewide hazardous waste management plan has led to pervasive patterns of discriminatory siting, it should be noted that the preparation of such a plan is not a condition precedent to making permit decisions. Further, the legislature did not provide sufficient funding to prepare a plan and did not provide further legislative direction. Finally, as the commenter notes, the siting of a facility is, by law, a local land use decision (in this case, a decision made by Kings County). DTSC acknowledges its responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit.

Please see DTSC Response 499-3. The siting of the Kettleman Hills facility predates the legislature's requirement to approve a Statewide Hazardous Waste Management Plan by 1991.

DTSC Response 5469-10:

The comment asserts that DTSC's approval of the expansion will violate title VI of the Civil Rights Act of 1964. DTSC states, unequivocally, that it has no discriminatory intent, express or implied. DTSC's intention is to ensure that the landfill is well designed and operated safely to protect everyone, including its neighbors, from harm.

Similar claims were examined by the US EPA Office of Civil Rights as it investigated the commenter's complaint filed in 1994. That complaint was dismissed as without merit and the investigation was terminated in August 2013. For more information, please see B. DTSC General Response – Civil Rights.

It should be noted that DTSC does not site hazardous waste facilities. The siting of a facility is, by law, a local decision (in this case, a decision made by Kings County). Nevertheless, it is DTSC's responsibility to ensure the facility does not pose a health risk to the community, and operates within the requirements of its hazardous waste permit. The Cerrell Report is not a basis for this decision.

DTSC's decision is based on the determination that this project is protective of public health and the environment. DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income; however, DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. DTSC added permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x

emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin.

In addition to the diesel emissions reduction efforts identified above, DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC commissioned an internal review of its Permitting program to address concerns expressed by a variety of stakeholders about the program's performance. The internal review however, is not connected to and is not a basis for the determination that this proposal is protective of public health and the environment.

DTSC Response 5469-11:

The comment alleges that DTSC's approval of the expansion will violate the Equal Protection Clause. DTSC denies the assertion. DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC's commitment is reflected in its Environmental Justice policy which states in pertinent part that DTSC will:

1. Protect public health or the environment if a reasonable threat of serious harm exists based upon the best available science and other relevant information, even if absolute and undisputed scientific evidence is not available to assess the exact nature and extent of risk.
2. Consider regional impacts of our decisions and activities, utilizing Geographic Information System (GIS), census, and other demographic data to the extent feasible to meet Public Participation and CEQA obligations.
3. Ensure all rulemaking proposals, notices and educational efforts address associated environmental justice issues.
4. Characterize areas with demographic data surrounding sites and facilities where contamination may have migrated offsite; evaluate potential exposures to sensitive receptors, such as children; and minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites.
5. Work with the Office of the Secretary and the Cal EPA boards, departments and office to promote implementation of policies and procedures that ensure low-income communities and/or communities with minority populations have access to environmental and health related information utilized in making project determinations. This will include providing the information in appropriate languages, based on needs assessments, and encouraging early and continuous public involvement.

6. Work with Environmental Justice stakeholders to develop cross-media and cross-agency approaches to community concerns.

For this decision, DTSC has taken the following steps to implement its Environmental Justice policy:

1. DTSC actively participated in the Cal EPA study of the possible connection between the Kettleman Hills facility landfill and an increase in birth defects. Additional air monitoring was added to the permit to provide early detection of any releases toward Kettleman City. DTSC included specific procedures and notifications to the permit in the event of spills.
2. DTSC used the databases in OEHHA's CalEnviroScreen to improve its understanding of the multiple burdens on people near the facility. DTSC used mapping utilities to identify projects near the surrounding communities that could add to the existing pollution burdens. DTSC analyzed the impacts those projects could add and compared that information with the findings of the SEIR prepared for the Kings County Community Development Agency for the Kettleman Hills facility.
3. DTSC updated its Public Participation Plan for the Kettleman Hills facility to identify concerns and to refine its outreach techniques. Notices are sent to communities through media that have been identified as effective by the update, such as email and public posting.
4. DTSC evaluated potential diesel emissions exposures to sensitive community members and reduced potential diesel emission contributions by prohibiting older diesel trucks from entering the facility.
5. DTSC invoked enhanced public participation methods for this permit modification decision, resulting in additional outreach, translation of additional documents, and a better understanding of the multiple burdens on the residents near the facility. DTSC identified linguistic isolation in the communities and translated significant draft decision documents into Spanish. DTSC also worked with U.S. EPA to provide simultaneous English to Spanish translation during public hearings and meetings.
6. DTSC has worked with sister state and local agencies to bring clean drinking water to Kettleman City.
7. DTSC prepared an Environmental Justice Review to identify and address environmental justice concerns related to the Kettleman Hills facility. This review is informed by the policies set forth in Government Code section 11135, Public Resources Code sections 71110-71113, Cal EPA Environmental Justice Action Plan (2004), and DTSC's own policies for environmental justice.

Please see D. DTSC General Response – Environmental Justice.

DTSC Response 5469-12:

Greenaction disagrees with the conclusion of the Investigation of Birth Defects and Community Exposures in Kettleman City, and Greenaction asserts that the conclusion of the study (the emissions from the facility likely could not have caused the birth defects) is “without basis in fact or science.” Greenaction claims that the study was flawed and misleading and used improper methods, citing “the clear and unequivocal fact” that operating conditions in 2010 during the study were dramatically different than during the peak occurrence of birth defects in 2007. Greenaction states that activities during 2007 were at 100% of operating capacity, but during the study, the facility operations had dropped by 95%, to only 5% of capacity, citing an email from DTSC indicating “landfill (B-18) had less than 5% of permitted capacity remaining in January 2010...” Greenaction also states the facility was not monitoring for PCBs during 2007 when birth defects were occurring at the highest rate.

DTSC is aware of the information Greenaction has provided. Although the Investigation of Birth Defects and Community Exposures in Kettleman City and other studies are inconclusive as to the cause of the birth defects, adequate information and evidence were documented in the studies for DTSC to determine that facility emissions of hazardous constituents, including PCBs, are not the cause.

The Investigation of Birth Defects and Community Exposures in Kettleman City, California specifically acknowledges (on page Cal/EPA-42) the concern that the investigation was conducted during a time of decreased activity at the facility. To address the concern, the CARB analyzed the upwind and downwind monitoring data from the facility between 2007 and 2009. CARB also compared the 2010 sampling results with the facility’s sampling results for the same period. The results of the additional CARB analyses show, “... there does not appear to be a substantial difference in levels from 2007, when KHF was operating much as it has for many years, and from 2010,” and “Because there was no consistent bias in the facility’s data, these differences do not put into question the validity of the monitoring data collected by the facility from 2007 to 2009.”

Although DTSC suspended PCB monitoring in April 2008 due to the lack of any detection of PCBs in air samples, extensive PCB soil tests were conducted at the facility boundary in March and April of 2009 and in Kettleman City in July 2010. The Final Dioxin-Like Polychlorinated Biphenyl (PCB) Congeners Study Report directed by US EPA shows that the concentrations of dioxin-like PCB congeners found in soil at the facility in 2009 are similar to those measured elsewhere in the country, including in rural soils located away from industrial land uses and even in remote wilderness areas. The Kettleman City Community Exposure Assessment directed by Cal EPA in 2010 shows that PCBs were not detected in residential soil samples.

Although the investigation included collection of PCB samples in ambient air during a period of decreased activity at the facility, it also included collection of PCB samples in soil. PCBs bind strongly to soil and can persist in the environment for long periods of time. No PCBs were detected in the residential soil samples collected in Kettleman City. PCBs have not been detected in any air sample collected at the facility since 2006. Ambient air samples are collected every 12 days at the facility for a period of 24 hours.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Please see A. DTSC General Response – Birth Defects and DTSC General Response - Investigations and Studies for more information.

DTSC Response 5469-13:

Greenaction claims that the study was conducted by agencies biased in favor of the facility citing “refusal of state agencies to investigate the birth defects and infant deaths until ordered by the Governor to “investigate”, “decades of public statements defending the company’s landfill operations,” stating that the Department of Public Health had initially understated the number of birth defects to the County until confronted with the true number, and the failure of DTSC and Cal EPA to prepare a compilation of facility violations or disclose a compliance history to the public, and adds that the state agencies never evaluated the numerous violations in the assessment of potential environmental impacts from the facility operation. Greenaction suggests that the study was completely flawed and compared apples to oranges, never mentioned the issues above, and failed to consider crucial and relevant facts in reaching a conclusion. Greenaction agrees no firm cause of the birth defects and infant deaths has been found, but claims the study did not prove that the facility could not have caused them, and notes that several other potential causes were ruled out, leaving pollution as the likely cause.

DTSC participated in investigations and studies into the apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Please see A. DTSC General Response – Birth Defects for more information on DTSC's participation in the birth defects investigation. Although the studies are inconclusive as to the cause of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the cause. DTSC's conclusion is based on the investigations and studies as well as additional evidence from monitoring and sampling of environmental media conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that could result in exposure to Kettleman City residents. The groundwater at the facility is hydrogeologically isolated from any drinking

water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

In regards to the claim that CDPH intentionally understated the true number of known birth defects, the Investigation of Birth Defects in Kettleman City prepared by the CDPH specifically acknowledges (page CDPH-11) that potentially relevant cases of birth defects were not included in the study because three mothers declined an interview and two could not be reached.

In regards to the assertion that DTSC failed to provide a compilation of compliance/violation history, DTSC prepared a summary of RCRA and TSCA inspections for the July 31 and August 1 Open Houses held in Kettleman City. DTSC held the Open House to provide details about the proposed permit modification and encourage public comment. DTSC set up tables to provide information on permitting activities, environmental monitoring and enforcement at the facility. DTSC did translate hand out material and provided each table with a translator. DTSC did not translate all of the printed reference material it used to interact with the community and interested stakeholders. Some of the reference material included groundwater monitoring data, air monitoring data and the inspections summary. At the request of Mr. Bradley Angel and others during the July 31 Open House, DTSC read the inspections summary in Spanish to anyone interested in listening to it. Subsequently, DTSC provided a Spanish translation of the summary the next day by delivering copies to individuals and posting it on our website.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they do not warrant denial of this permit modification request. Please see H. DTSC General Response - Compliance History.

Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing significant impacts to human health or the environment and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment.

In summary, the studies of environmental exposures, birth defects, and monitoring of environmental media demonstrate that emissions from the facility are not the source of birth defects observed in Kettleman City, the activities associated with violations at the facility did not present a significant risk to public health, and the facility is willing and able to operate the facility in compliance with the modified permit.

DTSC Response 5469-14:

Greenaction asserts that state officials publicly announced that they would work to reduce pollution impacting Kettleman City, but the proposal to approve the permit modification to increase the capacity of the facility amounts to breaking that promise.

DTSC is requiring specific permit conditions in the permit modification to reduce air pollution in the area surrounding the facility. DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address potential pollution burdens including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC Response 5469-15:

Greenaction asserts that residents suspect emissions from the facility are causing elevated levels of birth defects, infant deaths, cancer, and other environmental health issues. It is claimed that no government agency has ever conducted a comprehensive health study to determine the extent or cause of health problems. Greenaction states new information is emerging that seems to confirm elevated levels of cancer and other health problems in the community, and states DTSC must consider the information prior to making a permit decision. Greenaction states that a survey of residents about cancer in the community completed by it and other groups showed several new cancer cases at a time when the county and CDPH were unaware of them. Greenaction suggests that the county and state are oblivious, uninvolved, and potentially intentionally ignoring health problems because they are biased in favor of the landfill operator at the expense of the health of the residents.

The facility has been studied extensively and no evidence that neighbors are exposed to contamination by the landfill's operations has been shown. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that could cause significant risk to Kettleman City residents. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Although the studies are inconclusive as to the cause of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the cause. DTSC's conclusion is based on the investigations and studies as well as additional evidence from monitoring and sampling of environmental media conducted over the last several years. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 5469-16:

Greenaction cites a 2013 decision by state prison officials to transfer vulnerable inmates out of Avenal state prison due to the risk of valley fever, and then suggests that excavation and earthmoving activities needed to construct and operate the expanded landfill would put local residents at increased risk of exposure to valley fever fungal spores, and likely cause illness and death from valley fever. Greenaction claims DTSC failed to evaluate the increased risk of exposure to valley fever caused by construction and operation activities at the facility.

Valley Fever fungal spores are considered endemic in Kings County, but there is no reliable method to test soils for spores to determine whether they are present in a particular area. Valley Fever is caused by inhaling airborne spores from activities that disturb soils. DTSC considered the effects of fugitive dust emissions described in the SEIR. In addition, mitigation measures for fugitive dust emissions are required as a condition of approval for this project. DTSC added a permit condition that requires the facility to comply with the requirements of the Mitigation Monitoring and Reporting Plan included in the Final SEIR. Those requirements include controlling fugitive dust emissions to meet the requirements of San Joaquin Valley Unified Air Pollution Control District's Regulation VIII.

DTSC Response 5469-17:

Greenaction states that approval of the permit modification would violate DTSC's promise to reduce pollution in Kettleman City as well as environmental justice and civil rights mandates because the Kings County EIR found that the project will cause significant, negative and unavoidable impacts that cannot be mitigated, including air emissions of ozone, PM_{2.5} and PM₁₀, which will result in significant, unavoidable and increased cancer risk at the facility boundary. Greenaction states that DTSC should reject the permit to expand due to the significant, negative and unavoidable impacts.

DTSC has considered the significant unavoidable impacts of the project and found that they are acceptable, as detailed in the Statement of Overriding Considerations. The fact that the project has significant and unavoidable impacts does not necessitate its denial. As stated in CCR, title 14, division 6, section 15093(a), "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" That is why DTSC prepared the Statement of Overriding Considerations that the project eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures) and found that the remaining significant unavoidable impacts of the project are acceptable because the benefits of the Project set forth outweigh them. After review of the entire administrative record, DTSC found that specific economic, legal

social, technological and other anticipated benefits of the project outweigh the significant and unavoidable impacts, and therefore justify the approval of the project notwithstanding the identified significant and unavoidable impacts.

DTSC Response 5469-18:

This comment states that DTSC improperly and illegally relies on a flawed EIR prepared by Kings County and approved by racially discriminatory hearing rules and police use of dogs, intimidation, and violence.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld on appeal, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) Unfortunately, the time has passed for making such objections. They should have been raised in the CEQA challenge and at the county administrative level.

DTSC Response 5469-19:

Greenaction identifies DTSC's Environmental Justice Review as a key document DTSC used to justify the decision to approve the permit modification. Greenaction asserts that rather than promoting environmental justice, the document "promotes environmental racism due to inaccurate analysis, the omission of key information... and the unethical and inappropriate use of certain information." Greenaction identifies specific inaccuracies and defects, including: the review fails to identify or address any environmental justice concerns; does not include an assessment of cumulative impacts; the assessment of "potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community" is not in the document; failure to analyze impacts of the facility, existing and proposed environmental hazards, existing and recent health and environmental quality information cumulatively, if at all.

Greenaction claims it is improper and irrelevant for DTSC to cite in the assessment such voluntary actions by DTSC, other government agencies and the applicant to address impacts on the people and in the community from the facility and other activities. Greenaction cites various incentive programs: the US EPA Environmental Justice Small Grant given to Greenaction to reduce diesel pollution from idling trucks; mitigation measures imposed on the applicant to reduce diesel truck emissions; and the DTSC promoted initiative to water quality and the lack of safe drinking water. Greenaction claims the draft decision to approve the permit modification in a community whose residents have faced racism in the permit modification review process is a violation of environmental justice and civil rights.

Greenaction expresses concern that DTSC based the draft decision on an assumption that CWMI will remain in compliance despite the extensive record of noncompliance; inadequate monitoring efforts by US EPA, including limited data, allowing the facility operator to conduct most of the tests; the birth defect study having been done at a time

when operations were allegedly reduced by 95%; the claim that the birth defects study intentionally understated the number of birth defects; reliance on the Kings County EIR which was allegedly approved using “Jim-Crow style racism including police intimidation and racially discriminatory hearing rules”; impropriety of using the results of the EIR as DTSC has “publicly acknowledged that Kings County’s actions were unacceptable”; misuse of the CalEnviroScreen tool; impropriety of DTSC considering proposed actions by the applicant to build a walking track and soccer field lighting and other enhancements at the elementary school; and finally, mention of the proposal that CWMI may pay to help the city get a new safe water supply as part of the EJ review.

DTSC disagrees with Greenaction’s claims that the Environmental Justice Review is inaccurate, omits key information or uses information inappropriately. DTSC believes the document does identify and assess all relevant environmental justice issues and cumulative impacts. Regardless, it is important to emphasize that DTSC’s approval is not based on the conclusions of the Environmental Justice Review. DTSC is proposing to approve this permit modification because the expansion, when operated in accordance with DTSC’s permit conditions, will protect public health and the environment.

Furthermore, DTSC prepared the Environmental Review to address Environmental Justice concerns expressed by residents and stakeholders. The concerns and assertions Greenaction expresses about the Environmental Justice Review are addressed as follows:

Environmental justice concerns related to the Kettleman Hills facility are identified and addressed in section V.A. of the Environmental Justice Review. Potential harmful offsite impacts from the facility are identified and addressed in section VI of the Environmental Justice Review. Actions taken to offset potential harmful offsite impacts from the facility are discussed in section VII of the Environmental Justice Review. The assessment of existing environmental burdens on the people in the community is discussed in section IX of the Environmental Justice Review.

In regards to the assertion that the review does not include an assessment of cumulative impacts, the term “cumulative impacts” can have a different meaning depending on the context. Under CEQA, analyses of additional potential impacts are included in the Kings County SEIR. As per the Director’s commitment, DTSC evaluated the cumulative impacts of projects that were not known or had not been considered during certification of the SEIR as part of CEQA. Beyond CEQA requirements and in response to some community members’ concerns, DTSC prepared the Environmental Justice Review that identifies and analyzes other potential burdens on the community. As a result of that analysis, DTSC has acknowledged those burdens and is addressing them by making reduction of diesel emissions a condition of the permit, by adding additional air monitoring requirements, and working with the California Department of Public Health and other agencies to provide clean drinking water. DTSC’s approval is not based on the fact that voluntary actions have been taken to address impacts on the

people in the community. DTSC's approval is also not based on US EPA's grant to Greenaction and does not state so. The grant is included in the discussion of actions taken to address environmental justice concerns. Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing significant impacts to human health or the environment and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment.

In regards to the claim that DTSC is proposing a "massive" increase in diesel truck traffic and emissions, The Kettleman Hills facility does not operate a fleet of trucks to pick up hazardous waste loads, but rather accepts waste delivered in trucks operated by transportation companies and independent owner/operators hired by the hazardous waste generator. Hazardous waste will be generated and trucks will transport hazardous waste on our freeways regardless of this decision. DTSC's approval will result in shorter trips for waste from some hazardous waste generators and the use of trucks that emit fewer pollutants.

In regards to the claim that DTSC is not addressing water quality and safe drinking water, DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. Reference to this work demonstrates DTSC's commitment to address the water quality issues.

In regards to the assertion that residents have faced "Jim Crow-style" racism in the permitting process, DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information. Also, please see B. DTSC General Response – Civil Rights for more information about claims regarding Title VI of the Civil Rights Act.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including the most recent failure to report spills, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations which warrant denying this permit modification request.

US EPA's Air Emission Study was initiated through an unannounced inspection. It was used to make a determination as to whether the facility was emitting volatile organic compounds at the time of inspection. DTSC's conclusions about facility emissions of hazardous constituents are based on investigations and studies at the facility as described in DTSC General Response – Investigations and Studies.

Regarding the comment that CWMI conducted “testing” for the Congener Study, the monitoring, sampling and analysis for the Congener Study was conducted by Wenck Associates, Inc. under oversight by US EPA Region IX.

Page 2 of the Executive Summary in The Investigation of Birth Defects and Community Exposures in Kettleman City specifically acknowledges the concern that the investigation was conducted during a time of decreased activity at the facility. To address the concern, the CARB analyzed the upwind and downwind monitoring data from the facility between 2007 and 2009. CARB also compared the 2010 sampling results with the facility’s sampling results for the same period. The results of the additional CARB analyses show, “... there does not appear to be a substantial difference in levels from 2007, when KHF was operating much as it has for many years, and from 2010,” and “Because there was no consistent bias in the facility’s data, these differences do not put into question the validity of the monitoring data collected by the facility from 2007 to 2009.” These findings show that the reference to the Investigation in the Environmental Justice Review is appropriate because the decreased activity was already acknowledged and addressed in the study.

Page CDPH-11 of the Investigation of Birth Defects in Kettleman City prepared by the CDPH specifically acknowledges that potentially relevant cases of birth defects were not included in the study because three mothers declined an interview and two could not be reached. State agencies conducted the investigation under California Governor Arnold Schwarzenegger’s direction; there was no refusal to investigate. This clearly shows that CDPH did not withhold the true number of birth defects, but properly disclosed them.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing significant impacts to human health or the environment and that operation of the proposed expansion in compliance with DTSC’s permit conditions will protect public health and the environment. The information from CalEnviroScreen was used to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

The actions listed in the comment were included in the Environmental Justice Review as benefits the facility has agreed to provide to local residents. These benefits were established through the Local Assessment Committee as conditions for approval of the County’s Conditional Use Permit. As such, it is entirely appropriate to include the effects of these actions in the Environmental Justice Review.

The payment of the Kettleman City Community Services District debts was included in the Environmental Justice Review as benefits the facility has agreed to provide to local residents. These benefits were established through the Local Assessment Committee

as conditions for approval of the County's Conditional Use Permit. As such, it is entirely appropriate to include the effects of these actions in the Environmental Justice Review. DTSC's approval is not based on the conclusions of the Environmental Justice Review. Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing significant impacts to human health or the environment and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment.

DTSC Response 5469-20:

Greenaction claims that DTSC's proposed approval of the permit modification to expand the facility "ignores Cal EPA's CalEnviroScreen Cumulative Impact Methodology which proves Kettleman City residents are highly vulnerable and at-risk from additional pollution." Greenaction describes CalEnviroScreen, states that DTSC's draft decision to approve the facility expansion contradicts the findings and purpose of the screening tool, and quotes extensively from the DTSC Environmental Justice Review, pages 18-19, with no further explanation of concerns or comments.

Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing significant impacts to human health or the environment and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment; however, DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address the pollution burdens including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City, thereby helping to reduce other aspects of the pollution burden on the residents. Please see D. DTSC General Response – Environmental Justice.

DTSC Response 5469-21:

Greenaction states DTSC "improperly failed to consider or evaluate cumulative impacts to assess true impacts of proposed expansion of the hazardous waste facility," cites DTSC Environmental Justice policy to "minimize potential cumulative impacts from facilities and sites on community health and the environment by significantly reducing exposure risks from individual sites" and claims DTSC fails to identify cumulative risk from multiple pollution sources, identify the nature of those impacts, or address them. Specifically, Greenaction claims that DTSC failed to include birth defects, pesticide exposures, or paint a picture of the reality of the situation and how the facility plays into it. Greenaction asserts that DTSC lists various voluntary and authoritative activities

undertaken by the agencies or the applicant to address various impacts of the facility, suggesting DTSC relies on them to mitigate significant impacts of the facility expansion. Greenaction claims DTSC must reduce the cumulative risk by reducing exposure risks from the site, rather than relying on other positive activities when evaluating cumulative impacts, and that cumulative risk of the project is so severe that the only way to reduce them is to deny the permit modification. Greenaction notes DTSC lists many of the multiple pollution sources in the “Environmental Justice Analysis” but claims the list is incomplete, and states that a list of pollution sources is not a cumulative impact analysis. Greenaction compliments information included in the Cal EPA CalEnviroScreen tool, but states that DTSC makes a mockery of it by approving “a massive increase in pollution” at the same time acknowledging the community is highly vulnerable and promising to reduce pollution.

The term “cumulative impacts” can have a different meaning depending on the context. Under CEQA, analyses of additional potential impacts are included in the Kings County SEIR. As per the Director’s commitment, DTSC evaluated the cumulative impacts of projects that were not known or had not been considered during certification of the SEIR as part of CEQA. Beyond CEQA requirements and in response to some community members’ concerns, DTSC prepared the Environmental Justice Review that identifies and analyzes other potential burdens on the community. As a result of that analysis, DTSC has acknowledged those burdens and is addressing them by making reduction of diesel emissions a condition of the permit, by adding additional air monitoring requirements, and working with the California Department of Public Health and other agencies on clean drinking water.

DTSC found the analysis of cumulative impacts in the SEIR to be adequate for compliance with the requirements for implementing a cumulative impact assessment under CEQA. CCR, title 14, division 6, chapter 3, section 15130 requires Environmental Impact Reports to include a discussion of significant cumulative impacts from either a list of past, present and probable future projects, or from a summary of projections in an adopted general plan. The Draft SEIR evaluated cumulative impacts from a list of projects the County developed. This list includes the Kettleman Hills facility B-19 Landfill Bioreactor project, the Kettleman Hills facility B-17 Landfill Project, the Avenal Landfill, the Westlake Farms Co-Composting Facility, the Caltrans SR-41 Rehabilitation Project and the Quay Valley Ranch Planned Community Development. The Recirculated Portions of the Draft SEIR evaluated cumulative impacts from an additional source, the Avenal Energy Project, which was not a reasonably foreseeable future project at the time the NOP for the Draft SEIR was issued 2.5 years earlier. Additionally, DTSC prepared an Addendum to the SEIR and evaluated cumulative impacts from a list of additional projects that were not reasonably foreseeable at the time the County issued the NOP. DTSC also examined the County’s evaluation of the Avenal Energy Project amid comments from community members expressing concern that the Final SEIR did not evaluate the project appropriately.

The list of additional projects DTSC evaluated include the Federal Express Transfer Facility, Commercial Development at SR-41 and Bernard Drive, Kettleman City Surface

Water Treatment Plant and Commercial Water Storage Tanks, Dudley Ridge Water Transfer Project, Jackson Ranch Water Allocation Project, Avenal Photovoltaic Solar Farm, Avenal Park Photovoltaic Solar Farm, Zodiac Energy LLC Exploratory Wells, Zodiac #4-9 Exploratory oil and Gas Well, Zodiac #1-10 Exploratory Oil and Gas Well, Innex California, Oil and Gas Wells with A.P.I. Numbers Only, Zodiac Energy LLC Processing Facility, Grow King Solar II LLC, City of Avenal Chlorination Project and the City of Avenal 2009-2014 Housing Update. DTSC evaluated these projects due to public concern about cumulative impacts that were expressed during DTSC's November 17, 2011 Public Workshop in Kettleman City.

Considering some community members' concern, DTSC also prepared the Environmental Justice Review to assess the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. While this review examines the potential for current and future multiple impacts to the people in the communities near the facility, it is not prepared pursuant to CEQA, and may contain information and analysis that either differ from, or would not be required under CEQA.

DTSC has concluded that cumulative impacts have been adequately studied for this proposed expansion. DTSC's Addendum to the SEIR concluded that review of additional projects that were filed after certification of the SEIR did not result in information that would change the findings and conclusions of the SEIR. These findings and conclusions include the cumulative impacts identified in the SEIR. The voluntary actions listed in the Environmental Justice Review are not listed as mitigation measures. The only mitigation measures DTSC relies on for this decision are those listed in the County's Final SEIR.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address the pollution burdens including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. Please see D. DTSC General Response – Environmental Justice.

DTSC Response 5469-22:

Greenaction asserts that the State should have conducted biomonitoring of residents to determine the extent of toxic contaminants in their bodies. Greenaction claims biomonitoring is important even if it cannot determine the source of specific pollutants, to identify pollutant exposure compared to residents of other areas of the state. Greenaction quotes DTSC Director Raphael as committing to ask whether

biomonitoring would be appropriate for the residents, and issuing a statement explaining why biomonitoring would or would not be a good thing to use in Kettleman City, and then states that DTSC has not put out such a formal statement, or talked with residents about how biomonitoring could help. DTSC has evaluated whether this is an appropriate place for biomonitoring. When DTSC announced the draft decision to approve the permit modification request from the facility on July 2, 2013, the department also provided a Frequently Asked Questions (FAQs) document and posted it to the website. The FAQs included the following question and answer:

Q: Would biomonitoring be an effective tool to assess the Kettleman community's exposure to chemicals?

A: While biomonitoring is a useful tool, it cannot answer health questions raised by people in Kettleman City. Biomonitoring could not determine whether chemicals measured in the blood or urine of residents came from the Kettleman Hills facility because it cannot generally distinguish the sources of environmental chemicals. It cannot determine a cause for health issues that concern the community such as birth defects and cancer.

The FAQs are available at

http://www.dtsc.ca.gov/HazardousWaste/Projects/upload/FAQs_50_Kettleman_070213.pdf.

DTSC Response 5469-23:

The commenter states that DTSC cannot claim that the violations cited did not threaten public health or the environment. The commenter specifically cites violations cited by DTSC noting that the facility failed to report 72 spills during a four year period and adds that because these spills were not reported in a timely fashion, DTSC cannot assess their health or environmental impact.

DTSC contends that the assertion that every one of the 72 spills could have posed a threat to human health is not supported by the facts. Of the 72 spills, only one involved a quantity greater than 2 gallons (estimated between 5-8 gallons). The majority (66) involved quantities less than or equal to 1 gallon or 1 pound.

Greenaction also asserts that "it is absurd" for DTSC to not relate violations involving the failure to conduct monitoring, inadequate laboratory analytical methods, or illegal disposal of hazardous wastes or PCB's to threats to human health or the environment.

Based upon DTSC's review of the facility's monitoring records (including ambient air samples and health risk assessments) and the facility's documentation of the spills, DTSC has no evidence to suggest that any of the 72 spills posed any threat to human health or the environment. The violations cited, while serious enough to call for formal enforcement action do not represent a threat to human health or the environment. All

the violations mentioned were identified, corrective action was taken to address the violation, and the facility is now in compliance.

DTSC acknowledges that both sections HSC, section 25186 and CCR, title 22, section 66270.43 allow DTSC to deny or revoke a permit based on violations that could pose a threat to human health or the environment or show a recurring or repeating pattern of non-compliance. DTSC does evaluate the compliance history of every permit applicant/permittee. Part of this evaluation includes the review of the specific type and nature of the violations. While the number of violations may provide some concern, the number of violations in itself is not as revealing as the specific type and nature of the violations. A summary of the type and nature of the violations at the facility as well as how DTSC evaluated the facility's past compliance history are explained in H. DTSC General Response – Compliance History.

DTSC has looked at the myriad of facts pertaining to the violations, including those that may be viewed as repeat or recurring in determining how to exercise its denial authority. DTSC has determined that the facts presented do not warrant denial of this permit modification. Please see H. DTSC General Response - Compliance History for more detail about how DTSC used the compliance record to evaluate whether to approve or deny this permit modification proposal.

DTSC Response 5469-24:

With respect to the assertion that DTSC should deny the permit based on the facility's permit violations, please see H. DTSC General Response - Compliance History, DTSC Response 499-14, and DTSC Response 5469-23, above.

DTSC Response 5469-25:

This comment alleges DTSC failed to consider the facility's compliance history and that this violates CEQA.

First, DTSC did, in fact, consider the compliance history of the facility, though not in the context of CEQA. See H. DTSC General Response – Compliance History and DTSC Response 499-14 for more information.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld on appeal, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) The time has passed for making such objections. They should have been raised in the CEQA challenge and at the county administrative level.

DTSC Response 5469-26:

The commenter states that DTSC failed to conduct a comprehensive compliance review because DTSC stated that it did not review TSCA/PCB inspection records prior to 1998. DTSC finds that our compliance review, in total, is adequate to make a determination as to whether the facility's compliance history shows a repeating or recurring pattern or may pose a threat to public health or safety or the environment.

Toxic Substances Control Act inspections are conducted by US EPA staff. DTSC has requested copies of TSCA inspections conducted by US EPA at the Kettleman Hills facility. US EPA has not provided copies of these inspection reports. DTSC has been able to review the last 15 years of the TSCA compliance history for the facility, which is most relevant to consideration of the proposed modification to the facility's permit. DTSC has been able to review the compliance history for the RWQCB, SJVAPCD and the Kings County Environmental Health Department. DTSC finds that, along with its other detailed review of compliance history, this is a fully adequate period of time to consider US EPA's TSCA/PCB compliance history in determining whether to approve this permit modification request. The facility's compliance history with these other agencies does not show a recurring pattern of non-compliance nor represent a threat of harm to human health or the environment. Please see H. DTSC General Response – Compliance History.

DTSC Response 5469-27:

The commenter asserts that granting this modification in light of extensive and chronic violations would set unacceptable precedent for other facilities. DTSC carefully reviewed the entire facility compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they do not warrant denial of this permit modification. See H. DTSC General Response - Compliance History for more details. Please see also DTSC Response 499-13 and DTSC Response 499-17.

DTSC's permit decisions are based on whether the proposed activities are protective of public health and the environment and whether they comply with the specifications listed in CCR, title 22 and applicable regulations. Having carefully examined available information regarding health effects of the facility, DTSC concluded that this facility is not causing significant impacts to human health or the environment and that operation of the proposed expansion in compliance with DTSC's permit conditions will protect public health and the environment.

DTSC Response 5469-28:

The comment asserts that the permit modification meets the criteria for permit denial because the failure to report the 72 small spills, for which the facility was penalized, is a misrepresentation of relevant facts.

Although HSC, section 25186 and CCR, section 66270.43 allow for the revocation and denial of permits, the violations documented at this facility, including the failure to report spills, are not the types of violations for which DTSC would consider denying this permit modification request. Neither citation requires the denial of a permit under these circumstances. Rather, they allow discretion by DTSC, which DTSC has chosen, after due consideration, not to exercise. See H. DTSC General Response - Compliance History. Please see also DTSC Response 499-13 and DTSC Response 499-17.

The commenter's purpose of providing the quotation from the New York Times is unclear. Possibly because the "emphasis added" is not visible on the letter. Nevertheless, hazardous waste must meet the land disposal restrictions specified in California Code of Regulations, title 22, with each waste, as specified in article 4 of chapter 18. Many of the most dangerous hazardous wastes must be stabilized or solidified before placement in the landfill; however, the regulations specify the treatment method - the facility must use the technology specified. Some of the hazardous waste, though, is stable when received and does not require further stabilization or solidification before placement in the landfill. No potential threat to human health or the environment is apparent from the possible misstatement in the quoted material.

DTSC Response 5469-29:

Greenaction states that DTSC should deny the permit modification because the permitted activity would endanger public health and cannot be adequately regulated under a permit, which is one criterion in DTSC permitting guidance for denying a permit application. In particular, Greenaction cites air impacts such as ozone, PM₁₀, and PM_{2.5}.

DTSC has concluded that this facility is not causing significant impacts to human health or the environment and that the proposed expansion, operated in compliance with DTSC's permit conditions, will protect public health and the environment. DTSC has determined that the operator is willing and able to operate the facility in compliance with the permit. Therefore, the criteria for denying the permit have not been met.

Regarding the air emissions, the FSEIR identifies significant air quality impacts for periodic construction and operations impacts and long-term operations impacts because the San Joaquin Valley Air Basin is in federal and state nonattainment for ozone, federal and state nonattainment for PM_{2.5} and state nonattainment for PM₁₀. Mitigation measures are required in the FSEIR, but the impacts remain significant and unavoidable. These are identified significant impacts to the attainment status of the San Joaquin Valley Air Basin, not to human health or the environment. The significant impact results from the facility's contribution of criteria air pollutants to an air basin that is in nonattainment status for the listed pollutants.

The FSEIR also identifies significant air quality impacts for toxic air contaminants that are cumulatively significant at the property boundary but less than significant at distances greater than 2,000 feet from the property boundary. These toxic air contaminants include all constituents potentially emitted from the facility including diesel exhaust from 400 trucks per day. The significant impact results from the exposure to facility emissions by a hypothetical receptor within 2,000 feet from the facility boundary. The hypothetical receptor used for the risk assessment was an individual living in a single family residence at the facility boundary. As there are no residences within 2.5 miles of the facility, these calculated impacts do not represent actual potential impacts but are used for comparison purposes only.

There are three monitoring stations located to detect emissions into ambient air from the facility operations. DTSC has been monitoring actual emissions data collected at these locations since 2006 and approved a health risk assessment based on data collected between 2006 and 2010. The health risk assessment shows that emissions from the facility do not pose significant health risks for residents of Kettleman City, Kettleman Junction and the nearest residence. Total excess incremental lifetime cancer risks calculated for the three residential receptors were: 7×10^{-8} at Kettleman City, 1×10^{-7} at Kettleman Junction, and 9×10^{-8} at the nearest residence, all of which are below DTSC's levels of concern. The total noncancer hazard indices were all below DTSC's noncancer hazard threshold of 1 (0.001 at Kettleman City, 0.002 at Kettleman Junction, and 0.001 at the nearest residence), indicating that adverse noncancer health effects are not expected based on the modeled exposure concentrations associated with potential Kettleman Hills facility emissions.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address the pollution burdens including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM_{10} emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC has concluded that this facility is not causing significant impacts to human health or the environment and that the proposed expansion operated in compliance with DTSC's permit conditions will protect public health and the environment, which is the basis for this decision. Please see F. DTSC General Response – Investigations and Studies.

DTSC Response 5469-30:

Greenaction states that the permit condition to require use of newer, cleaner trucks after certain dates is not adequate because it will allow older, dirtier trucks for a period of time, and even the newer, cleaner trucks still generate significant pollution, as well as hazardous air emissions that will occur from construction and operation of the expanded

operation of the facility. Greenaction asserts that allowing the expansion will violate the State's commitment to reduce pollution in Kettleman City. The SEIR prepared by Kings County acknowledged that the project will result in significant impacts that cannot be mitigated, including traffic impacts from trucks. Greenaction further states that there is no reason to believe the operator will comply with the requirements to limit trucks to the newer models required by the permit conditions because of the well documented history of violations at the facility, and there will be no meaningful enforcement due to lack of capacity and the well documented failure of DTSC and other agencies to assess maximum or substantial fines even for serious and chronic violations, as evidenced by the minimal fines levied for failing to report 72 hazardous waste spills, the fines for which were 25% of the maximum penalty that could have been levied. And further, the impacts cited would disproportionately affect people of color and Spanish speaking residents in violation of State and federal civil rights laws.

The diesel emissions reduction permit condition is not a mitigation measure. The only mitigation measures DTSC relies on for this decision are those listed in the County's Final SEIR.

The referenced permit condition, Part V (6), would prohibit trucks equipped with pre-2007 model year emission equivalent engines before waste is placed in the expanded landfill. Trucks equipped with pre-2010 model year emission equivalent engines would be allowed until 2018 if they meet 2007 model year emission equivalent standards. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. These are significant reductions.

The number of trucks carrying hazardous waste to the facility may increase up to a maximum of 400 trucks per day; however, those trucks will be transporting hazardous waste from generators to a hazardous waste facility for treatment or disposal regardless of this decision. This project does not create hazardous waste transportation truck trips. The Kettleman Hills facility does not operate a fleet of trucks to pick up hazardous waste loads, but rather accepts waste delivered in trucks operated by transportation companies and independent owner/operators hired by the hazardous waste generator.

The diesel emissions reduction permit condition could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. These are significant reductions to diesel truck emissions that will occur if the permit modification is approved and the permit condition is placed in effect.

The significant and unavoidable air quality impacts identified in the County's SEIR relate to periodic construction and operations impacts, long-term operations impacts and toxic air contaminants. Traffic impacts are significant because the facility would contribute to a decrease in the Level of Service ratings for I-5 and SR-41 in the area.

DTSC has concluded that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. DTSC will ensure the permit conditions are followed through the use of unannounced enforcement inspections and review of facility records.

DTSC does not relax enforcement activities due to decreased statewide hazardous waste capacity issues.

The penalties levied for failure to report 72 spills were appropriate and administered in accordance with the California Hazardous Waste Control Law Health and Safety Code, section 25100, et.seq. Please see H. DTSC General Response - Compliance History for more information.

The significant and unavoidable air quality impacts identified in the County's SEIR relate to periodic construction and operations impacts, long-term operations impacts and toxic air contaminants. These impacts include emissions from a maximum average of 400 daily truck round trips. The construction and operations impacts are significant due to the nonattainment status of criteria air pollutants in the San Joaquin Valley Air Basin and therefore impact everyone in the basin. The toxic air contaminants impacts are less than significant at a distance of 2,000 feet from the facility boundary. Significant traffic impacts relate to the level of service ratings of I-5 and SR-41. The Kettleman City community is located 3.5 miles from the facility so there are no significant impacts from toxic air contaminants identified for this population.

In regards to the claim that emissions would disproportionately impact people of color and Latinos in violation of civil rights laws, a Title VI investigation conducted by US EPA investigated and dismissed similar claims. Please see D. DTSC General Response – Environmental Justice and DTSC General Response - Investigations and Studies for more information.

DTSC Response 5469-31:

The commenter refers to a consultant's report containing statements that there is "no clear and objective criteria for making denial/revocation decisions that are based on valid standards of performance and threats" and asserts that it is irresponsible for the agency to move forward with permitting such a controversial permit modification in such an overburdened community at the same time it has apparently recognized the absence of clear criteria on when to deny the permit. DTSC acknowledges the concerns of stakeholders and the specific statements of the consultant's report. However, DTSC does have clear guidelines for permit denials which are codified in the California Health and Safety Code (HSC) and California Code of Regulations (CCR). CCR, title 22, division 4.5, chapter 20, article 4, section 66270.43 specifies the requirements for Permit Changes and Denials. Clear guidelines for revoking or denying a permit are codified in section 66270.43 and in HSC section 25186.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. See H. DTSC General Response – Compliance History. None of the facility’s violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC’s permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. DTSC agrees that Kettleman City residents deserve a deliberative process with clear and objective criteria. That is why DTSC has followed the criteria set forth in regulation and statute for this decision. DTSC’s criteria for permit decisions are firmly founded in the CCR and HSC. DTSC’s decision is based on these criteria. The recommended criteria in the consultant’s report are not bases for this decision.

CCR, title 22, division 4.5, chapter 20, article 4, section 66270.41(a)(5) requires DTSC to modify a permit as necessary to assure that the facility is in compliance with the currently applicable requirements in chapters 10 through 16, 20 and 21 of division 4.5 and as necessary to protect human health and the environment. DTSC, in considering this permit modification request, has modified the permit by adding permit conditions that assure facility compliance with applicable requirements and protect public health and the environment. DTSC has concluded that the facility can operate safely when following the permit conditions for this decision.

DTSC Response 5469-32:

Greenaction asserts that “DTSC Erred in Failing to Prepare a Supplemental or Subsequent EIR.”

DTSC disagrees with the assertion and its reasoning, set forth in Section 7 of the Addendum of the SEIR, which states the following:

The above evaluation and enclosed additional substantial evidence (e.g., Appendices A-C) supports the conclusion that preparation of a supplemental or subsequent EIR is not required prior to approval of the above-referenced Class III HWFP modification by DTSC, and that the Addendum and Initial Study/Environmental Checklist is the appropriate document for DTSC to prepare under CEQA for approval of the Class III HWFP modification request.

There are no substantial changes proposed by the phased construction of the B-18 Landfill expansion or in the circumstances in which the project will be undertaken that require major revisions of the existing Final SEIR for the B-18/B-20 Hazardous Waste Disposal Project, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the phased construction of the B-18 Landfill expansion is consistent with the Final SEIR and would

involve only minor design modifications (CEQA Guidelines, section 15162, subdivision (a)).

The current proposed phased construction of the B-18 Landfill expansion does not require major revisions to the Final SEIR for the B-18/B-20 Hazardous Waste Disposal Project. No new significant information or changes in circumstances for the B-18/B-20 Hazardous Waste Disposal Project have occurred since the adoption of the Final SEIR. The previous analysis completed for the B-18/B-20 Hazardous Waste Disposal Project under CEQA and included in the Final SEIR therefore remains adequate, as considered and supplemented herein by the & Addendum and Initial Study/Environmental Checklist prepared pursuant to CEQA.

In addition, consideration of the Additional Projects for which applications were either filed or approved with the County after the SEIR was certified in the analysis of the Project's cumulative impacts does not result in new significant cumulative impacts or substantial increase in the severity of a cumulative impacts, and does not change the findings and conclusions in the certified SEIR concerning the potential cumulatively considerable impacts of the proposed Project.

DTSC acted correctly and lawfully when it chose to prepare an addendum.

DTSC Response 5469-33:

This comment asserts that new information which was not known and could not have been known at the time of SEIR certification is now available.

The new information described by the commenter does not change the project or its impacts. The new information consists of new standards and metrics.

Although the SEIR did not include US EPA's 2010 1-hour National Ambient Air Quality Standard for NO_x, the impact was already considered significant in accordance with the San Joaquin Valley Air Pollution Control District's recommended threshold for significant impact. As discussed in section 5.2 of Appendix F of the SEIR, the projected NO_x emissions exceed the District's recommended threshold of 55 lbs/day. Since the projected emissions exceed the recommended threshold, the SEIR considered the project and cumulative projects to have a significant impact on air quality. The SEIR continued analysis of impacts by modeling the ground level concentrations of NO_x that were then used to assess risk. The modeling of emissions and the health risk assessment are not based on any air quality standard but on toxicity values, exposure pathways, wind patterns, etc.

The newly enacted federal standard does not provide new information that would change the significance of ozone precursor impacts to air quality because the impacts were already considered significant. Further, the new standard does not provide new information that would change the significance of air quality impacts from toxic air contaminants because the analysis and conclusions are not based on any national or

state standard. The SEIR already identifies mitigation measures for ozone precursors including NO_x.

No new information sufficient to trigger the need for a supplemental or (another) subsequent SEIR has become known.

DTSC Response 5469-34:

This comment asserts that changes in the emissions standards for the Avenal Power Plant is significant new information.

As discussed in DTSC Response 499-22, the impacts to air quality from ozone precursors are already considered significant. The newly enacted federal standard does not provide new information that would change the significance of ozone precursor impacts to air quality because the impacts were already considered significant. The new standard does not provide new information that would change the significance of air quality impacts from toxic air contaminants because the analysis and conclusions identified in the SEIR are not based on the national or state standards. The SEIR already identifies mitigation measures for ozone precursors including NO_x.

No new information sufficient to trigger the need for a supplemental or (another) subsequent SEIR has become known.

DTSC Response 5469-35:

This comment asserts that there is nothing that prevents DTSC from using information contained in the EnviroScreen tool about the community's high vulnerability to pollution as part of its CEQA analysis.

The scope of analysis performed under CEQA is more limited than the analysis of multiple pollution burdens and vulnerabilities, which is not part of CEQA's statutory scope.

The statutory definition of "cumulative impacts" contained in CEQA is substantially different than the working definition of "cumulative impacts" used to guide the development of CalEnviroScreen. DTSC has reviewed the Final SEIR and determined that it, along with an Addendum prepared by DTSC, is adequate in its analysis of project and cumulative impacts; however, DTSC used CalEnviroScreen to improve its understanding of the multiple burdens endured by people near the facility. DTSC prepared an Environmental Justice Review (Review) for this community to identify and address environmental justice concerns related to the Kettleman Hills facility. The Review also assesses the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit

conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

In summary, DTSC went above and beyond CEQA and reviewed the multiple pollution burdens while considering the community's vulnerabilities, in addition to performing the legally required CEQA analysis for the project.

DTSC Response 5469-36:

This comment asserts that additional CEQA analysis is required because of substantial changes in the circumstances under which the project is undertaken.

No substantial changes sufficient to trigger additional CEQA analysis have occurred.

The SEIR did not include an analysis for Valley Fever impacts. Valley Fever is caused by inhaling airborne spores from activities that disturb soils. To address possible dust problems, mitigation measures for fugitive dust emissions are required as a condition of approval for this project. Further, DTSC's permit includes a permit condition that requires the facility to comply with the requirements of the Mitigation Monitoring and Reporting Plan included in the Final SEIR. Those requirements include controlling fugitive dust emissions to meet the requirements of San Joaquin Valley Unified Air Pollution Control District's Regulation VIII. Finally, although Valley Fever fungal spores are considered endemic in Kings County, there is no reliable method to test soils for spores to determine whether they are present in a particular area so it is unknown whether any spores are even present in the soils at the facility.

DTSC Response 5469-37:

This comment points out that the facility presently receives far fewer than the 400 trucks each day that were estimated and that this number of trucks understates the emissions to be expected from the expansion.

The 400 daily trucks estimate is actually a more protective and more conservative estimate of facility emissions related to truck activity because emission estimates are based on a higher level of activity than is actually occurring. Further, the commenter's argument was rejected by the Court of Appeal in its opinion in *El Pueblo, etc., et al v. County of Kings*.

The current state of emissions at the facility is not a factor in the determination of anticipated project impacts. Project impacts were evaluated in the County's SEIR. The

impacts identified in the Final SEIR prepared for the Kings County Community Development Agency are based on a daily count of 400 trucks per day. This count is derived from actual waste and manifest logs and represents the anticipated maximum peak average number of trucks per day that would arrive at the facility so that a most conservative analysis of impacts could be considered in the FSEIR. None of the emissions impacts identified in the SEIR are based on any increase to existing operations.

DTSC Response 5469-38:

This comment states that the addition of pollution from “related” projects is a changed circumstance that may lead to new or more severe cumulative impacts than previously analyzed, triggering a need for more CEQA analysis.

It is noteworthy that the cited regulations apply to the EIR, which was prepared by the lead agency, the County of Kings. This comment misstates DTSC’s conclusions about the Federal Express Transfer facility, stating “DTSC concludes that the transfer facility ‘does not change the Final SEIR findings or conclusions’ because the project does not increase the number of trucks travelling through Kettleman City.” DTSC’s Addendum and Initial Study/Environmental Checklist (Addendum) states as follows, illustrating that its conclusion is more broadly based than the commenter asserts:

The County’s staff report and related traffic study for the Federal Express Transfer Facility Project was reviewed in conjunction with the Project. The Federal Express Facility Project, for example, will be constructed approximately 1.5 miles away from Kettleman City. (See Yamabe & Horn, Figure 1.) Trucks traveling to and from the new Federal Express Facility will continue to travel, as they do to the existing California Overnight Facility, to/from I-5, along SR-41 and, to reach the new facility, to 25th Avenue. Truck trips related to the Federal Express Project are therefore not expected to create an increase in the number of trucks travelling through Kettleman City. Levels of Service will also remain acceptable.

With respect to air quality, the trucks that will be accommodated by the Federal Express Facility travel to/from the Bay Area and Southern California (Yamabe & Horn, p. 19.) Some trucks also currently use the California Overnight Facility in Kettleman City. The current facility was included in the Investigation of Birth Defects and Community Exposures in Kettleman City (December 2010). See pp. 25, 41-42, 65 (assessment of diesel exhaust found contribution from local sources to Kettleman City relatively small); Appendix E, pp. 74-76. DTSC concludes that the Federal Express Facility does not change the Final SEIR findings or conclusions.

Under the County Code, this project’s site plan approval was deemed ministerial and therefore exempt from environmental review under CEQA Guidelines. Nevertheless, DTSC reviewed the County’s staff report and traffic study as part of the additional

cumulative impacts analysis included in DTSC's Addendum. DTSC concluded that the transfer facility does not change the Final SEIR findings or conclusions for the proposed permit modification because the WM facility impacts to air quality identified in the SEIR are considered significant and cumulatively significant.

The comment misrepresents DTSC's assertion that "air quality impacts from the facility were included as part of the Investigation of Birth Defects and Community Exposures in Kettleman City (December 2010)" by implying that DTSC was referring to the Federal Express facility. Again, DTSC's Addendum and Initial Study/Environmental Checklist (Addendum) states:

With respect to air quality, the trucks that will be accommodated by the Federal Express Facility travel to/from the Bay Area and Southern California (Yamabe & Horn, p. 19.) Some trucks also currently use the California Overnight Facility in Kettleman City. The current facility was included in the Investigation of Birth Defects and Community Exposures in Kettleman City (December 2010). See pp. 25, 41-42, 65 (assessment of diesel exhaust found contribution from local sources to Kettleman City relatively small); Appendix E, pp. 74-76. DTSC concludes that the Federal Express Facility does not change the Final SEIR findings or conclusions.

The Federal Express transfer facility was built to accommodate Federal Express operations that had been conducted at the California Overnight facility located at 27706 Bernard Drive in Kettleman City. The Investigation of Birth Defects and Community Exposures in Kettleman City included that facility.

The cumulative impacts from the Federal Express facility have been adequately considered and that they do not change the findings of significance identified in the SEIR.

DTSC Response 5469-39:

This comment asserts that DTSC has a duty to consider the cumulative impacts of oil and gas projects, including fracking.

The oil and gas projects listed in DTSC's Addendum include several exploratory wells. None of the exploratory wells listed in the Addendum involve fracking operations. DTSC does not attempt to predict the viability of exploratory wells and they were not probable future projects at the time of review. Production wells are separate projects under CEQA and must be analyzed separately.

DTSC Response 5469-40:

Air quality impacts from diesel emissions in the SEIR were analyzed under two scenarios: periodic construction and operations impacts, and long term operations. Impacts from periodic construction and operations were evaluated for expansion of the

B-18 landfill, and construction of three landfill cells at landfill B-20 (which is not yet proposed to DTSC). Periodic construction impacts include concurrent diesel emissions from construction equipment and diesel emissions from disposal of hazardous waste at the site. They are considered significant in the SEIR and are addressed as such.

Construction of the liner system will be completed in one continuous construction sequence in accordance with the certified SEIR. A Construction Quality Assurance (CQA) Report will be submitted to DTSC after construction of the northwestern portion of the liner is complete. The second CQA Report will be submitted upon completion of construction. The submittal of the two CQA reports does not modify the construction requirements for the liner system in the SEIR and as required by the California Code of Regulations. DTSC considered the potential impact from the phasing of the liner construction in section 4.0 of the Addendum.

A robust landfill design includes side slope liners that allow free flow of liquids to the base of the landfill to collect in a drainage layer to be pumped out. The presence of a geosynthetic clay liner on the side slopes inhibits this flow of liquids due to the adsorption and expansion of the clay. As stated in the Addendum, the elimination of the geosynthetic clay liner from the side slope liner system will maximize the flow rate of liquids through the sloping geocomposite drainage layer allowing for faster removal of liquids from the side slopes and of the landfill. The original design incorporated the geosynthetic clay liner beneath the primary liner which would result in the accumulation of liquids in clay. Eliminating the geosynthetic clay liner transmits the liquids that do conduct through the primary layer to the LCRS more quickly, maximizing the flow rate to the LCRS. DTSC analyzed the potential impacts in section 4.0 of the Addendum and determined the design to be adequate. .

DTSC Response 5469-41:

This comment asserts that DTSC's CEQA findings are clearly erroneous and quotes parts of the CEQA Guidelines.

As discussed elsewhere, DTSC prepared an addendum to the SEIR to determine whether the proposal to phase the construction of the landfill expansion changed the project in a way that triggered the need for additional CEQA analysis. The conclusion is that it did not.

The commenter revives the argument rejected by the Court of Appeal in the El Pueblo case. Essentially the Court of Appeal agreed with the trial court that an objection to the baseline should have been raised at the administrative level and failure to do so is a forfeiture of the argument.

Actually, the commenter appears to misunderstand that the 400 truck per day emission level is more protective than using the one truck per day level as a measure of potential impacts. The SEIR did not discount any impacts from 400 trucks per day. The SEIR used 400 trucks per day as the maximum peak average to evaluate the impacts from

future operations. The basis for the number of round trip trucks per day is presented in Appendix L-1 of the Recirculated Portions of Draft Subsequent Environmental Impact Report dated May 2009. The SEIR used the data from 16 days because those were 16 days in the 5-year period with the highest number of manifests received by the facility (more than 380 manifests).

Noise impacts were evaluated for future operations by direct measurements of noise levels at the landfill in June 2004. The SEIR used these measurements to estimate noise levels of future operations as described in section 3.10 of the draft SEIR. Noise impacts were considered insignificant because the estimated noise levels for future construction and operations were below the significance criteria set in the Kings County General Plan (70dBA at the property fence line).

The traffic studies included in Appendix L of the draft SEIR and Appendix L-2 of the Recirculated Portions of Draft Subsequent Environmental Impact Report, and the air quality technical analysis included as Appendix F of the draft SEIR evaluated the impacts from 400 trucks per day. Air quality, transportation and traffic, and greenhouse gas emissions and global climate change impacts are all considered significant and/or cumulatively significant based on future operations. They did not discount any existing traffic. Public health impacts from toxic air contaminants were evaluated in Appendix F of the draft SEIR including the impacts from diesel emissions from 400 trucks per day. DTSC has concluded that the potential impacts have been adequately characterized.

In short, a high level of activity was used in the SEIR to estimate facility emissions with the result that the “worst case” was analyzed, and not the lower level of activity existing presently that has a lower level of emissions.

DTSC Response 5469-42:

This comment asserts that, because DTSC has no support for its Statement of Overriding considerations and is unable to demonstrate that the facility provides any benefit, it should not approve the expansion.

The need for hazardous waste disposal capacity was acknowledged by the California State Legislature and codified in Health and Safety Code, division 20, chapter 6.5, article 4.5, section 25135, subdivision (a)(5), section 25146 and section 25146.5. With the exception of the periodic construction impacts to air quality, the significant and unavoidable impacts identified in the SEIR are dependent on the stated benefits of hazardous waste disposal capacity. Without the demand for capacity, truck traffic to the facility would be diminished and the significant and unavoidable impacts to air quality, traffic and greenhouse gas emissions associated with peak operations would be overestimated.

DTSC Response 5469-43:

This comment asserts DTSC erred by not considering the B-20 landfill as part of the project.

The B-20 landfill has not been proposed to DTSC and is not a subject of this permit modification decision; however, the SEIR did evaluate the impacts from the construction and operation of B-20. DTSC has reviewed the Final SEIR and determined that it, along with an Addendum prepared by DTSC, adequately evaluates the impacts associated with the proposed permit modification.

DTSC Response 5469-44:

The commenter asserts that DTSC should conduct air monitoring at the new monitor location prior to approval of the facility modification. The existing air monitors are located in areas that capture emissions from facility operations during the predominant wind direction. DTSC has concluded that the existing air monitors capture representative emissions from facility operations. DTSC has been collecting air monitoring data for many years for the facility. DTSC added permit condition Part III.4(A)(1)(e) of the Permit requiring an additional ambient air monitoring location in accordance with California Code of Regulations, title 22, section 66264.705. The additional monitoring point will provide an early indication of contaminant migration during periods of time when winds are blowing from the facility toward Kettleman City, which occurs approximately 5% of the time. The facility will be required to provide a summary of data from this location and other monitoring data annually to interested parties in Kettleman City in accordance with Part III.4(C) of the Permit.

The anticipated ambient air emissions (including greenhouse gases) for the proposed expansion are included as section 3.3 and 3.12 of the Draft SEIR. The SEIR evaluated the potential impacts from those emissions and the Final SEIR identified mitigation measures for the impacts that were found to be significant or cumulatively significant. DTSC has reviewed the Final SEIR and determined that it, along with the Addendum prepared by DTSC, adequately evaluates the impacts associated with the proposed permit modification.

DTSC Response 5469-45:

The commenter states that an HRA should be conducted prior to approval of the facility modification. The permit condition referenced in this comment, from Part III.4(a)(5) of the Permit prepared for this decision, is an existing permit condition that has been in the current hazardous Waste Facility Permit since 2003. DTSC requires the facility to prepare an HRA to monitor the estimated risk from facility emissions to receptors. The facility prepares these HRAs annually and DTSC reviews them annually. Hence, HRAs have already been prepared for the facility. The requirement to prepare an HRA is not a mitigation measure; it does not mitigate an identified impact – it is a permit condition. DTSC has reviewed the Final SEIR and determined that it, along with the Addendum prepared by DTSC, adequately evaluates the impacts associated with the proposed permit modification.

Health risk assessments based on actual ambient air monitoring data would not adequately represent health risk due to emissions from construction and operations of the proposed expansion of the facility. The SEIR includes a health risk assessment that is appropriate for the evaluation of impacts due to anticipated facility emissions; it is included in Appendix F of the Draft SEIR.

DTSC Response 5469-46 through 49:

This comment asserts that notice provided by DTSC of the public comment period and of the public hearing is legally defective.

The notice provided by DTSC was legally adequate. Please see DTSC Response 155-1 through 155-6, DTSC Response 499-35, and C. DTSC General Response – Notice Not Adequate.

DTSC Response 5469-50:

DTSC has extensively encouraged the submittal of public comments for this draft decision and provided contact information for anyone who had questions. Please see G. DTSC General Response – Public Outreach for more information. Ms. Mares-Alatorre asked DTSC staff at the Clovis reception desk to fax her stack of comments to the Sacramento office and then immediately return the hard copies back to her possession. DTSC staff assisted Ms. Mares-Alatorre in submitting hard copies to be retained by DTSC to ensure that her submittal was complete and timely.

DTSC Response 5469-51:

Please see DTSC Response 155-2. DTSC held an Open House in Kettleman City on July 31, 2013, to inform the community and interested parties about the draft decision and encourage submittal of public comments. DTSC hosted a drop in session in Kettleman City on August 1, 2013, to answer any questions and promote the submittal of public comments.

The Open House provided a forum for an open exchange of discussion for all community members that attended. DTSC had no legal obligation to hold an Open House or to provide notice of one. Nevertheless, DTSC did host the meetings and announced them in the Community Notice mailed to community members and interested stakeholders on July 2, 2013, and the Public Notice published in the Hanford Sentinel and Vida en el Valle on July 2, 2013.

For this decision, DTSC had a legal obligation to hold a public hearing and provide public notice of it. DTSC held the public hearing on September 18, 2013. DTSC has concluded that the public comment period and public hearing were properly noticed. Please see G. DTSC General Response – Public Outreach.

DTSC Response 5469-52:

DTSC had no legal obligation to hold the open house; however, DTSC appreciates the commenter's feedback about the format.

DTSC Response 5469-53:

DTSC had no legal obligation to hold the Open House. DTSC prepared a summary of RCRA and TSCA inspections for the July 31 and August 1 Open House held in Kettleman City. DTSC held the Open House to provide details about the proposed permit modification and encourage public comment. DTSC set up tables to provide information on permitting activities, environmental monitoring and enforcement at the facility. DTSC translated all of the hand-out materials and provided each table with a translator. DTSC did not translate all of the reference material used to interact with the community and interested stakeholders. Some of the reference material included groundwater monitoring data, air monitoring data and the inspections summary. At the request of Mr. Bradley Angel and others during the July 31 Open House, DTSC read the inspections summary in Spanish to anyone interested in listening to it. Subsequently, DTSC provided a Spanish translation of the summary the next day by delivering copies to individuals and posting it on our website.

DTSC Response 5469-54:

DTSC understands the difficulty some people may have in submitting comments on this draft decision. That is why DTSC hosted the Open Houses on July 31 and August 1, 2013, to provide details about the proposed permit modification. That is why DTSC extended the public comment period twice, allowing more than 90 days to submit comments. Attendance at the public hearing is not a prerequisite to submit comments.

DTSC Response 5469-55:

The comment asserts that DTSC's draft permit is defective and DTSC must rely on the extensive facts and deny new permits to CWMI.

DTSC respectfully disagrees with the commenter's conclusion for the reasons set forth in these Response to Comments document. Thank you for your participation in the public comment process.

Thank you for your comments.

DTSC Response 5470:

This comment indicates support for approval of the proposed permit modification which is consistent with DTSC's draft decision. The comment does not provide any new information that would change DTSC's decision.

Thank you for your comments.

DTSC Response 5471:

The activities described in the comment regarding CWMI's business relationship with the community have no basis on DTSC's decision to approve the permit modification request.

DTSC acknowledges that there are residents in Kettleman City that oppose and support the permit modification proposal. DTSC does not make a final decision based on how many comments support or oppose the proposal. DTSC solicits comments from anyone who wishes to comment including residents, interested parties, local governments and other boards and agencies. DTSC considers all comments before making a final decision. DTSC's decision is based on the determination that the project is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

The Investigation of Birth Defects and Community Exposures in Kettleman City is comprised of two studies. The objective of CDPH's Birth Defect Study was to evaluate the presence of known or suspected genetic, medical or pregnancy-related risk factors, the presence of known or suspected behavioral and lifestyle risk factors, and the potential for environmental or occupational exposures that may be associated with an increased risk of birth defects. The objective of Cal EPA's Kettleman City Community Exposure Assessment was to assess possible environmental contaminants in the air, groundwater and soil that may have contributed to the increase in birth defects in the Kettleman City community since 2007. Based on a robust assessment of exposures, DTSC is certain that the objectives of the study have been met.

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5472 through 5478:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Response 5479:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine

emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Responses 5480 through 5488:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 5489 through 5490:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

Thank you for your comments.

DTSC Responses 5491 through 5499:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Response 5500:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5501:

DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) DTSC is committed to ensuring equal application of environmental protection for all communities and citizens without regard to race, national origin or income. DTSC prepared an Environmental Justice Review to assess

the potential harmful offsite impacts from the facility as well as existing environmental burdens on the people in the community. Please see D. DTSC General Response – Environmental Justice for more information.

Thank you for your comments.

DTSC Responses 5502 through 5503:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant acute or cancer risk to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5504:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads

to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Response 5505:

In response to commenter's statement regarding previous violations at the facility, DTSC has carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and DTSC's review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5506:

DTSC is not soliciting comments on Kings County's meetings; nevertheless, DTSC has concluded that the County's SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

Thank you for your comments.

DTSC Response 5507:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5508:

In response to claim that the permit modification will result in more pollution, DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 5509 through 5510:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Responses 5511 through 5514:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address them including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from

delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant acute or cancer risk to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5515 through 5517:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x

emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Response 5518:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

Thank you for your comments.

DTSC Response 5519:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5520:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5521:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5522:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5523:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5524:

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5525:

DTSC is not soliciting comments on Kings County's meetings; nevertheless, DTSC has concluded that the County's SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5526:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this

decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5527:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC is not soliciting comments on Kings County's meetings; nevertheless, DTSC has concluded that the County's SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste

Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5528 through 5529:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5530 through 5531:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations

that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5532 through 5533:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5534 through 5542:

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Responses 5543 through 5544:

DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City.

DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5545:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision is not based on whether Kettleman City residents are employed by the facility or the destination of revenue. DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F.

DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5546:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC acknowledges that there are residents in Kettleman City that oppose and support the permit modification proposal. DTSC does not make a final decision based on how many comments support or oppose the proposal. DTSC solicits comments from anyone who wishes to comment including residents, interested parties, local governments and other boards and agencies. DTSC considers all comments before making a final decision. DTSC's decision is based on the determination that the project is protective of public health and the environment.

DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

DTSC Response 5547:

Commenter asserts that the permit modification should not be granted because the facility does nothing for the community. DTSC's decision is not based on what the facility provides for the community. DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the

Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

In response to commenter's assertion that CWMI breaks the law, DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request. Please see H. DTSC General Response - Compliance History.

Thank you for your comments.

DTSC Response 5548:

In response to the part of the comment related to previous violations at the facility, DTSC carefully reviewed the entire compliance record which dates back to 1983 for this facility before making this decision. None of the facility's violations, including violations addressed in a \$311,194 enforcement settlement in March of 2013 for failing to report 72 small spills and other violations, threatened public health or the environment. Chemical Waste Management has corrected all violations and our review determined that the facility is able and willing to take steps to ensure the facility operates in full compliance with DTSC's permit conditions. Although DTSC considers the violations serious, they are not the types of violations for which DTSC would consider denying this permit modification request.

Regarding commenter's claims regarding negative impacts and birth defects, DTSC acknowledges the multiple environmental pollution burdens endured by the Kettleman City community. That is why DTSC worked with the applicant to add permit conditions to address impacts including prohibiting trucks with model year engine emission equivalents older than 2007 from making deliveries of hazardous waste loads to the facility, and prohibiting model year engine emissions equivalents older than 2010 from delivering to the facility beginning in 2018. These restrictions could reduce NO_x emissions by as much as 165,000 pounds per year and PM₁₀ emissions by as much as 7,000 pounds per year in Kettleman City, Avenal and the San Joaquin Valley Air Basin. DTSC continues to work with the CDPH, the State Water Resources Control Board and the RWQCB to bring clean drinking water to Kettleman City. Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City

approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. The groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

Thank you for your comments.

DTSC Response 5549-1:

Your disclosure is noted.

DTSC Response 5549-2:

California Code of Regulations (CCR), title 22, division 4.5, chapter 21, article 1, section 66271.7(b)(2) requires the Fact Sheet to include “the type and quantity of wastes, fluids, or pollutants which are proposed to be or are being transferred, treated, stored, disposed of, injected, emitted, or discharged.” The waste types and a brief description of the accepted wastes were added in accordance with this requirement.

DTSC Response 5549-3:

CCR, title 22, division 4.5, chapter 21, article 1, section 66271.7(b)() (3) requires the Fact Sheet to include “a brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by section 66271.8.” DTSC chose not to provide an interpretation of section 66270.41 to maintain consistency with the requirement to include a brief summary.

DTSC Response 5549-4:

The comment quotes the permit condition. The permit condition incorporates by reference the documents listed into the draft permit.

DTSC Response 5549-5:

DTSC is not listed as an Agency Responsible for Monitoring in the Mitigation Monitoring Plan included as Appendix A of the FSEIR.

DTSC Response 5549-6:

An interpretation of section 66270.32 was not provided so that the Fact Sheet conforms to the requirement to include a brief summary; however, your suggestion is noted.

DTSC Response 5549-7:

An interpretation of section 66264.706(b) was not provided so that the Fact Sheet conforms to the requirement to include a brief summary; however, your suggestion is noted.

CCR, title 22, section 66264.706(b) states “The owner or operator of a regulated unit that contains hazardous waste or discarded hazardous material that contains a volatile toxic substance or a hazardous material that can become airborne, or that can decompose or react to form a volatile toxic substance or toxic gas, shall follow methods prescribed by the Department to provide for representative sampling and analysis of air upwind and at the disposal area, ...” “‘Constituents of Concern’ means any waste constituents, reaction products and hazardous constituents that are reasonably expected to be in or derived from waste contained in a regulated unit,” as defined in CCR, title 22, section 66260.10. Section 66264.706(b) does not require sampling and analysis for all constituents of concern, only those that are representative and capable of becoming airborne.

DTSC has prescribed the methods for representative sampling through oversight and approval of the facility’s Site Specific Ambient Air Monitoring Program (SSAAMP). The SSAAMP approval resulted in the approval of a list of target compounds the facility is required to monitor for. The basis for establishing the list of target compounds includes potential to be contained in waste treated and stored at the facility, detection of compounds in a 1994 emissions study and the availability of equipment and approved methods to sample and detect low levels of these compounds in ambient air. The majority of chemicals emitted from the landfill is volatile and, as such, do not deposit or accumulate. The main chemicals which are subject to deposition and accumulation are common local soil constituents such as arsenic and chromium for which local soils already have high natural concentrations. To determine the deposition of these chemicals which originate from the facility and contribute an increment of concentration above local background is nearly impossible to determine to a level of statistical significance. The Health Risk Assessment conducted under the SSAAMP is designed to assess the potential risk from those target compounds that are included in the monitoring program. DTSC has concluded that the suite of chemicals which is being monitored is complete and protective of human health and the environment.

DTSC Response 5549-8:

CCR, title 22, section 66264.706(b) does not include a mention of an air monitoring and response plan; however, CCR, title 22, section 66264.701 requires owners and operators to conduct a monitoring and response program. Subsection (b) specifies, “The Department will specify in the facility permit the specific elements of the monitoring and response program.” DTSC specifies the specific elements of the monitoring and response program in Section III.4 of the permit.

Deposition studies have been conducted around the perimeter of the facility and in Kettleman City. The majority of chemicals emitted from the landfill is volatile and, as such, do not deposit or accumulate. The main chemicals which are subject to deposition

and accumulation are common local soil constituents such as arsenic and chromium for which local soils already have high natural concentrations. To determine the deposition of these chemicals which originate from the facility and contribute an increment of concentration above local background is nearly impossible to determine to a level of statistical significance. In addition, DTSC is not requiring deposition monitoring at this facility because the annual health risk assessments for ambient air show no significant risk to actual receptors from facility emissions. DTSC has concluded that the suite of chemicals which is being monitored is complete and protective of human health and the environment.

DTSC Response 5549-9:

The ambient air monitoring referred to in the draft permit condition includes airborne emissions. The Ambient Air Monitoring Program is designed to capture facility emissions. The meetings will include the results of airborne emissions sampling and analysis. Deposition monitoring is not required at this facility based on previous studies.

DTSC Response 5549-10:

The required containment system will prevent the absorption and adsorption of contaminants in soil, minimizing the possibility of contaminated soil to become airborne. The design standard to prevent releases to soil and groundwater is specified in CCR, title 22, section 66264.31, which states, "Facilities shall be located, designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment."

DTSC Response 5549-11:

This permit condition was added for the purposes of waste analysis of leachate generated from the landfill. The waste analysis determines the fate of the waste. CCR, title 22, section 66264.13(a) requires a generator to obtain a detailed chemical and physical analysis of a representative sample of the waste before it is transferred, treated, stored, or disposed of. Thereafter, the generator may be able to rely on that analysis for future waste classifications. DTSC anticipates the facility will accept hazardous wastes from new sources that may generate compounds the facility may not have disposed of in the past when it resumes significant operations activities. That is why DTSC required the increased frequency of analysis from annually to quarterly for the first year. DTSC believes that the required increased frequency of sampling and analysis will ensure the samples will be representative of the leachate removed from the landfill for a 3 month period during the first year. In accordance with CCR, title 22, section 66264.13(a)(4)(A), the facility must repeat the analysis more frequently if it has reason to believe that the leachate generation has changed.

DTSC Response 5549-12:

This comment suggests comparing the frequency of quarterly leachate monitoring relative to monthly airspace consumptive reports; that one frequency schedule should be changed based on the other. This is not the case as the two systems of measure are not related and have different variabilities. The quarterly leachate sampling and analysis was added to the permit for waste analysis purposes. The waste analysis determines the fate of the waste. The aerial survey or land survey and monthly airspace consumption estimates will ensure. DTSC has accurate estimates of the remaining capacities of active hazardous waste landfills.

DTSC Response 5549-13:

DTSC has added the permit conditions found necessary to protect human health and the environment. The comment does not specify any conditions which may be necessary but are not included.

DTSC Response 5549-14:

The added permit condition is not intended to describe the emergency procedures to follow in response to a release of contaminants to ambient air. The facility is required to follow the emergency procedures identified in CCR, title 22, section 66264.56 whenever there is an imminent or actual emergency situation. Similarly, the added permit condition is not intended to specify any other response/reporting requirements or corrective action requirements. This permit condition was added to minimize the possibility of releases of hazardous waste constituents to air, soil or surface water which could threaten human health or the environment by setting procedures and notifications that must be completed after spills or leaks are discovered.

Ambient air and deposition monitoring could be used to characterize or assess the risk of releases for constituents that become airborne but not for all constituent releases. DTSC may still require the use of such monitoring in accordance with Part VI.2 of the permit.

DTSC Response 5549-15:

Yes, the Final 2011 Health Risk Assessment modelled the deposition of metals from air using AERMOD. The calculated deposition rates were then used with USEPA Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities environmental fate and transport and food chain models to calculate metals concentrations in other environmental media, including soil, beef, milk and produce. A discussion of the air modeling is included as Appendix E of the Final 2011 Health Risk Assessment dated November 2011.

DTSC Response 5549-16:

The Health Risk Assessment is designed to assess the potential risk from target compounds that are included in the Ambient Air Monitoring Program. Please see DTSC Response 5549-7 for a discussion of DTSC's selection of target compounds.

DTSC Response 5549-17:

Please see DTSC Response 5549-16.

DTSC Response 5549-18:

Please see DTSC Response 5549-16.

DTSC Response 5549-19:

The purpose of an EIR is to identify the environmental impacts associated with a proposed project and identify appropriate mitigation measures that reduce or eliminate the significance of impacts identified as significant. The County is the lead agency for this project because it has the principal responsibility for carrying out the project. DTSC is a responsible agency.

The County released the Final SEIR in October 2009. In October 2009, after holding two public hearings, the County approved the project and certified the Final SEIR, which was appealed to the Board of Supervisors on October 27, 2009. The Board held a hearing on the appeal of the County's approval on December 7, 2009. After holding a second hearing, in December 2009, the Board of Supervisors denied the appeal and granted the Conditional use Permit for the project. On January 21, 2010, two groups of petitioners filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief challenging the approval of the expansion project and certification of the Final SEIR. A hearing on the merits of the Petitioners' CEQA claims was held on November 22, 2010. The Superior Court for the County of Kings issued an order denying Petitioners' petition for writ of mandate on the merits on January 3, 2011. Notice of Entry of Final Judgment denying all of petitioners' claims on the merits was entered on January 27, 2011. On appeal, the Fifth District Court of Appeal heard oral arguments on June 19, 2012, and a decision was entered on July 3, 2012 affirming the Trial Court's decision for the Final SEIR. The California Supreme Court denied review on September 26, 2012.

DTSC's Addendum and Initial Study/Environmental Checklist (Addendum) concluded that there are no substantial changes proposed by the planned project that would require major revisions to the SEIR. The Addendum also concluded that review of additional projects that were filed after certification of the SEIR did not result in information that would change the findings and conclusions of the SEIR. These findings and conclusions include the significant and unavoidable impacts identified in the SEIR.

DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate.

The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC Response 5549-20:

The Screening Level HRA estimates risk from actual facility emissions; it is not implemented to estimate future emissions. Please see DTSC Response 5549-7 for a discussion of DTSC's selection of target compounds. The permit modification proposal does not request the addition of any hazardous waste codes. The SEIR did address and evaluate the environmental impacts associated with the placement of authorized wastes. Toxic air contaminant emissions due to the placement of hazardous waste in landfills are estimated in Appendix F of the Draft SEIR. The estimate of future emissions is based on an air emissions study conducted at the Kettleman Hills facility and an assessment of risk from those anticipated emissions is also included in Appendix F.

Concentrations of Toxic Air Contaminants are considered to have a significant health impact at the facility fence line but a less than significant health impact at a distance of 2,000 feet from the fence line. No mitigation is required. DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate.

DTSC Response 5549-21:

DTSC did not circulate the Addendum for public review. The Addendum was posted on the DTSC public website to provide interested parties with DTSC's rationale for not preparing a Subsequent EIR. This is consistent with CCR, title 14, division 6, chapter 3, section 15164(e).

DTSC Response 5549-22:

Construction and operation of landfill B-20 has not been proposed to DTSC and is not a part of this permit modification proposal; however, the environmental impacts associated with construction and operation of B-20 are evaluated in the SEIR. CCR, title 22, division 4.5, chapter 21, article 1, section 66271.7 specifies the contents of a Fact Sheet. DTSC prepared the Fact Sheet for the Draft Permit which is consistent with the specifications.

DTSC Response 5549-23:

DTSC used the word "proscribed" in this sentence in error. The intended context of the sentence is best described by replacing the word "proscribed" with the word "prescribed." DTSC is authorized to impose conditions on the permit in accordance with

California Health and Safety Code, division 20, chapter 6.5, article 9, section 25200, et seq. The error will be corrected.

DTSC Response 5549-24:

The County addressed DTSC's comments through revision of the SEIR as described in Response 08/1 through Response 08/10 of the Final SEIR. The SEIR evaluates environmental impacts and requires mitigation measures to reduce the level of significance. Ambient air monitoring is not a requirement of the SEIR; monitoring cannot reduce the level of significance of an impact and is not a mitigation measure. Impacts from facility emissions of toxic air contaminants are considered less than significant at a distance of 2,000 feet from the facility fence line and no mitigation measures are required. Ambient air monitoring for target compounds is a requirement of the current hazardous waste facility permit issued by DTSC in 2003 and would continue to be required under the permit. Please see DTSC Response 5549-7 for a discussion of DTSC's selection of target compounds.

The SEIR evaluated the impacts associated with construction and operation of the B-18 expansion and the B-20 landfill. B-20 is an integral part of the Conditional Use Permit project that the County approved. B-20 is not a part of the permit modification proposed to DTSC, nor does it need to be for DTSC to determine whether the SEIR adequately evaluated the potential environmental impacts associated with the proposed permit modification project.

DTSC Response 5549-25:

Construction and operation of landfill B-20 is not included in the class 3 permit modification proposal. The Phased B-18 Landfill Expansion Project described in section 4 of the Addendum is included in the class 3 permit modification proposal.

DTSC Response 5549-26:

The text of the Addendum indicates incorporation of the referenced documents into the Addendum.

DTSC Response 5549-27:

The entire Final SEIR was uploaded to DTSC's EnviroStor website in September 2009. Please click on the document entitled "B18 Class 3 Permit Mod - Final Subsequent Environmental Impact Report."

DTSC Response 5549-28:

The definition of "air space" has a common meaning that can be found in any dictionary. Dictionary.com defines "air space" as "a space occupied by air."

DTSC Response 5549-29:

The statement does not refer to the final design; it refers to the suitability of having a geosynthetic clay liner (GCL) below the secondary flexible membrane liner (FML). Although it was determined that the GCL was not acceptable below the primary FML, it may be acceptable below the secondary FML. The design has been set and is as indicated in the project description in section 4 of the Addendum.

DTSC Response 5549-30:

The SEIR evaluated the impacts associated with construction and operation of the B-18 expansion and the B-20 landfill. B-20 is an integral part of the project for which the County approved a Conditional Use Permit. Permit. B-20 is not a part of the permit modification proposed to DTSC, nor does it need to be for DTSC to determine whether the SEIR adequately evaluated the potential environmental impacts associated with the proposed permit modification project.

DTSC Response 5549-31:

The referenced section is an analysis of whether changes proposed to DTSC would result in new significant impacts, substantially more severe impacts, new circumstances involving new impacts, or new information requiring new analysis. DTSC determined that there would be no changes to the conclusions of the SEIR. The Air Quality Technical Analysis provided in Appendix F of the SEIR includes potential health risk calculations associated with multiple exposure pathways including dermal exposure, homegrown produce, soil ingestion and mother's milk. The analysis quoted in the comment did in fact include deposition in soils.

DTSC Response 5549-32:

Soil samples were collected and included in the analysis for both the dioxin-like PCB Congeners Study and the Investigation of Birth Defects and Community Exposures in Kettleman City.

DTSC Response 5549-33:

The SEIR identifies significant impacts and appropriate mitigation measures to reduce their level of significance. Deposition monitoring would not reduce fugitive dust emissions. Mitigation measures include fugitive dust emissions measures. It is important to keep in mind that monitoring does not mitigate an impact. Therefore, monitoring requirements are not one of the specified mitigation measures.

DTSC Response 5549-34:

As stated on page 48 of the Addendum, "Since the amount of soil (construction, operations and closure), use of onsite equipment and waste handling for phased

construction of the B-18 Landfill expansion is the same as that analyzed for the B-18 expansion, no new air quality impacts or increases in the severity of a previously identified significant impact are anticipated in association with the phased construction of the B-18 Landfill expansion.”

DTSC Response 5549-35:

Potential impacts due to onsite releases of hazardous substances to ambient air are addressed in Section 3.3 of the SEIR. Hazardous waste transporters must comply with CCR, title 22, division 4.5, chapter 13 and the rules and regulations established by the Department of Transportation. Hazardous waste transportation requirements include procedures and packaging protocols specific to the classification of waste being transported.

DTSC Response 5549-36:

This comment does not provide any information about which CEQA obligation DTSC allegedly failed to meet.

DTSC Response 5549-37:

This comment does not provide any information about which statute or DTSC regulation the quoted sentence is allegedly inconsistent with.

DTSC Response 5549-38:

This comment does not provide any information about which DTSC regulatory requirements the quoted language does not allegedly match.

DTSC Response 5549-39:

Page 3 of the referenced CEQA Findings of Fact and Statement of Overriding Considerations states, “The above-referenced documents are incorporated by reference.” This indicates that the documents referred to are incorporated by reference into the CEQA Findings of Fact and Statement of Overriding Considerations.

DTSC has no document titled C3PM, or Class 3 Permit Modification. There are many documents prepared for this decision – one of which is the draft Permit. CCR, division 4.5, chapter 21 specifies how many of the required documents must be distributed. Based on these requirements, DTSC has concluded that all of the documents have been prepared in accordance with the specific requirements set forth in chapter 21. DTSC has also ensured that copies of the Final SEIR were placed in the repositories listed in our public notices and on our EnviroStor website. The full administrative record for this decision is available in DTSC’s file room as is stated in our public notices. There is no requirement to ‘attach’ any document to the draft Permit.

DTSC Response 5549-40:

Establishment of financial assurance mechanisms for corrective action requires the knowledge of cost associated with the remedial action. That is why DTSC establishes financial assurance for corrective action after remedies for corrective action have been selected. The facility has ongoing corrective action activities associated with releases to groundwater from two formerly unlined permitted ponds. Financial assurance has been established for this corrective action.

Financial assurance for corrective action in accordance with the intent of Health and Safety Code, section 25200.10(b) and CCR, title 22, section 66264.101(b) is implemented through the following permit conditions:

PART III.4(III.4 (B): “The Permittee shall comply with the groundwater monitoring requirements of Cal. Code of Regs., title 22, section 66294.90 et seq., and the Waste Discharge Requirements issued by the RWQCB and any groundwater monitoring provision in subsequent Waste Discharge Requirements that are specific to hazardous waste disposal operations issued to the Permittee by the RWQCB.”

PART VI. CORRECTIVE ACTION: “The Permittee shall conduct corrective action at the facility pursuant to Health and Safety Code section 25200.10. Corrective action will be carried out either under a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action pursuant to Health and Safety Code section 25187.”

These permit conditions are consistent with the intent of Health and Safety Code, section 25200.10(b) and CCR, title 22, section 66264.101(b).

DTSC Response 5549-41:

CCR, title 22, section 66264.310(a)(1) states that the owner or operator shall cover the landfill with a final cover designed and constructed to “prevent the downward entry of water into the closed landfill throughout a period of at least 100 years.” DTSC cannot find any conflict between the requirements of CCR, title 22, division 4.5, chapter 14, article 14, section 66264.310(a)(1) and the draft Permit. The final closure configuration includes a foundation layer consisting of a minimum of 1 foot of compacted soil having a maximum permeability of 1×10^{-5} cm/sec. This foundation layer would be installed above an intermediate soil cover over the last lift of waste and would be installed beneath a geomembrane, a geotextile, and a vegetative soil cover. DTSC is not soliciting comments on the RWQCB’s Waste Discharge Requirements.

DTSC Response 5549-42:

Evaluations of seismic impacts are evaluated in section 3.6 of the draft SEIR. As stated in section 3.6.2.2.6 of the draft SEIR, “Several normal faults (faults caused by tension) associated with the structural growth of the North Dome anticline have been mapped in the northeast corner of KHF, as discussed in Section 3.6.2.2.2. These faults were

evaluated for evidence of Holocene activity by field mapping, trenching, and analysis of aerial photographs. The faults were traced laterally until they were overlain by Holocene sediments and/or geomorphic surfaces interpreted to be older than Holocene (Dames & Moore 1986). No evidence of Holocene displacement was found. These detailed fault studies (Dames & Moore 1986; Roger Foote Associates, Inc. 1990; URS 2003) show that there are no active faults within 200 feet of either the proposed B-18 Landfill expansion or the proposed B-20 Landfill.”

DTSC is not soliciting comments on the RWQCB’s Waste Discharge Requirements.

The slope stability analysis is located in Appendix H.5 of the Engineering and Design Report. Rupture under the slopes was not modelled because no evidence of a fault rupture hazard is known to exist within 200 feet of the landfill.

DTSC’s Addendum and Initial Study/Environmental Checklist (Addendum) concluded that there are no substantial changes proposed by the planned project that would require major revisions to the SEIR. The Addendum also concluded that review of additional projects that were filed after certification of the SEIR did not result in information that would change the findings and conclusions of the SEIR. These findings and conclusions include the significant and unavoidable impacts identified in the SEIR. Based on this information, DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate.

DTSC Response 5549-43:

CCR, title 22, division 4.5, chapter 14, article 6, section 66264.93 states, “For each regulated unit, the Department shall specify in the facility permit the constituents of concern to which the water quality protection standard of section 66264.92 applies. Constituents of concern are the waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in the regulated unit.” DTSC has specified the constituents of concern by requiring the facility (Part III.4 (B) of the permit) to comply with the Waste Discharge Requirements (WDRs) issued by the RWQCB. The constituents of concern are specified in Table 1 of Monitoring and Reporting Program R5-2014-0003 which is incorporated into the WDRs for the facility. The list of constituents of concern does not include all chemicals authorized for disposal because some do not provide a reliable indication of a release from the regulated unit.

Similarly, CCR, title 22, division 4.5, chapter 14, article 17, section 66264.703 states,

The Department will specify in the facility permit the hazardous constituents to which the environmental protection standard of section 66264.702 applies. Constituents specified in the permit will be limited to constituents reasonably expected to be in or derived from waste contained in a regulated unit.

The Department shall not specify in the facility permit constituents the Department considers not capable of posing a substantial present or potential hazard to human health or the environment and that are not useful as an indicator of migration of hazardous waste...”

DTSC has specified the hazardous constituents through approval of the Ambient Air Monitoring Program dated February 2006 which is required in the permit. The chemicals of concern and the rationale for their selection are discussed in Section 2 of the Ambient Air Monitoring Program. The list of chemicals of concern does not include all chemicals authorized for disposal because some do not provide a reliable indication of migration of hazardous waste into ambient air. Also, it is not appropriate to monitor ambient air for constituents that cannot become airborne over the facility fence line.

DTSC Response 5549-44:

CCR, title 22, division 4.5, chapter 14, article 6, sections 66264.98(e) and 66264.703 require DTSC to select a list of constituents after considering factors such as the types and concentrations of constituents in wastes managed at the site, the mobility and persistence of the constituents, and the ability to detect the waste constituents. DTSC has specified the constituents in the manner specified under these sections. Please see DTSC Response 5549-43 for more information.

Please see DTSC Response 5549-2 for an explanation of DTSC's rationale for including a list of RCRA waste codes in the Fact Sheet.

Section 3.7.2.2.1 of the SEIR describes the types of hazardous wastes accepted at the facility. Section 3.7.5.2.1 includes an analysis of potential impacts from the release of hazardous materials through routine disposal at the facility. The impacts are considered less than significant because of the controls, processes and procedures in place to manage the hazardous waste at the facility. The Health Risk Assessment conducted for the SEIR is described in section 5.4 in Appendix F of the draft SEIR. The assessment is based on dispersion modeling of constituents found in air and soil samples collected for an emissions study of the B-18 landfill. The potential impacts from toxic air contaminants are considered cumulatively significant in the SEIR because of the estimated concentrations of contaminants emitted from the facility; however, the potential impacts are considered less than significant 2,000 feet from the facility fence line. The SEIR does not require mitigation measures for toxic air contaminants.

DTSC is required to review the SEIR prepared for the County to determine whether it is adequate and appropriate for the permit modification project. DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.)

DTSC Response 5549-45:

CCR, title 22, division 4.5, chapter 14, article 6, sections 66264.98(e) and 66264.703 specifies the constituents that are required to be identified in the facility permit. DTSC has specified the constituents in the manner specified under these sections. Please see DTSC Response 5549-43 for more information.

DTSC Response 5549-46:

Please see DTSC Response 5549-43.

DTSC Response 5549-47:

Please see DTSC Response 5549-43. DTSC approved the selection of constituents to monitor for in 2006. The selection criteria included those types of constituents that are likely to become airborne through volatilization or adsorption to particulate matter. It is not appropriate to monitor ambient air for constituents that cannot become airborne over the facility fence line.

DTSC Response 5549-48:

DTSC requires an annual health risk assessment from the facility for contaminants detected in ambient air. The health risk assessment is used to verify that cumulative concentrations of hazardous substances in open air immediately downwind from the facility do not present a threat to human health or the environment in accordance with CCR, title 22, section 66264.704(c)(2). The analytical results from the Ambient Air Monitoring Program sampling events include estimated concentrations for compounds detected below the reporting limit but greater than or equal to the method detection limit.

DTSC Response 5549-49:

The Ambient Air Monitoring Program was approved in 2006. Although emissions studies and health risk assessments have been conducted in the past, annual health risk assessments began in 2011. The last health risk assessment received by DTSC is for the October 2012 through September 2013 monitoring period. All of these reports are available for review at DTSC's Sacramento office located at 8800 Cal Center Drive.

Ambient air monitoring does not include all chemicals authorized for disposal. Please see DTSC Response 5549-43.

The HARP model was used in the SEIR to estimate the potential risk from future facility emissions. The HARP model is not used for the Ambient Air Monitoring Program or the health risk assessment. Deposition studies have been conducted around the perimeter of the facility and in Kettleman City. DTSC is not requiring deposition monitoring at this facility because the annual health risk assessments for ambient air show no significant

risk to actual receptors from facility emissions. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC Response 5549-50:

Section III.4(A) of the permit requires that the facility comply with section 66264.700, et seq. The comment does not provide rationale for incorporating the Ambient Air Monitoring Program into the permit.

DTSC Response 5549-51:

Unit Specific Condition 5 for Landfill Units B-18 and B-19 of the permit states, “The Permittee shall apply a daily cover soil over exposed wastes to control wind dispersal of particulate matter within the landfill operations area, as required by Cal. Code of Regs., title 22, section 66264.301(i). The Permittee may use other appropriate materials (such as polymeric soil sealers or foaming agents) that have been specifically approved through a permit modification in accordance with Cal. Code of Regs., title 22, sections 66270.41 and 66271.4.” Auto shredder waste is not an approved daily cover for the landfill.

DTSC Response 5549-52:

DTSC provided direct oversight in the development of the AAMP and approved the content in 2006. DTSC has accepted the parameters, chemicals of concern and locations of air monitors defined in the AAMP. The existing monitors are located in areas that will capture emissions from facility operations during the predominant wind direction. DTSC has concluded that the existing monitors capture representative emissions from facility operations. DTSC added permit condition Part III.4(A)(1)(e) of the Permit requiring an additional ambient air monitoring location in accordance with CCR, title 22, section 66264.705 to specify an additional monitoring point for ambient air sampling. The additional monitoring point will provide an early indication of contaminant migration during periods of time when winds are blowing from the facility toward Kettleman City, which occurs approximately 5% of the time.

DTSC Response 5549-53:

In accordance with the added permit condition, the additional monitoring station will result in the revision of the Site Specific Ambient Air Monitoring Plan. The revision will be submitted for DTSC approval. DTSC does not require sampling for chemicals contained in all RCRA waste codes. Please see DTSC Response 5549-43.

DTSC Response 5549-54:

DTSC does not require deposition monitoring at this facility. DTSC uses Comprehensive Monitoring Evaluations to assess whether the facility is complying with established sampling and analysis plans and regulations. The Comprehensive

Monitoring Evaluations may include recommendations that are not required to be implemented. Facilities are required to follow sampling and analysis plans regardless of any Comprehensive Monitoring Evaluation. DTSC requires the facility to comply with the requirements of the Environmental Monitoring and Response Programs for Air and Soil-Pore Gas provided in the Cal. Code of Regs., title 22, section 66264.700, et seq. through permit condition III.4 (A). Similarly, DTSC requires the facility to follow the Ambient Air Monitoring Program through permit condition III.4 (A) (6).

DTSC Response 5549-55:

Attachment A consists of the draft permit that follows the Hazardous Waste Facility Permit cover page. As described in section III.4(A)(1) of the permit, the chemicals of concern for air, soil and soil pore gas are listed in the work plan dated February 2006. The constituents of concern for water quality are listed in Table 1 of the Monitoring and Reporting Program (MRP) for the facility issued by the California Regional Water Quality Control Board Central Valley Region (Regional Board). Compliance with the MRP is required by the Waste Discharge Requirements issued by the Regional Board and DTSC's draft permit condition III.4(III.4 (B)).

DTSC Response 5549-56:

DTSC requires an annual health risk assessment from the facility for contaminants detected in ambient air. The health risk assessment is used to verify that cumulative concentrations of hazardous substances in open air immediately downwind from the facility do not present a threat to human health or the environment in accordance with CCR, title 22, section 66264.704(c)(2).

DTSC Response 5549-57:

Air, soil and soil pore gas monitoring is conducted through the Ambient Air Monitoring Program.

DTSC Response 5549-58:

Air, soil and soil pore gas monitoring is conducted in accordance with CCR, title 22, division 4.5, chapter 14, article 17 through the Ambient Air Monitoring Program. The analytical results from the Ambient Air Monitoring Program sampling events include estimated concentrations for compounds detected below the reporting limit but greater than or equal to the method detection limit. DTSC requires an annual health risk assessment from the facility for contaminants detected in ambient air. The health risk assessment is used to verify that cumulative concentrations of hazardous substances in open air immediately downwind from the facility do not present a threat to human health or the environment in accordance with CCR, title 22, section 66264.704(c)(2).

DTSC Response 5549-59:

Air, soil and soil pore gas monitoring is conducted in accordance with CCR, title 22, division 4.5, chapter 14, article 17 through the Ambient Air Monitoring Program. The analytical results from the Ambient Air Monitoring Program sampling events include estimated concentrations for compounds detected below the reporting limit but greater than or equal to the method detection limit. DTSC requires an annual health risk assessment from the facility for contaminants detected in ambient air. The health risk assessment is used to verify that cumulative concentrations of hazardous substances in open air immediately downwind from the facility do not present a threat to human health or the environment in accordance with CCR, title 22, section 66264.704(c)(2).

DTSC Response 5549-60:

The B-18 expansion would not be constructed over existing groundwater contamination.

DTSC Response 5549-61:

Eleven of the twelve major sandstone units dip under the B-18 unit. Five of these major units intersected the ground surface at B-18 and lie beneath the footprint of the unit. Points of compliance (e.g. wells) are installed and established in each of these units. Cross-dip migration of water is a likely a component of flow within each unit. Multilevel wells are not installed down-dip of each other in all of these units because contamination has not been detected in the wells triggering this action.

DTSC Response 5549-62:

DTSC is not soliciting public input on the Regional Board's Waste Discharge Requirements.

DTSC Response 5549-63:

The structure of the sandstone units should not be used to redefine the extent of the uppermost aquifer. The delineation of an upper and lower aquifer would require evidence there is hydraulic separation which structure alone does not always control.

DTSC Response 5549-64:

Please see DTSC Response 5549-2.

The constituents of concern for water quality are listed in Table 1 of the Monitoring and Reporting Program (MRP) for the facility issued by the California Regional Water Quality Control Board Central Valley Region (Regional Board). Compliance with the MRP is required by the Waste Discharge Requirements issued by the Regional Board and DTSC's permit condition III.4 (B).

Please see DTSC Response 5549-43 for more information.

DTSC Response 5549-65:

The facility has established a detection monitoring program in accordance with CCR title 22, section 66264.98. The Detection Monitoring Parameters and Constituents of Concern are specified in the Monitoring and Reporting Program issued by the Regional Board.

Sampling and analysis for Constituents of Concern in all Detection Monitoring Wells are required every 5 years in accordance with the Monitoring and Reporting Program issued by the Regional Board.

Please see DTSC Response 5549-43 for more details.

DTSC Response 5549-66:

It is unclear from the comment why the WDRs should be attached to the Permit.

DTSC Response 5549-67:

All of these reports are available for review at DTSC's Sacramento office located at 8800 Cal Center Drive.

DTSC Response 5549-68:

DTSC has reviewed the Monitoring and Response Program issued by the Regional Board and has found it complies with the requirements set forth in CCR, title 22, division 4.5, chapter 14, article 6. DTSC has also reviewed the locations and specifications of the Point of Compliance wells for B-18 and has found them to be suitable to apply the water quality protection standard. Please see DTSC Response 5549-43.

DTSC Response 5549-69:

Please see DTSC Response 5549-43 for more details.

DTSC Response 5549-70:

The facility has submitted a Storm Water Management Plan that complies with the requirements set forth in CCR, title 22, division 4.5, chapter 14, article 6. The Storm Water Management Plan is discussed in section 33.4 of the Operations Plan. Surface waters contacting hazardous waste at the facility are treated as leachate. All other surface water run-on and run-off at the facility is retained on site in retention basins.

DTSC Response 5549-71:

The comment does not specify how the use of unsaturated zone collection sumps as unsaturated zone monitoring points fails to comply with the requirements of title 22.

DTSC Response 5549-72:

The facility has established an unsaturated zone monitoring system for landfill B-18. Four vadose zone monitoring trenches were constructed below the containment system for the landfill and are monitored in accordance with the Monitoring and Response Program issued by the Regional Board.

DTSC Response 5549-73:

The facility has a soil-pore liquid monitoring and response plan titled the Site Specific Unsaturated Zone Monitoring Plan dated October 2002. The plan satisfies the requirements of CCR, title 22, chapter 14, article 6.

DTSC Response 5549-74:

None of the comments submitted identify any deficiencies in seismic design of the B-18 expansion. The seismic studies that have been conducted for this site comply with the requirements set forth in CCR, title 22, division 4.5, chapter 20, article 2, section 66270.14(b)(11)(A).

The comments submitted do not identify any valid deficiencies in DTSC's analysis of the SEIR or provide any new information that would change the outcome of DTSC's determination that the SEIR is adequate for the proposed project. DTSC has concluded that the SEIR adequately evaluated the potential environmental impacts associated with this project and that the mitigation measures are appropriate. The appeals and legal challenges on the Final SEIR have been exhausted. The certification has been upheld, and DTSC has neither the ability nor duty to reject the SEIR. (See *City of Redding v. Shasta County Local Agency Formation Commission* (3d Dist. 1989) 209 Cal App. 3d 1169.) Please see DTSC Response 5549-2.

The comments submitted do not identify any valid deficiencies of the compliance of the environmental monitoring programs implemented at the site with CCR, title 22.

The comments submitted do not provide any valid reason to re-notice the draft decision.

DTSC Response 5549-75:

Thank you for your comments.

DTSC Response 5550-1:

DTSC concurs with the comments that DTSC is the Responsible Agency for this document and has revised the Responsible Agency Contact Person in the draft CEQA Findings of Fact and Statement of Overriding Considerations as suggested. The

revision does not change the conclusions of the CEQA Findings of Fact and Statement of Overriding Considerations or the decision to approve the permit modification.

DTSC Response 5550-2:

DTSC concurs with the comments that Kings County has already adopted the changes. DTSC has revised the Significant and Unavoidable Impacts language in the draft CEQA Findings of Fact and Statement of Overriding Considerations as suggested. The revision does not change the conclusions of the CEQA Findings of Fact and Statement of Overriding Considerations or the decision to approve the permit modification.

DTSC Response 5550-3:

DTSC concurs with comments that the existing language neglected to describe mitigation measure TT-MM.2 and has revised the Significant and Unavoidable Impacts language in the draft CEQA Findings of Fact and Statement of Overriding Considerations as suggested. The revision does not change the conclusions of the CEQA Findings of Fact and Statement of Overriding Considerations or the decision to approve the permit modification.

DTSC Response 5550-4:

DTSC concurs with the comments that Kings County has already adopted the changes. DTSC has revised the Significant and Unavoidable Impacts language in the draft CEQA Findings of Fact and Statement of Overriding Considerations as suggested. The revision does not change the conclusions of the CEQA Findings of Fact and Statement of Overriding Considerations or the decision to approve the permit modification.

DTSC Response 5550-5:

DTSC concurs with the comments that Kings County has already adopted the changes. DTSC has revised the Significant and Unavoidable Impacts language in the draft CEQA Findings of Fact and Statement of Overriding Considerations as suggested. The revision does not change the conclusions of the CEQA Findings of Fact and Statement of Overriding Considerations or the decision to approve the permit modification.

DTSC Response 5550-6:

Thank you for your comments.

DTSC Response 5551-1:

A change in ownership or operational control of a facility requires a permit modification in accordance with the requirements set forth in CCR, title 22, division 4.5, chapter 20, article 4. This revision was not proposed in the permit modification application dated December 12, 2008. DTSC does not concur with the requested revisions because they

have not been made available for public comment and the requirements in article 4 have not been met.

DTSC Response 5551-2:

This suggested revision to original language was not proposed in the permit modification application dated December 12, 2008, and has not been made available for public comment. DTSC does not concur with the requested revisions because the change is not necessary and they have not been made available for public comment.

DTSC Response 5551-3:

This condition was added in accordance with Title 22, section 66264.706(b) to provide for representative sampling and analysis of PCBs in ambient air. This will provide a lower detection limit for PCBs collected in ambient air samples. DTSC anticipates that the 28-day sampling period will replace the existing 24-hour sampling period as soon as DTSC approves a revised Site Specific Ambient Air Monitoring Plan (SSAAMP) that incorporates the revised requirement. In the interim, the facility will be required to comply with overlapping sampling requirements for PCBs in the permit and the approved Site Specific Ambient Air Monitoring Plan.

It is unclear what is meant by the comment that asks for verification whether the 28-day period comes from the Cal EPA Kettleman City Community Exposure Assessment; however, the basis for the condition is to provide for representative sampling and analysis of PCBs in ambient air by providing a lower detection limit than is currently achieved with a 24-hour sample.

DTSC agrees that the specifics surrounding any additional sampling for PCBs should be included as part of a revised and updated SSAAMP, but does not concur with the suggested revision to the permit condition because it would result in at least a 9 month delay to collection of 28-day samples. DTSC is certain that immediate collection of 28-day samples during periods of reduced activity will be essential data for analysis of facility emissions.

DTSC Response 5551-4:

This condition was added in accordance with Title 22, section 66264.705 to specify an additional monitoring point for ambient air sampling. The additional monitoring point will provide an early indication of contaminant migration during periods of time when winds are blowing from the facility toward Kettleman City.

DTSC anticipates requiring a modification of the Site Specific Ambient Air Monitoring Program after approving a proposed location for an additional air monitoring station. DTSC anticipates the frequency of operation and the incorporation of data into the annual screening level health risk assessment will be specified in the proposed modification.

DTSC does not concur with the suggested revision to the permit condition that specifies the station will be on site and that it will operate at the same frequency as the current monitors because it specifies conditions that would be justified in the Site Specific Ambient Air Monitoring Program. No rationale is provided for these specifications.

DTSC does not concur with the suggested revision to replace “semi-volatile” with “carbonyl,” “PCBs and pesticides” because the purpose of the air monitoring station is to collect compounds that are capable of becoming airborne such as semi-volatile compounds.

DTSC does not concur with the suggested revision to implement the revised ambient air work plan within 180 days because it is prescriptive for changes that have not yet been proposed.

DTSC Response 5551-5:

This suggested revision to original language was not proposed in the permit modification application dated December 12, 2008, and has not been made available for public comment. DTSC acknowledges that the risk assessments were submitted, but DTSC does not concur with the requested revisions because they eliminate enforceable provisions of the permit and they have not been made available for public comment.

DTSC Response 5551-6:

This condition was added in accordance with Title 22, section 66271.33(e)-(f) to specify the requirements for informing the public about the information repository and updating it with appropriate information. This condition will require the facility to provide non-technical presentations and material to interested community members explaining the results of groundwater and ambient air monitoring, in addition to the technical reports already available.

DTSC acknowledges that the facility is required to conduct an annual public meeting in accordance with terms and conditions of the CUP; however, DTSC is requiring the facility to conduct an annual public meeting to specify the requirements for informing the public about the information repository in accordance with CCR, title 22, section 66271.33(e). DTSC anticipates requiring the facility to provide a copy of the presentation each year to the repository.

DTSC does not concur with the suggested revision to remove the permit condition because it eliminates necessary and enforceable provisions of the permit.

DTSC Response 5551-7:

This condition was added in accordance with Title 22, section 66264.31 to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water

which could threaten human health or the environment at a location prone to small spills. A containment system will ensure better isolation of spilled materials in an area that has been prone to small releases.

“Sample Rack” as described in the draft permit condition refers to the areas described as “Sample Rack” in the Summary of Violations dated October 22, 2012, issued to CWMI for failing to report 72 incidents of spills to DTSC.

DTSC anticipates requiring a work plan to be submitted for DTSC approval upon final approval of the permit. DTSC does not concur with the suggested revision to submit within 90 days and construct the containment system within 180 days because it is prescriptive for designs that have not yet been proposed.

DTSC Response 5551-8:

The facility generates leachate which is not residual. DTSC does not concur with the suggested revision to remove the Waste Minimization Conditions because the facility is not exempt from the requirements.

DTSC Response 5551-9:

The underlined text was mistakenly omitted from the circulated draft permit. The missing text has been replaced in the permit. The omitted text is original text from the current permit. The omitted text is supplemental information related to a subsequent submittal of a Construction Quality Assurance Plan and an explanation of the regulatory requirements related to such plans. The replacement of this text restores the original intent of the permit condition and does not provide any new information that would change the decision of the proposed permit modification.

DTSC Response 5551-10:

This suggested revision to original language was not proposed in the permit modification application dated December 12, 2008, and has not been made available for public comment. DTSC does not concur with the requested revisions because the change is not necessary and they have not been made available for public comment.

DTSC is not soliciting public comments on the B-19 landfill.

DTSC Response 5551-11:

The permit modification application dated December 12, 2008, requests changes to the permit to increase the total capacity of landfill B-18 to 15,700,000 cubic yards; however, as noted, this volume conflicts with the volume presented in the Kings County SEIR documents. DTSC’s permit issues authorization to construct a landfill that conforms to the final closure plan. The referenced figure is an estimate of the volume consumed by

the permitted final closure configuration. DTSC has revised the permit to maintain consistency with the estimate presented in the SEIR documents.

DTSC has updated the Maximum Capacity table in the Landfill units B-18 and B-19 section of Part IV of the permit by revising the Total Capacity for B-18 from 15,700,000 to 15,600,000 cubic yards, by revising the Total Capacity for both landfills from 22,700,000 to 22,600,000 cubic yards, by revising the Net Disposal Volume Remaining for B-18 from 6,189,000 to 6,089,000 cubic yards, and by revising the Net Disposal Volume Remaining for both landfills from 6,189,000 to 6,089,000 cubic yards. Because these values are estimates of the volume based on the final permitted configuration design, the revisions merely update the estimated volume to be consistent with the Kings County estimate. The revision does not revise the final permitted configuration design and so does not change the amount of waste that can be disposed in the landfill. This revision does not provide any new information that would change the decision for the permit modification proposal.

DTSC Response 5551-12:

DTSC acknowledges that the COC analytical results are used for a different purpose in the WDR/M&RP; however, DTSC added this permit condition for purposes of waste analysis, not for purposes of water quality. As stated in the Fact Sheet, "This condition was added in accordance with Title 22, section 66264.13(a)() (4) to ensure leachate analysis is accurate and up to date during expansion of landfill B-18."

For purposes of waste analysis, CCR, title 22, section 66264.13 requires an owner or operator to obtain a detailed chemical and physical analysis of hazardous waste before it is treated, transferred, stored or disposed. Section 66264.13(a)() (4) requires the analysis to be repeated as necessary to ensure the analysis is accurate and up to date. DTSC added this permit condition to ensure that the waste analysis is accurate and up to date for the leachate generated from potential new waste stream sources during the first year of operation of the expansion. The list of COCs is representative of the types of constituents that may be present in the leachate.

DTSC does not concur with the suggested revision because the language is not inaccurate as is stated in the comment but necessary for accurate waste analysis determinations.

DTSC Response 5551-13:

This condition was added in accordance with Title 22, section 66264.309(a) to ensure the facility provides accurate estimates of the remaining capacities of active hazardous waste landfills.

The information indicated in CCR, title 22, section 66264.309 is required to be maintained in the operating record under 66264.73(a)() (6) and is required to be

submitted to DTSC by March 1 of each year in accordance with 66264.75. The permit condition clarifies this existing requirement.

The permit condition requires submittal of the data being maintained in the site's operating record. This is required when requested by DTSC in accordance with 66264.74(a).

DTSC does not concur with the suggested revisions because they conflict with existing regulations.

DTSC Response 5551-14:

This suggested revision to original language in the table was not proposed in the permit modification application dated December 12, 2008, and has not been made available for public comment. DTSC does not concur with the requested revisions because the change is not necessary and they have not been made available for public comment.

DTSC is not soliciting public comments on the B-19 landfill.

DTSC Response 5551-15:

This condition was added in accordance with Title 22, section 66270.32(b)() (2) to ensure that the facility complies with the specific mitigation measure BR-MM.2 identified in the Final SEIR. DTSC does not concur with the suggested revision to remove the permit condition because it is necessary to ensure that the mitigation measure is implemented independent of US EPA's Toxic Substances Control Act authorization for the disposal of PCBs in the landfill.

DTSC Response 5551-16:

This condition was added in accordance with Title 22, section 66264.31 to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. This sets procedures and notifications that must be completed after spills or leaks are discovered.

This section of the permit condition clarifies the facility's regulatory obligations to respond to spills within containment systems.

DTSC Response 5551-17:

This section of the permit condition clarifies the facility's regulatory obligations with respect to response to leaks or spills. Although section 66264.196 does not refer specifically to accumulated precipitation, the mixture of spills or leaks of hazardous waste with accumulated precipitation must be handled in accordance with the requirements set forth in the section.

By including this section of the permit condition, DTSC does not expect any additional steps beyond compliance with 66264.196. The exemption described in CCR, title 22, division 4.5, chapter 14, article 10, section 66264.196(b)(5)(B) is applicable to tank and secondary containment systems.

DTSC does not concur with the suggested revisions to the permit condition because they limit the intent of the original condition. DTSC expects compliance with the regulation at all times, not just as part of the contingency plan.

DTSC Response 5551-18:

DTSC does not concur with the suggested revision to begin removal as opposed to complete removal within 8 hours of discovery because no explanation is provided for the types of events in which this may not be physically possible.

DTSC Response 5551-19:

This condition was added in accordance with Title 22, section 66264.31 to minimize the possibility of releases of hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. This sets procedures and notifications that must be completed after spills or leaks are discovered.

The exemption described in CCR, title 22, division 4.5, chapter 14, article 10, section 66264.196(b)(5)(B) is applicable to tank and secondary containment systems.

This section of the condition is more stringent than existing spill reporting regulations. The comment does not provide any evidence to support the statement that it conflicts with spill reporting regulations. DTSC does not concur with the suggested revision because it excludes certain hazardous wastes from the reporting requirements without explanation and other elements of the suggested language merely restate the exclusion provided in Part V, section 5(C).

DTSC Response 5551-20:

The exemption described in CCR, title 22, division 4.5, chapter 14, article 10, section 66264.196(b)(5)(B) is applicable to tank and secondary containment systems. It does not apply to spills that occur outside of such systems. This permit condition is not intended to merely duplicate any existing requirement in regulation. This permit condition is specific to the facility and DTSC expects compliance with it as well as all other applicable rules and regulations.

CCR, title 22, division 4.5, chapter 14, article 4, sections 66264.56(b)-(c) require the facility emergency coordinator to immediately identify the character, exact source, amount and areal extent of any released materials and to assess possible hazards to human health or the environment that may result. The regulation specifies that the characterization of releases may include chemical analysis if necessary. DTSC does

not agree with the use of the term “reasonable belief” in the permit condition because it conflicts with the requirements of 66264.56(b).

CCR, title 22, division 4.5, chapter 10, article 2, section 66260.10 specifically defines the term “release” to mean “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment.” Spills and leaks that are fully contained within a secondary containment area are not applicable to this section of the permit condition so long as they are not released into the environment. The suggested revision to exclude fully contained spills is not necessary.

This section of the permit condition applies specifically to “hazardous waste or constituents.” It is not necessary to exclude wastes that are not hazardous wastes.

The inclusion of the term constituent is necessary to specify that the section also applies to releases of components of a hazardous waste; for example, volatile components of a hazardous waste.

DTSC does not concur with the suggested revisions in both Comment A and Comment B for the reasons identified above.

DTSC Response 5551-21:

This section of the permit condition specifies that it does not replace any other applicable law, regulation, order, agreement, or the permit. DTSC expects the facility to know and comply with all requirements imposed by all applicable laws, regulations, orders, agreements, and the permit. It is incumbent upon the facility to understand and comply with all of its legal obligations.

DTSC Response 5551-22:

DTSC has reviewed the May 29, 2013 letter to Brian Johnson from Pete Price and concurs that the suggested revisions more accurately reflects the agreements outlined in the letter. DTSC has changed the permit condition as suggested. The revision of the permit condition does not provide any new information that would change DTSC’s decision on the permit modification proposal.

DTSC Response 5551-23:

Please see DTSC Response 5551-20.

DTSC does not concur with the suggested revisions to the Corrective Action language from the original permit because of the reasons listed in DTSC Response 5551-20 and because they have not been made available for public comment.

DTSC Response 5551-24:

DTSC concurs with this revision because it is a necessary component of the revision history. DTSC has made the suggested revision in the permit. The revision does not provide any new information that would change the decision for this permit modification proposal.

DTSC Response 5551-25:

Thank you for your comments.

DTSC Response 5552:

DTSC opened this public comment period to solicit input on DTSC's draft decision and the draft permit which were released on July 2, 2013. DTSC did not base its tentative decision on any comments presented during the Public Hearing held more than 60 days later on September 18, 2013, or on any other public comments received during the public comment period which began after DTSC made a draft decision. The public comments received during the public comment period and during the public hearing do not form a basis for DTSC's draft decision, so DTSC is not soliciting input on these other individual's comments.

DTSC has not proposed to conduct additional environmental analysis under CEQA due to the incidence of Valley Fever in Kings County. DTSC has reviewed the Final SEIR and determined that it, along with an Addendum prepared by DTSC, is adequate.

Thank you for your comments.

DTSC Response 5553:

Although the studies are inconclusive as to the source of the birth defects, DTSC has concluded that facility emissions of hazardous constituents, including PCBs, are not the source. DTSC's conclusion is based on the results of investigations and studies conducted over the last several years. Ambient air monitoring samples collected from the site since 2006 show that the facility is not emitting hazardous constituents at levels that cause significant risk to Kettleman City residents. Wind blows from the facility toward Kettleman City approximately 5% of the time, and there is a minimal chance of windborne contaminant exposure to Kettleman City residents from facility operations. In addition, groundwater at the facility is hydrogeologically isolated from any drinking water source and it flows away from Kettleman City. Please see F. DTSC General Response – Investigations and Studies for more information.

DTSC's decision is not based on whether Kettleman City residents are employed by the facility or the destination of revenue. DTSC's decision to approve this permit modification request is based on the determination that the proposed modification is protective of public health and the environment. DTSC's determination is based on scientific studies and investigations that all show that this facility is not causing

significant cancer risk or noncancer health effects to Kettleman City residents. DTSC is also confident that the facility can operate safely when following the permit conditions DTSC added to the Hazardous Waste Facility Permit for this decision. Please see F. DTSC General Response – Investigations and Studies for more information about the studies.

Thank you for your comments.

ACRONYMS

Cal EPA – California Environmental Protection Agency

CalEnviroScreen – California Communities Environmental Health Screening Tool

CARB – California Air Resources Board

CCR – California Code of Regulations

CDPH – California Department of Public Health

CEQA – California Environmental Quality Act

CRPE – Center on Race, Poverty and the Environment

CQA – Construction Quality Assurance

CUP – Conditional Use Permit

CUPA – Certified Unified Program Agency

CWMI – Chemical Waste Management, Inc.

DOT – Department of Transportation

DTSC – Department of Toxic Substances Control

EERD - DTSC's Enforcement and Emergency Response Division

FML – Flexible Membrane Liner

GCL – Geosynthetic Clay Liner

HSC – Health and Safety Code

LCRS – Leachate Collection and Removal System

LDR – Land Disposal Restrictions

MRP – Monitoring and Reporting Program

NOP – Notice of Preparation

NO_x – Nitrogen Oxides

OCR – Office of Civil Rights

OEHHA – Office of Environmental Health Hazard Assessment

PCB – Polychlorinated Biphenyl

PM – Particulate Matter

PM₁₀ - Particulate Matter 10 micrometers in diameter or smaller

PM_{2.5} - Particulate Matter 5 micrometers in diameter and smaller

RCRA – Resource Conservation and Recovery Act

RWQCB – Central Valley Regional Water Quality Control Board

SEIR – Subsequent Environmental Impact Report

SJVAPCD - San Joaquin Valley Air Pollution Control District

SOV – Summary of Violations

SSAAMP – Site Specific Ambient Air Monitoring Plan

Title VI – Title VI of the Civil Rights Act of 1964

TSCA – Toxic Substances Control Act

VOC – Volatile Organic Compounds

WDR – Waste Discharge Requirements

