

RESPONSE TO COMMENTS
Public Comment Period for Draft Post-Closure Permit
Ducommun AeroStructures, Inc., El Mirage, California
March 4, 2010

The Department of Toxic Substances Control (DTSC) prepared a Draft Hazardous Waste Post-Closure Facility Permit (Permit) for the hazardous waste post-closure facility (Facility) owned and operated by Ducommun AeroStructures, Inc. (formerly known as Aerochem, Inc.). The Facility is located in El Mirage, California. DTSC public-noticed the Draft Permit and pertinent documents for public comments during a public comment period from September 9, 2009 to October 26 2009. DTSC also held a public meeting on October 15, 2009.

During the public comment period, DTSC received the following comments:

- 1) Twenty four comments from Charles Pomeroy, McKenna Long & Aldridge, representing Ducommun AeroStructures, Inc., dated October 26, 2009;
- 2) One comment from Michael F. Neumeyor, received September 14, 2009; and
- 3) One comment from Roni Becker, received during public meeting on October 15, 2009.

This Response to Comments document responds to public comments that DTSC received from these commenters. The person who made the comments is identified and his or her comments are shown in italics. DTSC will first respond to the twenty four comments made by Mr. Charles Pomeroy in the order as those comments were presented in his letter.

**COMMENTS FROM CHARLES POMEROY, MCKENNA LONG & ALDRIDGE,
REPRESENTING DUCOMMUN AEROSTRUCTURES, INC.:**

Comment 1:

Cover Page (and throughout the document where necessary). Please change "Ducommun Aerostructures" to its correct name of "Ducommun Aerostructures, Inc."

DTSC Response to Comment 1:

The Facility Name is based on the information submitted by Ducommun AeroStructures, Inc. (Ducommun) in its Post-Closure Permit Application. The Application is specifically referenced in Section III.1 of the Draft Permit:

"Ducommun AeroStructures -- Post Closure Permit Application", dated February 9, 2009.

Revised Appendix 5: "Ducommun AeroStructures -- March 2009, Surface Impoundment Post Closure, Water Quality Sampling and Analysis Plan, Appendix 5", dated March 2009, submitted May 22, 2009.

DTSC noted that Ducommun used different names and spellings inconsistently in its Permit Application. DTSC sent a letter to Ducommun, dated January 12, 2009, asking for clarification and the revised pages in the Permit Application to reflect the correct Facility Name, Owner Name and Operator Name. Ducommun returned the respective pages with the name clarification; changing "Ducommun AeroStructures" to "Ducommun AeroStructures, Inc.".

The revised pages have been placed in the Permit Application, and the name of the Facility was changed in the Permit. The name "Ducommun AeroStructures" was changed to "Ducommun AeroStructures, Inc." in the following places in the Permit:

- front Permit cover page, Facility name
- front Permit cover page, Owner name
- front Permit cover page, Operator name
- front Permit cover page, first paragraph of authorization statement
- page header, first line
- page 1, title above Table of Contents
- Part II, Section 1 "Owner of Facility"
- Part II, Section 2 "Owner of Real Property"
- Part II, Section 3 "Operator of Facility"
- Part II, Section 4 "Facility Location", 1st paragraph
- Part II, Section 6 "Facility History", last paragraph

In addition, the Permit incorporated the revised information by reference in Part III, Section 1. For consistency with other permits, the format of this section has also been rearranged, as follows:

1. PERMIT APPLICATION DOCUMENTS:

The DTSC-approved Application dated February 9, 2009 (Approved Application) is hereby made a part of this Permit by reference. The Approved Application includes the following documents:

"Ducommun AeroStructures -- Post Closure Permit Application", dated February 9, 2009.

Revised Appendix 5: "Ducommun AeroStructures -- March 2009, Surface Impoundment Post Closure, Water Quality Sampling and Analysis Plan, Appendix 5", dated March 2009, submitted May 22, 2009.

Revised pages dated February 15, 2010 clarifying the name of the Facility, Operator and Owner, from "Ducommun AeroStructures" to "Ducommun AeroStructures, Inc.".

For consistency with other permits, the format of Part III, Section 1 has been further rearranged. Please see the changes at the end of the document under Administrative Changes.

Comment 2:

Page 2, "Facility" definition, line 3. Add a comma following the term "storage" and before the term "resource recovery."

DTSC Response to Comment 2:

The comma has been added in Section I.2 of the Draft Permit. The sentence now reads:

"Facility" as used in this Permit means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste.

Comment 3:

Page 4, Facility History. Please correct the spelling of "Andalite, Inc." to "Anadite, Inc."

DTSC Response to Comment 3:

DTSC discovered this misspelling shortly after the public comment period began. The misspelling has since been corrected, changing "Andalite" to the correct "Anadite". The first paragraph of Section II.6.FACILITY HISTORY now reads:

6. FACILITY HISTORY:

From 1967 to 1978, the Facility was owned and operated by ~~Andalite~~ **Anadite**, Inc. primarily as a chemical milling plant for processing aircraft and spacecraft parts. ~~Andalite~~ **Anadite**, Inc. discharged its wastewaters to a 2.25-acre, unlined percolation pond. Use of the pond was discontinued when the Facility was purchased by Aerochem, Inc. in 1978. This pond became part of the closed Unit.

Comment 4:

Page 4, Facility History and page 10, Unit Physical Description and Unit Maximum Capacity. The first entry states the unit contains 1,500 cubic yards and 2,000 tons. The second entry reads 1,500 cubic yards and 2,200 tons. The third reading reads 2,200 cubic yards. The first numbers are correct (1,500 cubic yards and 2,000 tons) and should replace all of the other entries.

DTSC Response to Comment 4:

At the beginning of closure, the surface impoundment was reported to have an estimated 1,500 cubic yards of waste sediment and sludge, plus 270,000 gallons of liquid.

Based on DTSC's files, including the "As-Built" Closure Report (November 27, 1991, and subsequent amendments), closure activities involved removing the liquid before the sludge was treated in the surface impoundment (in situ) to bring down the pH. The mention of 1,500 cubic yards in the Facility History was the estimated volume of sludge in the surface impoundment at the beginning of closure.

The sludge was removed from the surface impoundment (ex situ) and further treated. Chemicals and materials were added to the waste to stabilize and solidify the sludge and its constituents, thereby increasing the volume and mass of the waste. The treated material was returned to the surface impoundment. An engineered cover (cap) was constructed over both the percolation pond and the surface impoundment.

Available documentation, including the 1991 Closure Report, failed to record the volume of treated waste placed in the surface impoundment. The documentation also did not mention if the liner of the surface impoundment remained and/or was intact before the waste was placed back into the surface impoundment.

The mention of 1,500 cubic yards in the Unit Physical Description is the estimated volume of sludge in the surface impoundment at the beginning of closure. The associated "2,200 tons" is a typo, and has been corrected to "2,000 tons".

The mention of 2,200 cubic yards in the Unit Maximum Capacity was an estimate of the final volume of treated waste material returned to the surface impoundment before the construction of the cap. However, further review of available documentation indicates that the final volume was not recorded. The documentation also failed to mention if the liner was present, still intact, and/or removed as part of closure.

As a response to Mr. Pomeroy's Comment 4, and to clarify the permit language, DTSC has made some changes to the Permit:

The following changes have been made to the third paragraph in Section II.6. SITE HISTORY:

Aerochem, Inc. closed the percolation pond and ~~lined~~ surface impoundment as a combined regulated unit. At the ~~time~~start of closure, the surface impoundment contained approximately ~~an estimated~~ an estimated 1,500 cubic yards (approx 2,000 tons) of waste sediment and sludge. **The waste was treated in-situ (pH adjustment), then ex-situ (stabilization and solidification), and then the treated waste was placed back into the surface impoundment. A protective cap was constructed over the percolation pond and the surface impoundment.** DTSC acknowledged the closure certification in June 1992. DTSC issued a Post-Closure Permit to Aerochem, Inc. in November 1995, with an effective date of January 9, 1996, and an expiration date of January 9, 2006.

The following changes have been made to the first paragraph in Section IV.1. UNIT PHYSICAL DESCRIPTION:

The Unit is a closed percolation pond and closed surface impoundment. When in use, the unlined percolation pond measured approximately 380 feet by 350 feet by 12 feet deep. ~~The~~ A lined surface impoundment was constructed inside the southeast section of the percolation pond and measured approximately 150 feet by 150 feet by 11 feet deep. The percolation pond and surface impoundment ~~was~~ were closed as one single unit. When closure began in 1989, the surface impoundment contained approximately ~~an estimated~~ 1,500 cubic yards (2,200 ~~approx~~ 2,000 tons) of waste sludge and 270,000 gallons of wastewater. The wastewater was removed and disposed off-site ~~pumped into holding tanks for industrial process use~~. The waste sludge was treated, stabilized, and placed back into the surface impoundment for closure. The waste sludge was first treated in-situ (pH adjustment), then removed from the surface impoundment for further treatment (solidification and stabilization). The treated waste was then placed back into the surface impoundment. The amount of waste returned to the impoundment and the status of the liner were not recorded in the Closure Report. Clean fill and ~~a~~ a cap ~~was~~ were placed over both the percolation pond and surface impoundment. Closure was certified by the ~~f~~ Facility in November 1991.

The following changes have been made to Section IV.1.UNIT MAXIMUM CAPACITY:

This Unit is closed and does not accept any additional waste.

~~Closure activities at this Unit ended in September 1991. At the time of final closure, approximately 2,200 cubic yards of treated and solidified waste sludge was closed in place inside this Unit.~~

When closure began in 1989, the surface impoundment contained an estimated 1,500 cubic yards (approx. 2,000 tons) of waste sludge and 270,000 gallons of wastewater. Both the sludge and wastewater were removed from the surface impoundment. The sludge was treated and placed back into the surface impoundment. The final volume of the treated sludge was not recorded in the Closure Report. The treated sludge was placed back into the surface impoundment in 8-inch lifts and compacted.

Comment 5:

Mr. Pomeroy's Comment 5 includes several components concerning the post-closure care period. DTSC will respond to these comments separately.

Comment 5a:

The post-closure period is correctly cited as beginning May 21, 1992. Pursuant to the post-closure care requirements, the post-closure period extends 30 years from that date or May 21, 2022. The post-closure permit issued to DAS's predecessor, Aerochem, Inc on January 9, 2006 and still in effect ("existing Permit"), maintains that 30 year closure estimate.

The second paragraph of the draft Permit states:

Pursuant to California Code of Regulations, title 22, section 66264.117(b)(2)(B), the Post-Closure Care Period shall be extended to 30 years beginning on the effective date of this Permit.

According to the cited section, DTSC must find that the extended period is necessary to protect both human health and the environment (the supporting reference in this section is to the potential of hazardous waste releases).

No basis for this major modification of the draft Permit is provided, either in the Fact Sheet, at the public meeting or in the text of the draft Permit. No additional releases are known to have occurred or been reported to DTSC from the Unit since the issuance of the existing Permit. Additionally, documents prepared by DAS and submitted to DTSC over the last several years to confirm the lack of releases from the Unit information have not been reviewed by DTSC.

In a memorandum to file prepared May 12, 2009, eight issues were set forth alleging concerns that might be the basis to extend the post-closure care beyond 2022. The issues, and a specific response by DAS to each one of them, follow:

DTSC Response to Comment 5a:

In 1991, Aerochem, Ducommun's predecessor, submitted an "As Built" Closure Certification Report to DTSC dated November 27, 1991. Aerochem submitted additional information on May 21, 1992, which established the beginning of the post-closure care period of May 21, 1992. Closure Certification was acknowledged by DTSC in a letter dated June 22, 1992. The original post-closure care period was established for 30 years which would end May 21, 2022.

Pursuant to California Code of Regulations, title 22, section 66264.117(b)(2)(B), DTSC shall extend the post-closure care period if DTSC finds that the extended period is necessary to protect human health and the environment. DTSC considered a number of reasons before deciding to extend the post-closure care period. DTSC's reasons were stated in a Memorandum dated May 12, 2009 and provided to Ducommun in May 2009. DTSC did not receive any response from Ducommun concerning this Memorandum before DTSC public-noticed the Draft Permit for public comments. This issue was brought up for the first time by Ducommun in Mr. Pomeroy's letter received by DTSC at the end of the public comment period.

The rest of Mr. Pomeroy's Comment 5 are about the specific concerns raised in DTSC's Memorandum dated May 12, 2009. DTSC will respond to these comments below.

Comment 5b:

1) *The regulated unit has released contamination; [quote from DTSC's Memorandum]*

This factual information was already known to DTSC when it prepared and approved the existing Permit in 1996. The facts concerning the historic release of fluorides have not changed, nor have the regulations available to DTSC in 1996.

DTSC Response to Comment 5b:

To remove the Unit from the requirements of evaluation monitoring, the Permittee must show, and DTSC must concur, that the release of hazardous waste or constituents has stopped and any residual contamination has met the Water Quality Protection Standards up to the Point of Compliance. Since the Permittee has not demonstrated to DTSC that the release of hazardous waste or constituents has stopped, the continuing evaluation monitoring program is required to address such release at or from the Unit. The extended post-closure care period is necessary because the nature and extent of the release has not been fully characterized, given that the post-closure care period started almost 18 years ago and the required corrective action activities have not been conducted in a timely manner. Please also see DTSC Response to Comments 5c through 5j.

Comment 5c:

2) *Data indicates or suggests that the release may be ongoing; [quote from DTSC's Memorandum]*

To the contrary, data suggests there is no further release occurring at the Unit. Levels of fluoride remain stable and no other analytes have been observed.

DTSC Response to Comment 5c:

Concentration levels that remain consistent over time indicate an ongoing release. If a release stops, observed concentration levels should have eventually decreased due to natural attenuation. However, the Permittee has not completed the characterization of the release from the Unit.

Comment 5d:

3) *The regulated unit continues to be under an evaluation monitoring program (CCR, title 22, section 66264. 91 (a)(3) et seq.) ; [quote from DTSC's Memorandum]*

In April 2004, DAS submitted a Demonstration Report confirming that only fluoride was released from the Unit and that it impacted the shallowest aquifer underlying the Unit. That aquifer, although designated as drinking water, contains naturally occurring elevated levels of sulfates making it non-potable. No other constituent is known or been identified as having

been released to groundwater from the Unit during the tenure of the existing Permit. DTSC has failed to respond in writing concerning the Demonstration Report.

DTSC Response to Comment 5d:

DTSC received and reviewed a "Demonstration Report" dated April 2004, and discussed the report with Aerochem (now Ducommun) in a letter dated September 22, 2004. No conclusions were drawn from the Report or DTSC's letter to warrant removal of the Unit from the evaluation monitoring program. In addition, the March 2009 Water Quality Sampling and Analysis Plan (WQSAP) submitted by Ducommun to DTSC describes the required groundwater monitoring for the Unit as under an evaluation monitoring program. The WQSAP was submitted as part of Ducommun's Post-Closure Permit Application (contained in Appendix 5 of the Application).

Comment 5e:

4) The effectiveness of the vegetation in the vegetative cover remains questionable; [quote from DTSC's Memorandum]

The vegetative covers is performing as designed. "Panoche" red brome is a quick growing grass that will go dormant with prolonged drought, but readily reseeds itself with minimal precipitation. The lack of a visible vegetative cover has not affected the cover's performance.

DTSC Response to Comment 5e:

The design submitted by the Permittee calls for a minimum 65% coverage of the grass on the landfill cover. The cover appeared to be less than 65% when visually inspected during a site visit in October 2008. DTSC's visual inspections discovered a lack of vibrant grass and raised questions about whether the grass would need additional assistance (e.g. water, fertilizer, reseeding). The discussions between with DTSC staff and Ducommun staff have indicated the difficulty in establishing the grass at the Facility.

DTSC would welcome an assessment made by a qualified person on the status of the grass and its long-term sustainability to provide protection to the vegetative cap. Otherwise, the apparent lack of grass protecting the cover is an additional reason to extend the post-closure care period.

Comment 5f:

5) Monitoring and maintenance of the vegetative cover needs to continue to prevent the underlying cap structures from being exposed; [quote from DTSC's Memorandum]

Based on performance of the vegetative cover to date, that assumption is incorrect. It is also incorrect as it pertains to the particular grass and its reseeding characteristics.

DTSC Response to Comment 5f:

DTSC's visual inspection of the vegetation and the discussions between DTSC staff and Ducommun staff raised doubt about the viability of the present establishment of the vegetative cover to continue to perform without additional monitoring and maintenance. DTSC questions the sustainability of the grass past the previously required post-closure care period and has taken the prudent step of assuming that the grass may potentially fail, given the status observed during its site visit in October 2008.

Comment 5g:

6) Hazardous contaminants have been released from the Ducommun operation (non-permitted units) which must be mitigated under the corrective action program; [quote from DTSC's Memorandum]

The hazardous contaminant releases are currently being mitigated under the corrective action program; however, DTSC has at its disposal a number of statutory mechanisms by which to enforce remedial action that are not within the corrective action program. They include issuance of an imminent or substantial endangerment order (Health & Safety Code sections 25187; 25358.3(a). Note also DTSC's additional authority pursuant to Health & Safety Code section 25200.10(c)). Furthermore, the Facility separately continues to be under the direction of the Cleanup and Abatement Order from the Lahontan[sic] Regional Water Quality Control Board (as referenced in the existing Permit).

DTSC Response to Comment 5g:

DTSC has made good faith efforts over the years to work with Ducommun and with its predecessor, Aerochem, to address the technical requirements and timelines for conducting corrective action. DTSC has not initiated enforcement actions against Ducommun regarding the release of hazardous waste or constituents at or from the Facility.

The Post-Closure Permit is the only enforceable mechanism at this point to ensure that Ducommun comply with the required investigation and remediation of the release. The Cleanup and Abatement Order from the RWQCB-Lahontan is being administered and enforced by RWQCB, and it does not address the corrective action required at the Facility.

Nothing in the Post-Closure Permit precludes DTSC and Ducommun to enter into an agreement to address the required corrective action. If and when such an agreement is finalized, DTSC may modify the Post-Closure Permit accordingly.

Comment 5h:

7) A corrective action program continues to be negotiated between DTSC and Ducommun; a corrective action remedy has not been issued: a corrective action interim measure has not been approved; [quote from DTSC's Memorandum]

Ducommun has submitted numerous documents to DTSC without response. Several years ago, Ducommun began its interim remedial actions before DTSC approval in order to successfully control releases from the Facility. That action continues successfully.

DTSC Response to Comment 5h:

Please see DTSC Response to Comment 5g.

Comment 5i:

8) An enforceable order and/or agreement for conducting corrective action order does not exist; therefore, the post-closure permit remains the only enforceable document for conducting corrective action. [quote from DTSC's Memorandum]

See response to 6), above.

DTSC Response to Comment 5i:

Please see DTSC Response to Comment 5g

Comment 5j:

Finally, DTSC fails to note that pursuant to Health & Safety Code section 25200(c)(1)(A), the draft Permit may be only issued for a fixed period of ten years. The proposal in the draft Permit to extend the post-closure care period at this time is premature and DTSC will have the opportunity to revisit this issue ten years from now in 2019, which is before the current 30 year period expires. Note also that DTSC may extend the period for terms less than 30 years.

DTSC Response to Comment 5j:

DTSC's decision to shorten or extend the post-closure care period is not dependent on the length of time of the previously required period or the fixed term of a post-closure permit. DTSC can make a decision to shorten or extend the post-closure care period at any time during the post-closure care period.

Based on the information available to DTSC, DTSC has decided to extend the post-closure care period to protect human health and the environment. If and when additional information becomes available, DTSC may consider adjusting the post-closure care period at a later date. DTSC will also revisit this issue upon the expiration and renewal of the Post-Closure Permit.

Comment 5k:

Accordingly, we recommend that the second paragraph of this section be deleted.

DTSC Response to Comment 5k:

DTSC disagrees with the commenter. Please see DTSC Response to Comments 5a through 5j. The extension of the post-closure care period shall remain as stated in the draft Permit.

Comment 6:

Mr. Pomeroy Comment 6 contains several components concerning the post-closure cost estimate. DTSC will respond to these comments separately.

Comment 6a:

Comment 6. Page 5, Post-Closure Care Cost Estimate. The referenced post-closure cost estimate of \$1,618,856 is incorrect.

DTCS Response to Comment 6a:

California Code of Regulations, title 22, section 66264.144 requires the owner or operator of a regulated unit to prepare and submit to DTSC a detailed written estimate of the annual cost of post closure monitoring and maintenance of the facility in accordance with the applicable post closure regulations; and the post closure cost estimate shall be based on the costs of hiring a third party to conduct post-closure care activities. Section 66270.14(b)(16) requires that this detailed cost estimate be submitted with Part B Post-Closure Permit Application. The cost estimate must be of sufficient details and adequately documented to allow DTSC to review and make a determination on the cost estimate.

DTSC sent a number of comments and notices of deficiencies to Ducommun concerning the inadequacy of its Post-Closure Permit Application. Ducommun's revised Application submitted in February 2009 did contain some additional information, but was still insufficient. Rather than denying the Permit Application, DTSC decided to use the information in Ducommun's latest Application and DTSC's records, and an industry-standard cost estimating software (CostPro Cost-Estimating Software) to develop a post-closure cost estimate.

DTSC sent the DTSC-revised post-closure cost estimate to Ducommun as an attachment to an email dated May 12, 2009. DTSC also sent Ducommun a courtesy copy of the Draft Post-Closure Permit on June 23, 2009 which contained the extended post-closure period and the DTSC-revised post-closure cost estimate. DTSC did not receive any response from Ducommun prior to the public comment period of the Draft Permit.

The post-closure cost estimate is an estimate of the potential cost for a third party to perform the required post-closure care activities. The estimate does not represent what Ducommun has actually been paying for the activities, nor does it mean that Ducommun will end up paying such an amount.

The estimate is to cover potential costs under a number of scenarios. One such scenario is to cover the potential cost for DTSC to perform the post-closure care activities in the event the Permittee fails to conduct these activities. The cost estimate is not the maximum or the minimum amount needed for these activities. The estimate is based on reasonable costs, under non-ideal conditions.

Comment 6b:

DAS and its predecessor Aerochem, Inc. have more than 17 years experience in operating and maintaining the closed unit. The cost of that work is a fraction of the estimate provided. Additionally, the facility has submitted annually as required under the existing Permit and section 66264.144(b) its estimate of the post-closure cost. That estimate has been ignored. Furthermore, section 66264.144 requires that this estimate be prepared by the owner and/or operator, not DTSC. (See 66264.144(a)).

DTSC Response to Comment 6b:

The previous post-closure cost estimate was based on the requirements of the previous permit. The post-closure cost estimate must be recalculated in current dollars based on the requirements of the pending Permit and the Permit Application. The cost estimate prepared by Ducommun lacked sufficient details to show how its recalculated post-closure cost estimate was based on the Permit Application and the changed requirements. DTSC's recalculation of the cost estimate is primarily based on the post-closure care activities presented by Ducommun in its Permit Application.

Please also see DTSC Response to Comment 6a. DTSC has purchased user-rights to two industry-standard cost-estimating software packages to specifically perform an independent cost estimation. DTSC is not precluded by any law or regulation from developing and adopting an independent post-closure cost estimate when the Permittee fails to provide an adequate cost estimate.

Comment 6c:

DTSC overestimates the value by assuming a thirty year post-closure care period. Based on a projected issuance of the draft Permit in the first quarter of 2010, the time frame for the cost assumptions should be evaluated to May 2022 or 12.5 years. Even with DTSC's inflated estimates, the amount would be reduced to \$637, 896.47.

DTSC Response to 6c:

Please see DTSC Response to Comment 5a through 5k regarding the post-closure care period.

The applicable regulations require that the detailed cost estimate provide an annual cost estimate and a total cost estimate over the post closure care period. In addition, a list of one-time costs, such as well construction and well abandonment, need to be included, and the detailed cost estimate must show how these amounts were calculated. The cost estimate presented in Ducommun's Permit Application did not provide the details to determine the annual, total, and one-time costs, nor did it show how they were calculated. The DTSC-revised post closure cost estimate has provided these details and can be quickly adjusted if necessary.

Comment 6d:

DTSC overestimates the cost of water sample collection and bases the entire value upon evaluation monitoring. DAS's experience suggest the annual cost of the water sampling is significantly less, and less wells will require sampling than DTSC estimates. The result is that the annual cost is approximately \$10,000 per year.

DTSC Response to Comment 6d:

DTSC used Ducommun's "Surface Impoundment Post-Closure Water Quality Sampling and Analysis Plan" (March 2009) as the basis for determining the number of wells to be sampled, the sample constituents, and the frequency of the sampling. This Sampling and Analysis Plan was required as part of the Part B Post-Closure Permit Application and is referenced in the Draft Permit.

DTSC used the CostPro Cost-Estimating Software to develop typical costs for the sampling. The cost estimate does not represent the lowest or highest possible costs, nor does it mean that Ducommun will end up paying such costs. It is an estimate of the typical costs.

Comment 6e:

DTSC applies a 20% contingency to its estimated cost, which is a value inconsistent with and generally unacceptable in industry and practice. While three to five percent is often found for projects, a conservative assumption of ten percent represents a value that accounts for a reasonable, not worst-case, result of cost overruns. At the 12.5 year post-closure care period using DTSC's inflated estimates, but a 10% contingency in lieu of 20%, results in a total of \$584,738.42.

DTSC Response to Comment 6e:

A twenty-percent contingency is indicative of the variable nature of environmental projects. Twenty percent is an acceptable contingency for projects involving closure and post-closure care of a hazardous waste facility, including the scenario of the State performing the activities of the post-closure care if the Permittee fails to perform them.

DTSC has purchased the use-rights to two cost estimating software programs designed for closure cost estimating and post-closure cost estimating. They are CostPro by Tetra Tech and RACER by Earth Tech Inc. CostPro uses 20% contingency as a default, while RACER uses 10%. However, CostPro uses an Engineering factor of 10% while RACER uses an Engineering Factor of 20%. Both of these values are adjustable in CostPro and RACER.

Comment 6f:

Engineering allowance that incorporates reports is acceptable, but should not be included in the contingency estimate, since that automatically inflates this allowance. This amount should be added separately without contingency. By applying the contingency factor to the engineering allowance, the values are inflated by 20%. By valuing these figures without contingency using a 12.5 year post-closure care period, using DTSC's inflated estimates, but a 10% contingency in lieu of 20%, results in a total of \$579,905.88.

DTSC Response to Comment 6f:

The engineering allowance is calculated against the base cost estimate as a way to estimate the need for engineering support. The contingency factor is a measure of uncertainty of the project and to cover unforeseen expenses. It is appropriate to apply the contingency factor to the engineering allowance. With increased cost due to a contingency, you would expect an increase in the engineering allowance.

DTSC has purchased the use-rights to two cost estimating software programs designed for closure cost estimating and post-closure cost estimating. They are CostPro by Tetra Tech and RACER by Earth Tech Inc. Both estimating software have an engineering allowance that is applied to the base cost estimate, and both have a contingency factor that is applied to the cost estimate including the engineering allowance.

Comment 6g:

The one-time costs are overstated. The vegetative cover is performing as designed and does not require reseeded. The well abandonment cost is overstated. Those costs should be closer to \$40,000.

DTSC Response to Comment 6g:

Please see DTSC Response to Comments 5e and 5f concerning the performance of the vegetative cover.

The DTSC-revised cost estimate assumed that the vegetative cover might require reseeded with the extended post closure care period. It was prudent to include this possible cost in the cost estimate. DTSC used the CostPro cost estimating software to develop a typical cost for seeding a landfill cover.

DTSC's well abandonment cost estimates were based on the physical information of the wells contained in Ducommun's Post-Closure Permit Application and the well abandonment cost estimates found in the CostPro Cost Estimation Software. These values and units costs were included in the detailed cost estimate developed by DTSC and provided to Ducommun.

Comment 6h:

Based upon the most recent submission to DTSC, the post-closure cost estimate for the Unit should be \$198,000 based upon the true cost of the sampling and maintenance of the unit, 12.5 years remaining of post-closure care and a 10% contingency (\$125,000 O&M, \$40,000 one-time costs, \$16,500 engineering allowance, \$16,500 contingency). The estimate assumes conservatively ongoing evaluation monitoring though detection monitoring is warranted.

DAS intends to submit to DTSC additional documentation evidencing its estimates following the closure of the comment period for the draft Permit.

DTSC Response to Comment 6h:

The applicable regulations require the permit applicant to include a detailed written post-closure cost estimate in the Post-Closure Permit Application. This detailed written estimate must be based on the work and activities described in the Application, which must be based on the statutory and regulatory requirements for post-closure care. The details of the written estimate must be such that DTSC is able to determine the adequacy of the cost estimate. Ducommun failed to provide an adequate, detailed written post-closure cost estimate in the Post-Closure Permit Application after DTSC sent Ducommun at least three Notices of Deficiency and numerous e-mail comments. Even with the Pomeroy-proposed estimate of \$198,000, DTSC and the Application do not have the information to justify and concur with this estimate.

Rather than denying the Permit Application, DTSC decided to develop a post-closure cost estimate based on the information provided in Ducommun's latest Permit Application, DTSC's records, DTSC's field visits to the Facility, and an industry-standard cost estimating software (CostPro Cost-Estimating Software). DTSC shared the DTSC-developed post-closure cost estimate with Ducommun prior to public-noticing the Draft Post-Closure Permit. The Draft Post-Closure Permit, which included the DTSC-developed cost estimate, was reviewed by the public during the public comment period from September 9, 2009 to October 26, 2009.

As of the date of this response, DTSC has not received any additional information from Ducommun or its representatives concerning the post-closure cost estimate. Ducommun may request for a permit modification at a later time if Ducommun has additional information to justify an adjustment of the post-closure cost estimate.

Comment 7:

Comment 7: Page 10, Unit Physical Description. Insert after "removed" "recycled, neutralized."

DTSC Response to Comment 7:

Mr. Pomeroy's Comment 7 appears to be referring to section IV.1.UNIT PHYSICAL DESCRIPTION, the first paragraph, the sixth sentence: "The wastewater was removed and disposed off-site". This wastewater is the liquid removed from the surface impoundment when closure began in 1989. DTSC reviewed Ducommun's Application and found some clarifying information in the "Closure and Post-Closure Plans" attached to the Application in Appendix A:

5.2 DEWATERING AND SLUDGE MIXING AND EXCAVATION

... As of January 1989, the (caustic) supernatant liquid has been removed, some having been evaporated and the rest pumped into holding tanks for industrial process use. ...

DTSC has revised the language in Section IV.1.UNIT PHYSICAL DESCRIPTION to match the information contained in the Closure/Post-Closure Plan. The sentence now reads as follows:

... When closure began in 1989, the surface impoundment contained approximately 1,500 cubic yards (2,000 tons) of waste sludge and 270,000 gallons of wastewater. The wastewater was removed and ~~disposed off-site~~ **pumped into holding tanks for industrial process use.**

Comment 8:

Mr. Pomeroy's Comment 8 has three separate components concerning the Draft Permit Section IV.1.UNIT WASTE SOURCES AND TYPES. DTSC will respond to these comments separately.

Comment 8a:

Comment 8. Page 11, Unit Waste Sources and Types. There is no record of acidic wastewaters being placed into the surface impoundment. Records indicate all acidic wastewaters were removed by truck from the site. Notably, as stated in this section, the wastes in the impoundment were caustic with a pH of 12 to 13. Please delete from the last paragraph, first sentence, "and potentially acidic (low pH)" from the text. Please delete the beginning of the next sentence stating, "Acidic solutions were used to etch titanium, steel and magnesium" since the information is not relevant to the Unit.

DTSC Response to Comment 8a:

DTSC's records, including the 1989 Closure and Post-Closure Plan (Appendix A of the Application), indicate that acidic wastewater was discharged into the percolation pond. Since the percolation pond and the surface impoundment were closed as one unit, under one cover, the discharge of the waste stream into the percolation pond becomes relevant. DTSC has revised the language in Section IV.1.UNIT WASTE SOURCES AND TYPES for clarification purposes:

Wastewater discharged to the percolation pond and surface impoundment included caustic (high pH) and ~~potentially acidic~~ (low pH) wastewaters with various metals in solution. **Only caustic wastewaters were discharged to the surface impoundment.** ...

Comment 8b:

The sentence concerning failed leaching tests for zinc and copper suggests that zinc and copper somehow remain a problem. We suggest that the following accurate information be added as a new sentence following the initial sentence to eliminate this implied issue, "The treatment contractor was replaced and all material was re-treated resulting in all materials passing the required leaching tests before placement of the stabilized waste."

DTSC Response to Comment 8b:

DTSC has deleted the leaching test results for the treated waste. This portion of Section IV.1.UNIT WASTE SOURCES AND TYPES now reads as follows:

... Before closure, the caustic sludge remaining in the surface impoundment had a pH of 12 to 13. ~~During closure, the initial treatment of the sludge failed leaching tests for zinc and copper.~~ Groundwater investigations from under the pond and impoundment have shown elevated levels including lead, cadmium, chromium, fluoride, and nitrates.

Comment 8c:

With respect to the list of chemicals allegedly found from groundwater investigations at elevated levels under the Unit, only fluoride has been confirmed. Chromium and elevated nitrates originate from Facility operations. Please delete the reference to "lead, cadmium". Please refer to the second page of the cover for the existing Permit, for a correct reference to the constituents found at the Facility.

DTSC Response to Comment 8c:

The percolation pond and the surface impoundment were closed together as one unit. DTSC's records, including the 1986 RCRA Facility Assessment (Section 4.2, History of Releases) and the 1987 Cleanup and Abatement Order from the California Regional Water

Control Board (Order No. 870-10, Finding #7).stated that elevated and/or concerned levels of constituents were detected.

For clarification purposes and to reflect the information contained in DTSC's records, DTSC has revised the language in Section IV.1.UNIT WASTE SOURCES AND TYPES as follows:

Before closure, the caustic sludge remaining in the surface impoundment had a pH of 12 to 13. ~~During closure, the initial treatment of the sludge failed leaching tests for zinc and copper.~~ **Soil samples taken in the area of the pond showed slightly elevated levels of lead, cadmium, and barium.** Groundwater investigations from under the pond and impoundment ~~have shown elevated~~ **showed** levels including **of** lead, cadmium, **and** chromium **that exceeded maximum concentration limits (MCL), and elevated levels of** fluoride, and nitrates.

Comment 9:

Comment 9. Page 11, Unit-Specific Special Conditions. Generally, the existing Permit references the Lahountan[sic] Regional Water Quality Control Board Cleanup and Abatement Order #6-94-70 ("CAO"), which is still applicable to the Facility. See existing Permit, Section III, l(a), The CAO is not included within the DTSC-approved Application incorporated by reference at Section III, #1 of this draft Permit. DAS requests that the reference be included.

DTSC Response to Comment 9:

Section III.1(a) of the previous permit serves a different purpose than Section III.1 of the Post-Closure Permit. Section III.1(a) of the previous permit addresses the required groundwater monitoring programs. The purpose of Section III.1 of the Post-closure Permit is to incorporate the Permit Application Documents by reference into the Post-closure Permit.

The Post-closure Permit has not been revised as suggested by the commenter.

Comment 10:

Comment 10: Page 11, Unit-Specific Special Conditions, (a). Insert "on the Unit" following "vegetation" in the second line. DAS continues to regularly maintain the Unit. Due to climatic conditions beyond its control, maintaining actual greening vegetation at all times in the vegetative layer is not possible. The selection of "panoche" red brome as the vegetative cover was because of its ability to reseed itself with less precipitation than native grasses, provide growth in wet years, lie dormant in dry years, and retain its root structure. Multiple dry years have resulted in some loss of a visible vegetative cover, but a resurvey of the cap proves that the contours of the cap are essentially unchanged from the original contours. Given the difficulty in demonstrating 65% vegetative cover with a dormant grass DAS recommends that the sentence stating "The vegetation shall cover at least 65% of the

vegetative layer" be changed to "The vegetation shall be present within at least 65% of the vegetative layer cover."

DTSC Response to Comment 10:

The additional phrase "on the Unit" has been added to section IV.1.(a), which now reads as follows:

- (a) Within 30 days of the effective date of this Permit, the Permittee shall seed and maintain appropriate vegetation **on the Unit** (e.g., panoche red brome) in the vegetative layer to provide erosion control. The vegetation shall cover at least 65% of the vegetative layer.

DTSC is not clear on the reason for changing the sentence, "The vegetation shall cover at least 65% of the vegetative layer" to the suggested sentence, "The vegetation shall be present within at least 65% of the vegetative layer cover". The requirement of the 65% cover is taken from the Permit Application, Appendix 2, Closure/Post-Closure Plan:

4.2.3 Erosion Control and Maintenance of Cover and Vegetation

... Inspections will be conducted to ensure that a 65% grass cover is maintained. If less desirable native species appear or weak areas in the cover develop, the effected slopes will be regraded and the vegetation will be replanted. ...

This language is also consistent with the Application's Inspection Schedule & Plan as described in the Closure/Post-Closure Plan. This sentence was not changed.

Comment 11:

Comment 11: Page 11, Unit-Specific Special Conditions, (b). DAS transmitted all necessary documentation to DTSC in April 2004, evidencing the information required to change the Unit from evaluation monitoring to detection monitoring and has not received a response to that information. DAS recommends that this section be changed to reflect that it shall comply with detection monitoring requirements for the Unit.

DTSC Response to Comment 11:

As required, Ducommun submitted a Sampling and Analysis Plan as part of the Post-Closure Permit Application. Ducommun submitted such a plan in Appendix 5 of the Application titled "Closed Surface Impoundment Water Quality Sampling and Analysis Plan" dated March 2009 (WQSAP). This DTSC-Approved WQSAP describes an Evaluation Monitoring Program for the Unit. DTSC further reviewed the records and did not find any reason or determination to change the monitoring program from evaluation monitoring to detection monitoring. Therefore, Section IV.1(b) has not been changed as suggested by the commenter.

Comment 12:

Comment 12: Page 12, Unit-Specific Special Conditions, (d)(6). Please see comment above concerning post-closure care period.

DTSC Response to Comment 12:

Please see DTSC Response to Comments 5a through 5k concerning the post-closure care period.

Comment 13:

Comment 13: Page 13, Land Use Covenant. DAS has already effectively complied with this provision as part of the requirements set forth in its existing Permit. See existing Permit, Section II, #4, Notice in Deed to Property. The Facility has recorded a document identifying in perpetuity the use of the land to manage hazardous waste. Additional redundant requirements for a land use covenant do not appear warranted even if they are authorized under different code sections.

DTSC Response to Comment 13:

Effective April 19, 2003, Section 67391.1 was added to Division 4.5 of Title 22 of the California Code of Regulations. Pursuant to Section 67391.1, a land use covenant imposing appropriate limitations on land use must be executed and recorded upon DTSC's decision regarding closure, post closure, or corrective action at the facility if hazardous waste remains at the facility at levels not suitable for unrestricted land use; and DTSC shall not make a decision approving facility closure, post-closure or final corrective action remedy unless such a land use covenant is in place. The requirements of Section 67391.1 are in addition to the deed notice requirements of Section 66264.119. Ducommun must comply with both regulatory requirements.

DTSC has not changed the language in Section V.1.LAND USE COVENANT of the Permit.

Pomeroy Comment 14:

Comment 14: Page 14, Corrective Action, #1, line 4. Insert "or constituents" following "waste".

DTSC Response to Comment 14:

The phrase "or constituents" was added as requested by the commenter. In addition, the language of this section was clarified to be consistent with California Health and Safety Code sections 25187(b) and 25200.10(b). The paragraph in Section VI.1 now reads:

1. The Permittee shall conduct corrective action at the Facility pursuant to Health and Safety Code sections 25187 and 25200.10 to address any release of hazardous waste or ~~hazardous~~ constituents from any solid or

hazardous waste management unit at the Facility regardless of when the waste or constituent was released at the Facility.

Comment 15:

Comment 15: Page 14, Corrective Action, #2. Titanium is not a hazardous constituent, nor are the inorganic compounds fluoride, calcium, nitrite, nitrate and sulfate hazardous. Please consider changing the beginning of the section from "The hazardous waste and/or hazardous constituents" to "Constituents and/or hazardous waste."

Please also note that there is no such thing as "22 metals." If the reference is supposed to be "Title 22 metals," it, along with the reference to "volatile organic compounds (VOCs)," is ambiguous and over-inclusive. Specific constituents including tetrachloroethylene ("PCE") and trichloroethylene ("TCE") should be identified. From the constituents listed, there is no record of the presence of mercury, cyanide, petroleum hydrocarbons or phenols at the Facility and they should be deleted from the section.

DTSC Response to Comment 15:

Ducommun is currently conducting a RCRA Facility Investigation (RFI) at the Facility, although Ducommun has not developed a RFI Work Plan for DTSC's review. Section VI.5(b)(1) of the Permit requires the Permittee to develop a RFI Work Plan for DTSC approval. The purpose of the RFI is to determine the nature and extent of releases of hazardous waste or constituents from regulated units, solid waste management units, and other source areas at the Facility and to gather all necessary data to support the Corrective Measures Study. As part of a RFI Work Plan, the Permittee is to develop a list of constituents that have or may have been released from the Facility into the environment. This list of constituents (sometimes referred to as the Constituents of Concern) is used with the RFI Work Plan to conduct the investigation.

Since the Permittee has not developed a list of constituents for the purpose of preparing the RFI Work Plan, Section VI.2 of the Permit now reads as follows:

- ~~2. The hazardous waste and/or hazardous constituents at the Facility are volatile organic compounds (VOCs), 22 metals, hexavalent chromium, mercury, titanium, inorganic compounds including fluoride, cyanide, calcium, nitrite, nitrate, sulfate, acids and caustics, petroleum hydrocarbons and phenols.~~

- 2. Hazardous waste or constituents found at the Facility include volatile organic compounds (VOCs) and metals. Additional hazardous waste and/or constituents may be identified at the Facility as part of the on-going investigation.**

An additional subsection has been added after subsection VI.5(b)(1) to emphasize that a list of constituents needs to be developed as part of the RFI Work Plan.

5. (b) RCRA FACILITY INVESTIGATION (RFI)

- (1) Within 90 days of the effective date of this Permit or as otherwise specified by DTSC, the Permittee shall submit to DTSC a Current Conditions Report and a Workplan for RCRA Facility Investigation (RFI Workplan). To the extent applicable, the RFI Workplan must detail the methodology to: (A) gather data needed to make decisions on interim measures/stabilization during the early phases of the RCRA Facility Investigation; (B) identify and characterize all sources of contamination; (C) define the nature, degree and extent of contamination; (D) define the rate of movement and direction of contamination flow; (E) characterize the potential pathways of contaminant migration; (F) identify actual or potential human and/or ecological receptors; and (G) support development of alternatives from which a corrective measure will be selected by OTSC. A specific schedule for implementation of all activities shall be included in the RFI Workplan.

(A) The RFI Work Plan shall include a list of constituents to be used as part of the RFI. This list of constituents shall be used during the RFI Investigation.

Comment 16:

Comment 16: Page 14, Corrective Action, #3. The specific constituents PCE and TCE should be identified rather than VOCs. Delete the term "hazardous waste" since the better term is "hazardous substance" or "hazardous constituent."

DTSC Response to Comment 16:

Pursuant to California Health and Safety Code sections 25187(b) and 25200.10(b) DTSC may require corrective action whenever DTSC determines that there is or has been a "release of hazardous waste or constituents" into the environment from a hazardous waste facility. Section VI.3 has been revised as follows to be consistent with the statutory language:

3. Previous investigation at the Facility has confirmed ~~hazardous waste releases~~ **the release of hazardous waste or constituents** into soil and groundwater and that a significant source of volatile organic compounds (VOCs) is located within or immediately adjacent to the Main Plant Building. The investigation conducted between 1994 and 2004 resulted in the implementation of groundwater hydraulic control activities to control the migration of VOCs and the hexavalent chromium-contaminated groundwater in the northeastern portion of the Facility in 2004. Further investigation since that time has shown that the hazardous waste or

~~hazardous~~ constituents from the Facility have migrated beyond the Facility to adjacent properties. ...

The chemicals PCE (perchloroethylene, or tetrachloroethylene) and TCE (trichloroethylene) have been detected in the groundwater beneath the Ducommun property. Other volatile organic compounds (VOCs) may also be present and/or may be created as the larger VOC molecules degrade. DTSC is keeping the term "VOCs" in this paragraph. A portion of Section VI.3 now reads:

... The investigation conducted between 1994 and 2004 resulted in the implementation of groundwater hydraulic control activities to control the migration of VOCs **(including tetrachloroethylene (PCE) and trichloroethylene (TCE))** and the hexavalent chromium-contaminated groundwater in the northeastern portion of the Facility in 2004. ...

Comment 17:

Comment 17: Page 14, Corrective Action, #4. The newly identified Solid Waste Management Units ("SWMUs") have been re-designated from the existing permit, where they identified as Areas of Concern ("AOCs"). No additional information has been provided to DTSC to cause this change in designation. The locations should remain as AOCs as defined per the existing Permit. See comment below at Page 15, Work To Be Performed, RCRA Facility Investigation. DAS recommends no changes to the previously defined SWMUs.

DTSC Response to Comment 17:

In September 1986, contractors for the United States Environmental Protection Agency prepared a RCRA Facility Assessment (RFA) Report for Aerochem. Fourteen Solid Waste Management Units (SWMUs) were identified in the 1986 RFA Report.

Ducommun's previous post-closure permit contained a list of Solid Waste Management Units in Part VIII, section VIII.4.A. These units were placed under the heading of "Areas of Concern" (AOC). It is unclear why the previous permit referred to these as AOCs and not as SWMUs. Some of these AOCs/SWMUs matched the list in the RFA, while others did not. Some of the AOCs/SWMUs were identified in the previous permit as requiring further action.

A permit applicant is required to include information in the permit application concerning the SWMUs under a corrective action program. Ducommun's permit application included the SWMU information in Table 5 "Summary of Solid Waste Management Units" under the "Tables" tab. Again, some of these units matched with previous lists, while others did not.

DTSC reviewed the existing lists of SWMUs and AOCs and combined them into one SWMU list. Then DTSC removed those SWMUs identified by DTSC in the previous permit as not requiring further action. The result is a list of twelve SWMUs as shown in the draft Permit. The list of SWMUs in the Permit shall remain unchanged.

Comment 18:

Comment 18: Page 15, Work To Be Performed, Interim Measures (2). A determination whether augmenting and increasing monitoring of the existing groundwater system should not be a requirement of this draft Permit. Insert the term "as applicable" following "system."

DTSC Response to Comment 18:

DTSC and Ducommun are currently developing an Interim Measures Work Plan. This Work Plan has not yet been finalized. DTSC has deleted subparagraph VI.5.(a).(2) from the Permit.

5. (a) INTERIM MEASURES (IM)

- (1) The Permittee shall conduct interim measures (IMs) at the Facility to control or abate immediate threats to human health or the environment, or to prevent or minimize the spread of contamination while long-term corrective measures are being evaluated. If and when IMs are proposed by the Permittee or required by DTSC, the Permittee shall submit an IM Workplan to DTSC for approval. The IM Workplan shall describe how the IM will be implemented, operated and maintained. The Permittee shall conduct IMs in accordance with a DTSC-approved IM Workplan and schedule. The Permittee shall continue to evaluate the available data and assess the need for additional IMs or revisions to existing IMs.
- (2) ~~The Permittee shall conduct the groundwater extraction activities to achieve hydraulic control of a contamination plume, reduce the source of contamination through soil vapor extraction, and to augment and increase monitoring of the existing groundwater system and provide drinking water to nearby residents, in accordance with a DTSC-approved IM Workplan and schedule.~~

Comment 19:

Comment 19: Page 15, Work To Be Performed, RCRA Facility Investigation. DAS performed several RFIs pursuant to the existing Permit. As set forth in the existing Permit, "DTSC is not requiring any further action on the other AOCs listed in Permit Section VIII.4.A., unless information is uncovered that indicates further action would be required." (emphasis added). Those AOCs listed in the existing Permit not requiring further investigation included several of the SWMUs now being identified in the draft Permit. RFI work completed reveals no further basis to include the AOCs from the existing Permit.

DTSC Response to Comment 19:

Section VIII.7.C of Ducommun's previous permit (referred to as the "existing Permit" by the commenter) requires the Permittee to comply with various requirements of a RCRA Facility Investigation (RFI). Section VIII.4.C.1 of the previous permit requires the Permittee to continue investigation of the groundwater under the RFI. DTSC identified twelve Solid

Waste Management Units (SWMUs) that have not been given a “no further action” status. Ducommun has not completed the RFI required for the Facility. In addition, the investigation on the impacts to groundwater is still ongoing. This Facility remains in the RFI phase of the corrective action process. Please see DTSC Response to Comment 17 for more information concerning the twelve SWMUs.

DTSC has not changed these Permit requirements.

Comment 20:

Comment 20: Page 19, Work To Be Performed, Land Use Covenant. Please refer to the response above concerning the Land use Covenant. This section should be deleted.

DTSC Response to Comment 20:

As stated in DTSC Response to Comment 13, pursuant to Section 67391.1, a land use covenant imposing appropriate limitations on land use must be executed and recorded upon DTSC’s decision regarding closure, post closure, or corrective action at the facility if hazardous waste remains at the facility at levels not suitable for unrestricted land use; and DTSC shall not make a decision approving facility closure, post-closure or final corrective action remedy unless such a land use covenant is in place. A land use covenant may be required as part of the final corrective action remedy for the Facility; and if that is the case, DTSC will determine whether the land use covenant recorded for the purpose of this Permit decision is legally and technically sufficient for the purpose of the corrective action requirements, or whether the land use covenant recorded for this Permit decision needs to be amended as part of the final corrective action remedy.

Section IV.5.(j) of the Permit shall remain unchanged.

Comment 21:

Comment 21: Page 20, Endangerment During Implementation (b), Line 5. Please insert “Part VI of” before “this Permit.”

DTSC Response to Comment 21:

Section VI.6.(b) of the Permit states, “In the event DTSC determines that any activity (whether or not pursued in compliance with this Permit) may pose an imminent or substantial endangerment to the health or safety of people at the facility or in the surrounding area or to the environment, DTSC may order the Permittee to stop further implementation of this permit for such period of time as may be needed to abate the endangerment.”

This requirement is applicable to the entire Permit. Section IV.6.(b) shall remain unchanged.

Comment 22:

Comment 22: Page 21, Record Preservation (a). The term "Proponent," cited twice, should be changed to "Permittee."

DTSC Response to Comment 22:

The term "Proponent" has been changed to "Permittee". Paragraph (a) in Section VI.9.RECORD PRESERVATION now reads as follows:

- (a) The Permittee shall retain, during the implementation of Part VI of this Permit and for a minimum of six years thereafter, all data, reports, and other documents that relate to the implementation of Part VI of this Permit or to hazardous waste management and/or disposal at the Facility. If DTSC requests that some or all of these documents be preserved for a longer period of time, ~~Proponent~~ **Permittee** shall either comply with the request, deliver the documents to DTSC, or permit DTSC to copy the documents at ~~Proponent's~~ **Permittee's** expense prior to destruction.

Comment 23:

Comment 23: Page 22, Sampling, Data And Document Availability. This section is redundant with Page 20, Access for Corrective Action (a). The latter section permits DTSC to inspect all data, reports and other documents. All information requiring access to data, etc. should be compiled and expressed in one section, rather than two.

DTSC Response to Comment 23:

Section VI.7 and Section VI.10 serve different purposes and are not redundant. Section VI.7 "ACCESS FOR CORRECTIVE ACTION" provides physical access to the Facility by DTSC staff for the purpose of implementing Part VI of the Permit. Section VI.10 "SAMPLING DATA AND DOCUMENT AVAILABILITY" requires the Permittee to make data and documents available to DTSC and shall make copies of documents to DTSC.

Sections VI.7 and VI.10 remain unchanged.

Comment 24:

Comment 24: Page 23, #14. The Section needs a heading since it does not refer to reimbursement as explained at Page 23, #13. Since it pertains to additional action, the heading "Additional Action" is suggested.

DTSC Response to Comment 24:

Headers can be used for different reasons, but are not a required format for the permit. Section VI.14 is a stand-alone section, clearly separate from Section VI.13 “REIMBURSEMENT OF DTSC’S COST”. Section VI.14 does not need a header.

COMMENT FROM MICHAEL NEUMEYOR

DTSC received a comment from Mr. Michael Neumeyor on September 14, 2009 via postal mail. His comment is as follows:

Comment 25:

“So far with the new washer, no yellow smoke. ... I’m not going to be able to do anything about your work, please do it right. ... P.S. Jim Cox said I was shooting GUNS at your (plant Aerochem) Case # FVI010998. ... Send me drinking water.”

DTSC Response to Comment 25:

Mr. Neumeyor’s comments do not directly affect the Post-Closure Permit, the closed regulated unit, or the issuance of the Post-Closure Permit. In terms of drinking water, it is being provided to those who are impacted or potentially impacted by the release of hazardous waste or constituents at the Facility. As DTSC understands, Mr. Neumeyor’s property is beyond and upgradient from the known source of the release of hazardous waste or constituents.

COMMENT FROM RONI BECKER

Ms. Roni Becker hand-delivered a written comment to DTSC during the public meeting held on October 15, 2009 at the El Mirage Community Center . Her comment is as follows:

Comment 26:

“I am concerned about the contaminants[sic] in the water that continue to move North East toward my house and others. ... A friend’s husband that worked at the plant in the 60’s said he poured chemicals down the drain.”

DTSC Response to Comment 26:

Groundwater monitoring is part of the environmental monitoring requirements of the Permit. Based upon map measurements, it appears that Ms. Becker’s residence is located approximately 1.28 miles east /northeast of the Facility. Based on the current and historic groundwater investigation and monitoring activities conducted under DTSC oversight, there does not appear to be evidence that contaminated groundwater has migrated to reach Ms. Becker’s property. DTSC will continue to oversee the groundwater investigation and monitoring activities and take any action deemed necessary to protect human health and the environment.

ADMINISTRATIVE CHANGES:

The signature block for the Permit was updated to reflect the current signature authority.

~~Peter Bailey, P.G.~~ **Farshad Vakili, P.E.**, Team Leader,
Permit Renewal Team **Treatment and Storage Team**
Department of Toxic Substances Control

Text in the cover page was changed. For clarification, the type of permit was added to the first paragraph. To avoid inconsistency, the reference to the Part B was removed from the second paragraph; reference to the Part B and other documents are made in Attachment A, Part III, Section 1.

Pursuant to California Health and Safety Code section 25200, this Resource Conservation and Recovery Act (RCRA)-equivalent Hazardous Waste **Post-Closure** Facility Permit is hereby issued to: Ducommun AeroStructures, Inc.

The Issuance of this Permit is subject to the terms and conditions set forth in Attachment A ~~and the Part "B" Application dated February 9, 2009~~. The Attachment A consists of 27 pages, including Figure 1, Figure 2, and Figure 3.

For consistency with other permit, Part III Section 1 has been rearranged as shown below (NOTE: these changes include the change made in response to Comment 1.):

PART III. GENERAL CONDITIONS

1. **PERMIT APPLICATION DOCUMENTS:**

~~The DTSC-approved Application dated February 9, 2009 (Approved Application) is hereby made a part of this Permit by reference. The Approved Application includes the following documents:~~

~~"Ducommun AeroStructures -- Post-Closure Permit Application", dated February 9, 2009.~~

~~Revised Appendix 5: "Ducommun AeroStructures -- March 2009, Surface Impoundment Post-Closure, Water Quality Sampling and Analysis Plan, Appendix 5", dated March 2009, submitted May 22, 2009.~~

~~Revised pages dated February 15, 2010 clarifying the name of the Facility, Operator and Owner from "Ducommun AeroStructures" to "Ducommun AeroStructures, Inc."~~

The Post Closure Permit Application submitted by Ducommun AeroStructures, Inc, dated February 9, 2009; the revised Appendix 5 of

the Permit Application, dated March 2009; and the revised pages of the Permit Application dated February 15, 2010 clarifying the name of the Facility, Operator and Owner, from “Ducommun AeroStructures” to “Ducommun AeroStructures, Inc.” are hereinafter referred to as the “Permit Application” and are hereby made a part of this Permit by reference.

For consistency with other permits, the name of the post-closure permit was changed from “Hazardous Waste Facility Post-Closure Permit” to “Hazardous Waste Post-Closure Facility Permit”. This change occurred in the front cover of the permit, the heading for the Table of Contents, and the page header.

The page numbers in the Table of Contents were adjusted accordingly.

DTSC discovered a sentence break in the last sentence on page 3 which inadvertently split the sentence. This was corrected.

The permit was finalized, format adjusted, all references to DRAFT were removed, and the appropriate dates were inputted.