



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

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

Edmund G. Brown Jr.
Governor

November 2, 2018

Mr. Ian Hassell
EHS Manager
Arena Pharmaceuticals
6154 Nancy Ridge Drive
San Diego, CA 92121

EMERGENCY PERMIT FOR TREATMENT OF HAZARDOUS WASTE, Arena Pharmaceuticals, San Diego County, EPA ID: CAR000238857

Arena Pharmaceuticals has requested an emergency permit from the Department of Toxic Substances Control (DTSC) to allow Clean Harbor Environmental Services (CHES) to treat hazardous waste by controlled reaction with a chemical solution. The hazardous waste to be treated consists of the following items:

Description	Quantity of Containers	Hazard Designation	Container Size
2,2 Azobisisobutyronitrile	6	Shock-Sensitive	5x100g, 1x5lbs
1-Methyl-3-Nitro-Nitrosoguanidine	1	Shock-Sensitive	1x10g

The chemicals are expired and currently being stored at Arena Pharmaceuticals located at 6138 Nancy Ridge Drive, San Diego, CA 92121. It has been determined that the chemicals may be unstable and should be chemically stabilized as a safety precaution prior to transportation off site by CHES. The treatment of the hazardous waste involves the controlled addition of a solution to the container to reduce the reactive or ignitable characteristics of the chemical.

Once the chemicals are treated, they will be transported offsite to a hazardous waste facility. CHES personnel are tentatively scheduled to arrive at the facility between November 5, 2018 and January 4, 2019 to conduct the treatment operation, in an exclusion zone set up and maintained at the location outside the building (see Section 7.0 of the Permit Application).

Based on the authority in Title 22, California Code of Regulations (22 CCR), Division 4.5, Section 66270.61, DTSC finds there to be imminent and substantial endangerment to human health and the environment, and by way of this letter, issues this emergency permit to Arena Pharmaceuticals. The emergency permit is a temporary measure, which allows Arena Pharmaceuticals to have CHES personnel treat the chemicals so they can be safely transported offsite for proper management.

This permit is not transferable to any other party and may not be used in any other capacity or for any other activity. This permit may be revoked by DTSC at any time without process if it is determined that termination is appropriate to protect human health and the environment.

The emergency permit is effective beginning November 5, 2018 and shall expire on January 4, 2019. The treatment activities will be conducted by qualified Reactive Materials Technicians from CHES.

The following requirements are specific conditions of this permit. Failure to comply with any of the following conditions may cause an immediate revocation of this permit pursuant to 22 CCR, section 66270.61(b)(4), and could subject Arena Pharmaceuticals to enforcement action.

1. The treatment of the items mentioned above must be conducted by qualified personnel from CHES and shall take place within the designated exclusion zone as illustrated in the workplan submitted to DTSC by CHES on October 22, 2018. Only CHES Reactive Material Technicians with proper health and safety equipment and attire shall be allowed in the 50' area during the treatment and during the movement of the items from the storage location to the exclusion zone.
2. Arena Pharmaceuticals must have a predetermined route from the storage location to the exclusion zone that allows for unobstructed movement for CHES Reactive Material Technicians. Building Management and occupants must be notified of the treatment activity and any occupants must be moved as needed to meet the requirements of permit condition #1.
3. All items to be treated must be appropriately labeled and marked before CHES personnel arrive to the facility.
4. Arena Pharmaceuticals must notify the Certified Unified Public Agency (CUPA) and local Fire Department that this emergency permit has been issued by DTSC by the effective date.
5. In the event that Arena Pharmaceuticals identifies any releases of hazardous waste, Arena Pharmaceuticals must notify DTSC's Permitting Division orally within 24 hours of discovery.
6. The area must be inspected after treatment to ensure that there is no release of hazardous waste from the area. Any untreated waste must be immediately retreated or removed.
7. Arena Pharmaceuticals must allow inspection of records and of the facility by any duly-authorized representative of DTSC, in order to carry out the requirements of Chapter 6.5, Division 20 of the California Health and Safety Code.
8. Only the items listed in the table above may be treated. Additional quantity or type of hazardous waste may be treated if they follow the same treatment procedures listed in the October 22, 2018 workplan submitted to DTSC by CHES. Arena Pharmaceuticals must notify and request authorization from DTSC for any additional items that are discovered and that require a treatment process not described in the workplan.
9. The issuance of this Permit by DTSC does not release Arena Pharmaceuticals from any liability or duty imposed by federal or state statutes or regulations, or local ordinances. Arena Pharmaceuticals must obtain permits required by other

- governmental agencies, including but not limited to, the applicable land use planning, zoning, air quality, and water quality laws for the treatment operations.
10. Within 10 business days following the expiration of this permit or the execution of the treatment operation in whichever is shorter, Arena Pharmaceuticals must submit a report signed, in accordance with Title 22 CCR, section 66270.11(d) to DTSC and the overseeing Certified Unified Program Agency (CUPA). The report must contain following certification statement, "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The report must state whether the treatment area has been cleared of all residual hazardous waste generated from this emergency treatment, and if all waste has been properly managed. The report must also contain a list of all the hazardous waste that was treated by CHES and a description of any deviations from the established guidelines of this emergency permit, or information submitted to DTSC.

This emergency permit is effective beginning November 5, 2018 and shall expire on January 4, 2019.

If you have any questions, please contact me at (916) 255-6668 or Vinke.Menardo@dtsc.ca.gov

Sincerely,



Vinke Menardo
Hazardous Substance Engineer
Permitting Division
Hazardous Waste Management Program

cc: See next page

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November 2, 2018
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cc: Alfredo Rios
Environmental Program Manager I (Sup)
Cypress Enforcement Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732
Alfredo.Rios@dtsc.ca.gov

Diana Peebler
Sr. Environmental Scientist (Sup)
Berkeley Enforcement & State Oversight Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721
Diana.Peebler@dtsc.ca.gov