RESPONSE TO COMMENTS RECEIVED CONCERNING THE SUPPLEMENTAL EIR PREPARED FOR THE HAZARDOUS WASTE FACILITY PERMIT FOR THE KETTLEMAN HILLS FACILITY ISSUED BY THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES

1. Response to letter dated August 3, 1987, from Mr. Joe A. Zorn to Dr. James T. Allen, DHS, "Preliminary Comments of Chemical Waste Management, Inc. Regarding Omissions in Draft RCRA Part B Permit Issued to Kettleman Hills Facility".

Comments:

The draft permits do not authorize certain waste management units critical to the continued operation of the Kettleman Hills facility. These units are land disposal units B-17 and B-18, surface impoundments P-21 through P-29, and the PCB Flushing and Storage Unit.

Construction of the proposed units is necessary to provide capacity to replace existing units scheduled for closure or replacement. In particular, existing units P-15 and P-20 are required by the provision of the draft Part B permit to be closed or retrofitted by November 8, 1988.

The environmental impact of the proposed units was also discussed in the Supplemental Environmental Impact Report, dated June 15, 1987, prepared by DOHS in connection with the issuance of the Part B permit. Extensive Part B review and professional judgement of DOHS staff determined no significance would result from the proposed facility modification.

Reply:

CWM has commented that additional units are needed in order to complete the retrofitting of P-15 and P-20 in order to meet the Hazardous and Solid Waste Amendments’ deadline of November 8, 1988, referenced in the permit, and to allow continued operation of the Kettleman Hills Facility.

The proposed units were not included in the draft permit or Supplemental EIR because detailed construction plans and specifications were not provided for these units. In addition, the hydrogeologic characterization in the area of some of the proposed units is inadequate and wells monitoring groundwater contamination are within the footprint of proposed landfill B-17. The
Department believes permit modification is an appropriate mechanism for approving the construction of new units during the term of the permit.

The Conditional Use Permit and Administrative Approval issued by Kings County (see text from commenter # 2) did not include the B-17 and B-18 expansions or the relocation of P-24 through P-29. For consistency with, and to avoid encroachment upon, local land use decisions, these units are not included in the DHS permit at this time. The PCB Flushing and Storage Unit is included in the DHS permit.

The capacity for continued operation of the Kettleman Hills Facility is not threatened by the limitations in the permit. Landfill B-19 provides sufficient capacity until such time as the permit could readily be modified to include B-17 and B-18. Surface impoundment capacity will be reduced between the time P-15 and P-20 are removed from service and units P-21, P-22, and P-23 could be constructed, following permit modification to include these units. The future of surface impoundments at the facility is first dependent upon a favorable decision by the Regional Board concerning the applicability of the Toxic Pits Cleanup Act.

The June 15, 1987, document describing the proposed units is part of the Notice of Preparation sent out to gather comments on CWM’s proposals in the Part B application. The actual draft Supplemental EIR, dated July 22, 1987, specifically states (pg. 1, paragraph 2) that "the surface impoundments and two of the three landfill units will not be included as part of the current permit". The reasons for the deletion of these units from the draft permit are explained in paragraph two of this response. Changes subsequent to the public notice of the draft permit are legally subject to renotice.


Comment:

In February 1986 the Kings County Board of Supervisors approved Conditional Use Permit (CUP) No. 1412, with conditions, for an expansion of the Kettleman Hills Facility. In prelude to that approval the Board certified an EIR as being adequate (SCH #S309050). That EIR was prepared by CH2M Hill, Inc., under a contract with Kings County. Subsequently, CWM submitted a zoning application (Administrative Approval No. 2182) to modify the approved site plan for the facility. The Kings County Zoning Administrator approved the modified site plan after recertifying the EIR, with certain conditions and changes.
The Zoning Administrator did not approve the following parts of
the application:

1. The expansion of B-17 and B-18 landfills.

2. The location of P-24 through P-24 in the "Northeast 108
   Acre Area".

These two items are considered an expansion of the previously
approved CUP by the Board of Supervisors and will require an
amendment to the CUP before either can be approved. All other
modifications have been found to be minor relocations of facilities for operational improvements or reduction in pond capacity and area.

Reply:

The issued DHS permit is consistent with the CUP and AA decisions.

3. Response to "Letter from the Central Valley Regional Water
   Quality Control Board on the Draft Supplemental Environmental
   Impact Report for Chemical Waste Management, Inc., Kettleman

Comments:

(In summary, the RWQCB detailed several specific informational
items pertinent to the board's interests and statutory responsibili-
ties.)

Reply:

Comments noted; all of this information has been provided to the
RWQCB to their satisfaction.

4. Response to "Chemical Waste Managements, Inc.'s Comments on
   the EPA/DHS Draft Part B Permits Noticed on 22 July 1987 and

Comments:

The permit condition omits three proposed landfills which were
included in the Part B Application (note: CWM's comment refers to
landfill units B-17, B-18, and B-19 Phase III). To maintain
regulatory conformance with the local land use approval granted
CWM under the terms of the extant CUP, CWM proposed initially to
construct Landfills B-17 and B-18 in accordance with the smaller
footprints and capacities described in the CUP's supporting EIR.
Thus, inclusion of these units in the Part B permit will not
conflict with CWM's existing local use permits.
Reply:

Landfill B-19 Phase III is included in the final permit. Limiting the footprints and capacities of B-17 and B-18 to those less than or equal to those described in the CUP's supporting EIR would eliminate any conflict with existing local use permits and make the environmental assessment in the original EIR adequate to cover these units. At present, however, B-17 and B-18 can not be included in the final permit because of the legal requirements for public notice of these units in the permit and Supplemental EIR.

Comments:

Although the locations of the proposed surface impoundments were revised in the 1986 Master Plan, as described in the Part B Application and pending Supplemental EIR, the storage and treatment capacity was not increased (note: CWM is referring to the capacity of surface impoundments P-21, P-22, and P-23). No basis has been provided by EPA or DHS for not including these units as requested in the permit application and nothing in the notices provided by EPA and DHS indicated that the permit application was incomplete.

Reply:

The proposed surface impoundments were not included in the permit or supplemental EIR because detailed construction plans and specifications were not provided with the application. Also, at the time the draft permit and supplemental EIR were prepared it was believed that application of the Toxic Pits Cleanup Act to the facility would result in closure of all surface impoundments. The Regional Board has at this time not made a determination concerning the Toxic Pits Cleanup Act. Although CWM has submitted preliminary construction drawings for P-21, P-22, and P-23, these units can not be included in the final permit because of the legal requirements for public notice of these units in the permit and Supplemental EIR. The Department suggests that CWM apply for a permit modification to include the proposed landfills and surface impoundments.