



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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



**Edmund G. Brown Jr.**  
Governor

April 15, 2019

Mr. Jack Salazar  
EHS Division Director  
Lawrence Berkeley National Laboratory  
1 Cyclotron Road, MS 85R203  
Berkeley, California 94720

**EMERGENCY PERMIT FOR TREATMENT OF HAZARDOUS WASTE, LAWRENCE BERKELEY NATIONAL LABORATORY BUILDINGS 85, 67, 30, AND 62, ALAMEDA COUNTY, EPA ID: CA4890008986**

Lawrence Berkeley National Laboratory 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	Hazard Designation	Container Size
Tetrahydrofuran	5	Peroxide Forming Material	5x250 mL
Ethyl Ether	4	Peroxide Forming Material	4x1 L
1-H Benzotriazole	1	Shock Sensitive Compounds	1x100 grams
1-Hydroxybenzotriazole	3	Shock Sensitive Compounds	3x100 grams
Sodium Amide	1	Peroxide Forming Material	1x10 grams
2,4 Dinitrophenol	2	Shock Sensitive Compounds	2x100 grams
2,4 Dinitrophenylhydrazine	2	Shock Sensitive Compounds	2x100 grams
Diphenylphosphoryl Azide	1	Shock Sensitive Compounds	1x100 grams
Borane THF Complex	4	Temp Sensitive Compound	4x100ml
MEK Peroxide	1	Shock Sensitive Compounds	1x250ml

Potassium	3	Peroxide Forming Material	2x100 grams, 1x25 grams
1H Tetrazole	1	Shock Sensitive Compounds	1x25ml
Sodium Azide	2	Shock Sensitive Compounds	2x100 grams
Styrene	2	Peroxide / Polymerization Material	2x250 mL
Methyl Methacrylate	1	Peroxide / Polymerization Material	1x1 Liter
Cyclohexadiene	1	Peroxide / Polymerization Material	1x250ml
Isobutyl Vinyl Ether	1	Peroxide / Polymerization Material	1x100ml
2-Vinyl Pyridine	2	Peroxide Former Material	2x100ml
Benzoyl Peroxide	2	Shock / Temperature Sensitive Compounds	2x250 grams
2,2 Azobisisobutyronitrile	2	Shock / Temperature Sensitive Compounds	2x100 grams
Diazald	3	Shock / Temperature Sensitive Compounds	3x50 grams
Diethyl Azidocarboxylate	1	Shock Sensitive Compounds	1x50 grams
3-Chloroperoxybenzoic Acid	1	Shock / Temperature Sensitive Compounds	1x100 grams
1-Hydroxy-7-azabenzotriazole	4	Shock Sensitive Compounds	4x25 grams
Nitrocellulose	1	Shock Sensitive Compounds	1x100 grams
Picramic Acid	1	Shock Sensitive Compounds	1x50 grams

The chemicals are expired and currently being stored at Lawrence Berkeley National Laboratory Buildings 85, 67, 30, and 62 located at 1 Cyclotron Road, Berkeley, CA 94720. It has been determined that these 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 April 26, 2019 and July 24, 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 Lawrence Berkeley National Laboratory. The emergency permit is a temporary measure, which allows Lawrence Berkeley National Laboratory 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 April 26, 2019 and shall expire on July 24, 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 Lawrence Berkeley National Laboratory 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 April 5, 2019. Only CHES Reactive Material Technicians with proper health and safety equipment and attire shall be allowed in the 50' radius area during the treatment and during the movement of the items from the storage location to the exclusion zone.
2. Lawrence Berkeley National Laboratory 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. Lawrence Berkeley National Laboratory 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 Lawrence Berkeley National Laboratory identifies any releases of hazardous waste, Lawrence Berkeley National Laboratory 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. Lawrence Berkeley National Laboratory 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 April 5, 2019 workplan submitted to DTSC by CHES. Lawrence Berkeley National Laboratory 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 Lawrence Berkeley National Laboratory from any liability or duty imposed by federal or state statutes or regulations, or local ordinances. Lawrence Berkeley National Laboratory 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, Lawrence Berkeley National Laboratory 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.

Mr. Jack Salazar  
April 15, 2019  
Page 5 of 5

This emergency permit is effective beginning April 26, 2019 and shall expire on July 24, 2019.

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

Sincerely,



Vinke Menardo  
Hazardous Substance Engineer  
Permitting Division  
Hazardous Waste Management Program

cc: Maria Soria  
Environmental Program Manager I (Sup)  
Berkeley Enforcement and State Oversight Branch  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710  
[Maria.Soria@dtsc.ca.gov](mailto:Maria.Soria@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  
Berkeley, California 94710  
[Diana.Peebler@dtsc.ca.gov](mailto:Diana.Peebler@dtsc.ca.gov)