

# COMMUNITY UPDATE

*DTSC's Mission is to protect California's people, communities, and environment from toxic substances, to enhance economic vitality by restoring contaminated land, and to compel manufacturers to make safer consumer products.*

## **Tentative Denial of Variance for Clean Harbors Buttonwillow Public Comment Period - December 9, 2021 to January 24, 2022 2500 Lokern Road, Buttonwillow, California 93206**

The Department of Toxic Substances Control (DTSC) invites you to review and comment on a tentative decision to deny a Variance Request for Clean Harbors Buttonwillow (CHB). Hazardous waste operations at CHB are storage, treatment, and disposal of hazardous waste into hazardous waste landfills. On June 11, 2021, CHB submitted a Variance Request to DTSC to authorize leaving improperly treated hazardous wastes in the hazardous waste landfill. The Variance Request, if denied, will require CHB to dig up the illegally disposed hazardous waste and stabilize it before disposing again.



**CHB Operation:** CHB operates under a hazardous waste facility permit issued by DTSC on April 6, 1996. The permit, due to expire April 6, 2006, is administratively continued pursuant to California Code of Regulations, title 22, section 66270.51. That permit remains in effect while DTSC reviews CHB's permit renewal application.

CHB has a drum handling and storage unit, two dirty water tanks, a truck wash station, two permitted post-closure landfills, an active stabilization treatment unit, and two active hazardous waste landfills. CHB has applied to add another container storage area and four tank treatment buildings.

**Why a Variance was proposed:** On July 16, 2020, Alco Iron & Metals notified CHB that five shipments of hazardous wastes, totaling approximately 3,250 pounds, were sent to CHB with incorrect hazardous waste manifest information. The RCRA waste, which requires treatment to stabilize high concentrations of lead, was incorrectly identified as a non-RCRA (not federally regulated) waste that could be disposed without treatment. This notice was received after the waste had been disposed of in the landfill. The sections of landfill were identified, and additional wastes are not being placed within the area. Granting the Variance from land disposal treatment standards would allow the illegally disposed wastes to remain in place despite not meeting land disposal restrictions.

**Variance Request:** The Variance outlines safety factors in place to limit the risk of not treating the waste. It also discussed CHB's opinion that the surrounding soil stability, the liner system, and leachate monitoring systems will stop or detect any leaks. If the request is denied, 47,226 cubic yards of hazardous waste on top of and surrounding the mischaracterized waste would be removed. That removal would create a risk of exposure to workers.



**Variance under California Code of Regulations, title 22, section 66268.44(f):**

Pursuant to this regulation DTSC may grant a variance from land disposal treatment standards if one of the following apply:

1. Treating the wastes to the level specified in the treatment standard is not physically possible.
2. It is technically inappropriate to require the wastes to be treated to the level specified in the treatment standards. The facility requesting the variance is responsible for showing that one of these provisions is applicable for DTSC to authorize the variance.

**Denial of Variance:** DTSC is tentatively denying the Variance Request, as the conditions above were not demonstrated. Further, DTSC does not find the risks associated with digging up the waste to treat it properly greater than the risks of leaving the waste in place. DTSC found that exhuming the waste could be done with minimal risks.

**Next Steps:** DTSC will consider all comments before the final decision. A Response to Comments document will be prepared and provided to all individuals who submit public comments and included a mailing address or email address. The Response to Comments will be placed in the Information Repositories listed below. DTSC will notify the applicant of the final decision as well as each person who submitted comments or requested notice of the final decision.

**Public Comment Period**

**Dates: December 9, 2021 to January 24, 2022**

All public comments must be postmarked, e-mailed, or received by **January 24, 2022** to Randy Snapp, Project Manager, Department of Toxic Substances Control, **8800 Cal Center Drive Sacramento, CA 95826**, or E-mail to [Randy.Snapp@dtsc.ca.gov](mailto:Randy.Snapp@dtsc.ca.gov)

DTSC is hosting a Public Meeting and Hearing online and by phone on **January 12th from 6:00 to 8:00pm** to present the tentative decision to deny the Variance request and answer questions.

**Click the link below to join:**

<https://dtsc-ca-gov.zoom.us/j/86565869049?pwd=NFZkZHpEdGZSbUloY2RpY1dvZmVzQT09>

**Audio only dial in:** (669)-900-6833, then enter the **Webinar ID:** 865 6586 9049

**Passcode:**012062

**Para unirse a la junta por teléfono en español solamente llame al: 877-914-6178 e ingrese el código: 4180779**



### Where to Find Project Documents

You may review additional information on the Tentative Denial of Variance at:

[https://www.envirostor.dtsc.ca.gov/public/hwmp\\_profile\\_report.asp?global\\_id=CAD980675276](https://www.envirostor.dtsc.ca.gov/public/hwmp_profile_report.asp?global_id=CAD980675276)

### DTSC Sacramento Regional Office

8800 Cal Center Drive Sacramento, CA 95826, Phone: (916) 255-3758 – call for an appointment  
Monday – Friday: 8:00 a.m. – 5:00 p.m.

#### **Randy Snapp**

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#### **Russ Edmondson**

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## Public Comment Period – December 9, 2021 through January 24, 2022

You can use this form to send in your written public comments on the tentative Denial of Variance. Please address all mailings to Mr. Randy Snapp, DTSC Project Manager, Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, CA 95826. You may also e-mail this same information to: [Randy.Snapp@dtsc.ca.gov](mailto:Randy.Snapp@dtsc.ca.gov).

**Reminder: All public comments must be postmarked or e-mailed on or before January 24, 2022.**

NAME:

AGENCY OR ORGANIZATION (if applicable):

ADDRESS:

TELEPHONE #

\_\_\_\_ Please **add** me to the Clean Harbors Buttonwillow - mailing list.

\_\_\_\_ Please **delete** me from the Clean Harbors Buttonwillow – mailing list.

COMMENTS:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly aged or off-white appearance.