

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Clean Harbors Buttonwillow LLC
2500 Lokern Road
Buttonwillow, CA 93206
EPA ID: CAD980675276

Respondent

Docket No. HWCA-FY23/24-003

NOTICE OF FINAL ORDER

TO: Clean Harbors Buttonwillow LLC,

PLEASE TAKE NOTICE that pursuant to Health and Safety Code section 25187(d), the Enforcement Order issued by the Department of Toxic Substances Control (DTSC) on July 18, 2023, and served upon Ms. Marianna Buoni, become final on August 7, 2023. A true and correct copy of the Enforcement Order is enclosed with this Notice of Final Order. Payment of the \$16,800 penalty assessed by the Enforcement Order was received by DTSC on or about September 8, 2023.

Dated: February 6, 2024

Original signed by Colin Roberts

Colin Roberts
Senior Staff Counsel
Office of Legal Counsel

STATE OF CALIFORNIA
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ENFORCEMENT ORDER FOR
CORRECTIVE ACTION

Health and Safety Code Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (DTSC or Department) issues this Enforcement Order for Corrective Action (Order) to Clean Harbors Buttonwillow, LLC. (Respondent).

1.2. Permitting Status. Respondent is the owner and operator of a hazardous waste management facility located at 2500 Lokern Road, Buttonwillow, CA (Facility). The Facility engages in the management of hazardous waste pursuant to a permit issued by DTSC on April 6, 1996.

1.3. Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code section 25187, which authorizes DTSC to issue an order to require corrective action when DTSC determines that there is or may be a release of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility.

1.4. Definition of Terms. The terms used in this Order are as defined in the California Code of Regulations, title 22, section 66260.10, except as otherwise provided.

1.5. Attachments. All attachments to this Order are incorporated herein by this reference.

FINDINGS OF FACT

2.1. On August 25, 2022, DTSC issued a Statement of Violations (SOV). The SOV identifies one solid waste management unit (SWMU) that either has released or may release hazardous waste or hazardous waste constituents into the environment. The SWMU is Waste Management Unit 35, Cell number 5 (WMU 35-5). The waste originated from Alco Iron & Waste and was mischaracterized before being sent to Clean Harbors San Jose, where it was consolidated with other unrestricted wastes prior to transport to the Facility for disposal. The wastes were disposed in WMU 35-5 without the required treatment to meet land disposal restrictions. Respondent was later advised that the mischaracterized waste exceeded the land disposal restriction for lead concentration and should have been treated prior to land disposal.

2.2. Based on the SOV, DTSC concludes that further investigation is needed to determine the nature and extent of contamination in WMU 35-5

2.3. Hazardous wastes or hazardous waste constituents have migrated or may migrate from the Facility into the environment through the following pathways: Leaching from the SWMU into underlying soil and/or groundwater.

2.4. The hazardous waste and hazardous waste constituents of concern at the Facility is lead.

2.5. The Facility is located approximately 8 miles west of Buttonwillow, California. There are currently 34 groundwater monitoring wells in use.

2.6. Releases from the Facility may migrate toward the Quaternary alluvium and Tulare Formation, groundwater basins that flow in a generally eastern direction. These aquifers are not used domestically.

VIOLATIONS

The Department has determined that:

2.7 The Respondent violated California Health and Safety Code 25179.5(a) and the California Code of Regulations, title 22, sections 66268.40 and 66268.45 in that CHB disposed of hazardous waste that exceeded the treatment standard for lead.

WORK TO BE PERFORMED

3.1 Based on the foregoing FINDINGS OF FACT, IT IS HEREBY ORDERED THAT:

3.2. Respondent shall perform the work required by this Order in a manner consistent with: the attached Scopes of Work; Corrective Measures Workplan, Corrective Measures Implementation Workplan, and any other DTSC-approved Workplans; Health and Safety Code and other applicable state and federal laws and their implementing regulations; and applicable DTSC or U.S. EPA guidance documents. Applicable guidance documents include, but are not limited to, the "RCRA Groundwater Monitoring Technical Enforcement Guidance Document" (OSWER Directive 9950.1, September 1986), "Test Methods for Evaluating Solid Waste" (SW-846), and "Construction Quality Assurance for Hazardous Waste Land Disposal Facilities" (EPA 530/SW-85-031, July 1986).

3.3. Interim Measures (IM).

3.3.1. Respondent shall evaluate available data and assess the need for interim measures in addition to those specifically required by this Order. Interim measures shall be used whenever possible to control or abate immediate threats to human health and/or

the environment, and to prevent and/or minimize the spread of contaminants while long-term corrective action alternatives are being evaluated.

3.3.2. Respondent shall submit a Current Conditions Report to DTSC in accordance with Attachment 1 of this Order. The Current Conditions Report shall contain an assessment of interim measures. The assessment must include both previously implemented interim measures and other interim measures that could be implemented at the Facility. The assessment must also identify any additional data needed for making decisions on interim measures. DTSC will review the Respondent's assessment and determine which interim measures, if any, Respondent will implement at the Facility. If deemed appropriate by DTSC, such determination may be deferred until additional data are collected.

3.3.3. In the event Respondent identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, Respondent shall notify the DTSC Project Coordinator orally within 48 hours of discovery and notify DTSC in writing within 10 days of discovery summarizing the findings, including the immediacy and magnitude of the potential threat to human health and/or the environment. Within 30 days of receiving DTSC's written request, Respondent shall submit to DTSC an IM Workplan for approval. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as

Attachment 2. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize the Respondent to act prior to DTSC's receipt of the IM Workplan.

3.3.4. If DTSC identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, DTSC will notify Respondent in writing. Within 30 days of receiving DTSC's written notification, Respondent shall submit to DTSC for approval an IM Workplan that identifies Interim Measures that will mitigate the threat. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment 2. If DTSC determines that immediate action is required, the DTSC Project Coordinator may orally authorize Respondent to act prior to receipt of the IM Workplan.

3.3.5. All IM Workplans shall ensure that the Interim Measures are designed to mitigate current or potential threats to human health and/or the environment, and should, to the extent practicable, be consistent with the objectives of, and contribute to the performance of, any remedy which may be required at the Facility.

3.3.6. Concurrent with the submission of an IM Workplan, Respondent shall submit to DTSC a Health and Safety Plan in accordance with the Scope of Work for a Health and Safety Plan, Attachment 3.

3.3.7. Concurrent with the submission of an IM Workplan, Respondent shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 4. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondent to prepare a Public Participation Plan.

3.4. Scoping Meeting and Corrective Measures Proposal

3.4.1. Within 30 days of the effective date of this Enforcement Order, Respondents and DTSC shall have a scoping meeting. During the scoping meeting, Respondents and DTSC will identify to the extent feasible, current site conditions, data gaps, site investigation approach, key decision points, project goals, present and reasonably foreseeable future land use, cleanup standards, applicable guidance documents and other necessary information. DTSC and Respondents will develop a Project Schedule for the implementation of this Enforcement Order. DTSC and Respondent will discuss the requirements of the California Environmental Quality Act (CEQA) and DTSC's public participation process.

3.4.2. Within 60 days of the effective date of this Order, Respondent shall prepare a Corrective Measures Proposal (CMP) for DTSC approval. The CMP shall be based on a proposed remedy that can be shown to:

1. Protect human health and the environment.
2. Attain the media clean-up standards proposed.
3. Control the contamination source.

3.4.2. The CMP shall identify potential remedial alternatives to be considered and the decision process that led to the selected remedy based on:

1. Long-term effectiveness
2. Reduction of toxicity, mobility or volume of contaminants
3. Short-term effectiveness
4. Cost
5. Implementability
6. Community acceptance
7. State acceptance

3.4.3. The CMP shall include the clean-up standard and points of compliance to clearly identify the corrective action objectives for completing the CMP.

3.4.4. The CMP shall include the timeframe for completing the corrective action and the exit strategy.

3.4.5. Concurrent with the submission of a CMP, Respondent shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 4. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Facility, DTSC may require Respondent to prepare a Public Participation Plan.

3.5. Remedy Selection.

3.5.1. DTSC will provide the public with an opportunity to review and comment on the CMP and DTSC's basis for tentative decision on the proposed corrective measures. Depending on the level of community concern, DTSC may conduct a public hearing to obtain comments.

3.5.2. Following the public comment period, DTSC may select the proposed corrective measures or require Respondent to revise the CMP based on the comments received.

3.5.3. DTSC will notify Respondent of the final corrective measures selected by DTSC in the Final Decision and Response to Comments. The notification will include DTSC's reasons for selecting the corrective measures.

3.6. Corrective Measures Implementation (CMI).

3.6.1. Within 60 days of Respondent's receipt of notification of DTSC's selection of the corrective measures, Respondent shall submit to DTSC a Corrective Measures Implementation (CMI) Workplan. The CMI Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment 5.

3.6.2. Concurrent with the submission of a CMI Workplan, Respondent shall submit to DTSC a Health and Safety Plan in accordance with Attachment 3.

3.6.3. The CMI program shall be designed to facilitate the design, construction, operation, maintenance, and monitoring of corrective measures at the Facility. In accordance with the schedule contained in the approved CMI Workplan, Respondent shall submit to DTSC the documents listed below. These documents shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment 5.

- o Operation and Maintenance Plan
- o Draft Plans and Specifications
- o Final Plans and Specifications

- o Construction Workplan
- o Construction Completion Report
- o Corrective Measures Completion Report

3.6.4. DTSC will review all required CMI documents and notify Respondent in writing of DTSC's approval or disapproval.

3.6.5. Respondent shall provide a financial assurance mechanism for corrective action to DTSC within 90 days of DTSC's approval of a corrective measures implementation workplan or a DTSC-approved equivalent. The financial assurance mechanism must consist of one of the options specified in California Code of Regulation section 66264.143. Respondent shall establish the financial assurance mechanism to allow DTSC access to the funds to undertake corrective measures implementation tasks if Respondent is unable or unwilling to undertake the required tasks. If Respondent proposes to use the financial test or corporate guarantee as the financial assurance mechanism for corrective action, Respondent shall also establish a process that allows DTSC access to the funds to undertake corrective measures implementation tasks if DTSC determines that Respondent is unable or unwilling to undertake the required tasks. Any financial assurance mechanism or process proposed by Respondent shall be subject to DTSC's approval.

OTHER REQUIREMENTS AND PROVISIONS

4.1. Project Coordinator. Within 14 days of the effective date of this Order, DTSC and Respondent shall each designate a Project Coordinator and shall notify each other in writing of the Project Coordinator selected. Each Project Coordinator shall be responsible for overseeing the implementation of this Order and for designating a person

to act in his/her absence. All communications between Respondent and DTSC, and all documents, report approvals, and other correspondence concerning the activities performed pursuant to this Order shall be directed through the Project Coordinators. Each party may change its Project Coordinator with at least seven days prior written notice.

4.2. Department Approval.

4.2.1. Respondent shall revise any workplan, report, specification, or schedule in accordance with DTSC's written comments. Respondent shall submit to DTSC any revised documents by the due date specified by DTSC. Revised submittals are subject to DTSC's approval or disapproval.

4.2.2. Upon receipt of DTSC's written approval, Respondent shall commence work and implement any approved workplan in accordance with the schedule and provisions contained therein.

4.2.3. Any Department approved workplan, report, specification, or schedule required by this Order shall be deemed incorporated into this Order.

4.2.4. Verbal advice, suggestions, or comments given by DTSC representatives will not constitute an official approval or decision.

4.3. Submittals.

4.3.1. Beginning with the first full month following the effective date of this Order, Respondent shall provide DTSC with monthly progress reports of corrective action activities conducted pursuant to this Order. Progress reports are due on the 15th day of each month. The progress reports shall conform to the Scope of Work for Progress

Reports contained in Attachment 6. DTSC may adjust the frequency of progress reporting to be consistent with site-specific activities.

4.3.2. Any report or other document submitted by Respondent pursuant to this Order shall be signed and certified by the project coordinator, a responsible corporate officer, or a duly authorized representative.

4.3.3. The certification required above, shall be in the following form:

I certify that the information contained in or accompanying this submittal is true, accurate, and complete. As to those portions of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared at my direction in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Signature: _____
Name: _____
Title: _____
Date: _____

4.3.4. Respondent shall provide two copies of all documents, including but not limited to, workplans, reports, and correspondence of 15 pages or longer. Submittals specifically exempted from this copy requirement are all progress reports and correspondence of less than 15 pages, of which one copy is required.

4.3.5. Unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other submissions relating to this Order shall be in writing and shall be sent to the current Project Coordinators.

4.4. Proposed Contractor/Consultant.

All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or registered geologist, registered in California, with expertise in hazardous waste site cleanup. Respondent's contractor or consultant

shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 14 days of the effective date of this Order, Respondent shall notify the DTSC Project Coordinator in writing of the name, title, and qualifications of the professional engineer or registered geologist and of any contractors or consultants and their personnel to be used in carrying out the requirements of this Order. DTSC may disapprove of Respondent's contractor and/or consultant.

4.5. Quality Assurance.

4.5.1. All sampling and analyses performed by Respondent under this Order shall follow applicable Department and U.S. EPA guidance for sampling and analysis. Workplans shall contain quality assurance/quality control and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved workplans must be approved by DTSC prior to implementation, must be documented, including reasons for the deviations, and must be reported in the applicable report (e.g., RFI Report).

4.5.2. The names, addresses, and telephone numbers of the California State certified analytical laboratories Respondent proposes to use must be specified in the applicable workplans.

4.5.3. All workplans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained, and that data are sufficient to support their intended uses.

4.5.4. Respondent shall monitor to ensure that high quality data are obtained by its consultant or contract laboratories. Respondent shall ensure that laboratories used by Respondent for analysis perform such analysis according to the latest approved edition

of "Test Methods for Evaluating Solid Waste, (SW_846)", or other methods deemed satisfactory to DTSC. If methods other than U.S. EPA methods are to be used, Respondent shall specify all such protocols in the applicable workplan (e.g., RFI Workplan). DTSC may reject any data that do not meet the requirements of the approved workplan, U.S. EPA analytical methods, or quality assurance/quality control procedures, and may require resampling and analysis.

4.5.5. Respondent shall ensure that the California State certified laboratories used by Respondent for analyses have a quality assurance/quality control program. DTSC may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondent before, during, or after sample analyses. Upon request by DTSC, Respondent shall have its selected laboratory perform analyses of samples provided by DTSC to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control procedures, resampling and analysis may be required.

4.6. Sampling and Data/Document Availability.

4.6.1. Respondent shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, agents, consultants, or contractors pursuant to this Order.

4.6.2. Notwithstanding any other provisions of this Order, DTSC retains all of its information gathering and inspection authority and rights, including enforcement actions related thereto, under Health and Safety Code, and any other state or federal statutes or regulations.

4.6.3. Respondent shall notify DTSC in writing at least 7 days prior to beginning each separate phase of field work approved under any workplan required by this Order. If Respondent believes it must commence emergency field activities without delay, Respondent may seek emergency telephone authorization from DTSC Project Coordinator or, if the Project Coordinator is unavailable, his/her Branch Chief, to commence such activities immediately.

4.6.4. At the request of DTSC, Respondent shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by Respondent pursuant to this Order. Similarly, at the request of Respondent, DTSC shall allow Respondent or its authorized representative to take split or duplicate samples of all samples collected by DTSC under this Order.

4.7. Access.

4.7.1. Subject to the Facility's security and safety procedures, Respondent shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of this Order and shall permit such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order and that are within the possession or under the control of Respondent or its contractors or consultants.

4.7.2. To the extent that work being performed pursuant to this Order must be done beyond the Facility property boundary, Respondent shall use its best efforts to obtain access agreements necessary to complete work required by this Order from the present owners of such property within 30 days of approval of any workplan for which

access is required. Best efforts as used in this paragraph shall include, at a minimum, a letter by certified mail from the Respondent to the present owners of such property requesting an agreement to permit Respondent and DTSC and its authorized representatives access to such property and offering the payment by Respondent of reasonable sums of money in consideration of granting access. Any such access agreement shall provide for access to DTSC and its representatives. Respondent shall provide DTSC's Project Coordinator with a copy of any access agreements. In the event that an agreement for access is not obtained within 30 days of approval of any workplan for which access is required, or of the date that the need for access becomes known to Respondent, Respondent shall notify DTSC in writing within 14 days thereafter regarding both the efforts undertaken to obtain access and its failure to obtain such agreements. DTSC may, at its discretion, assist Respondent in obtaining access.

4.7.3. Nothing in this section limits or otherwise affects DTSC's right of access and entry pursuant to any applicable state or federal law or regulation.

4.7.4. Nothing in this Order shall be construed to limit or otherwise affect Respondent's liability and obligation to perform corrective action including corrective action beyond the Facility boundary.

4.8. Record Preservation.

4.8.1. Respondent shall retain, during the implementation of this Order and for a minimum of six years thereafter, all data, records, and documents that relate in any way to the implementation of this Order or to hazardous waste management and/or disposal at the Facility. Respondent shall notify DTSC in writing 90 days prior to the destruction of any such records and shall provide DTSC with the opportunity to take possession of any

such records. Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to:

Branch Chief
Facility Permitting Branch
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826

4.8.2. If Respondent retains or employs any agent, consultant, or contractor for the purpose of complying with the requirements of this Order, Respondent will require any such agents, consultants, or contractors to provide Respondent a copy of all documents produced pursuant to this Order.

4.8.3. All documents pertaining to this Order shall be stored in a central location at the Facility to afford ease of access by DTSC and its representatives.

4.9. Change in Ownership. No change in ownership or corporate or partnership status relating to the Facility shall in any way alter Respondent's responsibility under this Order. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, shall affect Respondent's obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondent shall be responsible for and liable for any failure to carry out all activities required of Respondent by the terms and conditions of this Order, regardless of Respondent's use of employees, agents, contractors, or consultants to perform any such tasks.

4.10. Notice to Contractors and Successors. Respondent shall provide a copy of this Order to all contractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order and shall condition all such contracts on compliance with the terms of this Order. Respondent shall give written

notice of this Order to any successor in interest prior to transfer of ownership or operation of the Facility and shall notify DTSC at least seven days prior to such transfer.

4.11. Compliance with Applicable Laws. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the applicable requirements of all local, state, and federal laws and regulations. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations.

4.12. Costs. Respondent is liable for all costs associated with the implementation of this Order, including all costs incurred by DTSC in overseeing the work required by this Order.

4.13. Endangerment during Implementation. In the event that DTSC determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people at the Facility or in the surrounding area or to the environment, DTSC may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by an Order to Stop Work under this section shall be extended for the term of the Order to Stop Work.

4.14. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.15. Government Liabilities. The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in section 4.19 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

4.16. Additional Enforcement Actions. By issuance of this Order, DTSC does not waive the right to take further enforcement actions.

4.17. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by DTSC.

4.18. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by DTSC or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.19. Parties Bound. This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.20. Compliance with Waste Discharge Requirements. Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

4.21. Submittal Summary. Below is a summary of the major reporting requirements contained in this Order. The summary is provided as a general guide and

does not contain all requirements. Please refer to the specific language of this Order for all the requirements.

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
3.2	Implement approved Workplans	In accordance with schedules contained in approved Workplans
3.3.3	Notify DTSC orally of potential threats to human health	48 hours after discovery
3.3.3	Notify DTSC in writing of potential threats to human health	10 days after discovery
3.3.3	Submit Interim Measures Workplan, Health and Safety Plan, and Public Involvement Plan	30 days from effective date of Order
3.3.2	Submit Current Conditions Report, Public Involvement Plan, and Health and Safety Plan	60 days from effective date of Order
3.4.2	Submit CMP	60 days from effective date of Order
3.6	Submit CMI Workplan	60 days from receipt of notification of DTSC selection of a corrective measure
4.2	Designate Project Coordinator and notify DTSC in writing	14 days from effective date of Order
4.3.1	Submit first Progress Report	15th day of the month following the effective date of Order

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
4.3.1	Submit Progress Reports	Monthly
4.4	Notify DTSC in writing of contractors to carry out terms of Order	14 days from effective date of Order
4.6.3	Notify DTSC of when field work starts	7 days before each phase of field work

PENALTY

5. Based on the foregoing VIOLATIONS, the Department sets the amount of Respondent's penalty at \$16,800.00. Payment is due within 30 days from the EFFECTIVE DATE (as specified in paragraph 7. below) of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, CA 95812-0806

A photocopy of the check shall be sent to:

Robert Easley
8800 Cal Center Drive
Sacramento, CA 95826

RIGHT TO A HEARING

6. You may request a hearing to challenge the Order. Appeal procedures are described in the accompanying Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective 20 days from the date of mailing, which is the date of the cover letter transmitting the Order to you, unless you request a hearing within the 20-day period.

Date of Issuance 07/18/2023

Original signed by Katherine Butler

Katherine Butler
Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control

ATTACHMENT 1

SCOPE OF WORK FOR A CURRENT CONDITIONS REPORT

PURPOSE

The purpose of this Current Conditions Report is to determine the nature and extent of releases of hazardous waste or constituents from a regulated unit and to gather all necessary data to support the Interim Measures Plan. The Current Conditions Report must include characterization of the facility (processes, waste management, etc), environmental setting, source areas, nature and extent of contamination, migration pathways (transport mechanisms) and all potential receptors.

SCOPE

The documents required for a Current Conditions Report are, unless the Department of Toxic Substances Control ("DTSC" or "the Department") specifies otherwise, a document relative to the disposal and environmental evaluation of the release. If the Owner/Operator or Respondent can justify, to the satisfaction of the Department, that a plan and/or report or portions thereof are not needed in the given site-specific situation, then the Department may waive that requirement.

The scope and substance of the Current Conditions Report should be focused to fit the complexity of the site-specific situation.

The Department may require the Owner/Operator or Respondent to conduct additional studies beyond what is discussed in the SOWs in order to meet the objectives of the Current Conditions Report. The Owner/Operator or Respondent will furnish all personnel, materials, and services necessary to conduct the additional tasks.

CURRENT CONDITIONS REPORT

The Current Conditions Report shall be submitted to DTSC and include all existing data and background information, including copies of any reports, plans, sampling data, manifests, and risk assessments pertaining to the illegal disposal.

ATTACHMENT 2

SCOPE OF WORK FOR INTERIM MEASURES IMPLEMENTATION

PURPOSE

Interim measures are actions to control and/or eliminate releases of hazardous waste and/or hazardous constituents from a facility prior to the implementation of a final corrective measure. Interim measures must be used whenever possible to achieve the goal of stabilization which is to control or abate threats to human health and/or the environment, and to prevent or minimize the spread of contaminants while long-term corrective action alternatives are being evaluated.

SCOPE

The documents required for Interim Measures (IM) are, unless the Department of Toxic Substances Control ("DTSC" or "the Department") specifies otherwise, an IM Work plan and an Operation and Maintenance Plan. The scope of work (SOW) for each document is specified below. The SOWs are intended to be flexible documents capable of addressing both simple and complex site situations. If the Owner/Operator or Respondent can justify, to the satisfaction of the Department, that a plan or portions thereof are not needed in the given site-specific situation, then the Department may waive that requirement.

The Department may require the Owner/Operator or Respondent to conduct additional studies beyond what is discussed in the SOWs in order to support the IM program. The Owner/Operator or Respondent will furnish all personnel, materials and services necessary to conduct the additional tasks.

INTERIM MEASURES WORKPLAN

If necessary, the Owner/Operator or Respondent shall prepare an IM Workplan that evaluates interim measure options and clearly describes the proposed interim measure, the key components or elements that are needed, describes the designer's vision of the interim measure in the form of conceptual drawings and schematics, and includes procedures and schedules for implementing the interim measure(s). The IM Workplan must be approved by the Department prior to implementation. The IM Workplan must, at a minimum, include the following elements:

INTRODUCTION/PURPOSE

Describe the purpose of the document and provide a summary of the project.

CONCEPTUAL MODEL OF CONTAMINANT MIGRATION

It is important to know where the contaminants are and to understand how they are moving before an adequate interim measure can be developed. To address this critical question, the Owner/Operator or Respondent must present a conceptual model of the site and contaminant migration. The conceptual model consists of a working hypothesis of how the contaminants may move from the release source to the receptor population. The conceptual model is developed by looking at the applicable physical parameters (e.g., water solubility, density, Henry's Law Constant, etc.) for each contaminant and assessing how the contaminant may migrate given the existing site conditions (geologic features, depth to groundwater, etc.). Describe the phase (water, soil, gas, non-aqueous) and location where contaminants are likely to be found. This analysis may have already been done as part of earlier work (e.g., Current Conditions Report). If this is the case, then provide a summary of the conceptual model with a reference to the earlier document.

EVALUATION OF INTERIM MEASURES

List, describe and evaluate interim measure alternatives that have the potential to stabilize the facility. Propose interim measures for implementation and provide rationale for the selection. Document the reasons for excluding any interim measure alternatives.

DESCRIPTION OF INTERIM MEASURES

Qualitatively describe what the proposed interim measure is supposed to do and how it will function at the facility.

DATA SUFFICIENCY

Review existing data needed to support the design effort and establish whether or not there are sufficient accurate data available for this purpose. The Owner/Operator or Respondent must summarize the assessment findings and specify any additional data needed to complete the interim measure design. The Department may require or the Owner/Operator or Respondent may propose that sampling and analysis plans and/or treatability study workplans be developed to obtain the additional data. Submittal times for any new sampling and analysis plans and/or treatability study workplans must be included in the project schedule.

PROJECT MANAGEMENT

Describe the levels of authority and responsibility (include organization chart), lines of communication and a description of the qualifications of

key personnel who will direct the interim measure design and implementation effort (including contractor personnel).

PROJECT SCHEDULE

The project schedule must specify all significant steps in the process, when any key documents (e.g., plans and specifications, operation and maintenance plan) are to be submitted to the Department and when the interim measure is to be implemented.

DESIGN BASIS

Discuss the process and methods used to design all major components of the interim measure. Discuss the significant assumptions made and possible sources of error. Provide justification for the assumptions.

SAMPLING AND ANALYSIS PROTOCOL

The Owner/Operator or Respondent shall follow all DTSC and U.S. EPA guidance for sampling and analysis. The Department may request that the sampling and analysis section be a separate document.

INTERIM MEASURES OPERATION AND MAINTENANCE PLAN

The Owner/Operator or Respondent shall prepare an Interim Measures Operation and Maintenance (O&M) Plan that includes a strategy and procedures for performing operations, maintenance, and monitoring of the interim measure(s). The O&M plan shall, at a minimum, include the following elements:

PURPOSE/APPROACH

Describe the purpose of the document and provide a summary of the project.

PROJECT MANAGEMENT

Describe the levels of authority and responsibility (include organization chart), lines of communication and a description of the qualifications of key personnel who will operate and maintain the interim measure(s) (including contractor personnel).

SYSTEM DESCRIPTION

Describe the interim measure and identify significant equipment.

PERSONNEL TRAINING

Describe the training process for O&M personnel. The Owner/Operator or Respondent shall prepare, and include in the technical specifications governing treatment systems, contractor requirements for providing: appropriate service

visits by experienced personnel to supervise the installation, adjustment, start up and operation of the treatment systems, and training covering appropriate operational procedures once the start-up has been successfully accomplished.

START-UP PROCEDURES

Describe system start-up procedures including any operational testing.

OPERATION AND MAINTENANCE PROCEDURES

Describe normal operation and maintenance procedures including:

- a. Description of tasks for operation;
- b. Description of tasks for maintenance;
- c. Description of prescribed treatment or operation condition;
- d. Schedule showing frequency of each O&M task; and
- e. Replacement schedule for equipment and installed components.

WASTE MANAGEMENT PRACTICES

Describe the wastes generated by operation of the interim measure and how they will be managed. Also discuss drainage and indicate how rainwater runoff will be managed.

SAMPLING AND MONITORING ACTIVITIES

Sampling and monitoring activities may be needed for effective operation and maintenance of the interim measure. If sampling activities are necessary, the O&M plan must include a complete sampling and analysis section which specifies the following information:

- a. Description and purpose of monitoring tasks;
- b. Data quality objectives;
- c. Analytical test methods and detection limits;
- d. Name of analytical laboratory;
- e. Laboratory quality control (include laboratory QA/QC procedures in appendices);

- f. Sample collection procedures and equipment;
- g. Field quality control procedures:
 - Duplicates (10% of all field samples)
 - Blanks (field, equipment, etc.)
 - Equipment calibration and maintenance
 - Equipment decontamination
 - Sample containers
 - Sample preservation
 - Sample holding times (must be specified)
 - Sample packaging and shipment
 - Sample documentation (field notebooks, sample labeling, etc);
- h. Criteria for data acceptance and rejection.
- i. Chain of Custody procedures; and
- j. Schedule of monitoring frequency.

The Owner/Operator or Respondent shall follow all DTSC and U.S. EPA guidance for sampling and analysis. The Department may request that the sampling and analysis section be a separate document.

DATA MANAGEMENT AND DOCUMENTATION REQUIREMENTS

Describe how analytical data and results will be evaluated, documented and managed, including development of an analytical database. State the criteria that will be used by the project team to review and determine the quality of data.

The O&M Plan shall specify that the Owner/Operator or Respondent collect and maintain the following information:

Progress Report Information.

Monitoring and laboratory data.

Records of operating costs; and

Personnel, maintenance, and inspection records.

The Department may require that the Owner/Operator or Respondent submit additional reports that evaluate the effectiveness of the interim measure in meeting the stabilization goal.

ATTACHMENT 3

SCOPE OF WORK FOR A HEALTH AND SAFETY PLAN

OBJECTIVES

Describe the goals and objectives of the Health and Safety Plan (must apply to on-site personnel and visitors). The Health and Safety Plan must be consistent with the facility Contingency Plan, OSHA Regulations, NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities (1985), all state and local regulations and other Implementing Agency guidance as provided.

HAZARD ASSESMENT

List and describe the potentially hazardous substances that could be encountered by field personnel during different phases of the activities.

Discuss the following:

- Inhalation Hazards
- Dermal Exposure
- Ingestion Hazards
- Physical Hazards
- Overall Hazard Rating

Include a table that, at a minimum, lists: Known Contaminants, Highest Observed Concentration, Media, Symptoms/Effects of Acute Exposure.

PERSONAL PROTECTION / MONITORING EQUIPMENT

For each task, describe personal protection levels and identify all monitoring equipment.

Describe any action levels and corresponding response actions (i.e., when will levels of safety be upgraded).

Describe decontamination procedures and areas.

SITE ORGANIZATION AND EMERGENCY CONTACTS

List and identify all contacts (include phone numbers). Identify the nearest hospital and provide a regional map showing the shortest route from the facility to the

hospital. Describe site emergency procedures and any site safety organizations. Include evacuation procedures for neighbors (where applicable).

Include a facility Map showing emergency station locations (e.g., first aid, eye wash areas, etc.).

The Health and Safety Plan shall be signed by a Certified Industrial Hygienist.

ATTACHMENTt4

COMMUNITY PROFILE OUTLINE

FOR CLEAN HARBORS BUTTONWILLOW, LLC.

The following items should be included in the Community Profile:

SITE DESCRIPTION

- a. Description of proposed project.
- b. Map.
- c. Description of the site/facility location.
- d. Description of the surrounding land uses and environmental resources (including proximity to residential housing, schools, churches, etc.).
- e. Visibility of the site to neighbors.
- f. Demographics of community in which the site is located (e.g., socioeconomic level, ethnic composition, specific language considerations, etc.). This information may be found in local libraries (e.g., census records).

LOCAL INTEREST

- a. Contacts with community members - any inquiries from community members, groups, organizations, etc. (include names, phone numbers, and addresses on the key contact list).
- b. Community interactions - any current meetings, events, presentations, etc.
- c. Media coverage - any newspaper, magazine, television, etc.
- d. Government contacts - city and county staff, State and local elected officials.

KEY CONTACT LIST

Names, addresses, and phone numbers of city manager, city/county planning department staff, local elected officials, and other community members with whom previous contact has been made.

PAST PUBLIC INVOLVEMENT ACTIVITIES

Any ad hoc committees, community meetings, workshops, letters, newsletters, etc., about the site or similar activity.

KEY ISSUES AND CONCERNS

- a. Any specific concerns/issues raised by the community regarding the site/facility, or any activities performed on the site/facility.
- b. Any anticipated concerns/issues regarding the site/facility.
- c. Any general environmental concerns/issues in the community.

Original signed by Randy Snapp

OEE Review

Date 7/6/23

ATTACHMENT 5

SCOPE OF WORK FOR CORRECTIVE MEASURES IMPLEMENTATION

PURPOSE

The purpose of the Corrective Measures Implementation (CMI) program is to design, construct, operate, maintain and monitor the performance of the corrective measure or measures selected by the Department. Corrective measures are intended to protect human health and/or the environment from hazardous waste releases from the Facility. The Owner/Operator or Respondent will furnish all personnel, materials and services necessary to implement the corrective measures program.

SCOPE

The documents required for Corrective Measures Implementation are, unless the Department of Toxic Substances Control (Department) specifies otherwise, a Conceptual Design, Operation and Maintenance Plan, Draft Plans and Specifications, Final Plans and Specifications, Construction Workplan, Construction Completion Report, Corrective Measure Completion Report, Health and Safety Plan and Progress Reports. The scope of work (SOW) for each document is specified below. The SOW's are intended to be flexible documents capable of addressing both simple and complex site situations. If the Owner/Operator or Respondent can justify, to the satisfaction of the Department, that a plan and/or report or portions thereof are not needed in the given site specific situation, then the Department may waive that requirement.

The Department may require the Owner/Operator or Respondent to conduct additional studies beyond what is discussed in the SOW's in order to support the CMI program. The Owner/Operator or Respondent will furnish all personnel, materials and services necessary to conduct the additional tasks.

CONCEPTUAL DESIGN

The Owner/Operator or Respondent shall prepare a Conceptual Design (CD) that clearly describes the size, shape, form, and content of the proposed corrective measure, the key components or elements that are needed, describes the designers vision of the corrective measure in the form of conceptual drawings and schematics, and includes procedures and schedules for implementing the corrective measure(s).

It should be noted that more than one conceptual design may be needed in situations where there is a complex site with multiple technologies being employed at different locations. The CD must be approved by the Department prior to implementation. The CD must, at a minimum, include the following elements:

1. Introduction/Purpose

Describe the purpose of the document and provide a summary description of the project.

2. Corrective Measure Objectives

Discuss the corrective measure objectives including applicable media cleanup standards.

3. Conceptual Model of Contaminant Migration

It is important to know where the contaminants are and to understand how they are moving before an adequate corrective measure can be developed. To address this critical question, the Owner/Operator or Respondent must present a conceptual model of the site and contaminant migration. The conceptual model consists of a working hypothesis of how the contaminants may move from the release source to the receptor population. The conceptual model is developed by looking at the applicable physical parameters (e.g., water solubility, density, Henry's Law Constant, etc.) for each contaminant and assessing how the contaminant may migrate given the existing site conditions (geologic features, depth to groundwater, etc.). Describe the phase (water, soil, gas, non-aqueous) and location where contaminants are likely to be found. This analysis may have already been done as part of earlier work (e.g., Current Conditions Report). If this is the case, then provide a summary of the conceptual model with a reference to the earlier document.

4. Description of Corrective Measures

Considering the conceptual model of contaminant migration, qualitatively describe what the corrective measure is supposed to do and how it will function at the Facility. Discuss the constructability of the corrective measure and its ability to meet the corrective measure objectives.

5. Data Sufficiency

Review existing data needed to support the design effort and establish whether or not there are sufficient accurate data available for this purpose. The Owner/Operator or Respondent must summarize the assessment findings and specify any additional data needed to complete the corrective measure design.

The Department may require or the Owner/Operator or Respondent may propose that sampling and analysis plans and/or treatability study workplans be developed to obtain the additional data. Submittal times for any new sampling and analysis plans and/or treatability study workplans must be included in the project schedule.

6. Project Management

Describe the management approach including levels of authority and responsibility (include organization chart), lines of communication and the qualifications of key personnel who will direct the corrective measure design and implementation effort (including contractor personnel).

7. Project Schedule

The project schedule must specify all significant steps in the process and when all CMI deliverables (e.g., Operation and Maintenance Plan, Corrective Measure Construction Workplan, etc.) are to be submitted to the Department.

8. Design Criteria

Specify performance requirements for the overall corrective measure and for each major component. The Owner/Operator or Respondent must select equipment that meets the performance requirements.

9. Design Basis

Discuss the process and methods for designing all major components of the corrective measure. Discuss the significant assumptions made and possible sources of error. Provide justification for the assumptions.

10. Conceptual Process/Schematic Diagrams.

11. Site plan showing preliminary plant layout and/or treatment area.

12. Tables listing number and type of major components with approximate dimensions.

13. Tables giving preliminary mass balances.

14. Site safety and security provisions (e.g., fences, fire control, etc.).

15. Waste Management Practices

Describe the wastes generated by the construction of the corrective measure and how they will be managed. Also discuss drainage and indicate how rainwater runoff will be managed.

16. Required Permits

List and describe the permits needed to construct and operate the corrective measure. Indicate on the project schedule when the permit applications will be

submitted to the applicable agencies and an estimate of the permit issuance date.

17. Long-Lead Procurement Considerations

The Owner/Operator or Respondent shall prepare a list of any elements or components of the corrective measure that will require custom fabrication or for some other reason must be considered as long-lead procurement items. The list must include the reason why the items are considered long-lead items, the length of time necessary for procurement, and recognized sources of such procurement.

18. Appendices including:

- Design Data - Tabulations of significant data used in the design effort;
- Equations - List and describe the source of major equations used in the design process; Sample Calculations - Present and explain one example calculation for significant or unique design calculations; and
- Laboratory or Field Test Results.

OPERATION AND MAINTENANCE PLAN

The Owner/Operator or Respondent shall prepare an Operation and Maintenance (O&M) Plan that includes a strategy and procedures for performing operations, long term maintenance, and monitoring of the corrective measure. A draft Operation and Maintenance Plan shall be submitted to the Department simultaneously with the draft Plans and Specifications. A final Operation and Maintenance Plan shall be submitted to the Department simultaneously with the final Plans and Specifications. The O&M plan shall, at a minimum, include the following elements:

1. Introduction/Purpose

Describe the purpose of the document and provide a summary description of the project.

2. Project Management

Describe the management approach including levels of authority and responsibility (include organization chart), lines of communication and the qualifications of key personnel who will operate and maintain the corrective measures (including contractor personnel).

3. System Description

Describe the corrective measure and identify significant equipment.

4. Personnel Training

Describe the training process for O&M personnel. The Owner/Operator or Respondent shall prepare, and include in the technical specifications governing treatment systems, contractor requirements for providing appropriate service visits by experienced personnel to supervise the installation, adjustment, start up and operation of the treatment systems, and training covering appropriate operational procedures once the start-up has been successfully accomplished.

5. Start-Up Procedures

Describe system start-up procedures including any operational testing.

6. Operation and Maintenance Procedures

Describe normal operation and maintenance procedures including:

- a. Description of tasks for operation;
- b. Description of tasks for maintenance;
- c. Description of prescribed treatment or operation conditions; and
- d. Schedule showing frequency of each O&M task.

7. Replacement schedule for equipment and installed components.

8. Waste Management Practices

Describe the wastes generated by operation of the corrective measure and how they will be managed. Also discuss drainage and indicate how rainwater runoff will be managed.

9. Sampling and monitoring activities may be needed for effective operation and maintenance of the corrective measure. If sampling activities are necessary, the O&M plan must include a complete sampling and analysis section which specifies the following information:

- a. Description and purpose of monitoring tasks;
- b. Data quality objectives;
- c. Analytical test methods and detection limits;

- d. Name of analytical laboratory;
- e. Laboratory quality control (include laboratory QA/QC procedures in appendices)
- f. Sample collection procedures and equipment;
- g. Field quality control procedures:
 - duplicates (10% of all field samples)
 - blanks (field, equipment, etc.)
 - equipment calibration and maintenance
 - equipment decontamination
 - sample containers
 - sample preservation
 - sample holding times (must be specified)
 - sample packaging and shipment
 - sample documentation (field notebooks, sample labeling, etc);
- h. Criteria for data acceptance and rejection; and
- i. Schedule of monitoring frequency.

The Owner/Operator or Respondent shall follow all EPA guidance for sampling and analysis. The Department may request that the sampling and analysis section be a separate document.

10. Corrective Measure Completion Criteria

Describe the process and criteria (e.g., groundwater cleanup goal met at all compliance points for 1 year) for determining when corrective measures may cease. Also describe the process and criteria for determining when maintenance and monitoring may cease. Criteria for corrective measures such as a landfill cap must be carefully crafted to account for the fact that a landfill cap will never actually "cease" but will need to be maintained and monitored for a long period of time. Satisfaction of the completion criteria will trigger preparation and submittal of the Corrective Measures Completion Report.

11. O&M Contingency Procedures:

- a. Procedures to address system breakdowns and operational problems including a list of redundant and emergency back-up equipment and procedures.
- b. Should the corrective measure suffer complete failure, specify alternate procedures to prevent release or threatened releases of hazardous substances, pollutants or contaminants which may endanger public health and/or the environment or exceed cleanup standards.
- c. The O&M Plan must specify that, in the event of a major breakdown and/or complete failure of the corrective measure (includes emergency situations), the Owner/Operator or Respondent will orally notify the Department within 24 hours of the event and will notify the Department in writing within 72 hours of the event. The written notification must, at a minimum, specify what happened, what response action is being taken and/or is planned, and any potential impacts on human health and/or the environment.
- d. Procedures to be implemented in the event that the corrective measure is experiencing major operational problems, is not performing to design specifications and/or will not achieve the cleanup goals in the expected timeframe. For example, in certain circumstances both a primary and secondary corrective measure may be selected for the Facility. If the primary corrective measure were to fail, then the secondary would be implemented. This section would thus specify that if the primary corrective measure failed, then design plans would be developed for the secondary measure.

12. Data Management and Documentation Requirements

Describe how analytical data and results will be evaluated, documented, and managed, including development of an analytical database. State the criteria that will be used by the project team to review and determine the quality of data.

The O&M Plan shall specify that the Owner/Operator or Respondent collect and maintain the following information:

a. Progress Report Information

- Work Accomplishments (e.g., performance levels achieved, hours of treatment operation, treated and/or excavated volumes, concentration of contaminants in treated and/or excavated volumes, nature and volume of wastes generated, etc.).

- Record of significant activities (e.g., sampling events, inspections, problems encountered, action taken to rectify problems, etc.).

- b. Monitoring and laboratory data;

- c. Records of operating costs; and

- d. Personnel, maintenance and inspection records.

These data and information should be used to prepare Progress Reports and the Corrective Measure Completion Report.

DRAFT PLANS AND SPECIFICATIONS

[Note - The Owner/Operator or Respondent may propose or the Department may require the submittal of other draft plans and specifications.]

The Owner/Operator or Respondent shall prepare draft Plans and Specifications that are based on the Conceptual Design but include additional design detail. A draft Operation and Maintenance Plan and Construction Workplan shall be submitted to the Department simultaneously with the draft Plans and Specifications. The draft design package must include drawings and specifications needed to construct the corrective measure. Depending on the nature of the corrective measure, many different types of drawings and specifications may be needed. Some of the elements that may be required are:

- General Site Plans
- Process Flow Diagrams
- Mechanical Drawings
- Electrical Drawings
- Structural Drawings
- Piping and Instrumentation Diagrams
- Excavation and Earthwork Drawings
- Equipment Lists
- Site Preparation and Field Work Standards
- Preliminary Specifications for Equipment and Material

General correlation between drawings and technical specifications is a basic requirement of any set of working construction plans and specifications. Before submitting the project specifications to the Department, the Owner/Operator or Respondent shall:

- a. Proofread the specifications for accuracy and consistency with the conceptual design; and
- b. Coordinate and cross-check the specifications and drawings.

FINAL PLANS AND SPECIFICATIONS (100% DESIGN POINT)

The Owner/Operator or Respondent shall prepare final Plans and Specifications that are sufficient to be included in a contract document and be advertised for bid. A final Operation and Maintenance Plan and Construction Workplan shall be submitted to the Department simultaneously with the final Plans and Specifications. The final design package must consist of the detailed drawings and specifications needed to construct the corrective measure. Depending on the nature of the corrective measure, many different types of drawings and specifications may be needed. Some of the elements that may be required are:

- General Site Plans
- Process Flow Diagrams
- Mechanical Drawings
- Electrical Drawings
- Piping and Instrumentation Diagrams
- Structural Drawings
- Excavation and Earthwork Drawings
- Site Preparation and Field Work Standards
- Construction Drawings
- Installation Drawings
- Equipment Lists
- Detailed Specifications for Equipment and Material

General correlation between drawings and technical specifications is a basic requirement of any set of working construction plans and specifications. Before submitting the final project specifications to the Department, the Owner/Operator or Respondent shall:

- a. Proofread the specifications for accuracy and consistency with the preliminary design; and
- b. Coordinate and cross-check the specifications and drawings.

CONSTRUCTION WORKPLAN

The Owner/Operator or Respondent shall prepare a Construction Workplan which documents the overall management strategy, construction quality assurance procedures and schedule for constructing the corrective measure. A draft Construction Workplan shall be submitted to the Department simultaneously with the draft Plans and Specifications and draft Operation and Maintenance Plan. A final Construction Workplan shall be submitted to the Department simultaneously with the final Plans and Specifications and final Operation and Maintenance Plan. Upon receipt of written approval from the Department, the Owner/Operator or Respondent shall commence the construction process and implement the Construction Workplan in accordance with the schedule and provisions contained therein. The Construction Workplan must be approved by the Department prior to the start of corrective measure construction. The Construction Workplan must, at a minimum, include the following elements:

1. Introduction/Purpose

Describe the purpose of the document and provide a summary description of the project.

2. Project Management

Describe the construction management approach including levels of authority and responsibility (include organization chart), lines of communication and the qualifications of key personnel who will direct the corrective measure construction effort and provide construction quality assurance/quality control (including contractor personnel).

3. Project Schedule

The project schedule must include timing for key elements of the bidding process, timing for initiation and completion of all major corrective measure construction tasks as specified in the Final Plans and Specifications and specify when the Construction Completion Report is to be submitted to the Department.

4. Construction Quality Assurance/Quality Control Program

The purpose of construction quality assurance is to ensure, with a reasonable degree of certainty, that a completed corrective measure will meet or exceed all design criteria, plans and specifications. The Construction Workplan must include a complete construction quality assurance program to be implemented by the Owner/Operator or Respondent.

5. Waste Management Procedures

Describe the wastes generated by construction of the corrective measure and how they will be managed.

6. Sampling and Analysis

Sampling and monitoring activities may be needed for construction quality assurance/quality control and/or other construction related purposes. If sampling activities are necessary, the Construction Workplan must include a complete sampling and analysis section which specifies the following information:

- a. Description and purpose of monitoring tasks;
- b. Data quality objectives;
- c. Analytical test methods and detection limits;
- d. Name of analytical laboratory;
- e. Laboratory quality control (include laboratory QA/QC procedures in appendices)
- f. Sample collection procedures and equipment;
- g. Field quality control procedures:
 - duplicates (10% of all field samples)
 - blanks (field, equipment, etc.)
 - equipment calibration and maintenance
 - equipment decontamination
 - sample containers

- sample preservation
- sample holding times (must be specified)
- sample packaging and shipment
- sample documentation (field notebooks, sample labeling, etc);

h. Criteria for data acceptance and rejection; and

i. Schedule of monitoring frequency.

The Owner/Operator or Respondent shall follow all Department and USEPA guidance for sampling and analysis. The Department may request that the sampling and analysis section be a separate document.

7. Construction Contingency Procedures

a. Changes to the design and/or specifications may be needed during construction to address unforeseen problems encountered in the field. Procedures to address such circumstances, including notification of the Department, must be included in the Construction Workplan.

b. The Construction Workplan must specify that, in the event of a construction emergency (e.g., fire, earthwork failure, etc.), the Owner/Operator or Respondent will orally notify the Department within 24 hours of the event and will notify the Department in writing within 72 hours of the event. The written notification must, at a minimum, specify what happened, what response action is being taken and/or is planned, and any potential impacts on public health and/or the environment; and

c. Procedures must be implemented if unforeseen events prevent corrective measure construction. For example, in certain circumstances both a primary and secondary corrective measure may be selected for the Facility. If the primary corrective measure could not be constructed, then the secondary would be implemented. This section would thus specify that if the primary corrective measure could not be constructed, then design plans would be developed for the secondary measure.

8. Construction safety procedures should be specified in a separate Health and Safety Plan.

9. Data Management and Documentation Requirements

Describe how analytical data and results will be evaluated, documented and managed, including development of an analytical database. State the criteria

that will be used by the project team to review and determine the quality of data.

The Construction Workplan shall specify that the Owner/Operator or Respondent collect and maintain the following information:

a. Progress Report Information

- Work Accomplishments (e.g., hours of operation, excavated volumes, nature and volume of wastes generated, area of cap completed, length of trench completed, etc.).
- Record of significant activities (e.g., sampling events, inspections, problems encountered, action taken to rectify problems, etc.).

b. Monitoring and laboratory data;

c. Records of construction costs; and

d. Personnel, maintenance and inspection records. This data and information should be used to prepare progress reports and the Construction Completion Report.

10. Cost Estimate/Financial Assurance

If financial assurance for corrective measure construction and operation is required by an enforcement order, facility permit, or through use of Department discretion, the Construction Workplan must include a cost estimate, specify which financial mechanism will be used and when the mechanism will be established. The cost estimate shall include both construction and operation and maintenance costs. An initial cost estimate shall be included in the draft Construction Workplan and a final cost estimate shall be included in the final Construction Workplan. The financial assurance mechanism may include a performance or surety bond, a trust fund, a letter of credit, financial test and corporate guarantee equivalent to that in 40 CFR 265.143 or any other mechanism acceptable to the Department.

Financial assurance mechanisms are used to assure the Department that the Owner/Operator or Respondent has adequate financial resources to construct and operate the corrective measure.

CONSTRUCTION COMPLETION REPORT

The Owner/Operator or Respondent shall prepare a Construction Completion (CC) Report which documents how the completed project is consistent with the Final Plans and Specifications. A CC Report shall be submitted to the Department when

the construction and any operational tests have been completed. The CC Report shall, at a minimum, include the following elements:

1. Purpose;
2. Synopsis of the corrective measure, design criteria, and certification that the corrective measure was constructed in accordance with the Final Plans and Specifications;
3. Explanation and description of any modifications to the Final Plans and Specifications and why these were necessary for the project;
4. Results of any operational testing and/or monitoring, indicating how initial operation of the corrective measure compares to the design criteria;
5. Summary of significant activities that occurred during construction. Include a discussion of problems encountered and how they were addressed;
6. Summary of any inspection findings (include copies of key inspection documents in appendices);
7. As built drawings; and
8. A schedule indicating when any treatment systems will begin full scale operations.

CORRECTIVE MEASURE COMPLETION REPORT

The Owner/Operator or Respondent shall prepare a Corrective Measure Completion (CMC) Report when the Owner/Operator or Respondent believes that the corrective measure completion criteria have been satisfied. The purpose of the CMC Report is to fully document how the corrective measure completion criteria have been satisfied and to justify why the corrective measure and/or monitoring may cease. The CMC Report shall, at a minimum, include the following elements:

1. Purpose;
2. Synopsis of the corrective measure;
3. Corrective Measure Completion Criteria

Describe the process and criteria for determining when corrective measures, maintenance and monitoring may cease. Corrective measure completion criteria were given in the final Operation and Maintenance (O&M) Plan;

4. Demonstration that the completion criteria have been met. Include results of testing and/or monitoring, indicating how operation of the corrective measure compares to the completion criteria;
5. Summary of work accomplishments (e.g., performance levels achieved, total hours of treatment operation, total treated and/or excavated volumes, nature and volume of wastes generated, etc.);
6. Summary of significant activities that occurred during operations. Include a discussion of problems encountered and how they were addressed;
7. Summary of inspection findings (include copies of key inspection documents in appendices); and
8. Summary of total operation and maintenance costs.

HEALTH AND SAFETY PLAN

The Owner/Operator or Respondent must prepare a Health and Safety Plan for construction, operation and maintenance of the corrective measure. The Health and Safety Plan will not be approved by the Department. The Health and Safety Plan must, at a minimum, include the following elements:

1. Objectives

Describe the goals and objectives of the Health and Safety Plan (must apply to on-site personnel and visitors). The Health and Safety Plan must be consistent with the Facility Contingency Plan, Occupational Safety and Health Administration (OSHA) Regulations, NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities (1985), all state and local regulations and other Department guidance as provided.

2. Hazard Assessment

List and describe the potentially hazardous substances that could be encountered by field personnel during construction and/or operation and maintenance activities. Discuss the following:

- Inhalation Hazards
- Dermal Exposure
- Ingestion Hazards
- Physical Hazards

- Overall Hazard Rating

Include a table that, at a minimum, lists: known contaminants, highest observed concentration, media, symptoms/effects of acute exposure.

3. Personal Protection/Monitoring Equipment

For each operational task, describe personal protection levels and identify all monitoring equipment. Describe any action levels and corresponding response actions (i.e., when will levels of safety be upgraded). Describe decontamination procedures and areas.

4. Site Organization and Emergency Contacts

List and identify all contacts (include phone numbers). Identify the nearest hospital and provide a regional map showing the shortest route from the facility to the hospital. Describe site emergency procedures and any site safety organizations. Include evacuation procedures for neighbors (where applicable). Include a Facility Map showing emergency station locations (first aid, eye wash areas, etc.).

PROGRESS REPORTS

The Owner/Operator or Respondent shall provide the Department with signed bi-monthly progress reports during corrective measure design, construction, operation and maintenance. The Department may adjust the frequency of progress reporting to address site specific needs. For example, more frequent progress reports may be needed to track critical activities such as corrective measure construction and start-up. Progress reports must, at a minimum, include the following elements:

1. A description of significant activities and work completed during the reporting period;
2. Summary of system effectiveness. Provide a comparison of system operation to predicted performance levels (applicable only during operation of the corrective measure);
3. Summaries of all findings (including any inspection results);
4. Summaries of all contacts with representatives of the local community, public interest groups or State government during the reporting period;
5. Summaries of all problems or potential problems encountered during the reporting period;

6. Actions being taken and/or planned to rectify problems;
7. Changes in personnel during the reporting period;
8. Projected work for the next reporting period; and
9. If requested by the Department, the results of any sampling tests and/or other data generated during the reporting period.

SUBMITTAL SUMMARY

The following list provides a summary of when and how key documents should be submitted to the Department.

1. The submittal schedule for the documents listed below should be included in an enforcement order, permit or otherwise specified by the Department.

- Conceptual Design

2. The submittal schedule for the documents listed below must be specified in the Conceptual Design. The groupings reflect which documents should be submitted together.

- Draft Plans and Specifications
- Draft Operation and Maintenance Plan
- Draft Construction Workplan
- Final Plans and Specifications
- Final Operation and Maintenance Plan
- Final Construction Workplan
- Health and Safety Plan

3. The submittal schedule for the document listed below must be specified in the Final Construction Workplan.

- Construction Completion Report

4. The submittal schedule for the document listed below is based on when the Owner/Operator or Respondent believes the completion criteria have been satisfied.

- Corrective Measure Completion Report

- .. 5. The submittal schedule for Progress Reports shall be bimonthly unless otherwise specified by the Department.

ATTACHMENT 6

SCOPE OF WORK FOR PROGRESS REPORTS

The Owner/Operator or Respondent shall provide the Department of Toxic Substances Control ("DTSC" or "the Department") with signed quarterly progress reports. The Department may adjust the frequency of progress reporting to address site specific needs. For example, more frequent progress reports may be needed to track critical activities such as corrective measure construction and start-up. Progress reports must, at a minimum, include the following elements:

1. All Actions taken during the reporting period to achieve compliance with the Consent Order.
2. A summary of any findings made during the reporting period.
3. All problems or potential problems encountered during the well reporting period (also discuss problem solutions).
4. List all documents and dates submitted to DTSC during the reporting period and dates documents are anticipated to be submitted to DTSC during the next reporting period.
5. All projected work for the next reporting period.
6. A discussion of any changes in personnel and/or contractors that have occurred during the reporting period.
7. Summaries of all contacts with representatives of the press, local community or public interest groups.
8. Submit copies of published press or news articles associated with onsite and offsite facility or historical facility operations.
9. Provided an updated Microsoft Project Schedule.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

**Clean Harbors Buttonwillow LLC
2500 Lokern Road
Buttonwillow CA, 93206
EPA ID: CAD980675276**

Docket HWCA-FY23/24-003

STATEMENT TO RESPONDENT

Enforcement Order

Respondent.

TO THE ABOVE RESPONDENT:

An Enforcement Order (Order) is attached to this statement and is hereby served upon you. The Order has been filed by the Department of Toxic Substances Control (Department).

UNLESS A WRITTEN REQUEST FOR A HEARING SIGNED BY YOU OR ON YOUR BEHALF IS DELIVERED TO THE DEPARTMENT OR POSTMARKED WITHIN TWENTY DAYS AFTER THE DATE OF THE COVER LETTER YOU RECEIVED WITH YOUR COPY OF THE ORDER, YOU WILL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO A HEARING IN THIS MATTER. IF YOU DO NOT FILE A TIMELY HEARING REQUEST, THE ENFORCEMENT ORDER BECOMES FINAL AUTOMATICALLY.

The request for a hearing may be made by delivering or mailing one copy of the enclosed form entitled "Notice of Defense" or by delivering or mailing a Notice of Defense as provided in section 11506 of the Government Code to:

Chief Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor,
P. O. Box 806
Sacramento, California 95812-0806

The enclosed Notice of Defense, if signed and filed with the Department, is deemed a specific denial of all parts of the Order, but you will not be permitted to raise any objection to the form of the Order unless you file a further Notice of Defense as

provided in section 11506 of the Government Code within fifteen days after service of the Order upon you.

If you file a Notice of Defense within the time permitted, a hearing on the allegations made in the Order will be conducted by the Office of Administrative Hearings of the Department of General Services in accordance with the procedures specified in Health and Safety Code section 25187 and Government Code sections 11507 et seq.

The hearing may be postponed for good cause. If you have good cause, you must notify the Department within ten working days after you discover the good cause. Failure to notify the Department within ten days will deprive you of a postponement.

Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are attached. If you desire the names and addresses of witnesses or an opportunity to inspect and copy items in possession, custody, or control of the Department, you may contact:

Chief Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P. O. Box 806
Sacramento, California 95812-0806

Whether or not you have a hearing, you may confer informally with the Department to discuss the alleged facts, determinations, corrective actions and penalty. An informal conference does not, however, postpone the twenty-day period you have to request a hearing on the Order. An informal conference may be pursued simultaneously with the hearing process.

You may but are not required to be represented by counsel at any or all stages of these proceedings.

GOVERNMENT CODE

Section 11507.5. Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

Section 11507.6. Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3)

contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

Section 11507.7. Motion to compel discovery

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

NOTICE OF DEFENSE
STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Clean Harbors Buttonwillow LLC
2500 Lokern Road
Buttonwillow CA, 93206
EPA ID: CAD980675276
Respondent.

Docket HWCA-FY23/24-003

NOTICE OF DEFENSE

Health and Safety Code
Section 25187(d)

I, the undersigned Respondent, acknowledge receipt of a copy of the Enforcement Order, Statement to Respondent, Government Code sections 11507.5, 11507.6, and 11507.7, and two copies of a Notice of Defense.

I request a hearing to permit me to present my defense to the allegations contained in the Enforcement Order.

Dated: _____

(Signature of Respondent)

Please Type or Print the Name
and Mailing Address of Respondent

(Name)

(Street Address)

(City)

(State)

(Zip)

(Telephone Number)

NOTICE OF DEFENSE

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Clean Harbors Buttonwillow LLC
2500 Lokern Road
Buttonwillow CA, 93206
EPA ID: CAD980675276

Respondent.

Docket HWCA-FY23/24-003

NOTICE OF DEFENSE

Health and Safety Code
Section 25187(d)

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I request a hearing to permit me to present my defense to the allegations contained in the Enforcement Order.

Dated: _____

(Signature of Respondent)

Please Type or Print the Name
and Mailing Address of Respondent

(Name)

(Street Address)

(City)

(State)

(Zip)

(Telephone Number)

PROOF OF SERVICE

1. I served the

- a. ☒ Enforcement Order Docket No. HWCA-FY23/24-003
☒ Statement to Respondent
☒ 2 Blank Notice of Defense Forms
☒ Other (specify): Cover Letter for Enforcement Order for Corrective Action

b. On Respondent (Name):

**Marianna Buoni
Clean Harbors Buttonwillow LLC
2500 Lokern Road
Buttonwillow CA, 93206
EPA ID: CAD980675276**

c. By serving: ☒ Respondent

☐ Other (Name and Title or relationship
to Respondent _____

2. a. ☐ By personally delivering copies to (address) _____

at (time) _____ on (date) _____.

b. ☒ By mailing copies by first-class certified mail,
Certified Mail Receipt No. 701112000570572640, return receipt requested, in a
sealed envelope addressed to:

4. My name, business address, and telephone number are:

**Randy Snapp
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-3711**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on (date) 07/18/2023 at (place) Sacramento, California.

Original signed by Randy Snapp


(Signature)