



Department of Toxic Substances Control

Hazardous Waste Management Program
Permitting Division

STATEMENT OF BASIS

FACILITY NAME:

Chemical Waste Management, Inc.

Kettleman Hills Facility

FACILITY ADDRESS:

35251 Old Skyline Road

Kettleman City, CA 93239

EPA ID NUMBER:

CAT 000 646 117

DOCUMENT DATE:

April 3, 2024



Chemical Waste Management, Inc. – Kettleman Hills Facility Main Operations Area

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INTRODUCTION

The Department of Toxic Substances Control (DTSC) received a Permit Application Renewal from Chemical Waste Management, Inc. – Kettleman Hills Facility (Facility) on February 18, 2013. The Permit Application proposes minor changes to the Facility's operations, which are specified in the Operation Plan dated April 13, 2023. DTSC has prepared a Draft Permit for public review and comment.

This Statement of Basis has been prepared by DTSC in accordance with California Code of Regulations, title 22, section 66271.6 and corresponds to the parts in the RCRA draft permit. The purpose of this document is to briefly describe the derivation of the conditions of the draft permit and the reasons for them. Some parts in the RCRA Draft Permit are self-explanatory and have not been included in this Statement of Basis.

PART III. GENERAL CONDITIONS

The following general conditions are included in all permits to emphasize specific existing statutory or regulatory requirements applicable to permitted facilities.

1. EFFECT OF PERMIT

- (a) The Permittee shall comply with the terms and conditions of this Permit and the provisions of the California Health and Safety Code and California Code of Regulations, title 22, division 4.5. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including, but not limited to, those required by the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Facility.

This general condition was added to emphasize the requirements of California Code of Regulations, title 22, section 66270.4. The condition requires the Permittee to comply with all applicable hazardous waste statutes and regulations. It also indicates that compliance with this Permit does not obviate the Permittee from complying with other applicable statutes and regulations. This condition further indicates that the issuance of this Permit does not relieve the Permittee from obtaining other permits and authorizations from other governmental agencies needed to construct and/or operate the Facility.

- (b) The Permittee is permitted to manage hazardous waste in accordance with the terms and conditions of this Permit. Any management or accumulation of hazardous waste that is not specifically authorized in this Permit, or otherwise authorized by law, is strictly prohibited.

This general condition was added to clarify that the Permittee may conduct hazardous waste management activities in accordance with the terms of the permit. The reference to "otherwise authorized by law," is intended to acknowledge that some types of hazardous waste management (e.g., generator activities), do not require additional authorization. It is also intended to emphasize that prior to conducting hazardous waste management activities not currently described in this Permit, the Permittee must first obtain authorization from DTSC, in accordance with California Health and Safety Code section 25200.

- (c) This Permit incorporates by reference the conditions applicable to all permits found in California Code of Regulations, title 22, section 66270.30.

This general condition was added to meet the requirements of California Code of Regulations, title 22, section 66270.30, which requires the conditions of subsections (a) through (m) be incorporated in all permits either expressly or by reference.

- (d) Compliance with the terms and conditions of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.

This general condition was added to clarify that this Permit does not relieve the Permittee from its responsibility to comply with all applicable public health or environmental laws.

- (e) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee.

This general condition was added to emphasize that the Permittee must comply with all applicable regulations, including regulations adopted after the date of issuance of this Permit, as required by California Code of Regulations, title 22, section 66270.4(a).

- (f) Failure to comply with any term or condition set forth in the Permit in the time or manner specified herein will subject the Permittee to possible enforcement action, including, but not limited to, penalties pursuant to California Health and Safety Code section 25187.

This general condition was added to emphasize that Permit noncompliance may subject the Permittee to enforcement action.

- (g) Pursuant to Health and Safety Code, division 20, chapter 6.5, article 8; California Code of Regulations, title 22, section 66270.43; and California Code of Regulations, title 22, division 4.5, chapter 21, article 3, DTSC may revoke or suspend this Permit or suspend the facility operation for various grounds, including, but not limited to, activities of the Permittee (or any trustee, officer, director, partner, or any person holding more than 5% of the equity in, or debt liability of, the Permittee's business concern) resulting in any violation of or non-compliance with various environmental statutes and regulations, or federal or state conviction significantly related to the fitness of the permit applicant or the Permittee; any misrepresentation or omission of information in the Permit Application, or during the permit application process, or in information subsequently reported by the Permittee; a determination that conditions may present an imminent and substantial endangerment to the public health or safety or the environment; non-payment of any fees, penalties, or costs owed to DTSC; or if a facility is assigned an unacceptable compliance tier based on its Facility Violations Scoring Procedure (VSP) Score.

This general condition was added to identify some factors or circumstances that could lead to revocation or suspension of this Permit. Applicable statutory and regulatory provisions state that DTSC may revoke or suspend this Permit when cause exists including repeat or serious non-compliance, misrepresentation or omission in the permit application, or imminent and substantial endangerment.

- (h) The Part A Permit Application and Part B Permit Application also known as the Operation Plan are incorporated by reference as part of this Permit.

This general condition was added to clarify that this permit incorporates by reference the entire permit application received from the Facility which consists of the Part A permit application and the Part B permit application which is also referred to as the Operation Plan.

- (i) In case of conflicts between the Operation Plan and the Permit, the Permit conditions take precedence.

This general condition was added to emphasize that the Permittee must comply with permit conditions even if the Operation Plan contains conflicting language. This helps reduce any potential confusion for the Permittee and DTSC Enforcement staff.

- (j) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued to the Facility by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the California Water Code, to the extent such conditions are not less stringent than any requirements or limitations set forth in the Permit. Any changes to this Permit resulting from changes to waste discharge requirements will require a permit modification in accordance with the California Code of Regulations, title 22, section 66270.42.

This general condition was added to meet the requirements of California Health and Safety Code section 25204.5 and California Code of Regulations, title 22, section 66270.1(d). This condition requires the Permittee to comply with waste discharge requirements issued by the State Water Resources Control Board or the California Regional Water Quality Control Boards. This condition also clarifies that the Permittee shall comply with any more stringent requirements that DTSC deems as necessary and appropriate. The last sentence in this permit condition is added for clarity to ensure the Permittee understands that a permit modification is required in accordance with California Code of Regulations, title 22, section 66270.42 if changes to waste discharge requirements will cause changes to this permit.

- (k) The Permittee shall report any fire, explosion, or release of hazardous waste or hazardous waste constituents to air, soil, or surface water to DTSC within 24 hours of the incident and shall implement the approved Contingency Plan for any incident that could threaten human health or the environment.

The general condition was added to ensure the Permittee reports any hazardous waste releases, which may endanger health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances as required in California Code of Regulations, title 22, section 66270.30(l)(6).

2. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

DTSC prepared an Addendum to the previously certified Environmental Impact Report (EIR) in accordance with the requirements of the California Environmental Quality Act, Public Resources Code section 21000 et seq. and the Guidelines for Implementation of the California Environmental Quality Act, California Code of Regulations, title 14, section 15164.

This information was added to explain how DTSC complied with the California Environmental Quality Act (CEQA) requirements as specified in California Code of Regulations, title 14, section 15164 when making a discretionary decision to issue this Permit.

3. ENVIRONMENTAL MONITORING

The Permittee shall comply with the applicable environmental monitoring and response program requirements of California Code of Regulations, title 22, division 4.5, chapter 14, articles 6 and 17 for all regulated units at the Facility.

This general condition was added to emphasize that all regulated units (i.e., surface impoundments, waste piles, land treatment units or landfills) have environmental monitoring and response programs that meet the applicable requirements described in California Code of Regulations, title 22, division 4.5, chapter 14, articles 6 and 17.

4. ANNUAL HAZARDOUS WASTE REDUCTION AND MINIMIZATION CERTIFICATION

The Permittee shall certify annually that it has a hazardous waste reduction and minimization program and method in place and shall keep the annual certification as part of its Operating Record in accordance with California Code of Regulations, title 22, section 66264.73(b)(9).

This general condition was added to satisfy California Health and Safety Code section 25202.9, which requires DTSC to include a permit condition that addresses annual generator reduction and minimization certifications. Reducing the amount of hazardous waste generated is beneficial because it minimizes the risks to human health and the environment from management, treatment, or disposal of the waste.

5. ACCESS

- (a) DTSC, its contractors, employees, agents, and/or any United States Environmental Protection Agency representatives are authorized to enter and freely move about the Facility for the purposes of interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of Part VI of the Permit; conducting such testing sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit, California Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5. The Permittee shall provide DTSC and its

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representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of any provision of this Permit, California Health and Safety Code, division 20, chapter 6.5, and California Code of Regulations, title 22, division 4.5, and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to the entire Permit or undertake any other activity necessary to determine compliance with applicable requirements.

- (b) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable State or federal laws and regulations.

The two-part general condition was added to ensure the Permittee provides access to the Facility for inspectors to evaluate Permit compliance. Pursuant to Health and Safety Code section 25185, Permittee must grant access to DTSC and U.S. Environmental Protection Agency authorized representatives at reasonable times and allow them to view relevant records/documents and take photographs as necessary to evaluate compliance. This permit condition does not limit DTSC's ability to enter the Facility when otherwise authorized by law.

6. GOVERNMENT LIABILITIES

The State of California or DTSC shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the Permittee or its agents in carrying out activities pursuant to this Permit, nor shall the State of California or DTSC be held as a party to any contract entered into by the Permittee or its agents in carrying out activities pursuant to this Permit.

This general condition was added to clarify that neither DTSC nor the State of California assumes liability for any injuries or damages caused by the Permittee when conducting any activities authorized by this Permit. Furthermore, the issuance of this Permit does not make the State of California or DTSC a party to any contract entered into by the Permittee for conducting any activities authorized by or needed to comply with this Permit. California Code of Regulations, title 22, section 66264.147(a) requires the Permittee to maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

7. SEVERABILITY

If any provision, term, or condition of this Permit is for any reason held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions, terms, and conditions of this Permit shall in no way be affected, impaired or invalidated thereby and shall remain in full force and effect.

This general condition was added to ensure that if any provision of this Permit is found to be unenforceable (e.g. due to an error, a change in regulations, or court proceeding), it does not invalidate the entire Permit unless required by law or regulations. In other words, if there is an

issue with any part of this Permit, it shall have no bearing on the obligation of the Permittee to comply with the remaining provisions of this Permit.

PART IV. UNIT-SPECIFIC SPECIAL CONDITIONS

The following unit-specific special conditions are added by DTSC on a case by case basis because DTSC determined them necessary to protect human health and the environment.

UNIT #1: DRUM STORAGE UNIT (DSU)

1. The Permittee shall ensure that containers used to hold hazardous waste are constructed or lined with materials compatible with the hazardous waste to be placed in the container.

This permit condition is added for clarity to ensure the containers used to hold hazardous waste are made from or lined with materials that are compatible with the waste in them. The Part B Permit Application Operation Plan (Operation Plan) Chapter 14.0 discusses the proper use and management of containers including managing incompatible wastes, however it does not explicitly state that containers must be made from materials that are compatible with the waste contained within them. This permit condition makes it clear that verifying chemical compatibility of waste with containers is mandatory in accordance with California Code of Regulations, title 22, section 66264.172.

2. The Permittee shall not conduct container top solidification at truck unloading/loading bay 1-J through 1-M (loading/unloading bays).

This Permit condition is added to clarify that container top solidification is only permitted in the main building area of the DSU i.e. storage bays 1-A through 1-I. Container top solidification is not permitted in loading/ unloading bays 1-J through 1-M. Container top solidification is considered a form of treatment and should be limited only to the loading unloading areas. This activity should not take place in the storage bays.

3. The Permittee shall not add or remove any waste from the container when performing container top solidification at storage bays 1-A through 1-I.

This Permit condition is added to ensure that container top solidification is only performed as necessary to enable the processing of waste at another unit onsite. Adding or removing any content during this process is not permitted. Transfer activities are not permitted when conducting container top solidification because they may affect the efficacy of the treatment.

4. The Permittee shall not store or manage any containers with a capacity greater than 300 gallons at storage bays 1-A through 1-I.

This Permit condition is added to limit the size of containers stored or managed in the DSU storage bays to less than 300 gal. 55 gal drums are the most common type of container processed in the DSU. However, other larger, pallet mounted containers, such as the intermediate bulk container (IBC) 300-gal tote are also commonly stored and managed in the DSU. This condition limits the volume of containers in the DSU to ensure safe operations and to prevent storing and managing larger containers which are not designed for use in the DSU and pose potential safety hazards.

5. The Permittee shall take steps to ensure that the fire suppression system is operable at all times, by completing all of the following:

- a. Conducting inspections according to schedule contained in Table 31-1 of the Operation Plan and performing repairs when necessary. (Cal. Code Regs., tit. 22, § 66264.15.)

- b. Performing of testing and maintenance, including preventative maintenance. (Cal. Code Regs., tit. 22, § 66264.15)
- c. Ensuring that the system is supplied with water at adequate volume and pressure. (Cal. Code Regs., tit. 22, § 66264.32(d).)

This condition is added for clarity. The operation plan covers this requirement, but this condition ensures the Permittee maintains the fire suppression system in accordance with the regulations cited in the permit condition.

6. When the Permittee is performing waste transfer at truck unloading/loading bay 1-J through 1-M all containers involved in the transfer shall be located within one bay, and the other three bays shall be empty.

This permit condition is added to ensure safe operations at the DSU. With this condition, if hazardous waste were to spill or leak during waste transfer activities it will be limited to only one loading/ unloading bay and its associated leak collection sump. This permit condition also ensures the Permittee is focused on waste transfer activities by limiting the amount of waste transfer that is permitted at a given time.

7. When the Permittee is conducting any activities in the loading/unloading bays, any containers of hazardous waste shall be entirely within the boundary perimeter of the secondary containment. If the container is on a truck, the tractor portion of the truck may be outside of the secondary containment.

This permit condition is added to clarify that tractor portion of trucks do not need to be within the boundary perimeter of the secondary containment at the DSU. It is still possible for trucks to safely offload containers into the DSU while the tractor portion is parked outside the secondary containment. Typically, the trucks will reverse into the unloading bays and a forklift will offload the containers into the DSU accordingly. At no point does the tractor portion of the truck enter the DSU perimeter of secondary containment. Containers of hazardous waste need to be fully within the bounds of the secondary containment to ensure proper management and prevent releases in the event of a spill.

8. The Permittee shall not store or manage more than one thousand (1000) drums per row for bays 1-A through 1-I.

This Permit condition is added to ensure that a maximum of 1,000 drums per row in the main building area of the DSU. Exhibit 14-1 of the operation plan demonstrates a maximum capacity calculation which utilizes this same limit of 1,000 drums maximum per storage bay. This permit condition is added for clarity.

9. The Permittee shall ensure inspections of the DSU are completed pursuant to Table 31-2 in Section 31.0 of the Application. All inspections must be recorded in the inspection logs and maintained for at least 3 years.

This permit condition is added for clarity and to draw attention to the DSU inspection log. This is an area with more potential for mismanagement of waste to occur. This condition is also intended to ensure compliance with the general facility standard for not storing waste beyond one year unless otherwise authorized to do so. For example, container labels are inspected during DSU inspections. Ensuring containers are properly labeled would help to ensure waste is not stored beyond one year.

10. The Permittee shall store incompatible waste in separate storage bays.

This permit condition is added for clarity. Section 14.2(d) of the operation plan provides details regarding storing incompatible waste in the DSU. This permit condition is intended to ensure that incompatible wastes are never stored in the same storage bay in the DSU.

UNIT #2: PCB FLUSHING/STORAGE UNIT

1. Tank assessments must be certified by an independent, qualified professional engineer, registered in California, in accordance with California Code of Regulations, title 22, sections 66270.11(d) and 66264.191, every five years.

This permit condition is added for clarity to ensure the Permittee conducts their 5-year tank assessments in accordance with California Code of Regulations, title 22, sections 66264.191 and 66270.11(d). While the PCB unit is regulated under the 2020 TSCA Approval, it is still subject to RCRA standards since it occasionally handles waste that is classified as RCRA/TSCA waste.

2. The Permittee shall comply with the conditions of this RCRA permit and the 2020 TSCA Approval issued by US EPA. In case of any inconsistency between RCRA and TSCA regulations, the more stringent regulations should govern.

This permit condition is added for clarity since this Permittee is regulated under both the 2020 TSCA approval and this RCRA permit. This condition clarifies that the more stringent standards apply in case of inconsistency between RCRA and TSCA.

3. The Permittee shall not conduct treatment except for container-top solidification in the PCB Flushing/Storage Unit in accordance with the 2020 TSCA Approval.

This condition is added to ensure consistency between this RCRA permit and the 2020 TSCA Approval from EPA. Container top solidification is not permitted in all areas of the facility. However, container top solidification is necessary during the PCB Flushing/ Storage unit operations in accordance with the 2020 TSCA Approval.

4. The Permittee shall not manage any waste except for waste containing PCBs in the PCB Flushing/Storage Unit.

This permit condition prevents any type of waste, except PCB waste, from being processed in this unit.

UNIT #3: BULK STORAGE UNITS (BSU) 1 AND 2

1. The Permittee shall not stack roll-off bins holding hazardous waste.

This permit condition is added for safety. The operation plan does not prohibit stacking of roll of bins. While the Facility operations do not include stacking roll off bins that contain waste, they do stack empty roll of bins to save space during storage.

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2. The Permittee shall ensure inspections of BSU 1 and 2 are completed in accordance with Table 31-2 in Section 31.0 of the Application. All inspections must be recorded in the inspection logs and maintained for at least 3 years.

This permit condition is added to ensure compliance with California Code of Regulations, title 22, section 66264.15(d). The operation plan does not specify that inspection logs must be kept in the facility operating record for a period of three years.

UNIT #4: FINAL STABILIZATION UNIT (FSU)

1. After placing waste in an FSU tank, the Permittee shall not then place an incompatible waste in the same tank without first decontaminating the tank and all equipment that came into contact with the previously placed waste until it is safe to place the incompatible waste.

This permit condition is added to ensure safe operations. The Operation Plan discusses managing incompatible wastes, but it does not specify details regarding the FSU mixing tanks. This permit condition clarifies that any equipment that comes into contact with an incompatible waste, including the mixing tanks themselves, must be washed until waste residuals are no longer present.

2. The Permittee shall handle any wastewater that results from decontaminating the FSU as hazardous waste.

This permit condition is added to ensure that the wastewater generated when washing the FSU and its ancillary equipment must be handled as hazardous waste.

3. The Permittee shall not place waste on the floor in the FSU.

This permit condition is added to ensure the FSU is not operated as a containment building. Waste is not permitted to be placed on the floor in the FSU.

4. The Permittee shall perform all inspections in accordance with Table 31-2 in Section 31.0 of the Application. All inspections must be recorded in the inspection logs and maintained for at least 3 years.

This permit condition is added for compliance with California Code of Regulations, title 22, section 66264.15 and to bring attention to the inspection logs for the FSU as this is a critical item in the successful operation of this unit. This condition reminds the Permittee and regulators to ensure FSU inspection logs are adequately used and maintained.

5. The Permittee shall conduct post-treatment analysis pursuant to the operation plan, section 12.6.3.3.2.

This permit condition is added to ensure compliance with the new LDR post-treatment analysis. DTSC and the Permittee worked together to revise section 12.6.3.3.2 of the operation plan to make it more protective. The new section in the operation plan provides details regarding LDR post-treatment analysis. There are now 20 post treatment samples collected for Tier 2 waste streams 4 samples from the first 5 loads for a total of 20 samples.

6. The Permittee shall not accept in the FSU wastes that include infectious or biohazardous waste as defined in California Health and Safety Code 117690, Radioactive wastes as defined in California Health and Safety Code 114985(d), (e), (f), and (m), Department of Transportation Class A explosives, compressed gas waste, RCRA regulated dioxin-contaminated wastes (F020, F021,

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F022, F023, F026, F027), sewage sludge, Hydrazine (U133), PCB wastes greater than 50 parts per million, and municipal garbage or refuse.

This permit condition is added to clarify what wastes are not acceptable in the FSU. In addition to listing the waste codes that are accepted at this unit this condition specifies certain waste types and some specific waste codes that are not permitted for transfer or treatment in the FSU

7. The Permittee shall not accept any RCRA debris waste subject to Article 28.5 with an average VOC concentration greater than 500 ppmw.

This permit condition is added to ensure the Permittee does not unlawfully manage RCRA debris waste subject to Article 28.5 with average VOC concentration greater than 500 ppmw.

8. The Permittee shall comply with the following post treatment sampling practices when collecting the two required samples for LDR verification testing of Tier 1 waste streams:

- (a) Neither of the two samples of the treated waste can be taken from the same treatment mix unless there is only one treatment mix of treated waste after treatment in the FSU.
- (b) In the event that only treatment mixes were produced after treatment, both treatment mixes should be sampled once for a total of two samples.
- (c) In the event there are more than two treatment mixes bins produced after treatment, one sample must be taken from the first treatment mix and one sample must be taken from the last treatment mix.

This permit condition ensures representative sampling for LDR post-treatment verification. This permit condition is added to supplement the previous permit condition. The Operation Plan does not specify some details with regards to LDR post-treatment sampling which are reflected in this permit condition. LDR post treatment analysis is conducted to ensure the treated waste meets all applicable LDRs.

9. The Permittee shall comply with the following post treatment sampling practices when collecting the four required samples for LDR verification testing of Tier 2 waste streams:

- (a) Each treatment mix will be broken into six (6) separate grid locations.
- (b) None of the four samples of the treated waste can be taken from the same treatment mix unless there are less than four treatment mixes in total.
- (c) In the event of three treatment mixes produced after treatment, two of the treatment mixes should be sampled once and the other treatment mix should be sampled twice, but not from the same grid for a total of four samples.
- (d) In the event of two treatment mixes produced after treatment, both treatment mixes should be sampled twice, but not from the same grid for a total of four samples.
- (e) In the event there is only one treatment mix produced after treatment, the four samples must be taken from four different grids in the treatment mix.
- (f) In the event there are more than four treatment mixes produced after treatment, one sample must be taken from the first treatment mix, one sample must be taken from the last treatment mix, and the other two samples must come from any two different treatment mixes that are not the first or last treatment mix.

This permit condition is added to supplement the previous permit condition. The Operation Plan does not specify some details with regards to LDR post-treatment sampling which are reflected in

this permit condition. LDR post treatment analysis is conducted to ensure the treated waste meets all applicable LDRs.

UNIT #5: SURFACE IMPOUNDMENTS P-9, P-14, P-15, AND P-16

1. The Permittee shall inspect each surface impoundment and its ancillary equipment including the condition of the liners in accordance with the inspection plan detailed in Table 31-2 of Ch. 31.0 of the Operation Plan.

This permit condition is added ensure the inspections of the surface impoundments. Some of these units are 20-30 years old and their components are beginning to degrade. Proper inspections will help prevent releases in the event the surface impoundments become damaged or begin to leak for any reason.

UNIT #6: LANDFILL UNIT B-18

1. The Permittee shall apply a daily cover soil over exposed wastes to control wind dispersal of particulate matter within the landfill operations area, as required by California Code of Regulations, title 22, section 66264.301(i).

This permit condition was added to and ensure compliance with California Code of Regulations, title 22, section 66264.301(i). The application of a daily cover soil is an essential component of safe landfilling practices.

2. The Permittee shall ensure that all containers are either at least 90 percent full when placed in a landfill or are crushed, shredded, or similarly reduced in volume to the maximum practical extent prior to burial in a landfill, as required by California Code of Regulations, title 22, section 66264.315. This condition does not apply to containers that are very small, such as ampules or to containers designed to hold free liquids for use other than storage, such as a battery or capacitor.

This permit condition is added for clarity and to ensure compliance with California Code of Regulations, title 22, section 66264.315. The Permittee must ensure that containers holding hazardous waste which are destined for land disposal must be at least 90 percent full or are crushed or similarly reduced in volume to the maximum extent possible to maximize the amount of waste that can be placed in the landfill.

3. The Permittee shall conduct an aerial or land survey of active hazardous waste landfills annually. The Permittee shall submit the digital data from the aerial or land survey and a summary of the data to DTSC by March 1 of each year. The summary shall include the content required in California Code of Regulations, title 22, section 66264.309. The Permittee shall submit an estimate of the airspace consumed for the month for each active hazardous waste landfill to DTSC on a monthly basis.

This permit condition is added to allow the Facility and DTSC to more adequately monitor the state of the hazardous waste landfills and their remaining capacity by utilizing an aerial view and reporting on the findings annually.

4. The Permittee shall not dispose of hazardous waste containing mercury at a level equal to, or greater than, 260 mg/kg at any landfill.

This permit condition is added to ensure compliance with Land Disposal Restrictions. EPA specifies mercury containing wastes into two categories; a low mercury subcategory and high

mercury category. High mercury means anything greater than or equal to 260 mg/kg. High mercury wastes must be treated by methods not done at this Facility. Low mercury wastes are not subject to a specific technology for treatment but must meet a numerical treatment standard of 0.025 mg/L TCLP. (99 FR 13659) This permit condition ensures that only low mercury containing wastes are placed in landfill B-18.

PART V. SPECIAL CONDITIONS

The following special conditions apply to the entire Facility.

1. Pursuant California Code of Regulations, title 22, section 66270.50(d), the Permittee is subject to evaluation for modification, or revocation and reissuance of this permit 5 years from the date of issuance.

This permit condition is added to allow the Permittee and DTSC time to review and assess various aspects of the permit including environmental monitoring programs, operational challenges, remaining capacity, etc. to determine if any modifications to the permit are necessary.

2. The Permittee may store hazardous wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. The Permittee shall notify DTSC that waste will be stored beyond one year at least 30 days prior to the one-year storage date. At a minimum, this notification shall include the type of waste(s), quantity of waste(s), and rationale for the necessity of storage beyond one year.

This special condition places restriction on the length of time that hazardous waste may be stored at the Facility. A storage limit of one year should provide adequate time to accumulate sufficient quantities to facilitate proper recovery, treatment, or disposal of hazardous wastes while discouraging long-term storage as a means of avoiding the cost of proper management.

3. The Permittee shall notify DTSC within 24 hours of the discovery of any cracks, gaps, or tears in a hazardous waste management unit or a secondary containment system or device. Repairs shall be initiated immediately. Within seven days of discovery, the Permittee shall notify DTSC in writing of the corrective measures that have been taken.

This special condition was added to implement appropriate corrective measures and reporting requirements for releases of hazardous waste. This special condition also requires the Permittee to fix the problem as soon as possible to prevent releases and to complete any corrective measures within one week. Additionally, the Permittee must inform DTSC within 7 days of discovery of how the problem was resolved.

4. Any non-hazardous waste that is stored in a unit authorized by this Permit for management of hazardous waste shall be subject to the conditions of this Permit, including volume calculations, compatibility, inspections, and labeling.

This special condition was added to extend limits on storage capacity and related requirements stated in the Permit to all waste placed in the permitted units. This helps to prevent releases, ensure permitted units have the capacity to contain waste leaks and spills, and ensure all waste placed in the unit is compatible.

5. The Permittee shall collect all rainwater and wash water accumulated within the authorized units and determine whether it is hazardous waste; if it is hazardous waste, the Permittee shall manage it accordingly.

This special condition was added to emphasize that all accumulated rainwater and wash water must be managed in compliance with applicable approved rain/wash water management plans. The removal of rainwater and wash water is necessary to ensure that the capacity of the secondary containment system is not diminished and ensures the identification of leaks and spills.

6. The Facility shall not be a designated Treatment, Storage, or Disposal Facility on the manifests for any exempt transfer activities conducted pursuant to California Code of Regulations, title 22, section 66263.18.

This special condition was added to emphasize the transfer facility exemption specified in California Code of Regulations, title 22, section 66263.18. If the Permittee receives hazardous waste and the Permittee is listed as the designated treatment, storage, or disposal facility on the manifest, the normal course of transportation has ended, and the transfer facility exemption is no longer applicable.

7. For the purpose of calculating the permitted maximum capacity limitations for storage and for secondary containment, all containers in the authorized units are assumed to be full, and all hazardous waste that is stored or located in an authorized unit shall be included in the calculation for that unit.

This special condition was added to ensure that the volume in storage can be ascertained quickly and safely by DTSC inspectors without opening the containers.

8. The Permittee shall take the necessary precautions to ensure that the minimum shell thickness for all tanks handling hazardous materials complies with the tank standards in California Code of Regulations, title 22, section 66264.191.

This permit condition is added for clarity and ensures the safe operation of tanks holding hazardous waste. This condition requires the Permittee to take the necessary steps to ensure the minimum shell thickness for all tanks holding hazardous waste is maintained in accordance with California Code of Regulations, title 22, section 66264.91. Although all tanks at the facility are certified by an independent, qualified professional engineer, registered in California, tank degradation occurs continuously. The Permittee is responsible for ensuring the tanks are in suitable condition for their intended use.

9. Tank assessments must be certified by an independent, qualified professional engineer, registered in California, in accordance with California Code of Regulations, title 22, sections 66270.11(d) and 66264.191.

This permit condition is added for safe operations and to ensure compliance with California Code of Regulations, title 22, sections 66264.191 and 66270.11(d). Tank assessments must be certified by a California registered professional engineer.

10. The Permittee shall conduct sampling activities only within an authorized unit or within a secondary containment system or device of a loading and unloading area designated in the Permit.

This special condition was added to help to ensure that any spills of hazardous waste that may result during sampling activities are adequately contained.

11. The Permittee shall ensure that containers of hazardous waste at the Facility are closed except when adding or removing waste or conducting an inspection of the contents.

This special condition was added to reiterate that containers must remain closed when storing or treating hazardous waste in accordance with California Code of Regulations, title 22, section 66264.173. Closed containers minimize the potential for vapors to escape and reduce the potential for spills.

12. The Permittee shall ensure that containers used to hold hazardous wastes are constructed or lined with materials compatible with the hazardous waste to be placed in the container.

This permit condition is added to ensure compliance with California Code of Regulations, title 22, section 66264.172. This Facility is authorized to store wastes that may react with the containers they are in, therefore it is essential that the material of the containers or their liner is compatible with the waste inside.

13. The Permittee shall not stack containers holding hazardous waste more than two containers high.

This special condition was added to help prevent container releases. Containers falling from a greater height will sustain more damage and may lead to the container releasing hazardous waste. In addition, limiting container stacking to two containers high helps ensure that container labels can be read from ground level.

14. The Permittee shall not stack containers beyond a total height of 72 inches.

This special condition was added to help prevent container releases. Stacking containers more than 72 inches high creates a potential for a release. Containers falling from a greater height will sustain more damage and may lead to the container releasing hazardous waste. In addition, limiting container stacking to 72 inches high helps ensure that container labels can be read from ground level.

15. The Permittee shall not stack containers holding ignitable or flammable hazardous waste.

This permit condition is added to ensure safe operation when stacking containers. This permit condition ensures safe facility operations by not authorizing the Permittee to stack ignitable and flammable waste to prevent a fire or other type of emergency from occurring in the event of a release.

16. The Permittee shall not move stacked containers holding hazardous waste unless they are secured together in plastic wrap or a similar method to prevent spills.

This special condition was added to help prevent container releases. Stacked containers should not be moved unless they are wrapped together in plastic wrap or another similar method that tightly ties the containers together to prevent releases in the case one of the containers falls.

17. The Permittee shall control air emissions from containers holding waste with average VOC concentration greater than 500 ppmw and having a design capacity greater than 0.1 m³ and less than 0.46 m³ in accordance with Container Level 1 controls detailed in California Code of Regulations, title 22, section 66264.1086(c).

This special condition was added for clarity and to ensure compliance with the container standards in California Code of Regulations, title 22, Article 28.5. The Permittee shall use appropriate container level controls based on the operating parameters for that container. This

permit condition prevents any misunderstanding between DTSC and the Facility regarding which container level controls to use.

18. The Permittee shall control air emissions from containers holding waste with average VOC concentration greater than 500 ppmw and having a design capacity greater than 0.46 m³ that are not in light material service in accordance with Container Level 1 controls detailed in California Code of Regulations, title 22, section 66264.1086(c).

This special condition was added for clarity and to ensure compliance with the container standards in California Code of Regulations, title 22, Article 28.5. The Permittee shall use appropriate container level controls based on the operating parameters for that container. This permit condition prevents any misunderstanding between DTSC and the Facility regarding which container level controls to use.

19. The Permittee shall control air emissions from containers holding waste with average VOC concentration greater than 500 ppmw and having a design capacity greater than 0.46 m³ that are in light material service in accordance with Container Level 2 controls detailed in California Code of Regulations, title 22, section 66264.1086(d).

This special condition was added for clarity and to ensure compliance with the container standards in California Code of Regulations, title 22, Article 28.5. The Permittee shall use appropriate container level controls based on the operating parameters for that container. This permit condition prevents any misunderstanding between DTSC and the Facility regarding which container level controls to use.

20. The Permittee shall maintain a minimum of 30 inches of aisle space between rows of containers holding or designated to hold hazardous waste.

This special condition was added to emphasize aisle spacing requirements and define what is adequate for this facility in California Code of Regulations, title 22, section 66264.35.

21. The Permittee shall follow the requirements pursuant to California Health and Safety Code 25200.19 when conducting loading and unloading operations.

This permit condition is added for clarity to ensure the Permittee operates the DSU in compliance with Health and Safety Code section 25200.19. The operation plan vaguely covers these requirements. This permit condition makes the permit more enforceable with regard to loading and unloading operations in accordance with Health and Safety Code section 25200.19.

22. The Permittee shall notify DTSC and conduct a re-evaluation of the waste profile analysis upon discovery of a significant waste type manifest discrepancy as defined in California Code of Regulations, title 22, section 66264.72.

This permit condition is added to ensure compliance with California Code of Regulations, title 22, section 66264.72, to notify DTSC of the issue, and to ensure the waste profile analysis maintained by the Facility is accurate.

23. The Permittee shall record any unexpected hazardous waste instability, including explosions, fires, or reactions at the Facility, and the steps taken to address it. This condition applies regardless of whether the instability requires the Permittee to implement its contingency plan or any emergency procedures, or whether the hazardous waste is released into the environment. The Permittee shall also record the event in its operating record within 24 hours

of the discovery of the instability and shall make the operating record available for review upon DTSC's request.

This permit condition requires the facility to notify DTSC when any spill event or accident occurs even if the contingency plan is not implemented. Common events include minor spills where the contingency plan is not implemented. This helps DTSC understand if there are trends for areas that have common events or spills and if any action needs to be taken to prevent these events and spills from occurring in the future.

24. The Permittee shall require waste stream generators to provide a generator identification number, waste profile number, and manifest number.

This permit condition is added to set the minimum information necessary to receive waste from waste stream generators.

25. The Permittee shall obtain a detailed chemical and physical analysis of a representative sample of the waste before it transfers, treats, stores, or disposes of any hazardous waste, or non-hazardous waste. At a minimum, this analysis shall contain all the information which must be known to transfer, treat, store, or dispose of the waste in accordance with the requirements of California Code of Regulations, title 22, division 4.5, chapters 14 and 18.

This permit condition is added to ensure compliance with California Code of Regulations, title 22, division 4.5, chapters 14 and 18 and to remind the Permittee that a detailed chemical and physical analysis is required for each waste stream prior to the Facility accepting the waste stream for treatment, storage, or disposal. This is necessary to ensure proper management of the waste.

26. The Permittee shall ensure waste profile analyses are completed and recorded for each waste stream annually.

This permit condition is added to ensure compliance with the Facility's Waste Analysis Plan (WAP). Waste profile analyses must be completed and recorded annually at a minimum unless otherwise specified to ensure the waste profile accurately represents the waste. Chemical and physical parameters of the waste may change for various reasons.

27. The Permittee shall conduct the annual waste profile analysis using procedures specified in California Code of Regulations, title 22, section 66264.1083(a) to determine the average VOC concentration in each waste stream.

This permit condition is added to ensure the annual waste profile analysis is conducted in accordance with the procedures specified in California Code of Regulations, title 22, section 66264.1083(a). This information will later be used in other permit conditions to properly manage VOC waste and maintain compliance with air emission standards.

28. The Permittee will be considered to have received hazardous waste upon signing the hazardous waste manifest.

This permit condition is added to define a formal point of transfer where the Permittee takes ownership of the hazardous waste. The pre-acceptance and on-site receiving processes can be lengthy so it is useful to make it clear that the Permittee becomes responsible for the waste and has technically received the waste once they sign the manifest.

29. Environmental Monitoring

(A) Groundwater monitoring

- (1) The Permittee shall maintain records from all groundwater wells and piezometers for the active life of the facility and the post-closure care period.
- (2) Water levels must be monitored every 6 months to confirm that hydrogeologic conditions used to support the number and placement of point of compliance wells is still applicable. The first semiannual reporting period is from January through June and the second semiannual reporting period is from July through December.
- (3) Semiannual monitoring reports shall be submitted to DTSC by the end of the quarter following each 6-month reporting period.
- (4) If the Permittee determines that any background or point of compliance monitoring well is incapable of yielding representative samples due to declining water levels or due to the monitoring well affecting the groundwater chemistry, the Permittee shall notify the Department in writing no later than thirty (30) days after making the determination and shall submit a well abandonment plan that meets the requirements of paragraph (7) below. The Permittee shall submit a workplan to replace any such well within ninety (90) days after the submittal of the notification to the Department.
- (5) If the Department determines, based on the monitoring reports, that a monitoring well is incapable of yielding representative samples, the Department will notify the Permittee and require that a workplan to replace the monitoring well will be submitted within ninety (90) days after the Permittee received the Department's notification.
- (6) The Permittee shall comply with the Waste Discharge Requirements issued by the Central Valley Regional Water Quality Control Board and any groundwater monitoring provision in subsequent Waste Discharge Requirements that are specific to hazardous waste disposal operations issued to the Permittee by the Central Valley Regional Water Quality Control Board. Any changes to this Permit resulting from changes to waste discharge requirements will require a permit modification in accordance with the California Code of Regulations, title 22, section 66270.42.
- (7) The Permittee shall submit a well abandonment plan to the Department for review and approval for abandonment of a monitoring well, piezometer, or interface well. The plan must identify the well or piezometer to be abandoned and the reason for abandonment, describe the well abandonment method, and contain schedules for well abandonment. Upon completion of the abandonment, the Permittee shall submit a well abandonment certification report to the Department no later than 90 days from completion. If multiple wells are abandoned in a single field program, the Permittee shall submit a well abandonment certification report to the Department no later than 90 days from the completion of the last well abandonment in the program.
- (8) For the purpose of California Code of Regulations, title 22, section 66264.91(b), the specific elements of the Water Quality Monitoring and Response Program for the Facility are those described in the Site-Specific Water Quality and Soil-Gas Monitoring Plan, which is incorporated by reference in Ch. 26.0 of the Part B Permit Application.

1. For the purpose of California Code of Regulations, title 22, section

66264.92, the Water Quality Protection Standard is defined in Section 4.1.2 and detailed in sections 4.1.3 - 4.1.5 of the Site-Specific Water Quality and Soil-Gas Monitoring Plan referenced in Ch. 26.0 of the Part B Permit Application.

2. For the purpose of California Code of Regulations, title 22, section 66264.93, the Constituents of Concern are described in Section 4.1.3 of the Site-Specific Water Quality and Soil-Gas Monitoring Plan referenced in Ch. 26.0 of the Part B Permit Application.
3. For the purpose of California Code of Regulations, title 22, section 66264.94, the Concentration Limits are described in Section 4.1.4 of the Site-Specific Water Quality and Soil-Gas Monitoring Plan referenced in Ch. 26.0 of the Part B Permit Application.
4. For the purpose of California Code of Regulations, title 22, section 66264.95, the Monitoring Points and Points of Compliance are described in Section 4.1.5 of the Site-Specific Water Quality and Soil-Gas Monitoring Plan referenced in Ch. 26.0 of the Part B Permit Application.
5. For the purpose of California Code of Regulations, title 22, section 66270.31, the Requirements for Recording and Reporting of Monitoring Results are described in Section 12.0 of the Site-Specific Water Quality and Soil-Gas Monitoring Plan referenced in Ch. 26.0 of the Part B Permit Application.

(B) Vadose Zone Monitoring

- (1) For the purposes of California Code of Regulations, title 22, Div. 4.5, Ch. 14, Article 6, Unsaturated Zone and Vadose Zone Monitoring requirements are described in the Site-Specific Water Quality and Soil-Gas Monitoring Plan which is incorporated by reference in Section 26.0 of the Part B permit application.
- (2) Monitoring reports shall be submitted to DTSC within 30 days of the date that analyses of gas samples are complete.
- (3) Before performing repairs of gas probes, the Permittee shall submit a workplan for gas probe replacement to DTSC for approval.
- (4) The Permittee shall maintain records from all soil gas sampling for the active life of the facility and the post-closure care period.

(C) Soil Monitoring

- (1) For the purpose of California Code of Regulations, title 22, section 66264.701(b), the specific elements of the Environmental Monitoring and Response Programs for Soil for the Facility are those described in the Site-Specific Soil Sampling Plan dated October 2020 which is incorporated into this permit by reference in Ch. 26.0 of the Operation Plan.
- (2) The Permittee shall maintain records from all soil sampling for the active life of the facility and the post-closure care period.

- (3) Monitoring reports shall be submitted to DTSC by the end of the quarter days of the date that analyses of soil samples are complete.

(D) Ambient Air Monitoring

- (1) The Permittee shall implement the detection monitoring program in the Site-Specific Ambient Air Monitoring Program which is incorporated by reference in Section 26.0 of the Part B permit application and notify DTSC if the Compliance Monitoring or Corrective Action is implemented.
- (2) The Permittee shall maintain records of meteorological data and air sampling for the active life of the facility and the post-closure period.
- (3) Performance audits of the air sampling program shall be completed annually, and reports submitted to DTSC.
- (4) To ensure that air emissions do not result in unacceptable risks to human health, the Permittee shall prepare an annual update to the initial Health Risk Assessment (HRA). The annual HRA shall be conducted based on newly collected data in accordance with the Site-Specific Ambient Air Monitoring Program referenced in Section 26.0 of the Part B Application. Estimated risks are to be based on data collected during a one-year monitoring cycle and quantified at the facility boundary. Previous HRA data and/or findings may be incorporated with DTSC's prior approval. Risk estimates are to be evaluated against a cumulative cancer risk of one in a million and a non-cancer hazard index of 1.0 for short- and long-term exposures.
- (5) Meteorological Siting Study
 - (a) Within 6 months of the effective date of this permit, the permittee shall submit a work plan to conduct a meteorological siting study for review and approval by DTSC.
 - (b) The Permittee shall begin conducting the meteorological siting study within 3 months after approval of the work plan from DTSC.
 - (c) The proposed Environmental Protection Standards concentration limits shall be calculated utilizing the data from the meteorological siting study.
- (6) Ambient air samples shall be collected for a 24-hour period, on a 12-day cycle, unless as otherwise specified by DTSC.
- (7) Ambient air samples for polychlorinated biphenyls (PCBs) shall be collected for a 28-day period, on a quarterly cycle, unless as otherwise specified by DTSC.
- (8) The Permittee shall collect the meteorological data continuously. The meteorological data shall be averaged over one-hour periods and summarized on a quarterly basis.
- (9) The Permittee shall submit a report of the data collected during the ambient air sampling to DTSC for review and approval on a quarterly basis. The report shall be submitted within 90 days after the end of the reporting quarter. The quarterly report shall contain a summary of the meteorological data and the analytical results. The analytical results presented in the quarterly report shall include all Constituents of Concern (COCs) and any detected or estimated non-COC. In addition to the ambient

air data, a brief description of the waste received during the ambient air monitoring period shall be included in the report.

- (10) Based on a review of the quarterly report, DTSC may request additional information to assist in the interpretation of the analytical data. An investigation into an analyte's concentration may require an examination of possible sources, causes and the types of wastes received.
- (E) For the purpose of California Code of Regulations, title 22, section 66264.701(b), the specific elements of the environmental monitoring and response programs for air, soil, and soil-pore gas for the Facility are those described in the Site-Specific Ambient Air Monitoring Plan (October 2022) (SSAAMP) and the Site-Specific Soil Sampling Plan (October 2020) (SSSSP) which are incorporated by reference in Ch. 26.0 of the Part B Permit Application.
1. For the purpose of California Code of Regulations, title 22, section 66264.702, the environmental protection standard is described in Section 1.0, 2.0 and 3.0 of the SSAAMP and Section 1.0, 2.0, and 3.0 of the SSSSP referenced in Ch. 26.0 of the Part B Permit Application.
 2. For the purpose of California Code of Regulations, title 22, section 66264.703, the hazardous constituents are described in Section 2.0 and Tables 1-4 of the SSAAMP and in Section 2.0 of the SSSSP referenced in Ch. 26.0 of the Part B Permit Application.
 3. For the purpose of California Code of Regulations, title 22, section 66264.704, the concentration limits are described in Tables 1-4 of the SSAAMP and in Section 3.1.4 of the SSSSP referenced in Ch. 26.0 of the Part B Permit Application.
 4. For the purpose of California Code of Regulations, title 22, section 66264.705, the monitoring points are described in Section 3.0 of the SSAAMP and in Section 3.1.2 of the SSSSP referenced in Ch. 26.0 of the Part B Permit Application.
 5. For the purpose of California Code of Regulations, title 22, section 66270.31, the requirements for recording and reporting of monitoring results are described in Section 5.0 of the SSAAMP and in Section 4.0 of the SSSSP referenced in Ch. 26.0 of the Part B Permit Application.
- (F) The Permittee shall conduct an annual public meeting in Kettleman City to provide a summary of the environmental monitoring results from the prior year. The summary shall include groundwater and ambient air monitoring results.

This special condition was added in accordance with California Code of Regulations, title 22, sections 66264.91(b) and 66264.701(b), which requires DTSC to identify in the Permit the specific elements of each monitoring and response program. This section also requires the Permittee to hold an annual meeting for the public where they provide an update on the Facility's environmental monitoring results from the previous year.

30. Waste Analysis

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- (A) The Permittee shall require a generator to provide, on the "Generator's Waste Material/Profile Sheet" as described in the Waste Analysis Plan, or on an equivalent form, a description of the contents of an over-packed drum or lab pack and certify that the over-packed drum meets the requirements of California Code of Regulations, title 22, section 66264.316. For the purposes of this permit, over-packed drum or lab pack means a drum which contains small individual containers of hazardous waste that are over packed and surrounded by absorbent material.
- (B) The Permittee shall repeat the pre-acceptance evaluation as described in the Waste Analysis Plan for each waste stream that is a candidate for delivery to the Facility either:
 - (1) Every 12 months, or
 - (2) When a generator notifies the Permittee that the process generating the waste has changed, or
 - (3) If the Permittee has reason to suspect that the waste is not in conformance with pre-acceptance documentation.
- (C) The Permittee shall conduct the appropriate "Supplemental Analyses" described in the Waste Analysis Plan to ensure that waste received at each hazardous waste management unit meets the pre-acceptance criteria for that unit and any other criteria specified in section 12.4.0 of the Waste Analysis Plan, Part 12 of the Operation Plan for each specific unit.

Waste that does not meet any acceptance criteria for a unit may be accepted at that unit on a case-by-case basis provided that:

- (1) the Permittee conducts all of the "Supplemental Analyses" applicable to the unit;
 - (2) the results of the analyses indicate that the waste may be accepted at the unit without violating any other condition of the permit;
 - (3) and the results of the analyses and the decision to accept the waste at the unit are documented in the operating record on the "Special Waste Management Decision Form" described in the Waste Analysis Plan or an equivalent form.
- (D) The Permittee shall not change the pre-acceptance criteria in section 12.4.0 of the Waste Analysis Plan without prior approval by DTSC. This approval will require a permit modification in accordance with California Code of Regulations, title 22, sections 66270.41 and 66271.4.

This permit condition is added to ensure the Permittee complies with the procedures specified in the Waste Analysis Plan for generator information, Supplemental Analyses, and Pre-Acceptance. Any deviations to these processes will require either prior approval from DTSC or a permit modification in accordance with California Code of Regulations, title 22, section 66270.42.

- 31. Unless otherwise specified, all information required to be submitted to DTSC pursuant to this Permit, shall be submitted as follows:
 - (A) The original document shall be submitted to: Permitting Division, Hazardous Waste Management Program, Department of Toxic Substances Control, 8800 Cal Center

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Drive, Sacramento, California 95826. Oral notices and reports shall be made to the Office of Permitting project manager for the Facility and to the Clovis Compliance Unit at (559) 317-7413.

- (B) One copy shall be submitted to: Clovis Compliance Unit, Department of Toxic Substances Control, 1515 Tollhouse Road, Clovis, California 93611.
- (C) One copy shall be submitted to: Executive Officer, Regional Water Quality Control Board, Central Valley Region, 1685 E Street, Fresno, California 93706- 2025.
- (D) One electronic copy shall be submitted to the U.S. Environmental Protection Agency (EPA) - Region 9 Kettleman Project Manager. In the event a hard copy is required by EPA, it should be submitted to: Project Manager, Kettleman Hills Facility (CAT 000 646 117), Permits Office (Attn: LND-4-2), Land, Chemicals & Redevelopment Division, U.S. Environmental Protection Agency - Region 9, 75 Hawthorne Street, San Francisco, CA 94105.
- (E) One copy shall be submitted to: Director, Division of Environmental Health Services, Kings County Department of Public Health, 330 Campus Drive, Hanford, California 93230.

DTSC will notify the Permittee of changes in this distribution list.

This permit condition is added to facilitate document review and reporting to DTSC and other agencies. This Facility is regulated by multiple agencies and holds multiple environmental permits. Submittal of all documents related to this permit to the listed recipients helps to ensure all regulators and government agencies are up to date with facility operations.

32. Site Construction Activities

- (A) The Permittee shall follow the unit-specific construction procedures and design specifications that have been approved by DTSC when performing any new unit construction or closure construction related activity at the Facility.
- (B) DTSC authorizes the Permittee to make minor modifications to design plans, specifications, and quality assurance and quality control procedures for any new unit construction or closure construction related activity, without prior approval by DTSC, provided that the minor modifications meet the following three conditions:
 - (1) The modification will in no way affect the performance standard or the original intent of the plans and specifications approved by DTSC.
 - (2) The modifications will in no way reduce the effectiveness of the QA/QC effort used to ensure the quality and consistency of the materials and workmanship used to meet the performance standards in the plans and specifications approved by DTSC.
 - (3) All minor modifications to the plans, specifications, and QA/QC documents are clearly identified, described, and justified in the construction certification report and as-built drawings submitted for DTSC's approval following completion of the construction activities.

When minor modifications are necessary, the Permittee shall notify DTSC of these minor modifications not later than seven (7) days after such minor modifications are determined by

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the Permittee to be necessary.

This permit condition is added to provide the Permittee the flexibility to make minor changes to design plans and/or Quality Assurance/ Quality Control (QA/QC) procedures for the construction or closure of units without prior approval from DTSC. This condition reduces administrative efforts and approval time for DTSC when non substantial changes are made by the Facility.

33. Requirements to Mitigate Disturbance to Endangered Species

- (A) The Permittee shall implement the Mitigation and Monitoring Plan for the Chemical Waste Management, Inc., Kettleman Hills Facility in Kings County, California (BioSystems Analysis, Inc. January 11, 1990, revised May 1, 1990, September 6, 1990, March 15, 1991, April 1, 1991, and April 26, 1991, hereinafter called the "Mitigation Plan.") This Mitigation Plan describes methods the Permittee will use to mitigate disturbance of endangered species during construction, operation, and maintenance of the Facility. The Permittee shall designate a contact representative to keep the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the California Department of Fish and Wildlife, apprised of the status of ongoing efforts to protect listed species during construction, operation and maintenance of the Facility.
- (B) If the established limit of incidental take of the San Joaquin kit fox or blunt-nosed leopard lizard is exceeded, the Permittee shall cease the causative action and within five days of the most recent mortality, the Permittee shall consult with the U.S. Fish and Wildlife Service. The limit of incidental take is established in the "Formal Endangered Species Consultation on the Chemical Waste Management, Inc., Kettleman Hills Hazardous Waste Facilities Operation, Kings County, California," U.S. Fish and Wildlife Service, May 2, 1991.
- (C) The Permittee shall notify the U. S. Fish and Wildlife Service, Sacramento Endangered Species Office, and the California Department of Fish and Wildlife, in writing within three days of finding any dead or injured endangered species. This notification must include the date, time, and location of the incident or of the finding of a dead or injured animal, and any other pertinent information. Any endangered species found dead or injured must be turned over to the California Department of Fish and Wildlife for care or analysis.
- (D) The Permittee shall comply with all the terms of the September 5, 2012, Biological Opinion (81420-2012-F-0044-2) issued by the U. S. Fish and Wildlife Service to the United States Environmental Protection Agency for the Chemical Waste Management Kettleman Hills Facility, including without limitation, the Reasonable and Prudent Measures, Terms and Conditions and Reporting Requirements of the Incidental Take Statement included in the Biological Opinion.

This permit condition is added to ensure the safety of endangered species native to the San Joaquin Valley and Kettleman Hills area. The San Joaquin Kit Fox and blunt-nosed leopard lizard are two endangered species native to the Kettleman Hills area. This condition is added to help ensure Facility operations do not impact these species.

34. Response to and reporting of spills, leaks, or releases of hazardous waste

- (A) The Permittee shall comply with California Code of Regulations, title 22, section

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66264.175(b)(5) in response to any spill or leak of hazardous waste or accumulated precipitation within the containment system in the container transfer or storage areas.

- (B) The Permittee shall comply with California Code of Regulations, title 22, section 66264.196(b) in response to any spill or leak of a tank system or its secondary containment.
- (C) For any spill or leak of hazardous waste not covered by subsection (A) or (B) above, the Permittee shall comply with the following requirements:
 - (1) The Permittee shall remove the spilled or leaked hazardous waste at the Facility from, and shall clean, the affected surface within eight hours of discovery of the spill or leak, regardless of whether such a spill or leak requires the Permittee to implement its contingency plan or any emergency procedures, or whether the hazardous waste is released into the environment as a result of the spill or leak.
 - (2) The Permittee shall record any spill or leak of hazardous waste at the Facility and steps taken to address it, regardless of whether such a spill or leak requires the Permittee to implement its contingency plan or any emergency procedures, or whether the hazardous waste is released into the environment as a result of the spill or leak, in its operating record within 24 hours of the discovery of the spill or leak and shall make the operating record available for review upon DTSC's request.
- (D) In the event the Permittee discovers a release or a threat of a release of hazardous waste or constituents or identifies an immediate or potential threat to human health or the environment, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within 10 days of the release or threat of a release. The written notification shall summarize the findings, including the immediacy and magnitude of any potential threat to human health or the environment. The written notification shall also include, but not be limited to, an identification of the material, the amount released, the location of the release, a description of how the release occurred, how practices will be adjusted to prevent future similar releases, the name of the person responsible for the cleanup, and photo documentation of the location.

For the purpose of Section V.5.(D) of this permit, the term "constituent" means: (a) a constituent identified in Appendix VIII to chapter 11 of division 4.5 of title 22 of California Code of Regulations which is a component of a hazardous waste or leachate and which has a physical or chemical property that causes the waste or leachate to be identified as a hazardous waste; or (b) any other element, chemical compound, or mixture of compounds which is a component of a hazardous waste or leachate and which has a physical or chemical property that causes the waste or leachate to be identified as a hazardous waste.

- (E) The requirements in sections (A) through (D) above are in addition to, and do not replace, any other response or reporting requirements or corrective action requirements imposed by applicable laws, regulations, orders, agreements, or this Permit, including the requirements of California Code of Regulations, title 22, section 66264.56 regarding emergency procedures and Health and Safety Code section 25359.4 regarding a release of reportable quantity of hazardous substances.

This permit condition is added to clarify the appropriate notifications to be made in the event of spills or releases of hazardous waste regardless of whether the contingency plan is implemented. DTSC tracks this information and can utilize it to implement more protective measures if needed in areas of the Facility that are more prone to spills and potential releases.

35. Heavy-duty diesel trucks

- (A) The Permittee shall prohibit entry to the facility of any heavy-duty diesel truck delivering material with a hazardous waste manifest if that truck is equipped with a pre-2010 model year emission equivalent engine. However, the Permittee may allow a heavy-duty diesel truck equipped with a pre-2010 model year emission equivalent engine to enter the facility once, provided that the Permittee shall notify the driver and the trucking company of this requirement and document such notification. After this notification, the pre-2010 model year emission equivalent engine may enter the facility once, after which the non-compliant truck will be prohibited.
- (B) Permittee's Record keeping and notification responsibilities for pre-2010 model trucks that were allowed access to the facility.
 - (1) The Permittee shall record the date first allowed access, identity of the trucking company, the Vehicle Identification Number, and engine model year emission standard information for each heavy-duty diesel truck and maintain that information on file at the facility for three years.
 - (2) The Permittee shall notify DTSC in writing within 30 days of allowing y any heavy-duty diesel truck equipped with a prohibited model year emission equivalent engine access to the facility. The notification shall include the date allowed access, identity of the trucking company and the Vehicle Identification Number of the truck.
 - (3) The Permittee shall notify DTSC in writing within 30 days of refusing access to the facility by any heavy-duty diesel truck equipped with a prohibited model year emission equivalent engine. The notification shall include the date the truck was denied access, identity of the trucking company and the Vehicle Identification Number of the truck. If the Permittee is unable to obtain this information, the notice shall state the reasons why such efforts were unsuccessful.
- (C) This condition shall not apply in the event of a California declared State of Emergency that requires disposal of hazardous waste.

This permit condition is added to help minimize diesel pollution as a result of Facility operations. These requirements are consistent with The Truck and Bus regulation published by the California Air Resource Board.

PART VI. CORRECTIVE ACTION

The Permittee shall conduct corrective action at the Facility pursuant to California Health and Safety Code sections 25187 and 25200.10. Corrective action shall be carried out either under a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action pursuant to Health and Safety Code section 25187.

1. To the extent that work being performed pursuant to Part VI of the Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Part of the Permit from the present owner(s) 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 certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are 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 the Permittee, the Permittee shall notify DTSC in writing within 14 days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property. If there is any conflict between this permit condition on access and the access requirements in any agreement entered into between DTSC and the Permittee, this permit condition on access shall govern.

This corrective action condition was added to emphasize the requirements of Health and Safety Code section 25200.10(b). In relevant part, it states that any permit issued by DTSC must require corrective action to be taken beyond the Facility boundary where necessary to protect human health and safety or the environment, unless the owner or operator demonstrates to the satisfaction of the department, that despite their best efforts, the owner or operator is unable to obtain permission to undertake this action.

2. Nothing in Part VI of the Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

This corrective action condition is related to the prior condition and indicates that additional corrective action measures, including additional on-site measures, may be required when access to off-site areas cannot be obtained as specified in Health and Safety Code section 25200.10(b).