AUGUST 27, 2019
EXECUTIVE SUMMARY
PROPOSED APPROVAL
TOXIC SUBSTANCES CONTROL ACT POLYCHLORINATED BIPHENYLS (PCB) COMMERCIAL STORAGE FACILITY AND CHEMICAL WASTE LANDFILL CHEMICAL WASTE MANAGEMENT, INC. KETTLEMAN HILLS FACILITY

U.S. EPA proposes to issue an approval to store, treat for disposal, and dispose of polychlorinated biphenyls ("PCB") waste at Chemical Waste Management, Inc.'s Kettleman Hills Facility. We encourage the public to comment on all aspects of this proposed Approval and its supporting determinations and analyses.

The Kettleman Hills Facility is located in Kings County, California, approximately 3.5 miles southwest of Kettleman City. It is a commercial hazardous waste treatment, storage and disposal facility that accepts PCB waste and other types of hazardous wastes. It is currently approved by U.S. EPA under the Toxic Substances Control Act ("TSCA") to dispose of PCB waste in Landfill B-18 and to store and treat PCB waste at the PCB Flushing/Storage Unit. The PCB Flushing/Storage Unit has both an enclosed building and an outside containment area. There are also three closed landfills at the Facility which were used for PCB waste disposal—Landfills B-14, B-16, and B-19. These units as well as other storage, treatment, and disposal units at the Facility are permitted by the State of California's Department of Toxic Substances Control ("DTSC") under the Resource Conservation and Recovery Act.

U.S. EPA's proposed Approval, if made final, would replace the existing Approvals and would allow Chemical Waste Management, Inc. to continue to:

- Dispose of PCB waste in Landfill B-18 Phases I and II;
- Store PCB waste in the enclosed building at the PCB Flushing/Storage Unit;
- Drain and flush PCB-containing electrical equipment at the PCB Flushing/Storage Unit; and
- Bulk (combine small containers of waste into a larger container) and repackage PCB waste in the enclosed building at the PCB Flushing/Storage Unit.

The Approval would also increase the TSCA-approved capacity of Landfill B-18 and contain conditions for storage and treatment of PCBs that will allow Chemical Waste Management, Inc. to perform these operations:

- Dispose of PCB waste in Landfill B-18 Phase III;
- Store PCB waste that is within thirty days of its removal from service date in the outside containment area at the PCB Flushing/Storage Unit;
- Bulk and repackage PCB waste within the outside containment area at the PCB Flushing/Storage Unit; and
- Perform bin-top and container-top solidification of incidental liquids at the PCB Flushing/Storage Unit.

To maintain compliance with all applicable TSCA regulations for storage, treatment for disposal, and disposal of PCB waste, the Approval would also require Chemical Waste Management, Inc. to:

- Maintain records on Facility operations;
- Regularly inspect and maintain the Facility;
- Maintain and implement a contingency plan to respond to spills or other emergencies;
- Promptly report any PCB spill or emergency that requires implementation of the contingency plan;
- Test groundwater annually from wells monitoring active Landfill B-18 and every five years from wells monitoring closed Landfills B-14, B-16, and B-19 for PCBs and report the results;
- Test leachate annually from Landfills B-14, B-16, B-18, and B-19 for PCBs and report the results;
- Implement an air quality monitoring program that includes four monitoring sites and provide quarterly air monitoring reports.
- Test surfaces quarterly at the PCB Flushing/Storage Unit for PCB contamination and promptly clean up any PCB contamination found at or above 10 micrograms per 100 square centimeters;
- Promptly report any detection of PCBs in groundwater, leachate, air, or on surfaces at the PCB Flushing/Storage Unit;
- Maintain and implement post-closure plans, cost estimates, and financial assurance for post-closure care for closed Landfills B-14, B-16 and B-19;
- Maintain plans, cost estimates, and financial assurance for closure and post-closure care of Landfill B-18;
- Maintain a closure plan, cost estimates, and financial assurance for closure of the PCB Flushing/Storage Unit; and
- Follow public process requirements for many types of modifications to the Approval.

Overall, the proposed Approval would result in the following changes to the Facility:

- Increases the TSCA-approved capacity of Landfill B-18 from 10.7 million cubic yards to 15.6 million cubic yards by approving the disposal of PCB waste in Phase III; and
- Set a maximum PCB waste storage capacity at the PCB Flushing/Storage Unit of 44,015 gallons.

U.S. EPA proposes to issue this Approval based in part on its finding that operations of the Kettleman Hills Facility, under the terms and conditions of the proposed Approval, will not pose an unreasonable risk of injury to health and the environment from PCBs. This finding is based on the engineering and operational controls and monitoring requirements included in the proposed Approval and on an assessment of the overarching weight of the scientific evidence regarding the relationship between Kettleman Hills Facility PCB releases and the likelihood and magnitude of adverse health impacts in the surrounding communities. U.S. EPA has analyzed a number of objective, site and media-specific,

multidisciplinary scientific investigations which collectively assessed the exposure-threat and quantitative health-risk posed by PCB releases from the Kettleman Hills Facility.

Based upon a comprehensive review, U.S. EPA did not identify PCB concentrations above a level of concern in air, water, vegetation or soils in areas proximate to the Kettleman Hills Facility. In addition, U.S. EPA was not able to derive unacceptable health risk-estimates to either residents or on-site workers from Kettleman Hills Facility PCB releases. Finally, based on the available data, the concentration of PCBs found in environmental media proximate to the Facility are consistent with the concentration of PCBs found in many rural areas of California's Central Valley. These PCB concentrations are also consistent with the concentrations of PCBs found by a separate U.S. EPA investigation in undisturbed wilderness locations within the United States.

We also propose to issue this Approval based on our findings that the Kettleman Hills Facility complies with applicable requirements for PCB storage facilities and PCB landfills including meeting applicable design and operational requirements, personnel qualifications, and provision of closure and post-closure plans, cost estimates, and financial assurance.

We propose to continue to grant four waivers of regulatory requirements for PCB landfills. These waivers allow:

- Use of the DTSC-approved groundwater well purge method instead of the method listed in PCB regulations.
- Testing of groundwater using the same parameters and analytic methods required by state permits instead of the outdated methods in the PCB regulations.
- Testing of leachate using the same parameters and analytic methods required by state permits instead of the outdated methods in the PCB regulations.
- Disposal of small containers of ignitable waste in overpacked drums (lab packs) as an exception to the prohibition on the disposal of ignitable waste in PCB landfills in the PCB regulations.

We have also reviewed the compliance history of the Kettleman Hills Facility. While the Facility has violated applicable requirements in the past, these violations do not evidence a pattern of noncompliance that demonstrates Chemical Waste Management, Inc.'s unwillingness or inability to achieve and maintain compliance with the regulations applicable to it and its operations at the Kettleman Hills Facility. In addition, the corrective actions that the Facility implemented to address these past violations include physical and operational improvements which reduce the potential for future violations and prevent and contain future releases.

We have also prepared a Draft Environmental Justice Analysis to document that environmental justice concerns, including past outreach to seek the affected communities' involvement, were considered in the drafting of the proposed permit. We are now seeking community input before reaching a final permit decision.

We have consulted with U.S. Fish and Wildlife Service to ensure that this Approval will not have an adverse impact on any endangered species. We have also consulted with the California Office of Historic Preservation to ensure that the Approval will not adversely impact any historic properties. Finally, we evaluated the project to assure that it conforms to the San Joaquin Valley's plans to attain and maintain the national health-based air quality standards.

The proposed Approval was issued on August 27, 2019. Public comments on the proposal can be submitted until Friday, November 1, 2019. Public comments on all aspects of the proposed Approval and its supporting determinations and analyses are welcome. Public comments can be submitted on **www.regulations.gov** [docket number EPA-R09-RCRA-2019-0088] or postmarked or emailed to the following address no later than November 1, 2019.

Frances Wicher, Kettleman Hills Project Manager
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U.S. Environmental Protection Agency Region 9
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All comments that are received by email or through www.regulations.gov will be included in the administrative record for the proposed Approval without change and will be available to the public, including any personal information provided with the comments. If a commenter sends email directly to U.S. EPA, the sender's email address will be automatically captured and included as part of the public comment. Comments submitted to the U.S. EPA through the U.S. Mail or any other non-electronic delivery method will also be included in the administrative record without change and will be available to the public, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Information that is considered to be CBI or otherwise protected should be clearly identified as such and should be submitted only through U.S. Mail or a non-electronic delivery method; such information should not be submitted through www.regulations.gov or email.

U.S. EPA will hold a public meeting with a question and answer session followed by a public hearing on the proposed Approval at the time and location listed below. Simultaneous Spanish translation will be provided at the meeting and hearing.

Thursday, October 10, 2019
Public Meeting/Question and Answer Session: 5:30 to 7:00 pm
Public Hearing: 7:30 pm

Kettleman City Elementary School Cafeteria
701 General Petroleum Avenue
Kettleman City, California 93239

A copy of the proposed Approval, this Statement of Basis and its appendices, the Draft Environmental Justice Analysis, the application submitted by Chemical Waste Management, Inc., and other key documents can be found on U.S. EPA's Kettleman Hills project website at **https://www.epa.gov/ca/kettleman-hills;** on **www.regulations.gov** [docket number EPA-R09-RCRA-2019-0088]; and from the Kettleman Hills Project Manager listed above. Other documents relevant to the proposed Approval are on **www.regulations.gov**. A hard copy of the proposed Approval, this Statement of Basis (including the Draft Environmental Justice Analysis), and the application can be found at:

Kettleman City Library
104 Becky Pease Street
Kettleman City, CA 93239
(559) 386-9804

U.S. EPA will review, summarize and provide written responses to all substantive comments received during the public comment period and at the public hearing prior to making a decision on whether to issue or deny a final Approval.

Información en español sobre la Aprobación propuesta y la Declaración de Bases se puede obtener por medio de:

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U.S. Environmental Protection Agency Region 9
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