



**JULY 29, 2020**

## **EXECUTIVE SUMMARY**

### **STATEMENT OF BASIS — 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 is issuing an approval to store, treat for disposal, and dispose of polychlorinated biphenyls (“PCB”) waste at Chemical Waste Management, Inc.’s Kettleman Hills Facility. U.S. EPA proposed the Approval on August 27, 2019 and encouraged the public to comment on all aspects of the proposed Approval and its supporting determinations and analyses. U.S. EPA reviewed and responded in writing to all comments received prior to making the decision to issue this Approval. U.S. EPA thanks everyone who submitted comments.

The Kettleman Hills Facility is 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 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.

The Approval results in the following PCB waste management changes to the Facility compared to its previous TSCA Approvals:

- 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 constructed and operating Phase III; and
- Sets a maximum PCB waste storage capacity at the PCB Flushing/Storage Unit of 36,420 gallons.

This Approval allows Chemical Waste Management, Inc. to:

- Dispose of PCB waste in all phases of Landfill B-18;
- Store PCB waste for up to one year from its removal from service date in the enclosed building at the PCB Flushing/Storage Unit;
- 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;



- 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 at the PCB Flushing/Storage Unit.
- Perform bin-top and container-top solidification of incidental liquids at the PCB Flushing/Storage Unit.

To maintain compliance with the applicable TSCA regulations for storage, treatment for disposal, and disposal of PCB waste, the Approval requires 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.

U.S. EPA grants 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 methods in the PCB regulations.
- Testing of leachate using the same parameters and analytic methods required by State permits instead of the 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.

U.S. EPA issues this Approval based in part on its finding that operations of the Kettleman Hills Facility, under the terms and conditions of the Approval, will not pose an unreasonable risk of injury to health or the environment from PCBs. This finding is based on the engineering and operational controls and monitoring requirements included in the 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 its 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.

U.S. EPA issues this Approval based on its 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.

U.S. EPA 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 or contain future releases.

U.S. EPA prepared a Draft Environmental Justice Analysis to document that environmental justice concerns, including past outreach that sought the affected communities' involvement, were considered in the decision process for the Approval. During the public comment period on the



proposed Approval, it sought community input on the proposed Approval and its supporting documents including the draft Environmental Justice Analysis.

U.S. EPA consulted with U.S. Fish and Wildlife Service to ensure that the Approval does not have an adverse impact on any endangered species. U.S. EPA also consulted with the California Office of Historic Preservation to ensure that the Approval does not adversely impact any historic properties. Finally, U.S. EPA 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 signed on August 27, 2019. Public comments on all aspects of the proposed Approval and its supporting determinations and analyses were accepted through Friday, November 22, 2019. U.S. EPA held a public meeting on the proposed Approval and its supporting determinations and analysis on October 10, 2019 and a public hearing on November 14, 2019 in Kettleman City. U.S. EPA accepted written and spoken comments at both the meeting and hearing. All comments that were received (both written and spoken) are included in the administrative record for the Approval. U.S. EPA thanks everyone who provided comments on the proposed Approval, spoke at the public hearing, and/or attended the public meeting and hearing. U.S. EPA has provided written responses to all comments received and has modified the proposed Approval and supporting determinations and analysis as appropriate to address the submitted comments. Changes to the proposed Approval and the supporting determinations and analysis made to address comments are discussed in the Statement of Basis and documented in the Administrative Record.

Copies of both the proposed and final Approval, the Statement of Basis and its appendices, the Draft Environmental Justice Analysis, the Updates and Revisions document for the Draft EJ Analysis, the application submitted by Chemical Waste Management, Inc., the Response to Comments document, 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](http://www.regulations.gov) [docket number EPA-R09-RCRA-2019-0088]; and from the Kettleman Hills Project Manager listed below. A hard copy of the Approval, this Statement of Basis (including the Environmental Justice Analysis), and the application can be found at:

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

(Note: Availability of documents at the Kettleman City Library may be delayed due to Covid-19-related closures of U.S. EPA's offices and the Kettleman City Library).



Additional information about the final Approval and Statement of Basis can be obtained from:

Frances Wicher, Kettleman Hills Project Manager  
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U.S. Environmental Protection Agency Region 9  
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San Francisco, CA 94105  
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Información en español sobre la Aprobación y la Declaración de Bases se puede obtener por medio de:

Soledad Calvino  
U.S. Environmental Protection Agency Region 9  
Office: 415-972-3512  
Email: [\*\*calvino.maria@epa.gov\*\*](mailto:calvino.maria@epa.gov)