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December 23, 2024

Board of Environmental Safety
P.O. Box 806
1001 "I" Street, 25th Floor
Sacramento, CA 95814
BESinfo@bes.dtsc.ca.gov

**Re: Clean Harbors Buttonwillow, LLC
Written Brief in Response to DTSC's Hazardous Waste Facilities Operating Permit Decision
Status Report to the Board of Environmental Safety (BES)
EPA ID NO. CAD980675276**

Dear Board Members:

On October 21, 2024, Clean Harbors Buttonwillow, LLC (CHB or the "Facility") electronically received a notice from the Department of Toxic Substances Control (DTSC or the "Department") regarding an opportunity to submit a written brief to the Board of Environmental Safety (BES). Pursuant to HSC 25200.27(a)(3), this brief is in response to the Hazardous Waste Facilities Operating Permit Decision Status Report (Report), dated October 2024, which was submitted by DTSC to BES.

Historically, Clean Harbors Buttonwillow has maintained a strong and collaborative relationship with DTSC, navigating changes in leadership, permit writers, and other personnel transitions. Clean Harbors has consistently worked with DTSC to address and resolve non-compliance issues promptly and effectively, ensuring alignment with regulatory standards. Clean Harbors remains committed to fostering a productive partnership with DTSC to uphold environmental safety and compliance.

The DTSC October 24 Report indicated the following reasons for delay with respect to issuance of CHB's renewed Hazardous Waste Facility Operating Permit:

- DTSC needs to consider impacts identified in the updated EIR being created by Kern County when making this permit decision. DTSC has coordinated with Kern County during the creation, review, and public comment period for the Draft EIR. The EIR is not planned to be finalized until after the presentation of the Draft EIR to the Kern County Board of Supervisors, which is currently scheduled for September 2024. Once the EIR is finalized, DTSC will then consider the EIR for use in our draft permit decision.
- During the technical review phase, the groundwater monitoring program was completely revamped to account for changing conditions.

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- DTSC required an Ambient Air Monitoring Program to be established and implemented to comply with monitoring requirements.
- DTSC requires annual Human Health Risk Assessments. Soil and soil gas monitoring programs were created.
- A land disposal restriction violation led to DTSC denying a variance request and issuing a corrective action order.
- Ongoing construction and closures of landfill cells are completed in approximately 3-year cycles.
- A new land disposal treatment verification program was created and placed in the Waste Analysis Plan.
- A new Environmental Impact Report is being developed to include additional activities since the Environmental study was completed in 1994.
- Four Notice of Deficiency (NOD) documents were issued during the technical review phase, which means the permit application did not meet all the regulatory requirements after three previous iterations. A fourth NOD was allowed as the previous responses were not determined to be substantially incomplete or substantially unsatisfactory.

CHB does not dispute the history of events as presented by DTSC. However, some of the events presented in the Report as cause for delay to the permitting process are in fact routine operational procedures at the Facility. For instance, construction and closures of landfill cells are common operational practice and are incorporated into the Facility's permit via conventional permit modifications in accordance with Title 22 of the California Code of Regulations (CCR) Part 66270.42. CHB would not expect operations of this nature to delay issuance of a renewed permit.

Additionally, the land disposal restriction (LDR) violation referenced in the Report resulted from a generator error beyond the control of the Facility. Nevertheless, CHB worked diligently with DTSC to resolve the issue and return to compliance. While CHB understands that an enforcement action of this nature could impact the Department's schedule for issuing a renewed operations permit, this incident first came to light in 2019, fourteen years after the Facility submitted the permit renewal application.

DTSC also had several leadership changes over the same time frame. The leadership changes had different goals and created delays as staff set out to implement.


Notices of Deficiency (NODs) are often issued as part of routine permitting process in order to identify necessary information that was not included in a facility's permit application. In the case of CHB's renewal process, there have been substantial delays, up to several years, between issuance of NODs referenced in the report.

Ultimately, CHB looks forward to the conclusion of what has proven to be a lengthy and challenging renewal process, and the Facility will continue to cooperate with DTSC in order to see the process through to completion.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violation."

Thank you for the opportunity to submit this response. If you have any questions, please call me at (661) 762-6236.

Sincerely,

A handwritten signature in blue ink that reads "Marianna Buoni". The signature is written in a cursive style.

Marianna Buoni
General Manager
Clean Harbors Buttonwillow

cc: Jose Lozano, Clean Harbors
Jay Adair, Clean Harbors
Michael Crisenbery, Clean Harbors
Jared Torstenson, Clean Harbors
Randy Snapp, DTSC