

Hazardous Waste
Facilities Operating Permit
Decision Status Report
For
Clean Harbors Wilmington, LLC
December 2024



Department of
Toxic Substances
Control

Permitting Division

Table of Contents

| | |
|--|---|
| Acronyms and Short Terms | 2 |
| I. Introduction | 3 |
| II. Report Scope | 4 |
| III. Permitting Process | 4 |
| A. Pre-Application Phase | 5 |
| B. Administrative Review Phase | 5 |
| C. Technical Review Phase | 6 |
| D. Draft Permit Decision Phase | 6 |
| E. Final Permit Decision Phase | 6 |
| IV. General Findings | 7 |
| V. Clean Harbors Wilmington, LLC | 8 |

Acronyms and Short Terms

| | |
|-----------------------------|---|
| BES | Board of Environmental Safety |
| Cal. Code Regs., tit. 22, § | California Code of Regulations, title 22, section |
| DTSC | Department of Toxic Substances Control |
| HSC | California Health and Safety Code |
| Permitting | Permitting Division |
| Report | Hazardous Waste Facilities Operating Permit Decision Status Report |
| SB 158 | Senate Bill 158 |
| CHW | Clean Harbors Wilmington, LLC |

Introduction

Senate Bill 158 (SB 158), which Governor Newsom signed into law on July 12, 2021, imposed permit decision obligations on California's Department of Toxic Substances Control (DTSC) and the Board of Environmental Safety (BES). One of the obligations requires DTSC to issue a public report when an operating permit decision for a hazardous waste facility (facility) has not been issued by its statutory deadline. This *Hazardous Waste Facilities Operating Permit Decision Status Report* (Report) was prepared to meet this obligation pursuant to California Health and Safety Code, section 25200.25 (HSC 25200.25).¹ Specifically, this Report explains why certain operating permit decisions were not issued by the three-year timelines set forth in HSC 25200.25(c)(1)(C)(iii). The Report addresses the current status of work completed, actions and information still needed, and DTSC's proposed schedule for issuing the final operating permit decisions.

DTSC Permitting embarked on a journey to process improvement in 2013 when a third party consultant conducted an analysis of the Permitting process. As an initial response to the analysis, Permitting developed and implemented the extensive Permitting Enhancement Workplan. The result of the Workplan included increased staffing, implementation of standardized processes, and an improved management structure. In addition to that, Permitting invested into and developed Lean Six Sigma (LSS) Green Belts and Black Belts within the Division. LSS is a methodical process in which data is collected, the most significant opportunity to improve is identified, and the improvements are implemented. The Permitting Division currently has 13 LSS Green Belts and one LSS Black Belt and has successfully completed 14 LSS improvement initiatives that have made significant impacts on the Permitting processes. The result of all of these efforts is a culture change in which the staff in the Permitting Division incorporate continuous improvement in the work that they do. The timeline for processing permit applications has been significantly reduced and improvements are ongoing. These permits are associated with facilities that have very complex operations. This reduction means that the majority of the most complex facilities now have stronger, more enforceable permits that incorporate the latest technologies and are more protective of human health and the environment. It is crucial that we continue our progress toward addressing all continued permits so that all communities with permitted facilities experience improved protection of their health and environment.

¹ Pursuant to HSC 25200.25(c), this reporting requirement does not apply to the post-closure permit decisions, or to the Class 2 and Class 3 permit modification decisions.

Report Scope

For operating permits to expire before January 1, 2025, DTSC is required to issue permit decisions for those applying for permit renewals either: (1) within three years after the end of the permit's fixed term, or (2) within three years of the effective date of the statute (i.e., July 12, 2024), whichever is later, pursuant to HSC 25200(c)(1)(C)(iii). As of the effective date of the statute to the time of this writing, this requirement applies to 30 operating permits overseen by DTSC. To this date, DTSC did not issue eight of the 30 permit decisions within the statutory deadline. On October 14, 2024, DTSC submitted a report to the Board of Environmental Safety (BES) for the following seven permit decisions for missing the statutory deadline of July 12, 2024.

1. Chemical Waste Management, Inc., Kettleman Hills Facility
2. Chevron Environmental Management Company
3. Clean Harbors Buttonwillow, LLC.
4. Ecobat Resources California, Inc.
5. Phibro-Tech
6. Rho-Chem, LLC.
7. Veolia ES Technical Solutions LLC Azusa

Of these seven, DTSC released draft permit decisions for four facilities. This reduction means that the majority of the most complex hazardous waste facilities now have stronger, more enforceable permits that incorporate the latest technologies and are more protective of human health and the environment. DTSC is committed to continuing its progress toward addressing all continued permits so that all communities with permitted facilities experience improved protection of their health and environment.

On September 16, 2024, Clean Harbors Wilmington, LLC (CHW) was added to the list for missing the statutory deadline to issue the permit decisions within three years after the end of the permit's fixed term of September 14, 2021.

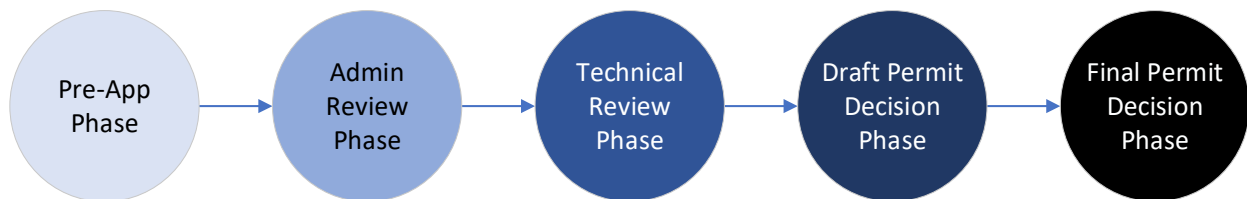
This Report addresses the status reporting requirements of CHW pursuant to HSC 25200.25. This Report includes DTSC's proposed permit decision schedule for BES to accept or modify. Schedules are estimates and subject to change.

Permitting Process

DTSC's Permitting Division (Permitting) focuses on making permit decisions that are technically sound, legally defensible, and transparent to protect Californians from hazardous waste storage, treatment and disposal. Over the past several years, Permitting has implemented significant improvements in the permitting process to increase the quality of permit application reviews and protections in permit conditions.

Permitting also focuses on making timely permit decisions to keep communities protected by considering the latest compliance issues from permitted facilities, and modern advances in technologies from industries. Most recently, Permitting is proposing revisions to its process to enhance earlier community engagement, consider community vulnerabilities and develop science-based setback distances for communities. Permitting is exploring new ways to encourage hazardous waste management practices that are more sustainable and supportive of a circular economy. To provide background on how permit decisions are made, this section provides an overview of the permitting process.

The permitting process consists of five different phases: pre-application, administrative review, technical review, draft permit decision, and final permit decision. Each of these phases has different objectives and deliverables.



A. Pre-Application Phase

The **pre-application phase** of the permitting process initiates direct communication between Permitting and the applicant before the permit application is submitted. During this phase, a reminder letter is issued to the facility (if due for renewal) and a pre-application meeting is held, where the applicant is informed of the current permitting process, estimated costs, and applicable statutory and regulatory requirements. At this time, Permitting and the applicant also discuss the hazardous waste management units (units) at the facility, as defined in California Code of Regulations, title 22, section 66260.10 (Cal. Code Regs., tit. 22, § 66260.10). Facility operations are organized into units (e.g. tank systems, container storage areas) to clearly define the applicable regulatory requirements for each area of a facility. The intent of this phase is to minimize potential deficiencies in the permit application that may lead to processing delays, extra costs, and/or permit denial.

B. Administrative Review Phase

The **administrative review phase** of the permitting process begins upon receipt of the facility's permit application and advance payment (for costs to process the permit application). During this phase, Permitting issues a public notice to notify the public and other agencies about the receipt and completed initial review of the permit application and specifies where the public can access the permit application. For applicants applying for permit renewals, their existing permits remain effective until a new permit

decision is issued if the renewal application is timely filed pursuant to Cal. Code Regs., tit. 22, § 66271.51(a)(1).

C. Technical Review Phase

The **technical review phase** is the most resource and time intensive phase of the permitting process. The completion of this phase heavily relies on the applicant's submittal of a permit application that meets all applicable statutory and regulatory requirements in a timely manner. Permitting determines whether the permit application meets the applicable regulatory requirements set forth in Cal. Code Regs., tit. 22, §§ 66270.13 through 66270.27 as part of its technical review process. Permitting notifies the facility of any permit application deficiencies found. It is the applicant's responsibility to address any deficiencies.

In addition to the technical review process, the California Environmental Quality Act (CEQA) process and community outreach efforts occur in parallel. The CEQA process is used to evaluate whether DTSC's decision will result in any significant impacts to the environment. It also can specify measures to avoid or reduce environmental impacts.

Throughout this technical review phase, DTSC sends community outreach documents such as community surveys, community updates, and public notices to the public. The intent of these documents is to further encourage public involvement in the permitting process.

D. Draft Permit Decision Phase

The **draft permit decision phase** of the permitting process is when Permitting issues its draft permit decision for public review. This includes draft permit decisions to either issue a (new or renewal) permit, revoke a permit, or deny the permit application. During this phase, a public notice of the draft permit decision is circulated for public review. Depending on the community's level of interest, a public meeting and hearing may be held, where DTSC provides a presentation on the draft permit decision and provides opportunity for oral comments. Translation services are provided for both the public notice and public meeting or hearing, as needed. The public and applicant can submit oral comments during the public hearing or written comments at any time during the public comment period.

E. Final Permit Decision Phase

The **final permit decision phase** is the last phase of the permitting process. During this phase, DTSC reviews and considers all public comments and prepares a written Response to Comments document. DTSC releases a final permit decision and finalizes the CEQA document(s). Appeals of permit decisions are administered by the Board of Environmental Safety (BES).

This same permitting process is used for all permit applications reviewed. The timing to complete each phase may vary depending on the permit, but the same five phases of the permitting process still apply. The completion of each phase is highly dependent on the complexity of the facility's operations, the applicant's responsiveness, community engagement needs, and other factors.

General Findings

Today, DTSC's permits are more protective, more enforceable, and include more of the neighboring community's perspective. Although timing is a significant factor for permit decisions, Permitting recognizes that these other factors cannot be sacrificed at the expense of time. Nevertheless, there are opportunities to improve the timing associated with permit decisions. Delays associated with the permit decisions that have not been completed in 3 years or less can be categorized as listed below:

- Complex facility operations
- Enhanced community outreach
- Coordination with other public agencies
- CEQA analysis
- Enforcement issues
- Timing of responses to Notice of Deficiencies
- Permit modifications
- Violations Scoring Procedure process
- Technical review of revised designs and plans

To work through these, Permitting has resolved timing obstacles by implementing several strategies including short-term fixes to specific delays and long-term solutions for recurring delays. For example, a permit modification request submitted during review of a permit application can delay a permit decision. For some modification requests, Permitting assigns additional staff to work with the project manager on the modification request to minimize the delay. For other requests, the permit decision is prioritized over the modification request. Another example of a short-term fix is the delay associated with late responses to Notice of Deficiencies. Permitting works directly with enforcement when deadlines for responses are missed by applicants.

For long-term solutions, Permitting has implemented various initiatives designed to improve our processes. Permitting now works more closely with our enforcement colleagues to work through compliance issues including permit denials and responsive permit conditions. Permitting established and regularly updates a library of guidance documents for project managers working on complex facility operations. Permitting has developed an automated tracking system for all pending permit decisions with internal timing metrics. Permitting has changed the ways permits are written to include more permit conditions that protect communities, and Permitting now engages with other public agencies and communities earlier in the process, as much as resources allow.

Permit Decision Status for Clean Harbors Wilmington, LLC

a. Hazardous Waste Facility and Permit Background

- The Clean Harbors Wilmington LLC (CHW) operates a commercial offsite hazardous waste storage and treatment facility (Facility) at 1737 East Denni Street, Wilmington, in Los Angeles County, California. The Facility is located in a heavily industrialized area and occupies approximately 2 acres of land.
- An Interim Status Document was issued to the Permittee on August 30, 1983, to allow the facility to operate until a permit was granted. DTSC issued a Hazardous Waste Facility Permit in 1995, renewed on December 15, 2004, and again on September 15, 2011. A Permit Renewal Application submitted on March 25, 2021, is under review.
- Since 1988, activities at the facility have included fuel blending, neutralization, filtration, solidification, and storage of liquid and flammable wastes.
- DTSC prepared an Addendum to an adopted Environmental Impact Report (EIR) dated 1995 (State Clearinghouse Number 1994091010) in accordance with the requirements of CEQA Public Resources Code section 21000 et seq. and the Guidelines for Implementation of CEQA California Code of Regulations, title 14, section 15162. Upon making a permit decision, DTSC will file a Notice of Determination with the Office of Planning and Research State Clearinghouse.
- There are no corrective actions/cleanups currently being overseen by DTSC or the Regional Water Quality Control Board.
- Documents related to this are available at [Clean Harbors Wilmington EnviroStor](#).

b. Completed Work (HSC 25200.25(a)(1))

- The Permittee submitted a renewal application for the hazardous waste facility permit on March 25, 2021. DTSC completed the initial review of the Permit Renewal Application, and a Notice of Incompleteness was issued on April 22, 2021. The Permittee submitted a revised Permit Renewal Application on June 2, 2021, and DTSC deemed the revised Permit Application to be administratively complete.
- DTSC reviewed the permit renewal application for technical completeness with two notices of deficiency (NOD) issued on January 23, 2023, and September 8, 2023. The technical review was completed on April 29, 2024. CEQA documents were also prepared. The technical completeness letter was issued on December 4, 2024.

The following table provides a summary of the permitting process work completed to date:

| Phase | Event | Completed Date |
|-----------------------------|--------------------------------|----------------|
| Administrative Review Phase | Application Part A Received | 03/25/2021 |
| | Application Part B Received | 03/25/2021 |
| | Administrative Review Approved | 06/30/2021 |
| Technical Review | 1st NOD Issued | 01/23/2023 |
| | Response to 1st NOD Received | 06/15/2023 |
| | 2nd NOD Issued | 09/08/2023 |
| | Response to 2nd NOD Received | 12/08/2023 |
| | Draft CEQA | 11/17/2022 |
| | Community Survey Mailed Out | 01/25/2024 |
| | Community Profile | 05/13/2024 |
| | Final Application Received | 03/29/2024 |
| | Technical Completeness Letter | 12/04/2024 |

c. Actions and Information Needed (HSC 25200.25(a)(2))

The following actions and information are needed to complete the remaining phases of the permitting process:

- Draft Permit Decision Phase
 - Draft Permit Decision and Statement of Basis to be issued.
 - Public Notice, Community Update, and Radio Ad documents to be issued.
 - Public Comment Period
 - Public Meeting and Hearing to be held

- Final Permit Decision Phase
 - Consideration of all public comments and associated revision of documents
 - Response to Public Comments document to be issued
 - Final Permit Decision document to be issued

- Final CEQA documents to be filed
- Financial assurance mechanism for closure to be established
- Notice of Final Permit Decision to be issued
- Final Permit Decision to be issued

The following table provides a summary of the remaining permitting process work to be completed with estimated dates of completion:

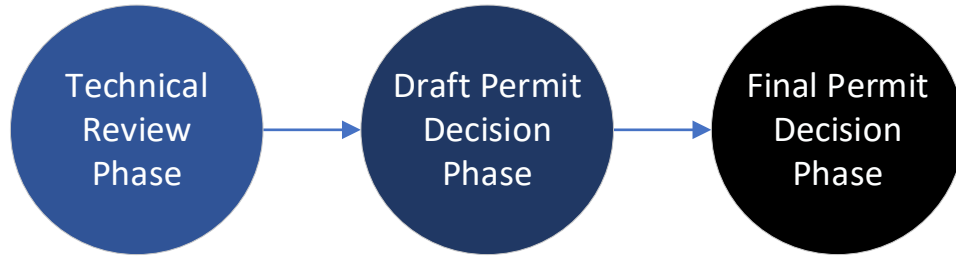
| Phase | Event | Estimated Completion Date |
|-----------------------|--|---------------------------|
| Draft Permit Decision | Draft Decision Issued and Public Comment Begin | 1/15/2025 |
| | Public Meeting/Hearing | 2/19/2025 |
| Final Permit Decision | Public Comment (End) | 3/4/2025 |
| | Final Permit Decision (tentative) | 3/28/2025 |

d. Reasons for Delay (HSC 25200.25(a))

- DTSC issued two NODs for CHW’s permit application for inadequate responses causing delays in technical review phases.
- The Permittee requested multiple lengthy extensions to respond to the NODs issued by DTSC. DTSC accepted the extension requests due to the large number of comments that needed to be addressed. These extensions slowed down the technical review considerably.
- Limited resources for the review of specialized sections of the permit application delayed the technical review.

e. Proposed Permit Decision Schedule (HSC25200.25(a)(2))

The figure below indicates the estimated date for completion of the remaining phases of the permitting process. DTSC’s proposed schedule for issuing the final hazardous waste facilities permit decision for the Clean Harbors Wilmington’s operating permit is **March 2025**.



Estimated Dates:

December 2024

January 2025

March 2025