

Regional Water Quality Control Board
Central Valley Region

Response to Written Comments for
Tentative Waste Discharge Requirements
for
Chemical Waste Management, Inc., Class I Waste Management Units
Kettleman Hills Facility, Kings County

This document contains the responses to written comments received from interested parties regarding the tentative Waste Discharge Requirements (WDRs) for Chemical Waste Management, Inc., Class I Waste Management Units, Kettleman Hills Facility, Kings County (WDRs) for expansion of the B-18, Class I hazardous Waste Management Unit (WMU) located at the Kettleman Hills facility (KHF). The Tentative WDRs R5-2013-XXXX were prepared in response to a proposal for an expansion of the B-18 WMU. Currently, WDRs 98-058 regulate waste disposal for the B-18 class I WMU.

The Tentative WDRs were circulated beginning 5 September 2013 and again on 26 September 2013 for public comment, ending on 12 November 2013. A total of 19 letters and emails were received, including a petition signed by Kettleman City area residents supporting approval of the WDRs. Seven emails and twelve letters, including the petition, were received and are addressed below.

Comments submitted during the comment period were received from the following:

- A. Luis H. Elenes, 28 October 2013
- B. Luis Elenes, 28 October 2013
- C. Stacy Lara, 28 October 2013
- D. Brent Nichols, 28 October 2013
- E. Samuel Molina, 30 October 2013
- F. Veronica Vargas, Trumark Homes, 4 November 2013
- G. Larry Spikes, CAO, County of Kings, 27 September 2013
- H. Althea Ware, Chairperson, Kettleman City Community Services District, 27 September 2013
- I. David G. Valadao, US House of Representatives, 30 September 2013
- J. Cris Gonzalez, President, Kettleman City Chamber of Commerce, 7 October 2013
- K. John Lehn, President/CEO, Kings County Economic Development Corporation, 7 October 2013
- L. Rosa Maldonado, Maria Barrera, Wendy Ascencio Ramos, and Griselda Garcia Reiz, et al, English/Spanish, 9 October 2013
- M. Rudy Salas, Jr., California State Assembly District 32, 11 October 2013
- N. Veronica Vargas, Project Manager, Trumark Homes, 12 November 2013
- O. Ron Winter, Partner Trumark Commercial, 12 November 2013
- P. REMY MOOSE MANLEY (RMM) – On behalf of Chemical Waste Management, Inc., 12 November 2013
- Q. Greenaction for Health and Environmental Justice & El Pueblo Para El Aire y Agua Limpia/People for Clean Air and Water of Kettleman City (Greenaction and El Pueblo), 12 November 2013
- R. Center for Race, Poverty, & the Environment, Endorsement of the Greenaction and El Pueblo letter noted above, 12 November 2013 and request for Designated Party Status
- S. James K. Dowdall, comments and a request for Designated Party Status.

RESPONSE TO COMMENTS

The written comments for the Tentative WDRs are summarized below, followed by Central Valley Water Board staff responses:

Comment Letter A: Luis H. Elenes, 28 October 2013

Comment A.1:

Submitted comments stated “public comment on the Kettleman plans has gone on long enough...and to “pass the plans.”

Response A.1:

Acknowledged.

Comment Letter B: Luis Elenes, 28 October 2013

Comment B.1:

Submitted comments stated “public comment on the Kettleman plans has gone on long enough...and to “pass the plans.”

Response B.1:

Acknowledged.

Comment Letter C: Stacy Lara, 28 October 2013

Comment C.1:

Submitted comments stated “public comment on the Kettleman plans has gone on long enough...and to “pass the plans.”

Response C.1:

Acknowledged.

Comment Letter D: Brent Nichols, 28 October 2013

Comment D.1:

“Submitted comments stated “public comment on the Kettleman plans has gone on long enough...and to “pass the plans.”

Response D.1:

Acknowledged.

Comment Letter E: Samuel Molina, 30 October 2013

Comment E.1:

Submitted comments stated “public comment on the Kettleman plans has gone on long enough...and to “pass the plans.”

Response E.1:

Acknowledged.

Comment Letter F: Veronica Vargas, Trumark Homes, 4 November 2013

Comment F.1:

Strong support for the B-18 expansion and to...”approve the Kettleman Hills Facility and the necessary permits

Response F.1:

Acknowledged.

Comment Letter G: Larry Spikes, CAO, County of Kings, 27 September 2013

Comment G.1:

“Letter of Continued Support for the Chemical Waste Management Landfill B18 Phase III Project.”

Response G.1:

Acknowledged.

Comment Letter H: Althea Ware, Chairperson, Kettleman City Community Services District, 27 September 2013

Comment H.1:

“After ...review of the health and environmental studies discussion with the agencies involved, the KCCSD Board has taken a strong support position.”

Response H.1:

Acknowledged.

Comment Letter I: David G, Valdao, US House of Representatives, 30 September 2013

Comment I.1:

“I Support Waste Management and the Kettleman Hills Facility in their application to receive necessary permits to extend the life of their hazardous waste landfill.”

Response I.1:

Acknowledged.

Comment Letter J: Cris Gonzalez, President, Kettleman City Chamber of Commerce,
7 October 2013

Comment J.1:

“Please consider our community by favoring and granting Chemical Waste Management (Kettleman Hills Facility) so they can obtain their necessary permits.”

Response J.1:

Acknowledged.

Comment Letter K: John Lehn, President/CEO, Kings County Economic Development Corporation, 7 October 2013

Comment K.1:

“On behalf of the Kings County Economic Development Corporation (Kings EDC), I strongly urge you to grant the necessary permits to Waste Management for the continued operation and expansion at the Kettleman Hills Facility.”

Response K.1:

Acknowledged.

Comment Letter L: Rosa Maldonado, Maria Barrera, Wendy Ascencio Ramos, and Griselda Garcia Reiz, petition circulated in English and Spanish, signed by 99 Kettleman City, Avenal, and Lemoore residents, 9 October 2013

Comment L.1:

“Enough of outside groups representing our community and ...for their own benefits...we have collected signatures from residents that support Waste Management...not collected by paid groups who come from outside.” Petition provided in English and Spanish.

Response L.1:

Acknowledged.

Comment Letter M: Rudy Salas, jr., California State Assembly District 32, 17 October 2013

Comment M.1:

“I am writing in support of your department granting a permit to Waste Management Kettleman Hills Facility so that they may continue to operate the B-18 hazardous waste landfill.”

Response M.1:

Acknowledged

Comment Letter N: Veronica Vargas, Project Manager, Trumark Homes, 12 November 2013

Comment N.1:

“I strongly support the Waste Management Kettleman Hills Facility B-18 expansion proposal pending before your permitting agency.”

Response N.1:

Acknowledged

Comment Letter O: Ron Winter, Partner, Trumark Commercial, 12 November 2013

Comment O.1:

“I strongly support the Waste Management Kettleman Hills Facility B-18 expansion proposal pending before your permitting agency.”

Response O.1:

Acknowledged

Comment Letter P: REMY MOOSE MANLEY - on behalf of Chemical Waste Management, Inc., 12 November 2013

CWMI proposed several revisions to the Tentative WDRs. The proposed additional language in underlined and the proposed deletion of language is shown in ~~striketrough~~ format.

Comment P.1:

Finding 7 should be revised as follows:

7. In January 2010, Governor Arnold Schwarzenegger directed the California Environmental Protection Agency (CalEPA) and the California Department of Public Health (CDPH) to investigate possible environmental contaminants in the air, water, and soil that could cause an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Kettleman City community members had raised concerns about birth defects and questioned whether there was a potential link to the Kettleman Hills hazardous waste facility or other environmental exposures. A report, *Investigation of Birth Defects and Community Exposures in Kettleman City, CA*, dated December 2010 found that the levels of pollutants in the air, water, and soil of Kettleman City were comparable to those found in other San Joaquin Valley communities. CalEPA and CDPH found no link between health risks, including birth defects, to Kettleman City residents and the Kettleman Hills Facility. CalEPA and CDPH also did not find a specific cause or environmental exposure that would explain the increase in the number of children born with birth defects. CDPH nevertheless committed to continued monitoring of birth defects in Kettleman City and investigation of water treatment options to ensure a sustainable solution to bring drinking water into compliance with all drinking water standards, including arsenic, among other commitments.

Response P.1:

Finding 7 will be revised as follows:

7. In January 2010, Governor Arnold Schwarzenegger directed the California Environmental Protection Agency (CalEPA) and the California Department of Public Health (CDPH) to investigate possible environmental contaminants in the air, water,

and soil that could cause an apparent increase in the number of infants born with birth defects after 2006 in Kettleman City. Kettleman City community members had raised concerns about birth defects and questioned whether there was a potential link to the Kettleman Hills hazardous waste facility or other environmental exposures. A report, *Investigation of Birth Defects and Community Exposures in Kettleman City, CA*, dated December 2010 found that the levels of pollutants in the air, water, and soil of Kettleman City were comparable to those found in other San Joaquin Valley communities. CalEPA and CDPH found no link between birth defects in Kettleman City and the Kettleman Hills Facility. CalEPA and CDPH also did not find a specific cause or environmental exposure that would explain the increase in the number of children born with birth defects. CDPH nevertheless committed to continued monitoring of birth defects in Kettleman City and investigation of water treatment options to ensure a sustainable solution to bring drinking water into compliance with all drinking water standards, including arsenic, among other commitments.

Comment P.2:

Finding 17 should be revised as follows:

17. The San Joaquin Formation on the northeast side of the North Dome dips 25 to 30 degrees to the northeast, plunging beneath the San Joaquin Valley. Erosion of the central portion of the North Dome has removed the San Joaquin Formation between the KHF and the San Joaquin Valley, including the Kettleman City area. The erosion has formed a gap that separates the beds in the San Joaquin Formation on the west side of the anticline (near KHF) from those on the east side of the anticline (toward Kettleman City). The gap prevents eastward hydraulic communication through the beds of the San Joaquin Formation.

Response P.2:

Finding 17 will be revised as follows:

17. The facility is on the southwest flank of the anticline (North Dome). The San Joaquin Formation on the northeast side of the North Dome dips 25 to 30 degrees to the northeast, plunging beneath the San Joaquin Valley. Erosion of the central portion of the North Dome has removed the San Joaquin Formation between the KHF and the San Joaquin Valley, including the Kettleman City area. The erosion has formed a gap that separates the beds in the San Joaquin Formation on the west side of the anticline (near KHF) from those on the east side of the anticline (toward Kettleman City). The erosional gap prevents communication between the flanks of the anticline (North Dome). Therefore, the erosional gap eliminates eastward hydraulic communication through the beds of the San Joaquin Formation.

Comment P.3:

Finding 24 should be revised as follows:

24. Approximately two miles west of the KHF, wells in the Kettleman Plain are used for stock watering, irrigation, and domestic water supply. These wells produce groundwater (TDS ranging from 1,090 to 2,480 mg/l [milligrams per liter]) from the alluvium from depths of 200 to 1,000 feet bgs [below ground surface]. The San Joaquin Formation dips 25 to 35 degrees to the southwest of the KHF, plunging several thousand feet below the Kettleman Plain. Several hundred feet of claystone and siltstone interbeds isolate the deeper groundwater contained in the San Joaquin Formation from the groundwater contained in the alluvium.

Response P.3:

Finding 24 will be revised as follows:

24. Approximately two miles west of the KHF, wells in the Kettleman Plain are used for stock watering, irrigation, and domestic water supply. These wells produce groundwater (TDS ranging from 1,090 to 2,480 mg/l) from the alluvium from depths of 200 to 1,000 feet bgs. The San Joaquin Formation dips 25 to 35 degrees to the southwest of the KHF, plunging several thousand feet below the Kettleman Plain. Several hundred feet of claystone and siltstone interbeds isolate the deeper groundwater contained in the San Joaquin Formation from the groundwater contained in the alluvium and the Tulare Formation units.

Comment P.4:

Finding 27 should be deleted:

~~27. The TDS concentrations in two drinking water wells serving Kettleman City range from 573 to 907 mg/L. Benzene concentrations in groundwater samples range from non-detect to 61 micrograms per liter ($\mu\text{g/L}$), and arsenic concentrations range from 2 to 20 $\mu\text{g/L}$. Treatment removes elevated concentrations of benzene in the wells before the chemical reaches homes. A third well serves the Kettleman City elementary school and, based on well construction and screen interval, produces water from a different groundwater zone, and requires only chlorination treatment. Regulatory agencies will continue efforts to reduce arsenic levels in the drinking water, either through an alternative water source or through improved treatment. The local water district is analyzing options to bring drinking water into compliance with drinking water standards.~~

CWMI requests deletion of Finding 27 because it is irrelevant to the KHF. As explained in Findings 17 and 24, the groundwater below KHF is isolated from any other potable or non-potable groundwater source, including groundwater used by residents of Kettleman City. It is therefore unnecessary to include Finding 27 and, to do so, implies a hydrologic connectivity that does not exist. Alternatively, if the CVRWQCB decides not to delete this finding as irrelevant to the KHF, CWMI requests that the following additional language be provided to the finding as noted below:

27. The TDS concentrations in two drinking water wells serving Kettleman City range from 573 to 907 mg/L. Benzene concentrations in groundwater samples range from non-detect to 61 micrograms per liter ($\mu\text{g/L}$), and arsenic concentrations range from 2 to 20 $\mu\text{g/L}$. Treatment removes elevated concentrations of benzene in the wells before the chemical reaches homes. A third well serves the Kettleman City elementary school and, based on well construction and screen interval, produces water from a different groundwater zone, and requires only chlorination treatment. Regulatory agencies will continue efforts to reduce arsenic levels in the drinking water, either through an alternative water source or through improved treatment. The local water district is analyzing options to bring drinking water into compliance with drinking water standards. As presented in Finding 17, groundwater in the San Joaquin Formation below the KHF is isolated from the water supply aquifers in the San Joaquin Valley.

Response P.4:

Board staff are aware there are drinking water issues that are being faced by Kettleman City residents, so Finding 27 will not be deleted. However, since it is our opinion that the

Kettleman City water supply is isolated from the water below the KHF, Finding 27 will be revised as follows:

27. The TDS concentrations in two drinking water wells serving Kettleman City range from 573 to 907 mg/L. Benzene concentrations in groundwater samples range from non-detect to 61 micrograms per liter ($\mu\text{g/L}$), and arsenic concentrations range from 2 to 20 $\mu\text{g/L}$. Treatment removes elevated concentrations of benzene in the wells before the chemical reaches homes. A third well serves the Kettleman City elementary school and, based on well construction and screen interval, produces water from a different groundwater zone, and requires only chlorination treatment. Regulatory agencies will continue efforts to reduce arsenic levels in the drinking water, either through an alternative water source or through improved treatment. The local water district is analyzing options to bring drinking water into compliance with drinking water standards. As presented in Finding 17, groundwater in the San Joaquin Formation below the KHF is isolated from the water supply aquifers in the San Joaquin Valley.

Comment P.5:

Finding 33 should be revised as follows:

33. The Phase III Expansion is a vertical expansion of the side slope, with the liner detail as shown on Attachment D. The liner system will consist of (from bottom to top):

- a 3-foot thick clay liner compacted to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 40-mil smooth HDPE protective geomembrane, that is removed and replaced with the operations layer as the waste elevation increases
- a two-foot thick soil operations layer.

Response P.5:

Finding 33 will be revised as follows:

33. The Phase III Expansion is a vertical expansion of the side slope, with the liner detail as shown on Attachment D. The liner system will consist of (from bottom to top):

- a 3-foot thick clay liner compacted to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a two-foot thick soil operations layer.

A temporary 40-mil smooth HDPE protective geomembrane is placed on top of the side slope liner and is removed immediately prior to placement of the operations layer as the waste elevation increases. It is not part of the permanent liner system.

Comment P.6:

Finding 44 should be revised as follows:

44. Groundwater impacts from the previous operation of permitted unlined surface impoundments P-9, P-12/12A, and P-18 remain several thousand feet within the KHF property boundary. Surface Impoundment P-9 has been retrofitted with a double liner system that exceeds Chapter 15 requirements. Former Surface Impoundments P-12/12A and P-18 were closed in June 1997 and June 1989, respectively. The areal extent of the impacts is about three acres and has not increased in size during the past 25 years. Water-bearing sandstone zone(s) containing the impacts dip to the southwest of below the KHF away from the Kettleman City Area, opposite of, and ~~Due to erosion, water bearing sandstone zone(s) below the KHF~~ are geologically and hydrologically isolated from the groundwater aquifers in the area of Kettleman City ~~to the east~~, as described in Findings 17 and 18.

Response P.6:

Finding 44 will be revised as follows:

44. Groundwater impacts from the previous operation of permitted unlined surface impoundments P-9, P-12/12A, and P-18 remain several thousand feet within the KHF property boundary. Surface Impoundment P-9 has been retrofitted with a double liner system that exceeds Chapter 15 requirements. Former Surface Impoundments P-12/12A and P-18 were closed in June 1997 and June 1989, respectively. The areal extent of the impacts is about three acres and has not increased in size during the past 25 years. Water-bearing sandstone zone(s) containing the impacts dip southwest below the KHF away from the Kettleman City Area. Due to erosion, water bearing sandstone zone(s) below the KHF are geologically and hydrologically isolated from the groundwater aquifers in the Kettleman City area, as described in Findings 17 and 18.

Comment P.7:

Finding 47 should be revised as follows:

47. The cover system described in Finding No. 46 is similar to the approved closure systems that were constructed over the Combined Closure Area, Landfill B-13, Landfill B-16, and the closed Class I portion of Landfill B-19 ~~beyond the Class II/III waste disposal limits~~ (see Attachment B). Other Class I WMUs were closed in accordance with approved closure plans.

Response P.7:

Finding 47 will be revised as follows:

47. The cover system described in Finding No. 46 is similar to the approved closure systems that were constructed over the Combined Closure Area, Landfill B-13, Landfill B-16, and the closed Class I portion of Landfill B-19 (see Attachment B). Other Class I WMUs were closed in accordance with approved closure plans.

Comment P.8:

Finding 50 should be revised as follows:

50. To fulfill requirements imposed by the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the Kings County Community Development Agency Planning Department approved prepared and certified an Environmental Impact Report (EIR) in October 1985 for the construction and operation of three Class I WMUs at the KHF in January 1986. Because the previously permitted hazardous disposal operations at the KHF B-18 Landfill were evaluated in the 1985 EIR, Kings County determined that preparation of a Subsequent EIR (SEIR) was required for its consideration of the B-18/B-20 Hazardous Waste Disposal Project. In conjunction with its approval of Conditional Use Permit (CUP) No. 05-10 for the B-18/B-20 Hazardous Waste Disposal Project, Kings County adopted certified a Final Subsequent Environmental Impact Report (Final SEIR) on 22 December 2009 and filed a Notice of Determination for the B-18/B-20 Hazardous Waste Disposal Project on 2224 December 2009. The Final SEIR consists of the Draft SEIR, the Revised Project Description and Analysis (May 2008), and the Recirculated Portions of the Draft SEIR (May 2009); copies of the comments received on all three documents; a list of the persons, organizations and public agencies who commented; responses of the Kings County Community Development Agency, as the Lead Agency, to the significant environmental points raised in the review and consultation process; and other information added by the Kings County Community Development Agency, as the Lead Agency. The Central Valley Water Board, acting as a responsible agency, was consulted during the development of these documents, and provided comments on them Final SEIR dated on 17 June 2008 and 18 June 2009.

Response P.8:

Finding 50 will be revised as follows:

50. To fulfill requirements imposed by the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the Kings County Planning Department (Subsequently renamed the Kings County Community Development Agency) prepared and certified an Environmental Impact Report (EIR) in October 1985 for the construction and operation of three Class I WMUs at the KHF. Since the previously permitted hazardous disposal operations at the KHF B-18 Landfill were evaluated in the 1985 EIR, Kings County determined that preparation of a Subsequent EIR (SEIR) was required for its consideration of the B-18/B-20 Hazardous Waste Disposal Project. In conjunction with its approval of Conditional Use Permit (CUP) No. 05-10 for the B-18/B-20 Hazardous Waste Disposal Project, Kings County certified a Final Subsequent Environmental Impact Report (Final SEIR) on 22 December 2009 and filed a Notice of Determination for the Project on 22 December 2009. The Final SEIR consists of the Draft SEIR, the Revised Project Description and Analysis (May 2008), and the Recirculated Portions of the Draft SEIR (May 2009); copies of the comments received on all three documents; a list of the persons, organizations and public agencies who commented; responses of the Kings County Community Development Agency, as the Lead Agency, to the significant environmental points raised in the review and consultation process; and other information added by the Kings County Community Development Agency, as the Lead Agency. The Central Valley Water Board, acting as a responsible agency, was consulted during the development of these documents, and provided comments on 17 June 2008 and 18 June 2009.

Comment P.9:

On page 10, the order proclamation should be revised as follows:

IT IS HEREBY ORDERED that WDRs Order 98-058 is rescinded ~~except for the purposes of enforcement,~~ and that pursuant to Water Code sections 13263 and 13267, Chemical Waste Management, Inc., its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and the regulations adopted thereunder, shall comply with the following:

Response P.9:

IT IS HEREBY ORDERED that Order 98-058 is rescinded, except for the purposes of enforcement of violations occurring prior to the Effective Date of this Order, and that pursuant to Water Code sections 13263 and 13267, Chemical Waste Management, Inc., its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and the regulations adopted hereunder, shall comply with the following:

Comment P.10:

Discharge Specification No. 5 should be revised as follows:

5. The Discharger shall ~~immediately~~ notify the Executive Officer (within 24-hours) of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change in site conditions that ~~could~~ impairs the integrity of waste or leachate containment facilities or precipitation and drainage control structures.

Response P.10:

In using the phrase “immediately”, the Board wants to convey that it is vitally important that the Board be notified as soon as possible when an incident occurs. Furthermore, this notification requirement is based on language in Reporting Requirements, Item No. 2 of the Standard Provisions and Reporting Requirements, dated September 1993, and has been used without problem for the past 20 years. Therefore, Discharge Specification No. 5 will not be revised.

Comment P.11:

Leachate Collection and Removal System Specification No. 1 should be revised as follows:

1. LCRSs shall be designed, constructed, and maintained to ensure that fluid accumulation does not reach the “compliance level,” identified in Title 22 of the California Code of Regulations as the level at which one foot of leachate has accumulated over the liner system. ~~prevent the buildup of hydraulic head on the liner~~ If a compliance level is exceeded ~~hydraulic head occurs on any portion of the liner,~~ the Discharger shall immediately (within 24 hours) notify the Central Valley Water Board staff and provide a written notification within seven days. The written notification shall include a timetable for implementing corrective action measures necessary to lower fluid levels to less than the compliance level ~~eliminate the hydraulic head.~~

Response P.11:

Section 2543(c) of Title 23 of the California Code of Regulations requires that the Board ensure that there is no buildup of hydraulic head on the liner, and this specification is based on this provision. Leachate Collection and Removal System Specification No. 1 will not be revised.

Comment P.12:

Provision No. 14 should be revised as follows:

14. The Discharger shall maintain WMUs and their associated LCRS and storm water drainage systems, storm water retention basins, unsaturated zone and groundwater monitoring systems, interim covers, and final covers during the operation, closure, and post-closure maintenance periods as specified in this Order and in the Monitoring and Reporting Program. Central Valley Water Board staff shall be ~~immediately~~ notified (within 24 hours) of any flooding, equipment failure, slope failure, fire, explosion, earthquake damage, accident, leachate seepage, or gas release that ~~could~~ causes the failure of any portion of the WMU and its related facilities, potentially threatening water quality.

Response P.12:

See Response P.10. Provision No. 14 will not be revised.

Comment P.13:

Introduction, first paragraph of the MRP should be revised as follows:

Compliance with this Monitoring and Reporting Program (MRP), with Chapter 15, and with applicable portions of the Standard Provisions and Reporting Requirements dated September 1993 for Class I Waste Management Units (WMUs) is ordered by Waste Discharge Requirements (WDRs) Order No. R5-2013-_____.

Failure to comply with this MRP, or with applicable portions of the Standard Provisions and Reporting Requirements

Response P.13:

Since all portions of Standard Provisions and Reporting Requirements must be complied with, no revisions will be made.

Comment P.14:

Section A, Required Reports, Item 5(b) of the MRP should be revised as follows:

5. Leachate Collection and Removal System Monitoring (Section D.3)
 - a. LCRS Fluid Levels (Section D.3) Monthly
 - b. Constituents of Concern (Section D.3) ~~Quarterly~~²/Annually
 - c. Integrity Testing (Section D.3.a) Annually

² ~~Quarterly the first four quarters after waste placement in the B-18 Phase III Expansion WMU begins.~~

Response P.14:

The quarterly sampling frequency for the first year is consistent with the sampling requirements in the forthcoming permit modification to be issued by DTSC. Therefore, no revisions will be made.

Comment P.15:

Section B, Reporting, Monitoring Report Schedule of the MRP should be revised as follows:

<u>Sampling Frequency</u>	<u>Reporting Frequency</u>	<u>Reporting Periods End</u>	<u>Report Date Due</u>
Monthly	Monthly	Last Day of Month	30th day of following month
Quarterly	Quarterly	Last Day of each Calendar Quarter	45th day of the next quarter
Semi-annual	1st Semi-annual 2nd Semi-annual	30 June 31 December	30 September 31 March

Response P.15:

Consistent with Response P.14, no revisions will be made.

Comment P.16:

Page 4, Concentration Limits, Item 3(b) of the MRP should be revised as follows:

The concentration limits for the naturally occurring COCs listed in Table 1 were revised in the September 2002 Revised Groundwater Concentration Limits report. The concentration limits shall be updated as specified in the September 2002 Revised Groundwater Concentration Limits report or, ~~as appropriate, following each COC monitoring event~~ in accordance with the statistical procedure described in the most recent approved version of the SSGWMP.

Response P.16:

Since concentration limits would only be addressed every 20 years, Item 3(b) of the MRP will not be revised.

Comment P.17:

Page 4, Monitoring, Item 1(Groundwater), first paragraph of the MRP should be revised as follows:

1. Groundwater

The Discharger shall submit a revised SSGWMP as required by Provision H.13 in the WDRs. The Discharger shall collect, preserve, and transport groundwater samples semi-annually from wells in the approved groundwater monitoring system. Groundwater sampling, analysis, and statistical and non-statistical data evaluations shall be performed in accordance with the procedures described in the revised SSGWMP.

Response P.17:

Monitoring, Item 1(Groundwater), first paragraph of the MRP will be revised as follows:

1. Groundwater

The Discharger shall submit a revised SSGWMP as required by Provision H.13 in the WDRs. The Discharger shall collect, preserve, and transport groundwater

samples semi-annually from wells in the approved groundwater monitoring system. Groundwater sampling, analysis, and statistical and non-statistical data evaluations shall be performed in accordance with the procedures described in the revised SSGWMP.

Comment P.18:

Page 5, Monitoring, Item 3 (Leachate Collection and Removal Systems) of the MRP should be revised as follows:

3. Leachate Collection and Removal Systems

The leachate collection and removal system (LCRS) fluid levels shall be inspected daily. For primary LCRSs, the volume of liquid removed shall be measured and reported. For the secondary LCRSs, the volume of liquid removed shall be measured, calculated in gallons per acre per day, and reported. The results of LCRS monitoring shall be reported monthly.

Liquids removed from the LCRSs shall be analyzed ~~quarterly for four consecutive calendar quarters commencing in the quarter following initial placement of waste within the B-18 Phase III Expansion WMU and annually thereafter~~ for the COCs listed in Table 1 of this MRP.

The Discharger shall follow the actions specified in LCRS Specification D.1. contained in the WDRs ~~should any hydraulic head occur on any liner.~~

Response P.18:

Consistent with Responses P.11 and P.14, Monitoring, Item 3 (Leachate Collection and Removal Systems) of the MRP will be revised as follows:

3. Leachate Collection and Removal Systems

The leachate collection and removal system (LCRS) fluid levels shall be inspected daily. For primary LCRSs, the volume of liquid removed shall be measured and reported. For the secondary LCRSs, the volume of liquid removed shall be measured, calculated in gallons per acre per day, and reported. The results of LCRS monitoring shall be reported monthly.

Liquids removed from the LCRSs shall be analyzed quarterly for four consecutive calendar quarters commencing in the quarter following initial placement of waste within the B-18 Phase III Expansion WMU and annually thereafter for the COCs listed in Table 1 of this MRP.

The Discharger shall follow the actions specified in LCRS Specification D.1. contained in the WDRs should any hydraulic head occur on any liner outside of the LCRS sump.

Comment P.19:

Page 6, [Facility] Monitoring, Item 3(a) of the MRP should be revised as follows:

a. Facility Inspection

Annually, prior to 30 September, the Discharger shall submit written certification that the drainage control system; slope conditions; groundwater, ~~surface water~~, and unsaturated zone monitoring equipment; fencing; and visible portions of waste management unit liners ~~and covers~~ have been inspected and any necessary repairs have been completed.

Response P.19:

Facility Monitoring, Item 6(a) of the MRP will be revised as follows:

a. Facility Inspection

Annually, prior to 30 September, the Discharger shall submit written certification that the drainage control system; slope conditions; groundwater, and unsaturated zone monitoring equipment; fencing; and visible portions of waste management unit liners and covers have been inspected and any necessary repairs have been completed.

Comment P.20:

Table 1 (in the MRP), Constituents of Concern, Item 138 Kepone should be deleted and moved to page 12 under "Pesticides."

Response P.20:

Since EPA does not recommend test method 8081 for Kepone, Table 1 of the MRP will not be revised for this constituent.

Comment P.21:

Table 1 (in the MRP), Constituents of Concern, Item 183 0,0-Diethyl 0-2-pyrazinyl phosphorothioate should be deleted and moved to page 13 under "Organophosphorus Compounds."

Response P.21:

Item 183 0,0-Diethyl 0-2-pyrazinyl phosphorothioate will be moved to page 13 under "Organophosphorus Compounds."

Comment P.22:

Table 2 (in the MRP), Detection Monitoring Parameters – Class I WMUs, Item 8: Chloroform and Item 24: Methylene Chloride should be deleted from the table.

Response P.22:

These chemicals are potential waste products and their inclusion is to be consistent with analytical parameters at other landfills Table 2 of the MRP will not be revised.

Comment P.23:

The Legend on Attachment C should be revised as follows:

CROSS-SECTION
(see ATTACHMENT-4D)

Response P.23:

The Legend on Attachment C will be corrected as requested.

Comment P.24:

On Attachment D, the “Phase III Expansion Sideslope Liner Detail” list should be revised as follows:

- a 3-foot thick clay liner compacted to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 40-mil smooth HDPE protective geomembrane that is removed and replaced with the operations layer as the waste elevation increases
- a two-foot thick soil operations layer

Response P.24:

On Attachment D, the “Phase III Expansion Sideslope Liner Detail” list will be revised as follows:

- a 3-foot thick clay liner compacted to achieve a hydraulic conductivity of 1×10^{-7} cm/sec or less
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 60-mil HDPE geomembrane (textured on both sides)
- a double-sided geocomposite drainage layer
- a 40-mil smooth HDPE protective geomembrane that is removed and replaced with the operations layer as the waste elevation increases
- a two-foot thick soil operations layer

Comment P.25:

The Monitoring Well Legend on Attachment E should be revised as follows:

- O Soil-moisture Monitoring Wells
(Unsaturated Zone)

Response P.25:

The Monitoring Well Legend on Attachment E will be revised as follows:

- O Soil-moisture Monitoring Wells (Unsaturated Zone)

Comment Letter Q: Greenaction for Health and Environmental Justice & El Pueblo Para El Aire y Agua Limpia/People for Clean Air and Water of Kettleman City (Greenaction and El Pueblo), 12 November 2013.

Greenaction for Health and Environmental Justice & El Pueblo Para El Aire y Agua Limpia's comment letter had several themes that were repeated throughout the document. In an attempt to clarify our responses and to avoid duplication, comments are grouped by theme, and our responses are provided below. Specific comments were also addressed individually, where appropriate..

Comment Q.1:

The Commenters state that the Kettleman City community faces numerous environmental risks from various sources, and that the Board should not allow the addition of any new risks to the "already over-burdened community of Kettleman City." For example, on page 3, the Commenters state, "the RWQCB and other agencies are proposing to approve a massive expansion of this problem-plagued hazardous waste landfill in a community that the state's own CalEnviroScreen [California Communities Environmental Health Screening Tool] methodology found is one of the most at-risk and vulnerable communities in the state. The RWQCB must consider the established and clear fact, as documented by the California Environmental Protection Agency and OEHHA [Office of Environmental Health Hazard Assessment] in their CalEnviroScreen tool, that Kettleman City is highly vulnerable and at risk from the multiple sources of pollution already affecting the community and at risk to additional new pollution." The Commenters contend that "the RWQCB erred in failing to analyze or even mention the cumulative impacts of their proposed approval of new revised WDR's," and notes the "the high concentration of hazardous waste facilities and generators in Kettleman City"

Response Q.1:

Kings County is the government agency that makes the land-use decisions regarding the expansion of the KHF, and it was obligated to consider the cumulative impacts that would result from the expansion of the KHF (see the March 2008 Draft Subsequent Environmental Impact Report (Draft SEIR), the May 2008 Revised Project Description and Analysis, the May 2009 Recirculated Portions of the Draft SEIR, and the September 2009 Final SEIR).

Acting not as a lead agency but as a responsible agency, the Board's role is much more circumspect. In issuing the Tentative WDRs, the Board must ensure that the Tentative WDRs implement the relevant water quality control plan, protect the beneficial uses of groundwater and surface waters, and implement the applicable regulations that pertain to hazardous waste facilities. This has been done. After performing a careful evaluation of the management practices that CWMI currently implements at the KHF, and after considering the hydrology and geologic stratigraphy that underlies the KHF, the Board can conclude that the expansion poses only a minimal risk to water quality and does not pose a threat to Kettleman City's source of drinking water.

Comment Q.2:

The Commenters repeatedly state that CWMI's compliance history is "dismal" and that the "chronic, repeat, and serious violations..." justify denial of waste discharge requirements to the KHF Facility.

Response Q.2:

While CWMI does not have a perfect compliance history, nothing that has occurred causes Board staff to believe that the KHF, as it is currently managed, poses any threat to Kettleman City's source of drinking water. While violations have occurred in the past, these situations have all been fully rectified, and the Board does not concur that evidence in the Board's files indicates that the KHF expansion project, "takes place against a backdrop of repeated, chronic, and serious environmental violations..."

Comment Q.3:

On page 5, the Commenters stated that the RWQCB failed to consider or even mention the important and well-documented information provided by CalEnviroScreen."

Response Q.3:

While Kings County had the primary obligation to consider the multiple source impacts associated with the expansion project, the CalEnviroScreen data cited by the Commenters absolutely illustrate the importance of ensuring that the KHF does not pose any significant water quality threat to the community of Kettleman City. However, from the Board's perspective, the conditions contained in the Tentative WDRs do just that; in the Tentative WDRs, the Board has taken all the appropriate steps to ensure that the continued operation and expansion of the KHF will not burden the Kettleman City community by causing impacts to its drinking water.

Comment Q.4:

The Commenters question the history of violations issued to the KHF by multiple State and federal agencies. On page 5, the Commenters stated that from Central Valley Water Board's documents and Tentative WDRs, a member of the public would not recognize that violations at KHF have previously occurred.

Response Q.4:

The Board did not include findings in the draft WDRs that discuss the Notices of Violation that the Board issued to CWMI between 1995 and 2003 because all of the underlying violations have been successfully resolved. In addition, the Board circulated a public brochure that specifically described each of the Notices of Violation that the Board has issued during this time period, and what steps have been taken to rectify these violations. Furthermore, all of the Notices of Violation and subsequent reports are in the Board's files, which are open for public inspection.

Comment Q.5:

On page 6, the Commenters stated that CWMI received violations from US EPA [United States Environmental Protection Agency] in 1984 for "allowing leaks from the dump to contaminate local water supplies." Earlier, on page 3, the Commenters also mentioned "leakage [in the 1980's] had contaminated groundwater in the underlying San Joaquin Formation" and they disputed claims that any future leakage would also result in "highly localized impacts."

Response Q.5:

This comment seems to refer to legacy impacts from operations prior to the mid 1980's, when unlined surface impoundments were replaced with lined impoundments to meet new federal and State standards. These legacy impacts have been fully assessed and delineated, and they continue to be monitored. The areal extent of the legacy impacts is approximately three acres, and this area has not increased in size during the past 25 years. It was determined that these impacts were highly localized due to the very slow

rate of groundwater flow, which is predominantly towards the southeast, away from Kettleman City's drinking water source. A December 2010 Investigation report by California Department of Public Health (CDPH) concluded that any impacts to groundwater from the facility are not a threat to the drinking water aquifer(s) that supply city wells. Furthermore, a 1984 US EPA document that stated that CWMI had allowed leaks from the landfill to "contaminate local water supplies" is factually in error. Groundwater impacts remain localized near the center of the KHF, several thousand feet from the KHF property boundaries and 3.5 miles from Kettleman City. These impacts are hydrogeologically isolated from the Kettleman City area, and occur in groundwater that does not support any beneficial uses, as explained in Response Q.13, below. CWMI has installed and utilizes an extensive groundwater monitoring system that ensures that any plume migration would be identified well before the plume would migrate off-site. Should plume migration occur, the Board would immediately require CWMI to take corrective action.

Comment Q.6:

On page 6, the Commenters refer to violations issued by other State and federal agencies regarding operations and findings at the KHF.

Response Q.6:

Most of the violations dated 1984 and 1985, cited on page 6, occurred soon after stricter federal and State standards were adopted in 1984. These new regulations required WMUs to have a composite liner with leachate collection and recovery systems and groundwater monitoring. Prior to the amendments, the KHF was not required to have groundwater monitoring or engineered liner systems for waste disposal areas. Soon after the new regulations went into effect, the US EPA issued the violations. CWMI has since installed a groundwater monitoring system and constructed composite-lined hazardous WMUs that comply with State and federal regulations.

Comment Q.7:

On pages 2, 6 and 7, the Commenters made reference to the "problems with the unreliability of its [CWMI's] laboratory" and the "faulty laboratory results" produced from CWMI's onsite laboratory at the KHF. Additionally, the Commenters reference US EPA violations from 2010 which state, "the data quality control system at the KHF laboratory is not adequate to ensure reliable analytical results and should not be used for decision making."

Response Q.7:

Our interpretation of these comments is that they are meant to refer to CWMI laboratory's analytical equipment and calibration verification, specifically the calibration procedure for SW-846 Method 6010B, Inductively Coupled Plasma – Atomic Emission Spectrometry. This method requires the laboratory discontinue the sample analysis if the initial calibration verification (ICV) or continuing calibration verification (CCV) cannot be verified as required. CWMI discontinued using its laboratory for the 6010B method and now outsources to an independent third-party laboratory certified by California's Environmental Laboratory Accreditation Program (ELAP). The results from this third-party lab are used for waste determinations and decision making. California's ELAP recertifies the KHF laboratory yearly for other used test methods, excluding 6010B. If CWMI wishes to conduct 6010B testing on-site in the future, ELAP certification would be required.

Comment Q.8:

On page 6, the Commenters refer to violation notices issued in March 2013 by DTSC for failure to report 72 small spills at the facility.

Response Q.8:

During DTSC's current permitting process, DTSC reviewed the entire enforcement record for CWMI, which dated back to 1983. DTSC determined that the violations, including the failure to report the 72 small spills, did not result in a threat to public health or the environment. The review also concluded that the facility is not a "serial violator" as there have been long periods of time without violations. DTSC will consider these violations in their permitting process.

Comment Q.9:

On page 6, the Commenters stated that the Central Valley Water Board issued a number of violations for failure to monitor groundwater.

Response Q.9:

The Central Valley Water Board issued two violations since 1988 for failure to monitor certain wells during a specific monitoring event due to equipment failure and failure to conduct follow-up sampling. CWMI has taken measures to ensure repair of equipment and replacement of sampling supplies can be completed in a more expedient manner.

Comment Q.10:

The Commenters also stated that US EPA issued a violation for failure to perform monitoring of lysimeters for the presence of liquids.

Response Q.10:

A vadose zone study performed in 1987 demonstrated that suction lysimeters cannot collect soil moisture due to extremely dry conditions at the KHF facility. As part of the closure of Landfill B-16 in 2004, the lysimeters were decommissioned.

Comment Q.11:

On page 6, the Commenters refer to a "landslide", which actually involved slippage along the liner material interface on the waste slope that displaced waste.

Response Q.11:

All waste was contained within Landfill B-19. The failure occurred in March 1988 as a result of an improper waste loading procedure on the landfill's northern slope over synthetic liner components containing smooth High Density Polyethylene (HDPE). The waste was loaded too steeply and without buttressing to the south, which caused the waste to slide approximately 35 feet. All damaged liner materials were removed and replaced with new and updated material in accordance with State regulations and requirements. Furthermore, Landfill B-19 is regulated by separate WDRs, not the Tentative WDRs currently under consideration.

Comment Q.12:

On page 7, the Commenters reference notices of violation issued in 2010 related to the polychlorinated biphenyls (PCBs) Flushing and Storage Unit located adjacent to the Drum Storage Unit.

Response Q.12:

The US EPA and DTSC have overlapping regulatory authority to implement and enforce federal regulations regarding the Toxic Substances Control Act (TSCA) and permitting issues relating to PCB disposal and treatment standards as well as laboratory operational standards.

In July 2010, the US EPA issued CWMI a notice of violation of the TSCA PCB requirements based on sampling information that documented the discharge of PCBs to soils under a concrete area adjacent to the PCB storage building, and based on the mishandling of containers used in PCB disposal activities. CWMI subsequently prepared a "Waste Management Kettleman Hills Facility PCB Building Self-Implementing Cleanup Plan" following requirements in 40 C.F.R. § 761.61(a). US EPA conditionally approved the Self-Implementing Cleanup Plan in September 2010. Because the release of PCBs was a violation of both federal and state standards, DTSC and US EPA both provided joint oversight of the cleanup, and DTSC issued its own Corrective Action Consent Order (Docket No. HWCA P1-10/11-001) in October of 2010 to ensure that the cleanup met California standards. CWMI has remediated the contaminated soils and has addressed the container handling issues.

In a June 2011 letter, DTSC generally concurred with CWMI's responses regarding the PCB Outside Pad Replacement and PCB Cleanup Completion Reports. Both reports were submitted to satisfy section 5.5 of the Consent Order. The PCB-contaminated materials were excavated and disposed of in an approved TSCA landfill at the KHF. The PCB building was remediated in accordance with US EPA directives and a new concrete pad was constructed to contain any future spills. DTSC's 2013 Draft permit requires longer ambient air sampling periods for PCBs and the addition of another air monitoring station to be positioned between the facility and Kettleman City.

Comment Q.13:

In general, the Commenters express their concern that past violations may have led to groundwater impacts that may have impacted the community.

Response Q.13:

It is our opinion that past violations have not led to any groundwater impacts that would have affected the Kettleman City community. This conclusion is primarily due to the fact that the groundwater beneath the KHF is hydrogeologically isolated from Kettleman City's drinking water supply. The hydrogeologic system at the KHF consists of connate groundwater occurring in isolated sands within the San Joaquin Formation that dip approximately 30 degrees to the southwest, towards and beneath the Kettleman Plain and away from Kettleman City. The geologic structure, including the absence of the San Joaquin Formation between the KHF and Kettleman City, hydraulically isolates the groundwater at the KHF from Kettleman City. Thus, there is no groundwater flow path towards Kettleman City.

Furthermore, though the operation of the KHF has caused limited impacts to the groundwater immediately beneath the facility, questions regarding these impacts have been addressed by detailed hydrogeologic investigations of the geologic units that underlie the KHF. Studies have indicated that this groundwater is of poor quality, with total dissolved solids ranging from 1,550 milligrams/liter (mg/L) to more than 20,000

mg/L. The groundwater is also relatively deep, occurring from 300 to 520 feet below the ground surface.

Groundwater that exhibits these characteristics cannot typically be used as a source of drinking water. On 25 March 1988, in Resolution 88-051, the Central Valley Water Board concluded that the groundwater contained in the San Joaquin, Etchegoin, and Jacalitos Formations within ½ mile of KHF's surface impoundments is not a potential source of drinking water. On 11 August 1989, in Resolution 89-155 (which cited Resolution 88-051), the Board further stated that groundwater in the San Joaquin, Etchegoin, and Jacalitos Formations is not suitable for municipal or domestic supply. The *Water Quality Control Plan for the Tulare Lake Basin, 2nd Edition (Revised 2004)* reflects that groundwater contained in these formations within one-half mile of the KHF's Class I surface impoundments is not suited for municipal or domestic supply (MUN), as that beneficial use has been de-designated in these areas.

Comment Q.14:

On page 2, the Commenters question a proposal for a reduction in groundwater monitoring frequency that would cut the frequency in half from quarterly to semi-annually.

Response Q.14:

More than 25 years of monitoring data have been compiled for many of the wells used for monitoring since KHF operations began. Additional wells installed subsequent to startup at the KHF have been monitored since their installation. Certain wells were removed due to facility expansion and have been replaced and monitored. Results of the historical and current sampling and monitoring (and depth to water measurements) indicate little to no seasonal variability and very low groundwater flow rates of 1 to 10 feet per year. Due to the low flow rates, there is no increased risk of a release leaving the site, even with a reduction to semi-annual groundwater monitoring. A semiannual frequency will continue to adequately capture the required monitoring data.

Comment Q.15:

On page 7, the Commenters stated that, "[t]aking action to issue the WDR's to expand a hazardous waste company and facility with a violation-plagued compliance history in an overburdened, vulnerable and at-risk low-income, Spanish-speaking Latino community and would have a disparate and prohibited impact on these residents who are a protected class of persons under State and federal civil rights laws."

Response Q.15:

The Board has no evidence that adoption of the Tentative WDRs would have a discriminatory and disproportionate impact on the residents of Kettleman City; the Board's action will ensure that the risks posed to groundwater by the KHF are minimal. The Tentative WDRs protect water quality and are intended to prevent any impacts to Kettleman City or Avenal residents. Additionally, the expansion provides additional employment opportunities and allows for the continued operation of an essential member of the local economy.

Comment Q.16:

On page 9, the Commenters state that, "the RWQCB would perpetuate the discriminatory action of Kings County in approving the KHF expansion by relying on Kings County's action..." The Commenters added that "[t]he RWQCB in part relies on Kings County's discriminatory process

to make its own decision on the hazardous waste permit, by relying on Kings County's EIR that was the product of this discriminatory process."

Response Q.16:

The Tentative WDRs are intended to ensure the protection of groundwater and surface water resources. Rather than "perpetuate [a] discriminatory action," the Board means to ensure that the operation of the KHF will have no impact on any source of drinking water; no discriminatory effect, intentional or otherwise, is condoned by the Board's proposed action.

Comment Q. 17:

The Commenters contend on pages 7 and 8, that at the ... "last RWQCB meeting in Kettleman City...was a disgraceful and illegal violation of the civil rights of residents due to the massive police presence...in addition to hiring private security...and [u]ndercover officers were in the hearing room..."

Response Q.17:

Due to the fact that past permitting activities involving the KHF have been disrupted by individuals intent on trying to undermine the established public process, the Central Valley Water Board contacted the California State Highway Police (CHP) and the Kings County Sheriff's Department prior to the last meeting. The CHP and the Sheriff's Department provided officers to ensure the safety of the Board members and those persons present at the meeting. Private security was utilized to patrol the parking lot for vehicle security. Undercover officers, if present, were not there at the invitation of the Central Valley Water Board.

Comment Q.18:

The Commenters state that the environmental exposure study conducted by California EPA (CalEPA) and its many agencies was scientifically flawed and called into question the Central Valley Water Board's reliance on the study's conclusion the KHF "could not have caused the birth defects plaguing Kettleman City." On page 10, the commenter states that the study was done "by reluctant state agencies with a historical and well-documented bias in favor of Chemical Waste Management, and was done only after the Governor ordered an investigation..."

Response Q.18:

Prior to the Governor's order, the state's birth defect registry had been reviewed by the California Birth Defects Monitoring Program (CBDMP) within CDPH for birth defects in Kettleman City from 1987 to 2008. This review was initiated after a request by a Kings County Health Officer. CDPH followed-up on CBDMP's review by conducting a more extensive investigation by qualified individuals into the reported birth defects in the area (CalEPA, 2010).

Comment Q.19:

On page 11, the Commenters state that the birth defect study was "flawed and misleading" and that the "operating conditions, monitoring and emissions at the Chem Waste landfill facility were dramatically different between the time the birth defects spiked in 2007 and when the testing and exposure study were conducted in 2010." The Commenters provided a list of operational differences between the two years. Of these differences, the Commenters focused on the diminished operational capacity between 2007 and 2010 and the increase in PCB disposal at the facility in 2007.

Response Q.19:

CalEPA and CDPH researchers evaluated multiple factors that had the potential to cause birth defects, including environmental exposures such as contaminants in the air, water, and soil (CalEPA, 2010). The researchers would have been aware of the KHF activity level and their study concluded that there was no link between the KHF and the Kettleman City residents.

Comment Q.20:

On page 13, the Commenters state that there are “higher than expected cancers and other health problems in the community.”

Response Q.20:

Cancer cases and asthma occurrences were reviewed by CDPH and “no elevated risk or unusual patterns” was observed (CDPH, 2011).

Comment Letter R: Center for Race, Poverty, & the Environment, 12 November 2013

Comment R.1:

Center for Race, Poverty, & the Environment provided an endorsement of the Greenaction and El Pueblo letter noted above (see Comment Letter Q) and a request for Designated Party Status.

Response R.1:

See Responses Q.1 through Q.21 above. Request for Designated Party Status was submitted.

Comment Letter S: James K. Dowdall, email letters, 8 and 12 November 2013

Comment S.1:

Request for Designated Party Status and comments of support for approval of the expansion at the B-18 Landfill WMU.

Response S.1:

Acknowledged and request for Designated Party Status was submitted.

REFERENCES

California Environmental Protection Agency et al. (December 2010). Investigation of Birth Defects and Community Exposures in Kettleman City, CA. Retrieved from <http://www.calepa.ca.gov/EnvJustice/Documents/2010/KCDocs/ReportFinal/FinalReport.pdf>

California Department of Public Health. (2011) Birth Defects in Kettleman City. Retrieved from <http://www.cdph.ca.gov/programs/CBDMP/Documents/MO-CBDMP-KettlemanCityReport.pdf>