



July 21, 2020

Janice Mayes, Planner III
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Governor's Office of Planning & Research

Jul 21 2020

STATE CLEARINGHOUSE

Subject: SCH No. 2020069034 - Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Clean Harbors Solid Waste Treatment, Storage and Disposal Facility, Facility No. 15-AA-0257, Kern County

Dear Ms. Mayes:

The Department of Resources Recycling and Recovery (CalRecycle) staff offer the following comments for this proposed project as part of the California Environmental Quality Act (CEQA) process. The Kern County Planning and Natural Resources Department, acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) in preparing an Environmental Impact Report (EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

Project Description

The proposed project includes Kern County's modification of existing land use authorizations to include an expanded permitted disposal area to facilitate the construction and operation of additional non-hazardous waste landfill units and an expanded permitted facility area to accommodate a soil stockpile area; an increase to permitted disposal capacity for additional nonhazardous waste; the construction and operation of four new hazardous waste tank treatment buildings; and construction and operation of a latex paint recycling building. In addition, the project proponent has submitted a renewal application to the Department of Toxic Substance Control (DTSC) for the existing hazardous waste permit.

Land use authorizations for the facility were originally approved by the Kern County Board of Supervisors in 1982. Modifications to Conditional Use Permit (CUP) 4 were approved on December 12, 1994; November 30, 2004; July 13, 2010; and December 16, 2014 by both the Kern County Planning Commission and Kern County Board of Supervisors.

Kern County's authorization specifically includes:

1. Amendment to the Kern County General Plan of approximately 320 acres (on parcel 099-251-32) from the existing 8.3 (Extensive Agriculture, 20 min acres) land use designation to a 3.4 (Solid Waste Disposal Facility) designation;
2. Amendment to the Kern County General Plan Appendix E Map, "Petroleum Waste Management" to show the current "Clean Harbors" name and revised permitted facility boundary, with designated buffer property areas;
3. Zone change of 640 acres (parcels 099-290-17 and 099-251-32) from A (Exclusive Agriculture) to M-3 (Heavy Industrial);
4. Application for removal of both parcels (640 acres) from Agricultural Preserve No. 2; and
5. Modification of the existing CUP No.4, Map No. 97 to include:
 - a. an increase in the permitted facility boundary from 320 acres to 640 acres to include the expansion parcel for a soil stockpile area;
 - b. an increase in permitted disposal area from 160 disposal acres to 193.3 acres for the addition of non-hazardous waste landfill units (WMU 36, 37, 38) within existing facility boundary;
 - c. an increase in permitted disposal capacity from 13,250,000 cubic yards to 16,674,000 for the addition of non-hazardous waste landfill units (WMU 36, 37, 38) within existing facility boundary;
 - d. construction of four new hazardous waste treatment buildings (tank treatment buildings) to support proposed modifications to a Hazardous Waste Facility Permit renewal application as required by DTSC; and
 - e. construction of one latex paint recycling building.

COMMENTS

It is unclear from the project description if the expansion for non-hazardous waste disposal will consist of receiving solid waste generated off site and what the waste types and volumes will be allowed for disposal. The current Registration Permit allows for solid waste generated onsite to be co-disposed with other industrial and hazardous wastes. If the project entails operation of a Municipal Solid Waste Landfill, an application for a Full Solid Waste Disposal Facility Permit will be required. If a Full Solid Waste Facilities Permit is the appropriate application package for submittal the requirements can be found at 27 CCR, section 21570 which shall be processed by the Local Enforcement Agency pursuant to 27 CCR, section 21650.

If the permit application is submitted for a Full Solid Waste Facilities Permit, it must be accompanied by a Report of Facility Information/Joint Technical Document, which includes the Report of Facility Information and a Preliminary Closure Post-Closure Maintenance Plan including cost estimates, and a Non-Water Corrective Action Plan.

The link below provides guidance in the preparation of environmental documents in complying with the CEQA requirements for solid waste disposal facilities.

<http://www.calrecycle.ca.gov/SWFacilities/Permitting/CEQA/Documents/Guidance/Disposal.htm>

Solid Waste Regulatory Oversight

The Kern County, Environmental Health Department is the Local Enforcement Agency (LEA) and is responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA, Karen Sanford at (661) 862-8703 or KARENS@kerncounty.com to comply with the regulatory requirements for the proposed project.

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is certified during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is certified without a public hearing, CalRecycle staff requests 10 days advance notification of the date of certification and proposed project approval by the decision making body.

CalRecycle staff requests copies of any subsequent environmental documents, Findings and Statement of Overriding Considerations (if one is required), Mitigation Monitoring and Reporting Program, copies of public notices and any Notices of Determination for this proposed project.

Thank you for the opportunity to comment on this project. If you have any questions regarding these comments, please contact me at (916) 341-6405 or e-mail me at Christine.Karl@calrecycle.ca.gov.

Sincerely,



Christine Karl
Environmental Scientist
Permitting & Assistance Branch, North Section
Waste Permitting, Compliance & Mitigation Division

cc: Karen Sanford, Kern County Environmental Health Department