



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

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Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

Sent Via Email

July 11, 2007

Ms. Yvonne Meeks  
Portfolio Manager – Site Remediation  
Pacific Gas and Electric Company  
4325 South Higuera Street  
San Luis Obispo, CA 93401

COMMENTS ON MW-20 BENCH BATCH TREATMENT FACILITY  
DECOMMISSIONING WORK PLAN, TOPOCK COMPRESSOR STATION, NEEDLES,  
CALIFORNIA (EPA ID NO. CAT080011729)

Dear Ms. Meeks,

The Department of Toxic Substances Control (DTSC) has reviewed the May 31, 2007 *Batch Treatment Facility Decommissioning Work Plan*. The proposed work plan was submitted to the U.S. Bureau of Land Management (BLM) for consideration and approval. DTSC, as a lead State agency for the imposition and implementation of the interim measures under the Resource Conservation and Recovery Act, is also obligated to review any changes to site operation which may affect the interim measures.

DTSC, however, notes that the batch treatment system at the MW-20 bench has operated under a conditional authorization by the San Bernardino County as the Certified Unified Program Agency (CUPA), and that the BLM is the land manager of the MW-20 bench. Therefore, DTSC believes that we do not need to assert our jurisdiction over the decommissioning and reconfiguration of the MW-20 bench area at this time. DTSC expects Pacific Gas and Electric Company (PG&E) to coordinate with the San Bernardino County CUPA to certify the termination of the batch treatment units and to work with BLM on the proposed reconfiguration. To assist PG&E in the compliance with the California requirements for closure under a conditional authorization, DTSC has enclosed a publication entitled "*Closure Requirements for Generators & Tiered Permitting Facilities, February 2000*" for your information.

Furthermore, based on our review of the May 31, 2007 work plan, DTSC offers the following comments and suggestions for your consideration.

Decommissioning Comments:

1. Section 2.2, Batch Treatment Facility Deconstruction. DTSC is unclear of the procedure to be followed during "inspection" of the base material at time of deconstruction. A visual inspection is generally inadequate to evaluate the cleanliness of the sand base material for use or re-use.
2. Section 2.3, Disposition and Disposal, last sentence. What is the standard to which PG&E will consider the soils as "contaminated?" DTSC requests that PG&E include the MW-20 bench and the Interim Measures 3 treatment plant in the overall site corrective action effort. This will allow a uniform clean-up standard to be chosen for the site.
3. Section 3.0, Confirmation Sampling and Analysis. Although PG&E is proposing to collect 5 confirmation soil samples, DTSC believe PG&E should clarify if the confirmations are in addition to any samples to be collected from the sand base material or from any suspected contamination areas (i.e. observed staining). DTSC is also unclear of the rationale for the suggested background concentration of 31 milligrams per kilogram for chromium, and that no other Chemicals of Potential Concerns are considered. DTSC is also concerned that this chosen "background" number may not be representative of site wide threshold levels and that ecological considerations were not factored into its development or review. DTSC believes that the final threshold value should be compared to the site wide remedial objectives under corrective action.

Reconfiguration Comments:

4. Section 4.2, Reconfiguration of IM No. 3 Support Facilities, last paragraph. PG&E concluded that a concrete-based spill containment system would solve all of the problems of durability and risk of brine waste releases beneath the containment unit. DTSC notes that there are no construction specifications provided with this work plan to affirm such a claim. DTSC experiences are that concrete systems are not impermeable. The rates of infiltration vary and are dependent on the type of concrete used and workmanship in construction. Although DTSC does not argue the advantages of a concrete based containment system over a temporary liner, DTSC does not want to encourage additional site improvement efforts on the interim measures facilities over a permanent resolution under a final remedy.
5. Section 4.2.1, Brine Storage and Loading Area. PG&E suggests that the MW-20 bench can be constructed to allow either a two vehicle loading station or an inspection area with a single vehicle loading station. DTSC considers the two proposals to be different due to piping and support equipment necessary (e.g. pump valves).

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6. Section 4.2.2, Other Waste Management Area. DTSC is unsure of the need to support "remediation program waste management requirements" as stated. Is PG&E anticipating an expansion of well installations field work that would necessitate the need for additional frac tank and phase separators beyond the current staging areas that are near the project site?
7. Figures 4-2. Based on this figure, DTSC observe that the proposed reconfiguration diagram suggests much of the transportation/ loading area to be outside the current fenced area. However, the simulation does not appear to correspond with the site diagram of Figure 4-2. If the proposed loading corridor is outside the current fence line, DTSC is concerned that the reconfigured support area will have a net effect of enlarging PG&E's impact on the MW-20 bench.
8. Section 6.2, Mitigation Measures. In recognizing the cultural, biological and tribal interest of the area, DTSC is concerned that the reconfiguration of the current MW-20 bench and the construction of a concrete pad will result in additional impact to the area. DTSC requests PG&E to re-evaluate the necessity of such a reconfiguration proposal.

DTSC appreciates the opportunity to review and comment on the decommissioning and reconfiguration work plan, and hopes that the above comments are helpful to you. If you have any questions regarding this letter, please contact me at (714) 484-5439.

Sincerely,



Aaron Yue  
Project Manager  
Geology, Permitting and Corrective Action Branch

Enclosure

aky:070701A

cc: Ms. Karen Baker, Chief, CEG, CHG  
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cc: Ms. Cathy Wolff-White (via email)  
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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**  
**CLOSURE REQUIREMENTS**  
**FOR**  
**GENERATORS & TIERED PERMITTING FACILITIES**  
 FEBRUARY 2000

	<b>HAZ. WASTE GENERATOR</b>	<b>CONDITIONAL EXEMPTION</b>	<b>CONDITIONAL AUTHORIZATION</b>	<b>PERMIT BY RULE (TTU/FTU)</b>
<b>Type of Facility</b>	Onsite	Onsite	Onsite	Onsite - TTU & FTU
Closure Requirements	<p><b>Title 22 CCR 66262.34(a)(1)</b> Specified requirements apply to 90 day generators with certain tanks, containers, drip pads, and containment buildings. <u>Title 22 CCR 66265.197</u> 90 day accumulation tanks and containers without secondary containment are subject to full closure requirements. <u>Title 22 CCR 66265.445(c)(1)(A)</u> Drip pads (w/o liners) from wood treatment facilities are subject to full closure requirements. <u>Title 22 CCR 66265.1102</u> Containment building are subject to full closure requirements.</p> <p>-----</p> <p><b>Title 22 CCR 66265.111</b> Requires generator to close facility in a manner that minimizes further maintenance and is protective of public health and environment. <b>Title 22 CCR 66265.114</b> Requires generator to properly dispose of all contamination generated during closure.</p>	<p><b>Generator Requirements Plus:</b></p> <p><b>H&amp;SC 25201.5(d)(8)(A)</b> Requires removal or decontamination of all haz. waste/ constituents resulting from unit closure.</p> <p>-----</p> <p><b>H&amp;SC 25201.5(d)(9)</b> Requires compliance with all generator requirements including: Title 22 66262.34 (see Hazardous Waste Generator requirements).</p> <p><b>H&amp;SC 25201.5(e)(1)</b> <u>Exempts</u> tanks and containers ancillary equipment from 66265.193 requirements, if specified conditions are met, unless otherwise required by federal law.</p> <p><b>Title 23 CCR 2672</b> Applies to the cleanup of contamination resulting from underground tank closures.</p> <p><b>Title 22 CCR 67383.1 to 67383.5</b> Requirements for the management of aboveground and underground tanks that held haz. waste or haz. materials and are themselves classified as haz. wastes.</p>	<p><b>Generator Requirements Plus:</b></p> <p><b>H&amp;SC 25200.3(g)(1)</b> Requires removal or decontamination of all haz. waste/ constituents resulting from unit closure.</p> <p>-----</p> <p><b>H&amp;SC 25200.3(c)(4)(A)</b> <u>Exempts</u> tanks and containers ancillary equipment from 66265.193 requirements, if specified conditions are met, unless otherwise required by federal law.</p> <p><b>Title 23 CCR 2672</b> Applies to the cleanup of contamination resulting from underground tank closures.</p> <p><b>Title 22 CCR 67383.1 to 67383.5</b> Requirements for the management of aboveground and underground tanks that held haz. waste or haz. materials and are themselves classified as haz. wastes.</p>	<p><b>Title 22 CCR 67450.3(b)(13)(A)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(A)-FTU</b> Maintain compliance with the following closure requirements: Section <b>66264.178, 66265.111(a)</b> and <b>66265.111(b), 66265.114.</b></p> <p>-----</p> <p><b>Title 22 CCR 67450.3(a)(11)(F)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(B)-FTU</b> Applicable tank systems are subject to additional closure requirements pursuant to Title 22, CCR, Article 10, Chapter 15.</p> <p>-----</p> <p><b>Title 22 CCR 66265.404</b> Applies to owners and operators (O/O) of facilities which treat hazardous wastes by chemical, physical, or biological methods in other than tanks, surface impoundments, and land treatment facilities. Requires that all hazardous waste and hazardous waste residues be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures.</p>

	<b>HAZ. WASTE GENERATOR</b>	<b>CONDITIONAL EXEMPTION</b>	<b>CONDITIONAL AUTHORIZATION</b>	<b>PERMIT BY RULE (TTU/FTU)</b>
Closure Plan	No written closure plan is required unless one or more of the following specified 90 day generator requirements applies: <b>Title 22 CCR 66265.197(a)</b> 90 day accumulation tanks and containers without secondary containment are subject to closure plan requirements specified in Article 7 of Chapter 15. <b>Title 22 CCR 66265.445(c)(1)(A)</b> Drip pads (w/o liners) from wood treatment facilities are subject to closure plan requirements. <b>Title 22 CCR 66265.1102(a)</b> Containment building are subject to closure plan requirements.	No written closure plan required unless a specified 90 day generator requirement applies.	No written closure plan required unless a specified 90 day generator requirement applies.	<b>Title 22 CCR 67450.3(a)(13)(B)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(B)-FTU</b> Closure plan requirements. The plan must be kept onsite and does not have to be approved by CUPA or DTSC. ----- <b>Title 22 CCR 67450.3(a)(13)(C)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(C)-FTU</b> <u>TTU</u> - O/O shall amend the closure plan at any time during the active life of the TTU(s) when changes in operating plans or TTU design affect the closure plan, or whenever there is a change in the expected year of closure. <u>FTU</u> - Amendments to the closure plan must comply with Section 66265.112(c).
Closure Time Requirements & Notification	Notification of closure may be required by some local ordinances.	<b>Same as generator requirements plus:</b> <b>H&amp;SC 25201.5(d)(8)(A)</b> Upon terminating operations, the generator shall initiate closure activities by removing all waste residues. ----- <b>H&amp;SC 25201.5(d)(8)(B)</b> Requires generator to provide written notification to DTSC and the CUPA or the authorized unified program agency upon the completion of all closure activities.	<b>Same as generator requirements plus:</b> <b>H&amp;SC 25200.3(g)(1)</b> Upon terminating operations, the generator shall initiate closure activities by removing all waste residues. ----- <b>H&amp;SC 25200.3(g)(2)</b> Requires generator to provide written notification to DTSC and the CUPA or the authorized unified program agency upon the completion of all closure activities.	<b>Title 22 CCR 67450.3(a)(13)(D)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(D)-FTU</b> O/O shall treat, remove or dispose of all hazardous waste within 90 days after final volume is treated. ----- <b>Title 22 CCR 67450.3(a)(13)(E)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(E)-FTU</b> Closure shall be completed within 180 days after treating final volume of hazardous waste. ----- <b>Title 22 CCR 67450.3(a)(13)(F)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(F)-FTU</b> O/O shall notify CUPA (and DTSC for TTUs) or authorized UP agency 15 days prior to completion of closure.

	<b>HAZ. WASTE GENERATOR</b>	<b>CONDITIONAL EXEMPTION</b>	<b>CONDITIONAL AUTHORIZATION</b>	<b>PERMIT BY RULE (TTU/FTU)</b>
Certification	Certification of closure may be required by some local ordinances.	<b>H&amp;SC 25201.5(d)(8)(B)</b> Requires generator to submit certification when all treatment activities have ceased.	<b>H&amp;SC 25200.3(g)(2)</b> Requires generator to submit notification to DTSC and CUPA (or authorized officer or agency if no CUPA) when all treatment activities have ceased.	<b>Title 22 CCR 67450.3(a)(13)(G)-TTU</b> <b>Title 22 CCR 67450.3(c)(11)(G)-FTU</b> Requires submittal of a certification signed by the O/O and a CA registered professional engineer stating closure completed in accordance with the closure plan.
Financial Responsibility	Not required unless one or more of the following specified 90 day generator requirements apply to certain tanks/containers, drip pads, and containment buildings: <b>Title 22 CCR 66262.34(a)(1)</b> Financial responsibility requirements apply to generators for applicable tanks, containers and drip pads, and containment buildings. <u>Title 22 CCR 66265.197(a)</u> 90 day accumulation tanks without secondary containment are subject to financial responsibility requirements. <u>Title 22 CCR 66265.445(c)(1)(A)</u> Drip pads (w/o liners) from wood treatment facilities are subject to financial responsibility requirements. <u>Title 22 CCR 66265.1102(a)</u> Containment buildings are subject to financial responsibility requirements.	Not required unless a specified generator requirement applies.	<b>H&amp;SC 25245.4(b)(1)(B)</b> Generator must obtain financial assurance for closure on and after 10/1/96. <b>Title 22 CCR 67450.13(a)(5)</b> Generator must obtain financial assurance for closure on or after 10/1/96. <b>Title 22 CCR 67450.13(a)(1)</b> Generator must prepare written cost estimate for the closure of each unit. Section <b>67450.13(a)(2)</b> requires closure cost estimate to be adjusted for inflation by March 1 of each year. ----- <b>Title 22 CCR 67450.13(d)</b> Facilities with closure cost estimates below \$10,000 are allowed to self-certify in accordance with section 66270.11 that they have sufficient resources to meet closure cost requirements.	<b>H&amp;SC 25245.4(a)(1)(B)-TTU&amp;FTU</b> O/O must obtain financial assurance for closure on and after 10/1/96. <b>Title 22 CCR 67450.13(a)(5)</b> O/O must obtain financial assurance for closure on or after 10/1/96. <b>Title 22 CCR 67450.13(a)(1)</b> O/O must prepare written cost estimate for the closure of each unit. Section <b>67450.13(a)(2)</b> requires closure cost estimate to be adjusted for inflation by March 1 of each year. ----- <b>H&amp;SC 25245.4(a)(1)(B)-TTU&amp;FTU</b> O/O must obtain financial assurance for closure unless exempt. <b>Title 22 CCR 67450.13(e)-TTU&amp;FTU</b> O/O is <u>exempt</u> from financial assurance requirements if facility operated no more than 30 days in any calendar year. <u>FTU</u> exemption self-certification form must be submitted to CUPA or DTSC in non-CUPA jurisdiction. <u>TTU</u> exemption self-certification must be submitted to DTSC.
Wastestreams	RCRA and Non-RCRA waste	Primarily non-RCRA waste and certain RCRA wastes pursuant to <b>H&amp;SC 25201.5(a) and (c)</b>	Primarily non-RCRA wastes and certain RCRA wastes pursuant to <b>H&amp;SC 25200.3(a)</b>	Both non-RCRA wastes and certain RCRA wastes pursuant to <b>67450.11-TTU&amp;FTU</b>

	HAZ. WASTE GENERATOR	CONDITIONAL EXEMPTION	CONDITIONAL AUTHORIZATION	PERMIT BY RULE (TTU/FTU)
Relative Risk to Public Health & Environment	Low	Low	Low	Medium
Corrective Action & Phase I	<p><b>H&amp;SC 25189.2(c)</b> Prohibits the on-site disposal of hazardous waste at an unauthorized point by a generator.</p> <p><b>H&amp;SC 25187</b> Allows DTSC to issue an order specifying a schedule for compliance or correction for any release of haz. waste or constituents into the environment.</p> <p>----- Phase I not required.</p>	<p><b>H&amp;SC 25189.2(c)</b> Prohibits the on-site disposal of hazardous waste at an unauthorized point by a generator.</p> <p><b>H&amp;SC 25201.5(d)(8)(A)</b> Requires generator to remove or decontaminate all waste residues associated with the closure of a unit including soils, and structures or equipment contaminated with hazardous waste from the unit.</p> <p><b>H&amp;SC 25187</b> Allows DTSC to issue an order specifying a schedule for compliance or correction for any release of haz. waste or constituents into the environment.</p> <p>----- Phase I not required.</p>	<p><b>H&amp;SC 25189.2(c)</b> Prohibits the on-site disposal of hazardous waste at an unauthorized point by a generator.</p> <p><b>H&amp;SC 25200.3(c)(3)</b> Generator shall comply with Phase I environmental assessment procedures per H&amp;SC 25200.14. Requires removal or decontamination of all haz. waste/constituents resulting from unit closure. If contamination is found, generator is responsible for expeditious cleanup.</p> <p><b>H&amp;SC 25187</b> Allows DTSC to issue an order specifying a schedule for compliance or correction for any release of haz. waste or constituents into the environment.</p> <p><b>H&amp;SC 25404.1(a)(3)(A)</b> Allows only DTSC to implement and enforce the requirements of Sections 25200.3(c)(3) and 25200.14.</p> <p>----- <b>H&amp;SC 25200.14(b)(1)</b> Requires a Phase I environmental assessment for all CA facilities.</p>	<p><b>H&amp;SC 25200.10(b)-TTU&amp;FTU</b> Requires corrective action for all haz. waste/constituent releases.</p> <p><b>Title 22 CCR 67450.7-TTU&amp;FTU</b> Requires O/O to establish a corrective action program consisting of a Phase I environmental assessment and remediation if a release haz. waste or constituents has occurred.</p> <p><b>H&amp;SC 25187-TTU&amp;FTU</b> Allows DTSC to issue an order specifying a schedule for compliance or correction for any release of haz. waste or constituents into the environ.</p> <p><b>H&amp;SC 25404.1(a)(3)(A)</b> Allows only DTSC to implement and enforce the requirements of Sections 25200.10 and 25200.14.</p> <p>----- <b>H&amp;SC 25200.14(b)(1) -TTU&amp;FTU</b> Requires a Phase I environmental assessment for all PBR facilities.</p>



	<b>HAZ. WASTE GENERATOR</b>	<b>CONDITIONAL EXEMPTION</b>	<b>CONDITIONAL AUTHORIZATION</b>	<b>PERMIT BY RULE (TTU/FTU)</b>
Post Closure	<p>Not required if clean closure.</p> <p><b>H&amp;SC 25189.2(c)</b> prohibits the on-site disposal of hazardous waste at an unauthorized point by a generator.</p> <p>-----</p> <p>Post closure is not required unless one or more of the following specified 90 day generator requirements apply to certain tanks/containers, drip pads, and containment buildings:  <b>Title 22 CCR 66262.34(a)(1)</b>  Post closure requirements apply to generators for applicable tanks and drip pads, and containment buildings.  <u>Title 22 CCR 66265.197(b)</u>  Post closure is required for tanks without secondary containment if all contaminated soils cannot be removed or decontaminated.  <u>Title 22 CCR 66265.445(c)(1)(B)</u>  Post closure plan is required for drip pads (w/o liners) from wood treatment facilities which do not comply with liner requirements pursuant to 66265.443(b)(1).  <u>Title 22 CCR 66265.1102(b)</u>  Post closure is required for containment buildings if all contaminated soils cannot be removed or decontaminated.</p>	<p>Not required if clean closure.</p> <p>If contamination remains after closure, then the facility is also subject to all applicable generator requirements, including requirements for landfills, pursuant to <b>H&amp;SC 25201.5(d)(9)</b>.</p>	<p>Not required if clean closure.</p> <p><b>H&amp;SC 25245.4(b)(3)</b>  Generator shall not be required to provide financial assurances for post closure maintenance pursuant to H&amp;SC 25245(a)(2).</p> <p>If contamination remains after closure, then the facility is also subject to generator requirements, including requirements for landfills, pursuant to <b>H&amp;SC 25200.3(c)(1)</b>.</p>	<p>Not required if clean closure.</p> <p><b>H&amp;SC 25245.4(a)(3)-TTU&amp;FTU</b>  Generator shall not be required to provide financial assurances for post closure maintenance pursuant to H&amp;SC 25245(a)(2).</p> <p>If contamination remains at either <b>TTU&amp;FTU</b> after closure, the owner/operator is subject to <b>H&amp;SC 25200.10(b)</b> which requires corrective action for all haz. waste/constituent releases.</p> <p><b>Title 22 CCR 67450.3(a)(11)(F)-TTU</b>  <b>Title 22 CCR 67450.3(c)(9)(F)-FTU</b>  Post closure plan is required for tank systems.</p>