



May 13, 2024

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Governor's Office of Planning & Research

May 14 2024

STATE CLEARINGHOUSE

Subject: SCH No. 2020069034 - Draft Environmental Impact Report for Clean Harbors WMU Solid Waste Disposal Facility by Clean Harbors Buttonwillow, LLC – Kern County

Janice Mayes,

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Project Description

The Kern County Planning and Natural Resources Department, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report (DEIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The Clean Harbors Buttonwillow Waste Management Unit (WMU), Solid Waste Treatment, Storage, and Disposal Facility (proposed project) is located at 2500 West Lokern Road, Buttonwillow, California, approximately 8 miles west of Buttonwillow, on the northern side of Lokern Road. The project site is approximately 640 acres, and the site is currently zoned for Agriculture. The site is bordered to the north by agricultural land, which historically has included pistachios and alfalfa, and to the west, south and east by oil production. The Clean Harbors Buttonwillow Facility is an existing commercial waste management facility owned and operated by Clean Harbors Buttonwillow, LLC, which accepts solid, semi-solid, and liquid, hazardous and non-hazardous wastes for treatment, storage, or disposal.

The proposed project includes a request for land use entitlements to facilitate the continued and expanded use of the non-hazardous solid waste portion of a facility that was originally approved and has been in operation since 1983. The project proponent is also proposing modification to current operations and renewal of the existing hazardous

waste disposal permit. The project modifications 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 stockpiles area; an increase to permitted waste disposal capacity for additional non-hazardous waste; an increase to waste truck traffic; the construction and operation of four new hazardous waste tank treatment buildings; and construction and operation of a latex paint recycling building. In addition to proposed modifications to existing uses, the project proponent is also seeking renewal of the existing Hazardous Waste Facility Permit for the hazardous waste management operations including the addition of the four new hazardous waste tank treatment buildings required by DTSC.

Comments

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Draft EIR, in addition to the specific location noted.

Comments for the Draft EIR are summarized below:

Section 1.4.4 Project Characteristics - Non-Hazardous Waste Landfill Operation (Page 1-7).

The waste to be accepted in the new non-hazardous landfills will be restricted to solid, non-hazardous, non-municipal Solid Waste Class II designated wastes. The non-hazardous solid waste will consist of non-putrescible, solid, semi-solid wastes including ashes, industrial wastes, demolition and construction wastes, and wastes from fire and natural disaster cleanup as allowed by law. The new non-hazardous WMUs are anticipated to accept a maximum of 4,050 tons of non-hazardous waste per day, with an average of approximately 1,000 tons per day, over and above the existing levels of activity.

Comment

The facility is currently regulated under a Registration Permit as a Hazardous Waste Disposal Facility codisposing non-hazardous, non-putrescible, industrial solid waste ([Title 14 California Code of Regulations, Article 5.7](#)). A Hazardous Waste Disposal Facility that accepts other types of solid wastes, which do not meet the definition of "[non-hazardous, non-putrescible, industrial solid waste](#)", shall obtain a Full Solid Waste Facilities Permit pursuant to the requirements of Title 27 California Code of Regulations, Division 2, Subdivision 1, Chapter 4 (§ 21450 et seq.) prior to commencing operations.

Section 1.6 Alternatives to the Project (Page 1-17)

Comment

A determination on the type of solid waste facilities permit action required will be contingent on the Alternative approved.

Alternative 1 – No project Alternative: In addition to implementation of Closure activities, the current Registration Permit will be void 30 days after cessation of operations.

Alternative 2 – No Expansion Alternative: Assuming the relicensing of the existing hazardous waste facility by DTSC is approved, the current Registration Permit will remain valid.

Alternative 3 – Expanded Non-Hazardous Facility: Assuming the relicensing of the existing hazardous waste facility by DTSC is NOT approved, but the non-hazardous facility expansion is approved by Kern County, the facility will need to obtain a Full Solid Waste Facilities Permit pursuant to the requirements of Title 27 California Code of Regulations, Division 2, Subdivision 1, Chapter 4 (§ 21450 et seq.) prior to commencing operations.

Alternative 4 – Non-Hazardous Facility (No Expansion): Assuming the relicensing of the existing hazardous waste facility by DTSC is NOT approved, and no expansion of the facility occurs, the facility will need to obtain a Full Solid Waste Facilities Permit pursuant to the requirements of Title 27 California Code of Regulations, Division 2, Subdivision 1, Chapter 4 (§ 21450 et seq.) prior to commencing operations.

Solid Waste Regulatory Oversight

The Kern County Environmental Health Division is the Local Enforcement Agency (LEA) for Kern County and responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact the LEA at (661) 862-8740 to discuss 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 DEIR 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 adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a

public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at (916) 341-6427 or by e-mail at Eric.Kiruja@calrecycle.ca.gov.

Sincerely,

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CalRecycle

cc: Christine Karl, *Environmental Scientist*
Permitting & Assistance Branch – North

Jeffrey Marshall, Kern County LEA