

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, California 95812-3044

From: Department of Toxic Substances Control
Site Mitigation and Restoration Branch
8800 Cal Center Drive
Sacramento, California 95826

Project Title: KW Plastics of California

Project Location: 1861 Sunnyside Court, Bakersfield, California 93308

County: Kern

Project Applicant: KW Plastics

Approval Action Under Consideration by DTSC: Interim Removal

Statutory Authority: California Health and Safety Code, Chapter 6.5

Project Description: The Department of Toxic Substances Control (DTSC) approved an Interim Measures (IM) Workplan for KW Plastics of California located at 1861 Sunnyside Court in Bakersfield, California. The IM Workplan describes the excavation and off-site disposal of an estimated 660 cubic yards of soil impacted by lead.

Background: The KW Plastics Facility (Site) is located in an industrial area between the California State Route 99 and the Meadows Field Airport. The Site consists of two main buildings and several areas of vacant land on six parcels totaling about 18 acres. One of the buildings is an operations center and the other building is a storage warehouse. From 1986 to 2019, the KW Plastics Facility received used lead acid battery cases and recycled them into non-hazardous plastic products. Tractor trailers used to transport the battery cases were parked in vacant areas of the Site and some of the cases leaked. As a result, the leaking battery cases contaminated the soil beneath them with lead.

The results of a RCRA Facility Investigation (RFI) identified lead at concentrations exceeding DTSC's Human and Ecological Risk Office's (HERO) Human Health Risk Assessment (HHRA) for residential scenarios present in soil at four areas on the Site. These areas include the eastern trailer parking area, the central trailer parking area, the terminal drainage basin, and the southern unpaved area.

Project Activities: The proposed remedy for soil contamination involves excavation and offsite disposal of approximately 660 cubic yards (cy) of lead contaminated soil. The impacted soil is limited to depths less than four feet below ground surface. The excavation and transportation of the impacted soil will be completed using backhoes along with roll-off boxes or dump trucks.

Excavated soil will be disposed of as a California hazardous waste at the Waste Management (WM) Kettleman Hills facility. A waste profile of the impacted soil was submitted to WM and was approved for disposal. It is estimated that offsite disposal will require approximately 50 total truck trips with a maximum of approximately 10 trucks per day. From the Facility, trucks will take Sunnyside Court and turn right onto Pegasus Drive. Trucks will then take a left onto Merle Haggard Drive and turn onto Interstate 5 to the WM Kettleman Hills facility.

During excavation activities, dust control practices will be implemented to prevent the air-borne mobilization of impacted soil from the Site. Dust control practices will generally consist of keeping exposed impacted soil damp with water sprays along with keeping drop heights low and use of dust curtains, if necessary. The Site is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD). Excavation activities will comply with SJVAPCD Rule 8021 which requires limiting visible dust emissions to less than 20 percent opacity. It should be noted that the project is not required to prepare a dust control plan because the excavation area will be less than one acre. Therefore, to comply with SJVAPCD Rule 8021, excavation activities will cease immediately if dust is visually observed leaving the Site.

Lastly, the City of Bakersfield Noise Ordinance prohibits construction activities before 6 a.m. and after 9 p.m. Monday through Friday, and before 8 a.m. and after 9 p.m. on Saturdays and Sundays. Excavation activities will be limited to comply with the time restrictions established by the City's Noise Ordinance.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: KW Plastics of California

Exempt Status: (check one)

Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]

- Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
- Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
- Categorical Exemption: [CCR Title 14, Sec. 15330]
- Statutory Exemptions: [State Code Section Number]
- Common Sense Exemption [CCR, Sec. 15061(b)(3)]

Exemption Title: Minor Actions Taken to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substance.

Reasons Why Project is Exempt:

1. The project is a minor action designed to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of hazardous waste or hazardous substances.
2. The project will not exceed \$1 million in cost.
3. The project will be consistent with applicable State and local environmental permitting requirements.
4. The project does not involve the onsite use of a hazardous waste incinerator or thermal treatment unit.
5. The project does not involve the relocation of residences or businesses.
6. The project does not involve the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123 (Fugitive dust emissions will comply with San Joaquin Valley Air Pollution Control District Rule 8021).
7. The exceptions pursuant to California Code Regulations, Title 14 § 15300.2 have been addressed as follows:
 - a. Cumulative Impact. The project will not result in cumulative impacts because it is designed to be a short-term final remedy that would not lead to a succession of projects of the same type in the same place over time.
 - b. Significant Effect. The project does not involve any unusual circumstances so that there is no possibility that the project will have a significant effect on the environment.
 - c. Scenic Highways. The project will not damage scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, because it is not located within a highway officially designated as a state scenic highway.
 - d. Hazardous Waste Sites. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. (<http://calepa.ca.gov/sitecleanup/corteselist/default.htm>)
 - e. Historical Resources. The project will not cause the substantial adverse change in the significance of an historical resource at the Site because there are none at the Site.

Evidence to support the above reasons is documented in the project file record, available for inspection at:

Department of Toxic Substances Control
 Site Mitigation and Restoration Branch
 8800 Cal Center Drive
 Sacramento, CA 95826

DTSC EnviroStor website:
https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=80001494

Andrew Reimanis Project Manager	Hazardous Substances Engineer Title	(916) 255-4976 Phone No.
<i>Hortensia Muniz</i> Branch Chief's Signature		2/2/2023 Date
Hortensia Muniz-Ghazi Branch Chief	Supervising Hazardous Substances Engineer Title	(916) 255-6442 Phone No.

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