**Class 2 Permit Modification Request**

**Questions Received at the May 9, 2023 Community Meeting**

Thank you for your participation in the May 9, 2023 public meeting regarding Ecobat’s Class 2 Permit Modification Request. This document presents the public meeting questions that were not answered live. Please see answers below.

***We oftentimes smell burning rubber. How do you separate the rubber from the military battery cases from the metal wrecker material prior to it being fed to the furnace?***

Ecobat’s battery-wrecker process separates plastic and rubber materials from the lead bearing materials. Residual plastic and rubber that may be processed through the furnace are destroyed either in the high temperature of the furnace operation or the pollution control equipment that is designed to handle the emissions. The facility operates well within limits for associated emissions. Ecobat monitors for odors as part of a regular inspection process. Through these inspections, and further evaluations conducted in response to odor complaints, we have concluded that the source of the odors is not Ecobat’s operations. This conclusion is shared by SCAQMD inspectors. Ecobat notes that there are a number of plastic processing facilities operating near its facility, and any one of these facilities could be the source of any such odors.

***Why is DTSC modifying an expired permit?***

This issue was addressed by DTSC in its response to public comment on the prior Class 2 permit modification request for the dewatering project. As stated by DTSC: “Pursuant to California Health and Safety Code section 25200(c)(1)(B), if the facility submits a renewal application before the end of the 10-year term, the permit remains in effect and is extended until DTSC makes a decision on the renewal application. In addition, pursuant to California Code of Regulations, title 22, section 66270.51(a)(1), the conditions of an expired permit continue in force under chapter 6.5 of division 20 of the Health and Safety Code until the effective date of a new permit if one is issued. A permit applicant can request permit modifications to a current permit. Once a request is submitted, DTSC must consider the request and decide whether to grant the request, with or without changes, or deny it in whole or in part.”

***You need to install a secondary containment and enhanced leak detection system in the Batch House! We need a rigorous and effective system to detect toxic leaks into the groundwater under the facility and this permit modification request doesn't provide that assurance to the community.***

This comment first infers that the containment building lacks an adequate secondary containment system. This is incorrect. The containment building was constructed with a PVC liner under the building that satisfies secondary containment requirements for a containment building, and DTSC does not allege otherwise. Inspections of the PVC liner have proven that it is functioning as designed, and there is no evidence or other basis to conclude that any liquids (toxic or otherwise) have been released through the secondary containment into soil below the containment building. On-site groundwater monitoring further supports this conclusion. Ecobat’s groundwater monitoring network has been in-place since 2008 (and recently expanded under DTSC oversight in 2019). The extensive data from years of groundwater monitoring show no impacts to groundwater from our operations. Second, as part of its permit renewal application, Ecobat has submitted a plan to install an entirely new leak detection system. This new leak detection system will require DTSC permitting approval, which we understand will be received as part of the permit renewal process. Pending this approval, Ecobat has proposed an enhanced leak detection protocol utilizing the existing leak detection system. The proposed protocol is currently under review by DTSC.

***How is Quemetco complying with the 2022 settlement requirement to install a secondary leak detection system in the Batch House?***

See prior response which describes the steps that Ecobat has taken to remain in compliance with all settlement requirements regarding containment building leak detection.

***Why was this permit even considered while there were 29 unsettled violations and these violations were given three years to settle?***

Given that it is the agency considering this permit modification request, this question is better directed at DTSC. However, we note that DTSC regulations require DTSC to evaluate a facility’s compliance history as part of this type of permit decision. In evaluating Ecobat’s prior Class 2 modification request for the dewatering project, DTSC concluded that “overall, Quemetco has cooperated in bringing the Facility back to compliance with applicable hazardous waste management laws and the permit conditions. The miscellaneous units to be installed as part of this permit modification would substantially improve the management of hazardous waste within the containment building and may improve compliance with several of the requirements mentioned in this report. Finally, as mentioned above, there are proposals in place in the permit renewal application that would address the alleged violations related to the Containment Building and the environmental monitoring for post closure.”

***Deny the permit request because any modification of Quemetco's permit should be included as part of the regular permit renewal process.***

This is a comment that is more appropriate for DTSC to address. However, we note that we are aware of no basis for DTSC to deny a permit modification request on the grounds that the modification should, instead, be included as part of a full permit renewal application. And particularly here, where DTSC has repeatedly concluded that the operation of this new equipment will result in a “significant environmental improvement” and result in a “clear benefit to human health and the environment”, such a rule would be bad policy.

***Will community opposition be taken into account when making a decision about this?***

This question is best addressed by DTSC. However, we note that DTSC is required to consider and respond to public comments received as part of this permit modification process.

***When is the paint filter test conducted on the equipment?***

The paint filter test is not conducted “on the equipment.” As discussed during the public meeting, the dewatering equipment will remove sufficient liquid from wrecker material such that the wrecker material will pass the paint filter test. This testing is discussed in greater detail in Ecobat’s Class 2 Permit Modification Request dated April 5, 2023, page 6, first paragraph.

***Can the material bypass the auger?***

The permit modification does not require wrecker material to pass through the auger, which could enable the compression auger to be bypassed. It is expected that the compression auger will not be bypassed, and that wrecker material will be transported from the battery wrecker to the containment building via the compression auger.

***How does fluid move from the battery wrecker to the containment building?***

Liquid is contained within the wrecker material and gets transported to the containment building with the wrecker material for storage/drying.