



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

---

Maureen F. Gorsen, Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

February 28, 2007

Mr. Bill Gomelsky  
American Oil Company  
13740 Saticoy Street  
Van Nuys, CA 91402

Dear Mr. Gomelsky:

The Department of Toxic Substances Control (DTSC) has received the following two petitions for the review of the permit decision (Appeal) issued on December 8, 2006 for the renewal of the Hazardous Waste Facility Permit for American Oil Company located in Van Nuys, California. The Appeal was filed by:

- Ms. Jodi Smith, representing: **Demunno/Kerdoon**  
Paul, Hastings, Janofsky & Walker LLP  
55 Second Street, 25<sup>th</sup> Floor  
San Francisco, California 94105-3441
- Mr. Michael Freund representing: **Center for Environmental Health**  
Attorney at Law  
1915 Addison Street  
Berkeley, California 94704-1101

Pursuant to California Code of Regulations, Title 22, section 66271.14, subdivision (b)(2), the permit decision is stayed until DTSC has completed its preliminary review of the Appeal and has determined, which, if any, of the issues raised in the Appeal meet the criteria set forth in California Code of Regulations, Title 22, section 66271.18 for granting a review.

If DTSC determines that one or more issues raised in the Appeal meet the procedural and substantive criteria for granting a review, DTSC will issue an Order. In addition, a public notice establishing a 45-day briefing period during which interested parties may submit written arguments to DTSC on identified Appeal issues will be convened. Alternatively, DTSC may remand the permit decision, in part or in its entirety, for

Mr. Bill Gomelsky  
February 28, 2007  
Page 2

reconsideration back to the Hazardous Waste Management Program's Permitting and Corrective Action Division.

Pursuant to California Code of Regulations, Title 22, section 66271.15, DTSC will also determine which conditions in the permit decision are affected by the Appeal issues for which a briefing period or remand for reconsideration is granted and will adjust the scope of the stay accordingly. If a briefing period is established, DTSC will, after considering all arguments received during the briefing period, issue a second Order setting forth the final decision on the Appeal. In the event that DTSC determines that none of the issues raised in the Appeal meet the criteria for granting a review, DTSC will issue an Order denying the Appeal and will rescind the stay of the permit decision.

As I have been appointed to review and render a decision on behalf of the Appeal filed on the American Oil Company's permit decision, I must remain neutral in the process. Therefore, I am unable to discuss the substance of the permit decision and the Appeal with all parties. You may, however, continue to communicate with staff in the Permitting and Corrective Action Division.

If you have any questions or require additional information, please feel free to contact Alfred Wong at (510) 540-3946.

Sincerely,



Original Signed by

Watson Gin, P.E.  
Deputy Director  
Hazardous Waste Management Program

cc: Ms. Jodi Smith  
Paul, Hastings, Janofsky & Walker LLP  
55 Second Street, 25<sup>th</sup> Floor  
San Francisco, California 94105-3441

Mr. Bruce Demenno  
Demenno/Kerdoon  
2000 North Alameda Street  
Compton, California 90222

Mr. Bill Gomelsky  
February 28, 2007  
Page 3

cc: Ms. Rosemary Domino  
Ashbury Environmental  
2100 North Alameda Street  
Compton, California 90222

Mr. Michael Freund  
Attorney at Law  
1915 Addison Street  
Berkeley, California 94704-1101

Mr. Michael Green, Director  
Center for Environmental Health  
528 61st Street, Suite A  
Oakland, California 94609-1204

Mr. Alfred Wong  
Permitting and Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue Suite 200  
Berkeley, California 94710-2721

Ms. Barbara Coler, Chief  
Permitting and Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721

Mr. Mohinder Sandhu, Chief  
Standardized Permitting and Corrective Action Branch  
Permitting and Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721

Mr. Bill Gomelsky  
February 28, 2007  
Page 4

cc: Ms. Orchid Kwei  
Staff Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 23<sup>rd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806