



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control



Arnold Schwarzenegger
Governor

Maziar Movassaghi
Acting Director
8800 Cal Center Drive
Sacramento, California 95826-3200

April 24, 2009

CERTIFIED MAIL NO.: 7001 0320 0000 9689 6807

Mr. Paul Turek
Environmental Manager
Chemical Waste Management, Inc.
Kettleman Hills Facility
35251 Old Skyline Road
Post Office Box 471
Kettleman City, California 93239

STAY OF TEMPORARY AUTHORIZATION DECISION FOR KETTLMAN HILLS
FACILITY, KINGS COUNTY, CALIFORNIA, EPA ID. NO. CAT000646117

Dear Mr. Turek:

The Department of Toxic Substances Control (DTSC) has received one petition for review (appeal) of the temporary authorization decision issued by DTSC on March 5, 2009, for the Kettleman Hills Facility (KHF). The subject temporary authorization decision pertains to modification of the bench slope design in Landfill B-18 to accommodate an increased Probable Maximum Precipitation (PMP) from 7.4 inches to 10.3 inches. The petition for review, dated April 17, 2009, was filed by Mr. Bradley Angel, Executive Director, Greenaction for Health and Environmental Justice. The petition for review indicates it is also filed on behalf of El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water and Kids Protecting Our Planet. A copy of the petition for review is attached.

Pursuant to California Code of Regulations, title 22, sections 66271.14 (b)(2) and 66271.15, the temporary authorization decision is hereby stayed until DTSC's Permit Appeals Office has completed its review of the petition and determined which, if any, of the issues raised in the petition 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 and a public notice establishing a briefing period, during which interested parties may submit written arguments to DTSC on specified appeal comments. In this case, the stay of the temporary authorization will continue to be in effect until the final decision on the appeal

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is issued. On the other hand, if DTSC finds that none of the issues raised in the petition for review meet the criteria for granting review, the order will reflect that and the stay will be rescinded accordingly.

By copy of this letter, I am confirming our email dated April 24, 2009, to the Operating Facilities Team Project Manager, requesting copies of the Administrative Record for the KHF temporary authorization decision.

As DTSC's Permit Appeals Officer, I must remain neutral in the process. Therefore, I must refrain from discussing the substance of the temporary authorization decision and the appeal with all parties or their representatives. You may, however, continue to communicate with staff in the Operating Facilities Team who issued the temporary authorization. If you have any further appeal procedural questions, please contact Mr. Mike O'Docharty of my staff, at (916) 324-4754 or email us at appeals@dtsc.ca.gov. We also encourage you to review the Permit Appeal FAQ's at the following link: <http://www.dtsc.ca.gov/HazardousWaste/AppealingPermit.cfm>.

Sincerely,

// original signed by //

Mohinder S. Sandhu, P.E.
Permit Appeals Officer

Attachment

cc: Mr. Bradley Angel CERTIFIED MAIL NO.: 7001 0320 0000 9689 6814
Executive Director
Greenaction for Health and Environmental Justice
1095 Market Street, Suite 712
San Francisco, California 94103

cc: (via email with attachment)

Cheryl Nelson
Supervising Environmental Protection Specialist
US Environmental Protection Agency

Ruth Cayabyab, Project Manager
Operating Facilities Team

Michael O'Docharty, Staff Services Analyst
Permit Appeals Team