Ms. Carol J. Carollo  
Chemical Waste Management, Inc.  
Kettleman Hills Facility  
35251 Old Skyline Road, P.O. Box 471  
Kettleman City, California 93239

STAY OF PERMIT MODIFICATION DECISION FOR THE CHEMICAL WASTE MANAGEMENT INC. - KETTLEMAN HILLS FACILITY, KINGS COUNTY, CALIFORNIA, EPA ID. NO. CAT 000 646 117

Dear Ms. Carollo:

The Department of Toxic Substances Control (DTSC) has received one petition for review (appeal) of the permit modification decision issued by DTSC on September 21, 2007, for the Chemical Waste Management, Inc. - Kettleman Hills Facility. The single appeal (attached) was filed by Mr. Bradley Angel on behalf of the following organizations:

- El Pueblo Para El Aire y Agua Limpio/People for Clean Air and Water
- Lucha Por Salud Justicia Ambiental/Struggle for Health and Environmental Justice
- Greenaction for Health and Environmental Justice
- Kids Protecting our Planet

Pursuant to California Code of Regulations, title 22, section 66270.42, subdivision (f)(2) and section 66271.14 (b)(2), the permit modification decision is stayed until DTSC has completed its review of the appeal and 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 and a public notice establishing a briefing period, during which interested parties may submit written arguments to DTSC on identified appeal comments accepted for further briefing. DTSC will also determine which conditions in the permit modification decision are affected by the appeal issues for which a briefing period is granted and will adjust the scope of the stay pursuant to California Code of Regulations, title 22, section 66271.15.
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 modification decision.

As I have been appointed to review and render a decision on the appeal filed on the Chemical Waste Management, Inc. – Kettleman Hills Facility permit modification decision, I must remain neutral in the process. Therefore, I must refrain from discussing the substance of the permit modification 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 further appeal procedural questions please contact me at (916) 255-3716, or Mr. Ryan Batty, of my staff, at (916) 255-6699.

Sincerely,

-- Original Signed By --

Mohinder S. Sandhu, P.E., Chief
Standardized Permitting and Corrective Action Branch

Attachment

c: Mr. Bradley Angel
Greenaction for Health and Environmental Justice
1095 Market Street, Suite 712
San Francisco, California 94103

Mr. Paul Turek
Environmental Manager
Chemical Waste Management, Inc.
35251 Old Skyline Road, P.O. Box 471
Kettleman City, California 93239

Mr. Max Weintraub
Acting Senior Policy Advisor
US Environmental Protection Agency
75 Hawthorne Street, CED-4
San Francisco, California 94105

cc: Continued on the next page.
cc: Ms. Cheryl Nelson
US Environmental Protection Agency
75 Hawthorne Street, CED-4
San Francisco, California 94105

Mr. Jim Dowdall
Engineering Geologist
Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, California 93706

Mr. Lee Johnson
Environmental Health Officer
Kings County Department of Public Health
Division of Environmental Health Services
330 Campus Drive
Hanford, California 93230

Ms. Virginia Humphreys
California Integrated Waste Management Board
1001 I Street
Sacramento, California 95812

cc: (via email)

Mr. Watson Gin, Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control

Mr. Gale Filter, Deputy Director
Enforcement and Emergency Response
Department of Toxic Substances Control

Ms. Yolanda Garza, Acting Head
Public Participation
Department of Toxic Substances Control

Mr. Jim Pappas, Chief
Northern California Permitting and Corrective Action Branch
Department of Toxic Substances Control
Ms. Pauline Batarseh
Supervising Hazardous Substances Engineer
Northern California Permitting and Corrective Action Branch
Department of Toxic Substances Control

Mr. Rizgar Ghazi, Unit Chief
Standardized Permitting and Corrective Action Branch
Department of Toxic Substances Control

Mr. Richard Sherwood
Assistant Chief Counsel
Office of Legal Affairs
Department of Toxic Substances Control

Ms. Nancy Long
Staff Counsel
Office of Legal Affairs
Department of Toxic Substances Control

Mr. Richard Driscoll
Staff Counsel
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Mr. Ryan Batty
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Ms. Ruth Cayabyab
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