



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Edmund G. Brown Jr.
Governor

February 7, 2013

Certified Mail # 7009 3410 0000 1126 9216

Mr. Robert E. Brown III, President
Agritec International, Ltd.
dba CleanTech Environmental, Inc.
5820 Martin Road
Irwindale, California 91706

APPEAL OF PERMIT DECISION - AGRITEC INTERNATIONAL, LTD. DOING
BUSINESS AS CLEANTECH ENVIRONMENTAL, INC., 5820 MARTIN ROAD,
IRWINDALE, CALIFORNIA, EPA ID. NO. CAL000330453

Dear Mr. Brown:

The Permit Appeals Officer of the Department of Toxic Substances Control (DTSC) has received the enclosed petitions for review (Petitions) of DTSC's permit decision issued on December 20, 2012, for the hazardous waste storage and treatment facility identified above. The Petitions were filed on January 15, 2013, by Ms. Liza Tucker, Consumer Watchdog, and on January 18, 2013, by Mr. Mark Gallagher, Cable Gallagher Law Firm and by Mr. Todd Elliott, Truman and Elliott, LLP. Copies of the Petitions will be placed on DTSC's website at http://www.dtsc.ca.gov/HazardousWaste/Permit_Appeals.cfm.

Pursuant to California Code of Regulations, title 22, section 66271.14, subdivision (b)(2), the permit decision is hereby stayed until the Permit Appeals Officer has reviewed the Petitions and has determined which, if any, of the issues raised in the Petitions meet the criteria set forth in California Code of Regulations, title 22, section 66271.18 for granting a review.

In the event that DTSC determines that none of the issues raised in the Petitions meet the criteria for granting a review, DTSC will issue an order denying the Petitions and will rescind the stay of the permit decision. If DTSC denies the Petitions in their entirety, then this first order will be the final decision on those issues.

If it is determined that one or more issues raised in the Petitions meet the procedural and substantive criteria for granting a review, then DTSC will issue an order and a public notice establishing a briefing schedule during which interested parties may

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submit written arguments to DTSC on identified appeal comments accepted for further briefing. If a briefing schedule is established, then DTSC will issue a second order setting forth its final decision on the issues accepted for further briefing after considering all the arguments submitted during the briefing period. Because the permit involves a new facility, pursuant to California Code of Regulations, title 22, section 66271.15, subdivision (a)(1), the applicant shall be without a permit for the proposed new facility until DTSC issues its final decision.

Because I have been appointed to review and render a decision on the Petitions, I must remain neutral in the process. Therefore, I am unable to communicate about the substance of the permit and the Petitions with any parties. You and the petitioners may, however, continue to communicate with staff in DTSC's Office of Permitting.

If you have any questions or require additional information about the appeal process and procedures, you may contact Mr. Paul Ruffin of the Permit Appeals Team at (916) 255-6677 or appeals@dtsc.ca.gov.

For questions or substantive information about current permit requirements and/or the permit, please feel free to contact Mr. Alfred Wong at (510) 540-3946 or alfred.wong@dtsc.ca.gov or his supervisor, Mr. Rizgar Ghazi at (916) 255-3572 or rizgar.ghazi@dtsc.ca.gov.

Sincerely,

-- original signed by --

Pauline Batarseh
Permit Appeals Officer

Enclosures (3)

cc: Ms. Liza Tucker (w/o enclosures)
Consumer Watchdog
2701 Ocean Park Blvd., Suite 112
Santa Monica, California 90405

Mr. Mark Gallagher (w/o enclosures)
Cable Gallagher Law Firm
101 Parkshore Drive, Suite 100
Folsom, California 95630

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cc: Mr. Todd Elliott (w/o enclosures)
Truman and Elliott, LLP
626 Wilshire Boulevard, Suite 550
Los Angeles, California 90017

Mr. Rizgar Ghazi, P.E. (via email, w/o enclosures)
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