March 12, 2015

Certified Mail No. 7014 1200 0001 4195 2630

Save the Santa Fe Dam Recreation Area
c/o Rabbi Jonathan D. Klein
Executive Director
Clergy and Laity United for Economic Justice
484 Lucas Avenue #202
Los Angeles, California 90017

RESPONSE TO LETTER CONCERNING THE HAZARDOUS WASTE FACILITY PERMIT DECISION FOR CLEANTECH ENVIRONMENTAL, INC., 5820 MARTIN ROAD, IRWINDALE, CALIFORNIA, EPA ID. NO. CAL000330453

Dear Rabbi Klein:

The Permit Appeals Officer of the Department of Toxic Substances Control (DTSC) was sent a copy of a letter addressed to Governor Edmund Brown concerning the final hazardous waste facility permit decision issued on February 2, 2015, for the CleanTech Environmental, Inc. facility located in Irwindale, California. The letter was submitted via email to appeals@dtsc.ca.gov on February 26, 2015, which was prior to the deadline established for submitting a petition for review of the permit decision. Although the letter raised a number of issues, this response concerns only DTSC's permit appeal process pursuant to California Code of Regulations, title 22, section 66271.18.

California Code of Regulations, title 22, section 66271.18, subdivision (a), provides that any person who filed comments, or participated in the public hearing, on a draft permit decision, during the public comment period for the draft permit decision, may petition the Department to review any condition of the final permit decision to the extent that the issues raised in the petition for review were also raised during the public comment period for the draft permit decision, including the public hearing. In addition, any person who did not file comments or participate in the public hearing on the draft permit may petition the Department for review of the final permit decision, but only with respect to those changes in the final permit decision from the draft permit decision.
California Code of Regulations, title 22, section 66271.18, subdivision (a), also provides, in pertinent part, that:

The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by these regulations and when appropriate, a showing that the condition in question is based on:

(1) a finding of fact or conclusion of law which is clearly erroneous, or

(2) an exercise of discretion or an important policy consideration which the Department should, in its discretion, review.

The letter to Governor Brown does not request a review of a permit condition, nor does it identify a change from the draft to the final permit, therefore the letter fails to meet the burden set forth in California Code of Regulations, title 22, section 66271.18 that a review of the permit should be granted. The Order Denying Review, Docket PAT-FY14/15-05 is enclosed.

To the extent that the letter to Governor Brown raises issues that relate to the Environmental Impact Report prepared pursuant to the California Environmental Quality Act (CEQA), CEQA provides a separate judicial appeal process to resolve disputes concerning compliance with CEQA.

If you have any questions concerning this letter, please contact me at (916) 322-2817 or via Pauline.Batarseh@dtsc.ca.gov or contact Mr. Paul Ruffin at (916) 255-6677 or via Paul.Ruffin@dtsc.ca.gov.

Sincerely,

Signed copy on file/

Pauline Batarseh
Permit Appeals Officer

Enclosure (1)

cc: See next page
cc:  Mr. Richard Driscoll (via email)
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    Ms. Lori Koch, P.E. (via email)
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    Paul Ruffin, P.E. (via email)
    Hazardous Substances Engineer
    Brownfields and Environmental Restoration Program
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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:
CLEANTECH ENVIRONMENTAL, INC.
5820 Martin Road
Itwindale, California 91706

EPA ID. NO. CAL000330453

Docket Number: PAT-FY14/15-05
ORDER DENYING REVIEW

California Code of Regulations,
Title 22, Section 66271.18

ORDER

The Permit Appeals Officer denies review of the appeal submitted on
February 26, 2015, by Rabbi Jonathan D. Klein for a coalition of organizations to “Save
the Santa Fe Dam Recreation Area” because the appeal does not identify a permit
condition as required by California Code of Regulations, title 22, section 66271.18(a).

To the extent that the appeal raises issues that relate to the Environmental
Impact Report prepared pursuant to the California Environmental Quality Act (CEQA),
CEQA provides a separate judicial appeal process to resolve disputes concerning
compliance with CEQA.

Dated: March 12, 2015

Signed copy on file

Pauline Batarseh
Permit Appeals Officer
Department of Toxic Substances Control