



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

Department of Toxic Substances Control

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DTSC Denies Appeal of Permit Application from American Recovery

SACRAMENTO -- Citing over 100 deficiencies in the hazardous waste permit application, the California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) today announced its denial of American Recovery's formal appeal of a DTSC determination that the permit application was incomplete.

The American Recovery facility, located at 3033 West Mission Road in Alhambra, currently operates under a 1989 DTSC Interim Status Document (ISD) - temporary permit - and has authorization to store and treat waste oil, waste fuel, solvents, antifreeze and other hazardous wastes.

DTSC also announced the start of the permit denial proceedings which include the preparation of a document explaining the basis for the decision, the issuance of a public notice and a 45-day public comment period to solicit comments on the proposed decision. If the final decision to deny the permit application is upheld, the existing interim status authorization will be revoked. American Recovery will be required to cease operation and start the process of closing the facility.

The denial, issued on March 20, 1998, was based on the finding that the appeal failed to make any arguments or provide any information to refute DTSC's determination that the permit application was incomplete.

The original permit application was submitted to DTSC in January 1996 and revised three times. Deficiencies found in the revisions were the subject of formal Notices of Deficiencies (NOD) issued in March 1996, November 1996 and August 1997. The final NOD, issued in August 1997, noted that many of the original deficiencies had not been corrected, in addition to new deficiencies found in the revised portions of the permit application.

Deficiencies noted by DTSC pertained to a variety of permitting issues including: waste analysis, secondary containment, lack of engineering certifications, buffer zone for ignitable wastes and lack of an adequate facility closure plan and closure cost estimate.

"Considering the many deficiencies in the application, and the facility's failure to correct them, the prudent action was to deny this appeal," said Ted Rauh, DTSC Deputy Director of Hazardous Waste Management. "Even after three attempts, and specific instruction from DTSC, the facility failed to provide a permit application which meets the regulatory requirements."

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