



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



Arnold Schwarzenegger  
Governor

November 15, 2007

CERTIFIED MAIL NO.: 7003 1680 0004 3168 7019

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.

Ms. Carol Carollo  
November 15, 2007  
Page 2

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

cc: Mr. Bradley Angel                      CERTIFIED MAIL NO.: 7003 1680 0004 3168 7026  
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.

Ms. Carol Carollo  
November 15, 2007  
Page 3

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. Carol Carollo  
November 15, 2007  
Page 4

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  
Office of Legal Affairs  
Department of Toxic Substances Control

Mr. Ryan Batty  
Standardized Permitting and Corrective Action Branch  
Department of Toxic Substances Control

Ms. Ruth Cayabyab  
Northern California Permitting and Corrective Action Branch  
Department of Toxic Substances Control