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8 Attorneys for Applicant

9 CleanTech Environmental, Inc.

10 State of California

11 Environmental Protection Agency

12 Department of Toxic Substances Control

13 In the Matter of:

14 CLEANTECH ENVIRONMENTAL, INC.

15 5820 Martin Road

16 Irwindale, California 91706

17 EPA ID. NO. CAL0000330453

CASE NO. PAT-FY-12/13-01

**STIPULATION AND ORDER
REGARDING REVIEW AND ISSUANCE
OF HAZARDOUS WASTE FACILITY
PERMIT**

18 The Department of Toxic Substances Control ("DTSC"), applicant CleanTech

19 Environmental, Inc. ("CleanTech"), and appellants Todd Elliott of Truman & Elliott, LLP

20 ("Elliott") representing LIMPIA, an unincorporated association ("LIMPIA"), and Mark T.

21 Gallagher of Cable Gallagher ("Gallagher") (collectively, or in combination, the "Parties"), hereby

22 stipulate as follows:

23 1. On December 20, 2012, DTSC issued a California-Only Hazardous Waste Facility

24 Permit ("Permit") to CleanTech for a new hazardous waste storage and treatment facility to be

25 located at 5820 Martin Road, Irwindale California (the "Facility"). Elliott and LIMPIA jointly,

26 and Gallagher separately, timely filed petitions for review of the issuance of the Permit. One of

27 the grounds cited in these petitions was DTSC's failure to prepare an Environmental Impact

28 Report ("EIR") to analyze the potential impacts of the issuance of the Permit to CleanTech.

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4846-3758-9012.1

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STIPULATION AND ORDER REGARDING REVIEW AND ISSUANCE OF HAZARDOUS WASTE FACILITY
PERMIT

1 2. On May 29, 2013, DTSC partially granted the petitions for review filed by Elliott
2 on behalf of LIMPIA and by Gallagher and later set a period for briefing regarding the issues for
3 which DTSC granted review.

4 3. The Parties have agreed and determined that the permit application for the Facility
5 should be remanded as described below.

6 4. The Permit decision shall be vacated and the permit application shall be remanded
7 to the Office of Permitting for further proceedings including the preparation of a new notice of
8 technical completion, an Initial Study, and an EIR to study environmental impacts of the issuance
9 of a new draft permit for the Facility, conditioned on the Applicant entering fee for services
10 agreements with DTSC as described below. The intent of the parties is to return the Applicant to
11 the permitting process at a point that is prior to the notice of technical completion, prior to the
12 Initial Study, and prior to the public noticing of a draft permit decision.

13 5. The appeals of Elliott on behalf of LIMPIA and of Gallagher shall be dismissed
14 without prejudice as to the issues raised therein with respect to any future appeal by these parties.
15 regarding the issuance of a new permit for the Facility. The permit process will start at a point
16 prior to the notice of technical completion and, as such, the new draft permit for the Facility will
17 be subject to comments encompassing the same scope and submitted pursuant to the same
18 procedures as any other new draft permit issued by DTSC.

19 6. The Office of Permitting will prepare and issue the notice of the preparation for the
20 draft EIR and public notice of the draft permit for the Facility at the appropriate time.

21 7. CleanTech will enter into fee for services agreements with DTSC for (1) the
22 preparation of the EIR and related oversight and for (2) services relating to any permit processing
23 necessary after the remand.

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1 DATED: July 12, 2013

LEWIS BRISBOIS BISGAARD & SMITH LLP

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4 By: 
5 Paul J. Beck
6 Attorneys for Applicant CleanTech
7 Environmental, Inc.

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9
10 DATED: July __, 2013

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

11 By: _____
12 Rizgar Ghazi, Chief
13 Office of Permitting

14
15 DATED: July __, 2013

TRUMAN & ELLIOTT, LLP

16 By: _____
17 Todd Elliott
18 Counsel for LIMPIA, an unincorporated
19 association

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21 DATED: July __, 2013

CABLE GALLAGHER

22 By: _____
23 Mark Gallagher

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DATED: July __, 2013

LEWIS BRISBOIS BISGAARD & SMITH LLP

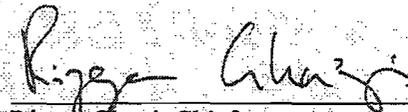
By: _____

Paul J. Beck
Attorneys for Applicant CleanTech
Environmental, Inc.

DATED: July 15, 2013

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

By: _____


Rizgar Ghazi, Chief
Office of Permitting

DATED: July __, 2013

TRUMAN & ELLIOTT, LLP

By: _____

Todd Elliott
Counsel for LIMPIA, an unincorporated
association

DATED: July __, 2013

CABLE GALLAGHER

By: _____

Mark Gallagher

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DATED: July __, 2013

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____

Paul J. Beck
Attorneys for Applicant CleanTech
Environmental, Inc.

DATED: July __, 2013

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

By: _____

Rizgar Ghazi, Chief
Office of Permitting

DATED: July 11, 2013

TRUMAN & ELLIOTT, LLP

By: _____


Todd Elliott
Counsel for LIMPIA, an unincorporated
association

DATED: July __, 2013

CABLE GALLAGHER

By: _____

Mark Gallagher

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DATED: July __, 2013

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____
Paul J. Beck
Attorneys for Applicant CleanTech
Environmental, Inc.

DATED: July __, 2013

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

By: _____
Rizgar Ghazi, Chief
Office of Permitting

DATED: July __, 2013

TRUMAN & ELLIOTT, LLP

By: _____
Todd Elliott
Counsel for LIMPIA, an unincorporated
association

DATED: July 16, 2013

CABLE GALLAGHER

By:  _____
Mark Gallagher

ORDER

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Based upon the foregoing stipulation, and good cause appearing, the Permit Appeals Officer orders as follows:

1. The Permit is vacated and all proceedings regarding the Permit are remanded to the Office of Permitting for further proceedings, including the preparation of a new notice of technical completion, a new draft permit for the Facility, and an EIR to analyze the environmental impacts of the issuance of a new draft permit for the Facility. The previously issued notice of technical completion, approval of the negative declaration, and public notice for comment on the draft permit are vacated.

2. The appeals of Elliott on behalf of LIMPIA and of Gallagher are dismissed without prejudice as to the issues raised therein with respect to any future appeal by these parties regarding the issuance of a new permit for the Facility.

3. The Office of Permitting will prepare and issue a notice of preparation for the draft EIR and a public notice for the draft permit for the facility at the appropriate time.

4. CleanTech will enter into fee-for services agreements with DTSC for (1) the preparation of the EIR and related oversight and for (2) services relating to any permit processing necessary after the remand.

IT IS SO ORDERED:

DATED: July 16, 2013

Pauline Batarseh
Permit Appeal Officer
PAULINE BATARSEH