



**Matthew Rodriguez**  
Secretary for  
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## Department of Toxic Substances Control

Deborah O. Raphael, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



**Edmund G. Brown Jr.**  
Governor

October 2, 2012

To Whom It May Concern:

**NOTICE OF FINAL HAZARDOUS WASTE FACILITY PERMIT DECISION –  
EVERGREEN OIL, INC. – DAVIS, 44561 COUNTY ROAD 30-B, DAVIS,  
CALIFORNIA, EPA ID No. CAD 982446874**

In accordance with the requirements of California Code of Regulations, title 22, section 66271.14, the Department of Toxic Substances Control (DTSC) is issuing this Notice of Final Hazardous Waste Facility Permit Decision (Notice) for the following facility:

Evergreen Oil, Inc. – Davis  
44561 County Road 30-B  
Davis, California 95616  
EPA ID No. CAD 982446874

This Final Standardized Hazardous Waste Facility Permit authorizes Evergreen Oil, Inc. to continue to store and transfer used oil, waste antifreeze, non-RCRA wastewater, and solid wastes contaminated with oil at its facility located 44561 County Road 30-B in Davis, California. On August 1, 2008, DTSC published a public notice in the Davis Enterprise to announce the start of a 45-day public comment period to solicit comments on the Draft Permit and the draft Notice of Exemption. The public comment period ended on September 15, 2008 at 5 p.m. Public comments were received by electronic mail and postal mail. An email containing comments on the Draft Permit was received on September 15, 2008 at 7:49 pm. This was past the stated deadline for submitting comments. Therefore, the comments were not included as part of the administrative record and were not considered in making the final permit decision. DTSC issued a Response to Comments and Notice of Final Permit Decision on October 24, 2008. On December 24, 2008, the commentor filed a Petition for Review (Appeal) of the Evergreen Oil, Inc. - Davis permit decision. On March 27, 2009, the Permit Appeals Officer of DTSC issued an "Order to Grant Review, to Reserve Issues, and to Set Briefing Period", granting review of Mr. Chandler's Appeal Comments 1 and 2. The Permit Appeals Officer reserved the decision on Appeal Comments 3 through 15 pending the outcome of Appeal Comments 1 and 2.

Appeal Comments 1 and 2 claimed that DTSC did not provide the public the full 45 days required by law and as such, all the provisions in the final permit should be stayed until

after the decision on the Appeal. On July 29, 2009, the Permit Appeals Officer granted Appeal Comments 1 and 2 in part and denied in part. DTSC's Permit Decision of October 24, 2008 was rescinded. DTSC was directed to receive Mr. Chandler's comments submitted on September 15, 2008, to re-issue the Response to Comments responding to the comments, and to proceed in compliance with California Code of Regulations, title 22, sections 66271.13, 66271.14, and 66271.16 with regard to the issuance of the final permit decision. Appeal Comments 3 through 15 were denied in full without prejudice.

DTSC has prepared a revised Response to Comments document and made some changes to the Draft Permit. The Final Standardized Hazardous Waste Facility Permit, Series B, becomes effective on November 6, 2012 unless a review is requested pursuant to the California Code of Regulations, title 22, section 66271.18 by November 5, 2012. Any person who filed comments on the draft permit or participated in the public hearing may petition DTSC to review any conditions of the permit decision. Any person who failed to file comments on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit. 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 to the extent required by the 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 DTSC should, in its discretion, review.

A petition must be received or postmarked no later than November 5, 2012, and must be submitted to:

Permit Appeals Officer  
Department of Toxic Substances Control  
8800 Cal Center Drive  
Sacramento, California 95826-3200  
Email: [appeals@dtsc.ca.gov](mailto:appeals@dtsc.ca.gov)

A copy of the petition should also be sent simultaneously to:

Mr. Alfred Wong, P.E., Team Leader  
Used Oil and Tanks Team  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710  
Email: [awong@dtsc.ca.gov](mailto:awong@dtsc.ca.gov)

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A copy of the complete administrative record for this permit decision is available for review at DTSC's Berkeley office at:

Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710  
Contact: File Room at (510) 540-3800 for an appointment

Copies of the Final Permit, the Response to Comment document, the DTSC memorandum listing the changes made to the draft Permit, a redlined/strikeout version of the Permit that shows the changes from the Draft Permit to the Final Permit, and the CEQA Notice of Exemption are also available for review at:

Mary L. Stephens Branch Library  
315 E 14th Street  
Davis, California 95616  
Call (530) 757-5593 for hours

These documents are also available at DTSC's website: [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

DTSC would like to thank everyone who participated in this permitting process. Please bring this notice to the attention of all persons whom you know would be interested in this matter. If you have any questions, please contact Mr. Alfred Wong at (510) 540-3946 or [awong@dtsc.ca.gov](mailto:awong@dtsc.ca.gov).