



Terry Tamminen
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

1011 North Grandview Avenue
Glendale, California 91201



Arnold Schwarzenegger
Governor

December 1, 2004

TO: Mailing List

SUBJECT: FINAL PERMIT DECISION FOR THE EVERGREEN OIL, INC. FACILITY
6880 SMITH AVENUE, NEWARK, CALIFORNIA
EPA ID NO. CAD 980 887 418

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has made its decision to issue the final Hazardous Waste Facility (HWF) Permit for the Evergreen Oil, Inc. facility, located at 6880 Smith Avenue, Newark, California. In addition, DTSC is also approving the partial closure plan for the re-refinery unit at Evergreen Oil, Inc. The final Permit incorporates changes to the draft Permit that was circulated for public comment. Changes from the draft to the final Permit resulted primarily from comments received on the draft Permit and internal review by DTSC staff.

The public comment period for the draft HWF Permit was from May 28, 2004 to July 28, 2004. On June 29, 2004, a public meeting followed by a public hearing was held at Newark Silliman Activity Center to receive public comments on the draft HWF Permit. DTSC received oral and written comments concerning the draft HWF Permit.

A final Permit package containing all relevant documents will be available for review between December 6, 2004 and January 4, 2005 at the information repositories located at:

Newark Library
6300 Civic Terrace Avenue
Newark, California 94560

The full administrative record for this facility will also be available for review at:

Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

The final Permit is issued by DTSC in accordance with the California Code of Regulations (CCR), title 22, section 66271.14 and becomes effective on January 5, 2005 unless a petition for review is filed pursuant to CCR, title 22, section 66271.18.

Mailing List
December 1, 2004
Page 2

The final Permit may be appealed in accordance with the CCR, title 22, section 66271.18. Any person who filed comments on the draft Permit or who participated in the public hearing on the draft Permit may petition the DTSC to review any condition of the final Permit decision. Any person who failed to file comments or failed to participate in the public hearing on the draft Permit may petition for administrative review only on the extent of the changes from the draft Permit to the final Permit.

The time period within which a person may request review begins on December 6, 2004 and ends on January 4, 2005. The petition must be received by 5:00 PM on January 4, 2005. The petition must be sent to:

Watson Gin, P.E.
Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

With a complete copy to:

Mr. Jose Kou, P.E., Chief
Southern California Permitting and Corrective Action Branch
Hazardous Waste Management Program
Department of Toxic Substances Control
1011 North Grandview Ave.
Glendale, California 91201

The petition shall include a statement of the reasons supporting the request for review including a demonstration that any issues being raised were raised during the public comment period to the extent required by the CCR, title 22 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 review.

Mailing List
December 1, 2004
Page 3

Please bring this notice to the attention of all persons whom you know would be interested in this matter. Please do not hesitate to call Mr. Allan Plaza, Unit Chief, at (818) 551-2922 or Mr. Mike Eshaghian, Project Manager, at (818) 551-2926 for additional information.

Sincerely,

// original signed by //

José Kou, P.E., Chief
Southern California Permitting and Corrective Action Branch
Hazardous Waste Management Program