



**PUBLIC NOTICE OF PERMIT APPEAL BRIEFING PERIOD
Review of Hazardous Waste Permit Decision Issued to**

**EVERGREEN OIL, INC. - DAVIS
44561 Road 30-B
Davis, California 95616
EPA Id. No. CAD 982 446 874**

April 7, 2009

On October 24, 2008, the Department of Toxic Substances Control (DTSC) issued a final Standardized Hazardous Waste Facility Permit, Series B decision (permit decision) for the Evergreen Oil, Incorporated – Davis Facility, located at 44561 Road 30-B, Davis, California 95616. On December 24, 2008, a Petition for Review (appeal) of this permit decision was filed by Mr. Philip Chandler. On March 27, 2009, DTSC's Permit Appeals Officer issued Order No. PAT-FY08/09-04 granting review for 2 of the 15 appeal comments. A decision on the remaining 13 appeal comments is reserved pending resolution on appeal comments 1 and 2. The permit decision remains stayed pending resolution of the appeal.

This Notice announces DTSC's initial decision on the appeal and establishes a briefing schedule for the purpose of allowing individuals an opportunity to file written arguments concerning the appeal comments that have been granted review. Interested parties are invited to submit written arguments to DTSC on the appeal comments that were granted review only, according to the schedule described below.

DTSC will be using a staggered briefing schedule as follows:

- Petitioner and other interested parties supporting the position taken in the appeal comments granted review ("Proponents") may file opening briefs on or before April 22, 2009.
- The Permit Renewal Team of DTSC and any other interested party opposing the position taken in the appeal comments granted review ("Respondents") may file briefs responding to the Proponent's arguments from April 24, 2009, to and including May 11, 2009.
- Finally, Proponents will have from May 13, 2009, to and including May 18, 2009, to file briefs responding to the Respondent's briefs.

At the end of each briefing phase noted above, DTSC will post the briefing arguments on its appeals website. Interested parties should monitor the DTSC websites listed later in this Notice for the briefs, which will be posted as they are received. Telephone or email requests for electronic copies are welcome.

Written arguments may be submitted by email to appeals@dtsc.ca.gov, or mailed, and must be received by the last day of the particular briefing phase, as appropriate, to:

Mohinder S. Sandhu, P.E.
Permit Appeals Officer
Department of Toxic Substances Control
8800 Cal Center Drive, MS R1-2
Sacramento, CA 95826

DTSC cannot consider arguments that do not meet the content and filing requirements stated in the Order Granting Review. Both mailed and e-mailed briefs must include signatures and should include a return e-mail address to facilitate communications with interested parties. After considering the arguments submitted during the briefing period, DTSC will issue a second order setting forth its final decision on the appeal comments that were granted review.

Persons who submit written arguments may also request that DTSC hold an Informal Appeals Conference, so that they may also present their arguments orally. If requested, DTSC may schedule the Informal Appeals Conference after the close of the briefing period. Interested members of the public who would like to be informed of the date, time, and location of the Informal Appeals Conference, if one is held by DTSC, are requested to contact DTSC at appeals@dtsc.ca.gov or call (916) 324-4754 to provide their contact information. The conference information will also be posted on the DTSC websites listed in this notice.

The specific comments or issues that have been granted review are detailed in the Order. The Order, the Petitions for Review, the permit decision, and related documents are available at the following websites and repositories:

http://www.dtsc.ca.gov/HazardousWaste/Appeal_Facilities.cfm
http://www.dtsc.ca.gov/HazardousWaste/Projects/Evergreen_Oil_Inc_Davis.cfm

Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200
Call (916) 255-3758 for an appointment

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

If you would like to speak with a DTSC representative about this appeal, e-mail appeals@dtsc.ca.gov or call Michael O'Docharty at (916) 324-4754. For public participation questions please contact Tammy Pickens, DTSC Public Participation Specialist, at (916) 255-3594, or e-mail tpickens@dtsc.ca.gov.