Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

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Edmund G. Brown Jr.
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March 12, 2015

Todd Elliott, Esq.
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Certified Mail No. 7014 1200 0001 4195 2753

RESPONSE TO PETITION FOR REVIEW CONCERNING THE HAZARDOUS WASTE FACILITY PERMIT DECISION FOR CLEANTECH ENVIRONMENTAL, INC., 5820 MARTIN ROAD, IRWINDALE, CALIFORNIA, EPA ID. NO. CAL000330453

Dear Mr. Elliott:

The Department of Toxic Substances Control (DTSC) received the document "L.I.M.P.I.A.'s Petition for Review," concerning the final hazardous waste facility permit decision issued on February 2, 2105, for the CleanTech Environmental, Inc. facility located in Irwindale, California. The petition for review was submitted on behalf of L.I.M.P.I.A. - Los Individuos Movilizados para Prohibir Intoxicacion del Agua on March 3, 2015, which was prior to the deadline established for submitting a petition for review of the permit decision. Although the petition raised a number of issues, this response concerns only DTSC's permit appeal process pursuant to California Code of Regulations, title 22, section 66271.18.

California Code of Regulations, title 22, section 66271.18, subdivision (a), provides that any person who filed comments, or participated in the public hearing, on a draft permit decision, during the public comment period for the draft permit decision, may petition the Department to review any condition of the final permit decision to the extent that the issues raised in the petition for review were also raised during the public comment period for the draft permit decision, including the public hearing. In addition, any person who did not file comments or participate in the public hearing on the draft permit may petition the Department for review of the final permit decision, but only with respect to those changes in the final permit decision from the draft permit decision.

California Code of Regulations, title 22, section 66271.18, subdivision (a), also provides, in pertinent part, that:

> 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 (including any public hearing) to the extent required by these 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 the Department should, in its discretion, review.

The petition does not request a review of a permit condition, nor does it identify a change from the draft to the final permit, therefore the letter fails to meet the burden set forth in California Code of Regulations, title 22, section 66271.18 that a review of the permit should be granted. The Order Denying Review, Docket PAT-FY14/15-09 is enclosed.

To the extent that the petition raises issues that relate to the Environmental Impact Report prepared pursuant to the California Environmental Quality Act (CEQA), CEQA provides a separate judicial appeal process to resolve disputes concerning compliance with CEQA.

If you have any questions concerning this letter, please contact me at (916) 322-2817 or via Pauline.Batarseh@dtsc.ca.gov or contact Mr. Paul Ruffin at (916) 255-6677 or via Paul.Ruffin@dtsc.ca.gov.

Sincerely,

//Signed copy on file//

Pauline Batarseh
Permit Appeals Officer

Enclosure (1)

cc: Mr. Richard Driscoll (via email)
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STATE OF CALIFORNIA

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: CLEANTECH ENVIRONMENTAL, INC. 5820 Martin Road Irwindale, California 91706 EPA ID. NO. CAL000330453	Docket Number: PAT-FY14/15-09 ORDER DENYING REVIEW California Code of Regulations, Title 22, Section 66271.18

ORDER

The Permit Appeals Officer denies review of the appeal submitted on March 3, 2015, by Todd Elliott, Esq. for L.I.M.P.I.A. – Los Individuos Movilizados para Prohibir Intoxicacion del Agua, because the appeal does not identify a permit condition as required by California Code of Regulations, title 22, section 66271.18(a).

To the extent that the appeal raises issues that relate to the Environmental Impact Report prepared pursuant to the California Environmental Quality Act (CEQA), CEQA provides a separate judicial appeal process to resolve disputes concerning compliance with CEQA.

Dated: March 12, 2015

//Signed copy on file//

Pauline Batarseh
Permit Appeals Officer
Department of Toxic Substances Control