



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Barbara A. Lee, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

Edmund G. Brown Jr.
Governor

March 12, 2015

Certified Mail No. 7014 1200 0001 4195 2630

Save the Santa Fe Dam Recreation Area
c/o Rabbi Jonathan D. Klein
Executive Director
Clergy and Laity United for Economic Justice
464 Lucas Avenue #202
Los Angeles, California 90017

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

Dear Rabbi Klein:

The Permit Appeals Officer of the Department of Toxic Substances Control (DTSC) was sent a copy of a letter addressed to Governor Edmund Brown concerning the final hazardous waste facility permit decision issued on February 2, 2015, for the CleanTech Environmental, Inc. facility located in Irwindale, California. The letter was submitted via email to appeals@dtsc.ca.gov on February 26, 2015, which was prior to the deadline established for submitting a petition for review of the permit decision. Although the letter 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.

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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 letter to Governor Brown 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-FY14/15-05 is enclosed.

To the extent that the letter to Governor Brown 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: See next page

Rabbi Jonathan D. Klein

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cc: Mr. Richard Driscoll (via email)
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1 STATE OF CALIFORNIA
2 ENVIRONMENTAL PROTECTION AGENCY
3 DEPARTMENT OF TOXIC SUBSTANCES CONTROL

4 In the Matter of:
5 CLEANTECH ENVIRONMENTAL, INC.
6 5820 Martin Road
7 Irwindale, California 91706

8 EPA ID. NO. CAL000330453

Docket Number: PAT-FY14/15-05
ORDER DENYING REVIEW

California Code of Regulations,
Title 22, Section 66271.18

9
10 **ORDER**

11 The Permit Appeals Officer denies review of the appeal submitted on
12 February 26, 2015, by Rabbi Jonathan D. Klein for a coalition of organizations to "Save
13 the Santa Fe Dam Recreation Area" because the appeal does not identify a permit
14 condition as required by California Code of Regulations, title 22, section 66271.18(a).

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

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20 Dated: March 12, 2015

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22  //Signed copy on file//

23 Pauline Batarseh
24 Permit Appeals Officer
25 Department of Toxic Substances Control
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