



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

February 18, 2009

Mr. James G. Vicary
Plant Manager
Insulation Group
Certainteed Corporation
17775 Avenue 23 ½
Chowchilla, California 93610

Certified Mail # 70031680000430235518

HAZARDOUS WASTE FACILITY PERMIT DENIAL, CERTAINTEED CORPORATION,
CHOWCHILLA, PLANT, MADERA COUNTY, ENVIRONMENTAL PROTECTION
AGENCY IDENTIFICATION NUMBER CAD093435022

Dear Mr. Vicary:

This letter is to inform you that the Department of Toxic Substances Control (DTSC) has reviewed the Hazardous Waste Operation Plan dated July 2, 2008 (revised OP) for Certainteed Corporation (Certainteed) hazardous waste storage facility, located at 17775 Avenue 23 ½, Chowchilla, in Madera County. As a result of the review, DTSC approved the revised OP and sent a certified mail letter on September 15, 2008. As a condition of the approval of the revised OP, DTSC instructed Certainteed to complete the disclosure statement requirements in accordance with Health and Safety Code Sections 25122.5, 25200.4, and 25358.3. Certainteed has not complied with these requirements.

Therefore, DTSC is now denying your permit renewal application. You no longer have a hazardous waste facility permit for your storage areas. Certainteed is to immediately cease operation on March 1, 2009 and proceed with the approved closure plan (July 2, 2008) to close the facility. Please notify in writing to DTSC, within 10 days from the date of this letter, your closure schedule.

Enclosed you will find the Statement of Basis which describes the reason for this decision.

Mr. James G. Vicary
February 18, 2009
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If you have any questions, please contact Mr. Farshad Vakili, P.E. at 255-3612.

Sincerely,

//Original signed by//

Peter Bailey
Team Leader
Permit Renewal Team

cc: Mr. Farshad Vakili
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

Mr. Jeffrey T. Curtin
Principal Process Engineer
Certainteed Corporation
17775 Avenue 23 ½
Chowchilla , California 93610-9551



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STATEMENT OF BASIS

CERTAINTEED CORPORATION
17775 AVENUE 23 ½
CHOWCHILLA, CALIFORNIA 93610-9551
EPA ID NUMBER CAD093435022

The Department of Toxic Substances Control (DTSC) prepares this Statement of Basis to briefly describe the derivation of the conditions of the draft permit, the reasons of notice of intent to deny the hazardous waste permit application and the reasons supporting the tentative decision for denying the permit for Certainteed Corporation located at the above-mentioned address.

DTSC received the hazardous waste facility permit renewal application for Certainteed Corporation on March 7, 2003 (dated February 24, 2003). DTSC sent a letter on December 8, 2005 to Certainteed Corporation indicating that the application was not complete. Therefore, DTSC received a revised hazardous waste facility permit renewal application from the facility on May 1, 2006 (dated April 28, 2006). DTSC reviewed the application and sent the facility an initial completeness determination letter on May 26, 2006. Subsequently, DTSC sent the facility two additional Notices of Deficiency on December 22, 2005 and on April 25, 2008. Certainteed Corporation submitted the final revised application to DTSC on July 2, 2008, which DTSC conditionally approved in a completeness determination letter on September 15, 2008. The condition was that Certainteed needed to comply with the disclosure statement requirements. Certainteed, however, did not comply with the disclosure statement requirement and stated that they can not comply with the requirements.

On the basis that Certainteed did not comply with Health and Safety Code, Sections 2512.5, 25200.1, and 25358.3, this Statement of Basis is hereby written and sent to Certainteed Corporation, informing the facility that DTSC is denying the permit. The facility shall immediately cease hazardous waste management unit operations, effective March 1, 2009. The facility may still be a generator of hazardous waste and store the hazardous waste for less than 90 days at a different location. Certainteed must change the EPA ID Number to generator only status and submit a notification to DTSC regarding the closure schedule for the operating units.