

July 30, 2007

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

Re: Petition to Review/Response to Comments

Dear Mr. Gin,

This is to notify that we never received a response to our letter dated March 23, 2007. Enc: a copy of the letter dated March 23, 2007.

We are filing this petition to review based on comments made at the public hearing on March 8, 2007, and the published responses by the DTSC.

VIOLATIONS

On pg. 5 of 27, Comment 2-3, Mr. Luis Cabrales asked:

“But then again how do I know if this location has been cited for violations?”

On pg. 5 of 27, Response to Comment 2-3, DTSC stated;

“The Enforcement and Emergency Response Program of the DTSC inspects hazardous waste facilities on an annual basis, and if there are no violations, then the inspections are conducted on a biannual basis. Since 1995, there were only three violations found by DTSC during its inspections. These violations were for failure to submit updated financial responsibility information in a timely manner. The last violation occurred in June of 2006 and was promptly corrected.”

Cont. on pg 5 of 27, Response to Comments 2-3, You also stated; “On March 12, 2007, DTSC also provided copies to Ms. Henrietta Correa Salazar of the inspection reports for the years 1997, 2000, and 2006 in response to her request.”

On pg. 13 of 27, part of Comment 5-1, Ms. Henrietta Correa Salazar stated;

“There are violations from the year 1984 to 95, and at one point they were even fined, the Gas Company.”

On pg. 14 of 27, Response to Comment 5-1, DTSC stated;

“All the records that were requested by emails from your associate Mr. Raul Murga were mailed to Ms. Salazar on March 15, 2007.” See response to comment 2-3”.

In reply to these comments, and their responses, we wish to state the following facts.

Response to Comment 2-3 on page 5 of 27 from DTSC is erroneous.

Ms. Henrietta Salazar requested at the March 8, 2007 public hearing with Mr. Jose Kou from DTSC, all the inspection reports from 1997 through present. Henrietta Salazar received the inspection reports for 1997, 2006, and only the cover sheet for the year 2000.

Enc. Copy of Cover sheet for 2000.
Violations cont.

Ms. Salazar called and left a message for Mr. Allan Plaza requesting the complete inspection report for 2000. The report was never sent and her call was never returned.

From 1984- 2006, on the inspection reports that we received, there were repeated violations regarding lack of emergency response. EG. The Contingency Plan, Training Plan and Records.

We feel that this has been a pattern of negligence and a disregard of public safety.

Notification /Contact List

For this petition for review, we question the process of the notification policy and feel the DTSC was negligent in notifying all residents and business's in the immediate area. The DTSC needs to change or review. It's policy in this matter if one exists.

The DTSC failed to respond to questions about the notification process posed by individuals that participated in the public hearing on March 8th, 2006.

Page 5 of 27, part of Comment 3-1, Mr. Raul Murga asked:

"My question is, first of all, about the notification for the people in the area. I would like to know when the last list of contiguous homeowners and non-property owner residents in that area was actually performed to get an accurate list. And what about the parents of all the students at Selby Grove Elementary School, they should also be on that list and they should also be informed".

Pages 6 of 27, and 7 of 27, Response to Comment 3-1, *The DTSC provided no answer to this question.*

Page 14 of 27, part of Comment 5-1, Ms. Henrietta Correa Salazar asked:

"Also, when I was putting out flyers to the surrounding neighbors by the Gas Company, they—none of them said they got a letter about this hearing".

Page 14 of 27, In your Response to Comment 5-1, *You provided no specific response to this statement.*
You wrote, "See response to Comment 2-3".

Page 5 of 27, In your Response to Comments 2-3, you state:

"Additionally, a fact sheet was prepared and mailed to all persons living within a 1/4 mile radius of the facility".

We question why this 1/4 mile radius included a far more comprehensive mailing the last time?
Why weren't any businesses in the area on the mailing list this time around?
The Central Freight Lines trucking company is located directly adjacent from the toxic waste site and is just one of the businesses that were excluded from the contact list.

The original contact list was approximately 121 pages compared to 3 pages this time.

For this last public comment period, only 51 residents were notified.

Ten years ago approximately 933 residents were notified.

Last time 57 merchants, elected, public, school, and health officials were notified from Sacramento to San Diego. This time 30 local officials were notified with over half working for the City of Pico Rivera.

Contacts cont.

In addition to the obvious omission of area business owners on the contact list, there were errors by the DTSC in their notification to residents and elected officials. Our Mayor Pro-tem at the time Ron Beilke was notified twice. Councilman David W. Armenta was not on the list of elected officials contacted. At the time three members of our city council *resided within the 1/4 mile radius* and the only one notified was Councilman David W. Armenta.

Most residents notified lived east of the facility. The residents we spoke to that live adjacent to the Gas Co. on Maxine and Birchleaf, indicated they were not notified. It was in this residential area where the most concerns about hazardous waste, liquid runoff, and a mysterious odor was addressed.

We also feel that the DTSC does indeed need to review or change it's policy on when to hold a public meeting. The DTSC should be mindful about significant city events, such as city council elections, holidays, and other DTSC hearings when scheduling a hearing.

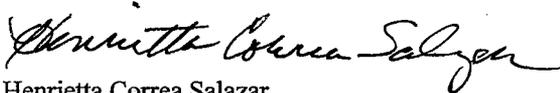
Some residents where confused by the multiple mailings by DTSC and two hazardous waste issues going on at the same time. Some received one or more mailings, while others did not receive any. We have included a copy of the other mailing which contributed to some of the residents confusion. The first public hearing ten years ago was initially held on a Mexican holiday, and was rescheduled due to public outrage.

The most recent public hearing was held two days after one of the city's most volatile elections. Residents were overwhelmed with mostly negative campaign literature which can be substantiated by one of the city's lowest voter turnouts.

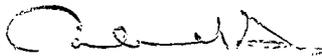
Response to Comment 3-1 pg 6 of 27, DTSC indicated they were not familiar with any agreement between the City of Pico Rivera and the SCGC regarding the 200 gallon limit at the Pico Rivera Hazardous Waste Facility. The DTSC should be familiar with any agreement between the City of Pico Rivera and SCGC pertaining to any imposed restrictions or limits. We are enclosing a copy of that agreement, that was never forwarded.

Since we are adhering to your guidelines for petition to review, we would appreciate a response ASAP, especially since there was no response to our last letter.

Sincerely,



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Pico Rivera, CA 90660



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