



September 11, 2023

sent via email to [BESinfo@bes.dtsc.ca.gov](mailto:BESinfo@bes.dtsc.ca.gov)

Jeanne Rizzo, Board Chair  
Board of Environmental Safety  
Department of Toxic Substances Control  
Sacramento, CA 95814

Dear Chair Rizzo:

On behalf of the Clean Air Coalition of North Whittier and Avocado Heights, I write to seek clarification about some of the content of the September 7, 2023, Board of Environmental Safety (Board) meeting.

As you are aware, the September 7 meeting included an item titled "Hazardous Waste Permit Appeal Update." During the presentation and discussion of that agenda item, the Board received information from Members Strauss Hacker and Ruiz regarding an assertion the Permitting Division (Permitting) made in a May 12, 2023, letter written during a discussion about preparation of an administrative record among BES staff and the parties to the pending appeal for Quemetco (aka EcoBat). There was some engagement among the Board associated with the question, some assertions made by Permitting in response to questions from Board members, and some (limited) public comment related to the question. Based on Member Strauss Hacker's summary during the Review of Action Items section of the agenda, it appears as if Member Strauss Hacker and Member Ruiz intend to "bring the matter back to the Board" during the October 2023 Board meeting.

As a result, we seek to better understand the following:

1. What is the function and scope of the Board's subcommittee on appeals and how do that subcommittee's duties interact with decision-making on individual pending appeals?; and
2. What does the appeals subcommittee intend to bring back to the Board?

In support of your ongoing effort to ensure transparency in the Board's actions, any insight you can provide into these two questions would be greatly appreciated. Please do not hesitate to let me know if you would like any additional information about the clarification we seek.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angel Ruiz".

szaros

Attorney to Clean Air Coalition  
of North Whittier and Avocado Heights

cc: Board member Alexis Strauss Hacker  
Board member Sushma Dhulipala Bhatia  
Board member Lizette Ruiz  
Board member Gómez