

December 4, 2023

Swati Sharma  
Executive Officer  
Board of Environmental Safety  
P.O. Box 806  
Sacramento, CA 95812806

Re: Lighting Resources LLC - Update

Dear Ms. Sharma:

We write to you on behalf of our client, Lighting Resources LLC (“LRL”) and in response to your letter of September 22, 2023 which granted LRL’s motion for continuance of the public hearing on LRL’s permit appeal. The letter further requested that LRL provide an update on negotiations with the Department of Toxic Substances Control (“DTSC” or the “Department”) by December 4, 2023.

As discussed in LRL’s Reply Brief, which was filed with the Board of Environmental Safety (“BES” or the “Board”) on September 15, 2023, there have been significant recent developments related to the new baghouse system at LRL’s facility. On September 12, 2023, the Department sent enforcement inspectors to LRL’s facility. Enforcement staff cited LRL for violating the terms of its 2007 permit, which remains operative while the current (2022) permit is on appeal to the Board. Enforcement has prohibited LRL from operating the lamp machine until LRL receives authorization from Permitting for operation of the baghouse.<sup>1</sup>

LRL continues to attempt to obtain authorization for the baghouse in accordance with DTSC direction. Following discussions with the Department, LRL has filed a request for Temporary Authorization (“TA”) to operate the new baghouse system. LRL is in the process of providing requested supplemental information to the Department.

The Department has advised that, to process the TA and a subsequent permit modification, LRL must withdraw the baghouse-related items from its appeal. As a result, and to ensure the TA is processed and to further its negotiations with the Department, LRL withdraws Items 2, 3, 4, 5, 16, 19, 20, and 21 from its Petition for Review. LRL has every expectation that

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<sup>1</sup> In response to the Department’s direction that a permit modification was needed for the baghouse, LRL had previously attempted to follow the Department’s direction by submitting a permit modification to the (operative) 2007 permit. The Department refused to consider the permit modification, stating that it would be denied because the request was for the previous (2007) permit. The Department would also not process a permit modification to the new (2022) permit because it had been appealed to the Board for review.

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the approval of a TA (and subsequent permit modification) will obviate the need for the Board to review and make a decision on such issues.

LRL anticipates continued discussion with the Department regarding the other remaining items for appeal and will update the Board should notable progress in resolving those items be achieved.

We look forward to discussing these issues further during the upcoming Board meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ira J. Klein', is positioned above the printed name.

Ira J. Klein

cc: Greg Forest, Esq.  
Susan Richard  
Peter Weiner, Esq.  
Katie Butler  
Larry Hafetz, Esq.  
Cheryl Loehr, Esq.  
Anyia Engel, Esq.