

US EPA ARCHIVE DOCUMENT



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In Reply Refer To:  
81420-2012-F-0044

**DEC 07 2011**

Mr. Caleb Shaffer  
Manager, RCRA Facilities Management Office  
U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, California 94105

**Subject:** Request for Formal Consultation and Receipt of Initiation Package for the Toxic Substances Control Act Permit Application for Chemical Waste Management's Kettleman Hills Facility Landfill expansion.

Dear Mr. Shaffer,

This letter acknowledges the U.S. Fish and Wildlife's (Service) September 21, 2011 receipt of your September 20, 2011, letter requesting initiation of formal section 7 consultation under the Endangered Species Act (Act). The consultation concerns the proposed issuance of a Toxic Substances and Control Act renewal and modification permit for Chemical Waste Management's expansion of the B-18 landfill unit for the purpose of managing and disposing of polychlorinated biphenyl waste at the Kettleman Hills Facility located in Kings County, California, and its potential effects on San Joaquin kit fox and blunt-nosed leopard lizard.

All information required of you to initiate consultation was either included in the initiation package or is being made available for Service review. Initial questions regarding the biological assessment were transmitted by the Service via email, and were subsequently resolved during a November 4, 2011, phone conversation between the Service and the U.S. Environmental Protection Agency.

Section 7 of the Act allows the Service up to 90 calendar days to conclude formal consultation with your agency and an additional 45 calendar days to prepare our biological opinion (unless an extension is mutually agreed upon). Therefore, we expect to provide you with our biological opinion no later than February 3, 2012.

As a reminder, the Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future operations. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitat.

Mr. Caleb Shaffer

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If you have any questions or concerns regarding this consultation or the consultation process, please contact Kevin Aceituno at 916-414-6739, or Thomas Leeman at 916-414-6544.

Sincerely,



Daniel Russell  
Deputy Assistant Field Supervisor

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