

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Susan Shultz

_____, **Petitioner or Appellant,**

v.

EPA

_____, **Respondent or Appellee.**

PETITION FOR REVIEW

Notice is hereby given that the following party/parties* Susan Shultz

_____ hereby petition(s)/appeal(s) the court for review of the order of the EPA
_____ entered on 7/25/22. The order or decision was received
on 8/4/22.

Date: 12/18/22

Signature: Susan Shultz

Name: Susan Shultz

Address: 142 Sunset

Ridgecrest, CA 93555

Phone Number: 442.294.3051

Email Address: sshultz1918@protonmail.com

*See Fed. R. App. P. 15(a)(2) for permissible ways of identifying petitioners.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

August 4, 2022

Controlled Correspondence Number: AX-22-000-5703

Susan M. Schultz
(trailer.tarot@yahoo.com)

Re: EPA Response to your email dated July 25, 2022 entitled “URGENT PETITION – Kern County Displacement Environmental Crimes.”

Dear Susan M. Schultz:

Thank you for your email on July 25, 2022, Subject: “URGENT PETITION – Kern County Displacement Environmental Crimes.” In that email you requested a Preliminary Site Assessment pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) at 4300 US Highway 395, Ridgecrest, California 93555. Your request for a CERCLA Preliminary Site Assessment relates to a reported mercury release on December 21, 2019, in the residential structure on this property where you were a tenant. According to the Kern County Environmental Health Division Hazardous Release / Spill Report, this release of mercury involved a domestic dispute. The Kern County Sheriff, Kern County Fire, and Kern County Environmental Health Division responded to the incident on December 22, 2019, and they found ambient air levels of mercury in the residential structure that were high enough at that time that the Kern County Building Department temporarily red-tagged the structure.

The Kern County Environmental Health Division made a report with California Office of Emergency Services and consulted with California Department of Toxic Substances Control (DTSC). DTSC was unable to assist. The Kern County Environmental Health then contacted EPA Region 9. EPA advised the County that EPA would need a right of access to conduct any further assessment or clean up, and Kern County agreed to follow up with EPA if they were able to contact the owner. Kern County Environmental Health Department made no further contact with EPA, and EPA was never granted access to the property. Kern County Environmental Health Division then provided regulatory agency oversight of the response to this release, and their final mercury air monitoring results were low enough for Kern County to deem the residential structure safe for occupancy. The Kern County Code Compliance then closed the case. Based on these circumstances, EPA has no basis to believe that Kern County’s response was insufficient, and EPA does not plan to conduct its own independent investigation into this incident.

You included a copy of a Lease Termination, submitted by the owner of the structure, dated May 8, 2020, to terminate your lease dated February 13, 2020. The Lease Termination did not cite the

mercury release as a basis for the termination, but instead stated that the owner's family intends to reside at the property.

Thank you for contacting EPA. For further concerns about this matter, we recommend that you contact the Kern County Environmental Health Division, at eh@kerncounty.com.

Sincerely,

Bret Moxley
Federal On Scene Coordinator
EPA Region 9