Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
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P.O. Box 806
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Arnold Schwarzenegger
Governor

September 29, 2008

Mr. Bret Heinrichs
Sims Metal Management - Redwood City
699 Seaport Boulevard
Redwood City, California 94063

Dear Mr. Heinrichs:

This letter serves as notification that next year the Department of Toxic Substances Control (DTSC) will be repealing conditional authorization letters that allow automobile shredder waste in the state to be classified as non-hazardous waste under certain circumstances. At the same time, the Department next year will be rescinding DTSC Policy and Procedure 88-6 that regulates the inline treatment process for auto shredder waste. Both the repeal of the (f) and (e) letters that date to 1986 and the rescission of the policy will become effective January 1, 2009.

As you are already aware, DTSC has been testing and analyzing automobile shredder waste for several years and has regularly discussed its findings with California's automobile shredder industry representatives. Those results have shown increased levels of hazardous constituents in the shredder waste. Despite many discussions with industry regarding alternative management and treatment of the waste, it is clear that the conditions contained in the DTSC's previous authorization letters and in DTSC's Policy and Procedure 88-6 have not been sufficient to reduce the waste to a non-hazardous solid waste. Therefore, those letters and policy need to be repealed, and the wastes need to be managed as hazardous waste to ensure the safety of public health and the environment from harmful exposures of toxins.

On January 1, 2009, DTSC will take the following actions:

- Rescind DTSC Policy and Procedure 88-6 entitled "Auto Shredder Waste Policy and Procedures";
- Require facilities that wish to continue treating their shredder waste on-site to obtain the appropriate authorization within a specified period of time; and
- Rescind all previously issued non-hazardous waste classifications for treated shredder waste.

DTSC understands that the aforementioned actions will impact California's automobile shredder industry. To facilitate the transition from the current regulatory structure to the one identified above, DTSC suggests a meeting with you and representatives of California's automobile shredder industry at your earliest convenience to discuss this change.

If you have questions or require additional assistance regarding this matter, please feel free to contact me at (916) 322-0504, or Mr. Peter Wood at (916) 445-5720.

Sincerely,

Maureen F. Gorsen
Director

cc: Mr. Gale Filter
Deputy Director
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