



Department of Toxic Substances Control



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August 1, 2005

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TRANSFER OF THE CLEAN STEEL NONHAZARDOUS WASTE RECLASSIFICATION TO PACIFIC RAIL INDUSTRIES

Dear Ms. Delzell:

Thank you for your letter to the Department of Toxic Substances Control (DTSC) requesting its confirmation that a previously granted non-hazardous reclassification of treated auto shredder residues will apply to the treated auto shredder residues generated by Pacific Rail Industries, located in Colton, California. This letter confers that confirmation.

Background Information - Pacific Rail Facility

Pacific Rail Industries, Inc. (Pacific Rail) will soon operate a metal(s) recovery facility (i.e., a metal scrap yard) located at 785 East M Street in Colton, California. As a result of the metal recovery operations at the facility, a waste will be generated that could be hazardous waste. However, a similar waste generated at a predecessor facility, Clean Steel, Inc. (Clean Steel) was previously classified as nonhazardous by DTSC. Pacific Rail has requested the waste from the Pacific Rail facility in Colton also be considered nonhazardous.

Based upon the information submitted in letters dated: July 28, 2004, November 15, 2004, and March 17, 2005 from Ms. Lynn E. Delzell, Senior Counsel for Cox, Castle & Nicholson LLP to DTSC, and based upon the information submitted in a letter dated August 25, 2004 from Mr. Larry W. Adams, P.E. of Kendall/Adams Group, to Ms. Lynn Delzell, DTSC understands the information below to be correct.

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The Pacific Rail facility will:

- o be operated by the former operators of the Clean Steel auto shredder facility which was located in Carson, California;
- o use the same equipment (with only slight modifications), that was formerly used at the Clean Steel, facility; and
- o process essentially the same types of wastes that were formerly processed by the Clean Steel, facility. Pacific Rail and its agents have described the wastes to be shredded as including: "automobiles and other vehicles, white goods, tin, light iron and light steel. Examples of this material include appliances, bicycles or [presumably and] metal fence posts."

Pacific Rail and its agents have described the recycling process as: "... the shredding of automobiles," and as "... shredding automobiles and other vehicles and [...] the removal of recyclable ferrous and non-ferrous materials."

Pacific Rail and its agents have described the resulting waste as: "fluff" or as "auto shredder residue," as being "comprised primarily of a mixture of non-metallic materials contained within the structure of an automobile, i.e., upholstery cloth and insulation, window glass, vinyl upholstery, rubber floor mats, miscellaneous wiring and wiring insulation, miscellaneous plastics, and related materials," as "generally consist[ing] of a combination of plastics, rubber, glass, wood products, cloth, paper, foam, dirt, and electrical wiring," and as "an unconsolidated, non-homogeneous solid [in which] individual objects are generally identifiable in the waste material, such a [sic] seat covers, seat cushion foam, broken safety glass, wire, and rubber gaskets."

Data quantifying the physical and chemical composition of the waste were not provided.

Pacific Rail estimates "approximately 1,000 tons of fluff per week (approximately 4,000 tons per month)" will be generated at the facility.

According to the July 28, 2004 letter: "At the prior location the in-line treated fluff was disposed as fill material at [...] H.M. Holloway, Inc. located in Kern County, California." Although the final disposition of the waste from the Clean Steel facility was stated, the actual disposition of the waste from the Pacific Rail facility was not. For purposes of this letter, DTSC has presumed the final disposition of the waste will be similar. (According to the Central Valley Regional Water Quality Control Board's website the H. M. Holloway, Inc. facility is an unclassified (not a class I, II, or III facility) disposal facility authorized to accept auto shredder waste.)

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Background Information - Clean Steel Facility

On September 22, 1987, Clean Steel faxed to DTSC, along with a brief cover letter, the analysis results for Waste Extraction Tests (WET) conducted on three samples of treated shredder waste and one sample of untreated shredder waste. The faxed letter did not contain a description of the shredder waste or of the recycling or treatment processes, but the letter indicated the treatment would involve the use of "Possilime ... at 11%" and that the "raw feed into the mill consisted of 93% automobile bodies, with mufflers, tailpipes, etc, removed and a mix of 7% white goods." Based upon the sample results, on September 24, 1987, DTSC issued a letter to Clean Steel which reclassified the shredder waste as nonhazardous.

Analysis

Based upon the information provided to DTSC, the Pacific Rail facility will accept basically the same materials, use the same equipment, treatment processes and operators and will produce essentially the same waste as the former Clean Steel facility. For all practical purposes, the two wastes are in fact the same waste - it is just being produced at a new location. This change in location will not significantly alter the properties of the waste. Thus, DTSC does not view the change in location as a change in the waste such that that DTSC's previous determination can no longer be supported based upon the previously submitted information. DTSC does not see any need to re-evaluate the waste at this time.

Conclusion

Based upon the above, DTSC sees no scientific reason to re-evaluate the waste. Accordingly, the previous hazardous waste reclassification that applies to the Clean Steel facility's shredder wastes also applies to the same wastes when similarly produced and managed at the Pacific Rail facility in Colton, California.

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If you need additional assistance with this matter, please contact Mr. Charles Corcoran, Chief, of DTSC's Waste Identification and Recycling Section at (916) 327-4499.

Sincerely,



Karl Palmer, Chief
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cc: Mr. James Grace, Staff Counsel
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