

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

400 P Street, 4th Floor  
P.O. Box 806  
Sacramento, CA 95812-0806



(916) 323-6042

March 15, 1993

Mr. R.O. Turner, Director  
Regulatory Affairs  
LaRoche Chemicals  
P.O. Box 1031  
Baton Rouge, Louisiana 70821



Dear Mr. Turner:

**REGULATION OF USED CHLOROFLUOROCARBON AND HYDROCHLOROFLUOROCARBON REFRIGERANTS INTENDED FOR RECYCLING**

Thank you for your February 5, 1993, letter to the Department of Toxic Substances Control (Department). In it, you requested current information regarding the regulation of used chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants generated in California. You had previously received information from the Department indicating that these wastes are considered hazardous wastes in California.

As you stated in your letter, on September 29, 1992, California Governor Pete Wilson signed Senate Bill 2057 (Chapter 1344, Statutes of 1992), which took effect on January 1, 1993. The provision of this bill which is of particular interest to you added subsection (d)(7) to Section 25143.2, California Health and Safety Code (HSC). This new subsection states that:

"(d) Except as otherwise provided in subdivisions (e), (f), (g), and (h), recyclable material which meets the definition of a non-RCRA hazardous waste in Section 25117.9 [HSC], is managed in accordance with Section 25143.9 [HSC], and meets or will meet any of the following requirements is excluded from classification as a waste:

- (7) The material is a chlorofluorocarbon or hydrochlorofluorocarbon compound or a combination of chlorofluorocarbon or hydrochlorofluorocarbon compounds, is being reused or recycled, and is used in heat transfer equipment, including, but not limited to, mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems, used in fire extinguishing products, or contained within foam products."



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While this language is somewhat awkward and potentially confusing, in essence what the statute says is that as long as they are excluded from federal hazardous waste regulation, used CFCs and HCFCs collected from air conditioners, refrigerators, fire extinguishers, and foam are not hazardous wastes in California, provided they are recycled and managed appropriately prior to recycling. Any of these compounds which are not intended to be recycled must be managed as hazardous waste. A copy of the bill, as well as a complete copy of Sections 25143.2 and 25143.9, HSC, are enclosed for your reference.

While the collection, transportation, and recycling of used CFCs and HCFCs would be excluded from hazardous waste management requirements, the California Air Resources Board (CARB), and local air pollution control or management districts, are responsible for implementing the federal Clean Air Act provisions, and may impose additional requirements on the handlers of these compounds. To learn more about these requirements, you may contact Ms. Marla Mueller of the CARB at (916) 323-1529.

Thank you for your interest in the proper classification and management of CFCs and HCFCs generated in California. If I can be of any further assistance, please contact me at the letterhead address, or by calling (916) 322-4226.

Sincerely,



Rick Brausch  
Associate Hazardous Materials  
Specialist  
Waste Evaluation Unit  
Office of Scientific Affairs

Enclosures

cc: Jeff Wong, Ph.D.  
Science Advisor  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806

**Mr. R.O. Turner**

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**cc: Mr. Ronald Pilorin, Chief  
Waste Evaluation Unit  
Office of Scientific Affairs  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806**

**Mr. Larry Matz, Chief  
Surveillance and Enforcement Branch  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
P.O. Box 806  
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**Mr. Don Johnson, Chief  
Program Policy and Coordination Branch  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
P.O. Box 806  
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**RB:rb/sr**

**LA ROCHE**  
CHEMICALS

Rec'd 2/11/93  
Waste Evaluation Unit  
R.O.

February 5, 1993

Mr. Richard Brausch  
Alternative Technology Division  
Department of Toxic Substances Control  
400 P Street, 4th Floor  
P.O. Box 806  
Sacramento, CA 95812-0806

Dear Mr. Brausch:

On February 25, 1991, I wrote your Department concerning the management of used refrigerants intended for recycle within the state of California. In your response letter dated November 19, 1991 (attached) explained the variety of programs in California which must be considered.

Since your correspondence, I have been informed that California Governor Pete Wilson signed Senate Bill 2057 (Chapter 1344, statutes 1992). It is my understanding that this bill became effective on January 1, 1993 and that the bill changes current state law to state that recyclable CFC and HCFC materials used in heat transfer systems and in fire extinguisher products, or contained within foam products are excluded from classification as a waste if these materials are managed in accordance with specified requirements.

It is part of our on-going business to collect used refrigerants from totally enclosed heat transfer systems and transport them to our production facilities in Gramercy, Louisiana for recycle. Because of the California regulations that were in place in the past we have been unable to provide this service for customers in California because of the hazardous waste issues. Based on Senate Bill 2057, please advise if the collection and transportation of used refrigerants in California for recycle in Louisiana would be exempt from the California hazardous waste program, or any other program requiring licensing, permitting etc. Please also provide me a copy of Senate Bill 2057.

I sincerely appreciate any assistance that you can provide on this issue. Should you need any clarification please feel free to contact me at (504) 356-8421.

Sincerely,

*R.O. Turner*

R.O. Turner, Director  
Regulatory Affairs