



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Deborah O. Raphael, Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



**Edmund G. Brown Jr.**  
Governor

April 6, 2012

**NOTICE OF FINAL HAZARDOUS WASTE FACILITY PERMIT DECISION – XSTRATA  
RECYCLING, INC. 1695 MONTEREY HIGHWAY, SAN JOSE, CALIFORNIA  
EPA ID No.: CAD 069 124 717**

To Whom It May Concern:

In accordance with the requirements of California Code of Regulations, title 22, section 66271.14, the Department of Toxic Substances Control (DTSC) is issuing this Notice of Final Hazardous Waste Facility Permit Decision (Notice) for the following facility:

Xstrata Recycling, Inc.  
1695 Monterey Highway  
San Jose, California 95112  
EPA ID No.: CAD 069 124 717

The Standardized Hazardous Waste Facility Permit, Series A (Permit), authorizes Xstrata Recycling, Inc., to continue to store and treat hazardous waste at its facility located at 1695 Monterey Highway in San Jose, California. On October 21, 2011, DTSC published a public notice in the San Jose Mercury News (an English language newspaper) and the La Oferta (a Spanish language newspaper) to announce the start of a 45-day public comment period to solicit comments on the Draft Permit and Draft Negative Declaration. The public comment period ended on December 5, 2011. Public comments were received by electronic mail.

DTSC has prepared a Response to the Comments (RTC) document and made some changes to the Draft Permit. The RTC document and the DTSC Memorandum to File listing the changes from the draft to the final Permit are available for public review at the repositories listed at the end of this Notice.

The final Permit becomes effective on May 6, 2012 unless a review is requested pursuant to the California Code of Regulations, title 22, section 66271.18. Any person who filed comments on the draft Permit may petition DTSC to review any condition of the permit decision. Any person who failed to file comments on the draft Permit may only petition for an administrative review with regards to the changes made from the draft to the final Permit. The petition shall include a statement of the reasons supporting

that review, including a demonstration that any issues being raised were raised during the public comment period to the extent required by the regulations and when appropriate, a showing that the condition in question is based on:

1. A finding of fact or conclusion of law which is clearly erroneous, or
2. An exercise of discretion or an important policy consideration which DTSC should, in its discretion, review.

A petition must be postmarked or received no later than May 5, 2012, and must be submitted to:

Permit Appeals Officer  
Department of Toxic Substances Control  
Attn: Permit Appeals Officer  
8800 Cal Center Drive  
Sacramento, California 95826-3200

The petition may also be sent electronically to: [Appeals@dtsc.ca.gov](mailto:Appeals@dtsc.ca.gov)

A copy of the petition should also be sent simultaneously to:

Mr. Alfred Wong P.E., Team Leader  
Used Oil and Tanks Team  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710  
[AWong@dtsc.ca.gov](mailto:AWong@dtsc.ca.gov)

A copy of the complete administrative record for this permit decision is available for review at DTSC's Berkeley office at:

Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710  
Contact: Ms. Lule Varela at (510) 540-3800 for an appointment

Copies of the final Permit, the RTC document, the DTSC Memorandum listing the changes made to the draft Permit, a redline/strikeout version of the Permit that shows the changes from the draft Permit to the final Permit, and the final Negative Declaration are also available for review at:

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Willow Glen Branch Library  
1157 Minnesota Avenue  
San Jose, California 95125

These documents are also available at DTSC's website: [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

DTSC would like to thank everyone who participated in this permitting process. Please bring this notice to the attention of all persons whom you know would be interested in this matter. If you have any questions, please contact Mr. Alejandro Galdamez at (510) 540-3933 or [agaldame@dtsc.ca.gov](mailto:agaldame@dtsc.ca.gov).