



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
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Edmund G. Brown Jr.
Governor

September 6, 2016

Ms. Catherine Riegler
Senior Corporate Counsel
Waste Management, Inc.
9081 Tujunga Ave
Sun Valley, CA 91352-1516

FORMAL REQUEST TO CONDUCT AIR SAMPLING AT ALTAMONT LANDFILL AND SIMI VALLEY LANDFILL

Dear Ms. Riegler:

This letter is a follow-up to conversations between you and the Department of Toxic Substances Control (DTSC) on August 17, 2016 and August 19, 2016, regarding DTSC's request for access to conduct air sampling at Waste Management landfills that accept metal shredding waste for disposal. On August 19, 2016, Waste Management declined to allow DTSC access to Altamont Landfill and Simi Valley Landfill to conduct air sampling. In your subsequent email on August 25, 2016, you requested that DTSC provide a request in writing to Waste Management. This letter provides DTSC's formal request to Waste Management for access to Altamont Landfill and Simi Valley Landfill to conduct air sampling.

As was discussed, DTSC is conducting an evaluation of metal shredding waste management activities as part of the implementation of Senate Bill (SB) 1249, now codified in Health and Safety Code (HSC) sections 25150.82, 25150.84, and 25150.86.

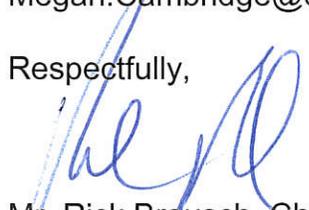
Please be advised that DTSC has broad sampling authority under HSC section 25185. That section authorizes DTSC to enter any disposal site and carry out any sampling activities necessary to carry out Chapter 6.5 of the HSC. Further, Chapter 6.5 of the HSC requires DTSC to evaluate the types of hazards and risks associated with the management of treated metal shredder waste that may be posed by surrounding sensitive land uses such as hospitals, schools, day care centers, and residences. Air monitoring is necessary for this evaluation, and therefore falls under DTSC's sampling authority.

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DTSC is formally requesting the cooperation of Waste Management in providing DTSC access to the Altamont and Simi Valley Landfills to support the risk evaluation required by California law. Absent Waste Management's express permission to enter the facilities for the specific purpose of conducting air sampling, DTSC may exercise its broad sampling authority, which could include obtaining a warrant for entry.

DTSC requests that Waste Management respond to this letter with written permission to allow DTSC entry to the facilities in order to conduct the evaluation required by California law. If you have any questions or need to discuss any of these issues further, please contact Ms. Megan Cambridge of my staff at (916) 322-4233 or Megan.Cambridge@dtsc.ca.gov.

Respectfully,



Mr. Rick Brausch, Chief
Policy and Program Support Division
Hazardous Waste Management Program

cc: Mr. Christopher Cho
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