



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Barbara A. Lee, Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



**Edmund G. Brown Jr.**  
Governor

July 8, 2016

Mr. Steve Hellem  
Program Manager  
Thermostat Recycling Corporation  
1765 Duke Street  
Alexandria, VA 22314

### DISAPPROVAL OF OUTREACH PLAN AND PILOT PROJECT PLAN

Dear Mr. Hellem:

The Department of Toxic Substances Control (DTSC) has completed its review of the Thermostat Recycling Corporation's (TRC) plans titled "Outreach Plan for the Collection of Mercury Added Thermostats in California" and "Pilot Project Plan for the Collection of Mercury Added Thermostats in California." Both plans, prepared by S. Groner Associates (SGA), were submitted on May 10, 2016 in compliance with the Consent Order that was signed on February 10, 2016 by DTSC and 25 thermostat manufacturers that are members of TRC.

Each of the plans was intended to provide a detailed road map by which TRC would collect relevant information that will allow it to evaluate the collection program it operates in California, and to serve as a basis to identify changes to that program to increase the number of mercury containing thermostats it collects annually. DTSC appreciates TRC's and SGA's efforts to develop plans that comply with the requirements of the Consent Order. DTSC also recognizes the challenges that TRC and SGA faced in preparing the plans concurrently as required by the Consent Order.

Based on its review of the plans, DTSC has identified significant deficiencies in both, and is disapproving both plans. The basis for DTSC's decision is provided in a set of detailed comments titled "DTSC's Findings and Comments" that are enclosed in this letter. DTSC requires that the plans be modified to address the identified deficiencies and to be responsive to the comments and resubmitted to DTSC by August 8, 2016 for its review.

TRC and SGA made some very fundamental understandings and assumptions in their interpretation of the Consent Order and its requirements. DTSC believes that these understandings and assumptions formed the basis for the design and content of the plans. As explained in its comments, DTSC does not agree with some of the

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understandings and assumptions that TRC and SGA made. DTSC is very interested in working more closely with TRC and SGA in discussing the Consent Order requirements to ensure that there is alignment on what the Consent Order requires, as well as approaches and timing that DTSC would view as in line with the Consent Order. DTSC believes that if agreement can be reached at this level, the plans, and the activities they represent, may be more readily approved and implementation begun.

We have scheduled a meeting with TRC and SGA for July 12, 2016, to discuss DTSC's comments. Again, DTSC is very much interested in the success of TRC's program and in working collaboratively to develop an approach that will serve to effectively, and aggressively, collect mercury thermostats so they may be managed legally and safely. DTSC and TRC share a common interest and goal, and we hope that as the Consent Order continues to be implemented, our working relationship continues to improve to foster that shared success.

If you have any questions, please do not hesitate to contact me at (916) 322-2817 or by email at [Pauline.Batarseh@dtsc.ca.gov](mailto:Pauline.Batarseh@dtsc.ca.gov).

Sincerely,



Pauline Batarseh, Chief  
Policy Implementation and Support Branch  
Policy and Program Support Division  
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Enclosure

cc: Mr. Ryan Kiscaden  
Executive Director  
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cc: Mr. Rick Brausch, Chief  
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