

NOTIFICATION OF PROPOSED EMERGENCY REGULATORY ACTION

Adoption of Annual Fee on Metal Shredding Facilities

Department Reference Number: R-2015-01
Office of Administrative Law Emergency Number: 2015-xxxx-xxx

The Department of Toxic Substances Control (DTSC) is proposing to adopt emergency regulations to establish an annual fee on metal shredding facilities subject to the requirements of Senate Bill 1249 (Hill, Chapter 756, Statutes of 2014). A “metal shredding facility” is defined by Health and Safety Code (HSC) section 25150.82(b) as an operation that uses a shredding technique to process end-of-life vehicles, appliances, and other forms of scrap metal to facilitate the separation and sorting of ferrous metals, nonferrous metals, and other recyclable materials from non-recyclable materials that are components of the end-of-life vehicles, appliances, and other forms of scrap metal. A metal shredding facility does not include a feeder yard, a metal crusher, or a metal baler, if that facility does not otherwise conduct metal shredding operations.

DTSC is authorized by HSC section 25150.84(a) to collect an annual fee from metal shredding facilities that are subject to the requirements of the chapter. DTSC is authorized to establish a fee at a rate sufficient to provide for the reasonable and necessary costs of the Department to implement the chapter, as applicable to metal shredding facilities. DTSC is authorized to update the fee periodically as necessary. DTSC is authorized by HSC section 25150.84(c) to adopt regulations to establish an annual fee as an emergency regulation.

DTSC proposes to add regulations to establish an annual fee on metal shredding facilities in California Code of Regulations, title 22, division 4.5, chapter 56, commencing with section 69600.1. The annual fee will be determined by dividing the Department’s annual costs by the number of metal shredding facilities operating in any portion of the calendar year to which the fee applies. The number of metal shredding facilities will be determined based on reasonably available information. The Department has projected its annual costs to implement the necessary activities required in chapter 6.5, division 20 of California Health and Safety Code related to metal shredding facilities. The regulations provide metal shredding facilities with the projected annual fees for calendar years 2015, 2016, and 2017.

Government Code section 11346.1(a)(2) requires that every person who has filed a request for notice of DTSC’s proposed regulations receive this notification of proposed emergency regulatory action (establishment of an annual fee schedule on metal shredding facilities) at least five (5) working days before the proposed emergency action is filed with the Office of Administrative Law (OAL). Upon filing and posting on OAL’s Internet Web site, interested persons will have five (5) calendar days to submit comments on the proposed emergency regulations pursuant to Government Code section 11349.6. OAL will have ten (10) calendar days from the date of DTSC’s filing to

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review and make a decision on the proposed emergency rule. If approved, the emergency regulations will become effective upon filing with the Secretary of State.

Attached to this notice are the proposed regulatory text and the Finding of Emergency. These documents will be posted on DTSC's website at the following address:

<http://www.dtsc.ca.gov/HazardousWaste/MetalShredderPortal.cfm>.

If you have any questions regarding this proposed emergency action, please contact the Regulations Coordinator, Benjamin Molin, at (916) 322-4882 or

Benjamin.Molin@dtsc.ca.gov.