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Oakland Athletics v. California Department of Toxic Substances Control: Petition Filed Seeking Regulation of Metal-Shredding Operation by California Hazardous Waste Law

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The Oakland Athletics (The Athletics Investment Group LLC) (“Athletics”) filed an August 5th Verified Petition for Writ of Mandate (“Petition”) to compel the California Department of Toxic Substances Control (“Department”) to regulate what it describes as a metal-shredding operation under the California Hazardous Waste Law (“HWCL”).

The Athletics allege that the Department has failed to comply with amendments to the HWCL that subject metal shredders to the provisions of the statute.

Schnitzer Steel Industries, Inc. (“SSI”) is identified in the Petition as the Real Party in Interest. SSI is stated to maintain a metal-shredding operation (“Facility”) in West Oakland, California. The Athletics state they maintain business operations near the Facility. Further, they are stated to be:

. . . in the process of seeking approvals to build a ballpark for Major League Baseball games and other events in close proximity to the Facility.

The Petition states that the Facility’s metal shredder has for a number of years been exempted from the HWCL because of a variance issued by the Department from the HWCL. This variance is described as an “f letter.”

The Athletics allege that in 2014 the California legislature enacted a bill requiring the Department to apply the HWCL to facilities that shred automobiles. The bill is stated to have included a legislative directive that the Department rescind any operative “f letters.”

The Department is alleged to have violated a January 1, 2018, deadline and failed to revoke the previously referenced variance.

The Petition requests that the Superior Court of California (for the County of Alameda) require that the Department rescind the “f letter” for the previously referenced class of facilities.

A copy of the Petition can be downloaded [here](#).