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Department of Toxic Substances Control

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Edmund G. Brown Jr.
Governor

May 5, 2016

Mr. Gideon Kracov
Chairman
Independent Review Panel
Department of Toxic Substances Control

REPORT ON REGULATORY STATUS OF SB 1249

Dear Mr. Kracov,

The Department of Toxic Substances Control (DTSC) has prepared the enclosed report on the implementation of chaptered Senate Bill (SB) 1249 in response to the Independent Review Panel's (IRP) report to Governor Brown, dated January 28, 2016. In that report, the IRP requested that DTSC update the IRP on the regulatory status of SB 1249.

SB 1249 (Hill, Chapter 756, Statutes of 2014) became law on January 1, 2015, and authorizes DTSC to evaluate the metal shredding industry and the risks posed by its operations and waste. DTSC is authorized by the statute to develop alternative management standards for metal shredding facilities if those alternative standards are protective of human health and the environment. DTSC is also authorized to collect an annual fee from metal shredding facilities to reimburse its costs to conduct the evaluation and develop the alternative management standards. DTSC is required to complete the analysis and adopt alternative management standards, if any, by January 1, 2018. DTSC has developed a three-year work plan to conduct the analysis and determine the appropriate level of regulation for this industry.

If you have any questions or need additional information, please contact Mr. Christopher Law at (916) 322-0513, or via email at Christopher.Law@dtsc.ca.gov.

Sincerely,

Elise Rothschild, REHS
Deputy Director
Hazardous Waste Management Program

Independent Review Panel (IRP)

Project Summary

SB 1249 Implementation- Metal Shredding Facilities and Metal Shredder Waste

Introduction: Senate Bill (SB) 1249 (Hill, Chapter 756, Statutes of 2014) became law on January 1, 2015. It requires the Department of Toxic Substances Control (DTSC) to evaluate the risks and threats posed by metal shredding facilities and the management of metal shredder waste.¹ Based on the findings of its evaluation, SB 1249 authorizes DTSC to either develop alternative management standards for metal shredding facilities or to rescind any prior decisions and require the facilities and its waste to be subject to full hazardous waste management requirements.

SB 1249 also authorizes DTSC to collect an annual fee from metal shredding facilities to reimburse its costs to carry out the requirements of the bill. DTSC has until January 1, 2018 to complete its analysis and, if justified, adopt alternative management standards. After the bill was enacted, DTSC developed a three-year work plan to conduct the evaluation and to determine the appropriate level of regulation for this industry.² DTSC is currently in the second year of its implementation work plan. DTSC has developed a Metal Shredding Facilities and Wastes web page to provide background materials, share project documents, and to provide regular updates on SB 1249 implementation activities with stakeholders.³

Background: Metal shredding facilities process end-of-life vehicles, appliances, and other forms of scrap metal to recover iron, steel, aluminum, and copper for reclamation into new metal products. The metal shredding process generates large amounts of waste, which consists of plastics, rubber, glass, foam and fabrics, automobile fluids, dirt, and unrecoverable metals. Although metal shredder waste typically does not exceed the federal regulatory levels established by the U.S Environmental Protection Agency under the Resource Conservation and Recovery Act (RCRA), metal shredder waste has been regulated as a California-only non-RCRA hazardous waste since 1984 because residual levels of copper, lead, and zinc often exceed California's more stringent regulatory thresholds. Untreated metal shredder waste often exceeds the soluble threshold limit concentrations (STLC) for lead, cadmium and zinc, and the total threshold limit concentrations (TTLC) for lead, copper, and zinc.

Beginning in 1986, several large metal shredding facilities applied for authorization to treat their metal shredder waste and manage it as a non-hazardous waste. The metal waste was treated with a liquid silicate and an alkaline activator such as cement. The metal fixation process was intended to reduce the solubility of the metals and render the

¹ See Attachment 1 Bill Text - SB-1249 Hazardous Waste - Shredder Waste.pdf

² See Attachment 2 SB-1249-Work-Plan-041515.pdf

³ See <http://www.dtsc.ca.gov/HazardousWaste/MetalShredderPortal.cfm>

waste less hazardous. The Department of Health Services (the predecessor to DTSC) determined that the treated waste exhibited "mitigating physical or chemical characteristics which rendered it insignificant as a hazard to human health and safety, livestock, and wildlife," and authorized the waste to be managed as a non-hazardous waste.

These nonhazardous waste authorizations are now known as "f letters" because they are based on subdivision (f) of section 66260.200 of title 22 of the California Code of Regulations, the section of regulation that allows DTSC to make this type of non-hazardous determination. Six facilities currently hold "f letters" and are authorized to manage shredder waste as a non-hazardous waste. The facilities are allowed to manage their waste, conditioned upon the chemical treatment of their waste, without regulatory oversight by DTSC. Because it is classified as a nonhazardous waste, the treated waste is allowed to be disposed in class II or class III landfills, where it is largely used as alternative daily cover (ADC) pursuant to regulations adopted by the California Department of Recycling and Resource Recovery (CalRecycle). The volume of metal shredder waste used as ADC is reported to CalRecycle annually. In 2014, metal shredders generated approximately 522,000 tons of metal shredding waste which was used as ADC in California landfills.

What is the intent of SB 1249?

SB 1249 was introduced in response to safety concerns about the industry, such as onsite fires. As the bill was being discussed in the Legislature, significant concerns were raised about metal shredding facilities in general, their potential impact on the environment, and DTSC's past decisions about the regulation of the facilities and their management of metal shredding wastes as non-hazardous waste. As expressed in the bill, it was the intent of the Legislature that the non-hazardous waste classifications, as documented through the "f letters," be revoked and that metal shredding facilities be regulated to ensure adequate protection of the human health and the environment. SB 1249 added sections 25150.82, 25150.84, and 25150.86 to Division 20, Chapter 6.5, Article 5 of the Health and Safety Code.

Implementation of SB 1249

After the bill was enacted, DTSC developed a three-year work plan to evaluate metal shredding facilities and the waste they generate in order to determine the appropriate regulatory mechanism to control their work. DTSC is only authorized to adopt alternative management standards if they will provide equivalent protection to human health and the environment as existing hazardous waste regulatory requirements. To accomplish these goals in the three-year timeframe required by SB 1249, DTSC will:

- Promulgate regulations to establish an annual fee on metal shredding facilities in order to reimburse the Department's cost to implement SB 1249;

- Conduct a comprehensive evaluation of metal shredding facilities and metal shredder waste activities;
- Determine if alternative management standards could be developed to ensure that metal shredding waste management, treatment, and disposal practices are fully protective of human health and the environment;
- At the conclusion of the Department's analysis, either rescind the f-letters or adopt regulations establishing alternative management standards for metal shredding facilities.

Accomplishments to Date

DTSC began work on implementation of SB 1249 after its enactment and signature but prior to its effective date.

Prior to January 1, 2015

- Meetings with state and local government agencies, industry, the public, and other key stakeholders to review metal shredding activities and waste management practices in their jurisdictions:
 - Regional State and Local Agency Stakeholder Workshop held in Cypress, November 15, 2013⁴
 - Regional State and Local Agency Stakeholder Workshop held in Berkeley, November 8, 2013⁵
 - Public Workshop on Metal Shredder Residuals held in Wilmington, January 14, 2014⁶
 - Public Workshop on Metal Shredder Residuals held in Oakland, January 23, 2014⁷

⁴ See Attachment 3 Agenda for MSR LA Regional Meeting.pdf

⁵ See Attachment 4 Agenda for MSR Berkeley Regional Meeting.pdf

⁶ See Attachment 5 Agenda for MSR Wilmington Public Meeting.pdf

⁷ See Attachment 6 Agenda for MSR Oakland Public Meeting.pdf

January 1, 2015 to January 1, 2016

- **Secured Project Funding of \$1,300,000**
Secured project funding to implement DTSC's three-year work plan through the Budget Change Proposal (BCP) to Implement SB 1249, January 2015.⁸ These funds were appropriated from the Hazardous Waste Control Account, and will be reimbursed through the fees charged to metal shredding facilities. The fees collected will be available for expenditure by the Department upon appropriation by the Legislature.
- **Government Agency and Industry Work Shops:**
 - Meeting to update other CalEPA Boards and Departments on SB 1249 Implementation, January 12, 2015⁹
 - Industry Kick-Off meeting on SB 1249 Implementation, April 17, 2015¹⁰
- **Developed Treatability Study Requirements, Sampling and Analytical Protocols**
DTSC worked with industry to develop requirements for the Treatability Study on metal shredder wastes. The Treatability Study will allow DTSC to evaluate the efficacy of the metals fixation processes and determine whether soluble toxic metals in the waste are immobilized such that STLC regulatory thresholds are met. Development of the Treatability Study included collection of material for DTSC's Environmental Chemistry Laboratory (ECL) to use to develop sample preparation and analytical methods to perform the chemical analysis. DTSC is requiring industry to begin the sampling called for in the Waste Treatability Study in April 2016.
- **Preliminary Analysis**
DTSC began work developing the background information for the Preliminary Analysis required by SB 1249, including information on:
 - Types and Amounts of Hazardous Wastes, Complexity of Activity, Chemical or Physical Hazards, Types of Accidents, Types and Locations and Risks
 - Evaluation of Operations and Regulatory Oversight
 - Evaluation of Hazardous Waste Management Activities
 - Storm Water Runoff Impacts Review and Analysis
- **Survey and Questionnaire to Metal Shredders and Landfills Accepting Metal Shredder Waste^{11, 12}**
DTSC developed a survey and questionnaire for metal shredding facilities and landfills that accept metal shredder waste. The survey requested detailed information about their operations, including information on their acceptance

⁸ See Attachment 7 BCP-4-Implementation-of-SB-1249.pdf

⁹ See Attachment 8 Agenda for Meeting with BDOs.pdf

¹⁰ See Attachment 9 Industry Meeting on SB 1249 Implementation.pdf

¹¹ See Attachment 10 SB-1249-Shredder-Information-Request.pdf

¹² Attachment 11 2015-5-21-Landfill-Questionnaire.pdf

policies, volumes processed, compliance with environmental requirements, and the storage, handling, treatment, transportation, and disposal practices for their wastes. May 2015.

- *State-Wide Identification and Verification of All Potential Metal Shredders
DTSC developed a list of 101 potential metal shredding facilities using information gathered from the Hazardous Waste Tracking System (HWTS), the California Department of Motor Vehicles (DMV), the California Certified Appliance Recycler Program (CAR), the State of California Auto Dismantlers Association (SCADA), Dunn and Bradstreet Listings, and industry trade associations. DTSC then requested assistance from 28 Certified Unified Program Agencies (CUPAs) where those facilities were located. The CUPAs reviewed their records and reported on facilities in their jurisdictions potentially meeting the definition of a metal shredding facility. DTSC's Office of Criminal Investigations then verified each of the potential metal shredding facilities. DTSC is conducting enforcement actions against all metal shredding facilities found to be operating without some form of authorization. State-wide identification and verification of all potential metal shredding facilities completed in July 2015.*

Current and Planned Activities

January 1, 2016 to January 1, 2017

- **Emergency Rulemaking to establish an Annual Fee on Metal Shredding Facilities¹³**
Regulations establishing an annual fee and fee administration requirements will be adopted as Emergency Regulations in early 2016. DTSC anticipates that the facilities will make their first payment of this fee by July 1, 2016. DTSC will evaluate the fee assessment annually in comparison with its costs, and make adjustments to the fee in later years.
- **Complete Treatability Study**
Industry is conducting the Treatability Study on metal shredder wastes. The Treatability Study will allow DTSC to evaluate the treatment processes and chemicals needed to immobilize soluble toxic metals in the waste, to determine what treatment methods and chemical formulations yield the most protective results. The Treatability study will include: Baseline characterization of the untreated metal shredder waste, Bench-scale treatability testing using metal stabilization methods, Leachability testing of treated metal shredder waste, and Pilot-scale testing of metal shredder waste using the optimal mix of stabilization

¹³ See California Code of Regulations, title 22, division 4.5, chapter 56, commencing with section 69600.1., pending

reagents. DTSC is requiring industry to complete the Waste Treatability Study by June 30, 2016.

- **Contract for Assessment of Off-Site Migration of Air Emissions**
DTSC will be contracting for services to assess whether treated or untreated metal shredder waste can or does migrate off-site and impact residents or business occupants in the areas surrounding the metal shredders, the transportation routes, or the disposal facilities where the treated metal shredder waste is disposed. DTSC intends to complete the Assessment of Off-Site Migration of Air Emissions by June 2016.
 - **Environmental Analysis, Waste Treatability Study, and Report of Findings**
DTSC will be conducting a thorough evaluation of the industry, its practices, and the public health and environmental threats posed by the metal shredding process, the treatment of the wastes it generates, and the storage, transportation, and disposal of those wastes. Part of this evaluation will include evaluation of the results of industry's Treatability Study. DTSC intends to complete the Environmental Analysis, the Waste Treatability Study, and prepare a Draft Report of Findings, by June 30, 2016.
 - **Stakeholder Workshops**
DTSC will share the results of its efforts, the findings of its industry evaluation, and drafts of the standards it intends to adopt, to garner input and feedback that will help to improve the information being used to guide DTSC's subsequent regulatory efforts, and to reduce possible challenges or criticism of DTSC's efforts and regulatory proposals in the future. DTSC intends to conduct at least two public workshops (one in Northern California and one Southern California), but may conduct more workshops depending on stakeholder feedback and any modifications DTSC makes to its evaluation or regulation proposal. DTSC intends to hold these workshops prior to January 1, 2017.
 - **Decision-Making Prior to Regulations Development**
DTSC will review all data developed from the environmental analysis, the waste treatability study, and the assessment of off-site migration of air emissions, as well as consider all input from key stakeholders, including state and local government agencies, industry, the public, and others, in any decisions regarding regulations to establish alternative management standards. DTSC intends to make decisions regarding whether it will pursue adoption of alternative management standards, and if so the scope and extent of regulations to establish alternative management standards prior to January 1, 2017.
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January 1, 2017 to January 1, 2018

Note: The following timeline for January 1, 2017 to January 1, 2018 is dependent upon the findings of DTSC's Environmental Analysis and Report of Findings. If it is determined that alternative management standards are appropriate and can be demonstrated to be adequately protective, DTSC will proceed with rulemaking to adopt these standards as regulations. If it is determined that alternative management standards are not appropriate and cannot be demonstrated to be adequately protective, DTSC will prepare and produce an alternative timeline and work plan that lays out the steps for ensuring the industry complies with all relevant hazardous waste requirements.

- **Public Notice of Proposed Rulemaking for Proposed Alternative Management Standards for Metal Shredding Facilities**
DTSC anticipates providing Public Notice and beginning the formal Administrative Procedures Act (APA) Rulemaking process on or about January 1, 2017
- **Regulation Adoption**
Using the findings and stakeholder feedback from the workshops, DTSC will be preparing the necessary rulemaking documents, including proposed regulation text, an Initial Statement of Reasons, California Environmental Quality Act analysis, and Fiscal and Economic Impact analysis in support of adopting alternative management standards as regulations in accordance with the Administrative Procedures Act requirements. DTSC anticipates that portions of its proposed rulemaking may need to undergo scientific peer review. Section 57004 of the California Health and Safety Code requires DTSC to "submit the scientific portions of a proposed rule, along with a statement of the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, to the external scientific peer review entity for its evaluation." DTSC is authorized by SB 1249 to adopt these regulations until January 1, 2018.
- **Formal APA Rulemaking Process**
The Administrative Procedures Act formalizes the opportunity for public participation in the rulemaking process, requiring state agencies to provide information to the public, and to solicit and consider input from the public and other stakeholders. The APA process includes:
 - Preliminary Analysis Presented to Public
 - Notice of Proposed Regulatory Action (Public Notice)
 - Proposed Regulatory text
 - Required supporting documents: Economic and Fiscal Impact, External Scientific Peer Review, California Environmental Quality Act statement, and Initial Statement of Reasons
 - 45-Day Public Hearing
 - Response to Comments

- 15-Day Public Hearing, if necessary
 - Response to Comments, if necessary
 - Final Regulatory Text
 - Notice of Proposed Rulemaking
 - Final Statement of Reasons
 - Final Analysis Presented to Public
 - Regulations Package Transmitted to Office of Administrative Law
 - Regulations Establishing Alternative Management Standards for Metal Shredding Facilities Adopted
- Rescission of the “f letters”¹⁴

According to subdivision (k) of Section 25150.82 of the Health and Safety Code, all hazardous waste classifications and policies, procedures, or guidance issued by DTSC prior to January 1, 2014, governing or related to the generation, treatment, and management of metal shredder waste or treated metal shredder waste (i.e., the “f letters” and the Department of Health Services Toxic Substances Control Division’s Official Policy and Procedure number 88-6) become inoperative on January 1, 2018, if the department completes its analysis and either rescinds the “f letters” or adopts the alternative management standards.¹⁵ By January 1, 2018, DTSC intends to revoke the historic “f letters” and either replace them with alternative management standards or require the industry to be regulated under existing hazardous waste control law. Ultimately, at the conclusion of the DTSC’s implementation of SB 1249, all metal shredding facilities will be consistently regulated under uniform statewide standards that ensure adequate protection of human health and the environment.

January 1, 2018 and Thereafter

- Inspections and Ongoing Enforcement

Whether DTSC adopts the alternative management standards as regulations or regulates the metal shredding facilities under full hazardous waste regulatory authority, it intends to regularly inspect the metal shredders, waste handlers, and disposal facilities to ensure that they are in compliance with the alternative management standards or the hazardous waste management regulations. The safeguards that any of DTSC’s regulations are intended to provide will succeed only to the extent of compliance with the regulations. Any noncompliance must also be followed up with appropriate enforcement actions that deter noncompliance and correct any environmental harm and conditions of noncompliance observed. DTSC intends to conduct inspections and enforcement on a regular basis, in most instances at least annual inspections, but more as circumstances may require. This activity will continue into the indefinite future.

¹⁴ See Attachment 12 Hugo-Neu-Proler-Support-Analysis-Reports.pdf. All other historic “f letters” are available on the Metal Shredding Facilities and Wastes Web page

¹⁵ See Attachment 13 Policy-and-Procedure-88-6.pdf



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**SB-1249 Hazardous waste: shredder waste.** (2013-2014)

Text	Votes	History	Bill Analysis	Today's Law As Amended	Compare Versions	Status	Comments To Author
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Senate Bill No. 1249**CHAPTER 756**

An act to add Sections 25150.82, 25150.84, and 25150.86 to, and to repeal Section 25143.6 of, the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 28, 2014. Filed with Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, Hill. Hazardous waste: shredder waste.

(1) The California Integrated Waste Management Act of 1989 requires materials that require special handling, as defined, to be removed from major appliances and vehicles in which they are contained before crushing for transport or transferring to a baler or shredder for recycling.

The hazardous waste control laws prohibit a person who is not a certified appliance recycler from removing materials that require special handling from major appliances and imposes specified requirements regarding transporting, delivering, or selling discarded major appliances to a scrap recycling facility. The Department of Toxic Substances Control is authorized to grant a variance from the requirements of the hazardous waste control laws, under specified conditions and if the department makes one of specified findings. A violation of the hazardous waste control laws is a crime.

This bill would authorize, until January 1, 2018, the Department of Toxic Substances Control, in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, to adopt regulations establishing alternative management standards for metal shredding facilities for hazardous waste management activities within the jurisdiction of the Department of Toxic Substances Control, that would apply in lieu of the hazardous waste management standards if the department performs specified actions. The bill would include among those department

actions preparing a preliminary analysis and a final analysis evaluating the hazardous waste management activities to which the alternative management standards would apply. The bill would require the department to provide notice that it proposes to adopt alternative management standards. The bill would prohibit the department from adopting alternative management standards that are less stringent than applicable standards under federal law.

The bill would require the disposal of treated metal shredder waste to be regulated pursuant to the hazardous waste control laws, unless the department adopts those alternative management standards, and would authorize treated metal shredder waste to be used at a specified type of disposal unit as alternative daily cover or for beneficial reuse or placed in that specified type of disposal unit, if the alternative management standards result in the treated metal shredder waste being classified as nonhazardous waste. The bill would require the department to complete the analysis of the hazardous waste management activities and the subsequent regulatory action before January 1, 2018, and would make all hazardous waste classifications and policies, procedures, or guidance issued by the department before January 1, 2014, relating to metal shredder waste or treated metal shredder waste inoperative on January 1, 2018, if the department has completed that analysis and either rescinds the conditional nonhazardous waste classification of that waste or adopts alternative management standards pursuant to this bill. Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.

The bill would authorize the department to collect an annual fee from metal shredding facilities and would require the department to establish and adopt regulations necessary to administer the fee and to establish a fee schedule at a rate sufficient to cover the costs of the department to implement these provisions. The bill would establish a separate subaccount in the Hazardous Waste Control Account, and would require that the fees be deposited into the subaccount, to be available upon appropriation by the Legislature. The bill would exempt a metal shredder facility which pays this annual fee from certain hazardous waste control law fees as those fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste.

(2) Existing law provides that, in general, regulations shall be adopted pursuant to the Administrative Procedure Act. Existing law requires emergency regulations be approved by the Office of Administrative Law and prohibits an emergency regulation from being in effect more than 180 days unless certain procedures are followed.

The bill would authorize a regulation adopted pursuant to the above-described fee provisions to be adopted as an emergency regulation, as specified. The bill would require that such an emergency regulation be filed with, but not be repealed by, the Office of Administrative Law, and would require that the regulation remain in effect for 2 years or until revised by the department, whichever occurs sooner.

(3) Existing law, on or before February 15, 1988, required specified regional water quality control boards to prepare a list of specified types of landfills that are authorized to accept and dispose of shredder waste.

This bill would repeal this provision.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Before 1984, all metal shredder waste was considered not to be hazardous waste and was disposed of or used as alternative daily cover in municipal solid waste landfills.

(b) In 1984, due to the adoption of new state hazardous waste regulations, metal shredder waste was

classified as a non-RCRA hazardous waste, or California hazardous waste, due to the presence of lead, cadmium, copper, and zinc at levels above the state's regulatory thresholds, as well as polychlorinated biphenyls in concentrations that, on some occasions, exceeded either the federal or the California regulatory thresholds, or both.

(c) Between 1986 and 1992, the Toxic Substances Control Division of the former State Department of Health Services, which was the predecessor to the Department of Toxic Substances Control (DTSC), issued conditional nonhazardous waste classifications pursuant to subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations, also referred to as "f letters," to seven shredder facilities in California that treated their metal shredder waste to stabilize the metals in the waste and reduce their solubility. Once a facility operator received a nonhazardous waste classification, treated metal shredder waste was no longer regulated as a hazardous waste.

(d) In early 2001, DTSC began an initiative to evaluate the adequacy of the metal shredder waste policy and compliance with the conditional nonhazardous waste classifications, which included new sampling and analysis. The draft report from that initiative recommended rescinding the conditional nonhazardous waste classifications.

(e) In 2008, DTSC sent letters to operators of metal shredder facilities expressing the department's intention to repeal the conditional authorization that allows metal shredder waste to be classified as a nonhazardous waste. However, DTSC did not rescind the conditional waste classifications.

(f) It is the intent of the Legislature that the conditional nonhazardous waste classifications, as documented through the historical "f letters," be revoked and that metal shredding facilities be thoroughly evaluated and regulated to ensure adequate protection of the human health and the environment.

SEC. 2. Section 25143.6 of the Health and Safety Code is repealed.

SEC. 3. Section 25150.82 is added to the Health and Safety Code, to read:

25150.82. (a) The Legislature finds and declares that this section is intended to address the unique circumstances associated with the operation of metal shredding facilities, and the generation and management of wastes generated by metal shredding facilities. The Legislature further declares that this section does not set a precedent applicable to the management, including disposal, of other hazardous wastes.

(b) For purposes of this section, "metal shredding facility" means 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 nonrecyclable materials that are components of the end-of-life vehicles, appliances, and other forms of scrap metal. "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.

(c) The department, in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, may adopt regulations establishing management standards for metal shredding facilities for hazardous waste management activities within the department's jurisdiction as an alternative to the requirements specified in this chapter and the regulations adopted pursuant to this chapter, if the department does all of the following:

(1) Prepares an analysis of the activities to which the alternative management standards will apply pursuant to subdivision (d). The department shall first prepare the analysis as a preliminary analysis and make it available to the public at the same time that the department gives notice, pursuant to Section 11346.4 of the Government Code, that it proposes to adopt the alternative management standards. The department shall include in the notice a statement that the department has prepared a preliminary analysis and a statement concerning where a copy of the preliminary analysis can be obtained. The information in the preliminary analysis shall be updated and the department shall make the analysis available to the public as a final analysis not less than 10 working days before the date that the regulation is adopted.

- (2) Demonstrates at least one of the conclusions set forth in paragraphs (1) to (4), inclusive, of subdivision (e).
- (3) Imposes, as may be necessary, conditions and limitations as part of the alternative management standards that ensure that the hazardous waste management activity to which the alternative management standards will apply will not pose a significant potential hazard to human health or safety or to the environment.
- (d) Before the department gives notice of a proposal to adopt the alternative management standards pursuant to subdivision (c), and before the department adopts the regulation, the department shall do all of the following:
- (1) Evaluate the operative environmental and public health regulatory oversight of metal shredding facilities, identifying activities that need to be addressed by the alternative management standards, or other advisable regulatory or statutory changes.
 - (2) Evaluate the hazardous waste management activities.
 - (3) Prepare, as required by paragraph (1) of subdivision (c), an analysis that addresses all of the following aspects of the activity, to the extent that the alternative management standards can affect these aspects of the activity:
 - (A) The types of hazardous waste and the estimated amounts of each hazardous waste that are managed as part of the activity and the hazards to human health or safety or to the environment posed by reasonably foreseeable mismanagement of those hazardous wastes and their hazardous constituents. The estimate of the amounts of each hazardous waste that are managed as part of the activity shall be based upon information reasonably available to the department.
 - (B) The complexity of the activity, and the amount and complexity of operator training, equipment installation and maintenance, and monitoring that are required to ensure that the activity is conducted in a manner that safely and effectively manages each hazardous waste.
 - (C) The chemical or physical hazards that are associated with the activity and the degree to which those hazards are similar to, or different from, the chemical or physical hazards that are associated with the production processes that are carried out in the facilities that produce the hazardous waste that is managed as part of the activity.
 - (D) The types of accidents that might reasonably be foreseen to occur during the management of particular types of hazardous waste streams as part of the activity, the likely consequences of those accidents, and the reasonably available actual accident history associated with the activity.
 - (E) The types of locations where hazardous waste management activities associated with metal shredding and management of treated metal shredder waste may be carried out and the types of hazards or risks that may be posed by proximity to the land uses described in Section 25227. The estimate of the number of locations where the activity may be carried out shall be based upon information reasonably available to the department.
 - (e) The department shall not give notice proposing the adoption of, and the department shall not adopt, a regulation pursuant to subdivision (c) unless it first demonstrates at least one of the following, using the information developed in the analysis prepared pursuant to subdivision (d) and any other information available to the department:
 - (1) The requirements that the alternative management standards replace are not significant or important in either of the following situations:
 - (A) Preventing or mitigating potential hazards to human health or safety or to the environment posed by the activity.
 - (B) Ensuring that the activity is conducted in compliance with other applicable requirements of this chapter and the regulations adopted pursuant to this chapter.

- (2) A requirement is imposed and enforced by another public agency that provides protection of human health and safety and the environment that is as effective as, and equivalent to, the protection provided by the requirement, or requirements, that the alternative management standards replace.
- (3) Conditions or limitations imposed as part of the alternative management standards will provide protection of human health and safety and the environment equivalent to the requirement, or requirements, that the alternative management standards replace.
- (4) Conditions or limitations imposed as part of the alternative management standards accomplish the same regulatory purpose as the requirement, or requirements, that the alternative management standards replace, but at less cost or with greater administrative convenience, and without increasing potential risks to human health or safety or to the environment.
- (f) The department shall not adopt alternative management standards pursuant to this section if those standards are less stringent than the standards that would otherwise apply under the federal act.
- (g) Nothing in the alternative management standards authorized by this section is intended to duplicate or conflict with other laws, rules, or regulations adopted by other state agencies or affected local air quality management districts. The department shall, as much as possible, align the alternative management standards with the laws, rules, and regulations of other state agencies or affected local air quality management districts.
- (h) The owner or operator of a metal shredding facility, or solid waste disposal facility that has accepted treated metal shredder waste, that may be subject to the alternative management standards shall provide to the department all information and data determined by the department to be relevant to the evaluation and preparation of the analysis required by subparagraphs (A) to (E), inclusive, of paragraph (3) of subdivision (d).
- (i) The alternative management standards adopted by the department pursuant to this section may, to the extent it is consistent with the standards that would otherwise apply under the federal act, allow for treated metal shredder waste to be classified and managed as nonhazardous waste, provided that the analysis prepared pursuant to subdivision (d) demonstrates that classification and management as hazardous waste is not necessary to prevent or mitigate potential hazards to human health or safety or to the environment posed by the treated metal shredder waste.
- (j) (1) The disposal of treated metal shredder waste shall be regulated pursuant to this chapter and the regulations adopted pursuant to this chapter, unless alternative management standards are adopted by the department pursuant to this section.
- (2) If the alternative management standards adopted by the department pursuant to this section result in treated metal shredder waste being classified as nonhazardous waste, the material may be managed in either of the following manners:
- (A) It may be used at a unit described in subparagraph (B) as alternative daily cover or for beneficial reuse pursuant to Section 41781.3 of the Public Resources Code and the regulations adopted to implement that section.
- (B) It may be placed in a unit that meets the waste discharge requirements issued pursuant to Division 7 (commencing with Section 13000) of the Water Code that allow for discharges of designated waste, as defined in Section 13173 of the Water Code, or of treated metal shredder waste.
- (3) This section does not limit the disposal or use of treated metal shredder waste as alternative daily cover pursuant to Section 41781.3 of the Public Resources Code and the regulations adopted to implement that section, or for other authorized beneficial uses if that disposal or use is at a facility meeting the requirements of subparagraph (B) of paragraph (2), is made under the authority of the hazardous waste determinations governing metal shredder waste issued by the department before January 1, 2014, and is made before the department does either of the following:

- (A) Rescinds, in accordance with applicable law, the conditional nonhazardous waste classifications issued pursuant to subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations with regard to treated metal shredder waste.
- (B) Completes the adoption of alternative management standards pursuant to this section.
- (k) The department shall complete the analysis described in paragraph (1) of subdivision (c) and subsequent regulatory action before January 1, 2018. All hazardous waste classifications and policies, procedures, or guidance issued by the department before January 1, 2014, governing or related to the generation, treatment, and management of metal shredder waste or treated metal shredder waste shall be inoperative and have no further effect on January 1, 2018, if the department completes its analysis pursuant to subdivision (c) and takes one of the following actions:
- (1) Rescinds the conditional nonhazardous waste classifications issued pursuant to subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations with regard to that waste.
- (2) Adopts alternative management standards pursuant to this section.
- (l) The authority of the department to adopt original regulations pursuant to this section shall remain in effect only until January 1, 2018, unless a later enacted statute, which is enacted before January 1, 2018, deletes or extends that date. This subdivision does not invalidate any regulation adopted pursuant to this section before the expiration of the department's authority.
- (m) A regulation adopted pursuant to this section on or before January 1, 2018, shall continue in force and effect after that date, until repealed or revised by the department.

SEC. 4. Section 25150.84 is added to the Health and Safety Code, to read:

- 25150.84.** (a) The department is authorized to collect an annual fee from all metal shredding facilities that are subject to the requirements of this chapter or to the alternative management standards adopted pursuant to Section 25150.82. The department shall establish and adopt regulations necessary to administer this fee and to establish a fee schedule that is set at a rate sufficient to reimburse the department's costs to implement this chapter as applicable to metal shredder facilities. The fee schedule established by the department may be updated periodically as necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department to implement this chapter, as applicable to metal shredder facilities.
- (b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department upon appropriation by the Legislature.
- (c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
- (d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:
- (A) A fee imposed pursuant to subdivision (a) or (d) of Section 25205.7.
- (B) A disposal fee imposed pursuant to Section 25174.1.

(C) A facility fee imposed pursuant to Section 25205.2.

(D) A generator fee imposed pursuant to Section 25205.5.

(E) A transportable treatment unit fee imposed pursuant to Section 25205.14.

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.

SEC. 5. Section 25150.86 is added to the Health and Safety Code, to read:

25150.86. Treated metal shredder waste that is managed in accordance with the alternative management standards adopted by the department pursuant to Section 25180.82 and that is accepted by a solid waste landfill or other authorized location for disposal or for use as alternative daily cover or other beneficial use shall thereafter be deemed to be a solid waste for purposes of this chapter and Section 40191 of the Public Resources Code.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Attachment 2

Hazardous Waste Management Program

The Implementation of Senate Bill (SB) 1249 (Hill, Chapter 756, Statutes of 2014)

Goal: To carry out the mandates the Legislature placed on DTSC through SB 1249 to evaluate metal shredding facilities, the metal shredder waste they generate, and their waste management practices. DTSC, through its evaluation and required analysis, will determine whether the hazards and risks posed by the metal shredding and waste management activities require the existing hazardous waste management requirements to control, or whether an alternative set of management standards could effectively control the identified risks and hazards. As part of its evaluation, DTSC will also be assessing whether metal shredder waste, through chemical treatment, can be classified as nonhazardous waste.

Background: The introduction of SB 1249 followed a series of fires at a metal shredding facility in the bill author's district and also historic concerns about metal shredding facilities, their potential impact on the environment, and DTSC's past decisions related to metal shredding operations and metal shredder wastes. SB 1249 became effective on January 1, 2015 and provides DTSC 3 years to complete its evaluation.

This work plan is meant to detail DTSC's efforts to carry out the following mandates required by SB 1249 over the next 3 years:

- An evaluation of the existing regulatory oversight of metal shredding facilities and the activities that might be subject to alternative management standards.
- An evaluation of the hazardous waste management activities associated with metal shredding.
- A comprehensive evaluation of hazardous waste management activities that occur at metal shredding facilities.
- An analysis of the following:
 - The types and amounts of hazardous wastes generated and the hazards to human health or safety or to the environment if the wastes were mismanaged.

- The complexity of the metal shredding, waste treatment, transportation and disposal activities and the operator training, equipment and monitoring required to ensure that the hazardous wastes are safely managed.
- The chemical or physical hazards that are associated with the metal shredding, waste treatment, transportation and disposal activities.
- The types of accidents that can be expected to occur during the metal shredding, waste treatment, transportation and disposal activities.
- The types of locations where the metal shredding, waste treatment, transportation and disposal activities may be carried out and the hazards or risks the activities pose to sensitive land uses.

Note: DTSC's requirement to adopt alternative management standards (AMS) into regulation as authorized by SB 1249 is contingent upon its evaluation of the industry, its wastes, and waste management practices, and DTSC, through its mandated analysis and findings demonstrating that alternative management standards are warranted.

Phase I

Baseline Assessment and Data Collection - Anticipated time frame: January 1, 2015 – December 31, 2015

Metal Shredder Facilities

- Identify and verify the locations where metal shredding activities subject to SB 1249 are being conducted in California.
- Collect detailed information from each identified metal shredding facility describing the metal shredding, metals separation reclamation, waste management and waste treatment processes
- Collect information related to the environmental regulatory agencies that have jurisdiction over each metal shredding facility, and identify the nature of the jurisdiction exercised:

- Identify and obtain copies of any permit, variance or other discretionary authorization issued to each metal shredding facility.
- Identify and obtain copies of any inspection records or inspection related information.
- Identify and obtain copies of any enforcement actions or enforcement related information.
- Identify and obtain copies of any environmental monitoring data being collected by environmental regulatory agencies related to the metal shredding facilities.
- Collect detailed information from each metal shredding facility related to pollution control equipment that has been installed at the facility, including any performance requirement or compliance standard the equipment is required to achieve.
- Collect detailed information on the locations of each of the identified metal shredding facilities, including information related to sensitive land uses in proximity of the metal shredding facilities.
- Collect detailed information on the local land use permits or entitlements issued by local government to each identified metal shredding facility. The information to be collected includes:
 - Copies of local General Plans or other land use or zoning designations
 - Copies of use permits issued
 - Information about any conditions imposed related to the authorized land use
 - Copies of any CEQA documents produced in the process of issuance of the use permits
 - Information regarding any enforcement of the use permit or its conditions, and their outcome.
- Collect all available information related to metal shredder waste being generated by each metal shredding facility, including the following:
 - Rates of generation (by month and annual)

- Waste management practices, including specific storage or on site management practices
- Location or locations where the metal shredder waste is sent for disposal or for other purposes (and identify any other disposition of the metal shredder waste)

Disposal facilities

- Identify and verify the locations where metal shredder waste has been disposed or otherwise managed in California.
- Collect information related to the environmental regulatory agencies that have jurisdiction over the disposal or placement of metal shredder waste, and identify the nature of the jurisdiction exercised:
 - Identify and obtain copies of any permit, variance or other discretionary authorization issued to each disposal facility.
 - Identify and obtain copies of any inspection records or inspection related information.
 - Identify and obtain copies of any enforcement actions or enforcement related information.
 - Identify and obtain copies of any environmental monitoring data being collected by environmental regulatory agencies related to the metal shredder waste.

Industry Practices in Other Jurisdictions

- Research and collect available information from other states or other nations related to metal shredding facilities and metal shredder waste management
 - Identify any statutes or regulations that other governments have enacted or adopted that govern the operation of metal shredding facilities or the management of metal shredder waste
 - Identify any guidance or policies that have been developed that impact or influence the operation of metal shredding facilities or the management of metal shredder waste
-

Transportation

- Identify and verify the routes used to transport metal shredder wastes from the locations where it is generated to the location(s) where it is disposed or otherwise used.
- Collect information related to the environmental regulatory agencies that have jurisdiction over the transportation of metal shredder wastes, and identify the nature of the jurisdiction exercised:
 - Identify and obtain copies of any permit, variance or other discretionary authorization issued to each transporter.
 - Identify and obtain copies of any inspection records or inspection related information.
 - Identify and obtain copies of any enforcement actions or enforcement related information.
 - Identify and obtain copies of any environmental monitoring data being collected by environmental regulatory agencies related to the transportation of metal shredder wastes.

Metal Shredder Waste

- Collect all available information related to the chemical and physical properties and characteristics of metal shredder waste (both prior to chemical treatment as well as after it has been chemically treated)
- Collect all available information related to metal shredder waste samples
 - Sample collection methods
 - Sample preparation methods
 - Chemical analysis or laboratory considerations or practices
 - Any standard laboratory or industry practices employed to control variability and obtain representativeness of results or analytical data.
- Collect all available information related to the chemical treatment being conducted on the metal shredder waste:

- Specific chemicals used (identify CAS numbers if available; if not available, provide description of materials used in the treatment, and their chemical properties and composition, including concentrations of regulatory analytes of concern).
- Treatment equipment used
- Quantities or ratios of treatment chemicals used
- Any variables or conditions that influence or affect the quantity or ratio of treatment chemicals used
- Any required reaction time for chemical treatment to fully execute
- Any monitoring data collected during treatment as feedback on the treatment process

Fees

- Gather information needed to propose an appropriate fee schedule needed to collect sufficient revenues to compensate DTSC for its responsibilities in implementing SB 1249.
- Propose the fee schedule and other fee administration requirements
- Adopt the fee schedule through emergency regulations as authorized by SB 1249

Compile all collected information

- Provide side-by-side summaries of the information collected to compare and contrast each of the metal shredding facilities, transportation practices, and waste disposal sites.

Phase II

Evaluation and Analysis - Anticipated time frame: January 1, 2016 – December 31, 2016

Evaluation

- Evaluate current regulatory oversight and operational practices by using onsite/offsite data to validate protections for

- Air
- Water
- Soil
- Identify what existing hazardous waste management requirements apply to each identified hazardous waste management activity (as if these facilities did not operate under the f-letter authorizations)
- Assess the industry's treatability study in order to determine if effective/efficient treatment methods exist for metal shredder waste
- Identify data gaps in order to determine if additional assessments or studies are necessary
- Identify AMS in order to evaluate and assess those standards when used in various parts of the metal shredding process

Analysis

- Prepare an analysis that assesses the hazards and risks posed by activities to determine if
 - Current regulatory oversight is protective of certain activities
 - AMS or existing hazardous waste controls are necessary
 - Metal shredder waste can continue to be managed as nonhazardous

Phase III

Adoption of regulations, if necessary – Anticipated time frame - January 1, 2017 – December 31, 2017

- Determine if additional conditions or limitation are necessary in addition to the alternative management standards to be adopted
- Prepare the preliminary analysis for public comment
- Prepare a final analysis prior to adopting the regulation
- Rescind the f letter authorizations
- Adopt regulations establishing management standards for metal shredding facilities

Attachment 3

Agenda

Regional Meetings with BDOs, CUPAs, and LEAs on MSR Evaluation

DTSC Regional Office – Cypress (All Staff Room), 15 NOV 2013, 9:30 a.m. – 12:00 p.m.

Purpose: To seek input from State agencies, CUPAs, and LEAs on industry's treatability study of Metal Shredder Residues (MSR), and to secure their commitment to participate in a public workshop on the current regulatory status of the existing shredders.

Problem Statement: In the late 1980s and early '90s, the California Department of Health Services – the predecessor of the Department of Toxic Substances Control (DTSC) – classified MSR as non-hazardous waste. This decision was based upon the best science at the time, but much has changed since then: vehicles and appliances and the materials they are made from are different; and technology has changed. These factors prompted DTSC to revisit decisions made more than 20 years ago.

Our goals in this effort are to:

- Ensure that waste treatment, disposal practices and management practices at metal shredding facilities are fully protective of public health and the environment; and
- Have environmental standards and regulatory requirements that can be fairly applied to all metal shredders and effectively enforced.

Introduction: DTSC has asked several of the seven active and primary metal-shredding facilities in California to conduct a treatability study that provides updated information about the composition and characteristics of untreated and treated MSR wastes currently being generated. We also:

- Will require the facilities to evaluate the long-term effectiveness of current chemical treatments of MSR wastes currently managed for disposed to Class III landfills;
- Requested facilities to explore whether better treatment options are available;
- Plan to assess the operations of the metal shredders, including processes related to actual shredding, materials separation and waste treatment, to identify risks associated with those processes, and to identify whether control technologies or additional regulatory controls are necessary;
- Develop a work plan and timeline to implement recommendations by November 2014.

Meeting Agenda

- Chronology and historical overview of MSR regulation in California
- Introduction of industry's MSR treatability study and follow-up round-table discussion
- Stakeholder discussions on Atmospheric Emissions Control and Stormwater Runoff Control
- Stakeholder discussions on Treatment, Storage, Transportation, and Disposal concerns for MSR wastes
- Discuss sampling methodology used to obtain representative heterogeneous samples for enforcement purposes
- Discuss analytical methods applied to characterize MSR wastes for toxicity and for Leachability
- Discussion of dates and requirements for public workshop meetings occurring January 2014

Attachment 4

Agenda

Regional Meetings with BDOs, CUPAs, and LEAs on MSR Evaluation DTSC Regional Office – Berkeley (Auditorium 2), Nov 7th, 2013

Purpose: To seek input from State agencies, CUPAs, and LEAs on industry's treatability study of Metal Shredder Residues (MSR), and to secure their commitment to participate in a public workshop on the current regulatory status of the existing shredders.

Problem Statement: In the late 1980s and early '90s, the California Department of Health Services – the predecessor of the Department of Toxic Substances Control (DTSC) – classified MSR as non-hazardous waste. This decision was based upon the best science at the time, but much has changed since then: vehicles and appliances and the materials they are made from are different; and technology has changed. These factors prompted DTSC to revisit decisions made more than 20 years ago.

Our goals in this effort are to:

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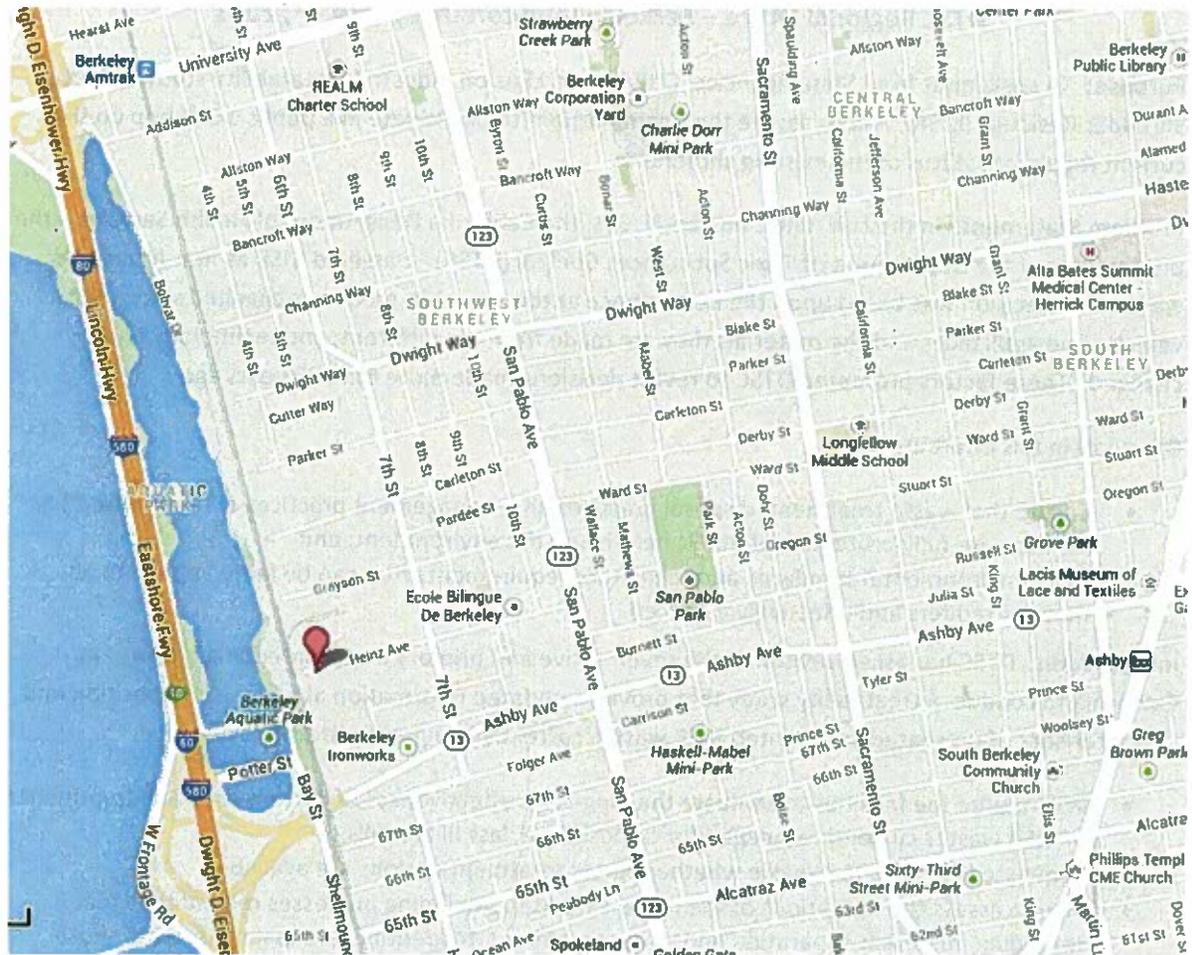
Introduction: DTSC has asked several of the seven active and primary metal-shredding facilities in California to conduct a treatability study that provides updated information about the composition and characteristics of untreated and treated MSR wastes currently being generated. We also:

- Will require the facilities to evaluate the long-term effectiveness of current chemical treatments of MSR wastes currently managed for disposal to Class III landfills;
- Requested facilities to explore whether better treatment options are available;
- Plan to assess the operations of the metal shredders, including processes related to actual shredding, materials separation and waste treatment, to identify risks associated with those processes, and to identify whether control technologies or additional regulatory controls are necessary;
- Develop a work plan and timeline to implement recommendations by November 2014.

Meeting Agenda

- Round-table discussion of industry's MSR treatability study
- Stakeholder concerns on Atmospheric Emissions Control and Stormwater Runoff Control
- Stakeholder concerns on Treatment, Storage, Transportation, and Disposal of MSR wastes
- Sampling methodology used to obtain representative MSR samples for enforcement purposes
- Analytical methods applied to characterize MSR wastes for toxicity and for leachability
- Emerging issues such as Plastics Recovery from MSR waste streams
- Upcoming Community Workshops- invitation and request for local agency participation

Meeting Location: DTSC Regional Office – Berkeley, 700 Heinz Avenue, Berkeley CA, 94710



Attachment 5

Public Workshop/Meeting
DTSC Metal Shredder Residuals (MSR) Project
Department of Toxic Substances Control
January 14, 2014, 6:30 pm – 9:00 pm
Banning's Landing Community Center
100 East Water Street, Wilmington CA

Overall Purpose of Workshop/Meeting

- a) DTSC's MSR workplan identifies its pathway for revisiting its past regulatory decisions and approach on management of metal shredder residues in the State. A critical part of this process is to obtain current and relevant analytical data on refinements or optimization of current treatment technologies for MSR. This phase is critical to DTSC in developing recommendations for implementation of a revised regulatory approach by November 2014.
- b) The Department's conclusions and subsequent recommendations are largely dependent in part on the results of the treatability study.
- c) DTSC plans to host future workshops to address any input and comments presented at this workshop from the public and community stakeholders for other areas of concern identified as they relate to other regulatory or environmental issues related to management of MSR.

1. **6:30 – 6:45 Opening Remarks and Clarifying Questions – Rick Brauch**
2. **6:45 – 6:50 Meeting Ground Rules – Tim Chauvel**
 - o Due to time constraints, the workshop can only focus on MSR. If you have other issues with metal shredder facilities, please fill out and forward a comment card to DTSC
 - o Please hold your comments until after each presentation has completed
 - o In order to allow ample opportunity for everyone to ask questions, please limit your comments to two or three minutes
3. **6:50 – 7:20 Background and project overview of DTSC MSR evaluation project – Tyrone Smith and Ed Benelli**
 - o DTSC workplan and timelines for MSR evaluation
 - o Coordination efforts to date
4. **7:20 – 7:40 Metal shredder overview and treatability study workplan presentation. (ISRI)**
5. **7:40 – 8:00 Presentation of local and state agency regulatory authorities for metal shredder facilities. (tentative)**
6. **8:00 – 8:45 Public comment**
7. **8:45 – 9:00 Conclusion, next steps, and where you can find online information – Rick Brauch**

Attachment 6

Public Workshop/Meeting DTSC Metal Shredder Residuals (MSR) Project

Department of Toxic Substances Control
January 23, 2014, 6:30 pm – 9:00 pm
Elihu Harris State Building
1515 Clay Street, Oakland, CA

Prior to meeting Rick Brausch interviewed by KNBC (Sandy Nax present). The KNBC cameraman was in attendance for most of the meeting.

Opening Remarks: Rick Brausch.

Meeting Ground Rules: Wayne Hagen

Background and project overview of DTSC MSR evaluation project: Tyrone Smith and Ed Benelli

Metal shredder overview and treatability study work plan presentation. (California Chapter of the Institute of Scrap Recycling Industries): Representatives of Schnitzer Steel (Oakland) and Sims Metal Management (Redwood City) gave presentations with an overview of Metal Shredder processes and contributions.

Presentation of local and state agency regulatory authorities for metal shredder facilities:

Bay Area Air Quality Management District: John Quinn discussed adoption of Rule 6.4 which addresses Air emissions from metal shredding operations. Especially fugitive emissions.

San Francisco Regional Water Quality Control Board: Vic Pal emphasized the difficulty in sampling materials either at the facility or the landfill due to the wide variety of materials involved.

Public comment:

Republic Waste: A representative discussed the advantages of Alternate Daily Cover (ADC) while profiling its safety. Their geologist discussed a study that compared Leachate from landfills using MSR as ADC and landfills that used other materials. They found no difference in the composition of leachate.

Waste Management: A representative discussed the advantages of MSR as ADC. It is better to use waste derived material as it is recycling of waste for a beneficial use.

Green waste is being diverted into biomass uses. The MSR used for ADC must meet approved levels of PCB's etc. Sampling and Monitoring should happen at the generator and not saddle the landfill with duplicative sampling.

Oakland Chamber of Commerce: The president of the Oakland Chamber of Commerce emphasized the benefits of a metal shredder business to the community in jobs and positive impacts on the community.

Alameda County Clean Water Project: When we consider impacts of materials on water please consider effects on water quality beyond health effect, Bioaccumulation of waste in water among fish and other receptors especially concerning PCB's. There are higher PCB levels around metal shredders. What about flame retardants?

Contra Costa County Clean Water Project: Coordinate with Water Board to consider storm water end points. There is a big concern regarding PCB's in sediments. Where are they coming from, why? Are they getting into the Bay? How are fugitive emissions being controlled? A report from 3/15/14 will show some of the impacts of PCB's in the Bay.

Requester Name	Requester Title	Requester Email	Requester Phone	Request Date	Request Status
John Doe	CEO	john.doe@company.com	510-555-1234	3/15/14	Pending
Jane Smith	VP	jane.smith@company.com	510-555-5678	3/15/14	Approved
Bob Johnson	Director	bob.johnson@company.com	510-555-9012	3/15/14	Rejected
Alice Brown	Manager	alice.brown@company.com	510-555-3456	3/15/14	Pending
Charlie White	Analyst	charlie.white@company.com	510-555-7890	3/15/14	Approved

Analysis of Problem

A. Budget Request Summary

The Department of Toxic Substances Control (DTSC) requests an augmentation from the Hazardous Waste Control Account (HWCA) of \$527,000 and 2.5 positions in fiscal year (FY) 2015/16; \$311,000 and 2.0 position in FY 2016/17; \$322,000 and 2.5 positions in FY 2017/18; and \$128,000 and 1.5 positions in FY 2018-19 ongoing to implement Senate Bill (SB) 1249 (Hill, Chapter 756, Statutes of 2014). SB 1249 requires DTSC to evaluate the risks and threats posed by metal shredders and the management of metal shredder waste, and to either develop alternative management standards that govern metal shredding activities, or rescind its 1987 era decisions under which metal shredders have operated without hazardous waste permits and managed their waste as nonhazardous waste. This proposal will allow DTSC to perform the responsibilities specified in the bill in the amount of time required by the bill. Even more importantly, this proposal will allow DTSC to reduce risks and hazards faced by California's most vulnerable and impacted communities in the vicinity of these types of facilities. SB 1249 also authorizes DTSC to assess a fee on the metal shredders to cover its costs in implementing the bill and for ensuring compliance with its standards in the future.

B. Background/History

At the end of their useful lives, automobiles and appliances are required to be "de-polluted" by removing hazardous components containing mercury, lead, and polychlorinated biphenyl (PCBs). At some facilities the remaining metal is then baled or compacted before being sent to a shredder for metal separation and recovery, or the metal may be directly exported. At other facilities, the remaining metal is processed through a shredder or a shearer on site, and that residue is further treated to remove ferrous and non-ferrous metals. Both the ferrous and non-ferrous metals are sold to smelters where they are recycled and used to manufacture various metal products. In automobile processing, approximately 25 percent of the original weight remains as shredder waste, which is a mixture of foam, plastics, rubber, glass, wood, paper, leather, textiles, and a small fraction of remaining metal pieces. About 480,000 tons of metal shredder waste was generated in 2013 in California. Although metal recycling facilities have been commonly referred to as "auto shredders," approximately 50 percent of the metal shredded is from appliances or other manufactured metal objects.

Beginning in 1984, shredder waste has been regulated as a hazardous waste in California because lead, cadmium, copper, and zinc are in the waste at concentrations that exceed the State's hazardous waste levels. In 1988, DTSC adopted a policy and issued decisions that allowed the metal shredder facilities to treat the metal shredder waste at their facilities and allowed them to manage it as nonhazardous waste under specified conditions. The treatment was intended to reduce the solubility of the metals and decrease their potential to leak from landfills.

This approval was generally based on a number of factors, including assumptions as to the "typical" composition of the waste, measured and expected concentrations of contaminants, negotiated practices of chemical and physical treatment of the waste, and anticipated disposal practices. All of these factors were integral to DTSC's decisions for each of the shredders.

Since DTSC made its determinations and established its policies in 1988, much has changed with the metal shredder industry, its practices, and the composition of automobiles and appliances in general. DTSC has become increasingly concerned that the composition of metal shredder waste and its characteristics have changed, and with that has been an increase in the hazardous contaminants found in the metal shredder waste. Over the years, DTSC has continued to monitor the changes in the waste's composition and concentrations of hazardous constituents.

In 2002 DTSC, after a significant effort to sample and analyze the metal shredder waste being generated by the metal shredding industry, produced a draft staff report. The draft report presented information alleging that the assumptions that DTSC's previous decisions were based on were no longer supported, and that its policy regarding metal shredder waste was no longer fully protective of human health and the environment. This report was never finalized. DTSC did not act on its allegations until 2008.

Analysis of Problem

In 2008, DTSC sent letters to all of the holders of the "P" letters proposing to rescind the previous decisions and repeal the policy that allowed the shredders to treat their waste without a permit. The industry responded with a significant amount of technical information to rebut DTSC's reasons for rescinding its decision, and procedural arguments contesting DTSC's ability to rescind the decisions. After DTSC extended the proposed effective date several times to time for the industry to provide additional information, the proposed rescission was delayed indefinitely. At that time, the metal shredding industry did express interest in negotiating a resolution to the continuing concerns about its waste and the questions about DTSC's previous decisions and policy. Proposed legislation was drafted but never introduced.

In 2012, in part at the request of the industry and its desire for a permanent resolution on its regulatory status, DTSC once again engaged with the industry. Recognizing the industry's desire for a permanent solution, DTSC raised the same questions previously raised about treatment efficacy and protectiveness of the policy and the industry's practices. DTSC invited the industry to provide information that supported the effectiveness of the chemical treatment, as well as to document its claims that the treatment was the best available treatment. DTSC anticipated that, with the information provided, it could determine whether its previous decisions should remain or be removed or replaced, and whether these facilities should continue operating without a permit.

DTSC and the metal shredding industry were negotiating the details of the study to be conducted, and planning for implementing the study, when SB 1249 was introduced and ultimately enacted. Those efforts are anticipated to be continued and incorporated into the analysis and evaluation required by SB 1249.

C. State Level Considerations

DTSC has been actively coordinating with the Department of Resources Recycling and Recovery (CalRecycle), the Air Resources Board, the Regional Water Quality Control Boards (Water Boards), local air quality management districts, the Certified Unified Program Agencies, and local enforcement agencies on this issue. The state entities most directly impacted by DTSC's decisions regarding the waste classification and management of metal shredder residues are CalRecycle and the Water Boards. These agencies share responsibilities in regulating solid waste disposal facilities, and both have adopted regulatory standards for disposing of non-hazardous wastes that rely on DTSC's waste classification decisions. Regulations from both the Water Boards and CalRecycle prohibit the disposal of hazardous wastes in solid waste landfills. CalRecycle regulations allow the use of metal shredder residue wastes as alternative daily cover, but only because DTSC classifies metal shredder residue waste as non-hazardous. DTSC has hosted several meetings with the California Environmental Protection Agency (CalEPA), CalRecycle, the Water Boards, and local enforcement agencies to inform them of DTSC's current treatability study, and to seek their input and advice. DTSC plans to continue to provide direct communication and accurate information to all affected agencies to assist them in planning their operations. If DTSC develops alternative management standards that change the classification or management of metal shredder residues, these other agencies will need to assess the impacts of those changes and may need to also change their regulations.

D. Justification

SB 1249's author introduced the legislation to enhance oversight of the metal shredding industry by DTSC in order to protect California communities and the environment, and ultimately to answer the questions that have been raised over the years about the protectiveness of DTSC's regulatory decisions and oversight of this industry.

SB 1249 imposes new requirements and responsibilities on DTSC to fully evaluate the metal shredding industry, and to then develop alternative management standards to regulate the metal shredding industry. SB 1249 also authorizes DTSC to collect an annual fee from metal shredding facilities at a rate sufficient to cover the costs for the Department to implement these provisions.

In implementing the requirements of SB 1249, DTSC will be performing the following activities:

Analysis of Problem

- **Annual Fee Schedule** – SB 1249 authorizes DTSC to assess an annual fee on metal shredders to pay for DTSC's reasonable and necessary costs to implement the requirements of SB 1249 and any alternative management standards that DTSC adopts. DTSC will be adopting the fee schedule and fee administration regulations as emergency regulations (as authorized by SB 1249) and will update the fee schedule annually to reflect DTSC's changing implementation costs and any newly identified metal shredding facilities that will be fee payers.
- **Conduct Environmental Analysis, Waste Treatability Study, and Report of Findings** –DTSC will be conducting a thorough evaluation of the industry, its practices, and the public health and environmental threats posed by the metal shredding process, the treatment of the wastes it generates, and the storage, transportation, and disposal of those wastes. Part of this evaluation will include evaluation of the results of a Treatability Study being conducted by the metal shredders on metal shredder wastes. The Treatability Study will allow DTSC to evaluate the treatment processes and chemicals needed to immobilize soluble toxic metals in the waste, to determine what treatment methods and chemical "recipes" yield the most protective results. DTSC intends to complete the Environmental Analysis, the Waste Treatability Study, and prepare a Draft Report of Findings, by January 1, 2016.
- **Assessment of Off-site Migration** – DTSC will be contracting for services to assess whether treated or untreated metal shredder waste can or does migrate off-site and impact residents or business occupants in the areas surrounding either the metal shredders, the transportation routes, or the disposal facilities where the treated metal shredder waste is disposed. The findings of this assessment will be incorporated into DTSC's environmental analysis and Report of Findings, and will inform DTSC's adoption of management standards for the industry and its waste. DTSC intends to complete this assessment by January 1, 2016.
- **Method Verification and Independent Evaluation** – DTSC will be contracting for services to verify the laboratory methods used to analyze metal shredder wastes, and to collect samples and independently verify the results being presented by the metal shredders in its Treatability Study. DTSC intends to complete this verification and evaluation by January 1, 2016.
- **Pre-Regulation Stakeholder Workshops** – Because the work required by SB 1249 is not part of a process routinely conducted by DTSC, it is important for DTSC to share the results of its efforts, the findings of its industry evaluation, and drafts of the standards it intends to adopt, to garner input and feedback that will help to improve the information being used to guide DTSC's subsequent regulatory efforts, and to reduce possible challenges or criticism of DTSC's efforts and regulatory proposals in the future. DTSC intends to conduct at least two public workshops (one in Northern California and one Southern California), but may conduct more workshops depending on stakeholder feedback and any modifications DTSC makes to its evaluation or regulation proposal. DTSC intends to hold these workshops prior to January 1, 2017.
- **Regulation Adoption** – Using the findings and stakeholder feedback from the workshops, DTSC will be preparing the necessary rulemaking documents, including proposed regulation text, an Initial Statement of Reasons, California Environmental Quality Act analysis, and Fiscal and Economic Impact analysis in support of adopting alternative management standards as regulations in accordance with the Administrative Procedures Act requirements. DTSC anticipates that its proposed rulemaking will also need to undergo scientific peer review. Section 57004 of the California Health and Safety Code requires DTSC to "submit the scientific portions of a proposed rule, along with a statement of the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, to the external scientific peer review entity for its evaluation." DTSC must adopt these regulations prior to January 1, 2018. The authority granted in SB 1249 sunsets as of January 1, 2018.

Analysis of Problem

- **Laboratory Support** – DTSC anticipates using the analytical and sample preparation expertise of its own Environmental Chemistry Laboratory in support of all of the evaluation, study, and assessment efforts that DTSC must conduct in implementing SB 1249.
- **Inspections/Enforcement** – After DTSC adopts the Alternative Management Standards as regulations, it must regularly and routinely inspect the metal shredders, waste handlers, and disposal facilities to ensure that they are in compliance with those regulations. The safeguards that the regulations are intended to provide will succeed only to the extent of compliance with the regulations. Any noncompliance must also be followed up with appropriate enforcement actions that deter noncompliance and correct any environmental harm and conditions of noncompliance observed. DTSC intends to conduct inspections and enforcement on a regular basis, in most instances at least annual inspections, but more as circumstances may require. This activity will continue into the indefinite future.

E. Outcomes and Accountability

DTSC anticipates accomplishing the following:

- Regulations establishing an annual fee and fee administration requirements will be adopted as Emergency Regulations soon after January 1, 2016. DTSC anticipates that the facilities will make their first payment of this fee during calendar year 2016. DTSC will annually evaluate the fee assessment in comparison with its costs, and make adjustments to the fee in later years.
- DTSC will continue to work with the metal shredders to complete a Treatability Study that they have begun to assess the chemical makeup and potential treatment methods for metal shredder residue by January 1, 2016.
- DTSC anticipates conducting the required analysis of the risks and hazards posed by metal shredding activities and metal shredder residue, and providing its draft findings, by January 1, 2016.
- DTSC will conduct at least two workshops with the industry and interested stakeholders (one in Northern California and one in Southern California) to solicit feedback on its analysis and findings. More workshops will be scheduled if the feedback received in earlier workshops result in significant changes to DTSC's draft analysis and findings. These workshops are anticipated in the first half of calendar year 2017.
- DTSC will conduct at least two workshops with the industry and interested stakeholders (one in Northern California and one in Southern California) to solicit feedback on a set of draft regulations, prior to formally proposing them through the Administrative Procedures Act requirements. More workshops will be scheduled if the feedback received in earlier workshops result in significant changes to DTSC's draft regulations. These workshops are anticipated in the second half of calendar year 2017.
- DTSC anticipates a formal public notice for proposed rulemaking for its Proposed Alternative Management Standards for Metal Shredding Facilities on or about January 1, 2017, to be completed no later than January 1, 2018.
- DTSC will perform routine and ongoing inspections (and appropriate enforcement follow-up) at least once per year for each metal shredder, and at least once per year for each disposal facility. The inspections are to ensure compliance with the adopted Alternative Management Standards.

Analysis of Problem

F. Analysis of All Feasible Alternatives

Alternative 1: Augment DTSC's budget as requested to implement the requirements of SB 1249.

Pros:

- Metal shredders are often found in proximity to highly impacted communities. This alternative will reduce risks and hazards faced by California's most vulnerable and impacted communities.
- Will provide DTSC the resources it needs to fully analyze the metal shredding industry and its waste management practices.
- Will provide DTSC the resources it needs to develop the required set of Alternative Management Standards.
- Reduces risks and hazards posed by the metal shredding industry and its waste management practices.
- Allows DTSC to perform the responsibilities established in the bill in the time frame required by the bill.
- Contributes to improved quality of life in these impacted areas.

Con:

- Will increase the size of state government.

Alternative 2: Redirect existing staff to implement the requirements of SB 1249.

Pros:

- Requires no additional funds and allocation of additional positions.
- Reduces risks and hazards posed by the metal shredding industry and its waste management practices.
- Allows DTSC to perform the responsibilities established in the bill in the time frame required by the bill.
- Because metal shredders are often found in proximity to highly impacted communities, would reduce risks and hazards faced by California's most vulnerable and impacted communities.
- Contributes to improved quality of life in these impacted areas.

Con:

- Prevents DTSC from performing other high priority work that is necessary to assess environmental risks and hazards, and adopting other regulations and requirements that would limit or prevent risks and hazards to the environment and the public; some of which are in California's most vulnerable and impacted communities.
- Prevents DTSC from meeting its critical mandates.

Alternative 3: Request fewer resources to implement the requirements of SB 1249.

Pro:

- Will allow DTSC to analyze some of the aspects of the metal shredding industry and its waste management practices.
- Will allow DTSC to develop some Alternative Management Standards.
- Would reduce some risks and hazards posed by the metal shredding industry and its waste management practices.

Analysis of Problem

- Would provide limited resources for DTSC to perform the responsibilities established in the bill.
- Because metal shredders are often found in proximity to highly impacted communities, could reduce risks and hazards faced by California's most vulnerable and impacted communities.
- Could contribute to improved quality of life in these impacted areas.

Con:

- Would require the expenditure of additional funds and allocation of additional positions.
- DTSC would not be able to complete its work in the time frame required by the bill – the authority granted by SB 1249 to adopt regulations will sunset on January 1, 2018.

Alternative 4: Maintain status quo/Do nothing.

Pro:

- Would avoid the expenditure of additional funds or allocation of additional positions.
- Would ensure HWCA funds remain available for other DTSC priorities.

Con:

- Would not enable DTSC to fulfill a statutory responsibility.
- Would not provide resources necessary for DTSC to analyze the metal shredding industry and its waste management practices.
- Would not provide resources necessary for DTSC to develop a set of Alternative Management Standards.
- Would allow potential risks and hazards posed by the metal shredding industry and its waste management practices to continue unabated.
- Would perpetuate potential risks and hazards faced by California's most vulnerable and impacted communities.

G. Implementation Plan

MAJOR PROVISIONS AND EXPENDITURES FOR THE IMPLEMENTATION OF SB 1249

Prior to January 2015

Develop emergency regulation package for industry fee and fee administration requirements

July 2015

Conduct sampling and field work required by SB 1249 for MSR Treatability Study

Conduct additional analysis and prepare findings required by SB 1249 (Anticipated completion by January 1, 2016)

Prepare contract for assessment of off-site air migration (contract funds)

Prepare method verification, bench-scale treatability testing and independent evaluation of treatability study results (contract funds)

MSR Treatability Study samples submitted to DTSC's Berkeley ECL lab for analysis

January 2016

Pre-Administrative Procedures Act (APA) workshops - draft straw language for discussion and to solicit comments and feedback from stakeholders - multiple events in Sacramento, Southern California, and the Bay Area

Manage contract for assessment of off-site air migration (anticipated completion by June 30, 2016)

Analysis of Problem

Manage contract for method verification, bench-scale treatability testing and independent evaluation of treatability study results (anticipated completion by June 30, 2016)

MSR Treatability Study samples submitted to DTSC's Berkeley ECL lab for analysis

June 2016

Field observation activities to verify the assessment and rulemaking assumptions for metal shredding facilities

Inspection and enforcement follow-up of the metal shredding facilities

Identification of additional metal shredding operations subject to the Alternative Management Standards (ongoing)

January 2017

Adopt regulations per APA. Regulations to contain DTSC's proposed alternative management standards for metal shredding facilities (rulemaking will include required scientific peer review, fiscal and economic analysis, and CEQA analysis) (to be conducted from January 1, 2017 to January 1, 2018)

Prior to January 1, 2018

Adopt Alternative Management Standards for Metal Shredding Facilities

H. Supplemental Information

The operating expenses for the requested positions include computers, telephones, in state travel, and training. The Environmental Scientist will also require health and safety equipment for field work in the amount of \$11,000 annually. DTSC also requests contract funds: \$210,000 for the assessment of off-site air migration and method verification, bench scale treatability testing, and independent evaluation of Treatability Study results and outside laboratory sample analysis; DTSC will need approximately 150 samples of treated and untreated metal shredder waste analyzed during the course of the Treatability Study. The analysis of these samples would be conducted by contract laboratories, or by DTSC's Environmental Chemistry Laboratory, with contract funds used to pay for more routine analyses of samples collected as part of other DTSC efforts that can be conducted by contract laboratories. DTSC will also contract out for additional laboratory services for highly specialized work that DTSC's Environmental Chemistry Laboratory does not have the expertise, equipment, or capacity to perform. This contracted lab work will include method verification, bench scale treatability testing, and independent evaluation of Treatability Study results.

Other than the laboratory position (0.5 Chemist) which will be headquartered in DTSC's Berkeley Environmental Chemistry Laboratory, all positions will be located at the CalEPA headquarters building in Sacramento.

I. Recommendation

DTSC recommends Alternative 1 to augment DTSC's budget with fee-based revenues (HWCA) to implement the requirements of SB 1249. This alternative will provide DTSC the resources it needs to fully analyze the metal shredding industry and its waste management practices, to develop the required set of Alternative Management Standards, and ultimately reduce risks and hazards posed by the metal shredding industry and its waste management practices. Additionally, this alternative will allow DTSC to perform the responsibilities established in the bill in the time frame required by the bill. Most importantly, this alternative will reduce risks and hazards faced by California's most vulnerable and impacted communities.

BCP Fiscal Detail Sheet

Budget Request Summary

	FY15				
CY	BY	BY+1	BY+2*	BY+3*	BY+4*
Positions - Permanent	0.0	0.5	0.5	-	-
Positions - Temporary	0.0	2.0	1.5	-	-
Total Positions	0.0	2.5	2.0	1.5	1.5
Salaries and Wages					
Earnings - Permanent	0	188	161	164	76
Total Salaries and Wages	\$0	\$188	\$161	\$164	\$76
Total Staff Benefits	0	89	75	76	35
Total Personal Services	\$0	\$277	\$236	\$240	\$111

Operating Expenses and Equipment

5301 - General Expense	0	18	14	18	9
5304 - Communications	0	3	2	3	1
5320 - Travel: In-State	0	5	4	5	3
5322 - Training	0	5	4	5	3
5340 - Consulting and Professional Services - External	0	210	50	50	0
5362 - Capital Asset Purchases - Equipment	0	8	0	0	0
539X - Other	0	1	1	1	1

Total Operating Expenses and Equipment

	\$0	\$250	\$75	\$82	\$17
Total Budget Request	\$0	\$527	\$311	\$322	\$128

Fund Summary

Fund Source - State Operations	0	527	311	322	128
0014 - Hazardous Waste Control Account	0	0	0	0	0
Total State Operations Expenditures	\$0	\$527	\$311	\$322	\$128

Total All Funds

	\$0	\$527	\$311	\$322	\$128
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Program Summary

Program Funding					
3625 - Hazardous Waste Management	0	527	311	322	128
9900100 - Administration	0	3	2	3	1
9900200 - Administration - Distributed	0	-3	-2	-3	-1
Total All Programs	\$0	\$527	\$311	\$322	\$128

Personal Services Details

Positions	Salary Information								
	Min	Mid	Max	CY	BY	BY+1	BY+2*	BY+3*	BY+4*
0765 - Sr Envirnal Scientist (Spec) (Eff. 07-01-2015)				0.0	0.5	0.5	-	-	-
0765 - Sr Envirnal Scientist (Spec) (Eff. 07-01-2015)(LT 06-30-2018)				0.0	0.5	0.5	-	-	-
3726 - Hazardous Substances Engr (Eff. 07-01-2015)(LT 06-30-2017)				0.0	1.0	1.0	-	-	-
8060 - Chemist (Eff. 07-01-2015)(LT 06-30-2016)				0.0	0.5	0.0	-	-	-
Total Positions				0.0	2.5	2.0	2.5	1.5	1.5
Salaries and Wages				CY	BY	BY+1	BY+3*	BY+4*	
0765 - Sr Envirnal Scientist (Spec) (Eff. 07-01-2015)	0	37	37	0	37	37	-	-	-
0765 - Sr Envirnal Scientist (Spec) (Eff. 07-01-2015)(LT 06-30-2018)	0	37	37	0	37	37	-	-	-
3726 - Hazardous Substances Engr (Eff. 07-01-2015)(LT 06-30-2017)	0	87	87	0	87	87	-	-	-
8060 - Chemist (Eff. 07-01-2015)(LT 06-30-2016)	0	27	0	0	27	0	-	-	-
Total Salaries and Wages	\$0	\$188	\$161	\$0	\$164	\$164	\$164	\$76	\$76
Staff Benefits									
5150350 - Health and Welfare Insurance	0	28	24	0	24	11	11	11	11
5150500 - OASDI	0	12	10	0	10	5	5	5	5
5150600 - Retirement - General	0	46	39	0	40	18	18	18	18
5150900 - Staff Benefits - Other	0	3	2	0	2	1	1	1	1
Total Staff Benefits	\$0	\$89	\$75	\$0	\$76	\$35	\$35	\$35	\$35
Total Personal Services	\$0	\$277	\$236	\$0	\$240	\$111	\$111	\$111	\$111

*Data by Classification not available at this time.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Worksheet Analysis Chart
 Budget Request Name: 3060-003-BCP-BR-2015-GB
 Budget Request Description: Implementation of SB 1249
 PRIORITY: 4

ACTIVITY/TASK	Basic Assumption for Workload Standard	PROJECTED 2015-16				DIFFERENCE ADDITIONAL HOURS NEEDED
		HOURS TO COMPLETE TASK	NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY	
Annual Fee Schedule Development of Fee Regulations	DTSC will be adopting a fee schedule and fee administration regulations as emergency regulations (as authorized by SB 1249) and will update the fee schedule annually to reflect DTSC's changing implementation costs and any newly identified metal shredding facilities that will be fee payers	618	1	700	0	700
Industry Evaluation Analysis and Draft Findings	DTSC will be conducting a thorough evaluation of the industry, its practices, and the public health and environmental threats posed by the metal shredding process, the treatment of the wastes it generates, and the storage, transportation and disposal of those wastes	1718	1	1,718	0	1,718
Stakeholder Workshops Conduct workshops on draft findings and draft regulations	DTSC intends to conduct at least two public workshops (one in Northern California and one in the Bay Area), but may conduct more workshops depending on stakeholder feedback and any modifications DTSC makes to its evaluation or regulation proposal.	530	2	1,060	0	1,060
Laboratory Support Analysis of treated and untreated metal shredder waste.	DTSC will need approximately 150 samples of treated and untreated metal shredder waste analyzed during the course of the evaluation. The analysis of these samples would be conducted by DTSC's Environmental Chemistry Laboratory, or by contract laboratories, with contract funds used to pay for more routine analyses of samples collected as part of other DTSC efforts that can be conducted by contract laboratories	675	150	1,013	0	1,013
Inspections/Enforcement Metal Shredder Inspections	Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	0	12	0	0	0

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Workload Analysis Chart

Budget Request Name: 3960-003-BCP-BR-2015-GB

Budget Request Description: Implementation of SB 1249

PRIORITY: 4

PROJECTED 2015-16						
ACTIVITY/TASK	Basic/Assumption for Workload Standard	HOURS TO COMPLETE TASK	NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY	DIFFERENCE ADDITIONAL HOURS NEEDED
Metal Shredder Enforcement Actions	Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.	0	4	0	0	0
Disposal Facility Inspections	Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	0	6	0	0	0
Disposal Facility Enforcement Actions	Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.	0	2	0	0	0
TOTAL HOURS REQUIRED PER YEAR				4,491	0	4,491
NUMBER OF PY (Position) NEEDED (HRS/1800)				2.5	0.0	2.5

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Workload Analysis Chart
 Budget Request Name: 3960-003-BCP-BR-2015-GB
 Budget Request Description: Implementation of SB 1243
 PRIORITY: 4

ACTIVITY/TASK	Hours to Complete Task	PROJECTED 2016-17				DIFFERENCE ADDITIONAL HOURS NEEDED
		NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY		
Annual Fee Schedule	700	1	700	0	700	
Development of Fee Regulations						
DTSC will be adopting a fee schedule and fee administration regulations as emergency regulations (as authorized by SB 1248) and will update the fee schedule annually to reflect DTSC's changing implementation costs and any newly identified metal shredding facilities that will be fee payers						
Stakeholder Workshops	560	2	1,160	0	1,160	
Conduct workshops on draft findings and draft regulations						
DTSC intends to conduct at least two public workshops (one in Northern California and one in the Bay Area), but may conduct more workshops depending on stakeholder feedback and any modifications DTSC makes to its evaluation or regulation proposal.						
Adopt Regulations	1718	1	1,718	0	1,718	
Adopt regulations (per APA)						
Prepare the required rulemaking documents, including proposed regulation text, an Initial Statement of Reasons, California Environmental Quality Act analysis, and Fiscal and Economic Impact analysis in support of adopting alternative management standards as regulations in accordance with the Administrative Procedures Act requirements. The proposed rulemaking will also need to undergo scientific peer review. Section 57004 of the California Health and Safety Code requires DTSC to "submit the scientific portions of a proposed rule, along with a statement of the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, to the external scientific peer review entity for its evaluation."						
Enforcement	0	12	0	0	0	
Metal Shredder Inspectors						
Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.						
Metal Shredder Enforcement Actions	0	4	0	0	0	
Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.						

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Workload Analysis Chart
 Budget Request Name: 3060-003-BCP-SR-2015-08
 Budget Request Description: Implementation of SB 1249
 PRIORITY: 4

ACTIVITY/TASK	Basic/Assumption for Workload Standard	PROJECTED 2016-17					DIFFERENCE ADDITIONAL HOURS NEEDED
		HOURS TO COMPLETE TASK	NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY		
Disposal Facility Inspectors	Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	0	6	0	0	0	
Disposal Facility Enforcement Actions	Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.	0	2	0	0	0	
TOTAL HOURS REQUIRED PER YEAR				3,588	0	3,588	
NUMBER OF PY (Position) NEEDED (HRS/1800)				2.00	0	2.00	

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Workload Analysis Chart
 Budget Request Name: 3960-003-BCP-BR-2015-GB
 Budget Request Description: Implementation of SB 1249
 PRIORITY: 4

ACTIVITY/TASK	Description	PROJECTED 2017-18					DIFFERENCE ADDITIONAL HOURS NEEDED
		HOURS TO COMPLETE TASK	NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY		
Annual Fee Schedule	Basic Assumption for Workload Standard						
Development of Fee Regulations	DTSC will be adopting a fee schedule and fee administration regulations as emergency regulations (as authorized by SB 1248) and will update the fee schedule annually to reflect DTSC's changing implementation costs and any newly identified metal shredding facilities that will be fee payers.	600	1	600	0	600	
Adopt Regulations	Prepare the required rulemaking documents, including proposed regulation text, an Initial Statement of Reasons, California Environmental Quality Act analysis, and Fiscal and Economic Impact analysis in support of adopting alternative management standards as regulations in accordance with the Administrative Procedures Act requirements. The proposed rulemaking will also need to undergo scientific peer review. Section 57004 of the California Health and Safety Code requires DTSC to "submit the scientific portions of a proposed rule, along with a statement of the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, to the external scientific peer review entity for its evaluation."	1716	1	1,716	0	1,716	
Inspections/Enforcement Metal Shredder Inspectors	Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	40	12	480	0	480	
Metal Shredder Enforcement Actions	Hours included in enforcement follow up (invoicing enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.	250	4	1,000	0	1,000	
Disposal Facility Inspectors	Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	40	6	240	0	240	

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Workload Analysis Chart
 Budget Request Name: 3960-003-BCP-BR-2015-GS
 Budget Request Description: Implementation of SB 1249
 PRIORITY: 4

ACTIVITY/TASK	Basis/Assumption for Workload Standard	PROJECTED 2017-18				DIFFERENCE ADDITIONAL HOURS NEEDED
		HOURS TO COMPLETE TASK	NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY	
Disposal Facility Enforcement Actions	Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.	230	2	460	0	460
TOTAL HOURS REQUIRED PER YEAR				4,498	0	4,498
NUMBER OF PY (Position) NEEDED (HRS/1800)				2.50	0	2.50

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Workload Analysis Chart
 Budget Request Name: 3960-003-SCP-86-2015-03
 Budget Request Description: Implementation of SB 1249
 PRIORITY: 4

ACTIVITY/TASK	Hours to Complete Task	PROJECTED 2018 +			NUMBER OF ADDITIONAL HOURS NEEDED
		NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY	
Annual Fee Schedule Development of Fee Regulations DTSC will be adopting a fee schedule and fee administration regulations as emergency regulations (as authorized by SB 1249) and will update the fee schedule annually to reflect DTSC's changing implementation costs and any newly identified metal shredding facilities that will be fee payers	600	1	600	0	500
Inspection/Enforcement Metal Shredder Inspections Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	40	12	480	0	480
Metal Shredder Enforcement Actions Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution.	250	4	1,000	0	1,000
Disposal Facility Inspections Hours include inspection preparation (file reviews and data evaluation); actual facility inspection (surveillance, facility walk-through, interviewing staff, evidence gathering/documentation); post-inspection activities (writing report, determining violations and required compliance actions); writing Statement of Violations (detailing inspection findings and violations observed); and Compliance verification. Hours include all necessary travel to facility site.	40	6	240	0	240

DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Workload Analysis Chart
 Budget Request Name: 3960-003-BCP-BR-2015-03B
 Budget Request Description: Implementation of SB 1249
 PRIORITY: 4

PROJECTED 2018 +						
ACTIVITY/TASK	Beste/Assumption for Workload Standard	HOURS TO COMPLETE TASK	NUMBER OF TASKS PER YEAR	NUMBER OF HOURS NEEDED PER YEAR	NUMBER OF HOURS IN BASE FOR ACTIVITY	DIFFERENCE ADDITIONAL HOURS NEEDED
Disposal Facility Enforcement Actions	Hours included in enforcement follow up involve enforcement case preparation, calculating appropriate penalties, drafting enforcement order, discussion of order and violations with violator and settlement negotiations, and, if settlement cannot be reached, case referral to an administrative hearing or referral to the Attorney General's Office for prosecution	200	2	400	0	400
TOTAL HOURS REQUIRED PER YEAR				2,720	0	2,720
NUMBER OF PY (Position) NEEDED (HRS/1800)				1.51	0	1.51

Attachment 8

Hazardous Waste Management Program Evaluation of Metal Shredding Facilities and Metal Shredder Wastes January 12, 2015

Invited	Att'd	Invited	Att'd
Rick Brausch (DTSC)		Leslie Graves (Waterboards)	
Valetti Lang (DTSC)		Laura Fisher (Waterboards)	
Suhasini Patel (DTSC)		Scott Couch (Waterboards)	
David Miller (DTSC)		Bryan Elder (Waterboards)	
Ron Ohta (DTSC)		Matthew Buffleben (Waterboards)	
Christopher Cho (DTSC)		Laura Drabandt (Waterboards)	
Timothy Reese (DTSC)		Cris Carrigan (Waterboards)	
John Muegge (DTSC)		Dylan Seidner (Waterboards)	
Ed Benelli (DTSC)		Dan Donahue (ARB)	
Susan Markie (CalRecycle)			
Robert Holmes (CalRecycle)			
Jeff Hackett (CalRecycle)			

Objective: Initial meeting to discuss implementation of SB 1249

Agenda:

1. Opening Remarks
2. Overview of SB 1249 Implementation Activities
3. Offsite Migration
4. Roundtable Discussion
5. Next Steps and wrap-up

Requirements of SB 1249: HSC § 25150.82.(d)

[T]he department shall do all of the following:

- (1) Evaluate the operative environmental and public health regulatory oversight of metal shredding facilities, identifying activities that need to be addressed by the alternative management standards, or other advisable regulatory or statutory changes.
- (2) Evaluate the hazardous waste management activities.
- (3)(A) The types of hazardous waste and the estimated amounts of each hazardous waste that are managed as part of the activity and the hazards to human health or safety or to the environment posed by reasonably foreseeable mismanagement of those hazardous wastes and their hazardous constituents.

(3)(B) The complexity of the activity, and the amount and complexity of operator training, equipment installation and maintenance, and monitoring that are required to ensure that the activity is conducted in a manner that safely and effectively manages each hazardous waste.

(3)(C) The chemical or physical hazards that are associated with the activity and the degree to which those hazards are similar to, or different from, the chemical or physical hazards that are associated with the production processes that are carried out in the facilities that produce the hazardous waste that is managed as part of the activity.

(3)(D) The types of accidents that might reasonably be foreseen to occur during the management of particular types of hazardous waste streams as part of the activity, the likely consequences of those accidents, and the reasonably available actual accident history associated with the activity.

(3)(E) The types of locations where hazardous waste management activities associated with metal shredding and management of treated metal shredder waste may be carried out and the types of hazards or risks that may be posed by proximity to the land uses described in Section 25227.

Attachment 9

Agenda SB 1249 Industry Meeting April 17, 2015 Room 18-10

Invited	Att'd	Invited	Att'd
Rick Brausch (DTSC)	x	Melisa Cohen (Sims)	x
Christopher Cho (DTSC)		Steve Shinn (Sims)	x
Valetti Lang (DTSC)	x	Scott Miller (Sims)	x
Ed Benelli (DTSC)	x	Nick Andrusyshyn (Schnitzer)	
Kevin Sanchez (DTSC)	x	Chris Orsolini (Schnitzer)	x
David Miller (DTSC)	x	Scott Sloan (Schnitzer)	Ph.
Ron Ohta (DTSC)		Jackie Ray (Schnitzer)	x
John Muegge (DTSC)	x	Bruce Rieser (Schnitzer)	x
Margaret Rosegay (ISRI, Pillsbury)	x	Kate Brandenburg (Brandenburg Lobby)	x
Robert Hoffman (Paul Hastings)	x		
Terry Adams (SA Recycling)	x		
George Adams (SA Recycling)	x		
Todd Peterson (SA Recycling)			
Jeff Farano Sr. (SA Recycling)			
Roger Griffin (Ecology Auto Parts)	Ph.		

Agenda:

1. Introductions (10 minutes)

Opening remarks – (Rick) – 2 topics covered – (1) the enforcement letter (from Keith and Elise) and (2) answers to questions posed by industry regarding DTSC's authority to implement SB1249

Enforcement letter: Letter from Keith (enforcement) signed by Elise (covering housekeeping) sent to 6 metal shredding facilities holding f letters– letter expresses concerns over housekeeping issues related to metal shredding activities. Rick clarified this letter was not meant to be a threat and that although related to SB 1249 implementation, its content and any questions related to it would not be covered in this meeting. Meg and others were concerned with the letter's biased presumptions.

- Rick assured industry the letter will not be posted on our metal shredding web page until the meeting with Keith, Elise and Barbara took place
- The meeting is tentatively scheduled for mid-May
- Any questions concerning the letter that need to be addressed immediately should be directed to Keith

DTSC's authority and other issues: During Rick's opening remarks industry had a number of questions regarding DTSC's authority, how DTSC would be assessing the information, and if DTSC would be visiting metal shredding sites. Rick clarified the following:

- The work plan describes what DTSC believes is its jurisdictional boundaries
- Others in DTSC would be involved in assessing the data collected including toxicologists, permitting, and lab staff
- DTSC intends to visit all metal shredder sites (those in the room) to ensure each facility is fairly and adequately assessed.

2. DTSC overview (10 minutes)

- a. What does SB 1249 require DTSC to do?**
- b. How DTSC intends to complete its work**

Overview (Kevin) – Kevin provided a brief overview to industry of “what” SB 1249 required of DTSC. This included a comprehensive evaluation of metal shredders and their wastes, an analysis assessing the risks and hazards associated with their activities and if warranted the ability to adopt regulations establishing a fee and alternative management standards. Additionally, Kevin mentioned:

- The work plan – 3 phases – the focus of this meeting was on phase 1 (data collection)
 - o Data collection will cover all activities occurring at metal shredding facilities
- Questionnaire – DTSC will use a questionnaire to obtain the 1st round of information to begin its data collection process
- Meetings – DTSC will also meet with other governmental entities in order to identify the environmental regulatory oversight they have over metal shredding activities

Industry responded to the overview with the following recommendations/comments:

- Bob recommended industry provide to DTSC all information already previously sent by industry, including the environmental regulatory oversight chart
- Meg did not necessarily believe DTSC had authority to regulate all metal shredding activities (Rick re-iterated we did)
- Industry would like to review the questionnaire before it is sent (or posted)
 - o DTSC did not commit to sharing the questionnaire yet

3. Industry's treatability study work plan (10 minutes)

The Plan (Rick) – Rick asked if DTSC proposed additional changes to the plan based on the new mandate of SB 1249, would industry be able to incorporate those changes into the plan.

- Meg clarified industry is towards the end of the bench scale testing
- Meg clarified that any recommended changes to the plan needs to be provided by DTSC soon as it is a complicated and expensive study

- A conference call will be set up with contractor (Terraphase) to address these proposed changes

4. Fee structure/timeline (10 minutes)

The fee structure (Rick) – Rick clarified that DTSC has the authority to adopt a fee to cover costs of implementation and intends on doing so. However, DTSC does not intend to adopt a structure until 2016. The structure of how to do this and the timeline have not been identified by DTSC yet, but Rick mentioned a few options including:

- Using the BCP (to identify costs)
- Use the fiscal year (June – July) to identify schedule
- Ed mentioned the fee structure would also include a provision regarding how to ensure the fee would be administered proportionally (e.g., using the amount of scrap metal shredded).

Industry's response: Industry's major concern is that there are a number of metal shredding facilities operating in California that will potentially not be subject to this fee.

- Industry stated they would provide DTSC with a list of metal shredders operating in California
- Bob proposed Chapter 6.66 as a model to be considered by DTSC for the fee structure
- Industry believes the smaller metal shredders operating in California should be subject to this fee
- DTSC did not clarify its position regarding smaller type metal shredding facilities that do not possess a f-letter

5. Industry's perspective/questions/open discussion (50 minutes)

Industry's perspective/questions/open discussions are included in the notes above

ACTION ITEMS:

(1) QUESTIONNAIRE (5/1/2015)

- DTSC must complete the questionnaire and decide if we are going to share it with industry before it is sent out

(2) TREATABILITY STUDY (5/15/2015)

- DTSC must thoroughly review treatability study, identify those areas that are of concern, identify changes that are necessary, and then set up a meeting with Terraphase to discuss those changes
- DTSC must also decide if lab folks should be invited to this meeting or if a separate meeting is necessary to discuss/review sampling, management of samples to be tested, etc.

(3) FEES (5/29/2015)

- Bob intends on providing a list to DTSC of all metal shredders in California

- DTSC needs to identify a fee structure and fee schedule and share it with industry for feedback (prior to adopting through regulation)
- Industry will provide some ideas to DTSC for a fee structure
- How should DTSC address the issue related to smaller metal shredding facilities?

(4) Site visits (beginning 6/29/2015)

- DTSC to begin setting up site visits for each metal shredding facility

(5) Meeting with Elise and Keith (5/24/2015)

- Rick will check with Elise and Keith to determine whether industry will meet collectively or individually
-



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

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



Edmund G. Brown Jr.
Governor

May 8, 2015

Mr. George Adams, President
SA Recycling, Terminal Island
3200 East Frontera Street
Anaheim, California 92806

RE: INFORMATION REQUEST FOR IMPLEMENTATION OF SENATE BILL (SB) 1249
(Hill, Chapter 756, Statutes of 2014)

Dear Mr. Adams:

The purpose of this letter to request detailed information from you regarding the metal shredding activities that occur at 901 New Dock ST, Terminal Island, California 90731.

As described in the Department of Toxic Substances Control's (DTSC) March 13, 2015, letter, Implementation of Senate Bill (SB) 1249 (Hill, Chapter 756, Statutes of 2014), SB 1249 requires DTSC to thoroughly evaluate metal shredding facilities and the metal shredder waste they generate to ensure these activities do not harm public health and the environment. To perform the required evaluation, DTSC needs detailed information from you about your operations. For your convenience, DTSC has developed a questionnaire (attached) to enable your facility to more easily provide DTSC with the necessary information and data required for the evaluation process. For ease of communication, this questionnaire uses terms designed to identify industry practices and may not reflect legal definitions subject to interpretation. Some terms have been defined within the questionnaire. DTSC appreciates your cooperation regarding this process and asks that your answers be as detailed as possible.

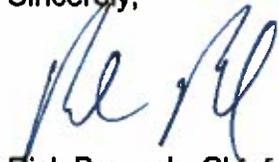
You may assert a confidentiality claim covering part or all of the information requested, pursuant to the California Health and Safety Code Sections 25173, by attaching a cover sheet to such information at the time it is submitted, with a stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." If no such claim accompanies the information when it is received by DTSC, it may be made available to the public without further notice to you.

DTSC requests that this questionnaire be completed and the information be provided to DTSC by July 10, 2015. If you need further clarification, additional time to prepare the

Mr. George Adams
May 8, 2015
Page 2

requested information, or have any comments or questions about the questionnaire, please feel free to contact Kevin Sanchez of my staff at (916) 322-8677 or Kevin.Sanchez@dtsc.ca.gov.

Sincerely,



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

cc: **Mr. Christopher Cho
Staff Attorney
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P.O. Box 806
Sacramento, California 95812-0806**

**Mr. Kevin Sanchez
Senior Environmental Scientist (Specialist)
Research and Policy Development Branch
Policy and Program Support Division
Hazardous Waste Management Program
Department of Toxic Substances Control
1001 I Street, 11th Floor
P.O. Box 806
Sacramento, California 95812-0806**

**Mr. Robert P. Hoffman
Paul Hastings, LLP
55 Second Street
Twenty-Fourth Floor
San Francisco, California 94105**

QUESTIONNAIRE
METAL SHREDDING FACILITIES
May 8, 2015

1. Describe your facility's scrap metal acceptance policy and describe all materials you bring into your facility for shredding, metals recovery, or both.
2. How much material by weight did your facility shred from January 1, 2014, through January 1, 2015? Include the percentage of total materials shredded annually for each of the following: vehicles, appliances, and other forms of scrap metal.
3. What type of shredder (e.g., the model, brand, and its horse power) is used by your facility?
4. Is your facility's shredder equipped with an Air Pollution Control Device (APCD)? How else does your facility control any particulate emissions throughout the facility?
5. Provide a copy of all permits and other forms of authorization issued to your facility by any governmental entity related to metal shredding activities.
6. Describe the ferrous metals separation process, including how shredded material is sent to the ferrous metals separation process, the type of magnet used, if any, and under what circumstances would materials exiting the ferrous metals separation process be reintroduced. Also indicate if your facility recovers ferrous metals from any material that is not shredded at your facility. If so, please describe that process. Please include representative pictures of the ferrous recovery process and a site map of where activities occur when applicable.
7. Is the shredded material ever stored onsite before ferrous metal recovery occurs? If so, on average how much and for how long is it stored, how is it stored (e.g., on a paved surface), and where in the facility is it stored?
8. If ferrous metals recovery does not occur onsite, please respond to the following questions:
 - How much shredded material is stored onsite?
 - How long is shredded material stored onsite?
 - How is the shredded material stored (e.g., on paved ground)?
 - Where in the facility is the shredded material stored?
 - Where is the shredded material sent (please include addresses)?
9. Describe the nonferrous metals separation process at your facility, if any. Describe how aggregate (i.e., the shredded material remaining after ferrous metals separation) is introduced into that process, the type of system(s) used, where in your facility it occurs, and under what circumstances would materials exiting nonferrous metals separation processes be reintroduced. Also indicate if your facility recovers nonferrous metals from any material that is not shredded at your facility. Please provide a site map of where activities occur.

QUESTIONNAIRE
METAL SHREDDING FACILITIES
May 8, 2015

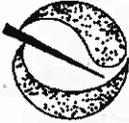
10. Is aggregate ever stored onsite prior to or during the nonferrous metals separation process? If so, how much is stored and for how long? Identify where in your facility it is stored.
11. If nonferrous metals recovery does not occur onsite, please respond to the following questions:
 - How much aggregate is stored onsite?
 - How long is aggregate stored onsite?
 - How is the aggregate stored (e.g., on paved ground)?
 - Where in the facility is the aggregate stored?
 - Where is the aggregate sent (please include addresses)?
 - Describe the offsite transportation and if any Department of Transportation (DOT) requirements are followed.
12. Describe how your facility chemically treats metal shredder waste. For the purposes of this document only, "metal shredder waste" shall mean the material remaining after metal recovery is complete. Include how metal shredder waste not chemically treated is sent to the treatment process, how screening is conducted, the types of equipment used to perform the chemical treatment, chemical formulas and doses, and the sampling and analysis performed on the chemically treated metal shredder waste to ensure adequate treatment.
13. Do landfills, regional water quality control boards, or other regulating authority impose any requirements on treated metal shredder waste sent for disposal or use as Alternative Daily Cover (ADC)? If so, what are the requirements?
14. Is untreated metal shredder waste stored onsite prior to treatment? If so, how much and for how long is it stored, how is it stored and where on the facility is it stored.
15. Is treated metal shredder waste stored onsite before disposal? If so, how much and for how long is it stored, how is it stored and where on the facility is it stored?
16. How much treated metal shredder waste, if any, was transported offsite in the calendar year January 1, 2014, through January 1, 2015? List all destinations with addresses.
17. Describe the offsite transportation of metal shredder wastes. Are there any DOT requirements followed during transportation?

The above example notification letter was also sent to the following addressees

Mr. Richard Josephson Senior Vice President, General Counsel and Secretary Schnitzer Steel Industries Inc. 299 SW Clay Street, Suite 350 Portland, Oregon 97201	1101 Embarcadero W, Oakland, California 94607- 2536
Mr. George Adams, President SA Recycling, 3200 East Frontera Street Anaheim, California 92806	901 New Dock ST, Terminal Island, California 90731
Mr. Steve Shinn Regional President Sims Metal Management 600 South Fourth Street Richmond, California 94805	699 Seaport Blvd, Redwood City, California 94063- 2712
Mr. George Adams, President SA Recycling, 3200 East Frontera Street Anaheim, California 92806	8822 Etiwanda Ave, Rancho Cucamonga, California 91739
Mr. Charles Siroonian, President Ecology Auto Parts Inc. DBA Pacific Rail Industries 14150 Vine Place Cerritos, California 90703	785 East M Street, Colton, California 92324-000
Mr. George Adams, President SA Recycling, 3200 East Frontera Street Anaheim, California 92806	2000 E Brundage LN, Bakersfield; California 93307- 2734
Mr. George Adams, President SA Recycling, 3200 East Frontera Street Anaheim, California 92806	3200 E Frontera ST, Anaheim, California 92806-2822



Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection

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



Edmund G. Brown Jr.
Governor

May 20, 2015

Mr. Edward Pettit
Environmental Manager
Waste Management of California-Simi Valley
Simi Valley Landfill & Recycling Center
2801 Madera Road
Simi Valley, California 93065

**RE: INFORMATION REQUEST FOR IMPLEMENTATION OF SENATE BILL (SB) 1249
(Hill, Chapter 756, Statutes of 2014)**

Dear Mr. Pettit:

The purpose of this letter is to request detailed information from you regarding the management of metal shredder waste that occurs at Simi Valley Landfill & Recycling Center, 2801 Madera Road, Simi Valley, California 93065.

As described in the Department of Toxic Substances Control's (DTSC) April 13, 2015 letter, Implementation of Senate Bill 1249 (Hill, Chapter 756, Statutes of 2014), SB 1249 requires DTSC to thoroughly evaluate metal shredding facilities and the metal shredder waste they generate to ensure these activities do not harm public health and the environment. To perform the required evaluation, DTSC needs detailed information from you about your operations. For your convenience, DTSC has developed a questionnaire (attached) to enable your facility to more easily provide DTSC with the necessary information and data required for the evaluation process. For ease of communication, this questionnaire uses terms designed to identify common practices and may not reflect legal definitions. Some terms have been defined within the questionnaire. DTSC appreciates your cooperation regarding this process and asks that your answers be as detailed as possible.

You may assert a confidentiality claim covering part or all of the information requested, pursuant to the California Health and Safety Code Sections 25173, by attaching a cover sheet to such information at the time it is submitted, with a stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." If no such claim accompanies the information when it is received by DTSC, it may be made available to the public without further notice to you.

Mr. Edward Pettit
May 20, 2015
Page 2

DTSC requests that this questionnaire be completed and the information provided to DTSC by July 27, 2015. If you need further clarification, additional time to prepare the requested information, or have any comments or questions about the questionnaire, please feel free to contact Kevin Sanchez of my staff at (916) 322-8677 or Kevin.Sanchez@dtsc.ca.gov.

Sincerely,



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

cc: Mr. Christopher Cho
Staff Attorney
Office of Legal Affairs
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P.O. Box 806
Sacramento, California 95812-0806

Ms. Valetti Lang, Chief
Research and Policy Development Branch
Policy and Program Support Division
Hazardous Waste Management Program
Department of Toxic Substances Control
1001 I Street, 11th Floor
P.O. Box 806
Sacramento, California 95812-0806

Mr. Kevin Sanchez
Senior Environmental Scientist (Specialist)
Research and Policy Development Branch
Policy and Program Support Division
Hazardous Waste Management Program
Department of Toxic Substances Control
1001 I Street, 11th Floor
P.O. Box 806
Sacramento, California 95812-0806

QUESTIONNAIRE
SOLID WASTE DISPOSAL FACILITIES MANAGING METAL SHREDDER WASTE
May 20, 2015

1. Please provide the policy that applies to the acceptance of metal shredder waste. If no such policy exists, describe any practices and procedures used by your facility to accept such waste.
2. How much metal shredder waste by weight did your facility accept from January 1, 2014, through January 1, 2015? Please include the name and address of each metal shredding facility that sent the metal shredder waste and how much they sent during the calendar year.
3. What percentage of metal shredder waste was used as Alternative Daily Cover (ADC)?
4. Please answer the following questions (4.A. – 4.D.) pertaining to metal shredder waste accepted at your facility and used as ADC:
 - A. How much metal shredder waste is stored onsite prior to its use as ADC?
 - B. How long is it stored?
 - C. How is it stored (e.g., on a paved surface)?
 - D. Where in the facility is it stored? Please provide a site map of the location.
5. Please answer the following questions (5.A. – 5.D.) pertaining to metal shredder waste accepted at your facility but not used as ADC:
 - A. How much metal shredder waste is stored onsite prior to its use as ADC?
 - B. How long is it stored?
 - C. How is it stored (e.g., on a paved surface)?
 - D. Where in the facility is it stored? Please provide a site map of the location.
6. Do the regional water quality control boards or other regulating authorities impose any requirements on your facility concerning metal shredder waste? If so, what are those requirements? You may exclude any permits or other forms of documented authorizations answered in question 7, below.
7. Provide a copy of all permits and other forms of documented authorization issued to your facility by any governmental entity related to metal shredder waste management activities, and a copy of any data your facility may have regarding the toxicity characteristics of metal shredder waste.
8. Are other management requirements followed by your facility for metal shredder waste when accepting, handling, storing and ultimately disposing of or using metal shredder waste as ADC? If so, please describe those requirements.

The above example notification letter was also sent to the following addressees

Mr. Kevin Basso
General Manager
Forward Incorporated
Allied Waste North America
1145 W. Charter Way
Stockton, California 95206

Mr. Edward Pettit
Environmental Manager
Waste Management of California-Simi Valley
Simi Valley Landfill & Recycling Center
2801 Madera Road
Simi Valley, California 93065

Mr. Vard Terry, President
H.M. Holloway Landfill, Inc.
2019 Westwind Drive
Bakersfield, California 93301

Mr. Steve Cassulo
District Manager
Waste Connections, Inc.
Chiquita Canyon Sanitary Landfill
29201 Henry Mayo Drive
Castaic, California 91384

Mr. Lochlin Caffery
Environmental Manager
Vasco Road Sanitary Landfill
Republic Services
4001 N. Vasco Road
Livermore, California 94550

Ms. Sarah Fockler
Environmental Protection Specialist
Altamont Landfill & Resource Recovery
Waste Management of Alameda County
10840 Altamont Pass Road
Livermore, California 94550

Mr. David Jappert
District Manager
Potrero Hills Landfill
Waste Connections, Inc.
P. O. Box 68
Fairfield, California 94533

Attachment 12

STATE OF CALIFORNIA—HEALTH AND WELFARE

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814
(916) 324-1807



February 21, 1986

Jim Wotherspoon
Hugo Neu-Proler Company
901 New Dock Street
P. O. Box 3100
Terminal Island CA 90731

Dear Mr. Wotherspoon:

We have reviewed the analyses of your auto shredder waste reported on Brown and Caldwell's letterhead, log No. P96-01-146, with a "reported" date of January 31, 1986.

The date contained in that report represents the analytical results from samples taken during a joint effort between the Department and Hugo Neu Proler on January 3, 1986. The waste stream sampled is a new waste stream that reflects the process line changes initiated by Hugo Neu Proler under the direction of yourself and George Trezak, Ph.D., of the University of California at Berkeley.

Based on the results reported in the said report for K-20 treated wastes, the Department has determined that such wastes have mitigating physical and/or chemical characteristics which render it insignificant as a hazardous waste pursuant to Section 66305, Title 22, California Administrative Code (CAC). Therefore, this waste is classified as a nonhazardous waste.

In the event that your waste changes so that previously submitted information no longer supports the Department's decision and your waste is hazardous, you must manage your waste as hazardous. The management and disposal of your non-hazardous waste remains subject to the requirements of other state and local jurisdictions that regulate non-hazardous waste.

If you have any questions regarding this matter, please contact this office.

Sincerely,

David J. Leu, Ph.D., Chief
Alternative Technology and Policy
Development Section
Toxic Substances Control Division

DJL:MK:mg

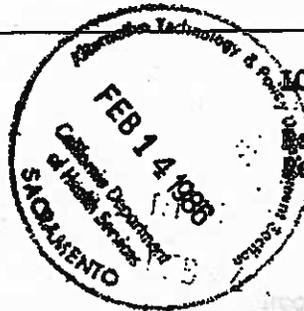
bcc: George Trezak, Ph.D.
Mechanical Eng. Dept.
University of California
Etcheverry Hall
Berkeley, CA 94720

OFFICIAL FILE COPY
TOXIC SUBSTANCES CONTROL DIVISION
CENTRAL FILE UNIT

BROWN AND CALDWELL



ANALYTICAL LABORATORIES



LOG NO: P86-01-146

Received: 10 JAN 86

Reported: 31 JAN 86

Jim Wotherspoon
Hugo Neu-Proler Company
901 New Dock Street, P.O. Box 3100
Terminal Island, California 90731

REPORT OF ANALYTICAL RESULTS

LOG NO	SAMPLE DESCRIPTION , WASTE SAMPLES	DATE SAMPLED	
01-146-1	Composite A	10 JAN 86	
01-146-2	Composite B	10 JAN 86	
PARAMETER		01-146-1	01-146-2
Lead, mg/kg		3600	2100
Nitric Acid Digestion, Date		01/13/86	01/13/86
Polychlorinated Biphenyls			
Date Extracted		01/13/86	01/13/86
Date Analyzed		01/30/86	01/30/86
Aroclor 1016, mg/kg		<1	<1
Aroclor 1221, mg/kg		<1	<1
Aroclor 1232, mg/kg		<1	<1
Aroclor 1242, mg/kg		<1	9
Aroclor 1248, mg/kg		<1	<1
Aroclor 1254, mg/kg		<1	<1
Aroclor 1260, mg/kg		<1	<1
Aroclor 1262, mg/kg		<1	<1
Total PCB's, mg/kg		<1	9

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TOXIC SUBSTANCES CONTROL DIVISION
CENTRAL FILE UNIT

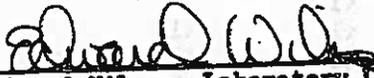
Jim Motherspoon
 Hugo Neu-Proler Company
 901 New Dock Street, P.O. Box 3100
 Terminal Island, California 90731

LOG NO: P86-01-146

Received: 10 JAN 86
 Reported: 31 JAN 86

REPORT OF ANALYTICAL RESULTS

LOG NO	SAMPLE DESCRIPTION , CALIFORNIA WASTE EXTRACT SAMP	DATE SAMPLED
01-146-3	Composite A	10 JAN 86
01-146-4	Composite B	10 JAN 86
PARAMETER	01-146-3	01-146-4
Lead, mg/L	40	54
Cadmium, mg/L	2.5	3.2
CAM WET Extraction	01/11/86	01/14/86


 Edward Wilson, Laboratory Director

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 TOXIC SUBSTANCES CONTROL DIVISION
 CENTRAL FILE UNIT

Attachment 13
T C SUBSTANCES CONTROL DIVIS

OFFICIAL POLICY/PROCEDURE

DOCUMENT #: 88-6

TITLE: Auto Shredder Waste Policy and Procedures

Effective Date: November 21, 1988

Expiration Date: n/a

Supersedes: n/a

DOCUMENT TYPE	PROGRAM	STATUS
<input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Permitting	<input checked="" type="checkbox"/> New
<input checked="" type="checkbox"/> Procedure	<input checked="" type="checkbox"/> Site Mitigation	
	<input checked="" type="checkbox"/> Surveillance/Inspection	
	<input checked="" type="checkbox"/> Enforcement	

DESCRIPTION:

Policy and Procedures to ensure that a consistent regulatory approach is applied to the management and disposal of auto shredder waste.

APPROVED BY:

Alex R. Cunningham
Alex R. Cunningham
Chief Deputy Director

21 Nov 88
Date

cc: C. David Willis, Deputy Director
TSCD Technical Reference Center

OPP Form 008 (2/88)
(blue)

BACKGROUND

Auto shredder waste (ASW) constitutes one of the largest volumes of inorganic hazardous waste currently generated in California. ASW originates from the shredding of automobiles, major household and industrial appliances, and other scrap for their recyclable metal content.

ASW was at one time considered nonhazardous and suitable for disposal at nonhazardous waste landfills. This type of disposal was discontinued when the Department of Health Services (DHS) notified the regulated community that ASW was classified as hazardous pursuant to Section 66699(b), Title 22, California Code of Regulations (CCR) due to both its total and soluble inorganic lead content. Later it was discovered that ASW also contained hazardous soluble levels of cadmium, copper and zinc as well as hazardous total levels of copper and zinc. Hazardous total levels of polychlorinated biphenyls (PCBs) (see Section 66699(c), Title 22, CCR) have also been found in some ASW.

Section 25143.8(a), Health and Safety Code (H&SC), states that DHS shall not prohibit any person from disposing of ASW in class III landfills authorized by a Regional Water Quality Control Board (RWQCB). This statute has been unsuccessful for two reasons. One is due to the differences between the waste classification systems used by DHS and the RWQCBs. The second is due to the landfill operators' concern over the long-term liability associated with accepting a hazardous waste which has been issued a variance for disposal to an appropriate non-Class I landfill.

Several auto shredders have opted to chemically treat their ASW in an effort to qualify for a DHS nonhazardous waste classification pursuant to Section 66305(a), CCR. These facilities have been successful in both disposing of their treated ASW in an RWQCB authorized Class III landfill and meeting the legislative mandate for hazardous waste treatment prior to the 1990 deadline required by Section 25179.6(a), H&SC.

PURPOSE

This document establishes the policy and procedures for the Toxic Substances Control Division (TSCD or Division) to ensure that a consistent regulatory approach is applied to the management and disposal of ASW.

POLICY STATEMENT

The Division's goal is to attain full compliance by auto shredder facilities to manage and dispose of their ASW according to the Hazardous Waste Control Act (HWCA) Chapter 6.8 (commencing with Section 25100 of Division 20, H&SC). The primary focus needed to achieve that goal is internal coordination among TSCD's technical

programs to ensure that the appropriate program units are involved in a timely manner. The secondary focus is external coordination with the State Water Resources Control Board (SWRCB) and RWQCBs to ensure that land disposal facilities are authorized to accept ASW.

Since landfill operators may elect not to accept ASW even though they have been authorized, TSCD staff should be responsive to their concerns and take every opportunity to inform them that the issue of long-term liability applies to all hazardous waste, and not solely to ASW.

STATUTORY AND REGULATORY AUTHORITY

The Division's authority to regulate the management and disposal of ASW is governed by state laws and regulations.

CCR, Title 22, Division 4, Chapter 30:

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|---------------|---|
| Article 11 | Criteria for identifying hazardous and extremely hazardous wastes. |
| Section 66216 | Definition of treatment. |
| Section 66308 | Classification of a waste as hazardous or nonhazardous. |
| Section 66310 | Conditions under which variances are granted and the process for requesting and granting variances. |

H&SC, Division 20:

- | | |
|-----------------|--|
| Section 25117 | Defines hazardous waste. |
| Section 25123 | Defines storage. |
| Section 25123.3 | Defines storage facility. |
| Section 25141 | Authorizes DHS to develop and adopt regulation criteria for identifying hazardous waste. |
| Section 25143.8 | Authorizes DHS to allow the disposal of qualified ASW to an appropriate Class III landfill upon meeting specific criteria. |
| Section 25179.6 | Requires treatment of all hazardous waste generated within the State on or before May 8, 1990. |

Federal and other State agencies can also regulate ASW under the following laws and regulations:

CCR, Title 23, Subchapter 15:

Section 2510
et. seq.

These regulations are used by the RWQCBs to prescribe Waste Discharge Requirements to landfills and to regulate the storage of wastes, including ASW.

Toxic Substances Control Act: (Public Law 94-469, as amended; 15 U.S.C. Section 2601 et seq.)

Section 6
(U.S.C.
Section 2605)

Authorizes EPA to regulate the manufacture, processing, distribution in commerce, disposal and marking of PCBs.

Code of Federal Regulation, Title 40:

Part 261

Regulations governing hazardous waste classification e.g. scrap metal - See Sections 261.1 (c) (6) and 261.2(c) (3).

Part 761

Regulations governing those activities involving PCBs.

ROLES AND RESPONSIBILITIES

This section is designed to assist TSCD staff in regulating generators of ASW and ASW storage facilities. Several scenarios and options have been developed to offer regulatory responses and alternatives for a variety of situations involving the treatment, storage and disposal of both treated and untreated ASW.

The term "in-line treatment" is used in several of the following illustrations. In-line treatment is defined as any treatment to a material in an industrial process before that material is exhausted or otherwise rendered a waste. Because in-line treatment is applied to a material that is not a waste, it is exempt from DHS hazardous waste requirements.

To date, all successfully demonstrated in-line ASW treatment technologies have been of the chemical encapsulation/fixation type. While each has the ability to reduce the soluble inorganic constituents of ASW to nonhazardous levels, none are successful in reducing hazardous total levels of inorganic waste contaminants. It is for this reason that treated ASW can only be classified nonhazardous by DHS utilizing Section 66305(e), Title 22, CFR.

Waste Evaluation Unit

Waste classification determinations are made by the Alternative Technology Section's Waste Evaluation Unit in headquarters. This unit is also responsible for determining whether the treatment residuals are nonhazardous. To carry out these responsibilities,

the Waste Evaluation Unit is the nucleus for providing technical expertise and advice to other TSCD Units (Surveillance and Enforcement, Permitting, and Site Mitigation), SWRCB, RWQCBs, the auto shredder industry and landfill operators.

Surveillance and Enforcement Program

Waste handling and disposal methods utilized by generators of ASW must be in compliance with all applicable State hazardous waste statutes and regulations. The Surveillance and Enforcement Program has lead responsibility for ensuring such compliance.

Regional Surveillance and Enforcement Units are responsible for inspecting auto shredder facilities. The following enforcement strategy will be used to determine both the regulatory status of each facility and the appropriate TSCD enforcement response.

Scenario #1:

The facility:

- o has no untreated ASW stored on-site,
- o has a successfully demonstrated treatment system in-line,
- o has been issued a nonhazardous treated waste classification pursuant to section 66305, Title 22, CCR by DHS, and
- o is required by an RWQCB to conduct continuous sampling of the treated waste for disposal verification.

TSCD Enforcement Response:

Given all of the above conditions remain in effect, the facility is no longer considered a hazardous waste treatment, storage, or disposal facility, or even a hazardous waste generator based on ASW. Since the treated ASW is being monitored by another regulatory agency, TSCD would not conduct additional inspections or enforcement follow-up unless monitoring data indicates that the characteristics of the treated waste have changed to the extent that the waste is hazardous.

Scenario #2:

The facility:

- o has neither been permitted nor issued a variance for the treatment of ASW,
- o has untreated ASW stored on-site,
- o has a successfully demonstrated treatment system in-line,

- o has been issued a nonhazardous treated ASW classification pursuant to Title 22, CCR, Section 66305 by DHS, and
- o is required by an RWQCB to conduct continuous sampling of the treated ASW for disposal verification.

TSCD Enforcement Response:

TSCD will notify the facility that an application is required for a variance to treat the ASW stored on-site, or soil contaminated by storage of that waste, through the in-line system. The application must be submitted within 45 days of TSCD's notification.

If no application is submitted, TSCD will initiate a formal enforcement action for the storage of hazardous waste without a storage permit. The frequency of follow-up inspections will be dependent on resource availability. However, as soon as the untreated ASW has been removed, TSCD would diminish its enforcement response to that described in Scenario #1.

Scenario #3:**The facility:**

- o either has some or no untreated ASW stored on-site,
- o has a successfully demonstrated treatment system which is not an in-line treatment system,
- o has been issued a nonhazardous treated waste classification pursuant to Title 22, CCR, Section 66305 by DHS, and
- o is required by an RWQCB to conduct continuous sampling of the treated ASW for disposal verification.

TSCD Enforcement Response:

TSCD will notify the facility that an application is required for a variance to treat the ASW, or soil contaminated by storage of that waste, through the treatment system. The application must be submitted within 45 days of TSCD's notification.

If no application is submitted, TSCD will initiate a formal enforcement action for unpermitted storage (if waste is stored on-site) and/or treatment of a hazardous waste without a variance and will require the removal of any stored ASW by disposal or treatment. Follow-up inspections will be depend nt on resource availability.

Scenario #4:

The facility:

- o has untreated ASW stored on-site (e.g., greater than 45,000 pounds pursuant to 25123.3, H&SC) and
- o does not have a successfully demonstrated treatment system.

TSCD Enforcement Response:

TSCD will notify the facility that it is in violation of Section 25123.3 H&SC for storage of untreated ASW, and that within 45 days of TSCD's notification, a formal enforcement action will be initiated. The enforcement action will be for storage of hazardous waste without a storage variance and will require the removal of the accumulated pile, the installation of a successfully demonstrated treatment system, or obtain a variance for storage. In addition, TSCD's Regional Surveillance and Enforcement staff will continue to inspect the facility subject to resource availability.

Scenario #5:

The facility:

- o generates ASW,
- o has no untreated ASW stored on-site, and
- o does not have a successfully demonstrated treatment system.

TSCD Enforcement Response:

TSCD's Regional Surveillance and Enforcement staff will continue to inspect the facility subject to resource availability.

Permit Program

Processes used to treat ASW must be granted a hazardous waste treatment variance if they are considered treatment of a hazardous waste by TSCD. Regional Permitting staff has lead responsibility for reviewing and issuing hazardous waste treatment variances. They will consult with their Surveillance and Enforcement Unit to determine the regulatory status of each facility utilizing a treatment process. Generators of nonhazardous ASW shall be exempt from regulations by TSCD for that waste.

Site Mitigation Program

Any facility contaminated by ASW shall be subject to remedial action by the Regional Site Mitigation Unit when there is a threat to human health or the environment.

The following remedial action alternatives shall be considered for facilities either storing, or contaminated by, ASW. The Regional Site Mitigation Unit Chief shall exercise judgement on a case-by-case basis as to the most appropriate mitigation strategy to use.

Option 1: Treat the ASW (or contaminated soil) using a successfully demonstrated treatment technology to reduce the soluble metal concentrations to nonhazardous levels and dispose of it at an RWQCB authorized Class III landfill.

Option 2: Dispose of qualified untreated ASW at an RWQCB authorized Class III landfill, pursuant to the requirements of HASC Section 25143.8.

Option 3: Convert the ASW (or contaminated soil) to energy using thermal treatment followed by treating the ash using proven treatment technology to reduce soluble metal concentrations to nonhazardous levels.

On occasion, ASW has been found to be contaminated with PCBs above the federal regulatory limit of 50 ppm. This has only occurred at one facility in California. Remedial action alternatives for ASW containing PCBs greater than 50 ppm utilizing thermal treatment must be carefully evaluated to ensure total destruction of both the PCBs and their combustion products, e.g. polychlorinated dibenzodioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs).

INTRA-AGENCY COORDINATION

Depending on the circumstances, any one of the three technical program units in the regions may be lead at any given time while working with auto shredder facilities. For example, the Regional Surveillance and Enforcement Unit would be lead in most cases; however, the Regional Permit Unit would be lead for instance in granting or denying hazardous waste treatment variances. The Regional Site Mitigation Unit would be lead where on-site contamination has occurred and abatement is necessary.

Whichever unit is lead shall be responsible for identifying all potentially impacted program areas. Issues affecting other programs will be coordinated with appropriate staff prior to selecting a course of action.

INTER-AGENCY COORDINATION

Lead programs shall also be responsible for identifying all regulatory agencies impacted by a TSCD action and contacting them for input before a course of action is chosen. Contact with these agencies will include determining which agency would take the lead on enforcement or agreeing to procedures to coordinate enforcement actions. Agencies that TSCD would most likely contact include the following:

- o County District Attorney for enforcement case referrals.
- o County Environmental Health Departments regarding all determinations that impact facilities within their jurisdiction.
- o State Attorney General for enforcement case referrals.
- o State Regional Water Quality Control Boards for surface or groundwater contamination and landfill disposal requirements. When regional boards are contacted, also notify the Executive Officer of the State Water Resources Control Board.
- o Local Air Pollution Control Districts (e.g. South Coast Air Quality Management District) for potential emissions. When districts are contacted, also notify the Executive Officer of the Air Resources Board.
- o Federal EPA, Toxics and Waste Management Division, when applicable federal programs have been impacted (e.g. RCRA, TSCA, CERCLA, etc.).

IMPLEMENTATION AND MONITORING

Several facilities have incorporated in-line treatment processes into their auto shredder operations. Treated waste monitoring is currently being conducted by the appropriate RWQCB. TSCD anticipates this trend continuing with all auto shredders within the State utilizing treatment prior to 1990 when legislation mandates that all hazardous waste be treated prior to disposal.

As previously discussed, treatment technologies currently used by the auto shredder industry employ chemical encapsulation/fixation technologies. These technologies do not decrease the volume of waste generated but have allowed qualified facilities to become generators of nonhazardous waste. This has reduced the need for TSCD oversight except in those cases where a hazardous waste treatment variance is required.