



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Edmund G. Brown Jr.
Governor

RESPONSE TO COMMENTS

Standardized Hazardous Waste Facility Permit

Heraeus Metal Processing, LLC.
15524 Carmenita Road
Santa Fe Springs, California 90670
EPA ID No.: CAD 060 398 229

September 26, 2011

Heraeus Metal Processing, LLC. (Heraeus) is a precious metal recycling facility that recovers and refines precious metals including gold, silver, platinum, palladium, rhodium and other platinum group metals. Precious metals are recovered from materials such as ores and concentrates, industrial catalysts, ceramics, off-specification bullion, off-specification solutions, scrap precious metals and alloys. During the recovery and refining process, hazardous waste is generated. Heraeus received a Hazardous Waste Facility Permit from the Department of Toxic Substances Control (DTSC) in 1998 to store and treat hazardous waste. The Permit expired on June 2, 2008. Heraeus applied to DTSC to renew their Permit. State law allows hazardous waste facilities to continue to operate under their old Permit until a decision has been made on their application.

DTSC reviewed Heraeus' application and found it to be technically complete. DTSC prepared a Draft Permit and proposed to issue a Negative Declaration to comply with the California Environmental Quality Act (CEQA) for this project. DTSC announced the start of a 45-day public comment period for both the Draft Permit and the Proposed Negative Declaration, by placing a public notice in the English and Spanish local newspaper, mailing English and Spanish fact sheets to the surrounding residents, and purchasing an ad on a local radio station. The public comment period started on May 28, 2010 and ended on July 12, 2010. A public meeting and hearing was held at the Downey Public Library on June 29, 2010 at 6 p.m. DTSC received one e-mail and one letter during the public comment period:

E-mail: Salim Dawood, Resident

Letter: Mr. Peter Eckert, Manager, Heraeus Metal Processing, LLC.

After the public comment closed, the City of Santa Fe Springs Fire Department required Heraeus to increase the size of Container Storage Area S1-B from 34 feet by 15 ft to 46.67 feet by 53.25 feet, without any increase in storage capacity, to better segregate the waste. Because the original public comment period had closed at the time the Santa Fe Springs Fire Department submitted its requirement, DTSC re-opened the public comment period to specifically request comments on the increase in the size of Container Storage Area S1-B. This comment period started on May 10, 2011 and ended on June 24, 2011. No public meeting or hearing was held. A public notice was placed in the English and Spanish local newspaper, fact sheets in English and Spanish were mailed to the surrounding residents and an ad was purchased on a local radio station. DTSC received one letter during this comment period:

Letter: Robert A. Lopez, Manager, Current Planning Division, City of Cerritos

This document responds to those comments received during the public comment periods. DTSC excerpted comments verbatim from the written comments received. Each comment is followed by DTSC's responses to the comment. The person who made the comments was identified and his/her names listed before the comments (shown below in *italics*). DTSC's responses are shown below after the comment (shown below in **bold**).

Commenter #1: Salim Dawood, Resident

Comment #1-1:

"Hi. I live about 3 blocks from this Metal processing plants, I heard a lot in Media last 3-4 Months, I am Concerned regarding i read the paper was sent to me ,inspection they were not with COMPLIANCE, how do they get Permitt to run, and is this in not aTHREAT to Health and ENVOIMENT people living by this ? Specially Cerritos Residence? Please Reply, Thanks: Salim."

Response #1-1:

Heraeus Metal Processing, LLC. currently has a permit to store and treat the hazardous waste produced during its recycling operation. Heraeus applied to DTSC to renew this permit. Hazardous waste facilities such as Heraeus are inspected regularly to ensure compliance with the terms of their permit as well as all applicable hazardous waste laws and regulations. Any violation received must be corrected in addition to paying a fine. If a facility fails or refuses to correct violations, DTSC reserves the right to shut down the facility after following due process.

DTSC believes the facility can be safely operated and does not pose a threat to human health and the environment.

Commenter #2: Peter Eckert, Manager, Heraeus Metal Processing, LLC.

Comment #2-1

“Part II Section 4 Location

- *Change the address from “15301 Alondra Blvd.” to “13501 Alondra Blvd.”*
- *The parcel numbers are incorrect as there are only two parcels, 7005-014-043 for 13409 Alondra Blvd. and 69700 for the rest of the buildings as there has been a parcel consolidation as part the waste water treatment project, which includes the Resin Place cul-de-sac.”*

Response #2-1:

DTSC has made the correction as requested. Based on the information available to DTSC, the correct parcel number for the facility after the latest lot line adjustment is 7005-014-070.

Comment #2-2

“Part II Section 5 Description of Facility Operation:

Add ‘platinum, palladium, rhodium and other platinum group metals.’”

Response #2-2:

DTSC has a made the change as requested. The final Permit includes, “and other platinum group metals” in the Description of Facility Operation section on page 4.

Comment #2-3

“Part II Section 6 Facility History:

Facility has been in operation since 1970...”

Response #2-3:

DTSC has made the correction as requested. The “1972” operation date has been changed to “1970” in the Facility History section on page 5 of the Permit.

Comment #2-4

*“Part IV Unit #2 Unit Specific Special Condition 1:
Condition should read that construction is to be completed within 3 months of receiving the construction permit.”*

Response #2-4:

DTSC has modified Unit #2 Unit Specific Special Condition 1 as follows:

“The Permittee shall complete construction of this Unit and have the Unit certified by a professional engineer in accordance with California Code of Regulations, Title 22, Section 66264.175 within five months of the effective date of this Permit.”

This would allow Heraeus five months from the effective date of DTSC’s permit to obtain the construction permit and complete construction.

Comment #2-5

*“Part IV Unit #4 Unit specific Special Condition 2:
Removing second sentence and referral to SCAQMD Rule 1407 and 1420 as they are pertaining to non ferrous smelting operation, and no smelting is performed in the tray furnaces and thus the Rules are not applicable. Additionally, this Unit is already permitted by SCAQMA and applicable Rules are already cited.”*

Response #2-5:

DTSC consulted with the South Coast Air Quality Management District and confirmed that Rule 1407 and 1420 does not apply to this Unit. DTSC has removed reference to SCAQMD Rule 1407 and 1420 in this Unit Specific Special Condition.

Comment #2-6

*“Part IV Unit #4 Unit Activity Description:
Condition should read ‘The ash is milled, screened, and blended and is then sent either to the refinery or to an outside processor for refining.’”*

Response #2-6:

DTSC has made the change as requested.**Comment #2-7**

“Part IV Unit #5 Description:

‘This unit grinds the ash received from the tray Furnaces (Unit #4) or material which do not require thermal treatment into fine powder.’”

Response #2-7:

DTSC has made the change as requested.

Comment #2-8

*“Part IV Unit #5 Unit Specific Condition
Removing second sentence and referral to SCAQMD Rule 1407 and 1420 as they are pertaining to non ferrous smelting operation, and no smelting is performed in the ball mills and thus the Rules are not applicable. Additionally, this Unit is already permitted by SCAQMA and applicable Rules are already cited.”*

Response #2-8:

See Response to Comment #2-5.

Comment #2-9

*“Part IV Unit #6 Waste Types:
Add Waste Stream A Spent Catalyst”*

Response #2-9:

DTSC has made the change as requested. Waste Stream A Spent Catalyst has been added to Unit #6 Waste Types on page 16 of the Permit.

Comment #2-10

*“Part IV Unit #6 Unit Specific Condition:
Removing second sentence and referral to SCAQMD Rule 1407 and 1420 as they are pertaining to non ferrous smelting operation, and no smelting is performed in the screeners and thus the Rules are not applicable. Additionally, this Unit is already permitted by SCAQMA and applicable Rules are already cited.”*

Response #2-10:

See Response to Comment #2-5.

Comment #2-11

*“Part IV Unit #7 Waste Types:
Add Waste Stream A Spent Catalyst”*

Response #2-11:

DTSC has made the change as requested. Waste Stream A Spent Catalyst has been added to Unit #7 Waste Types on page 17 of the Permit.

Comment #2-12

*“Part IV Unit #7 Unit Specific Special Condition:
Removing second sentence and referral to SCAQMD Rule 1407 and 1420 as they are pertaining to non ferrous smelting operation, and no smelting is performed in the blenders and thus the Rules are not applicable. Additionally, this Unit is already permitted by SCAQMA and applicable Rules are already cited.”*

Response #2-12:

See Response to Comment #2-5.

Comment #2-13

*“Part IV Unit #8 Unit Specific Special Condition:
Removing second sentence and referral to SCAQMD Rule 1407 and 1420 as they are pertaining to non ferrous smelting operation, and no smelting is performed in the tanks and thus the Rules are not applicable. Additionally, this Unit is already permitted by SCAQMA and applicable Rules are already cited.”*

Response:

See Response to Comment #2-5.

Comment #2-14

*“Part IV Unit #11 Unit Specific Condition
Removing second sentence and referral to SCAQMD Rule 1407 and 1420 as DTSC has no jurisdiction on SCAQMD rules to impose such conditions in the permit. Additionally, this Unit is already permitted by SCAQMA and applicable Rules are already cited.”*

Response #2-14:

See Response to Comment #2-5.

Comment #2-15

“Part IV Unit #16 Activity Description

‘Treatment is conducted in a batch process’ should be removed as the equalization tanks are only accumulating solution from the lift stations no treatment conducted.”

Response #2-15:

DTSC has made the change as requested. “Treatment is conducted in a batch process” has been removed from the Unit #16 Activity Description on page 27 of the Permit.

Comment #2-16

“Part IV Unit #17 Activity Description:

- *‘Lime or other neutralization agents are metered into the neutralization tanks...’
Remove Lime and change to ‘Chemical agent addition is controlled....’*
- *‘Treatment is conducted in a continuous process.’ Remove batch process.”*

Response #2-16:

DTSC has made the change as requested. The above comment was added to the Unit #17 Activity Description on page 28 of the Permit.

Comment #2-17

“Part IV Unit #17 Maximum Capacity:

‘Total treatment capacity is 60 gallons per minute.’ Remove second sentence as the tanks are continuous processing waste water.”

Response #2-17:

DTSC has made the change as requested. The Permit now reads, “The total treatment capacity is 60 gallons per minute.” on page 28.

Comment #2-18

“Part IV Unit #18 Activity Description

‘Treatment is conducted in a continuous process.’ Remove batch process.”

Response #2-18:

DTSC has made the change as requested. Part IV Unit #18 Activity Description now reads as follows, “Treatment is conducted in a continuous process.”

Comment #2-19

“Part IV Unit #18 Maximum Capacity

‘Total treatment capacity is 60 gallons per minute.’”

Response #2-19:

DTSC has made the change as requested. Part IV Unit #18 Maximum Capacity now reads as follows, “The total treatment capacity is 60 gallons per minute.”

Comment #2-20

“Part IV Unit #19 Activity Description:

‘Treatment is conducted in a continuous process.’ Remove batch process.”

Response #2-20:

DTSC has made the change as requested. Part IV Unit #19 Activity Description now reads as follows, “Treatment is conducted in a continuous process.”

Comment #2-21

“Part IV Unit #19 Maximum Capacity:

‘Total treatment capacity is 60 gallon per minute.’”

Response #2-21:

DTSC has made the change as requested. Part IV Unit #19 Maximum Capacity now reads, “The total treatment capacity is 60 gallons per minute.”

Comment #2-22

“Part IV Unit #26 Physical Description

‘This Unit consists of one (1) fiberglass reinforced plastic column measuring 16” in diameter and 47’6” high with a capacity of five hundred (500) gallons.’ Revise dimensions.”

Response #2-22:

DTSC has made the change as requested. The above information was added to the physical description of Unit #26 on page 37 of the Permit.

Comment #2-23

“Part IV Unit #26 Maximum Capacity:

‘The maximum tank capacity is five hundred (500) gallons.’ Revise tank capacity accordingly.”

Response #2-23:

DTSC has revised the tank capacity to five hundred (500) gallons as requested.

Comment #2-24

“Part V Special Conditions:

- 2. The special condition language should be replaced with the following: ‘In the event any cracks, gaps or tears are detected in any secondary containment Units, Permittee shall inspect and repair as necessary such cracks, gaps or tears in accordance with 22 C.C.R. sec. 66264.175 and 66264.193. The immediate area surrounding any identified crack, gap or tear shall be isolated and/or protected to prevent possible waste migration prior to completion of repairs. All inspections and repairs shall be documented in the operating record along with any preventive measures employed.’”*

Response #2-24:

DTSC does not agree with the comment. Part V, Special Condition #2 reads:

“In the event any cracks, gaps or tears are detected in any hazardous waste management units, repairs shall be initiated as soon as possible....” The term **“hazardous waste management units”** may include other devices such as coatings, linings, etc. in addition to secondary containment units.

Any cracks, gaps or tears in any hazardous waste management unit must be dealt with in accordance with CCR, title 22 section 66264.175 and 66264.193 in order to protect human health and the environment.

This condition will not be changed.

Comment #2-25

Part IV Corrective Action:

- 1. The special condition language should be replaced with the following: "... immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste management units, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC..."*

Response #2-25:

DTSC does not agree with the comment. Corrective action may apply to Areas of Concern in addition to hazardous waste management units or solid waste management units. Therefore, this condition will not be changed.

Comment #3: Robert A. Lopez, City of Cerritos

Comment #3-1

"This letter is in response to the notice of the public comment period for the proposed revision of the DTSC permit for the above-referenced facility. The City of Cerritos has reviewed the draft permit and understands that the proposed revision entails an increase in the size of the Container Storage Area S-1B, which will be located in the northeastern portion of the subject property. Container Storage Area S-1B will functionally replace Container Storage Area S-1A, which is currently located in the southwestern portion of the property and which will be closed upon completion of the Container Storage Area S-1B. The City of Cerritos further understands that there will be no change in the storage capacity of or types of waste stored in Container Storage Area S-1B."

Response #3-1:

The City of Cerritos is correct. There will be no change to the storage capacity of or types of waste stored in Container Storage Area S-1B.

Comment #3-2:

“While the draft permit indicates that Container Storage Area S-1B will be located within secondary containment, and while Special Condition 4 requires that, for the purpose of calculating the permitted maximum capacity limitations for secondary containment, all containers in the authorized units are assumed to be full, the draft permit does not explicitly state that the secondary containment for Container Storage Area S-1B in particular is designed to handle the type and quantity of waste that will be stored in said area. The City of Cerritos recommends that DTSC’s analysis of the adequacy of the secondary containment be more explicitly described in the permit to provide assurance that it has been designed as required.”

Response #3-2:

Heraeus was required to submit an application to renew their permit. The permit renewal application contained detailed information on the types and quantity of waste that will be stored in Container Storage Area S-1B. The permit application also has design and construction information for Container Storage Area S-1B. DTSC reviewed and evaluated the types of wastes to be placed into Container Storage Area S-1B to ensure that the design is appropriate. (See generally: Evaluation and Certification of East Resin Containment Area http://www.hwmpenvirostor.dtsc.ca.gov/regulators/site_documents/2509488761/S-1B%20Sec%20Cont%20Calc.pdf) The secondary containment area will be epoxy coated. The epoxy coating prevents liquids from permeating the concrete. In addition, DTSC determined that the secondary containment capacity is adequate. Since then, Container Storage Area S-1B has increased in size without increasing the capacity; therefore, Container Storage Area S-1B has more than enough secondary containment capacity required by law. .