

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

