



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control



Edmund G. Brown Jr.
Governor

Miriam Barcellona Ingenito
Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

September 8, 2014

Ms. Margaret Rosegay
Pillsbury Winthrop Shaw Pittman, LLP
P. O. Box 2824
San Francisco, California 94126-2824

**RE: REVIEW OF MEETING WITH CONTRACTOR FOR THE METAL SHREDDER
RESIDUE TREATABILITY STUDY**

Dear Ms. Rosegay:

On August 5, 2014, the Department of Toxic Substances Control (DTSC) met with representatives from five major metal shredding facilities in California and Mr. Peter Zawislanski, from Terraphase Engineering, Inc. (Terraphase), the contractor selected by the California Chapter, Institute of Scrap Recycling Industries (ISRI) to conduct the Metal Shredder Residue (MSR) Treatability Study. Representing the metal shredding facilities were Ms. Melisa Cohen from Sims Metal Management (Redwood City), Mr. Nick Andrusyshyn from Schnitzer Steel (Oakland), and Mr. Todd Peterson representing three SA Recycling facilities (Bakersfield, Anaheim, and Terminal Island).

The meeting, held at DTSC's Berkeley Environmental Chemistry Laboratory, was to discuss the revised MSR Treatability Study Workplan (Workplan). The meeting, overall, was productive, and it was extremely helpful for DTSC to meet the contractor that ISRI has selected to implement the Workplan. In the course of the meeting, however, several important issues came up that make it clear that further clarification is needed between DTSC and ISRI before the anticipated pilot tests or any other field work begins.

First, as DTSC has discussed previously with ISRI and as the original Workplan specified, the MSR Treatability Study tests were to be conducted at each of the five shredding facilities. The operations at each of the facilities are unique, and DTSC strongly holds that each facility conducting treatment of MSR must demonstrate the effectiveness of the treatment as it occurs at their location. At the meeting, Terraphase stated its intent to sample only at three of the facilities: Sims Metal Management in Redwood City, Schnitzer Steel in Oakland, and only one of the SA Recycling facilities in Anaheim.

Second, again as DTSC discussed previously, multiple sampling events were to be conducted at each facility so as to capture the variability that occurs in the wastes being generated. Multiple sampling events will enable DTSC to be able to compare data sets over time, and allow a statistical analysis of the variability. Ideally, a minimum of three sampling events would be conducted at each facility in order to capture the normal variation in feed stocks. At the meeting, Terraphase stated its intent to conduct only a single sampling event at each location being sampled.

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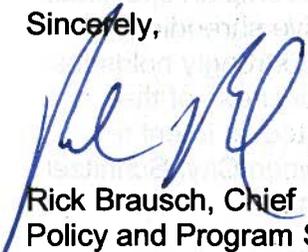
In the March 21, 2014 letter to you, DTSC requested that ISRI's final work plan include a quality assurance/quality control plan (QAPP) for the sampling and analytical efforts. During the meeting, Mr. Zawislanski suggested that this document, as well as the Standard Operating Procedures (SOPs) used by the contract analytical laboratory (Cal Sciences), would be made available. To date, DTSC has not received these documents. DTSC was informed on August 22, 2014 that sampling activities were beginning that week to take samples for purposes of bench testing. As you know, the QAPP and SOPs are vital to DTSC's understanding of the specific procedures to be followed for sampling, sample preservation, sample preparation, and chemical analytical procedures. DTSC is very concerned that without the full understanding of these critical elements contained in the QAPP and SOPs, DTSC will be unable to verify or validate the results of that testing, and may not be able to accept or use any data that may be derived from the sampling and analytical work being conducted, or any conclusions ISRI intends to support using that data.

Lastly, the proposed schedule and timeline in the Workplan is at odds with the schedule and timeline that has been discussed, and which DTSC has communicated to other agencies, stakeholders and the public in its workshops earlier this year. As you know, DTSC has communicated that, using the information generated through the MSR Treatability Study, it expected to have recommendations by November 2014. The schedule in the revised Workplan, and confirmed in the meeting with Terraphase, delays fieldwork until November 2014, with the completion of the Workplan activities in February 2015.

Based on these concerns, DTSC needs to speak with you as soon as possible, and requests that no sampling for pilot tests or any other fieldwork begin until these issues are resolved. Please contact Ms. Suhasini Patel of my staff at (916) 322-4233 or Suhasini.Patel@dtsc.ca.gov at your earliest convenience so that we can schedule a call or meeting to discuss.

If you have any questions about this letter, or need additional clarification about any issues it raises, please feel free to contact me at (916) 327-1186, or Rick.Brausch@dtsc.ca.gov.

Sincerely,



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

cc Mr. Peter Zawislanski, PG, CHG
Principal Hydrogeologist & Vice President
Terraphase Engineering Inc.
1404 Franklin Street, Suite 600
Oakland, California 94612

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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

Ms. Suhasini Patel, Chief
Policy Development Unit
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. Ed Benelli
Hazardous Substances Engineer
Policy Development Unit
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

