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Public Workshop Notice on Proposed Regulations to Establish a Conditional Exclusion for Chemically Treated Metal Shredder Residue (CTMSR)

To All Interested Community Members and Stakeholders:

The Department of Toxic Substances Control (DTSC) will hold an informal public workshop on June 26, 2018, to present information on proposed regulations to establish a Conditional Exclusion for Chemically Treated Metal Shredder Residue (CTMSR). DTSC is proposing these new regulations to add safeguards that will provide enhanced protection for human health, safety, and the environment.

The purpose of this meeting is to solicit your comments, questions, and suggestions during DTSC's development of the draft regulations before the formal rulemaking begins under the Administrative Procedure Act. This workshop offers the opportunity for public discussion on the scope and content of the proposed rulemaking while the proposed regulations are still in draft form. DTSC will consider information gathered from all stakeholders through this workshop to further develop the proposed regulations for the purposes of beginning the formal rulemaking process.

Stakeholders can attend the workshop in-person or view the presentation remotely via live Webcast. The workshop will be held at the following time and location:

Date: June 26, 2018
Time: 1:00 pm – 4:00 pm (PST)
Location: DTSC Sacramento Regional Office - Cal Center
8800 Cal Center Drive, Room A-1
Sacramento, CA 95826-3200
Webcast: <https://video.calepa.ca.gov/>

Background: Metal shredding facilities are part of the metal recycling universe. A large hammer mill is used to shred end-of-life vehicles, appliances, and other forms of scrap metal to facilitate the recovery of valuable metals for the purposes of recycling. After the valuable metals have been recovered, the remaining waste is a mixture of plastics, rubber, glass, foam, fabrics, automobile fluids, and dirt.

The remaining waste is known as metal shredder residue and is contaminated by residual amounts of lead, copper, zinc, and other metals which are dispersed throughout the waste. Metal shredding facilities chemically treat the metal shredder residue to reduce the solubility of these metals. Although the treatment reduces the solubility of the metals, chemically treated metal shredder residue (CTMSR) continues to exhibit hazardous characteristics after treatment, and is a hazardous waste.

Since the 1980's, CTMSR has been granted nonhazardous waste classification. DTSC made this determination under the authority of subdivision (f) of section 66260.200, title 22, California Code of Regulations. These nonhazardous waste classifications were communicated through letters, and are therefore commonly referred to as "f letters." Because of these classifications, CTMSR has been disposed as nonhazardous waste in municipal solid waste landfills. CTMSR is often used as alternative daily cover at the landfills to control vectors, fires, odors, blowing litter, and scavenging.

In January of 2018, DTSC released the Draft *Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*. DTSC's analysis found that, prior to treatment, metal shredder wastes are hazardous and the department is developing a permit model to provide appropriate regulation of the facilities that process these wastes to ensure the wastes are properly handled and treated.

At the same time, the analysis demonstrated that when metal shredder wastes are properly handled and treated, the resulting CTMSR may be safely disposed as nonhazardous waste. Specifically, the analysis demonstrated that the disposal of CTMSR as nonhazardous waste in municipal solid waste landfills, including its use as alternative daily cover, has not resulted in harm to human health or safety or to the environment, and that CTMSR has not contributed to the solubilization and migration of heavy metals from landfills. DTSC has concluded that classification of CTMSR (from properly handled and treated metal shredder wastes) as a hazardous waste is not necessary to prevent or mitigate potential hazards to human health or safety or to the environment.

However, DTSC has determined that the nonhazardous waste classifications established under the "f letters" are no longer the most appropriate or effective mechanism for the management of CTMSR. DTSC determined that it is more appropriate and effective to establish an exclusion of CTMSR from hazardous waste management requirements under a new regulation that places additional specified requirements as conditions to the exclusion. Among other things, under

the new regulation, only authorized metal shredding facilities may use the exclusion, the waste must be treated at the most effective level, and the waste can only be disposed to certain authorized landfills.

Adoption of these standards in regulation will clarify the regulatory status of CTMSR for metal shredding facilities, establish additional protective conditions on the management of CTMSR, and allow DTSC to more consistently and effectively implement and enforce California's hazardous waste control laws and their implementing regulations.

Workshop Agenda: DTSC will present information contained in the Draft *Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*. DTSC will then present the proposed regulatory language to establish the Conditional Exclusion for Chemically Treated Metal Shredder Residue. Additional information on how the public can participate in the rulemaking process under the Administrative Procedure Act will also be provided. After the presentation, DTSC will solicit comments and suggestions from workshop and webinar participants. The meeting agenda will be available on the metal shredder project web page at: <http://www.dtsc.ca.gov/HazardousWaste/MetalShredderPortal.cfm>

Public Participation: DTSC welcomes and encourages participation from the public, the regulated community, and other stakeholders. All stakeholders will be able to submit comments directly to DTSC. If you plan to attend the workshop in person, please confirm your interest by contacting Ms. Veronica Villasenor at (916) 255-3651 or Veronica.Villasenor@dtsc.ca.gov. Those participating remotely by webcast can submit comments electronically to: mstwstakeholders@dtsc.ca.gov. DTSC will accept comments for thirty (30) days following the workshop.

If you require special accommodations for the workshop or would like the workshop agenda in an alternate format (e.g., Braille, large print, or another language), please contact Ms. Villasenor as indicated above. Notification 48 hours prior to the workshop will enable staff to make reasonable arrangements to ensure accessibility to this workshop. Hearing-impaired individuals can obtain information by using the California State Relay Service at (888) 877-5378 (TDD). To request a translator at the workshop, please contact Ms. Villasenor as indicated above.

Contact Information: If you have any further questions about the proposal to establish a Conditional Exclusion for CTMSR, please contact Mr. Ed Benelli at (916) 324-6564 or Edward.Benelli@dtsc.ca.gov. Additionally, if you would like to receive electronic mail updates regarding the regulatory proposal, or any resulting proposed regulations, you may subscribe to the Metal Shredder Residues Stakeholders EList at: <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm>.