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**TEXT OF PROPOSED REGULATIONS**

**Conditional Exclusion for Chemically Treated Metal Shredder Residue**

**Department of Toxic Substances Control Reference Number: R-2018-01  
Office of Administrative Law File Number: 2018-xxxx-xx**

**Division 4.5, Title 22, California Code of Regulations**

**CHAPTER 10. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL**

**And**

**CHAPTER 11. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

**Legend:** Changes are shown from the existing text of title 22, California Code of Regulations:

- Underline            underline            Additions to existing text
- Strikeout            ~~strikeout~~            Deletions to existing text

For the convenience of the reader, existing text is shown as plain text and text deleted from existing text is shown as strikeout (~~strikeout~~). Added text is shown as underline (underline).

1 **CHAPTER 10. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL**

2  
3 **Amend Title 22, division 4.5, chapter 10, article 2, section 66260.10 to read:**

4  
5 **§ 66260.10. Definitions.**

6  
7 When used in this division, the following terms have the meanings given below:

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11 “Authorized agency” means, in a jurisdiction where there is no CUPA, the agency  
12 authorized to continue its role, responsibilities and authority pursuant to section 25404.3  
13 of the Health and Safety Code to implement and enforce the requirements identified in  
14 paragraph (1) of subdivision (c) of section 25404 of the Health and Safety Code. In  
15 those instances when the Department is the authorized agency, the Department is not  
16 limited from exercising any authority it otherwise has under the Health and Safety Code  
17 and Title 22 of the California Code of Regulations.

18  
19 For the purposes of section 66261.4 of chapter 11, “Authorized metal shredding facility”  
20 means a “metal shredding facility,” as defined in this section, that is authorized to treat  
21 and store hazardous waste using one of the following authorities:

22 (a) A permit issued by the Department under chapter 6.5 of division 20 of the Health  
23 and Safety Code or its implementing regulations that authorizes the operations of the  
24 metal shredding facility;

25 (b) An order issued or entered into by the Department under chapter 6.5 of division  
26 20 of the Health and Safety Code that authorizes the metal shredding facility to continue  
27 operations, subject to specified management and operating conditions; or

28 (c) A judgment issued by a court with jurisdiction over a matter to which the  
29 Department and the metal shredding facility are parties that authorizes operations,  
30 subject to specified management and operating conditions, of the metal shredding  
31 facility that is a party to the judgment.

32  
33 For the purposes of section 66261.4 of chapter 11, “Authorized solid waste landfill unit”  
34 means a composite-lined portion of a solid waste landfill unit that meets all requirements  
35 applicable to disposal of municipal solid waste in California after October 9, 1993, and  
36 that is regulated by waste discharge requirements issued pursuant to division 7  
37 (commencing with section 13000) of the Water Code for discharges of designated  
38 waste, as defined in section 13173 of the Water Code, and that allow for the discharge  
39 of chemically treated metal shredder residue. The discharge of chemically treated  
40 metal shredder residue includes its use as alternative daily cover or for other beneficial  
41 reuse pursuant to section 41781.3 of the Public Resources Code and the regulations  
42 adopted to implement that section.

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1 “Certified Unified Program Agency (CUPA)” means the agency certified pursuant to the  
2 requirements of Chapter 6.11 and Title 27, CCR.

3  
4 For the purposes of section 66261.4 of chapter 11, “Chemical stabilization” means a  
5 process by which a waste is converted to a more chemically stable form that reduces  
6 the solubility of the contaminant(s) through the addition of liquid sodium or potassium  
7 polysilicate solution and Portland cement or lime.

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11 “Chemical toilet waste” means the waste in or from a chemical toilet.

12  
13 For the purposes of section 66261.4 of chapter 11, “Chemically treated metal shredder  
14 residue” or “CTMSR” means the portion of metal shredder residue that remains after  
15 metals are removed following the shredding of end-of-life vehicles, appliances, and  
16 other forms of scrap metal, and consists of, but is not limited to, plastics, rubber, glass,  
17 foam, fabrics, carpeting, residual automobile fluids, incidental dirt, and unrecoverable  
18 metals, and that has been treated using “chemical stabilization,” as defined in this  
19 section. Chemically treated metal shredder residue also includes, and may be  
20 alternatively referred to as “treated auto shredder waste” or “treated metal shredder  
21 waste,” provided that the waste described by these terms meets the above definition of  
22 chemically treated metal shredder residue.

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25  
26 “Mercury-containing motor vehicle light switch” means any light switch found in the hood  
27 or in the trunk lid of a motor vehicle, if the light switch contains mercury.

28  
29 “Metal shredding facility,” as defined in subsection (b) of section 25150.82 of the Health  
30 and Safety Code, means an operation that uses a shredding technique to process end-  
31 of-life vehicles, appliances, and other forms of scrap metal to facilitate the separation  
32 and sorting of ferrous metals, nonferrous metals, and other recyclable materials from  
33 nonrecyclable materials that are components of the end-of-life vehicles, appliances, and  
34 other forms of scrap metal. “Metal shredding facility” does not include a feeder yard, a  
35 metal crusher, or a metal baler, if that facility does not otherwise conduct metal  
36 shredding operations.

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39 Note: Authority cited: Sections 25141, 25150, 25150.82, 25158.1, ~~25158.4~~, 25159,  
40 25159.5, ~~25187.7~~, 25200.10, 25204, 25214.9, 25218.3(d), and 25316, and 58012,  
41 Health and Safety Code; ~~Governor’s Reorganizational Plan # 1 of 1991~~; Sections 58004  
42 and 58012, Governor’s Reorganization Plan No. 1 of 1991; and Section 42475, Public  
43 Resources Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112,  
44 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.8, 25117.9, 25117.11, 25118,  
45 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141,  
46 25150, 25150.82(b), 25150.82(j), ~~25158.2~~, 25159, 25159.5, ~~25187.7~~, 25200.10,

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1 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25316, 25354(b), 25355.5, 25355.6,  
2 25358.1, 25358.9, ~~25359.8~~, 25361, and 25501, ~~25529 and 58042~~, Health and Safety  
3 Code; Sections 58004 and 58012, Governor's Reorganization Plan No. 1 of 1991;  
4 Section 41781.3, Public Resources Code; Sections 13000 and 13173, Water Code; and  
5 40 CFR Sections 260.10, 261.1, 262.21, 264.551, 264.1031, 265.1081, 268.2, 270.2  
6 and 273.6.

1 **CHAPTER 11. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

2  
3 **Amend Title 22, division 4.5, chapter 11, article 1, section 66261.4 to read:**

4  
5 **§ 66261.4. Exclusions.**

6 (a) Materials which are not wastes. The following materials are not wastes for the  
7 purpose of this chapter:

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11 (h) CRT panel glass that meets the criteria specified in section 66273.81 of chapter 23  
12 of this division and is destined for disposal in a class II or class III landfill pursuant to  
13 section 66273.75 of chapter 23 is not a hazardous waste for purposes of disposal  
14 therein, and is allowed to be disposed therein, if managed prior to disposal in  
15 accordance with the management standards specified in sections 66273.73 and  
16 66273.75 and article 8 of chapter 23.

17  
18 (i) Chemically treated metal shredder residue (CTMSR) is not hazardous waste for the  
19 purposes of transportation and disposal provided all of the following conditions are met:

20 (1) The CTMSR is generated by an authorized metal shredding facility;

21 (2) The CTMSR has been either:

22 (A) Treated by chemical stabilization using a minimum application rate of 0.7  
23 gallons of liquid sodium or potassium polysilicate solution per ton of metal  
24 shredder residue and twelve percent by weight (12% w/w) of Portland cement  
25 or lime; or

26 (B) Treated by a hazardous waste environmental technology that has been  
27 certified by the Director to achieve an equivalent or greater reduction of soluble  
28 metals than the chemical stabilization required by subparagraph (2)(A). An  
29 authorized metal shredding facility or its representative may petition the  
30 Director for an evaluation and determination of the hazardous waste  
31 environmental technology. The evaluation and determination of the hazardous  
32 waste environmental technology shall be conducted pursuant to the  
33 requirements of chapter 46 of this division, commencing with section 68000.  
34 The petitioner shall be responsible for, and the department shall recover, all  
35 costs for evaluating the hazardous waste environmental technology. A  
36 hazardous waste environmental technology shall be deemed to be an  
37 accepted treatment method only after certification by the Director that the  
38 method achieves an equivalent or greater reduction of soluble metals than the  
39 chemical stabilization required by subparagraph (2)(A).

40 (3) The CTMSR does not exhibit the RCRA hazardous waste characteristic of  
41 toxicity;

42 (4) The CTMSR is identified as a non-RCRA hazardous waste solely because it  
43 exhibits the characteristic of toxicity by exceeding the Total Threshold Limit  
44 Concentration for metals or the Soluble Threshold Limit Concentration for metals;

45 (5) The CTMSR does not exhibit any other characteristic of hazardous waste  
46 specified in article 3 of this chapter;

- 1 (6) The CTMSR is stored prior to transportation in compliance with all applicable  
2 requirements found in chapter 14 of this division for the storage of hazardous  
3 waste in containers, tanks, or containment buildings. CTMSR that is released into  
4 the environment is not eligible for this exclusion unless it is immediately and fully  
5 recovered and contained to prevent further release into the environment;  
6 (7) The CTMSR is transported by the same authorized metal shredding facility that  
7 generated the CTMSR and all of the following conditions are met:  
8 (A) The CTMSR is transported by employees of that authorized metal  
9 shredding facility and in vehicles under the control of that authorized metal  
10 shredding facility, or it is transported on behalf of that authorized metal  
11 shredding facility by a hazardous waste hauler registered with the  
12 department;  
13 (B) The CTMSR is not handled at any interim location prior to disposal; and  
14 (C) The CTMSR is not held at any publicly accessible interim location for  
15 more than four hours, unless required by other provisions of law, prior to  
16 disposal.  
17 (8) The CTMSR is disposed to an authorized solid waste landfill unit; and  
18 (9) The authorized metal shredding facility maintains at its facility, and provides to  
19 the department or other regulatory agency upon request, all of the following  
20 documentation:  
21 (A) A record of the amount of liquid sodium or potassium polysilicate solution  
22 and Portland cement or lime used to treat the metal shredder residue which  
23 demonstrates by mass balance that the minimum application rate required by  
24 subparagraph (2)(A) has been achieved, or as necessary to demonstrate  
25 compliance with any limitations or operating requirements established  
26 pursuant to subparagraph (2)(B);  
27 (B) The date of each shipment of CTMSR;  
28 (C) The quantity in tons of CTMSR in each shipment;  
29 (D) The name and address of the authorized solid waste landfill that receives  
30 each shipment of CTMSR; and  
31 (E) A record of monthly sampling and analysis of CTMSR which  
32 demonstrates that the CTMSR meets the conditions required by paragraphs  
33 (3) and (4). This monthly sampling and analysis of the CTMSR must meet all  
34 of the following requirements:  
35 (i) The sampling of CTMSR shall be conducted in accordance with  
36 procedures established in "Test Methods for Evaluating Solid Waste,  
37 Physical/Chemical Methods," EPA Publication SW-846 (SW-846), as  
38 incorporated by reference in section 66260.11 of chapter 10 of this  
39 division, to ensure that the sampling is representative and exhibits  
40 average properties of the CTMSR;  
41 (ii) The analysis of CTMSR shall verify that the concentrations of metals  
42 listed in Table 1 of section 261.24 of Title 40 of the Code of Federal  
43 Regulations do not exceed the regulatory level, when determined by the  
44 Toxicity Characteristic Leaching Procedure described in Test Method  
45 1311 of SW-846; and

1 (iii) The analysis of CTMSR shall verify that the concentration of  
2 polychlorinated biphenyls (PCBs) does not exceed the Total Threshold  
3 Limit Concentration or the Soluble Threshold Limit Concentration listed in  
4 Table III of section 66261.24 of chapter 11 of this division, when  
5 determined by the Waste Extraction Test procedure described in Appendix  
6 II of article 5 of chapter 11 of this division.

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11 Note: Authority cited: Sections 25140, 25141, 25141.5, 25150, ~~25158.4~~, 25159,  
12 25159.5, ~~25200.1.5~~, 25214.9 and 25214.10.2, 58004 and 58012, Health and Safety  
13 Code; and Sections 58004 and 58012, Governor's Reorganization Plan No. 1 of 1991.  
14 Reference: Sections 25117, ~~25117.9~~, ~~25120.2~~, ~~25123.5~~, ~~25242~~, 25124, 25140, 25141,  
15 25141.5, 25143, 25143.1, 25143.2, 25143.4(a), 25143.11, ~~25158.2~~, ~~25158.3~~,  
16 ~~25150.82(b)~~, 25159, 25159.5, ~~25200.1.5(a)~~, ~~25200.1.5(h)~~, 25212 and 25214.9, Health  
17 and Safety Code; Sections 58004 and 58012, Governor's Reorganization Plan No. 1 of  
18 1991; Sections 42167 and 42170, Public Resources Code; and 40 CFR Sections 261.4,  
19 ~~261.24~~ and 265.1081.