



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

MEMORANDUM

TO: California Air Resources Board
Department of Resources Recycling and Recovery (CalRecycle)
State Water Resources Control Board
Regional Water Quality Control Boards
(See Attached List of Addressees)

FROM: Deborah O. Raphael *D.O.R.*
Director
Executive Office

DATE: October 10, 2013

SUBJECT: REQUEST FOR PARTICIPATION IN REVIEW OF METAL SHREDDER
RESIDUE (MSR) MANAGEMENT PRACTICES

The Department of Toxic Substances Control (DTSC) has initiated a re-evaluation of the environmental regulation of the metal shredding industry and the waste it generates: metal shredder residue (MSR, aka auto shredder waste or ASW). DTSC recognizes that this re-evaluation may have impacts on your agency and the environmental and public health protection programs you implement, so I would like to invite your agency's participation in this process.

Seven major metal shredders/recyclers currently operate in California under the terms of decisions made by DTSC in the late 1980s. Since DTSC made those decisions, industry practices and the composition of automobiles and appliances have been changing. DTSC has also become aware of several smaller shredders operating in the state, including mobile shredding operations, conducting operations similar to the major shredding facilities. These changes have raised a number of questions about whether DTSC's previous decisions about the MSR and regulation of metal shredding operations are still valid.

The primary factors that DTSC intends to evaluate include the following:

- The differences between MSR now being generated by the seven major shredders different and the MSR that DTSC evaluated in the late 1980s;

- The differences between MSR being generated by other metal recycling or shredder operations and the MSR generated by the seven major shredders;
- The effectiveness of the chemical treatment being conducted by the seven major shredders and the ability of the treatment to achieve even better results;
- The potential impact of DTSC's decisions on other agencies' regulatory decisions related to MSR and the metal shredding operations;
- The release or potential for release of hazardous wastes or hazardous waste constituents from the metal shredding operations and treatment activities; and
- The appropriate level of regulation that should be applied to the metal shredding operations, treatment activities and MSR to address any identified concerns.

To assist in this evaluation, DTSC has asked the seven major shredders to develop a treatability study workplan that, when it is carried out, will produce information and analytical data about the MSR. DTSC has received a draft of the workplan and has begun reviewing the plan for completeness and adequacy. A copy of the workplan has also been shared with your staff for your review and consideration as well.

As I mentioned above, DTSC would like to invite you and your agency to participate in the evaluation to ensure that your agency's requirements are fully considered. DTSC is also inviting the participation of various affected local agencies, and is organizing two regional meetings tentatively planned for late October or early November 2013 (one to be held in the San Francisco Bay area and one in the Los Angeles area, in the vicinity of the seven major metal shredders). The purpose of these meetings is to share information about DTSC's efforts with the local agencies that have jurisdiction over the metal shredding industry and MSR, discuss DTSC's proposed workplan, and solicit feedback and participation from the local agencies. DTSC has already been in contact with members of your staff about the evaluation, and will share logistics and other information about these meetings in the very near future.

DTSC is also planning to host community informational workshops in Los Angeles and Oakland, tentatively scheduled for November 2013. As currently envisioned, workshop participants will receive an overview of the metal shredding industry, the existing regulations that apply to the metal shredding industry and MSR, and the draft workplan. Participants will be given an opportunity to provide their feedback on any of the information presented. DTSC would also like to invite your agency to take advantage of this opportunity to present information about your agency's efforts related to metal shredders and MSR at the workshops.

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DTSC looks forward to working with you and your agency as we move forward with this important evaluation. If you have any questions or need additional information, and to provide the name of the appropriate contact person in your agency for us to work with, please contact Mr. Rick Brausch, Chief, Policy and Program Support Division, Hazardous Waste Management Program, at (916) 327-1186, or Rick.Brausch@dtsc.ca.gov.

cc: Mr. Reed Sato
Chief Counsel
Office of Legal Affairs
Department of Toxic Substances Control

Mr. Brian Johnson
Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control

Mr. Rick Brausch, Chief
Policy and Program Support Division
Hazardous Waste Management Program
Department of Toxic Substances Control

Mr. Tyrone Smith
Senior Environmental Scientist (Specialist)
Policy and Program Support Division
Hazardous Waste Management Program
Department of Toxic Substances Control

List of Addressees

Same Memorandum sent to following List of Addressees and ccs.

California Air Resources Board

Mary D. Nichols
Chairman
Executive Office
HQ - Cal EPA Building

State Water Resources Control Boards

Tom Howard
Executive Director
Executive Office
HQ - Cal EPA Building

Department of Resources Recycling and Recovery (CalRecycle)

Carol Mortensen
Director
Executive Office
HQ - Cal EPA Building

cc: Susan Markie, Chief
Permitting and Assistance Branch
Waste Permitting, Compliance &
Mitigation Division
HQ - Cal EPA Building

Regional Water Quality Control Boards

San Francisco Regional, Region 2

1515 Clay Street, Suite 1400 - 1st Floor
Oakland, California 94612

Bruce H Wolfe
Executive Officer II
Executive Office

cc: Shin-Roel Lee
Supervising Water Resources Control Engineer
Planning

Los Angeles Regional, Region 4

320 West 4th Street, Suite 200 - 1st Floor
Los Angeles, California 90013

Samuel Unger
Executive Officer II
Executive Office

cc: Rebecca Chou
Supervising Water Resources Control Engineer
Watershed/Regional Programs/Groundwater

Central Valley Regional, Region 5

11020 Sun Center Drive, Suite 200 - 1st Floor
Rancho Cordova, California 95670

Pamela Creedon
Executive Officer
Executive Office

cc: Doug Patteson
Supervising Water Resources Control Engineer
Title 27, Oil Fields & Agricultural Section
1685 "E" Street, 1st Floor
Fresno, California 93706-2007

Santa Ana Regional, Region 8

3737 Main Street, Suite 500 - 1st Floor
Riverside, California 92501-3339

Kurt Bertchold
Acting Executive Officer
Executive Office

cc: Joanne Schneider
Environmental Program Manager I
Executive Office

San Diego Regional, Region 9

9174 Sky Park Court, Suite 100 - 1st Floor
San Diego, California 92123

David W Gibson
Executive Officer
Executive Office

cc: David Barker
Supervising Water Resources Control
Engineer
Surface Water Basins Branch