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Secretary for
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Department of Toxic Substances Control

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Edmund G. Brown Jr.
Governor

July 11, 2013

Ms. Margaret Rosegay
Pillsbury Winthrop Shaw Pittman, LLP
50 Fremont Street
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RE: DTSC Responses to *Draft Auto Shredder Residue Treatability Study Workplan*, submitted by the California Chapter, Institute of Scrap Recycling Industries, dated Draft 5/9/2013

Dear Ms. Rosegay:

Thank you for the recent submission of the *Draft Auto Shredder Residue Treatability Study Workplan* (Treatability Study Workplan), dated May 9, 2013. I also want to thank you for your continued interest in an open dialogue with the Department of Toxic Substances Control (DTSC) on behalf of your clients in the California metal shredder industry regarding the generation, treatment, management and disposal of metal shredder residues (MSR).

As DTSC's Director Deborah Raphael has expressed to you in previous meetings, DTSC is committed to evaluating its past decisions related to the management of MSR. DTSC's goal is to ensure that MSR treatment methods and management practices are fully protective of public health and the environment and that the standards and requirements that are in place can be effectively enforced.

Director Raphael is also committed to DTSC conducting this evaluation in a public and transparent way. To facilitate this transparency and stakeholder feedback and input, DTSC developed a web page on our public web site for MSR. On the MSR web page, DTSC will post any relevant historical information, a description of DTSC's plans for conducting its evaluation with key dates and milestones, and a description of opportunities for all stakeholders, including the general public, to provide input into the evaluation process and any recommendations that follow. DTSC's MSR web page can be found at: <http://www.dtsc.ca.gov/HazardousWaste/MetalShredderPortal.cfm>. DTSC has set a tentative deadline of November 2014 for completing its evaluation and developing and implementing a set of recommendations based on the evaluation.

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DTSC has reviewed your draft Treatability Study Workplan and, based on that review, has a number of questions and comments (enclosed) that need to be addressed in the Treatability Study Workplan. DTSC requests that you submit a revised Treatability Study workplan by August 15, 2013. Please let me know if you would like to meet to discuss DTSC's comments and possible workplan revisions prior to submitting your revised Treatability Study Workplan

I look forward to working with you and your clients, as well as with other stakeholders, as we continue this critical evaluation. If you have any questions about DTSC's Treatability Study Workplan comments or about DTSC's plans or posted information, please feel free to contact Mr. Tyrone Smith of my staff at (916) 322-0489 or Tyrone.Smith@dtsc.ca.gov.

Sincerely,



Rick Braunsch, Division Chief
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Enclosures

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cc: Mr. Richard Josephson
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**Draft Auto Shredder Residue Treatability Study Workplan,
Dated May 9, 2013**

**DTSC Questions and Comments
July 8, 2013**

DTSC Reviewers:

**Tyrone Smith, Team Lead
Edward Benelli
Adriana Ortegon**

**John Muegge
Charles Corcoran
Edward Nieto**

General Comments

- 1) All the data generated during sample testing must be presented;
- 2) New data must be collected for the Study; historic data cannot be relied upon;
- 3) A timeline with expected completion dates for each part of the Study must be presented, including submission of the Study;
- 4) The current draft study, as presented, does not provide sufficient information on the hazardous waste characteristics of untreated material and other wastes generated during metal shredding operations. At a minimum, the testing protocol should include total analysis for atypical and anticipated constituents of concern for the untreated wastes, such as cadmium, chromium (total), copper, lead, mercury, nickel, zinc, and PCBs.
- 5) The draft study does not adequately identify and evaluate the levels of the various treatment chemicals required to satisfy the requirements of STLC test, and address the costs of doing the various treatments. Ideally, the Study would reveal the cost differential between the current practices and the proposed treatments and costs to achieve DTSC's stated goal of no soluble exceedance.
- 6) The Study needs to be based on actual discrete samples collected from actual waste streams, not on composited lab or field data. Sample data cannot be averaged over several years or several facilities. Composite samples have the effect of hiding variability and should not be used when a waste is highly variable or heterogeneous. In order to conduct a proper hazardous waste determination, both the level of hazardous constituents and also their variability in the waste stream must be quantified using discrete sampling methods. The Study should include correlation of feedstock composition to waste characterization.

**Draft Auto Shredder Residue Treatability Study Workplan,
Dated May 9, 2013**

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Bench Scale Studies

- 1) Concentrations of treatment chemicals and waste must reflect ratios and concentrations used during field studies
- 2) Scale-up from bench-scale to full-scale field implementation should address the following:
 - a. chemical reagents storage and delivery methods
 - b. evaluation of treated material consistency tests
 - c. mixing and curing time and methods employed
 - d. method and measurement for delivering correct reagent quantity
 - e. quality assurance

Field Studies

- 1) As written, it is unclear what the effect of various treatment chemicals (silicates, lime, cement) concentrations will have on the concentrations of lead and zinc in the treated waste. The Study does not provide sufficient details on chemicals used, the concentrations employed, or the curing time required. Additional detail is needed including MSDS for each chemical and reagent used;
- 2) Data must be collected from the pug mill itself during actual processing operations using the actual chemical concentrations specified. Data collected from bench-scale tests and pilot must show efficacy of treatment during full-scale processing operations;
- 3) Complete testing data sets must be collected and presented from each facility to ensure that the chemical concentrations and processing parameters specified are repeatable and effective;
- 4) As described, sampling events will not capture the inherent variability of the waste. This issue can be overcome by including an acceptable QA/QC plan for the sampling as part of the Study. During sampling, duplicate samples must be collected for analysis by another certified laboratory and such results presented as well.