

MARCH 2014 - PROJECT UPDATES FOR MSR

Project Description: In the late 1980s and early '90s, the California Department of Health Services – the predecessor of the Department of Toxic Substances Control (DTSC) –classified metal shredder residue as non-hazardous waste. This decision was based upon the best science at the time, but much has changed since then: vehicles and appliances and the materials they are made from are different; and technology has changed. These factors prompted DTSC to revisit decisions made more than 20 years ago.

Regulatory References: All major metal shredders in California (seven active locations) are operating under an authorization issued by DTSC (then DHS) in the late 1980s. These authorizations, also known as “f” letters, authorized facilities to manage “treated automotive shredder waste” (TASW) pursuant to CCR, title 22, section 66260.200(f) and DTSC Policy and Procedure No. 88-6.

Project Correspondence:

- **June 13, 2013** - Response letter from DTSC to Ms. Alice Sterling to provide update of the departments current activities on the reevaluation of metal shredder facilities practices and path forward.
- **July 11, 2013** - DTSC Responses to initial *Draft Auto Shredder Residue Treatability Study Workplan*, submitted by the California Chapter, Institute of Scrap Recycling Industries (ISRI).
- **September 26, 2013** - Receipt of 2nd *ISRI Draft Auto Shredder Residue Treatability Study Workplan*.
- **October 10, 2013** – Request letters for Participation in Review of Metal Shredder Residue (MSR) Practices sent to State and Local enforcement agencies.

Meetings:

- **August 9, 2013** - Margaret Rosegay requested the meeting to review and respond to DTSC’s July 11, 2013 letter regarding DTSC Responses to the *Draft Auto Shredder Residue Treatability Study Workplan*. Ms. Rosegay went over each point identified in the letter and received clarification from DTSC staff and agreed to include additional details in the formal version, which was expected to be submitted by 8/15/2013. Ms. Rosegay stated that they would not have it ready by then, and offered to send a letter to DTSC requesting an extension. Subsequent discussion centered on sampling approaches and sample preparation, and the need for a consistent methodology and QA/QC to be established and followed throughout the treatability study and across the various metal shredding facilities and analytical laboratories.

- **August 15, 2013** - DTSC staff from Policy and Program Support, and Office of Legal Counsel met with Chuck White and Brian Bowen from Waste Management. Mr. White requested the meeting to learn about DTSC's Metal Shredder Residuals project. Waste Management offered to help in DTSC's MSR industry evaluation by providing existing groundwater monitoring and leachate data, and by offering site visits to landfills for potential sample collection. Waste Management operates two of the larger landfills accepting treated auto shredder waste (TASW), Altamont (2nd largest) and Simi Valley (3rd). Waste Management's Altamont Landfill has a new TASW sampling requirement imposed by the State's Regional Water Quality Control Board (SRWCB) in which they must sample TASW loads "once per 1,000 tons." Mr. White offered to provide DTSC a list of issues of importance for landfills accepting treated metal shredder residues that may assist DTSC in its evaluation of MSR.
- **September 16, 2013** - Meeting held with CalRecycle staff to provide status of DTSC MSR project and discuss their participation in public workshops and assistance in review of treatability study documents. DTSC requested CalRecycle to review and provide comments for DTSC MSR project workplan, industry treatability study workplan, and to provide management and technical POCs for project coordination.
- **November 8, 2013** – MSR Regional State and Local Agency Stakeholder Workshop held in Berkeley: DTSC met with identified state and local agencies impacted by metal shredder facility activities. Purpose of the meeting was for DTSC to provide an overview of the metal shredding industry, existing regulations that apply to the metal shredding industry and invite comments on the DTSC draft MSR workplan and industry's treatability study workplan. Participants at the workshop also provided overviews of their agency's regulatory authorities and issues for metal shredder facilities and landfills that accept treated metal shredder residuals as alternative daily cover (ADC).

Workshop Participants:

- DTSC,
- County of Alameda Environmental Health Department
- San Joaquin County Environmental Health Department
- Alameda County Environmental Health Department
- City of Berkeley Environmental Health Division
- Solano County Department of Resource Management
- San Mateo County Environmental Health Services Division
- City and County of San Francisco Department of Public Health
- Bay Area Air Quality Management District
- Oakland City Fire Department (CUPA)
- Solana County CUPA

- San Mateo County (CUPA)
 - CalRecycle
 - San Francisco Regional Water Quality Control Board
- **November 15, 2013** – MSR Regional State and Local Agency Stakeholder Workshop held in Cypress: DTSC met with identified state and local agencies impacted by metal shredder facility activities. Purpose of the meeting was for DTSC to provide an overview of the metal shredding industry, existing regulations that apply to the metal shredding industry and invite comments on the DTSC draft MSR workplan and industry's treatability study workplan. Participants at the workshop also provided overviews of their agency's regulatory authorities and issues for metal shredder facilities and landfills that accept treated metal shredder residuals as alternative daily cover (ADC).

Workshop Participants:

- State Water Resources Control Board
- South Coast Air Quality Management District
- Los Angeles Regional Water Quality Control Board
- Ventura County Environmental Health Division
- San Bernardino County Fire Department
- Los Angeles County Fire Department
- Anaheim City Fire Department
- Santa Ana Regional Water Quality Control Board

Summary of meeting notes and input provided by stakeholders at the November 8 and November 15 MSR Workshops.

Meeting notes categorized by area of concern:

1. Metal Shredding Facilities

- do not necessarily employ the same production processes throughout the industry
- have differing scales of operation (large fixed location and small mobile operations)
- each shredder can process different types of materials
- are subject to different laws depending on the number of years operating
- Not all operations have paved work floors, some use loose gravel covering or a mix of pavement and gravel

2. Landfills

- Storage – liquid phase. Test for off-gassing before treatment
- 500 tons/day taken in at some landfills– reporting inconsistent between landfills and agencies
- MSR piles sat for 6 months uncovered. Concern about dust from the piles being blown offsite
- Reporting accuracy is an issue
- MSR deposits into landfills may not be accurately reported?
- Is leachate being tested?

3. Regulatory Agencies

- “F” Letter from DTSC deeming treated MSR non-hazardous in the ‘80’s early 90’s makes regulation difficult for businesses that have the letter.
- Fraudulent copies of these letters used by new businesses – inspectors don’t know which facilities have original documents
- Metal shredding affects air, soil, storm water runoff and groundwater
- Stormwater may be regulated at regional or State levels and permitting may differ from region to region – communication is a challenge relating to regional tiered permit issues
- There is a new permit (2012) in place in Santa Ana, their Regional Water Board is awaiting results of first annual test
- Oil & grease are tested but not gasoline
- Hard to regulate, there is a lot of metal dust in addition to MSR
- Need a daily log of cleaning practices at each facility/operation
- Good housekeeping is the key
- Storm water discharge is predominantly an open system where contaminants can be released into the environment
- Acid gases and Volatile Organic Compounds (VOCs) may be released and are regulated
- CUPA authority limited due to “F” Letters

Dust –The process of metal shredding creates high volumes of air born emissions:

- Small size of particulate matter
- Lot of dust at treatment/storage locations
- What do the shredders do with collected dust? How do they collect it?
- Why are there different requirements for on-site verses offsite acceptable quantities?
- How is the site line monitored and how often? (Annually) Is that enough?
- How is dust stopped from crossing the property line?
- Plume in one instance was over 100 ft. from property boundary before any enforcement actions taken
- Rule 403
- Does DTSC have a role in regulating dust?
- Are there emissions from offsite uncovered shredder mounds?
- Monitoring data is available on SCAQMD website
- Small size dust particulate matter – is there testing? How can we find out if it causes health problems in the surrounding community?
- Fire hazards – better water storage or heat testing?
- Pools of dust and sediment found during inspection. The shredding process is very high volume and creates so much MSR that it is difficult to enforce cleanliness/containment standards
- Problem of dust being tracked out of facilities via vehicles/transportation.

Metals – Treatability Study Workplan developed by Metal Shredding Industry:

- May require additional testing to what is in the plan, e.g. PCB testing required in plan but an agency may see the need to include testing for more contaminants
- Agencies asked for comments as soon as possible, but by December 16, 2013 at the latest to maintain project timelines
- State Water Control Board Policy 87-22 may need to be rescinded if “F” letters are rewritten

Additional Questions:

- Where are the data gaps? If all the agencies share information are there still missing pieces?
- What is the impact to groundwater?
- Are the materials hazardous in different phases of treatment? If so what safety measures can be taken at each phase?
- Will there be a protocol for treatment and long-term testing of materials?
- How is Cal-Recycle working with DTSC?
- Is the moisture level or danger of MSR drying out over time an issue?
- Leachate – is it being tested at landfills? Are there new tests for the leachate?
- What can be done about outdated and fraudulent “F” letters?
- Rewrite “F” letters with more site-specific language so that letter cannot be used at other sites?
- Is a 3rd party study possible? Who would fund it?
- What kind of guidelines can be developed for sampling?
- Will there be a central online hub for information and sharing?

Goals:

- Develop universal management practices
 - Change inspection model – may increase workload for CUPAs
 - Agencies with oversight collaborate and share information
 - Develop uniform standards
 - Examine how long MSR should go without being covered (180 days)? Currently, there is no limit to cover stock piles
 - Develop a comprehensive plan by November 2014
-
- **December 9, 2013** – meeting held at CalEPA building with technical staff from DTSC, CalRecycle and State Water Resources Control Board to discuss and solicit comments for second submittal version of industry’s treatability study workplan.
 - **December 16, 2013** – DTSC hosted a meeting at CalEPA building, Sacramento at the request of landfill owners and representatives to discuss DTSC’s work plan for re-evaluating Metal Shredder Residues (MSR) industry’s proposed treatability study for MSR, upcoming public stakeholders meetings, and disposal issues including use as landfill ADC. Also discussed were questions regarding handling and storage practices of MSR at landfill, are there uses other than ADC for MSR accepted at landfills, reporting issues for MSR as ADC, and pathways for adequate coordination and policy development on future decisions for affected stakeholders.
 - **December 19** – Meeting held at CalEPA building, Sacramento at the request of DTSC with CalEPA directors from the Air Resources Board, State Water Resources Control Board, Office of Environmental Health and Hazards Assessment (OEHHA), and Cal Recycle. Meeting purpose was to provide background and updates of DTSC’s MSR Evaluation, and Metal Recyclers Enforcement Initiative activities. Discussions focused on; consideration and impacts of potential policy decisions and changes to regulatory status of metal

shredder wastes, and pathways for adequate coordination and policy development on future decisions for affected stakeholders.

- **January 14 and 23, 2014** – MSR public workshop meetings held in Wilmington and Oakland, CA. DTSC invited the public and key community stakeholders to discussion of future long-term management and disposal of Metal Shredding Residue (MSR) generated from metal shredding operations throughout California. DTSC provided an overview of its current regulatory authorities for the metal shredding industry and invited comments on the DTSC draft MSR workplan and industry's treatability study workplan. Participants at the workshops offered perspectives from the public, community agencies, businesses, and regulatory agencies regarding environmental, health and safety, community, and economic impacts from metal shredder facility activities and landfills that accept treated metal shredder residuals as alternative daily cover (ADC).
- **February 21, 2014** – Meeting held at DTSC Chatsworth Regional office at the request of Ms. Alice Sterling (public) with DTSC's MSR and enforcement staff to discuss regulatory historical background and framework for management of MSR by the department. Additional discussion items focused on concerns regarding industry's' treatability study, and additional clarification and details on DTSC's workplan and related activities and projects under consideration as part of its overall evaluation of metal shredder facilities and landfills that receive their wastes. Also in attendance was Ms. Liz Tucker from Consumer Watchdog to transcribe meeting discussions.

Site Visits by DTSC MSR Staff

- **November 14, 2013** – Site visit to S.A Recycling, Terminal Island by DTSC staff.
- **January 15, 2014** – Site visit to S.A. Recycling, Anaheim by DTSC staff.
- **January 24, 2014** – Site visit to Schnitzer Steel, Oakland by DTSC staff.
- **February 20, 2014** – Site visit to Simi Valley Landfill by DTSC staff.

Stakeholders/Partners to Date:

Institute of Scrap Recycling Industries
CalRecycle
Air Resources Board
State Water Resources Control Board
Regional Water Quality Control Board
Certified Unified Program Agency (CUPA)
Local Enforcement Agencies
Landfill Operators
Coalition for a Safe Environment, Wilmington CA