

Public Workshop on Proposed Rulemaking

Conditional Exclusion for Chemically Treated Metal Shredder Residue (CTMSR)

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DTSC Policy and Program Support Branch

Today's Agenda

- Introduction and background of Metal Shredding Facilities and Metal Shredder Wastes
- Findings from DTSC's *Draft Evaluation of Metal Shredding Facilities and Metal Shredder Wastes*
- Proposed regulatory language
- Public participation in the rulemaking process under the Administrative Procedure Act
- Comments

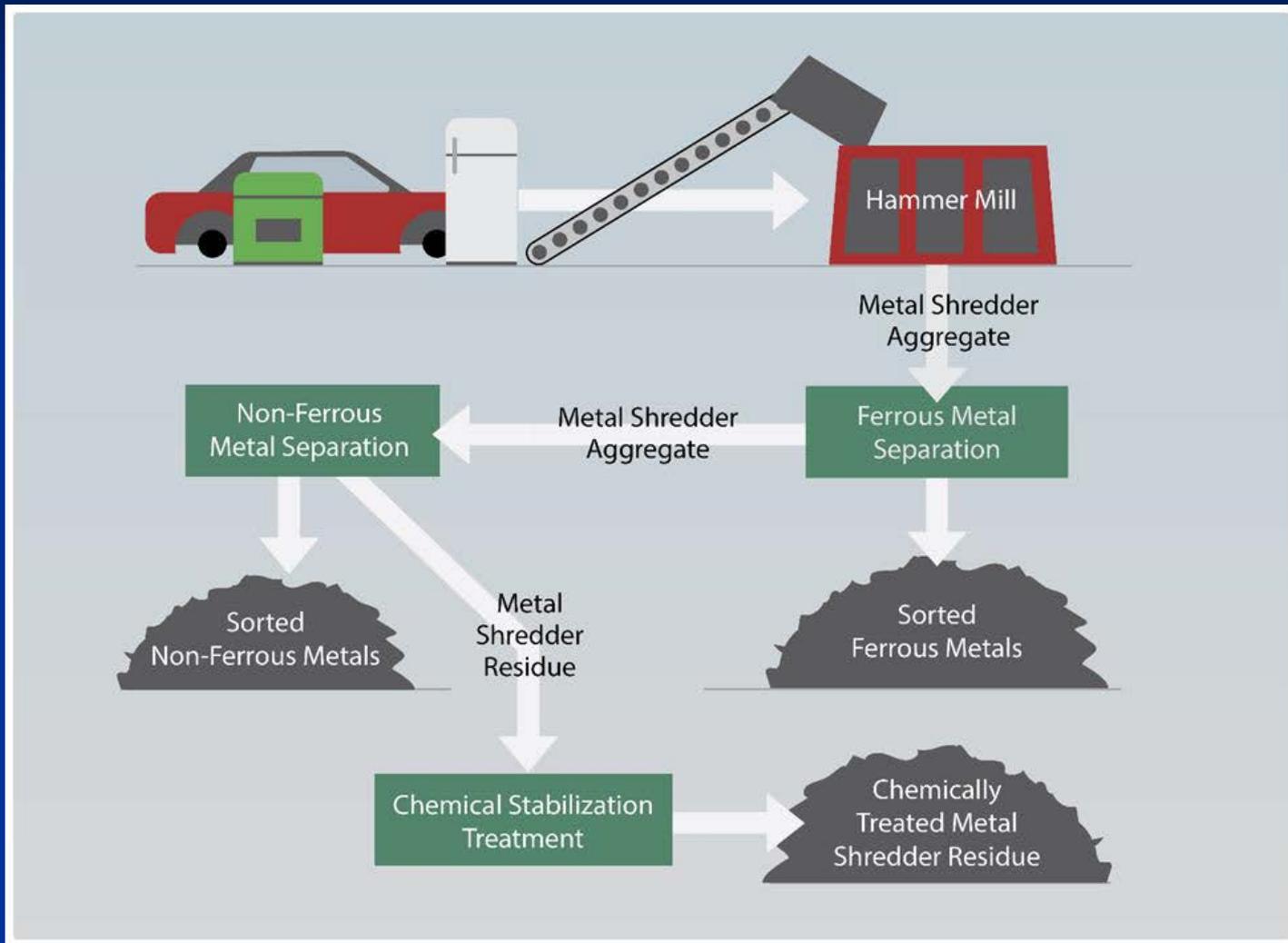
What Is a Metal Shredding Facility?



History and Regulatory Oversight

- **1984** – California-only non-RCRA hazardous waste
- **Mid-1980s** – Chemical stabilization treatment method developed to reduce the solubility of the metals
- **1985** – Legislature directs Water Boards to designate authorized landfills to accept the waste
- **1987** – Water Board issues Resolution 87-22
- **Late 1980s to early 1990s** – “f letters” issued to shredders that classify CTMSR as nonhazardous
- **2015** – Legislature directs DTSC to re-evaluate industry
- **2018** – DTSC issues *Draft Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*

Metal Shredding Processes



Metal Content in a Typical Vehicle

Shredding a typical 2,500-lb. car produces:



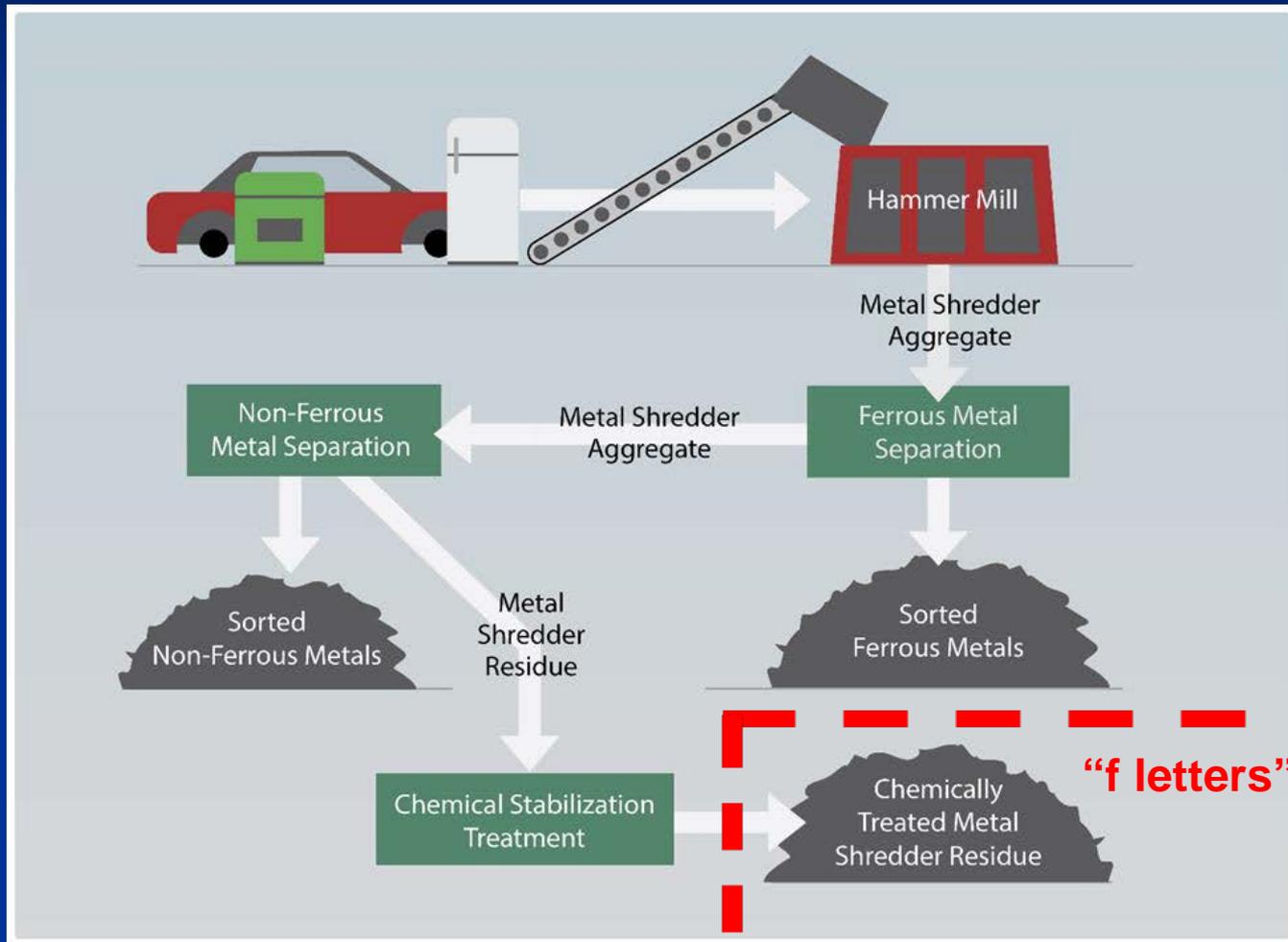
- **72% or 1,790 lbs. of ferrous metals – iron, steel**
- **7% or 178 lbs. of non-ferrous metals – copper, aluminum**
- **21% or 532 lbs. of metal shredder residue (MSR)**

Metal Shredder Residue (MSR)

- Rubber
- Foam
- Plastic
- Glass
- Wood
- Dirt
- Stones
- Nuts, bolts
- Metal pieces
- Metal dusts



Current Authority for CTMSR Disposal



Metal Shredding Facilities and Landfills that Accept CTMSR

Authorized Metal Shredding Facilities

- 1 Schnitzer Steel Products - *Oakland*
- 2 Sims Metal Mgt - *Redwood City*
- 3 SA Recycling - *Bakersfield*
- 4 SA Recycling - *Terminal Island*
- 5 SA Recycling - *Anaheim*
- 6 Ecology Auto Parts - *Colton*

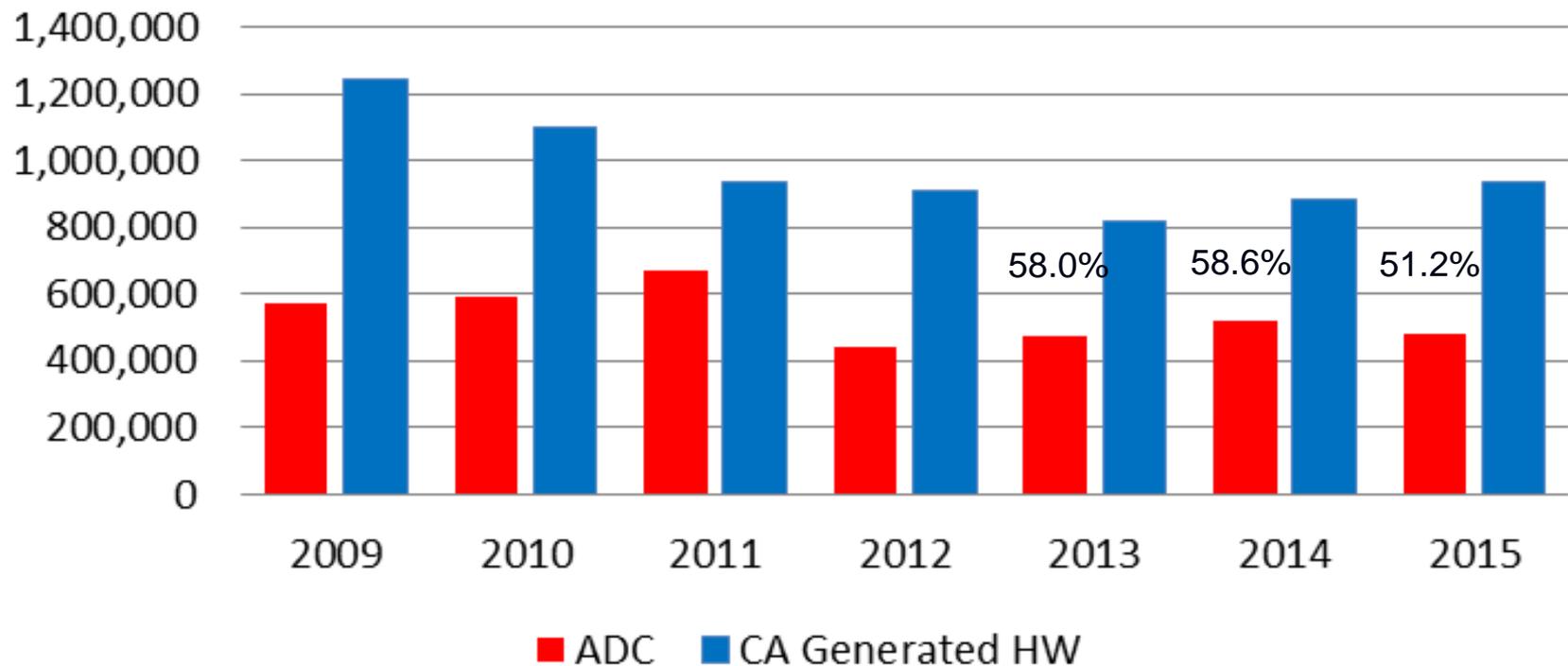
Landfills that Accept CTMSR

- A Vasco Road Landfill - *Livermore*
- B Altamont Landfill - *Livermore*
- C H.M. Holloway - *Bakersfield*
- D Chiquita Canyon Landfill - *Castaic*
- E Simi Valley Landfill - *Simi Valley*



Annual Generation of CTMSR

California Generated Hazardous Waste and Metal Shredder Waste Used as Alternative Daily Cover (ADC) in Tons



DTSC's Evaluation and Analysis

- **Prior to 2015** – DTSC was working with industry to develop a Treatability Study
- **2015** – SB 1249 was enacted which directed DTSC to re-evaluate its past management decisions
- **2015 to 2018** – DTSC conducted an evaluation of metal shredding facilities and their wastes
- **2018** – DTSC issued *Draft Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Waste*



DRAFT

Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes



January 2018

Implementation of
California Health and Safety Code Section 25150.82

Goals of the Treatability Study

- Does it exhibit a federal RCRA characteristic?
- Does it exhibit a state HW characteristic?
- Determine optimum application rate to minimize solubility
- Each facility demonstrated the “best” treatment



TCLP Analytical Test

- Toxicity Characteristic Leaching Procedure (TCLP)
- TCLP is used to determine if waste is a federal RCRA waste
- Simulates long-term stability in a landfill environment
- Do metals leach after prolonged contact with acids?



Treatability Study Results for TCLP

Concentration	Untreated Metal Shredder Residue (mg/L)	Chemically Treated Metal Shredder Residue (mg/L)
Lead, average (Regulatory Threshold)	3.9 (5.0)	0.26 (5.0)
95% UCL*	4.9	0.32
Cadmium, average (Regulatory Threshold)	0.40 (1.0)	0.22 (1.0)
95% UCL	0.43	---
Chromium, average (Regulatory Threshold)	0.26 (5.0)	0.20 (5.0)
95% UCL	0.31	---

*UCL- Upper Confidence Limit

Determination of TTLC and STLC

- Waste Extraction Test to identify California-only non-RCRA wastes
- Total Threshold Limit Concentration (TTLC)
- Soluble Threshold Limit Concentration (STLC)
- More stringent than federal test



Results for TTLC and STLC

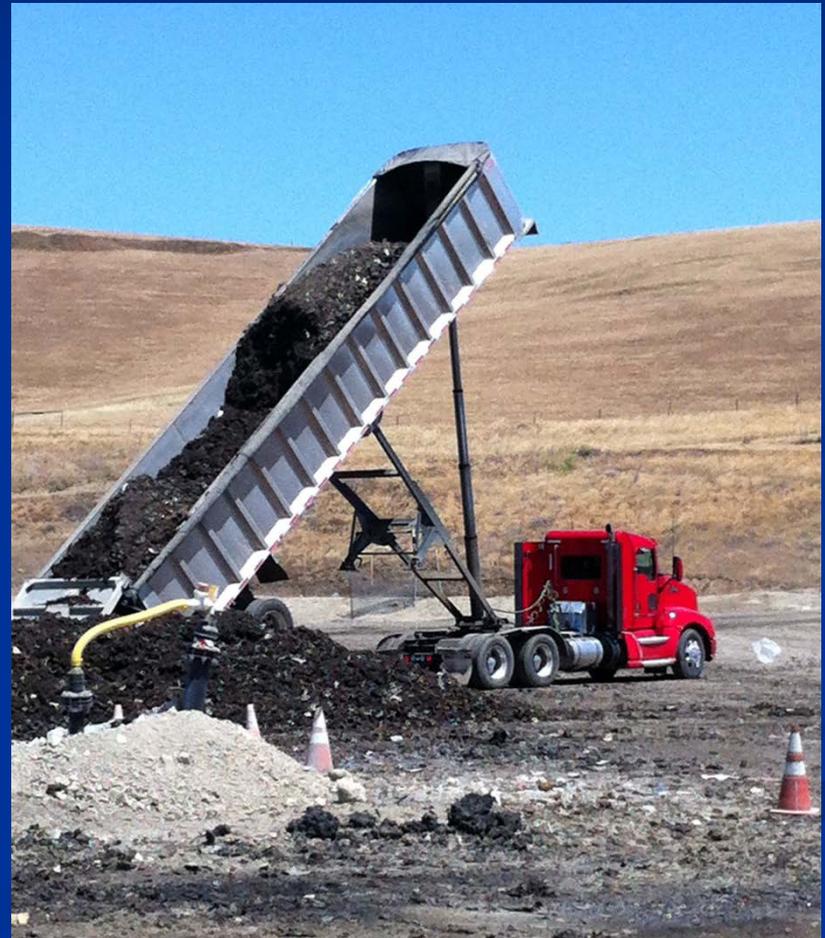
Concentration	Untreated TTLC (mg/kg)	Treated TTLC (mg/kg)	Untreated STLC (mg/L)	Treated STLC (mg/L)
Lead, average (Regulatory Threshold)	966 (1,000)	777 (1,000)	51.4 (5.0)	4.9 (5.0)
95% UCL*	1,057	920	55.0	6.3
Copper, average (Regulatory Threshold)	14,431 (2,500)	11,196 (2,500)	2.46 (25)	8.3 (25)
95% UCL	16,022	12,767	2.81	10.3
Zinc, average (Regulatory Threshold)	9,498 (5,000)	5,961 (5,000)	945 (250)	244.5 (250)
95% UCL	10,297	6,575	997	288.2

*UCL- Upper Confidence Limit

DTSC Assessment of Waste Management at Landfills

DTSC Reviewed

- Waste Discharge Requirements (WDRs)
- Locations of sensitive receptors
- Air sampling data from Vasco Road Landfill and Simi Valley Landfill
- Surface water runoff data
- Landfill leachate data



CTMSR Is Approved for Use as Alternative Daily Cover

- Daily Cover is required to control vectors, fires, odors, blowing litter, and scavenging
- CalRecycle and the RWQCBs authorize the use of CTMSR as Alternative Daily Cover (ADC)
- Approximately 15 percent of ADC used statewide is CTMSR



Air Sampling at Landfills

Air Sampling Included

- Total Suspended Particulates (TSP)
- Particulate Matter less than 10 microns (PM 10)
- Particulate Matter less than 2.5 microns (PM 2.5)
- Analysis for metals
- Meteorological stations



Results of Landfill Air Sampling

Air Sampling Results

- PM10 and PM2.5 were above the National Ambient Air Quality Standard
- Lead was below the AAQS limits
- Lead was below the NIOSH limits
- Lead was below the OSHA limits



Review of Surface Water Runoff from Landfills

	Simi Valley Landfill (Accepts CTMSR)			Sunshine Canyon Landfill (Does not accept CTMSR)		
Analyte	No. of samples	Non-detects	Average (µg/L)	No. of samples	Non-detects	Average (µg/L)
Lead	6	0	11.9	17	0	39.1
Zinc	4	0	200	17	0	829

Comparison of Landfill Leachate Results

	Vasco Road Landfill (Accepts CTMSR)			Ox Mountain Landfill (Does not accept CTMSR)		
Analyte	No. of samples	Non-detects	Average (µg/L)	No. of samples	Non-detects	Average (µg/L)
Lead	176	147	6.9	52	19	3.2
Zinc	176	91	9.8	51	6	19.3

Disposal of CTMSR at Landfills

- DTSC conducted a treatability study to establish the highest level of treatment that could be achieved with the current technology
- DTSC conducted air sampling at landfills to determine the potential for contaminants in the waste to migrate from the facilities following disposal, and evaluated the potential for contaminants to migrate from landfills through leachate and surface water runoff
- The Draft Report concluded that 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
- Based on this Analysis, DTSC intends to promulgate regulations to classify CTMSR as nonhazardous waste, and allow, with additional protective conditions, its continued disposal in authorized landfills

Reason This Regulation Is Needed

CTMSR has been disposed in municipal solid waste landfills and used as ADC since the 1980s

- Disposal has not resulted in harm to human health or safety or to the environment
- The “f letters” are no longer the most appropriate or effective mechanism for the management of CTMSR
- It is more appropriate and effective to establish a Conditional Exclusion for CTMSR under a new regulation
- This regulation will add important safeguards that will provide enhanced protection for human health, safety, and the environment
- This regulation will allow DTSC to implement and enforce the requirements of California hazardous waste law more consistently and effectively

Proposed Exclusion for CTMSR

Chemically Treated Metal Shredder Residue is nonhazardous:

- Only if generated by an Authorized Metal Shredding Facility
- Only if treated at the most effective rate demonstrated in the Treatability Study
- Only if disposed at Authorized Landfills approved to accept the waste by their RWQCBs

Chapter 10 Definitions

“Authorized metal shredding facility”

Three types of authorizations:

- (a) A permit issued by the department ... ;
- (b) An order issued or entered into by the department ... that authorizes a metal shredding facility to continue operations pursuant to specified management and operating conditions; or
- (c) A judgment issued by a court ... that authorizes operations pursuant to specified management and operating conditions.

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:

8

9 ***

10

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.

43

44 ***

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Chapter 10 Definitions

“Authorized solid waste landfill unit”

Reference to HSC section 25150.82(j):

“A composite-lined portion of a solid waste landfill unit ... regulated by waste discharge requirements ... for discharges of designated waste ... that allow for the discharge of chemically treated metal shredder residue.”

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42 adopted to implement that section.

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Chapter 10 Definitions

“Chemical stabilization”

Reference 22 CCR section
67450.11(4)(A):

“ ... a process by which a waste is converted to a more chemically stable form that reduces the solubility of the contaminant(s) through the addition of liquid sodium or potassium polysilicate solution and Portland cement or lime.”

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.
8

9
10
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.

23
24 ***

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.

37
38 ***

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 1994~~; ~~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(i)~~, ~~25158.2~~, 25159, 25159.5, ~~25187.7~~, 25200.10,

Chapter 10 Definitions

“Chemically treated metal shredder residue”

Metal shredder residue after
chemical treatment:

“ ... the portion of metal shredder residue that remains after metals are removed following the shredding of end-of-life vehicles, appliances, and other forms of scrap metal ... that has been treated using chemical stabilization ... also includes ... “treated auto shredder waste” or “treated metal shredder waste ... ”



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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
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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
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34 other forms of scrap metal. “Metal shredding facility” does not include a feeder yard, a
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Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(1) It is generated by an authorized metal shredding facility;

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:

8 ***

9
10
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;

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(2) The CTMSR has been either:

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

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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

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

22

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

28

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

43

44 (3) The CTMSR does not exhibit the RCRA hazardous waste characteristic of

45

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

47

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

49

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

Reference chapter 46 of title 22, CCR:

(B) Treated by a hazardous waste environmental technology that has been certified by the Director ...

The evaluation and determination of the hazardous waste environmental technology shall be conducted pursuant to the requirements of chapter 46 ...



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:

8

9 ***

10

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;

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(3) not ... RCRA ... waste ... ;

(4) a non-RCRA ... waste solely ... by exceeding the Total Threshold Limit Concentration ... or ... by exceeding the Soluble Threshold Limit Concentration ... ;

(5) It does not exhibit any other characteristic of hazardous waste ... ;

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:

8

9 ***

10

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.

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(6) The CTMSR is stored prior to transportation in compliance with all applicable requirements found in chapter 14 of this division for the storage of hazardous waste in containers, tanks, or containment buildings ... ;

- 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

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

Reference HSC section 25143.2 (d)(4)(A):

(7) It is transported by the same authorized metal shredding facility that generated the CTMSR ... by employees ... and in vehicles under the control of that authorized metal shredding facility ...

... It is not handled at any interim location ... It is not held at any publicly accessible interim location ...



- 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

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(8) It is disposed to an authorized landfill unit ...



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

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(9) The metal shredding facility ... maintains ... the following documentation:

(A) A record of monthly sampling and analysis ... which demonstrates that CTMSR meets the conditions required in paragraphs (2) and (3) ...

(2) ... metals ... by the Toxicity Characteristic Leaching Procedure ...

(3) ... PCBs do not exceed the Total Threshold Limit Concentration or the Soluble Threshold Limit Concentration



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
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33 (3) and (4). This monthly sampling and analysis of the CTMSR must meet all
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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

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

- (9) The metal shredding facility ... maintains ... the following documentation:
- (B) The date of each shipment ...
- (C) The quantity ...
- (D) The name of the authorized landfill ...



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
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15 more than four hours, unless required by other provisions of law, prior to
16 disposal.
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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
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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
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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
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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

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(9) The metal shredding facility ... maintains ... the following documentation:

(E) A record of monthly sampling and analysis ... which demonstrates that CTMSR meets the conditions required in paragraphs (3) and (4) ...

(3) ... metals ... by the Toxicity Characteristic Leaching Procedure ...



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
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19 the department or other regulatory agency upon request, all of the following
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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
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33 (3) and (4). This monthly sampling and analysis of the CTMSR must meet all
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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

Chapter 11 Exclusions

CTMSR is not hazardous waste for the purposes of transportation and disposal provided ...

(4) ... PCBs do not exceed the Total Threshold Limit Concentration or the Soluble threshold Limit Concentration

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.
7

8

9

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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 58042~~, 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, ~~25212~~, 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.

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21

Public Participation in the Rulemaking Process

- Rulemaking will follow the public process established by the Administrative Procedure Act
- Pre-APA public workshop
- Notice of Proposed Action – October 2018
- 45-day Public Comment Period begins
- Public Hearing – November 2018
- DTSC submits proposed regulation to the Office of Administrative Law for review – February 2019
- Regulations become effective on July 1, 2019, if approved

Additional Resources from the Office of Administrative Law

Guide to Public Participation in the Regulatory Process

Office of Administrative Law

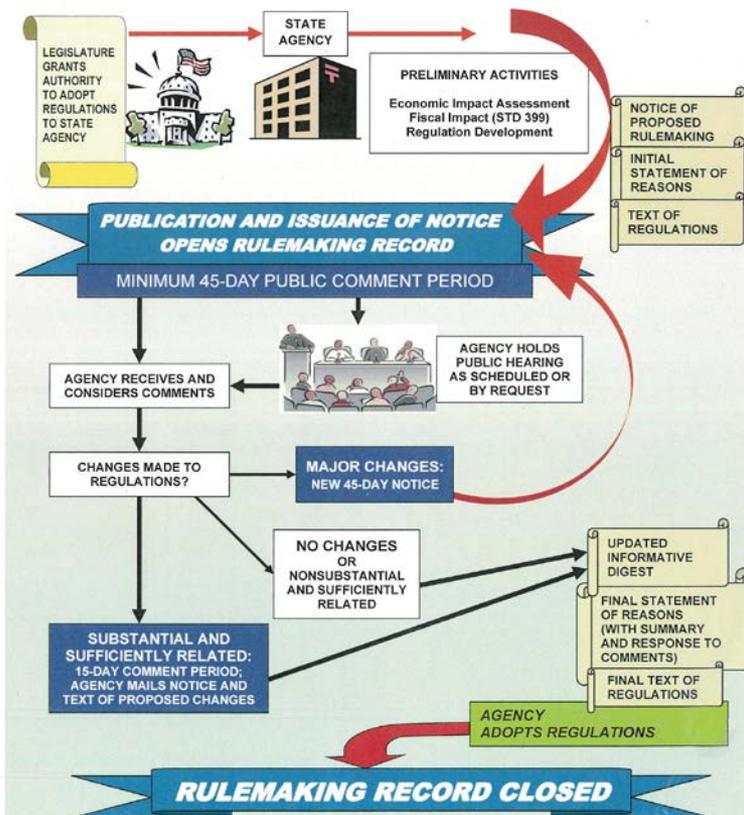
INTRODUCTION

In California, laws are enacted by the Legislature and are called "statutes". Often times, the Legislature enacts statutes that allow or require a state agency in the Executive Branch to adopt "regulations". A "regulation" is a policy or procedure affecting the public or any segment of the public that implements, interprets, or makes specific a statute the state agency enforces or administers. Unless expressly exempted, state agencies must follow the procedures and requirements set forth in the California Administrative Procedure Act (Government Code § 11340 *et seq.*) (APA) and rules adopted by the Office of Administrative Law (OAL). Once properly adopted, regulations have the force of law and therefore can directly affect the legal rights and duties of members of the public.

The APA is designed to provide the public with a meaningful opportunity to participate in the adoption of regulations by California state agencies and to ensure the creation of an adequate record for OAL and judicial review. Every California state agency must satisfy the basic minimum procedural requirements established by the APA for the adoption, amendment or repeal of an administrative regulation unless the agency is expressly exempted by statute. The following materials are intended to provide guidance on how members of the public can participate in the rulemaking process.¹ This includes a general overview APA and sources of relevant information, a discussion on what must be adopted pursuant to the APA, an overview of the regular rulemaking process and an overview of the emergency rulemaking process.

^{1/} This document is for information purposes only. For specific legal requirements and procedures, please review the California Administrative Procedure Act (Government Code § 11340 *et seq.*) (APA) and rules adopted by the Office of Administrative Law (OAL).

REGULAR RULEMAKING



For Additional Information

Project web page for background material

- <http://www.dtsc.ca.gov/HazardousWaste/MetalShredderPortal.cfm>

DTSC regulations under development

- <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>

E-mail to contact the Metal Shredder Project Team

- mswstakeholders@dtsc.ca.gov

Join our electronic listserv at:

- <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm>

Thank You

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