

Introduced by Senator Caballero

February 14, 2025

An act to amend Section 25117 of, to add Chapter 6.4 (commencing with Section 25095) to Division 20 of, and to repeal Sections 25150.82, 25150.84, and 25150.86 of, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 404, as introduced, Caballero. Hazardous materials: metal shredding facilities.

Existing law authorizes the Department of Toxic Substances Control (DTSC), in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, to adopt regulations to establish management standards for metal shredding facilities for hazardous waste management activities within DTSC's jurisdiction, as provided. Existing law provides that treated metal shredder waste that is managed in accordance with those regulations is deemed to be solid waste, and not hazardous waste, as provided.

This bill would repeal those provisions and would establish a comprehensive scheme for the regulation of metal shredding facilities. The bill would prohibit an owner or operator from operating a metal shredding facility, as defined, in the state unless they have a permit from DTSC or are deemed to have a permit. The bill would prescribe the requirements for obtaining a permit, for being deemed to have a permit, for operating a metal shredding facility, and for transporting certain materials related to metal shredding, as specified. The bill would provide that certain materials related to metal shredding are not hazardous waste if they meet specified requirements. The bill would

require any report required to be submitted by a metal shredding facility pursuant to a permit issued to be signed by the owner or operator and be certified under penalty of law, including criminal penalties, as specified. Because the bill would expand the scope of a crime, the bill would impose a state-mandated local program. The bill would require an owner or operator of a metal shredding facility to report to DTSC any release or threatened release of a hazardous substance and certain emergency situations, as specified. The bill would require an owner or operator of a metal shredding facility to submit to DTSC a closure plan and a cost estimate for closing the metal shredding facility, as specified. The bill would authorize DTSC to enforce these provisions by revoking permits and by other specified means. The bill would require the department to develop, on or before July 1, 2027, a procedure for community notification of the public for the area in which the metal shredding facility is located, if monitoring indicates any release of light fibrous material, and to develop, on or before January 1, 2027, related regulations, as provided. The bill would require DTSC to adopt regulations for the operation of metal shredding facilities.

Existing law authorizes DTSC to collect an annual fee from all metal shredding facilities subject to the requirements of hazardous waste control laws or DTSC's management standards for metal shredding facilities, as provided. Existing law requires DTSC to adopt regulations necessary to administer the fee and authorizes DTSC to adopt those regulations using emergency procedures, as provided. Existing law requires the Controller to establish a separate subaccount in the Hazardous Waste Control Account and for all fees collected to be placed into that subaccount, to be available for expenditure by DTSC upon appropriation by the Legislature.

This bill would instead require DTSC to impose an annual fee on all metal shredding facilities subject to the provisions of this bill, as specified. The bill would require DTSC to adopt regulations necessary to administer the fee and would authorize DTSC to adopt the regulations using the same emergency procedures, as specified. The bill would require the Controller to establish a separate subaccount in the Hazardous Waste Control Account and would require all fees collected to be placed into that subaccount, to be available for expenditure by DTSC for purposes of implementation and administration of the provisions of the bill, upon appropriation by the Legislature.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6.4 (commencing with Section 25095)
2 is added to Division 20 of the Health and Safety Code, to read:

3
4 CHAPTER 6.4. METAL SHREDDING FACILITIES

5
6 Article 1. Findings and Declarations

7
8 25095. The Legislature finds and declares all of the following:

9 (a) Metal shredding facilities are essential to a thriving circular
10 economy in the State of California because they provide an
11 efficient, reliable, and effective means of recycling the millions
12 of tons of recyclable metal, including end-of-life vehicles and
13 household appliances, that are generated annually in the state.

14 (b) Metal shredding facilities enable the recycling of end-of-life
15 metal products and other metal-containing materials by reducing
16 them in size and facilitating the recovery of ferrous and nonferrous
17 metals and other recyclable commodities. These activities conserve
18 energy and natural resources and support the state's goal of
19 reducing the emissions of greenhouse gases and combating climate
20 change.

(c) Metal shredding facilities differ in important respects from waste management facilities. For this reason, regulation and oversight of metal shredding facilities are most appropriately addressed through requirements that are specific to the metal shredding industry while fully protecting human health and the environment. It is the intent of the Legislature that metal shredding facilities be regulated pursuant to this chapter and not Chapter 6.5 (commencing with Section 25100).

(d) The purpose of this chapter is to establish operating standards and other requirements applicable to metal shredding facilities and to resolve ongoing legal disputes over the regulatory status of metal shredding facilities in the state. The department, the metal shredding industry, and neighboring communities would all benefit from clear, enforceable requirements to govern oversight of metal shredding facilities and their operations and to proactively protect public health and the environment.

(e) Metal shredding operations have the potential to release hazardous materials and impact neighboring communities and the environment if the materials are not properly managed.

(f) Nothing in this chapter is intended to alter or override the authority of any other federal, state, or local agency with jurisdiction to regulate the activities of a metal shredding facility in accordance with any other applicable law.

Article 2. Definitions and General Provisions

25095.1. For purposes of this chapter, the following definitions apply:

(a) “Ancillary hazardous waste” means any hazardous waste generated at the facility other than metal shredder residue managed pursuant to this chapter.

(b) “Chemically treated metal shredder residue” or “CTMSR” means the waste generated from the shredding and processing of metallic materials, which may include, but is not limited to, end-of-life vehicles, appliances, and other metal-containing items, by a metal shredding facility where recoverable ferrous or nonferrous metals have been removed and the remaining metal shredder residue has been treated by a waste stabilization process, as described in this chapter.

1 (c) “Corrective action” means all actions necessary to mitigate
2 any public health or environmental threat resulting from a release
3 into the environment of hazardous substances from an operating
4 or closed metal shredding facility and to restore the environmental
5 conditions as necessary to protect human health and the
6 environment.

7 (d) “Department” means the Department of Toxic Substances
8 Control.

9 (e) “Effective date” means the date that this chapter becomes
10 operative.

11 (f) “Existing metal shredding facility” means a metal shredding
12 facility that is conducting metal shredding and metal processing
13 operations as of the date that the act adding this chapter is signed
14 into law by the Governor.

15 (g) “Feedstock” means material received by a metal shredding
16 facility before shredding and processing, including, but not limited
17 to, end-of-life vehicles, household appliances, or other forms of
18 light gauge metal suitable for processing in a metal shredder.
19 “Feedstock” is often referred to as light iron or tin.

20 (h) “Light fibrous material” means a fibrous mixture of
21 nonmetallic materials, including, but not limited to, synthetic fabric
22 and carpet fibers, and entrained metallic particles, often
23 representing the lightest fraction of metal shredder aggregate
24 produced from the shredding of end-of-life vehicles and other
25 metallic items, that is susceptible to dispersal into the environment.

26 (i) “Metal processing operations” means the stockpiling and
27 handling of metal shredder aggregate, the operations undertaken
28 to separate, sort, and remove ferrous or nonferrous scrap metal
29 from metal shredder aggregate, and the treatment and storage of
30 metal shredder residue. “Metal processing operations” does not
31 include shredding, crushing, baling, shearing, cutting, or other
32 metal recycling operations unrelated to the handling of metal
33 shredder aggregate.

34 (j) “Metal products” means all ferrous and nonferrous metals
35 that have been removed from metal shredder aggregate or from
36 metal shredder residue.

37 (k) “Metal shredder aggregate” means the mixture of shredded
38 metallic and nonmetallic materials that is produced by the
39 shredding of metallic feedstock and that is subsequently processed
40 for the purpose of separating, sorting, and removing ferrous metals,

1 nonferrous metals, or other recyclable commodities from
2 nonrecyclable materials. “Metal shredder aggregate” does not
3 include (1) metals that have been removed from metal shredder
4 aggregate, or (2) metal shredder residue. “Metal shredder
5 aggregate” is an in-process material and is not a waste or a
6 hazardous waste.

7 (l) “Metal shredder residue” means waste comprising shredded
8 plastics, rubber, glass, foam, fabric, carpet, wood, dirt, or other
9 debris, that remains after recoverable ferrous and nonferrous metals
10 or other recyclable commodities have been separated and removed
11 from metal shredder aggregate. “Metal shredder residue” does not
12 include chemically treated metal shredder residue.

13 (m) “Metal shredding facility” means the entire site and all
14 contiguous properties under the control of the owner or operator
15 of a facility that uses a shredding technique, such as a hammer
16 mill to process end-of-life vehicles, appliances, or other metallic
17 feedstock materials in order to facilitate the separation, sorting, or
18 removal of recoverable ferrous or nonferrous metals from
19 nonrecyclable materials. “Metal shredding facility” does not
20 include a feeder yard, a metal crusher, or a metal baler if that
21 facility does not conduct metal shredding operations.

22 (n) “New metal shredding facility” means a metal shredding
23 facility that had not commenced metal shredding and metal
24 processing operations as of the effective date of this chapter.

25 (o) “Operator” means the person responsible for the overall
26 operation and management of a metal shredding facility.

27 (p) “Owner” means a person who owns a metal shredding
28 facility in whole or in part.

29 (q) “Person” means any of the following:

30 (1) An individual, trust, firm, joint stock company, business
31 concern, partnership, limited liability company, association, or
32 corporation, including, but not limited to, a governmental
33 corporation.

34 (2) A city, county, district, commission, the state, and any
35 department, agency, or political subdivision thereof.

36 (3) An interstate body.

37 (4) The federal government and any department or agency
38 thereof, to the extent permitted by law.

39 (r) “Scrap metal” has the same meaning as provided in Section
40 66260.10 of Title 22 of the California Code of Regulations.

1 25095.2. Reserved.

2 25095.3. Metal shredding facilities that are subject to regulation
3 and comply with this chapter are not hazardous waste facilities,
4 however this chapter does not alter or override the authority of the
5 department to regulate ancillary hazardous waste generated at a
6 metal shredding facility in accordance with Chapter 6.5
7 (commencing with Section 25100) and Division 4.5 (commencing
8 with Section 66250) of Title 22 of the California Code of
9 Regulations.

10 25095.4. (a) On the operative date of this chapter, the
11 department's Official Policy and Procedure 88-6, titled "Auto
12 Shredder Waste Policy and Procedures" dated November 21, 1988,
13 is hereby repealed.

14 (b) On the operative date of this chapter, any nonhazardou waste
15 determination issued by the department or its predecessor, the State
16 Department of Health Services, to any metal shredding facility
17 pursuant to Section 66260.200(f) of Title 22 of the California Code
18 of Regulations is hereby repealed.

19 25095.5. A citation or reference in this chapter to a requirement
20 of the regulations in Division 4.5 (commencing with Section
21 66260.1) of Title 22 of the California Code of Regulations shall
22 be understood to apply the technical requirements of the regulation
23 to metal shredding operations authorized pursuant to this chapter.
24 All citations or references to those requirements shall be to the
25 provision as it read on the effective date.

26 25095.6. This chapter does not limit the authority of a local
27 air pollution control district or air quality management district, as
28 defined in Section 39025.

29 25095.7. The department may adopt regulations as necessary
30 to implement this chapter, and thereafter may update and revise
31 the regulations from time to time, consistent with this chapter. The
32 department shall adopt regulations to implement Section 25095.50,
33 relating to the imposition of fees on metal shredding facilities.

34
35 Article 3. Permits and Operations
36

37 25095.10. (a) (1) Except as provided in paragraph (2), a metal
38 shredding facility shall not operate in California, unless it has a
39 permit issued by the department.

(2) On and after the effective date, an existing metal shredding facility operating in compliance with the requirements of this chapter may continue to operate pending final action on a permit application as specified in this section. Except as provided in this section, nothing herein shall prevent the department from taking enforcement action pursuant to Article 8 (commencing with Section 25095.60) before issuance of a final permit.

(3) Any permit approved by the department pursuant to this chapter shall include a reference to all permits issued to the facility by other environmental regulatory agencies. Any action taken by the department pursuant to this chapter shall be consistent with the requirements imposed by those regulatory agencies. The department shall evaluate how to apply to metal shredding facilities its policies relating to environmental justice and the protection of vulnerable communities or sensitive receptors and other sensitive locations as described in subdivisions (b) and (c) of Section 25200.21.

(4) Any permit action shall consider the conclusions and recommendations set forth in a community emissions reduction program prepared pursuant to Section 44391.2 and any other health risk assessment conducted by a local air district pursuant to the Air Toxics “Hot Spots” Information and Assessment Act of 1987 (Part 6 (commencing with Section 44300) of Division 26) or other applicable law. If an air quality health risk assessment has not been conducted, the owner or operator of the facility shall conduct an analysis of equivalent scope and depth as approved by the local air district.

(5) Each permit issued under this chapter shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Any report required to be submitted by a metal shredding facility pursuant to a permit issued under this chapter shall be signed by the owner or operator and shall be certified under penalty of law in the manner specified in Section 66270.11 of Title 22 of the California Code of Regulations.

(b) (1) A person who submitted a hazardous waste facility permit application pursuant to Chapter 6.5 (commencing with Section 25100) to treat metal shredder residue before the effective date may withdraw that application and conduct those treatment operations pursuant to this chapter.

(2) Within 30 days of the effective date, the owner or operator of an existing metal shredding facility shall submit a notice of intent to apply for a permit. Thereafter, the owner or operator of an existing metal shredding facility shall apply for a permit pursuant to this chapter no later than six months following submittal of the notice of intent and shall provide all of the following information to the department:

(A) A description of the metal processing operations conducted at the metal shredding facility, including all equipment used for this purpose.

(B) A metal shredding facility inspection plan, including, without limitation, inspection of the area surrounding the hammermill and all downstream metal processing equipment where light fibrous material is likely to accumulate.

(C) A closure plan.

(D) A current closure cost estimate.

(E) A corrective action cost estimate, if any.

(F) A metal shredding facility housekeeping plan that includes, but is not limited to, daily cleanup of light fibrous material that is susceptible to dispersal beyond the hammermill.

(G) An inventory management plan.

(H) A preparedness and prevention plan consistent with the requirements of Article 3 (commencing with Section 66265.30) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(I) A contingency plan consistent with the requirements of Article 4 (commencing with Section 66265.50) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(J) A flood plain map, if applicable.

(K) Evidence of financial assurance consistent with the requirements of Article 8 (commencing with Section 66265.140) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(L) A plan describing any offsite or out-of-state transportation and processing of metal shredder aggregate and metal shredder residue, including, but not limited to, the estimated amount of material that is transported, the identity and federal Standard Industrial Classification code of the receiving facility, the estimated amounts of metals that are recovered from the material that is transported offsite, the required insurance, and any other

1 information requested by the department to evaluate whether metal
2 recycling operations are being conducted at the receiving facility.

3 (3) The department shall post all information provided by the
4 owner or operator of an existing metal shredding facility pursuant
5 to paragraph (2) on the department's internet website in a manner
6 that is readily accessible to the public, with the exception of
7 information that is submitted to the department under a claim of
8 trade secrecy or business confidentiality and that has been
9 determined by the department to be exempt from disclosure under
10 the California Public Records Act (Division 10 (commencing with
11 Section 7920.000) of Title 1 of the Government Code).

12 (4) The department shall review the permit application submitted
13 pursuant to paragraph (2) of subdivision (b) as expeditiously as
14 possible and shall approve, modify, or deny the application. The
15 department may impose additional facility-specific conditions that
16 are necessary to ensure compliance with this chapter and for the
17 protection of human health and the environment. The department
18 shall provide the owner or operator of the metal shredding facility
19 with written findings explaining the basis for any such conditions.

20 (5) In reviewing any plan submitted pursuant to subparagraph
21 (L) of paragraph (2), the department may request additional
22 information from the owner or operator as necessary to determine
23 the legitimacy of the offsite metal processing operations described
24 in the plan, and may require modifications to the plan, or
25 disapprove the plan, if the department determines that the receiving
26 facility is not engaged in legitimate metal recycling.

27 (6) In considering an application for a metal shredding facility
28 permit submitted pursuant to this subdivision, the department shall
29 consider the site-specific aspects of the metal shredding facility,
30 including, but not limited to:

31 (A) The nature of the surrounding community and environment.

32 (B) The results of any community-specific assessment.

33 (C) The facility size, location, and configuration.

34 (D) The equipment, enclosures, and infrastructure.

35 (E) The specific metal processing operations conducted at the
36 metal shredding facility, including types of feedstocks and annual
37 throughput.

38 (F) Other relevant site-specific characteristics.

39 (c) (1) The owner or operator of a new metal shredding facility
40 shall submit an application to the department for a permit and shall

1 not commence operations at the new metal shredding facility until
2 the department issues a permit.

3 (2) The application shall consist of both of the following:

4 (A) All the information described in paragraph (2) of subdivision
5 (b).

6 (B) Any other information requested by the department relating
7 to construction or operation of the new metal shredding facility.

8 (d) (1) The approval of an application for an existing or new
9 metal shredding facility shall be considered a discretionary decision
10 subject to the California Environmental Quality Act ((CEQA)
11 Division 13 (commencing with Section 21000) of the Public
12 Resources Code). Nothing in this chapter is intended to modify,
13 restrict, or expand the provisions of CEQA as applied to metal
14 shredding facilities.

15 (2) The department may require an applicant for a metal
16 shredding facility permit to submit additional information in
17 support of an application.

18 (e) A permit issued pursuant to this section shall authorize the
19 storage and processing of metal shredder aggregate and the onsite
20 chemical treatment of metal shredder residue conducted at the
21 metal shredding facility. A metal shredding facility that begins
22 chemical treatment of metal shredder residue for the first time after
23 the effective date shall notify the department no later than 30 days
24 before commencement of treatment operations at the facility and
25 shall provide the department with all information required by this
26 chapter relating to the chemical treatment operations within 120
27 days of commencement of operations. This section does not require
28 a permit for the operation of a hammermill or other equipment
29 used at a metal shredding facility that does not involve the handling
30 of metal shredder aggregate or chemical treatment of metal
31 shredder residue.

32 (f) (1) Any permit for a metal shredding facility approved under
33 this chapter shall be for a fixed term of 10 years, unless the
34 department determines that a shorter term is necessary to protect
35 human health, safety, or the environment or based on the
36 compliance history of the facility.

37 (2) At least two years before the expiration of a permit, the
38 owner or operator of a metal shredding facility intending to renew
39 the facility's permit shall submit a complete application for permit

1 renewal, pursuant to this section, that has been updated to reflect
2 the current operations of the facility.

3 (3) The department shall review the information and either
4 determine the submission is complete or request additional
5 information from the owner or operator. If the application to renew
6 the permit is submitted before the end of the fixed term, the permit
7 shall be deemed extended until the department has taken final
8 action to renew or deny the renewal application and the owner or
9 operator has exhausted all applicable rights of appeal.

10 (4) When prioritizing pending renewal applications for review
11 and in determining the need for any new conditions on a renewed
12 permit, the department shall consider any input received from the
13 public.

14 (g) The department shall consider the compliance history of the
15 metal shredding facility, including the requirements of any permit
16 issued by any other agency in reviewing the facility's application
17 for permit renewal and in considering the need for additional
18 conditions to be included in the permit.

19 (h) (1) The requirements of this subdivision apply to all permit
20 applicants.

21 (2) Before the submission of a permit application or application
22 for permit renewal for a metal shredding facility, the applicant
23 shall hold at least one public meeting, or other community
24 engagement activity approved by the department, to inform the
25 community of metal processing activities and any potential impacts
26 to nearby communities and solicit questions and input from the
27 public. The applicant shall prepare a sign-in sheet for the meeting
28 and allow all attendees an opportunity to provide their names and
29 addresses. The public meeting or community engagement activity
30 shall be noticed to the community at least 30 days in advance and
31 be held in an accessible location at a convenient time.

32 (3) The applicant shall submit a summary of the meeting or
33 activity described in paragraph (2), and a list of attendees and their
34 addresses voluntarily provided pursuant to paragraph (2), if any,
35 and copies of any written comments or materials submitted, if any,
36 to the department as a part of the permit application or application
37 for permit renewal. The summary of the pre-application meeting
38 or activity shall be inclusive of, but not limited to, all of the
39 following:

1 (A) A summary of the metal shredding facility's
2 communications to the public about proposed or then current metal
3 processing activities and their potential impacts on nearby
4 communities.

5 (B) A summary of public input and questions.

6 (C) Responses to public input and questions and how public
7 input has informed the application materials, if applicable.

8 (4) After the submission of a complete permit application or
9 application for permit renewal for a facility and before a decision
10 is made to approve or deny the application, the department shall
11 hold a public meeting or solicit comment from the community on
12 the completed application materials. The public comment period
13 shall be open for a minimum of 45 days. The department shall
14 respond to all public comments within 60 days of the close of the
15 public comment period. The public comments and the department's
16 responses to the comments shall be included in the administrative
17 record for the permit proceeding and in the department's notice
18 of its intended decision to approve or deny the permit.

19 (5) Before initiating a public outreach process, the department
20 and the owner or operator of a metal shredding facility shall solicit
21 and incorporate feedback from the surrounding community to
22 determine a locally appropriate process for community engagement.

23 25095.11. Notwithstanding Section 25095.10, an owner or
24 operator of a metal shredding facility that has submitted a permit
25 application and is unable to comply with all the requirements of
26 this chapter as of the effective date may continue to operate pending
27 the department's review and approval or denial of the permit
28 application, if all of the following requirements are met:

29 (a) The owner or operator identifies in its application each
30 provision of this chapter that the facility is unable to immediately
31 comply with.

32 (b) The owner or operator has developed and implements a
33 written plan for the prevention, detection, and suppression of fires
34 that meets the requirements of subdivision (b) of Section 25095.13.

35 (c) The owner or operator initiates, diligently pursues, and
36 implements financial assurance for closure and third-party liability
37 as required pursuant to Section 25095.41, including, but not limited
38 to, both of the following:

39 (1) The owner or operator submits to the department a cost
40 estimate and closure plan as part of the permit application.

1 (2) Within 30 days after the permit application is submitted, the
2 owner or operator submits to the department a financial assurance
3 mechanism that is equivalent to the requirements set forth in
4 Sections 66264.143 and 66264.147 of Title 22 of the California
5 Code of Regulations.

6 (d) The owner or operator initiates and diligently pursues to
7 completion a preliminary endangerment assessment, as required
8 pursuant to Section 25095.30, or otherwise meets the requirements
9 in Section 25095.30 and initiates any required actions identified
10 in the preliminary endangerment assessment.

11 (e) The owner or operator complies with the standards set forth
12 in Chapter 12 (commencing with Section 66262.10) of Division
13 4.5 of Title 22 of the California Code of Regulations with respect
14 to all ancillary hazardous wastes.

15 (f) The owner or operator shall maintain all existing practices
16 and controls designed to prevent the possibility of any unplanned
17 sudden or nonsudden release of any of the following into air, soil,
18 or surface water that could threaten human health or the
19 environment that are in effect or are otherwise required by the
20 department on or before the effective date of this chapter:

21 (1) In-process materials or components thereof, including metal
22 shredder aggregate and light fibrous material.

23 (2) Hazardous waste.

24 (3) Hazardous waste constituents.

25 25095.12. The owner or operator of a metal shredding facility
26 shall operate the metal shredding facility in accordance with all
27 of the following requirements:

28 (a) The metal shredding facility shall be designed, constructed,
29 maintained, and operated to minimize the possibility of a fire,
30 explosion, or any unplanned sudden or nonsudden release of
31 in-process materials or components thereof, including metal
32 shredder aggregate and light fibrous material, into air, soil, or
33 surface water that could threaten human health or the environment
34 by using all appropriate, reasonably available, and feasible
35 operational or engineering methods.

36 (b) (1) The owner or operator of the metal shredding facility
37 shall develop and follow an inbound source control policy designed
38 to prevent the shredding of any of the following materials or wastes
39 at the facility:

1 (A) RCRA hazardous waste, as defined in Section 66261.100
2 of Title 22 of the California Code of Regulations, and non-RCRA
3 hazardous waste, as defined in Section 66261.101 of Title 22 of
4 the California Code of Regulations.

5 (B) Asbestos and asbestos-containing materials, except
6 incidental asbestos-containing material that may be contained
7 inside equipment and is not visible upon inspection.

8 (C) Radioactive materials.

9 (D) Petroleum-based wastes, including, but not limited to, used
10 oil as defined in Section 25250.1, gasoline, and diesel, but not
11 including non-free-flowing residual quantities of such wastes
12 contained in depolluted vehicles or appliances.

13 (E) Polychlorinated biphenyls (PCB) materials and wastes,
14 including, but not limited to, capacitors, electrical transformers,
15 and transformer components.

16 (F) Fluorescent light ballasts, fluorescent lamps, neon, and
17 high-intensity or mercury vapor lights.

18 (G) Military ordnance, except ordnance designated specifically
19 as Material Designated as Safe (MDAS).

20 (H) Explosives, explosive residues, fireworks, and other
21 incendiary materials.

22 (I) Regulated electronic waste.

23 (J) Mercury containing devices.

24 (K) Batteries, including, but not limited to, lead-acid batteries
25 and lithium-ion batteries.

26 (L) Compressed gas cylinders and propane canisters, unless
27 empty and disabled.

28 (2) The inbound source control policy shall contain all of the
29 following:

30 (A) A written description of the load checking protocol designed
31 to prevent materials or wastes identified in paragraph (1) from
32 being shredded at the facility. Incoming feedstock subject to load
33 checking shall not be shredded until the load-checking process has
34 been completed.

35 (B) A written description of the process for rejecting loads,
36 specific materials, or wastes that contain the materials or wastes
37 identified in paragraph (1).

38 (C) A plan and template documents used to demonstrate that
39 load checks are conducted and that materials or wastes identified
40 in paragraph (1) are not accepted.

1 (D) A requirement to maintain all documentation related to the
2 inbound source control policy and load checking the facility for
3 at least five years and provide the documentation to the department
4 upon request.

5 (E) A written description of a process to make a waste
6 determination pursuant to Section 66262.11 of Title 22 of the
7 California Code of Regulations for any of the materials or wastes
8 listed in paragraph (1) that are identified in the load check and
9 rejected. Any waste determined to be a hazardous waste shall be
10 considered generated at the metal shredding facility and shall be
11 managed as a hazardous waste in accordance with Chapter 6.5
12 (commencing with Section 25100).

13 (c) The owner or operator of the metal shredding facility shall
14 develop and implement procedures for any depollution operations
15 that are conducted at the metal shredding facility involving the
16 removal of automotive fuels, lubricating oils, refrigerants, and
17 materials that require special handling, as defined in Section 42167
18 of the Public Resources Code, including procedures for the proper
19 management of those materials or wastes that are removed during
20 depollution operations, pursuant to Section 25212.

21 (d) (1) The owner or operator of the metal shredding facility
22 shall maintain all of the following documents at the metal shredding
23 facility:

24 (A) A written inspection schedule meeting the substantive
25 requirements of subdivision (b) of Section 66265.15 of Title 22
26 of the California Code of Regulations.

27 (B) A written description of training documents, including a
28 syllabus or outline, of the type and amount of both introductory
29 and continuing training that has been given to each person at the
30 metal shredding facility.

31 (C) A contingency plan that contains the information specified
32 in Section 66265.52 of Title 22 of the California Code of
33 Regulations.

34 (D) A copy of any local air quality management district or air
35 pollution control district permit and other governmental permits
36 or approvals required for operation of the metal shredding facility
37 equipment.

38 (E) The closure plan required under Section 25095.40.

1 (F) A copy of documents related to any environmental
2 investigation and any cleanup or other remediation measures
3 implemented at the facility within the last five years.

4 (G) The housekeeping plan prepared pursuant to Section
5 25095.13.

6 (2) The owner or operator shall make the documents described
7 in paragraph (1) available at the metal shredding facility to the
8 department, the United States Environmental Protection Agency,
9 or a local governmental agency upon request.

10 (e) The owner or operator of a metal shredding facility shall
11 comply with subdivision (b) of Section 66265.142 of Title 22 of
12 the California Code of Regulations.

13 (f) The owner or operator of a metal shredding facility shall
14 provide notice to the department of an imminent or actual
15 emergency situation, as required by Section 66265.56 of Title 22
16 of the California Code of Regulations.

17 25095.13. The owner or operator of a metal shredding facility
18 shall develop and comply with plans and minimum standards
19 relating to each of the following aspects of the metal processing
20 operation:

21 (a) The control of releases, including, but not limited to:

22 (1) Plans for complying with applicable local air quality
23 management district or air pollution control district regulations
24 and permit requirements, including the requirements of any
25 approved emissions minimization plan or comparable plan required
26 by applicable regulations.

27 (2) A housekeeping plan that is approved by the department
28 and that does all of the following:

29 (A) Details all measures to control dispersal of metal shredder
30 aggregate and its constituents, including light fibrous material, and
31 metal shredder residue and constituents. Those measures shall
32 include, but are not limited to, mechanical and manual sweeping,
33 washing or cleaning of equipment and structures to remove
34 accumulated debris, application of water using water trucks,
35 sprinklers, spray bars, deluge systems or other dust suppression
36 equipment, fencing, and enclosures.

37 (B) Specifies the frequency for each measure detailed pursuant
38 to subparagraph (A).

39 (C) Addresses the disposition of residuals generated from
40 cleaning, including, but not limited to, debris, sweepings, rinse

1 water, and any other material that does not contain recoverable
2 ferrous or nonferrous metal.

3 (D) Requires the completion of written logs of all housekeeping
4 activities. The written logs shall be maintained in accordance with
5 Section 25095.12.

6 (E) Requires the management of any light fibrous material that
7 has been released from the facility to be subject to regulation under
8 Chapter 6.5 (commencing with Section 25100).

9 (3) A metal shredding facility inspection plan that is approved
10 by the department. The metal shredding facility inspection plan
11 shall include all of the following:

12 (A) Inspection of all facilities and equipment that is used to
13 manage metal shredder aggregate.

14 (B) A general inspection schedule that complies, with the
15 specific requirements in Sections 66264.174, 66264.195,
16 66264.254, 66265.403, and 66264.1101 of Title 22 of the California
17 Code of Regulations.

18 (C) All areas where the deposition of metal shredder aggregate,
19 including light fibrous material may occur, including accessible
20 areas within 500 feet of the metal shredding facility's property
21 boundary or further as determined by the department.

22 (4) An inventory management plan, that is approved by the
23 department, to prevent accumulation of metal shredder aggregate
24 and treated or untreated metal shredder residue in excess of the
25 limitations set forth in subparagraph (G) of paragraph (2) of
26 subdivision (b) of Section 25095.10.

27 (5) Standards for the installation and maintenance of paving
28 with concrete surfacing, steel plate, or other surface that is designed
29 to prevent infiltration and to collect and route water that drains to
30 a process water management system. The paving shall be inspected
31 quarterly and repaired as needed. The results of the paving
32 inspections and any paving repairs shall be submitted to the
33 department with the annual report and as requested by the
34 department.

35 (b) (1) A separate written plan for the prevention, detection,
36 and suppression of fires. The plan shall comply with all of the
37 following:

38 (A) Be shared with local emergency responders.

39 (B) Be used to monitor metal shredding facility operations for
40 evidence of incipient fire.

1 (C) Establish procedures for responding to fires of different
2 duration and severity.

3 (D) Be activated in response to any incident at the metal
4 shredding facility that falls within the scope of the plan.

5 (2) The plan shall include all of the following:

6 (A) Maintenance of appropriate response to incipient fires and
7 access to adequate water, firefighting foam, and other supplies at
8 the metal shredding facility that can be used in responding to an
9 incipient or larger fire.

10 (B) Training of metal shredding facility personnel in the proper
11 use of fire-response equipment and procedures and notification
12 requirements.

13 (C) Coordination with local fire departments and other first
14 responders as necessary to support maximum effectiveness in
15 responding to an emergency at the metal shredding facility.

16 (D) The monitoring of temperatures on all feedstock, metal
17 shredder aggregate piles, and equipment relating to metal
18 processing operations using an infrared camera or other equivalent.

19 (E) Inventory management provisions necessary to prevent the
20 accumulation of feedstock or metal shredder aggregate at the
21 facility in quantities that exceed the reasonable holding capacity
22 of the facility and that cannot be processed within normal operating
23 cycles.

24 (3) The department may require a metal shredding facility to
25 update its fire suppression plan on an annual basis based on
26 changes in technology or fire prevention practices, or the facility's
27 compliance history and history of fire, explosion, or release of
28 hazardous waste or hazardous waste constituents. Actions taken
29 by the department pursuant to this paragraph are exempt from
30 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
31 3 of Title 2 of the Government Code.

32 (c) Stormwater management and control, including, but not
33 limited to:

34 (1) Containment of stormwater in sumps, tanks, and associated
35 piping or other engineered retention units to minimize ponding at
36 the metal shredding facility.

37 (2) A stormwater testing plan to identify if stormwater exhibits
38 any characteristic of toxicity as described in Section 66261.24 of
39 Title 22 of the California Code of Regulations.

(3) Compliance with the metal shredding facility's stormwater pollution prevention plan and spill prevention, control, and countermeasures plan.

(4) Discharge of stormwater in accordance with the general permit for discharges of stormwater associated with industrial activities or waste discharge requirements issued by a regional water quality control board, including sampling requirements.

25095.14. (a) Subject to subdivision (b), the owner or operator of a metal shredding facility may make the following physical or operational changes to the metal shredding facility without seeking prior approval from the department:

(1) Throughput increases and increases in operating rate.

(2) Increases in efficiency of metal processing operations, including, without limitation, sizing, separation, sorting, removal, and recovery.

(3) Changes in design of processing equipment and conveyance systems.

(4) Changes in operations and methods of operation.

(5) Installation and modification of processing and other equipment and conveyance systems.

(6) Repair and replacement of processing and other equipment and conveyance systems.

(7) Decommissioning and removal of equipment and conveyance systems that are no longer in use.

(8) Construction of new structures and enclosures and changes to structures and enclosures.

(9) Installation and modification of abatement equipment and emission control systems.

(10) Installation of and modifications to water reuse and recycling systems.

(11) Installation of and repair to paving.

(12) Any other changes to the metal shredding facility unrelated to the storage or processing of metal shredder aggregate and metal shredder residue.

(b) (1) Except as provided in paragraph (2), the changes described in subdivision (a) may only be made without seeking prior approval from the department if the metal shredding facility maintains compliance with this chapter and the owner or operator shall provide the department with 30 days advance written notice of these changes. The department may evaluate the information

1 provided in the notice from the facility under this subdivision to
2 assess the potential impact of the proposed modification.

3 (2) The owner or operator of a metal shredding facility that
4 proposes to modify the metal shredding facility in a manner that
5 could result in a significant environmental impact from operations
6 that were not considered by the department in reviewing the
7 information submitted pursuant to this article shall provide the
8 department with 60 days' advance written notice of the
9 modification and shall not implement the modification without
10 approval from the department. The department shall notify the
11 public when it approves modifications pursuant to this subdivision.

12 (3) On or before July 1 of each year, the owner or operator of
13 a metal shredding facility shall submit an annual report to the
14 department describing the material physical or operational changes,
15 if any, made to the metal shredding facility during the previous
16 calendar year relating to the management of metal shredder
17 aggregate or metal shredder residue.

18 (4) Upon request by the department, the metal shredding facility
19 shall be required to provide additional information about the nature
20 or extent of changes described in the annual report as necessary
21 to demonstrate the metal shredding facility's ongoing compliance
22 with applicable regulations.

23 (5) Physical changes to the metal shredding facility's ongoing
24 operations that are reported to the department in compliance with
25 paragraph (3) may be reviewed and modified by the department
26 as necessary to ensure compliance with the requirements of this
27 chapter.

28 25095.15. (a) The owner or operator of a metal shredding
29 facility shall manage all metal shredder aggregate during metal
30 processing operations as necessary to achieve the following
31 minimum standards:

32 (1) All outdoor equipment used for processing metal shredder
33 aggregate shall be enclosed or covered and designed, operated,
34 and maintained to minimize the possibility of the release of light
35 fibrous material into the environment.

36 (2) All outdoor equipment used for the conveyance of metal
37 shredder aggregate from one location within the metal shredding
38 facility to another location within the metal shredding facility shall
39 be enclosed or covered and designed, operated, and maintained to

1 minimize the possibility of the release of light fibrous material
2 into the environment.

3 (3) All vehicles used for the outdoor transfer of metal shredder
4 aggregate shall be loaded and unloaded in a manner that minimizes
5 the possibility of the release of metal shredder aggregate, including
6 light fibrous material into the environment.

7 (b) Metal shredder aggregate shall be stored or accumulated
8 inside a structure that protects the material from exposure to the
9 elements and minimizes the possibility of the release of light
10 fibrous material into the environment. At a minimum, the structure
11 shall meet all of the following requirements:

12 (1) The structure shall be enclosed with a floor, roof, and walls
13 sufficient to protect the metal shredder aggregate from exposure
14 to the elements and to contain the metal shredder aggregate and
15 any process residues that are managed in the structure.

16 (2) The roof shall completely cover all areas used for storage
17 or accumulation of metal shredder aggregate.

18 (3) The floor shall be constructed of concrete surfacing, steel
19 plate, or other surface designed to prevent infiltration and collect
20 and route any water that drains from the metal shredder aggregate
21 to a process water management system. The floor shall be inspected
22 on a quarterly basis and repaired as needed. The results of the
23 inspections and any repairs to the floor shall be submitted to the
24 department with the annual report submitted pursuant to Section
25 25095.14.

26 (4) Any free liquids that drain from materials stored inside the
27 enclosure shall be collected and routed to the metal shredding
28 facility's water management system.

29 (c) Trommel or augers shall be located in a building or otherwise
30 covered or enclosed so as to minimize the possibility of releases.

31 (d) Subject to written approval by the department, stockpiling
32 of metal shredder aggregate outside the confines of an enclosure
33 required by subdivision (b) may be allowed for limited periods of
34 time if all of the following conditions are met:

35 (1) The activity is necessary to accommodate unforeseen
36 circumstances or operational disruptions that prevent the material
37 from being stored inside an enclosure. These unforeseen
38 circumstances or operational disruptions shall have been outside
39 the reasonable control of the facility. The facility shall use best
40 efforts to remedy any unforeseen circumstances or operational

1 disruptions that necessitate outdoor stockpiling of metal shredder
2 aggregate.

3 (2) The operator provides written notice to the department at
4 least 24 hours before the need to store material outside arises.

5 (3) The operator conducts watering or other dust control
6 measures to minimize the possibility of the release of light fibrous
7 material from the stockpile into the environment.

8 (4) The outdoor stockpiling activity is conducted for 10 or fewer
9 consecutive operating days.

10 (5) The outdoor stockpiling activity does not begin until
11 approval is provided by the department. The department may
12 rescind the temporary approval for outdoor stockpiling if the
13 facility is not using best efforts to remedy any unforeseen
14 circumstances or operational disruptions that necessitate outdoor
15 stockpiling.

16 (e) The requirements of this section shall also apply to the
17 management of untreated and treated metal shredder residue.

18 25095.16. (a) Metal shredder aggregate that is transported to
19 an offsite metal shredding facility or metal recycling facility for
20 purposes of processing shall be tarped or otherwise contained
21 during shipment and transported in a manner that minimizes the
22 possibility of release into the environment.

23 (b) The metal shredder aggregate shall be shipped directly to
24 the offsite metal processing facility and shall not be handled at
25 any interim location or held at any publicly accessible interim
26 location for more than four hours unless required by hours of
27 service or other applicable law or held by a rail transporter for
28 reasons outside the control of the person arranging for transport.

29 (c) Each shipment of metal shredder aggregate by truck or rail
30 shall be identified by a standard bill of lading or other shipping
31 document that complies with applicable United States Department
32 of Transportation requirements and that contains all of the
33 following:

34 (1) The quantity, by weight, of metal shredder aggregate being
35 transported.

36 (2) The name, physical and mailing addresses, and telephone
37 number of the metal shredding facility that produced the metal
38 shredder aggregate.

(3) The name, physical and mailing addresses, and telephone number of the metal processing facility that will process the metal shredder aggregate.

(4) The date the shipment of metal shredder aggregate leaves the originating metal shredding facility.

(5) The date the shipment of metal shredder aggregate is scheduled to arrive at the receiving metal processing facility.

(6) The name of the transporter that shipped the metal shredder aggregate from the originating metal shredding facility to the receiving metal processing facility.

(d) The originating metal shredding facility shall retain a copy of all shipping documents onsite, in either paper or electronic form, for a period of at least three years. The three-year record retention period may be extended at the direction of the department during the course of any unresolved enforcement action regarding the shipments.

(e) Transporters shall obtain and maintain an appropriate amount and type of insurance as approved by the department.

Article 4. Classification of Materials

25095.20. (a) If managed in accordance with this chapter, including any plans approved by the department and any additional conditions imposed by the department pursuant to Sections 25095.10 or 25095.11 the following materials are not waste, as defined in Section 25124, and shall not be subject to regulation under Chapter 6.5 (commencing with Section 25100) of this division or Division 4.5 (commencing with Section 66250) of Title 22 of the California Code of Regulations:

(1) Scrap metal.

(2) Metal shredder aggregate that is managed in either of the following ways:

(A) The metal shredder aggregate is stored and processed at the same metal shredding facility that produced the metal shredder aggregate.

(B) The metal shredder aggregate is transferred to another metal shredding facility or metal recycling facility within federal Standard Industrial Classification Code 5093 for the purpose of processing or further processing the metal shredder aggregate to separate and remove ferrous or nonferrous metals, subject to all of the following:

1 (i) (I) The receiving facility is located in the State of California
2 and operates in accordance with the requirements of this chapter.

3 (II) The receiving facility is located in a state other than the
4 State of California, is owned or operated by the same person that
5 produced the metal shredder aggregate in the State of California,
6 and is operated in accordance with the law of the state where the
7 receiving facility is located. For purposes of this subparagraph,
8 “person” also includes a corporate parent, corporate subsidiary,
9 or a subsidiary of the same corporate parent.

10 (ii) Before transportation offsite, the metal shredder aggregate
11 is managed in accordance with the requirements of the plan
12 approved by the department under subparagraph (L) of paragraph
13 (2) of subdivision (b) of Section 25095.10.

14 (iii) The receiving facility keeps records of the amount of ferrous
15 and nonferrous metal recovered from the metal shredder aggregate
16 and makes this information available to the department upon
17 request.

18 (iv) The metal shredder aggregate is transported in accordance
19 with the requirements of Section 25095.16.

20 (3) Intermediate metal products that are subject to further
21 processing to improve product quality.

22 (4) Finished ferrous and nonferrous metal commodities that are
23 separated or removed from metal shredder aggregate at a metal
24 shredding facility.

25 (5) Nonmetallic recyclable items recovered from metal shredder
26 aggregate for which a market exists.

27 (b) Any metal shredder aggregate that is transported offsite and
28 that does not comply with subparagraph (B) of paragraph (2) of
29 subdivision (a) of this section shall be subject to regulation under
30 chapter 6.5 and implementing Title 22 of the California Code of
31 Regulations.

32 (c) Notwithstanding subdivision (a), metal shredder aggregate,
33 including light fibrous material, that is either released into the
34 environment during transportation, or released beyond the property
35 boundaries of the metal shredding facility, shall be subject to
36 regulation under Chapter 6.5 (commencing with Section 25100)
37 and implementing Title 22 of the California Code of Regulations.

38 25095.21. (a) Chemically treated metal shredder residue is
39 not hazardous waste if all of the following conditions are met:

1 (1) Unless an alternative treatment recipe is approved by the
2 department, untreated metal shredder residue shall be treated with
3 at least 0.7 gallons of silicate solution per short ton of the untreated
4 metal shredder residue and cement by weight equal to 8.5 percent
5 of the weight of the untreated metal shredder residue.

6 (2) Metal shredding facilities shall document, on a weekly basis,
7 how many tons of metal shredder residue was treated and how
8 much silicate solution and cement were used in the treatment of
9 the untreated metal shredder residue to comply with paragraph
10 (1).

11 (3) The chemically treated metal shredder residue does not meet
12 the definition of RCRA hazardous waste, as defined in Section
13 66261.100 of Title 22 of the California Code of Regulations.

14 (4) Immediately after waste stabilization, and at all times before
15 offsite transportation and disposal, chemically treated metal
16 shredder residue shall be managed in a manner that prevents
17 releases of chemically treated metal shredder residue outside of a
18 designated accumulation area. The designated accumulation area
19 shall meet the requirements of either of the following:

20 (A) A self-supporting structure that meets all of the following
21 requirements:

22 (i) The structure shall be fully or partially enclosed with a floor,
23 at least three walls, and a roof to prevent exposure of the chemically
24 treated metal shredder residue to the elements, including surface
25 transport by precipitation runoff, contamination of soil and
26 groundwater, and wind dispersal outside the enclosure.

27 (ii) The structure shall be constructed of man-made materials
28 of sufficient strength and thickness to support themselves, the
29 waste contents, any personnel and heavy equipment that operate
30 within the unit, and the stresses of daily operation, such as the
31 movement of personnel, wastes, and handling of equipment within
32 the structure.

33 (iii) The designated accumulation area shall be labeled or
34 marked clearly with the words “Chemically Treated Metal Shredder
35 Residue” or “CTMSR.” The metal shredding facility shall comply
36 with accumulation time limits as required in Section 66262.17 of
37 Title 22 of the California Code of Regulations.

38 (B) A containment building that meets the requirements of either
39 of the following:

1 (i) Article 29 (commencing with Section 66264.1100) of Chapter
2 14 of Title 22 of the California Code of Regulations.

3 (ii) Article 29 (commencing with Section 66265.1100) of
4 Chapter 15 of Title 22 of the California Code of Regulations.

5 (b) Chemically treated metal shredder residue shall not be
6 transported to, and shall not be disposed of at, any location other
7 than one of the following:

8 (1) A composite-lined portion of a solid waste landfill unit that
9 meets all requirements applicable to disposal of municipal solid
10 waste in California after October 9, 1993, based on State Water
11 Resources Control Board Resolution No. 93-62.

12 (2) A solid waste landfill or other facility that is regulated by
13 waste discharge requirements issued pursuant to Division 7
14 (commencing with Section 13000) of the Water Code for
15 discharges of designated waste, as defined in Section 13173 of the
16 Water Code, or that allows for the discharge of chemically treated
17 metal shredder residue. The discharge of chemically treated metal
18 shredder residue includes its use as an alternative daily cover or
19 for other beneficial reuse pursuant to Section 41781.3 of the Public
20 Resources Code and the regulations adopted to implement that
21 section.

22 (3) Any other landfill or location that is authorized by law to
23 receive chemically treated metal shredder residue for disposal or
24 beneficial use.

25 (c) The transporter of chemically treated metal shredder residue
26 shall comply with all of the following conditions:

27 (1) Chemically treated metal shredder residue shall be contained
28 and covered during shipment and transported in a manner that
29 prevents any release into the environment.

30 (2) The transporter shall comply with all applicable United
31 States Department of Transportation shipping requirements.

32 (3) The container used to transport chemically treated metal
33 shredder residue shall lack evidence of leakage, spillage, or damage
34 that could cause releases under reasonably foreseeable conditions.

35 (4) The transporter of chemically treated metal shredder residue
36 shall not transport chemically treated metal shredder residue to a
37 place other than a landfill approved to receive chemically treated
38 metal shredder residue, as described in subdivision (b).

1 (5) The chemically treated metal shredder residue is not held at
2 any publicly accessible interim location for more than four hours,
3 unless required by other provisions of law, before disposal.

4 (6) If an unauthorized release of chemically treated metal
5 shredder residue occurs during transportation, the transporter shall
6 immediately contain all releases of chemically treated metal
7 shredder residue and residues from chemically treated metal
8 shredder residue into the environment and determine whether any
9 material resulting from that release is a hazardous waste and, if
10 so, shall manage the hazardous waste in compliance with all
11 applicable requirements of this division. The transporter of
12 chemically treated metal shredder residue is considered the
13 generator of any hazardous waste resulting from the release and
14 is subject to the requirements of Chapter 12 (commencing with
15 Section 66262.10) of Division 4.5 of Title 22 of the California
16 Code of Regulations.

17 (d) Each shipment of chemically treated metal shredder residue
18 shall be accompanied by a shipping document containing all of
19 the following information:

20 (1) The quantity, by weight in short tons, of chemically treated
21 metal shredder residue being transported.

22 (2) The name, physical and mailing addresses, and telephone
23 number of the generating metal shredding facility.

24 (3) The name, physical and mailing addresses, and telephone
25 number of the destination landfill.

26 (4) The date the shipment of chemically treated metal shredder
27 residue leaves the metal shredding facility.

28 (5) The date the shipment of chemically treated metal shredder
29 residue arrives at the destination landfill.

30 (6) The name and telephone number of the transporter who
31 shipped the chemically treated metal shredder residue from the
32 metal shredding facility to the destination landfill.

33 (e) The metal shredding facility shall retain onsite a copy of all
34 documentation produced pursuant to this section for at least three
35 years from the date that the chemically treated metal shredder
36 residue that is the subject of the documentation was generated.
37 The department may request the information identified in
38 subdivision (d) in the form of a summary log or a copy of each
39 individual shipping document. The three-year record retention
40 period is automatically extended during the course of any

1 unresolved enforcement action regarding chemically treated metal
2 shredder residue management activity or as requested by the
3 department.

4 (f) The generating metal shredding facility shall, on or before
5 February 1 of the following year, submit to the department, at the
6 address specified in subdivision (g) of this section, a written annual
7 report containing all of the following information:

8 (1) The name, physical and mailing addresses, and telephone
9 number of the generating metal shredding facility.

10 (2) The name, telephone number, and email address of the
11 contact person at the generating metal shredding facility who
12 should be contacted regarding management, transportation, and
13 disposal of chemically treated metal shredder residue.

14 (3) The name, physical and mailing address, and telephone
15 number for each of the landfills to which the generating metal
16 shredding facility shipped chemically treated metal shredder
17 residue during the previous calendar year.

18 (4) The total cumulative quantity of chemically treated metal
19 shredder residue, by weight in short tons, shipped to all landfills,
20 and the respective quantity of chemically treated metal shredder
21 residue, by weight in short tons, shipped to each landfill, during
22 the previous calendar year.

23 (5) The United States Environmental Protection Agency
24 identification number of the generating metal shredding facility.

25 (g) The metal shredding facility shall provide a copy of any
26 relevant document identified in subdivision (e) upon receipt of a
27 request from the department. Annual reports submitted to the
28 department pursuant to subdivision (f) shall be sent to the following
29 address: Department of Toxic Substances Control, CTMSR
30 Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with
31 the words "Attention: CTMSR Annual Report" prominently
32 displayed on the front of the envelope.

33 34 Article 5. Reporting 35

36 25095.30. (a) Except as otherwise provided in subdivision (c),
37 within one year after the effective date, the owner or operator of
38 a metal shredding facility shall conduct a preliminary endangerment
39 assessment, as defined in Section 78095, and submit it to the
40 department. The preliminary endangerment assessment shall be

1 conducted in accordance with the most current department guidance
2 manual for evaluating hazardous substance release sites and shall
3 include an evaluation of process areas or locations where releases
4 of materials containing hazardous constituents may have or have
5 occurred, a conceptual site model, and site-specific human health
6 and ecological screening evaluations.

7 (b) The owner or operator of a metal shredding facility shall
8 conduct appropriate corrective action as needed to address releases
9 of hazardous substances that pose a significant threat to human
10 health or the environment. This subdivision does not prohibit the
11 department from issuing a corrective action order under Section
12 25187 subsequent to any investigation of the metal shredding
13 facility.

14 (c) The owner or operator of a metal shredding facility may
15 demonstrate compliance with this section by providing evidence
16 to the department that, within the last five years, the metal
17 shredding facility has completed an assessment of the metal
18 shredding facility pursuant to an order issued by the department,
19 a regional water quality control board, or any other federal, state,
20 or local agency and is implementing, or has implemented, any
21 corrective action requirements imposed by the agency.

22 25095.31. (a) The owner or operator of a metal shredding
23 facility shall provide the department with immediate notice of a
24 fire or other incident at the metal shredding facility that requires
25 the assistance of a local fire department or other first responder.
26 This notice shall be in addition to any notice that is required to be
27 made to the Office of Emergency Services pursuant to Section
28 66265.56 of Title 22 of the California Code of Regulations and
29 any other agency under applicable law.

30 (b) The owner or operator of a metal shredding facility shall
31 establish an effective means of providing public notice to members
32 of the surrounding community upon the occurrence of a fire or
33 other incident that poses a threat to human health or the
34 environment outside of the facility as specified in Section 66265.56
35 of Title 22 of the California Code of Regulations.

36 (c) The department shall evaluate how to apply to metal
37 shredding facilities its policies relating to environmental justice
38 and the protection of vulnerable communities or sensitive receptors
39 and other sensitive locations as described in subdivisions (b) and
40 (c) of Section 25200.21.

1 25095.32. (a) (1) The department shall require metal shredding
2 facilities to do both of the following:

3 (A) Monitor hazardous waste constituents requested by the
4 department.

5 (B) Report the results of the monitoring required pursuant to
6 subparagraph (A) to the department. The facilities may also report
7 those results to the local public health department.

8 (2) The department shall collect and analyze light fibrous
9 material at the fence lines to determine the potential for release of
10 hazardous waste.

11 (b) All metal shredding facilities subject to this section shall
12 implement the facilitywide fence-line hazardous waste constituent
13 monitoring requirements developed pursuant to this section.

14 (c) On or before July 1, 2027, the department shall develop a
15 procedure for community notification of the public for the area in
16 which the metal shredding facility is located, if monitoring pursuant
17 to paragraph (1) of subdivision (a) indicates any release of light
18 fibrous material.

19 (d) On or before January 1, 2027, the department shall develop
20 regulations to implement, interpret, or make specific this section.

21 (e) The department shall oversee and enforce the implementation
22 of subdivision (a) pursuant to Article 8 (commencing with Section
23 25180).

24 (f) Any reasonable regulatory costs incurred by the department
25 in implementing this section may be reimbursed by the fee on
26 metal shredding facilities imposed pursuant to subdivision (a) of
27 Section 25095.50.

28
29 Article 6. Closure
30

31 25095.40. (a) The owner or operator of a metal shredding
32 facility shall have a written closure plan.

33 (1) The written closure plan shall address all of the following:

34 (A) The closure and removal of all feedstock, metal shredder
35 aggregate, and treated and untreated metal shredder residue.

36 (B) The decontamination of equipment and operating areas used
37 for processing metal shredder aggregate.

38 (C) The treatment of metal shredder residue and management
39 of chemically treated metal shredder residue.

40 (2) The written closure plan shall include all of the following:

1 (A) A description of how each authorized unit will be closed.
2 The description shall identify the maximum extent of the operation
3 during the life of the unit, and how all of the following
4 requirements will be met, if applicable:

5 (i) Section 66265.114 of Title 22 of the California Code of
6 Regulations.

7 (ii) Subdivisions (a), (b), and paragraphs (1) and (2) of
8 subdivision (c) of Section 66265.197 of Title 22 of the California
9 Code of Regulations.

10 (iii) Section 66265.404 of Title 22 of the California Code of
11 Regulations.

12 (B) An estimate of the maximum inventory of material in storage
13 and in treatment at any time during the operation of an authorized
14 unit at the metal shredding facility.

15 (C) A description of the steps needed to remove or
16 decontaminate a unit, equipment, or structure during partial and
17 final closure, including, but not limited to, procedures for cleaning
18 equipment and removing contaminated soils, methods for sampling
19 and testing surrounding soils, and criteria for determining the extent
20 of decontamination required.

21 (D) An estimate of the expected year of closure and a schedule
22 for final closure. The schedule for final closure shall include, at
23 minimum, the total time required to close each authorized unit.

24 (3) The written closure plan shall be subject to approval by the
25 department.

26 (4) An amendment to the written closure plan shall be done in
27 compliance with subdivision (c) of Section 66265.112 of Title 22
28 of the California Code of Regulations.

29 (b) The metal shredder facility shall maintain compliance with
30 both of the following requirements regarding closure:

31 (1) Subdivisions (a) and (b) of Section 66265.111 of Title 22
32 of the California Code of Regulations, in the same manner as those
33 provisions apply to metal shredding facilities.

34 (2) Section 66265.114 of Title 22 of the California Code of
35 Regulations.

36 (c) Within 90 days after processing the final volume of metal
37 shredder aggregate, the owner or operator shall commence closure
38 of the metal shredding facility in accordance with the written
39 closure plan.

1 (d) The owner or operator shall complete closure activities in
2 accordance with the written closure plan within 180 days after
3 processing the final volume of metal shredder aggregate unless
4 the owner or operator demonstrates to the department any of the
5 following:

6 (1) The activities required to complete the closure will require
7 longer than 180 days to complete.

8 (2) An authorized unit has the capacity to process additional
9 metal shredder aggregate.

10 (3) There is a reasonable likelihood that a person other than the
11 owner or operator will recommence operation of a unit, closure of
12 the unit would be incompatible with the operation of the metal
13 shredding facility, and the owner or operator has taken and will
14 continue to take all steps necessary to prevent threats to human
15 health and the environment.

16 (e) The owner or operator shall notify the department and any
17 other agencies having jurisdiction over the closure project at least
18 15 days before completion of closure.

19 (f) The owner or operator shall remain in compliance with all
20 applicable requirements of this chapter until the owner or operator
21 submits to the department or authorized agency a certification
22 signed by the owner or operator and by an independent,
23 professional engineer registered in California that closure has been
24 completed in accordance with the written closure plan and that the
25 written closure plan meets or exceeds the applicable requirements
26 of this chapter.

27 25095.41. (a) The owner or operator shall provide a closure
28 cost estimate to the department in accordance with Section
29 66265.142 of Title 22 of the California Code of Regulations and
30 based on all of the following factors:

31 (1) The cost of transporting any unprocessed metal shredder
32 aggregate and metal shredder residue to another metal shredding
33 facility for processing or disposal.

34 (2) The cost of decontaminating all areas and equipment used
35 for storage and processing of metal shredder aggregate.

36 (3) The cost of decontaminating all areas and equipment used
37 for treatment and storage of treated or untreated metal shredder
38 residue.

39 (4) The cost for all closure sampling and analysis confirming
40 decontamination sufficiently meets closure performance standards.

1 (5) The cost of disposition of the maximum amount of metal
2 shredder aggregate and metal shredder residue that may be present
3 at the metal shredding facility at the time of closure.

4 (6) The cost of closure certification.

5 (b) For the purpose of calculating the closure cost estimate, the
6 owner or operator may apply the fair market value of any remaining
7 feedstock and metal shredder aggregate against the estimated cost
8 of closure. In addition, the owner or operator may take into
9 consideration metal shredding facility structures, equipment, and
10 other assets that may continue to be used, sold to third parties, or
11 salvaged for scrap value. The closure cost estimate shall also be
12 determined based on the site-specific aspects of the metal shredding
13 facility, including, without limitation, those site-specific aspects
14 specified in Section 25095.40.

15 (c) The owner or operator shall provide a financial assurance
16 mechanism for closure of the metal shredding facility using one
17 or more of the financial mechanisms described in Section
18 66265.143 of Title 22 of the California Code of Regulations.

19 (d) The owner or operator shall provide a financial assurance
20 mechanism for bodily injury and property damage to third parties
21 caused by sudden accidental occurrences arising from operations
22 of the metal shredding facility. The owner or operator shall have
23 and maintain liability coverage for sudden accidental occurrences
24 in the amount of at least one million dollars (\$1,000,000) per
25 occurrence with an annual aggregate of at least two million dollars
26 (\$2,000,000), exclusive of legal defense costs. The owner or
27 operator may satisfy the requirements of this subdivision through
28 a financial mechanism identified in Section 66265.147 of Title 22
29 of the California Code of Regulations.

30 Article 7. Fees

31
32
33 25095.50. (a) The department shall collect an annual fee on
34 all metal shredding facilities that are subject to the requirements
35 of this chapter. The department shall establish and adopt regulations
36 necessary to administer this fee and to establish a fee schedule that
37 is set at a rate sufficient to reimburse the department's reasonable
38 costs to implement this chapter as applicable to metal shredding
39 facilities. The fee schedule established by the department may be
40 adjusted annually by the Board of Environmental Safety as

necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department to implement this chapter, as applicable to metal shredding facilities. In establishing the amount of a fee that may be imposed on a metal shredding facility pursuant to this section, the department shall consider all of the following factors as they relate to the department's reasonable oversight costs:

(1) The facility-specific permit conditions developed pursuant to paragraph (1) of subdivision (a) of Section 25095.10.

(2) The size of the facility.

(3) The type and amount of metal processing operations occurring at the facility.

(4) Any compliance costs borne by the facility pursuant to state and federal environmental quality regulations.

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department, upon appropriation by the Legislature, solely for purposes of implementation and administration of this chapter.

(c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and, for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from any of the following fees set forth in Chapter 6.5 (commencing with Section 25100), with respect to the production and processing of metal shredder aggregate and the generation, handling, treatment,

1 transportation, and disposal of untreated or treated metal shredder
2 residue:

3 (A) A fee imposed pursuant to Section 25205.7.

4 (B) A facility fee imposed pursuant to Section 25205.2.

5 (C) A fee imposed pursuant to Section 25205.5.

6 (2) A metal shredding facility is not exempt from the fees listed
7 in paragraph (1) for any hazardous waste generated and handled
8 by the metal shredding facility that are ancillary to metal processing
9 operations at the metal shredding facility.

10 11 Article 8. Enforcement 12

13 25095.60. The authority granted to the department in Article
14 8 (commencing with Section 25180) of Chapter 6.5 and its
15 implementing regulations may be used to enforce this chapter,
16 including, but not limited to, the authority to suspend the
17 authorization of any metal shredding facility that has been
18 determined to pose an imminent and substantial endangerment to
19 human health or the environment.

20 25095.61. (a) (1) The department may deny, revoke, or
21 suspend a permit authorizing the operation of a metal shredding
22 facility under this chapter. A denial, revocation, or suspension
23 shall be based on at least one of the following:

24 (A) Noncompliance with a condition of the applicable permit
25 that results in a significant threat to human health or the
26 environment.

27 (B) An owner or operator's failure in the application or during
28 the approval process to disclose fully all relevant facts or a
29 misrepresentation of any relevant fact at any time.

30 (C) A determination, supported by substantial evidence, that
31 the permitted activity poses a significant danger to human health
32 or the environment that can only be addressed by permit denial,
33 modification, suspension, or revocation. In such situations, the
34 department shall either deny, modify, suspend, or revoke a permit.
35 Any modifications made by the department shall be consistent
36 with and necessary to ensure compliance with the requirements of
37 this chapter.

38 (D) Any cause specified in Section 25186.

39 (2) The department shall provide notice of any adverse action
40 it proposes to be taken to the owner or operator of the metal

1 shredding facility by certified mail with return receipt requested
2 or by personal service.

3 (3) An owner or operator who wishes to appeal that adverse
4 action shall appeal by submitting a letter to the department, within
5 10 days of receipt of notice of the adverse action, and requesting
6 a hearing.

7 (4) Except as provided in paragraph (5), proceedings to appeal
8 any decision made by the department under this chapter, including
9 without limitation required modifications to any plan or other
10 information submitted pursuant to Section 25095.10 and the
11 imposition of site-specific conditions or other operating
12 requirements applicable to a metal shredding facility, shall be
13 conducted in accordance with Chapter 5 (commencing with Section
14 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
15 Before initiating an appeal, the owner or operator of a facility shall
16 meet and confer with the department in a good faith effort to
17 resolve the dispute.

18 (5) Proceedings to appeal the department's decision concerning
19 the denial, revocation or suspension of a permit to operate a metal
20 shredding facility pursuant to this chapter shall be conducted in
21 accordance with Chapter 5 (commencing with Section 11500) of
22 Part 1 of Division 3 of Title 2 of the Government Code.

23 (b) An authorization to operate pursuant to this chapter is
24 contingent upon the accuracy of information contained in the
25 notifications and other documents required to be maintained.

26 (c) Nothing in this chapter, and no action taken by the
27 department pursuant to this chapter, shall be construed as a
28 limitation on the right of any person to maintain any civil action
29 otherwise authorized by law.

30 SEC. 2. Section 25117 of the Health and Safety Code is
31 amended to read:

32 25117. (a) Except as provided in subdivision (d), "hazardous
33 waste" means a waste that meets any of the criteria for the
34 identification of a hazardous waste adopted by the department
35 pursuant to Section 25141.

36 (b) "Hazardous waste" includes, but is not limited to, RCRA
37 hazardous waste.

38 (c) Unless expressly provided otherwise, "hazardous waste"
39 also includes extremely hazardous waste and acutely hazardous
40 waste.

1 (d) “Hazardous waste” does not include a material that is not
2 hazardous waste pursuant to Section 25095.20 or *hazardous waste*
3 *pursuant to Section 25095.21*.

4 (e) Notwithstanding subdivision (a), in any criminal or civil
5 prosecution brought by a city attorney, county counsel, district
6 attorney, or the Attorney General for violation of this chapter,
7 when it is an element of proof that the person knew or reasonably
8 should have known of the violation, or violated the chapter
9 willfully or with reckless disregard for the risk, or acted
10 intentionally or negligently, the element of proof that the waste is
11 hazardous waste may be satisfied by demonstrating that the waste
12 exhibited the characteristics set forth in subdivision (b) of Section
13 25141.

14 SEC. 3. Section 25150.82 of the Health and Safety Code is
15 repealed.

16 ~~25150.82. (a) The Legislature finds and declares that this~~
17 ~~section is intended to address the unique circumstances associated~~
18 ~~with the operation of metal shredding facilities, and the generation~~
19 ~~and management of wastes generated by metal shredding facilities.~~
20 ~~The Legislature further declares that this section does not set a~~
21 ~~precedent applicable to the management, including disposal, of~~
22 ~~other hazardous wastes.~~

23 ~~(b) For purposes of this section, “metal shredding facility” means~~
24 ~~an operation that uses a shredding technique to process end-of-life~~
25 ~~vehicles, appliances, and other forms of scrap metal to facilitate~~
26 ~~the separation and sorting of ferrous metals, nonferrous metals,~~
27 ~~and other recyclable materials from nonrecyclable materials that~~
28 ~~are components of the end-of-life vehicles, appliances, and other~~
29 ~~forms of scrap metal. “Metal shredding facility” does not include~~
30 ~~a feeder yard, a metal crusher, or a metal baler, if that facility does~~
31 ~~not otherwise conduct metal shredding operations.~~

32 ~~(c) The department, in consultation with the Department of~~
33 ~~Resources Recycling and Recovery, the State Water Resources~~
34 ~~Control Board, and affected local air quality management districts,~~
35 ~~may adopt regulations establishing management standards for~~
36 ~~metal shredding facilities for hazardous waste management~~
37 ~~activities within the department’s jurisdiction as an alternative to~~
38 ~~the requirements specified in this chapter and the regulations~~
39 ~~adopted pursuant to this chapter, if the department does all of the~~
40 ~~following:~~

1 ~~(1) Prepares an analysis of the activities to which the alternative~~
2 ~~management standards will apply pursuant to subdivision (d). The~~
3 ~~department shall first prepare the analysis as a preliminary analysis~~
4 ~~and make it available to the public at the same time that the~~
5 ~~department gives notice, pursuant to Section 11346.4 of the~~
6 ~~Government Code, that it proposes to adopt the alternative~~
7 ~~management standards. The department shall include in the notice~~
8 ~~a statement that the department has prepared a preliminary analysis~~
9 ~~and a statement concerning where a copy of the preliminary~~
10 ~~analysis can be obtained. The information in the preliminary~~
11 ~~analysis shall be updated and the department shall make the~~
12 ~~analysis available to the public as a final analysis not less than 10~~
13 ~~working days before the date that the regulation is adopted.~~

14 ~~(2) Demonstrates at least one of the conclusions set forth in~~
15 ~~paragraphs (1) to (4), inclusive, of subdivision (c).~~

16 ~~(3) Imposes, as may be necessary, conditions and limitations~~
17 ~~as part of the alternative management standards that ensure that~~
18 ~~the hazardous waste management activity to which the alternative~~
19 ~~management standards will apply will not pose a significant~~
20 ~~potential hazard to human health or safety or to the environment.~~

21 ~~(d) Before the department gives notice of a proposal to adopt~~
22 ~~the alternative management standards pursuant to subdivision (c),~~
23 ~~and before the department adopts the regulation, the department~~
24 ~~shall do all of the following:~~

25 ~~(1) Evaluate the operative environmental and public health~~
26 ~~regulatory oversight of metal shredding facilities, identifying~~
27 ~~activities that need to be addressed by the alternative management~~
28 ~~standards, or other advisable regulatory or statutory changes.~~

29 ~~(2) Evaluate the hazardous waste management activities.~~

30 ~~(3) Prepare, as required by paragraph (1) of subdivision (c), an~~
31 ~~analysis that addresses all of the following aspects of the activity,~~
32 ~~to the extent that the alternative management standards can affect~~
33 ~~these aspects of the activity:~~

34 ~~(A) The types of hazardous waste and the estimated amounts~~
35 ~~of each hazardous waste that are managed as part of the activity~~
36 ~~and the hazards to human health or safety or to the environment~~
37 ~~posed by reasonably foreseeable mismanagement of those~~
38 ~~hazardous wastes and their hazardous constituents. The estimate~~
39 ~~of the amounts of each hazardous waste that are managed as part~~

1 of the activity shall be based upon information reasonably available
2 to the department.

3 ~~(B) The complexity of the activity, and the amount and~~
4 ~~complexity of operator training, equipment installation and~~
5 ~~maintenance, and monitoring that are required to ensure that the~~
6 ~~activity is conducted in a manner that safely and effectively~~
7 ~~manages each hazardous waste.~~

8 ~~(C) The chemical or physical hazards that are associated with~~
9 ~~the activity and the degree to which those hazards are similar to,~~
10 ~~or different from, the chemical or physical hazards that are~~
11 ~~associated with the production processes that are carried out in the~~
12 ~~facilities that produce the hazardous waste that is managed as part~~
13 ~~of the activity.~~

14 ~~(D) The types of accidents that might reasonably be foreseen~~
15 ~~to occur during the management of particular types of hazardous~~
16 ~~waste streams as part of the activity, the likely consequences of~~
17 ~~those accidents, and the reasonably available actual accident history~~
18 ~~associated with the activity.~~

19 ~~(E) The types of locations where hazardous waste management~~
20 ~~activities associated with metal shredding and management of~~
21 ~~treated metal shredder waste may be carried out and the types of~~
22 ~~hazards or risks that may be posed by proximity to the land uses~~
23 ~~described in Section 25227. The estimate of the number of~~
24 ~~locations where the activity may be carried out shall be based upon~~
25 ~~information reasonably available to the department.~~

26 ~~(e) The department shall not give notice proposing the adoption~~
27 ~~of, and the department shall not adopt, a regulation pursuant to~~
28 ~~subdivision (e) unless it first demonstrates at least one of the~~
29 ~~following, using the information developed in the analysis prepared~~
30 ~~pursuant to subdivision (d) and any other information available to~~
31 ~~the department:~~

32 ~~(1) The requirements that the alternative management standards~~
33 ~~replace are not significant or important in either of the following~~
34 ~~situations:~~

35 ~~(A) Preventing or mitigating potential hazards to human health~~
36 ~~or safety or to the environment posed by the activity.~~

37 ~~(B) Ensuring that the activity is conducted in compliance with~~
38 ~~other applicable requirements of this chapter and the regulations~~
39 ~~adopted pursuant to this chapter.~~

1 ~~(2) A requirement is imposed and enforced by another public~~
2 ~~agency that provides protection of human health and safety and~~
3 ~~the environment that is as effective as, and equivalent to, the~~
4 ~~protection provided by the requirement, or requirements, that the~~
5 ~~alternative management standards replace.~~

6 ~~(3) Conditions or limitations imposed as part of the alternative~~
7 ~~management standards will provide protection of human health~~
8 ~~and safety and the environment equivalent to the requirement, or~~
9 ~~requirements, that the alternative management standards replace.~~

10 ~~(4) Conditions or limitations imposed as part of the alternative~~
11 ~~management standards accomplish the same regulatory purpose~~
12 ~~as the requirement, or requirements, that the alternative~~
13 ~~management standards replace, but at less cost or with greater~~
14 ~~administrative convenience, and without increasing potential risks~~
15 ~~to human health or safety or to the environment.~~

16 ~~(f) The department shall not adopt alternative management~~
17 ~~standards pursuant to this section if those standards are less~~
18 ~~stringent than the standards that would otherwise apply under the~~
19 ~~federal act.~~

20 ~~(g) Nothing in the alternative management standards authorized~~
21 ~~by this section is intended to duplicate or conflict with other laws,~~
22 ~~rules, or regulations adopted by other state agencies or affected~~
23 ~~local air quality management districts. The department shall, as~~
24 ~~much as possible, align the alternative management standards with~~
25 ~~the laws, rules, and regulations of other state agencies or affected~~
26 ~~local air quality management districts.~~

27 ~~(h) The owner or operator of a metal shredding facility, or solid~~
28 ~~waste disposal facility that has accepted treated metal shredder~~
29 ~~waste, that may be subject to the alternative management standards~~
30 ~~shall provide to the department all information and data determined~~
31 ~~by the department to be relevant to the evaluation and preparation~~
32 ~~of the analysis required by subparagraphs (A) to (E), inclusive, of~~
33 ~~paragraph (3) of subdivision (d).~~

34 ~~(i) The alternative management standards adopted by the~~
35 ~~department pursuant to this section may, to the extent it is~~
36 ~~consistent with the standards that would otherwise apply under~~
37 ~~the federal act, allow for treated metal shredder waste to be~~
38 ~~classified and managed as nonhazardous waste, provided that the~~
39 ~~analysis prepared pursuant to subdivision (d) demonstrates that~~
40 ~~classification and management as hazardous waste is not necessary~~

1 to prevent or mitigate potential hazards to human health or safety
2 or to the environment posed by the treated metal shredder waste.

3 (j) (1) The disposal of treated metal shredder waste shall be
4 regulated pursuant to this chapter and the regulations adopted
5 pursuant to this chapter, unless alternative management standards
6 are adopted by the department pursuant to this section.

7 (2) If the alternative management standards adopted by the
8 department pursuant to this section result in treated metal shredder
9 waste being classified as nonhazardous waste, the material may
10 be managed in either of the following manners:

11 (A) It may be used at a unit described in subparagraph (B) as
12 alternative daily cover or for beneficial reuse pursuant to Section
13 41781.3 of the Public Resources Code and the regulations adopted
14 to implement that section.

15 (B) It may be placed in a unit that meets the waste discharge
16 requirements issued pursuant to Division 7 (commencing with
17 Section 13000) of the Water Code that allow for discharges of
18 designated waste, as defined in Section 13173 of the Water Code,
19 or of treated metal shredder waste.

20 (3) This section does not limit the disposal or use of treated
21 metal shredder waste as alternative daily cover pursuant to Section
22 41781.3 of the Public Resources Code and the regulations adopted
23 to implement that section, or for other authorized beneficial uses
24 if that disposal or use is at a facility meeting the requirements of
25 subparagraph (B) of paragraph (2), is made under the authority of
26 the hazardous waste determinations governing metal shredder
27 waste issued by the department before January 1, 2014, and is
28 made before the department does either of the following:

29 (A) Rescinds, in accordance with applicable law, the conditional
30 nonhazardous waste classifications issued pursuant to subdivision
31 (f) of Section 66260.200 of Title 22 of the California Code of
32 Regulations with regard to treated metal shredder waste.

33 (B) Completes the adoption of alternative management standards
34 pursuant to this section.

35 (k) The department shall complete the analysis described in
36 paragraph (1) of subdivision (e) and subsequent regulatory action
37 before January 1, 2018. All hazardous waste classifications and
38 policies, procedures, or guidance issued by the department before
39 January 1, 2014, governing or related to the generation, treatment,
40 and management of metal shredder waste or treated metal shredder

1 ~~waste shall be inoperative and have no further effect on January~~
2 ~~1, 2018, if the department completes its analysis pursuant to~~
3 ~~subdivision (e) and takes one of the following actions:~~

4 ~~(1) Rescinds the conditional nonhazardous waste classifications~~
5 ~~issued pursuant to subdivision (f) of Section 66260.200 of Title~~
6 ~~22 of the California Code of Regulations with regard to that waste.~~

7 ~~(2) Adopts alternative management standards pursuant to this~~
8 ~~section.~~

9 ~~(l) The authority of the department to adopt original regulations~~
10 ~~pursuant to this section shall remain in effect only until January~~
11 ~~1, 2018, unless a later enacted statute, which is enacted before~~
12 ~~January 1, 2018, deletes or extends that date. This subdivision does~~
13 ~~not invalidate any regulation adopted pursuant to this section before~~
14 ~~the expiration of the department's authority.~~

15 ~~(m) A regulation adopted pursuant to this section on or before~~
16 ~~January 1, 2018, shall continue in force and effect after that date,~~
17 ~~until repealed or revised by the department.~~

18 SEC. 4. Section 25150.84 of the Health and Safety Code is
19 repealed.

20 ~~25150.84. (a) The department shall collect an annual fee from~~
21 ~~all metal shredding facilities that are subject to the requirements~~
22 ~~of this chapter or to the alternative management standards adopted~~
23 ~~pursuant to Section 25150.82. The department shall establish and~~
24 ~~adopt regulations necessary to administer this fee and to establish~~
25 ~~a fee schedule that is set at a rate sufficient to reimburse the costs~~
26 ~~of the department and the Office of Environmental Health Hazard~~
27 ~~Assessment to implement this chapter and Section 41514.6, as~~
28 ~~applicable to metal shredding facilities. The fee schedule~~
29 ~~established by the department may be updated periodically as~~
30 ~~necessary and shall provide for the assessment of no more than~~
31 ~~the reasonable and necessary costs of the department and the Office~~
32 ~~of Environmental Health Hazard Assessment to implement this~~
33 ~~chapter and Section 41514.6, as applicable to metal shredding~~
34 ~~facilities.~~

35 ~~(b) The Controller shall establish a separate subaccount in the~~
36 ~~Hazardous Waste Control Account. The fees collected pursuant~~
37 ~~to this section shall be deposited into the subaccount and be~~
38 ~~available for expenditure by the department or Office of~~
39 ~~Environmental Health Hazard Assessment upon appropriation by~~
40 ~~the Legislature.~~

~~(e) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.~~

~~(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:~~

~~(A) A fee imposed pursuant to Section 25205.7.~~

~~(B) A disposal fee imposed pursuant to Section 25174.1 until July 1, 2022.~~

~~(C) A facility fee imposed pursuant to Section 25205.2.~~

~~(D) A fee imposed pursuant to Section 25205.5.~~

~~(E) A transportable treatment unit fee imposed pursuant to Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.~~

~~(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.~~

~~SEC. 5. Section 25150.86 of the Health and Safety Code is repealed.~~

~~25150.86. Treated metal shredder waste that is managed in accordance with the alternative management standards adopted by the department pursuant to Section 25180.82 and that is accepted by a solid waste landfill or other authorized location for disposal or for use as alternative daily cover or other beneficial use shall thereafter be deemed to be a solid waste for purposes of this chapter and Section 40191 of the Public Resources Code.~~

1 SEC. 6. The Legislature finds and declares that metal shredding
2 facilities are essential to a thriving circular economy in the State
3 of California and the regulation of those facilities is a matter of
4 statewide concern and is not a municipal affair as that term is used
5 in Section 5 of Article XI of the California Constitution. Therefore,
6 Section 1 of this act adding Chapter 6.4 (commencing with Section
7 25095) to Division 20 of the Health and Safety Code applies to all
8 cities, including charter cities.

9 SEC. 7. The Legislature finds and declares that Section 1 of
10 this act, which adds Chapter 6.4 (commencing with Section 25095)
11 to Division 20 of the Health and Safety Code, imposes a limitation
12 on the public's right of access to the meetings of public bodies or
13 the writings of public officials and agencies within the meaning
14 of Section 3 of Article I of the California Constitution. Pursuant
15 to that constitutional provision, the Legislature makes the following
16 findings to demonstrate the interest protected by this limitation
17 and the need for protecting that interest:

18 In order to protect proprietary business information from public
19 disclosure, it is necessary for that information to remain
20 confidential.

21 SEC. 8. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.