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SENT VIA ELECTRONIC MAIL

April 28, 2023

Nicole Enciso

Marine Environmental Supervisor – CEQA

Port of Los Angeles Environmental Management Division

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RE: Notice of Preparation (NOP) for a Draft Subsequent EIR (SA Recycling Amendment to Permit No. 750 Project SCH# 1993071074)

Dear Ms. Enciso:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (DEIR) for the proposed SA Recycling Amendment to Permit No. 750 Project (Project). The primary objective of the Project is to amend the existing lease (Hugo Neu-Proler Permit No. 750) to allow for an additional ten years of continued operations of the SA Recycling scrap-metal recycling facility located at Berths 210 and 211 on Terminal Island without any changes in the use or scope of SA Recycling's current operation.

Regulatory Context

The Project Site is a hazardous waste facility as defined by California Code of Regulations (CCR), Title 22, Section 66260.10, and the releases of shredder residues, including off-site light fibrous materials (LFMs), with elevated levels of lead and zinc are hazardous waste as defined in CCR, Title 22, Section 66261.20. DTSC is the responsible agency for the enforcement of the cited regulations.

Recorded Presence of Hazardous Waste Constituents on Site with High Potential for Off-Site Release at SA Recycling, Terminal Island

DTSC scientists have observed and sampled patches, clumps, and accumulations of LFM on pavement, in pavement cracks, on equipment, inside utility vaults, and inside and over storm drains outside of the facility. LFM is a lightweight, highly mobile, residual material produced during the metal shredding process which can be uncontrollably dispersed offsite by wind, rain, or other factors if not responsibly managed. LFM resulting from metal shredding operations typically consists of residues such as fine metal particulates, glass, rubber, automobile fluids, dirt, and plastics. LFM comes from shredded car dashboards, car seats, other car parts, household appliances, and other sources. Samples of LFM released from the facility have been shown to meet the criteria for hazardous waste in California due to concentrations of metals at levels exceeding the toxicity criteria defined in the California Code of Regulations, Title 22, Section 66261.24(a)(2)(A).

Environmental Requirements Pertaining to SA Recycling, Terminal Island: Permit, Outstanding Violations and Corrective Action Order, and Investigation and Remediation Under DTSC Oversight Prior to Closure/Vacation

Under CCR Title 22, Section 66260.10, and CCR Title 22, Section 66261.20, the facility is subject to the following environmental requirements:

1. Authorization:

It is DTSC's position that metal shredding facilities require DTSC's authorization to operate.

2. Corrective Action: Environmental Site Assessment, Site Investigation, and Hazardous Substance Remediation:

DTSC has issued Summaries of Violations to the facility, including one on September 30, 2021, for disposal of a hazardous waste at a point that is not authorized and failure to minimize the release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human

health or the environment. DTSC requires corrective action for all releases from a facility. Both the facility operator and landowner (Port of LA) are liable for the corrective action. DTSC issued an Enforcement Order for Corrective Action on October 18, 2021. Based on the observed releases of hazardous waste or hazardous waste constituents from the Site, DTSC requires the facility to conduct on- and off-site investigation to develop a conceptual site model of the contamination, and remediation of any identified hazardous substances on- and off-site based on the current cleanup standards for the Site's and adjacent site's uses to ensure the Site is protective of human health and the environment.

In response to the 2021 Enforcement Order for Corrective Action, the facility requested a hearing, and tolling agreements have extended the hearing to the present time. DTSC and the facility are engaged in ongoing negotiations that commenced in 2018 regarding outstanding violations, and compliance with the corrective action enforcement order. The parties have made significant progress in the settlement process. However, additional time is necessary to resolve remaining issues.

3. Environmental Site Assessment, Site Investigation, and Remediation Before Closure:

In the event that the facility will no longer operate at the Site, DTSC requires that appropriate site investigation and remediation be completed prior to vacating the site.

Recommendations

The Port of Los Angeles, and the members of the Los Angeles Board of Harbor Commissioners, as the Project Site owner, should give significant weight to the outstanding violations, and outstanding corrective action enforcement order in their consideration of the proposed lease extension. Both owner and operator are liable for the outstanding violations and corrective action enforcement order. In addition, DTSC recommends that compliance with all applicable or relevant and appropriate requirements (environmental laws), and site investigation and hazardous substance

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remediation by the facility operators prior to vacating the Project Site both be included in future lease agreement terms.

DTSC appreciates the opportunity to comment on the NOP and proposed DEIR. If you have any questions, please contact me at (916) 255-3638 or via email at Rebecca.Depont@dtsc.ca.gov.

Sincerely,

Rebecca De Pont

Rebecca De Pont
Unit Chief
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Hazardous Waste Management Program
Department of Toxic Substances Control

cc: (via email)

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