



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
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Gavin Newsom
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SENT VIA ELECTRONIC MAIL

January 2, 2024

Eric Englehart
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RE: NEGATIVE DECLARATION (NEG DEC) RADIUS RECYCLING OAKLAND
STORAGE TENT PROJECT DATED DECEMBER 04, 2023 STATE
CLEARINGHOUSE # [2023120052](#)

Dear Eric Englehart,

The Department of Toxic Substances Control (DTSC) reviewed a Negative Declaration (Neg Dec) for the Radius Recycling Oakland Storage Tent Project. Radius Recycling (formerly Schnitzer Steel Industries, Inc.) is proposing to construct and operate a 14,000 square-foot containment tent near the eastern boundary of its Oakland facility at the Port of Oakland. The tent would be used for containment of recyclable non-ferrous scrap metals (metals that do not contain iron) recovered from the facility's recycling process.

As a Responsible Agency, DTSC did not receive a notification for the comment review

period for the Neg Dec as the notice was sent out for local agency review only. DTSC recommends and requests to be notified if any further Project remediation is required. DTSC requests to be included on all future environmental documents pertaining to Radius Recycling. As stated in the [Cal. Code Regs. tit. 14 § 15205](#) section (c), “Public agencies may send environmental documents to the State Clearinghouse for review where a state agency has special expertise with regard to the environmental impacts involved. The areas of statutory authorities of state agencies are identified in Appendix B”. DTSC has expertise with regard to the environmental impacts involved with this project.

Regulatory Context

The Project Site is a hazardous waste facility, [Schnitzer Steel/Radius Recycling](#), 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.

Schnitzer Steel/Radius Recycling is a hazardous waste management facility located at 1101 Embarcadero West, Oakland, California 94607 (Facility). Beginning in 1961, and continuing through the present, they have operated a metal recycling business which includes operation of a shredder and other equipment at the Facility.

The proposed project is on [Hazardous Waste and Substances site “Cortese” list](#), which is comprised of sites where there has been a documented hazardous materials release. Section 65962.5(a)(5) requires that DTSC “shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(5) all sites included in the Abandoned Site Assessment Program.”

Environmental Requirements Pertaining to Schnitzer Steel Permit, Outstanding Violations and Corrective Action Order, and Investigation and Remediation Under DTSC Oversight.

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

1. **Permit:** It is DTSC's position that metal shredding facilities require a permit to operate.
2. **Corrective Action: Environmental Site Assessment, Site Investigation, and Hazardous Substance Remediation:**

DTSC issued an [Enforcement Order for Corrective Action](#) on February 23, 2021. DTSC ordered Schnitzer Steel (now Radius Recycling) through a formal Enforcement Order for Corrective Action to clean up contamination both on site and in the surrounding community, modify the facility as needed to prevent releases, and submit a plan to control immediate threats from metal shredding practices. The Enforcement Order for Corrective Action was issued after DTSC conducted several inspections at the facility and noted various violations of hazardous waste laws, including the failure to operate the facility in a manner to minimize the release of hazardous waste and/or hazardous waste constituents.

Based on the observed releases of hazardous waste or hazardous waste constituents from the Site, DTSC required the facility to, among other stipulations, (1) conduct on- and off-site investigation to develop a conceptual site model of the contamination, and (2) remediate any hazardous substances identified 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 subsequent agreements between DTSC and the facility 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. Please be advised that if the operator of Radius Recycling fails to conduct corrective action activities as required by DTSC, the landowner may be jointly and severally liable for completing the activities as a result of a DTSC order.

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 site investigation and remediation to the satisfaction of DTSC be completed and certified by DTSC prior to vacating the site.

Recommendations

DTSC recommends compliance with all applicable or relevant and appropriate environmental laws. DTSC appreciates the opportunity to comment on the Radius Recycling Oakland Storage Tent Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

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Sincerely,

Rebecca De Pont

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