



**Yana Garcia**  
Secretary for  
Environmental Protection



Department of Toxic Substances Control

---

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

**SENT VIA ELECTRONIC MAIL**

June 4, 2024

Eric Englehart  
Post Associate Environmental Scientist Planner  
Port of Oakland  
530 Water Agency  
Oakland, CA 94607  
[eenglehart@portoakland.com](mailto:eenglehart@portoakland.com)

RE: NEGATIVE DECLARATION RADIUS RECYCLING OAKLAND NONFERROUS  
SCRAP MATERIALS ENCLOSURES AND CONVEYOR PROJECT DATED MAY 07,  
2024 STATE CLEARINGHOUSE # [2024050319](#)

Dear Eric Englehart,

The Department of Toxic Substances Control (DTSC) reviewed a Negative Declaration (Neg Dec) for the Radius Recycling Oakland Nonferrous Scrap Materials Enclosures and Conveyor Project. Radius Recycling (formerly Schnitzer Steel Industries, Inc.) is proposing to construct three buildings; A, B, and C to enclose existing storage and processing of nonferrous scrap materials - which are materials that do not contain iron - and other operations. In addition, a new conveyor would be constructed inside the proposed Building A to minimize the need for multiple handling of the nonferrous scrap materials. The buildings and conveyor would be constructed and operated at Radius

Recycling's existing scrap metal and recovery facility near the Port in Oakland, California.

### **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, that is operating under interim status authorization pursuant to CCR, Title 22, Section 66270.71, 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

Eric Englehart  
June 4, 2024  
Page 4

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.

**Conclusion**

Due to the facility's interim status, you must comply with all applicable environmental laws and regulations which includes, but is not limited to, the interim status standards under CCR Chapter 15, Title 22, Division 4.5. DTSC appreciates the opportunity to comment on the Neg Dec for the Radius Recycling Oakland Nonferrous Scrap Materials Enclosures and Conveyor 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.

Eric Englehart  
June 4, 2024  
Page 5

Sincerely,

*Rebecca De Pont*

Rebecca De Pont  
Supervising Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Rebecca.DePont@dtsc.ca.gov](mailto:Rebecca.DePont@dtsc.ca.gov)

cc: (via email)

Governor's Office of Planning and  
Research State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Tamara Purvis  
Associate Environmental Planner  
HWMP – Permitting Division - CEQA Unit  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Dave Kereazis  
Associate Environmental Planner  
HWMP – Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Scott Wiley  
Associate Governmental Program Analyst  
HWMP – Permitting Division - CEQA Unit  
Department of Toxic Substances Control  
[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)

Eric Englehart  
June 4, 2024  
Page 6

Nick Duffort  
Senior Environmental Planner and Project Manager  
AECOM  
[nick.duffort@aecom.com](mailto:nick.duffort@aecom.com)

Mohammed Omer  
Supervising Hazardous Substance Engineer  
HWMP – Permitting Division  
Department of Toxic Substances Control  
[Mohammed.Omer@dtsc.ca.gov](mailto:Mohammed.Omer@dtsc.ca.gov)

Parampreet Basra  
Senior Hazardous Substance Engineer  
HWMP – Permitting Division  
Department of Toxic Substances Control  
[Parampreet.Basra@dtsc.ca.gov](mailto:Parampreet.Basra@dtsc.ca.gov)

Nicole Yuen  
Hazardous Substance Engineer  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control  
[Nicole.Yuen@dtsc.ca.gov](mailto:Nicole.Yuen@dtsc.ca.gov)

Marikka Hughes  
Branch Chief  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control  
[Marikka.Hughes@dtsc.ca.gov](mailto:Marikka.Hughes@dtsc.ca.gov)

Andy Rohling  
National Director of Capital Projects  
Radius Recycling Representative

Eric Englehart  
June 4, 2024  
Page 7

[arohling@rdus.com](mailto:arohling@rdus.com)