SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Draft Staff Report
Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

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EXECUTIVE SUMMARY

South Coast Air Quality Management District (South Coast AQMD) worked with local community members and industry stakeholders to develop Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations (PR 1460). This rule development focuses on metal recycling facilities and metal shredding facilities that process and recycle scrap metal in response to community concerns identified through the Assembly Bill 617 (AB 617) Community Emissions Reduction Plan (CERP) process. PR 1460 will establish housekeeping requirements and best management practices such as spraying water during facility operations to minimize fugitive dust emissions from metal recycling and metal shredding facilities. PR 1460 will also require facilities to register facility information with South Coast AQMD, as well as install facility contact signage. The proposal also includes additional requirements for new facilities, such as full enclosure of new metal shredders. PR 1460 will reduce fugitive particulate matter (PM) emissions from metal recycling and metal shredding activities and lower community exposure to these pollutants.

PR 1460 is estimated to affect 200 metal recycling facilities, many of which are located within AB 617 communities. Five metal shredding facilities have also been identified and would be subject to PR 1460. These facilities are also subject to existing South Coast AQMD rules and State Water Resources Board regulations that require measures to minimize dust. Accordingly, PR 1460 water suppression activities to minimize fugitive dust emissions supplement existing regulations. The amount of water necessary to comply with PR 1460 will vary by facility.

CHAPTER 1 – BACKGROUND

INTRODUCTION

Scrap metal recycling is a process that involves taking scrap metal from end-of-life products, sorting, processing, and sometimes shredding it so that it can be reused in the production of new goods. Metal recycling facilities collect and process metals so materials can be sold to other companies for further processing. Metal shredding facilities, which use shredding techniques and equipment to process end-of-life vehicles, appliances, and other forms of scrap metal, are a subset of scrap metal recycling facilities. A review of the available data indicates there are approximately 200 metal recycling facilities, of which five have metal shredders. Activities such as cutting, shearing, sorting, handling, bailing, shredding, and storing scrap metal at metal recycling and metal shredding facilities can generate fugitive particulate matter emissions.

Pursuant to AB 617, South Coast AQMD staff worked collaboratively with community members to identify air quality issues and develop strategies to reduce air pollution. This effort resulted in the adoption of CERPs for AB 617 environmental justice communities which bear the disproportionate impacts of air pollution. During the CERP development process, several communities expressed concerns about particulate matter emissions from scrap metal recycling facilities. For example, the Southeast Los Angeles and South Los Angeles CERPs included an action to initiate rule development to require additional housekeeping and best management practices at scrap metal recycling facilities to reduce fugitive particulate emissions. PR 1460 includes requirements to reduce fugitive particulate emissions and improve air quality. Control of hexavalent chromium emissions from torch cutting and welding operations will be addressed in an upcoming separate rule making process.

ASSEMBLY BILL 617

In July 2017, AB 617 was adopted to address air quality impacts. The legislation requires a strategy to reduce toxic air contaminants and criteria pollutants in designated environmental justice communities disproportionately impacted by air pollution from mobile sources and industrial facilities. These communities also experience social and economic disadvantages that contribute to cumulative burdens. The AB 617 program accelerates actions, provides additional resources to address air quality concerns in these communities, and establishes new community-focused and community-driven actions to reduce air pollution and improve public health. As a result of AB 617, local air districts have been working with community members to develop CERPs. The CERP development process is intended to identify local air pollution sources of concern and establish control strategies within these designated communities. The AB 617 legislation also requires developing Community Air Monitoring Plans which set out air monitoring efforts to better understand air pollution in these communities and support CERP implementation.

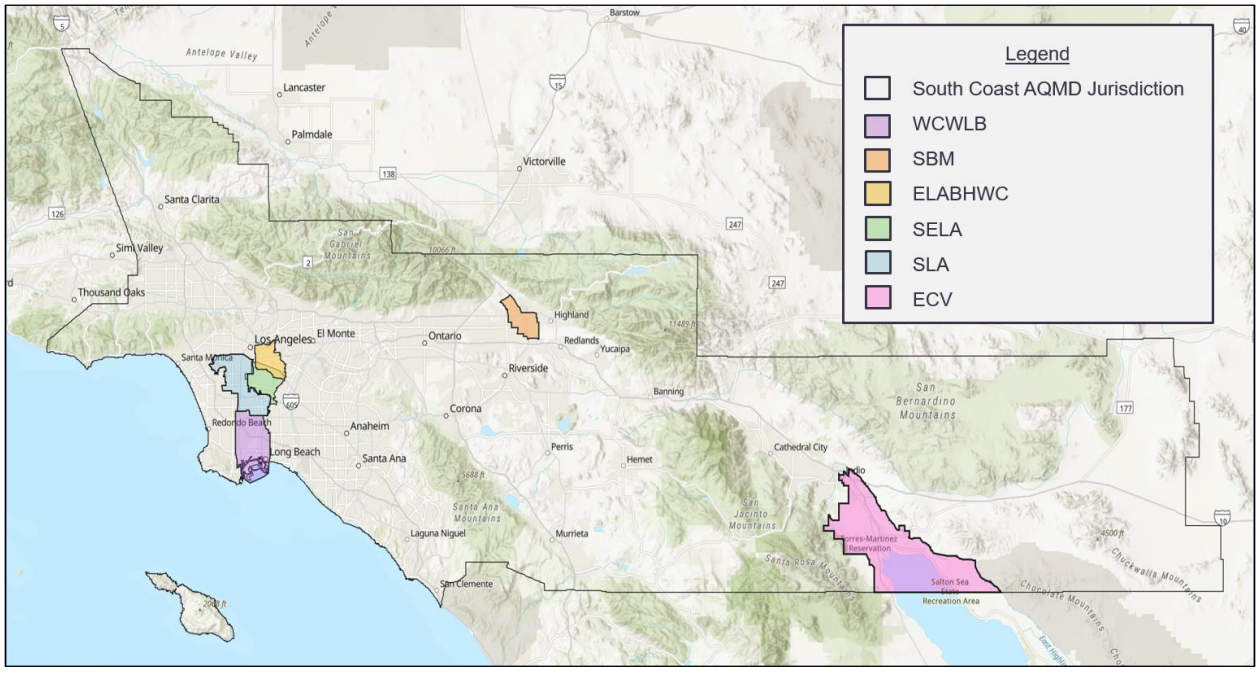
AB 617 Designated Communities

In South Coast AQMD, there are currently six designated communities under AB 617 (as shown in Figure 1-1):

- Wilmington/Carson/West Long Beach (WCWLB)
- San Bernardino/Muscoy (SBM)
- East Lost Angeles/Boyle Heights/West Commerce (ELABHWC)
- Southeast Los Angeles (SELA)
- South Los Angeles (SLA)

- Eastern Coachella Valley (ECV)

Figure 1-1



Community Emissions Reduction Plan

The CERP development process for each community is a collaboration between the Community Steering Committee (CSC), the South Coast AQMD, and the California Air Resources Board (CARB). The CSC comprises a diverse group of stakeholders that live, work, own businesses, and attend school within the community and includes representatives from local land-use agencies, public health agencies, and elected officials. Under AB 617 legislation, the CSC guides the development and implementation of the CERP. These CERPs are unique to each community to address the community's air quality priorities and include a variety of strategies, including commitments to develop new regulations, focused enforcement, outreach to businesses and the general public, air monitoring efforts, and collaborations with community stakeholders and other agencies.

In December 2020, the Southeast Los Angeles community released a CERP that included a series of actions to reduce emissions from metal processing facilities. Action B from Chapter 5e specifically includes language to initiate the rule development process to address housekeeping and best management practices at metal recycling plants to reduce fugitive emissions.[1] The Southeast Los Angeles CERP was approved by the South Coast AQMD Governing Board on

[1] *Southeast Los Angeles Community Emissions Reduction Plan: Final*. Pg. 116 (pg. 5e-1), Retrieved August 18, 2022, from: https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cerp/final-cerp.pdf?sfvrsn=9

December 4, 2020, and CARB on May 21, 2021.[2] In June 2022, the South Los Angeles CERP was approved by the South Coast AQMD Governing Board and also includes an action to address fugitive emissions at metal recycling facilities and metal shredding facilities.[3] Specifically, Action G from Chapter 5e specifies for South Coast AQMD to initiate a rule development process to require additional housekeeping and best management practices at metal recycling facilities. The South Los Angles CERP was approved by CARB in August 2022.

REGULATORY HISTORY

Permit Requirements for Metal Recycling Facilities and Metal Shredding Equipment

Under the South Coast AQMD Rule 203, any facility that operates equipment that causes or reduces air pollutants must have a permit to operate. As part of the permit application process, equipment is evaluated to ensure compliance with regulatory requirements to protect public health. A South Coast AQMD permit to operate provides details on how the equipment can be operated and emissions limits. Permitted facilities are required to maintain their equipment, air pollution control equipment, if any, and comply with all permit conditions to avoid excess emissions. A typical metal recycling facility does not have equipment that requires a permit; however, there are five metal shredding facilities with South Coast AQMD permits for metal shredding equipment and the associated air pollution control devices.

Rule 403 – Fugitive Dust

Rule 403 was adopted on May 7, 1976, and has undergone six amendments. The purpose of Rule 403 is to reduce the amount of particular matter (PM) entrained in the ambient air due to anthropogenic (man-made) fugitive dust sources. Rule 403 broadly applies to any activity or man-made condition capable of generating fugitive dust and provides compliance options. Therefore, metal recycling facilities and metal shredding facilities have also been subject to Rule 403 and required to comply with the rule requirements.

The rule requires actions to prevent, reduce or mitigate fugitive dust emissions from active operations, which include, but are not limited, to earth-moving activities, construction/demolition activities, and heavy- and light-duty vehicular movement. Rule 403 provides a list of control measures and options for the operator to select. Rule 403 presents dust control measures in four tables. Table 1 provides a list of best available control measures (BACMs) which apply to all construction activity sources. Table 2 details dust control measures for Large Operations, defined as active operations on property containing 50 or more acres of disturbed surface area; or any earth-moving operation with a daily earth-moving or throughput volume of 5,000 cubic yards or more three times per year. Table 3 identifies contingency control measures for Large Operations to implement when Table 2 dust control measures are insufficient to meet the rule performance standards. Table 4 identifies conservation management practices for confined animal facilities. Rule 403 also includes a prohibition of visible emissions from crossing a property line from all

[2] *CARB Approves Community Emissions Reduction Program for Southeast Los Angeles*. Retrieved July 12, 2022, from: https://ww2.arb.ca.gov/news/carb-approves-community-emissions-reduction-program-southeast-los-angeles

[3] *South Coast AQMD: CERP - South Los Angeles (SLA)*. Retrieved August 17, 2022, from: http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/south-la/final-cerp.pdf?sfvrsn=12

man-made fugitive dust sources which includes metal recycling activities and wind erosion of storage piles at metal recycling operations.

For projects that meet the specifications for a Large Operation (i.e., greater than 50 acres of disturbed surfaces or more than 5,000 cubic yards of earth movement) Rule 403 requires notification to South Coast AQMD, designation of a dust control supervisor, contract signage, and recordkeeping of dust control actions implemented.

OTHER REGULATIONS FOR METAL RECYCLING AND METAL SHREDDING FACILITIES

National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements

The Clean Water Act (CWA) was passed in 1972 and specifies that no person is allowed to discharge pollutants into a "water of the United States" without a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit establishes requirements to control water pollution and regulate point sources that can discharge pollutants. The permit specifies what can be discharged, such as numeric effluent pollutant limits, numeric action levels, and technology and water quality-based effluent limitations for storm water and non-storm water discharges. There are monitoring and reporting requirements for sampling discharges, and inspectors verify that facilities comply with permit conditions.[4] A metal recycling facility or metal shredding facility is subject to the requirements of the CWA.

Industrial Stormwater Program

Section 402(p)(3)(A) of the CWA requires storm water runoff from specified types of industrial facilities (categorized by standard industrial classification [SIC] codes) to be regulated under the NPDES permit program. In California, the State Water Resources Control Board (State Board) and the nine Regional Water Quality Control Boards (RWQCBs) implement the requirements of the CWA. Generally, storm water runoff associated with industrial activities is currently regulated under the State Board's Industrial General Storm Water Permit. Within the Los Angeles County portion of South Coast AQMD, metal recycling facilities covered under the Industrial General Permit include those listed under SIC Code 5093 (scrap and waste materials) and engaged in the following types of activities: (1) automotive wrecking for scrap-wholesale (this category does not include facilities engaged in automobile dismantling for the primary purpose of selling second-hand parts, such as Pick-n-Pull); (2) iron and steel scrap- wholesale; (3) junk and scrap metal – wholesale; (4) metal waste and scrap- wholesale; and (5) nonferrous metals scrap wholesale. Other types of facilities listed under SIC Code 5093 and engaged in waste recycling, such as glass, paper, or plastic recyclers, are not included. Metal recycling facilities located within the Orange, Riverside, and San Bernardino County portions of South Coast AQMD are subject to a Sector-Specific Permit for storm water runoff associated with industrial activities from scrap metal recycling facilities within the Santa Ana Region (RWQCB 8).

[4] *United States Environmental Protection Agency: National Pollutant Discharge Elimination System (NPDES) Permit Basics*. Retrieved June 8, 2022, from: https://www.epa.gov/npdes/npdes-permit-basics#:~:text=It%20depends%20on%20where%20you,municipality%20about%20their%20permit%20requirements

Metal recycling facilities and metal shredding facilities covered by either an Industrial General Permit or the Sector-Specific Permit for the Santa Ana Region are required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP).[5] Each SWPPP is specific to the facility and details the facility's potential pollutant sources, and establishes various types of best management practices, such as operational source control, structural source control, treatment control, and erosion and sediment control to reduce stormwater pollution and offsite discharges. SWPPPs may also include housekeeping, inspection, maintenance, and recordkeeping requirements. These requirements also specify procedures to minimize fugitive dust emissions. The State Board developed the Storm Water Multiple Application and Report Tracking System (SMARTS) database, which contains SWPPPs for metal recycling facilities. The public can view or download information through the SMARTS website.[6]

Bay Area Air Quality Management District Regulation for Metal Recycling and Shredding Operations

In May 2013, the Bay Area Air Quality Management District (BAAQMD) adopted Regulation 6, Rule 4: Metal Recycling and Shredding Operations. The purpose of the rule is to minimize fugitive particulate matter emissions from metal recycling and metal shredding facilities. The rule establishes recordkeeping requirements for facilities with a metal throughput of 1,000 tons or more per rolling twelve-month period. Facilities with a metal throughput of 50,000 tons or more per rolling twelve-month period are required to prepare an Emissions Minimization Plan (EMP) for approval. The EMP includes descriptions of facility operations and actions to mitigate fugitive emissions, such as through air pollution controls, best management practices, and housekeeping. As of August 2022, three metal shredding facilities have been required to submit an EMP under this rule, and the documents are available on the BAAQMD website.[7] Under BAAQMD Regulation 6, Rule 4 EMPs are required to be updated every five years.

METAL RECYCLING AND SHREDDING OPERATIONS

Metal Recycling Facilities

Metal recycling operations occur in both metal recycling and metal shredding facilities. The primary purpose of metal recycling facilities is sorting and preparing the scrap metal received for sale to other larger facilities that conduct shredding or other metal processing activities. Metal recycling facilities, also known as feeder yards, can vary in size from processing several hundred, to thousands of tons of scrap metal per year. Most of the metals recycled are steel and other ferrous metal alloys, and nonferrous metals such as aluminum, copper, brass, and bronze. The scrap metals received come from a variety of sources such as automobiles, demolition projects (buildings and construction sites), manufacturing, wiring, and miscellany (appliances and other consumer products).

[5] *United States Environmental Protection Agency: Developing Your Stormwater Pollution Prevention Plan*. Retrieved June 10, 2022, from: https://www.epa.gov/sites/default/files/2015-10/documents/sw_swppp_guide.pdf

[6] *California State Water Resources Control Board*. Retrieved August 17, 2022, from: https://smarts.waterboards.ca.gov/smarts/faces/SwPublicUserMenu.xhtml

[7] *Bay Area Air Quality Management District: Metal Facilities*. Retrieved August 17, 2022, from: https://www.baaqmd.gov/plans-and-climate/emission-tracking-and-monitoring/metal-facilities

The process at a metal recycling facility begins after scrap metal is purchased from either individuals, companies, or public agencies. At the facility, scrap metal is initially weighed and inspected for substances such as wood, paper, dirt, rocks, glass, and free liquid. Scrap metal can also be contaminated with other metals, insulation, plastics, paints, and oil. Section 42175 of the Public Resources Code requires that hazardous materials be removed from major appliances and vehicles before crushing for transport or transferring to a baler or shredder for recycling. This process is known as depollution and involves the safe removal of "materials that require special handling," which includes materials such as gasoline, oil, antifreeze, lead-acid batteries, vehicle airbags, compressed gas cylinders (e.g., propane tanks, compressed gas tanks, and fire extinguishers), refrigerants in air conditioning or heat transfer systems, capacitors containing polychlorinated biphenyls (PCBs), light ballasts, transformers, and items containing elemental mercury (e.g., tilt-switches or thermostats) (DTSC, 2021). Facilities that conduct depollution operations are subject to hazardous waste generator requirements (DTSC, 2021).

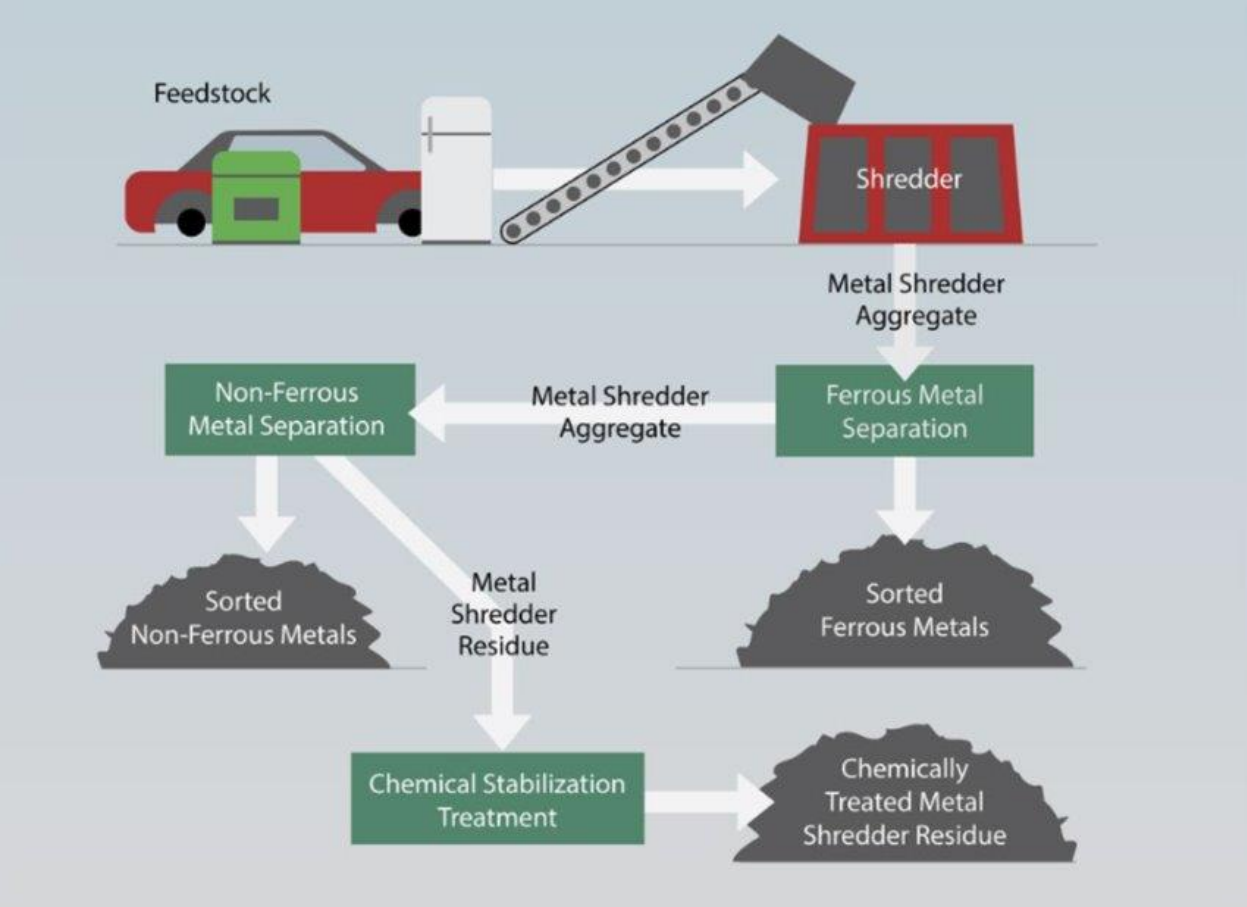
Once the scrap metal has been inspected to ensure it has been properly depolluted, it is sorted. The sorting varies between facilities, but the scrap metal is generally organized by metal type or whether it is ferrous or nonferrous. The scrap metal can be sorted through various methods, such as through the use of grapplers, cranes, and magnets. Afterward, the scrap metal can be broken down or resized so that it is easier to handle. This process varies between facilities and can include using large industrial shears, torch cutting, or baling scrap metal. After the scrap metal has been sorted and resized, it is loaded into containers to be transported to the next location for further processing.

Metal Shredding Facilities

The process at metal shredding facilities is very similar to metal recycling facilities in that the facilities receive, sort, and process scrap metal. Metal shredding facilities receive and purchase the same types of scrap metal as metal recycling facilities which can come from individuals, companies, public agencies, and other metal recycling facilities. For the most part, the receiving, sorting, and processing activities at metal shredding facilities are the same as metal recycling facilities, but the key difference is that metal shredding facilities also shred scrap metal as part of on-site processing activities.

The general process at scrap metal facilities is depicted in Figure 1-2. Metal shredding facilities receive scrap metal from various sources, and typically scrap metal provided by metal recycling facilities has already been depolluted and the hazardous materials removed. However, facilities must conduct on-site depolluting activities for scrap metal that is received from the public (DTSC, 2021). The depolluted scrap metal is processed through a shredder which cuts and crushes the scrap metal into fist-sized scraps of metal, creating a mixture of scrap metal called metal shredder aggregate. This aggregate is a mix of ferrous and nonferrous metals, plastic, rubber, glass, and other components that were part of the scrap metal. Ferrous metal is separated using magnets or eddy currents, and the remaining metal shredder aggregate is processed to separate the nonferrous metals. After separating ferrous and nonferrous metals, the remaining material is called metal shredder residue (MSR). Some facilities chemically treat MSR so it can be sent to a municipal solid waste landfill for use as an alternative daily cover. Other facilities transfer MSR offsite for further processing. The scrap metal that is shredded and sorted is then loaded into containers to be transported for further processing.

Figure 1-2



Point Source Emissions

A point source is an emission source with a specific fixed point at a facility. Metal shredders are considered a point source of emissions for metal shredding facilities. Due to the nature of the operation, even if the scrap metal has been depolluted, there still may be residual amounts of non-metal material that also go into the shredder. These materials include plastics, paints, caulks, sealants, rubber, switches, fluids, and fluid residues. The process of grinding and shredding scrap metal generates heat, resulting in residual fluids and fuels becoming gases. The nature of the shredding process creates the potential for particulate matter emissions of various sizes. Thus, the metal shredding process generates emissions of volatile organic compounds, particulate matter, and hazardous air pollutants, including lead, zinc, cadmium, mercury, and organic pollutants.[8] Metal shredders are subject to the South Coast AQMD permitting process and must have a permit to operate. This equipment is evaluated to ensure compliance with regulatory requirements, and permit conditions are added to the permit to protect public health. Permit conditions would include venting to an air pollution control device while operating and requiring materials to be handled in a way to minimize dust and smoke emissions. Examples of air pollution control devices at shredding facilities include cyclones and venturi scrubbers or bag house systems for particulate

[8] *Violations at Metal Recycling Facilities Cause Excess Emissions in Nearby Communities*. Retrieved June 2, 2022, from: https://www.epa.gov/system/files/documents/2021-07/metalshredder-enfalert.pdf

matter control. Sometimes, a carbon absorber or a regenerative thermal oxidizer is used for VOC control.

Fugitive Source Emissions

Under Title 40 of the Code of Federal Regulation Section 70.2, fugitive emissions are emissions that could not reasonably pass through a stack, chimney, vent, or another functionally-equivalent opening. These fugitive emissions generated by a facility can become airborne. For metal recycling and metal shredding facilities, the sources of fugitive emissions can be placed in three categories: material handling, material processing, and material storage.

Material Handling

Material handling activities at metal recycling and metal shredding facilities include loading and unloading trucks, sorting scrap metal, and vehicular movement through the facility. While scrap metal can be brought to the facility from personal vehicles, it can also be brought by large semi-trucks that need to be unloaded. As shown in Figure 1-3, trucks generally tilt the container holding the scrap metal to dump the materials on the ground during the unloading process. Fugitive emissions can be generated as scrap metal, dust, and other residue debris reaches the ground.

Figure 1-3

After the material has been unloaded, facilities may need to sort the scrap metal into the appropriate piles, which can be done by hand or using equipment such as grapplers, cranes, and skip loaders (see Figure 1-4). These activities can also lead to fugitive emissions as disturbed scrap metal is picked up, moved, and dropped. One method to reduce fugitive emissions during these activities is applying dust suppressants such as water to minimize dust and other potential emissions from becoming airborne.

Figure 1-4

The top image depicts a skip loader. The two bottom images depict grapplers

Once the scrap metal has been processed, the material will need to be loaded into containers, as shown in Figure 1-5. Like other material handling activities, this process of moving scrap metal can lead to fugitive emissions.

Figure 1-5

Material Processing

Material processing activities at metal recycling and metal shredding facilities include breaking down or compacting scrap metal for easier handling. Equipment commonly used includes shears, torch cutters, and balers (as shown in Figure 1-6). Industrial shears are used to break down scrap metal into smaller pieces, a process that can emit fugitive emissions due to the disturbance of any dirt or residue on the scrap metal. When pieces of scrap metal are too large for a shear, a torch

cutter may be used instead. The process of cutting metal using a very hot flame is a potential source of fugitive emissions, and torch cutting stainless steel can lead to toxic hexavalent chromium emissions. Torch cutting is similar to welding as they both involve melting metal at high temperatures, which generate fugitive emissions. Chromium is a component found in stainless steel, nonferrous alloys, and chromate coatings. When high heat is applied, such as during torch cutting or welding, chromium is converted into hexavalent chromium, a carcinogen.[9] Some facilities will also bale scrap metal for compaction and easier handling. This process of crushing scrap metal may also release fugitive emissions.

Figure 1-6

The top image is a metal shear. The bottom left image is a baler and bottom right image is a torch cutter

Material Storage

Scrap metal material may be stored in piles before and after processing. As shown in Figure 1-7, these storage activities can be sources of fugitive emissions as piles are generally stored outside and uncovered. However, some facilities may store specific types of scrap metal within barriers or bins. Some material piles are considered active as workers are consistently adding or removing material from these piles. Others are static, but both types of material piles can be sources of fugitive emissions. Similar to material handling activities, applying dust suppressants such as water to scrap metal piles can minimize dust and other potential emissions from becoming airborne.

[9] *Controlling Hazardous Fume and Gases during Welding*. Retrieved July 12, 2022, from: https://www.osha.gov/sites/default/files/publications/OSHA_FS-3647_Welding.pdf

Figure 1-7

NEED FOR PROPOSED RULE 1460

PR 1460 is needed to address community concerns and minimize fugitive dust emissions from metal recycling and metal shredding facilities. Although Rule 403 contains requirements to minimize fugitive dust emissions, the control actions are tailored to earth-moving activities, construction/demolition activities, and heavy- and light-duty vehicular movement. PR 1460 is specific to metal recycling and metal shredding facilities and is based on operations at these facilities. It will include housekeeping provisions and dust suppression requirements such as spraying water on scrap metal material before truck unloading and loading, material handling, and material processing and site improvements where necessary to minimize fugitive emissions. A large majority of metal recycling facilities do not have South Coast AQMD permits as the facilities do not operate equipment requiring a permit. PR 1460 will require facilities to register with South Coast AQMD, which will aid outreach and compliance activities. Additionally, AB 617 community members have expressed concerns about fugitive emissions at metal recycling and shredding facilities and have requested improved communication between regulatory agencies and the public. PR 1460 accomplishes this with signage requirements that identify the facility and South Coast AQMD contact information to facilitate the ability for members of community to contact the facilities or to file an air quality complaint with the South Coast AQMD.

AFFECTED FACILITIES

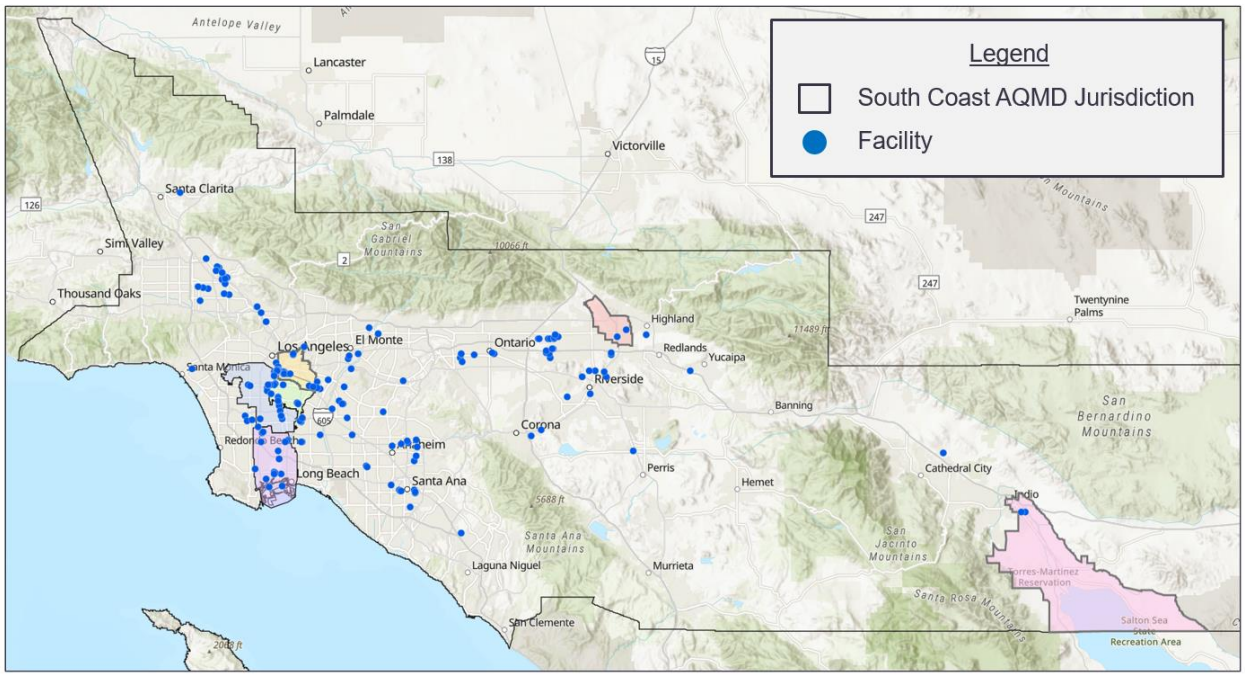
The facilities subject to PR 1460 were identified by reviewing South Coast AQMD databases and documentation from the California State Water Resources Control Board and Department of Toxic Substances Control (DTSC). Staff also identified facilities with a scrap metal permit under the local Santa Ana Regional Water Quality Control Board, searched websites for metal recycling and metal shredding facilities, and reviewed aerial images. PR 1460 will not apply to recycling centers where the primary business is to provide the refund value for empty beverage containers, material recovery facilities that primarily process non-metal material, auto dismantlers, metal melting facilities, and lead processing facilities. Further information about facility applicability will be discussed in Chapter 2.

Based on the search process described above, staff estimates 200 facilities would be subject to PR 1460 requirements. The facilities are metal recycling and metal shredding facilities that are generally classified under the following NAICS codes:

- 423930 Recyclable Material Merchant Wholesalers
- 562920 Materials Recovery Facilities

Of the estimated 200 facilities, five metal shredding facilities have been identified, and the remaining are metal recycling facilities. Figure 1-8 provides a representation of the facility locations as well as AB 617 designated community boundaries. For the AB 617 designated community boundaries please refer to the legend in Figure 1-1.

Figure 1-8



PUBLIC PROCESS

The development of PR 1460 has been conducted through a public process. A PR 1460 Working Group was formed to allow the public and stakeholders to discuss details of the proposed rule and provide South Coast AQMD staff with input during the rule development process. The Working Group includes business representatives, environmental and community groups, public agencies, and consultants. As discussed, PR 1460 applies to many facilities that do not have permits or experience with South Coast AQMD. As part of the public process, staff consulted with two trade associations, the California Metals Coalition and the Institute of Scrap Recycling Industries, to help notify their members of working group meetings. Staff also mailed a notice about the PR 1460 rule development process to a list of recycling facilities identified through an Employment Development Department (EDD) database. South Coast AQMD staff also updated community members about the PR 1460 rule development process at Community Steering Committee (CSC) meetings for the Southeast Los Angeles and South Los Angeles AB 617 communities. South Coast AQMD has held three Working Group Meetings via Zoom videoconference and teleconference due to COVID-19. The meetings held via Zoom were on March 16, 2022, May 18, 2022, and July 13, 2022. A Public Workshop was held September 6, 2022, via Zoom to present preliminary draft rule language for PR 1460 and receive public comment. The South Coast AQMD Stationary Source Committee received a PR 1460 briefing at a public meeting on September 16, 2022. A

Public Consultation meeting was subsequently held September 21, 2022 to present additional rule language clarifications.

CHAPTER 2 – SUMMARY OF PROPOSED RULE 1460

OVERALL APPROACH

PR 1460 addresses metal recycling and shredding operations and establishes requirements to minimize fugitive dust emissions through housekeeping and best management practices. PR 1460 also includes a registration process and recordkeeping requirements to aid South Coast AQMD in ensuring compliance. For this chapter, when referring to PR 1460 specific terms that are defined in the rule language, the terminology will be capitalized.

The following is a summary of PR 1460 provisions.

Purpose – Subdivision (a)

The purpose of PR 1460 is to minimize Fugitive Dust emissions from Metal Recycling and Metal Shredding Facilities and address AB 617 community concerns. Offsite Fugitive Dust emissions will be minimized by reducing particulate emissions from metal recycling and metal shredding activities.

Applicability – Subdivision (b)

PR 1460 applies to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility. PR 1460 requirements are supplemental to the requirements to control Fugitive Dust in Rule 403. The definitions for an Existing or New Metal Recycling Facility or Metal Shredding Facility are included in subdivision (c) – Definitions. A list of facilities not subject to PR 1460 is included in subdivision (m) – Exemptions.

Definitions – Subdivision (c)

PR 1460 includes definitions for specific terms. Some definitions are based on other South Coast AQMD rules, while others are unique to PR 1460. For certain definitions, additional clarification is provided in this section or where the definition is used within a specific Rule provision. Please refer to PR 1460 for actual definitions.

Building Enclosure

A Building Enclosure means a permanent building or physical structure, or a portion of a building, with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, runoff), where openings are only to allow access for people, vehicles, equipment, Scrap Metal, or Metal Shredder Residue. For the purposes of this PR 1460, overlapping floor-to-ceiling strip curtains to allow continuous access to the building enclosure interior are an acceptable form of a building wall. This definition has been adapted from other existing South Coast AQMD rules.

Debris

Debris includes soil, dirt, sand, gravel, clay, and other organic or inorganic particulate matter and includes all material at metal recycling facilities that is not intended to be recycled.

Existing Metal Recycling Facility

An Existing Metal Recycling Facility is a Metal Recycling Facility that has been in operation before the date of the rule adoption. These are facilities that have been operating and meet the definition of a Metal Recycling Facility but there may be certain scenarios that would cause facilities to no longer be considered an Existing Metal Recycling Facility. For example, if a facility is deemed an Existing Metal Recycling Facility, but there is a modification in facility operation,

such as installing a Metal Shredder, the facility will become a New Metal Shredding Facility. Additional scenarios where an Existing Metal Recycling Facility would become a New Metal Recycling or New Metal Shredding Facility include:

- If an Existing Metal Recycling Facility changes their active operations to no longer be in the metal recycling or metal shredding industry and later changes back
- If an existing facility moves its operation to a new physical location
- If an existing facility expands its operation by adding a non-adjoining property (such as across the street or down the block)

The following are scenarios where an Existing Metal Recycling Facility remains an Existing Metal Recycling Facility:

- The existing facility changes ownership but not the physical location of operation
- The existing facility adds a secondary operation on its property, but the majority of the operation is the same
- If an existing facility expands the facility by adding adjoining property to the existing location
- The existing facility halts operation for a period of time (could extend to multiple years), during which it does not operate any activities, and then resumes the original operation

Existing Metal Shredding Facility

An Existing Metal Shredding Facility is a Metal Shredding Facility that has been operating before the date of the rule adoption. These are facilities that have been operating and meet the definition of a Metal Shredding Facility but there may be certain scenarios that would cause facilities to no longer be considered an Existing Metal Shredding Facility. If an Existing Metal Shredding Facility removes and no longer operates a Metal Shredder, the facility will remain an Existing Metal Recycling Facility. Additional scenarios where an Existing Metal Shredding Facility would become a New Metal Recycling or New Metal Shredding Facility include:

- If an Existing Metal Shredding Facility changes their active operations to no longer be in the metal recycling or metal shredding industry and later changes back
- If an existing facility moves its operation to a new physical location
- If an existing facility expands its operation by adding a non-adjoining property (such as across the street or down the block)

The following scenarios where an Existing Metal Shredding Facility remains as an Existing Metal Shredding Facility include:

- The existing facility changes ownership but not the physical location of operation
- The existing facility adds a secondary operation on its property, but the majority of the operation is the same
- If an existing facility expands the facility by adding adjoining property to the existing location
- The existing facility halts operation for a period of time (such as a few years), during which it does not operate any activities, and then resumes the original operation

Fugitive Dust

Fugitive Dust means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person. If wind where to blow on a Scrap Metal pile and cause Fugitive Dust, that is an example of a result due to the activities of any person. This is an existing definition from South Coast AQMD Rules 102, 403, 403.1, and 403.2.

High Value Grade Metal

A High Value Grade Metal is Scrap Metal, intended for processing or resale, that contains minimal Debris, is not stored on unpaved surfaces, and is not mixed with material that contains Debris. An example of a High Value Grade Metal would be a pile of busheling. According to the Institute of Scrap Recycling Industries, busheling is a clean steel scrap with a maximum size of 2 feet by 5 feet and consisting of new factory busheling such as sheet clippings and stampings from metal production that is free of metallic coatings. Busheling also does not include old auto body and fender stock and is only new production scrap rather than scrap from obsolete used items. These High Value Grade Metals are not a source of fugitive dust as they arrive clean. Requirements such as daily watering could lessen the value of the metal and result in unnecessary use of water. PR 1460 defines High Value Grade Metal to include different best management practices for these materials.

Metal Recycling Facility

Metal Recycling Facility means a facility that receives, stores, segregates, or separates Scrap Metal and mixed materials for reuse or resale by purchasing or processing (sorting, shearing, baling, or torch cutting) metals. Metal materials include but are not limited to Ferrous Metals, Non-Ferrous Metals, auto bodies, and major appliances. All facilities subject to PR1460 conduct metal recycling operations, and a small subset of facilities also conduct metal shredding operations.

Metal Shredder

A Metal Shredder is a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears, or crushes metallic items into smaller pieces.

Metal Shredding Facility

A Metal Shredding Facility is any Metal Recycling Facility that accepts Scrap Metal and also uses a Metal Shredder to mechanically rend that Scrap Metal into smaller pieces and separates the Ferrous Metals, Non-Ferrous Metals, and other materials for recycling. As previously mentioned in the paragraph for Metal Recycling Facility, Metal Shredding Facilities conduct metal recycling activities and also utilize Metal Shredders in their operations.

Metal Shredder Residue

Metal Shredder Residue means the non-metallic material that remains after shredding Scrap Metal, after Ferrous Metals and Non-Ferrous Metals have been separated and removed. This is a byproduct produced only at Metal Shredding Facilities. Some facilities treat Metal Shredder Residue onsite while other facilities send it to another facility for offsite processing. Metal Shredder Residue contains light fibrous material. According to DTSC, light fibrous material can be dispersed offsite due to wind or rain if not properly managed. Collected samples of light fibrous

material have been shown to exceed regulatory thresholds for zinc, lead, and copper and meet the criteria for hazardous waste in California.[10]

New Metal Recycling Facility

A New Metal Recycling Facility means a Metal Recycling Facility that begins operation on or after the date of rule adoption. Additional clarification and scenarios are provided in the paragraphs above for Existing Metal Recycling Facility and Existing Metal Shredding Facility.

New Metal Shredding Facility

A New Metal Shredding Facility means a Metal Shredding Facility that begins operation on or after the date of rule adoption. Additional clarification and scenarios are provided in the paragraphs above for Existing Metal Recycling Facility and Existing Metal Shredding Facility.

Throughput

Throughput means the weight of the material, in tons, received at a Metal Recycling Facility or Metal Shredding Facility. This is the weight of materials brought to the facility during the receiving process and not the weight of Scrap Metal that is exported out of the facility.

Waste Material

Waste material includes plastics, vinyl, sponge, foam, leather, textiles, soil, rubber, glass, etc., not intended for resale or recycling. These are materials separated from the metals during the Scrap Metal sorting and processing activities and discarded in separate piles or containers. This material is different from the materials collected during the housekeeping requirements pursuant to subdivision (e).

Registration – Subdivision (d)

Initial Registration

PR 1460 will require Metal Recycling Facilities and Metal Shredding Facilities to register and provide South Coast AQMD with information about the facility and its operation. Many Metal Recycling Facilities do not have equipment permitted by South Coast AQMD. To streamline the registration process, South Coast AQMD is proposing to develop a form that facilities can use to provide the required registration information. Appendix B includes a draft registration form. Collected information will be used by the South Coast AQMD for outreach and to conduct compliance activities.

Paragraph (d)(1) requires Existing Metal Recycling Facilities and Existing Metal Shredding Facilities to submit registration information on or before July 1, 2023. Subparagraphs (d)(1)(A) through (G) specify the information required under the registration process, including facility information such as name, address, contact information, number of employees, hours of operation, and acreage.

Subparagraph (d)(1)(H) further requires facilities to denote if there is a Sensitive Receptor within 100 meters (328 feet) of the facility boundary. This is due to a requirement in paragraph (f)(5) where facilities within 100 meters of a Sensitive Receptor are required to cease specific facility activities if instantaneous wind speed exceeds 25 miles per hour. A Sensitive Receptor is defined

[10] *Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*. Retrieved August 3, 2022, from: https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf

in paragraph (c)(17) as a residence, schools, preschools, daycare centers, prisons, and health facilities such as hospitals or retirement and nursing homes. School is defined in paragraph (c)(18) as any public or private school, including juvenile detention facilities with classrooms, used for the education of more than 12 children at the school in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A school does not include any private school in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school. When identifying a Sensitive Receptor, facilities can utilize an online mapping system (e.g., Google Maps, Apple Maps, etc.) to identify building uses nearby. The requirements to identity Sensitive Receptors using online mapping programs are not intended to identify temporary living arrangements such as persons residing in cars, recreation vehicles, or tents. Online mapping programs are snapshots in time and cannot be relied on to identify temporary living arrangements. The 100-meter distance shall be measured from the facility's outmost perimeter to the property line of the sensitive receptor.

Subparagraph (d)(1)(I) through (K) require facilities to provide regulatory information, including identification or permit numbers issued by the State Water Resources Control Board, California Integrated Waste Management Board, or a Local Enforcement Agency (if applicable). These subparagraphs also require facilities to provide a South Coast AQMD facility ID (if applicable), and list of South Coast AQMD permitted equipment (if applicable).

Subparagraph (d)(1)(L) requires facilities to list torch cutting equipment used for metal recycling activities.

Subparagraph (d)(1)(M) requires facilities to report facility Throughput for the preceding calendar year by denoting which range of Throughput the facility processes. Throughput is defined in paragraph (c)(20) as the weight of the material in tons received at metal recycling and metal shredding facilities. The following are the annual Throughput categories specified under subparagraph (d)(1)(M).

Annual Throughput	< 1,000	≥1,000 to <25,000	25,000 to <50,000	50,000 to <75,000	75,000 to <100,000	≥100,000

Registration for New Facilities

Paragraph (d)(2) requires a New Metal Recycling Facility or Metal Shredding Facility to submit registration information. As previously defined, a New Metal Recycling Facility or Metal Shredding Facility is a facility not in existence before the date of PR 1460 adoption. PR 1460 would require registration with South Coast AQMD for new facilities before the first day the facility is in operation.

Update Registration for Facilities that Change Operations

Paragraph (d)(3) of PR 1460 requires submittal of an updated registration before January 15, 2024, and by that date on each year after if the Metal Recycling Facility or a Metal Shredding Facility has a change to any one of the following facility characteristics: location or mailing address, legal owner, facility contact information, Throughput range, the addition of torch cutting equipment, or new or additional Sensitive Receptors within 100 meters (328 feet) of the facility property line.

The paragraph (d)(3) update notifications are required once per year and only if there are changes to the items specified in subparagraphs (d)(3)(A) through (d)(3)(G).

Housekeeping – Subdivision (e)

Paragraph (e)(1) requires daily cleaning using a Prescribed Cleaning Method for specific areas throughout the facility. Prescribed Screening Methods are defined in paragraph (c)(16) as a process of removing or collecting debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, dry vacuum with dust suppression, or a combination of the described methods which minimize Fugitive Dust emissions. Specified areas for daily cleaning include traffic areas used by vehicles throughout the facility, including, but not limited to, equipment paths used within the facility, the entrances and exits of the facility, and truck scales where weighing occurs. Additional locations requiring daily cleaning include all areas where truck or container loading or unloading occurs and other areas where recycling-related activities such as sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage take place. In subparagraph (e)(1)(B), the provision specifies cleaning areas where the surface of the ground is exposed to clarify that these are areas of the ground that are not covered by heavy machinery or Scrap Metal piles and are reasonably accessible to clean. Examples of areas that facilities will not be required to clean include under a pile of Scrap Metal, under or inside a Metal Shredder, or under a shipping container.

Paragraph (e)(2) requires that materials collected during housekeeping requirements in paragraph (e)(1) are to be stored in covered containers that are to remain covered at all times, except when being filled. Materials collected from daily housekeeping can include dirt and debris and are intended to be placed into containers prior to disposal and not transferred to other containers. Requirements for limiting Fugitive Dust from Waste Material, defined as remaining material after the metal sorting/recycling process (e.g., plastics, vinyl, glass, etc.) that is not intended for resale, are included in paragraph (f)(9). Under the provisions of paragraph (f)(9), Waste Material is also required to be stored in a container that is covered but this material can be transferred to other containers.

Best Management Practices – Subdivision (f)

Paragraph (f)(1) established requirements for reducing Fugitive Dust emissions from unloading or loading Scrap Metal from vehicles or containers, handling Scrap Metal, processing Scrap metal (includes sorting, shearing, bailing, or shredding activities), and Scrap Metal storage pile activities, excluding High Value Grade Metal piles. The requirements for Scrap Metal storage pile activities apply to materials placed on the ground and not to metals within containers such as barrels, three-yard bins, or roll-off containers. Paragraph (f)(1) requires the application of water at sufficient quantities and frequencies to minimize Fugitive Dust emissions. The amount and process of applying water is not specified, but staff has identified misting equipment systems that use less water than traditional high-pressure hoses. Use of recycled water (if available) and recycling of water used on site for dust control is also encouraged to minimize potable water use.

Paragraph (f)(2) provisions are intended to reduce emissions from Scrap Metal storage piles, excluding High Value Grade metal piles. Under paragraph (f)(2), facilities are required to implement at least one of the following measures: daily watering (except on rain days where there is 0.1 inches or more of precipitation), use of three-sided enclosures, or installation of three-sided windscreens. Subparagraphs (f)(2)(A) through (f)(2)(C) specify the minimum requirements for each measure intended to minimize Fugitive Dust from storage piles. Determination of rain days

when there is 0.1 inches or more of precipitation would be based on a National Weather Service weather station located within the jurisdictional boundaries of the South Coast AQMD and within the same county as the metal recycling facility.

Paragraph (f)(3) provisions are specific to High Value Grade Metal piles and the requirements included are based on industry stakeholder input about the different types of metal received at facilities. Specifically, the stakeholders commented that the materials comprising High Value Grade Metal piles are of a higher value, and dust control, including daily watering, was not needed due to the limited amount of debris included with this type of metal pile. Additionally, concerns were expressed that applying water to these metals in some cases would decrease their value. Staff concurs with these comments and under paragraph (f)(3), applicable facilities would be required to label and maintain documentation of the date the facility received the material. Paragraph (f)(3) also requires facilities that have High Value Grade Metal piles onsite for at least 15 consecutive days to implement at least one of the measures listed in subparagraphs (f)(3)(A) through (f)(3)(D): covering, use of three-sided enclosures, installation of three-sided windscreens, or watering as needed to minimize dust emissions. For compliance demonstration purposes, the start of the 15 consecutive days begins when the facility receives High Value Grade Metal and places it in a pile on the ground. The facility will label the pile (e.g., piece of paper with the date written on it) to document when the metal arrived at the facility (i.e., establishment of a receipt date). If the facility adds more High Value Grade Metal the next day to this existing High Value Grade Metal pile the receipt date for the pile does not reset. The receipt date for the pile also does not reset if half of the pile is removed. The High Value Grade Metal pile will be subject to control requirements when material remains at the facility for more than 15 days based on the original receipt date.

Vehicles traveling on site can resuspend material into the air and the amount of material resuspended is a function of the loose material on the surface (referred to as silt loading) and vehicle weight and speed.[11] Paragraph (f)(4) provisions are intended to reduce Fugitive Dust emissions by requiring operators to post signs at all entrances of the site to designate the vehicle speed limit of 15 miles per hour. To allow time to install speed limit signs, signage is required beginning July 1, 2023.

Paragraph (f)(5) establishes additional requirements for a Metal Recycling Facility or Metal Shredding Facility that is located within 100 meters (328 feet) of a Sensitive Receptor. As previously described, Sensitive Receptors are defined in paragraph (c)(17) and generally include schools, hospitals, and residences. Under the provisions of subparagraph (f)(5)(A), a Metal Recycling Facility or Metal Shredding Facility that is within 100 meters (328 feet) of a sensitive receptor is required to monitor wind speeds in accordance with subdivision (l) provisions. Subparagraph (f)(5)(B) requires a Metal Recycling Facility or Metal Shredding Facility that is within 100 meters (328 feet) of a sensitive receptor to cease unloading and loading activities, sorting, shearing, baling, torch cutting, and shredding activities for at least 15 minutes following an instantaneous wind speed above 25 mph. Subparagraph (m)(2)(A), in the Exemptions subdivision, establishes an exclusion from the subparagraph (f)(5)(B) work cessation requirements for Scrap Metal unloading and loading activities, sorting, shearing, baling, torch cutting, or shredding activities conducted within a Building Enclosure. Subparagraphs (m)(2)(B), (m)(2)(C), and (m)(2)(D) include additional exemptions from the work cessation requirements.

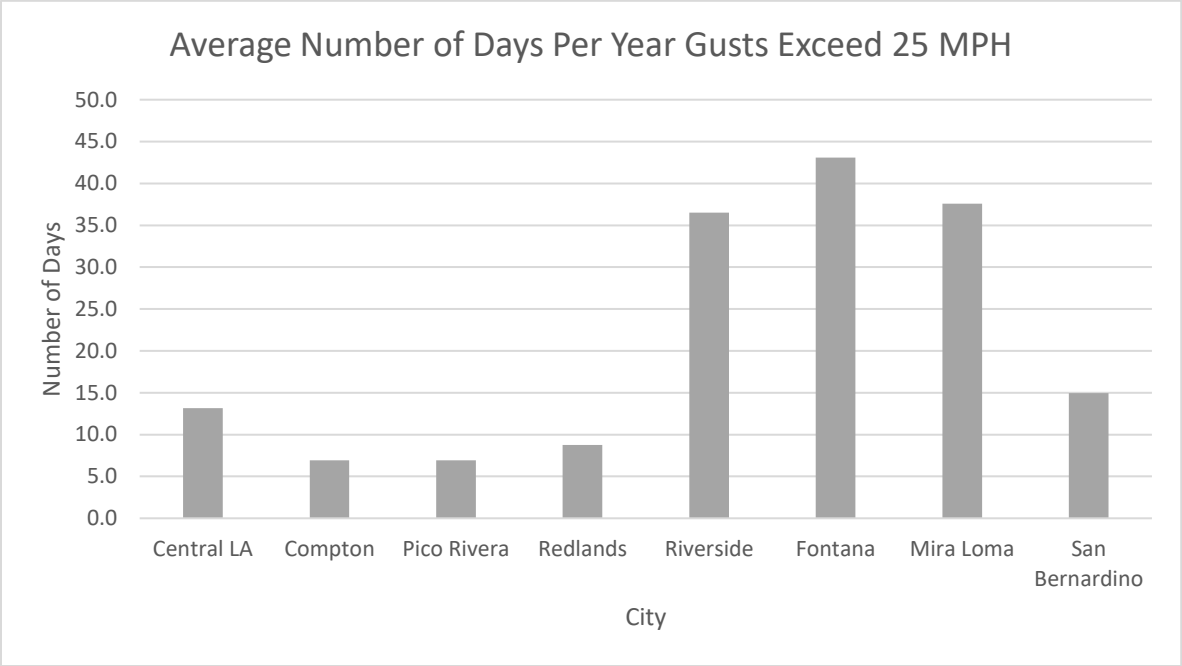
[11] *EPA: 13.2.1 Paved Roads.* Retrieved August 5, 2022, from: https://www.epa.gov/sites/default/files/2020-10/documents/13.2.1_paved_roads.pdf

To understand the impact on businesses located within 100 meters of a Sensitive Receptor, staff conducted a review of 2017 - 2021 wind data from South Coast AQMD air monitoring sites to determine the percentage of days when wind gusts exceeded 25 mph during a portion of working hours (7:00 AM to 6:00 PM). Based on this data, as shown in Table 2-1 and Figure 2-1, Los Angeles area monitoring stations (downtown Los Angeles, Compton, Pico Rivera) averaged nine days per year where wind gusts were above 25 mph for a portion of the day. For inland monitoring stations (Redlands, Riverside, Fontana, Mira Loma, and San Bernadino) the average was 28 days per year for a portion of the day. The number of days with wind gusts above 25 mph were greater in the fall and winter months (October through February). On a monthly basis, the Fontana monitoring station had the highest average number of windy days (seven) in January. Each day was counted once whether the instantaneous winds exceeded 25 mph multiple times that day or winds exceeded 25 mph just once. Staff acknowledges work stoppage will have an adverse impact on businesses; however, restricting certain activities during high wind events will minimizing fugitive dust impacts on sensitive receptors. The proposal is a balanced approach which will only allow activities that should not result in the generation of fugitive dust, e.g., activities within a building or hand unloading.

Table 2-1

City	Percentage of days gusts exceeded 25 mph, between 2017- 2021	Number of days/yr
Central LA	3.6	13.1
Compton	1.9	6.9
Pico Rivera	1.9	6.9
Redlands	2.4	8.8
Riverside	10	36.5
Fontana	11.8	43.1
Mira Loma	10.3	37.6
San Bernardino	4.1	15

Figure 2-1



Paragraph (f)(6) includes requirements for areas of the site to be paved with asphalt or concrete if the following activities occur: Scrap Metal unloading and loading, vehicle travel, sorting, shearing, torch cutting, baling, shredding, or Scrap Metal storage. Paving requirements are effective January 1, 2025, to allow facilities to upgrade previously unpaved areas on site. Under the provisions of paragraph (f)(6) paved areas will need to be maintained in good operating condition to prevent the generation of Fugitive Dust. Over time, pavement can develop damage, including but not limited to divots, cracks, potholes, and spalling of concrete or asphalt. Facilities will need to maintain pavement such that it is not a source of Fugitive Dust emissions.

Paragraph (f)(7) and (f)(8) provisions complement Storm Water regulations and other existing South Coast AQMD rules. They are intended to limit the amount of material tracked out from vehicles exiting a facility onto paved public roads where material could be resuspended by passing vehicles. Under paragraph (f)(7), facilities are required to ensure track-out does not extend more than 25 feet from a facility. Track Out is defined as material that adheres to motor vehicles, haul trucks, and equipment (including tires) that have been released onto a paved road and can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions. Track Out is measured from each exit, and facilities with multiple exits would be required to ensure the track out from a facility does not exceed a cumulative distance of 25 feet. Paragraph (f)(7) also requires removal of Track Out at the end of the workday or evening shift. Paragraph (f)(8) requires facilities to install and maintain at least one of the specified measures to minimize Track Out. As described in subparagraphs (f)(8)(A) through (f)(8)(C) measures include a wheel shaker, a wheel washing system or paving. The requirements under paragraphs (f)(7) and (f)(8) are effective July 1, 2023, allowing facilities time to install equipment, if necessary.

Paragraph (f)(9) establishes that Waste Material is to be stored in a container that remains covered unless being filled or emptied. As mentioned, Waste Material is defined in paragraph (c)(22) as

material generated from Metal Recycling Facility or Metal Shredding Facility activities that are not intended for resale and include but are not limited to plastics, vinyl, sponge, foam, leather, textiles, soil, rubber, and glass.

The provisions of paragraph (f)(10) are specific to a Metal Shredder Facility that generates Metal Shredder Residue. Under subparagraph (f)(10)(A), beginning July 1, 2023, a Metal Shredding Facility will be required to store all Metal Shredder Residue within a three-sided enclosure that is at least two feet higher than the height of the Metal Shredder Residue. Subparagraph (f)(10)(B) further clarifies that the Metal Shredder Residue is to not extend beyond the perimeter of the enclosure. The requirement that the residue "not extend beyond the perimeter of the enclosure" means that no Metal Shredder Residue can be located outside of the perimeter of the structure as determined if it had all four sides. Figure 2-2 below shows an example of residue spilling out over the perimeter of a three-sided enclosure; this would be a violation of subparagraph (f)(10)(B).

Figure 2-2

If the current owner or operator of a metal shredding facility receives three violations of the provisions of paragraph (f)(10) within five consecutive years, paragraph (f)(11) establishes that the facility has 180 days after receiving the third violation to store Metal Shredder Residue within a Building Enclosure. All rule provisions, including paragraph (f)(10) requirements, will be enforced, and facilities can become subject to additional enforcement actions, if necessary. Paragraph (f)(11) represents an additional requirement for facilities that receive multiple violations of paragraph (f)(10). For the purposes of implementing paragraph (f)(11) provisions, Notices of Violations (NOVs) issued to the previous owner or operator within any five year period would not apply to the current owner or operator.

Signage – Subdivision (g)

Signage at facilities is intended to provide the public with information to directly contact the facility with questions, concerns, or complaints about potential air quality issues. Under subdivision (g), the facility will be required to document the complaint and subsequent mitigation actions, if any. The signage shall include South Coast AQMD contact information [1-800-CUT-SMOG®] as an additional resource for the community.

Paragraph (g)(1) establishes signage requirements consistent with many other South Coast AQMD rules. Paragraph (g)(1) also references the alternative signage provisions under paragraph (g)(3). The signage dimensions and requirements contained in subparagraphs (g)(1)(A) through (g)(1)(D) are intended to make the signs more visible to the public. Since many PR 1460 facilities are located in AB 617 communities with many Spanish speaking and bilingual individuals, signage is required in English and Spanish. The specific text that must be included on each sign is presented below and in clauses (g)(1)(D)(ii) and (g)(1)(D)(iii). Paragraph (g)(1) provisions are effective July 1, 2023, to allow facilities the time necessary to develop and install signs.

> "TO REPORT AIR QUALITY ISSUES SUCH AS ODORS, DUST, OR SMOKE FROM THIS FACILITY, PLEASE CALL [FACILITY CONTACT AND PHONE NUMBER] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG®".
>
> "PARA REPORTAR PROBLEMAS DE CALIDAD DEL AIRE COMO OLORES, POLVO O HUMO DE UNA INSTALACIÓN, LLAME A [CONTACTO DE LA INSTALACIÓN Y NÚMERO DEL TELÉFONO] O AL EL DISTRITO DE ADMINISTRACIÓN DE LA CALIDAD DEL AIRE DE LA COSTA SUR AL 1-800-CUT-SMOG®".

Paragraph (g)(2) also requires that New Metal Recycling or New Metal Shredding Facilities install signage, following the dimensions and requirements in paragraph (g)(1), before the first day of conducting metal recycling or metal shredding operations.

Paragraphs (g)(3) and (g)(4) establish procedures for facilities that seek an alternative to paragraph (g)(1) and (g)(2) signage requirements.

Prohibitions – Subdivision (h)

Subdivision (h) requires any Metal Shredder installed or constructed after January 1, 2023, be within a Building Enclosure when operating. Paragraph (c)(1) defines a Building Enclosure as a permanent building or physical structure, or a portion of a building, with a floor, walls, and a roof to prevent exposure to the elements (e.g., precipitation, wind, runoff), where opening are only to allow access for people, vehicles, equipment, Scrap Metal, or Metal Shredder Residue. For the purposes of this PR 1460, overlapping floor-to-ceiling strip curtains to allow continuous access to the building enclosure interior are an acceptable alternative to an enclosure wall.

Requirements for New Metal Recycling or New Metal Shredding Facilities – Subdivision (i)

Subdivision (i) establishes requirements for New Metal Recycling or New Metal Shredding Facilities that begin operation after on or after the date of PR 1460 rule adoption. Under paragraph (i)(1), all areas where the following activities are conducted are required to be paved with concrete: Scrap Metal unloading or loading, sorting, shearing, torch cutting, baling, shredding, or Scrap

Metal storage. Under paragraph (i)(2), a New Metal Shredding Facility is required to ensure all Metal Shredder Residue is stored within a Building Enclosure.

Recordkeeping – Subdivision (j)

Recordkeeping provisions are included in South Coast AQMD regulations to document facility compliance activities. Subdivision (j) includes PR 1460 recordkeeping requirements for monthly Throughput, housekeeping, complaints received (and actions taken), documentation of High Value Grade Metal, wind monitoring, and records to show compliance with subparagraph (f)(5)(B). Under paragraph (j)(1), the monthly Throughput records must be made available to South Coast AQMD compliance staff by the 15th of the following month. Paragraph (j)(2) requires housekeeping records to be completed by the end of each business day. PR 1460 housekeeping records can be maintained through a checklist. Paragraph (j)(3) requires facilities to maintain records of complaints received by the facility, including the name of complainant and contact information (if provided), date and time, and action taken to mitigate the source of the complaint (if any). Paragraph (j)(4) requires facilities to maintain documentation of the date of arrival of High Value Grade Metal as a method to ensure compliance with paragraph (f)(3) provisions. Paragraphs (j)(5) and (j)(6) are only applicable to facilities that are within 100 feet of a sensitive receptor. Paragraph (j)(5) requires facilities to maintain records of wind monitoring, including a data log of wind speeds and the corresponding dates and times. Paragraph (j)(6) requires facilities to document start and stop times to demonstrate compliance with subparagraph (f)(5)(B). Under subdivision (j), all required records must be kept and maintained on-site for a minimum of three years and made available to South Coast AQMD staff upon request.

Fees – Subdivision (k)

Fees are collected under South Coast AQMD regulations to recover program implementation costs whenever feasible. Under subdivision (k) provisions, facilities submitting a registration or an update will be subject to a Plan Filing Fee pursuant to subdivision (c) of Rule 306 – Plan Fees (Rule 306). As of August 2022, the Plan Filing Fee for a Non-Title V facility is $179.52 and for a Title V facility the fee is $224.97.

Wind Monitoring Requirements – Subdivision (l)

Subdivision (l) establishes the wind monitoring requirements to determine wind speed pursuant to subparagraph (f)(5)(A). Facilities will be required to install a stationary anemometer or wind sensor that follows the requirements specified in paragraphs (l)(1) through (l)(5).

Exemptions – Subdivision (m)

PR 1460 applies only to Metal Recycling and Metal Shredding Facilities that primarily process Scrap Metal. Since other types of facilities can generate or handle Scrap Metal, paragraph (m)(1) specifies facilities exempted from this rule to provide additional clarification. Exempted facilities include auto dismantlers, recycling centers that primarily recycle empty beverage containers like aluminum cans, material recovery facilities that primarily take the solid waste and other recyclables, and metal melting and lead processing facilities that are currently subject to other South Coast AQMD rules.

Auto dismantlers are exempt from PR 1460 since their primary operation involves dismantling and taking out car parts for resale. Auto dismantlers generally do not recycle Scrap Metal and instead

send what is left of the car, after all parts have been removed, to a Metal Recycling Facility or Metal Shredding Facility.

Recycling centers that primarily recycle empty beverage containers such as aluminum cans are exempted from PR 1460 as these operations have a low potential to generate Fugitive Dust emissions.

Material recovery facilities receive a variety of waste such as trash, plastic, paper, and metal. Material recovery facilities do not process metals as the primary material and are regulated through other South Coast AQMD rules such as Rule 410 – Odors from Transfer Stations and Material Recovery Facilities and are exempt from PR 1460.

Metal melting and lead processing facilities recycle metals through melting processes that include but are not limited to die casting, refining, sintering, smelting, or soldering. These operations differ from the metal recycling and metal shredding operations subject to this rule. Metal melting and lead processing facilities are subject to existing South Coast AQMD rules which require housekeeping and recordkeeping requirements. To provide clarity, facilities subject to the following South Coast AQMD rules are exempt from PR 1460:

- Rule 1407 – Control of Emissions of Arsenic, Cadmium, and Nickel from Non-Chromium Metal Melting Operations
- Rule 1407.1 – Control of Toxic Air Contaminant Emissions from Chromium Alloy Melting Operations
- Rule 1420 – Emissions Standard for Lead
- Rule 1420.1 – Emission Standards for Lead and Other Toxic Air Contaminants from Large Lead-Acid Battery Recycling Facilities
- Rule 1420.2 – Emission Standards for Lead from Metal Melting Facilities

Subparagraph (m)(1)(E) provides an exemption for metal cutting, welding, and metal grinding performed for maintenance and repair activities.

Subparagraph (m)(2)(A) provides an exemption from the requirement for facilities located within 100 meters (328 feet) of a Sensitive Receptor to cease operations during high wind conditions provided the Scrap Metal unloading and loading, sorting, shearing, baling, torch cutting, or shredding is conducted within a Building Enclosure.

Subparagraph (m)(2)(B) provides an exemption from the cessation of unloading activities under subparagraph (f)(5)(B) when water is applied at sufficient quantities and frequencies to minimize Fugitive Dust emissions. Subparagraph (m)(2)(C) provides an exemption for hand unloading of Scrap metal. An example of hand unloading Scrap Metal would be a few people hand unloading a refrigerator out of a van. Subparagraph (m)(2)(D) provides an exemption from subparagraph (f)(5)(B) cessation provisions for metal recycling of High Value Grade Metal. High Value Grade Metal are received with little to no debris so should not be a source of fugitive dust.

CHAPTER 3 – IMPACT ASSESSMENT

AFFECTED SOURCES

It is estimated that up to 200 facilities will be impacted by PR 1460. The affected sources are limited to metal recycling and metal shredding facilities. Of the facilities, five metal shredding facilities have been identified; the remaining are metal recycling facilities. PR 1460 defines a metal recycling facility as a facility that receives and processes scrap metal through activities such as sorting, shearing, cutting, or baling ferrous metals and, non-ferrous metals for reuse or resale. A metal shredding facility is defined as a facility that receives scrap metal and mechanically renders that metal into smaller pieces for recycling through a metal shredder. The magnitude of operation per facility varies greatly, ranging from less than 1,000 tons of scrap metal to over 100,000 tons of scrap metal received annually. Based on information from a DTSC evaluation of metal shredding facilities in California, the three largest metal shredder facilities within South Coast AQMD's jurisdiction have an annual average throughput of approximately 290,000 tons.[12] Many recycling facilities are located in AB 617 communities.

As previously mentioned, facilities subject to PR 1460 are also subject to South Coast AQMD Rule 403 and State Water Resources Board regulations that require measures to minimize dust. Accordingly, the PR 1460 water suppression activities to minimize fugitive dust emissions are supplemental to existing regulations. The amount of additional water necessary to comply with PR 1460 will vary by facility. Some facilities recycle water used for dust control on-site which will limit the need for additional water use. Based on available metal recycling throughput[13] information, staff previously estimated in the Preliminary Draft Staff Report that the daily increase of potable water could range from approximately 180,000 to 250,000 gallons under PR 1460 depending on a facility's current usage to comply with Rule 403. However, based on further review, staff now estimates that water usage will be much less than originally anticipated. California is currently in a drought and constraints on water usage and conservation efforts will further incentivize facilities to recycle water. Based on staff's conversations with local Regional Water Quality Control Boards, a majority of metal recycling facilities recycle water; therefore, staff anticipates that daily potable water usage will be approximately 55,000 gallons, which is substantially less than previous estimates as facilities will be utilizing a combination of potable and recycled water.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's certified regulatory program (Public Resources Code Section 21080.5, CEQA Guidelines Section 15251(l) and South Coast AQMD Rule 110), the proposed project (PR 1460) is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3). A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062, and if the proposed project is approved, the Notice of Exemption will be filed for posting with the State Clearinghouse of the Governor's Office of Planning and Research, and with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties.

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[12] *DTSC Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes*. Retrieved on August 4, 2022, from: https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf

[13] *State of Disposal and Recycling for Calendar Year 2019*. Retrieved on August 19, 2022, from: https://www2.calrecycle.ca.gov/Publications/Download/1742#:~:text=An%20estimated%2028.9%20million%20tons,of%2050%20percent%20in%202014.

SOCIOECONOMIC IMPACT ASSESSMENT

Health and Safety Code Section 40440.8 requires a socioeconomic impact assessment for proposed and amended rules resulting in significant impacts to air quality or emission limitations. This assessment shall include affected industries, range of probable costs, cost effectiveness of control alternatives, and emission reduction potential.

PR 1460 is applicable to metal recycling and metal shredding facilities and requires additional best management practices, housekeeping, and administrative requirements. PR 1460 builds on existing Rule 403 requirements to specifically reduce fugitive particulate emissions from metal recycling and shredding facilities. PR 1460 also includes administrative requirements such as a one-time facility registration, installation of facility contact signage, and recordkeeping.

AFFECTED INDUSTRIES AND FACILITIES

As mentioned, metal recycling is a broad industry classification that includes facilities which receive and process Scrap Metal for reuse and resale. All facilities subject to PR 1460 conduct metal recycling operations and a small subset of facilities also conduct metal shredding operations. Based on available information, there are approximately 200 metal recycling facilities that are estimated to be subject to PR 1460 and five of the 200 facilities also operate an on-site metal shredder. Typically, metal recycling facilities do not operate equipment that requires a South Coast AQMD permit, however, metal shredding equipment and the associated air pollution control devices are permitted. The majority of the affected PR 1460 facilities are included in the North American Industry Classification System (NAICS) Recyclable Material Merchant Wholesalers (NAICS 423930). Some of the facilities subject to PR 1460 requirements may be classified as small businesses. Of the currently identified facilities potentially subject to PR 1460, 144 are in Los Angeles County, 21 are in Orange County, 11 are in Riverside County, and 31 are in San Bernardino County.

COMPLIANCE COSTS AND ASSUMPTIONS OF THE SOCIOECONOMIC IMPACT ANALYSIS

Subdivisions (d) through (l) specify requirements for metal recycling facilities under PR 1460. Incremental costs beyond those incurred for compliance with Rule 403, existing South Coast AQMD permits and other existing regulatory programs (e.g., State Water Resources Control Board) were analyzed for the following categories under PR 1460 requirements. One-time costs for paving, wind monitors, and building enclosure costs were annualized using a Capital Recovery Factor based on a 4% real interest rate, and the corresponding years of useful equipment life assumptions. One-time costs for facility registration, signage costs, and miscellaneous "soft" costs are lower and likely will not be financed by the facility; therefore, staff estimated the annual costs by averaging out the total over the corresponding useful equipment life.

Facility Registration

Appendix B includes a draft of the one-time registration form which facilities must complete and submit prior to July 1, 2023, to comply with PR 1460 subdivision (d). Facility costs to comply with this requirement include the payment of fees pursuant to South Coast AQMD Rule 306 and facility staff time to prepare the form. South Coast AQMD Rule 306 plan evaluation fees in 2022 are approximately $180. The facility's staff time necessary to complete the form will vary by facility type with smaller facilities anticipated to use two hours or less and larger facilities with

more complex operations possibly needing additional hours. For purposes of this assessment, four hours of facility staff's time at $25/hour is presumed necessary to complete the form. Total facility registration costs, including $180 for the plan fee and $100 to complete the form, for all 200 facilities is $56,000. This represents a one-time fee and when averaged out over 25 years, is approximately $2,240 across all 200 facilities.

Housekeeping

Metal recycling facilities are presently required to conduct housekeeping activities. PR 1460 includes requirements for daily housekeeping, and it is presumed a portion of facilities will need to supplement existing housekeeping programs. Staff's analysis accounted for two additional hours of housekeeping at $25/hour per week and 52 weeks per year at 50 facilities. The analysis also includes assumptions for the incremental increase in water demand for housekeeping at all facilities. Water costs vary by jurisdiction and water provider but the incremental increase in costs for wet cleaning was based on the Los Angeles Department of Water and Power (LADWP) 2022 average commercial Tier 1 rate of $7.42 per hundred cubic feet. Annual housekeeping costs for increased staff time and increased water usage was estimated at $224,531 for all facilities.

Best Management Practices

The use of water is likely the most practical method of mitigating fugitive dust at metal recycling facilities. As discussed, metal recycling facilities currently use water for dust control and many facilities presently recycle water used on site. The analysis includes assumptions for the incremental increase in water demand for all facilities. Costs for the incremental increase in water use that some facilities may incur was based on a rate of $7.42 per hundred cubic feet.

In addition to the option to water, PR 1460 also includes options to reduce fugitive emissions through use of coverings or three-sided enclosures, including wind screens. Staff assumed no facility would install the three-sided building enclosures due to the high cost, a small number of facilities would elect to install wind screens, while the remaining would elect to conduct the less expensive option of watering. Cost estimates for wind screens were approximately $400 per linear foot for a wind screen that is 22 feet in height based on updated cost assumptions from the Bay Area Air Quality Management District staff report[14] for Rule 6-4. Wind screen costs were annualized over ten years and were estimated to be approximately 60 feet in length.

PR 1460 also includes an option for facilities to cover high value grade metal piles with 12 mil plastic sheeting. Staff estimated costs for plastic sheeting to be $487 for each roll that is 12 feet by 100 ft (1,200 sq. ft) and facilities selecting this option would replace sheets twice per year.

PR 1460 also includes requirements for metal recycling and related activities to be conducted on paved surfaces by January 1, 2025, and that pavement must be maintained in good condition to prevent the generation of fugitive dust. The vast majority of metal recycling operations are currently conducted on paved surfaces and facilities in Regional Water Quality Control Board – Region 8 (generally Orange, Riverside and San Bernardino counties) are required to be paved under a sector-specific permit for storm water runoff. The PR 1460 cost analysis includes assumptions for a limited amount of paving or repaving at Los Angeles County metal recycling facilities at a cost of $3.13 per square foot (using a 2013 paving cost of $2.67 for a Riverside

[14] Bay Area AQMD, Staff Report for Rule 6-4 Metal Recycling and Shredding Operations, May 2013., Retrieved on May 17, 2022 from https://www.baaqmd.gov/~/media/files/board-of-directors/2013/brd_agenda_050113.pdf?la=en&rev=1f9acb7d26e64c0597e7b5f0dfd85699

County AB 1318 paving project, adjusted to 2021 dollars). Paving costs were annualized over 10 years, which is the assumed useful life of paved surfaces.

The total PR 1460 annual cost to implement best management practices (water, plastic sheeting, three-sided wind screens, and paving) at all facilities is estimated at $302,686.

Signage

Compliance costs for PR 1460 facility contact signage requirements were based on four signs per site. It was presumed half of the signs would be installed on walls or fences by the facility at cost of about $400 per sign (using signage cost from the 2017 amendments to Rule 1466, adjusted to 2021 dollars) and the other half of signs would be installed on posts by a contractor at a cost of approximately $900 per sign, and each sign is presumed to last 25 years. PR 1460 also includes requirements for facilities to install a speed limit sign. Costs for speed limit signs were approximately $22 per facility (using cost estimates from the 2017 amendments to Rule 1466, adjusted to 2021 dollars). Facility signage costs were averaged over 25 years. PR 1460 also includes an alternative compliance option for facilities that elect to implement separate controls for high value grade metal piles. Specifically, paragraph (d)(3) requires facilities to label these specific piles to facilitate future compliance inspections. Due to the uncertainty of the number of facilities that implement these procedures as well as the nominal costs for a paper label, costs were not included in the Socioeconomic assessment. Total costs for all facilities to implement PR 1460 signage provisions are estimated at $540,420 and when averaged out over 25 years, is approximately $21,649 across all facilities.

Miscellaneous Equipment

As mentioned, metal recycling facilities are presently required to control track out and fugitive dust emissions under State Water Resources Control Board and South Coast AQMD regulations. For the purposes of this cost assessment, it was presumed that some facilities would need to purchase additional equipment to supplement existing dust control strategies. These costs include $350 for a heavy duty 150 foot hose with a mist spraying attachment at 50 facilities for a total cost of $17,500 and these costs were averaged over ten years ($1,750). It was further presumed that five facilities would install a passive wheel shaker device approximately $7,200 for a total cost of $35,590 and when averaged out over 25 years, is approximately $2,211. Total PR 1460 facility costs for miscellaneous equipment averaged out over 25 years, is approximately $3,961 across all facilities.

Wind Monitoring

PR 1460 establishes requirements for facilities within 100 meters of a sensitive receptor to install and maintain a wind monitor on-site. The number of facilities that would be subject to this requirement is not known at this time; however, for cost estimating purposes it was presumed 40 facilities would install a wind monitor as the majority of facilities are in industrialized areas and are not near sensitive receptors. Wind monitor costs were approximately $4,500 per facility (using cost estimates from the 2015 amendments to Rule 1402.2, adjusted to 2021 dollars) and were annualized over ten years. The cost estimates also included bi-annual equipment calibrations at $200 each (based on cost estimates from the 2021 amendments to Rule 1469.1) Total facility costs for PR 1460 wind monitoring are estimated at $37,681 annually across all facilities that are subject to wind monitoring requirements.

Recordkeeping

PR 1460 includes recordkeeping requirements for facilities to document housekeeping practices and metal throughput. Facilities that elect to implement separate control requirements for high value grade metal or those that are subject to wind monitoring provisions are also required to maintain recordkeeping. Based on the type of recordkeeping, staff's analysis accounted for an average of one hour per month of additional staff time at $25/hour for recordkeeping costs. Recordkeeping of housekeeping and metal throughput apply to all facilities. Documentation for dates when high value grade metal is received will only apply to facilities that choose to implement alternative control options for this material but for the purposes of this analysis it was presumed that all facilities will incur these costs. Recordkeeping costs for wind monitoring and documenting start and stop times only apply to facilities near sensitive receptors. Total annual costs for recordkeeping (housekeeping, monthly throughput, documentation for high value grade metal, wind monitoring, and start and stop times during high wind events) for all facilities are estimated at $206,000.

TOTAL ANNUAL COMPLIANCE COST

The estimated total annual compliance costs for PR 1460 is approximately $799,000 which is less than one million dollars annually. It has been a standard practice for South Coast AQMD's socioeconomic impact assessments that, when the annual compliance cost is less than or close to one million current U.S. dollars annually, the Regional Economic Models Inc. (REMI)'s Policy Insight Plus Model is not used to simulate jobs and macroeconomic impacts. This is because the resultant impacts would be very small relative to the baseline regional economy. As the estimated compliance costs for PR 1460 are less than one million dollars per year further analysis regarding jobs and macroeconomic impacts has not been performed.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health and Safety Code Section 40727 requires that prior to adopting, amending, or repealing a rule or regulation, the South Coast AQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

Necessity

PR 1460 is needed to address the air quality impact of fugitive dust from metal recycling and metal shredding facilities, which has been identified as a priority by AB 617 communities.

Authority

The South Coast AQMD Governing Board has authority to adopt PR 1460 pursuant to the California Health and Safety Code Sections 39002, 40000, 40001, 40702, 40716, 41508, and 41700.

Clarity

PR 1460 is written or displayed so that its meaning can be easily understood by the persons directly affected by it.

Consistency

PR 1460 is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

Non-Duplication

PR 1460 will not impose the same requirements as any existing state or federal regulations. The proposed rule is necessary and proper to execute the powers and duties granted to, and imposed upon, South Coast AQMD. South Coast AQMD Rule 403 is applicable to any activity capable of generating fugitive dust emissions, but PR 1460 is specific to metal recycling and metal shredding facilities and establishes provisions that supplement Rule 403.

Reference

By adopting PR 1460, South Coast AQMD Governing Board will be implementing, interpreting, and making specific provisions of the California Health and Safety Code Section 41700 (nuisance), 39002 (air pollution from non-vehicular sources), 40001 (rules to achieve ambient air quality standards) and 41508 (additional standards).

COMPARATIVE ANALYSIS

Under California Health and Safety Code Section 40727.2, South Coast AQMD is required to perform a comparative written analysis when adopting, amending, or repealing a rule or regulation. The comparative analysis is relative to existing federal requirements, existing or proposed South Coast AQMD rules, and other air pollution control requirements and guidelines that apply to fugitive dust emissions. PR 1460 would not conflict with existing rules of South Coast AQMD regulating fugitive dust emissions but in some instances would require similar provisions to existing rules.

PR 1460 is specific to metal recycling and metal shredding facilities and requires additional best management practices, housekeeping, and administrative requirements. There are also rule-specific prohibitions for facilities in close proximity to a sensitive receptor and for new facilities.

Existing Rule 403 regulates any activity capable of generating fugitive dust and requires similar best management practices to PR 1460, such as applying dust suppressants during unloading of materials and for storage piles; and prohibiting track out extending 25 feet. While Rule 403 also includes signage and recordkeeping requirements, these provisions are specific to earth-moving activities defined as large operations (greater than 50 acres of disturbed surfaces or more than 5,000 cubic yards of daily earth-movement).

Other South Coast AQMD existing rules relating to the reduction of fugitive dust include Rule 403.1 – Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources, Rule 1157 – PM10 Emission Reductions from Aggregate and Related Operations, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants. However, these existing rules do not specifically address dust control from metal recycling or metal shredding facilities. Existing Rule 403.1 regulates fugitive dust but applies only to sources in the Coachella Valley area

and is supplemental to Rule 403. Existing Rule 1157 applies only to aggregate and related operations. Existing Rule 1466 applies to earthmoving activities for toxic soils. Existing Rules 401 and 402 prohibit excess visible emissions and public nuisance respectively. There are no Federal Regulations identified. See

Table 3-1 for a comparative analysis matrix.

Table 3-1

Rule / Statute	Source	Emission Reductions / Limits	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods	Notification Requirements
401	Any single source of emissions; including exhaust stack	Prohibits excess visible emissions.[15]	20 percent opacity cannot be exceeded three minutes in any hour, cumulatively.	Test method based on opacity as determined by Ringlemann chart or U.S. EPA Method 9.	None
402	Any source	Prohibits public nuisance caused by emissions of air contaminants. [16]	None	None specified.	None
403	Any active operation;	No visible emissions past property line / no greater than 20 percent opacity for vehicle emissions[17]	Best Available Control Measures for construction activity sources)[18]	None specified for construction activity sources[19]	None specified for construction activity sources[20]

[15] Rule 401 limits visible emissions to Number 1 Ringlemann or 20% opacity in excess of three minutes within any hour. PR 1460 would prohibit unloading, loading, sorting, shearing, baling, and shredding activities within 100 meters of sensitive receptors if instantaneous wind speeds exceed 25 mile per hour.

[16] Rule 402 provisions are implemented primarily in response to public complaints. PR 1460 requirements are applicable regardless of whether public complaints are filed.

[17] PR 1460 does not specify a limit for visible emissions past property lines but would minimize any emissions from metal recycling and metal shredding activities. Rule 403 visible emission provisions would be in addition to other requirements in PR 1460.

[18] PR 1460 would require control measures which are in some instances more stringent than the BACM requirements of Rule 403 but which are equivalent to the control measures required of construction activity sources under Rule 403.

[19] PR 1460 would require daily recordkeeping for housekeeping, monthly recordkeeping of throughput, and recordkeeping for complaints and mitigation actions taken.

[20] PR 1460 would require facilities to submit updated registration information to South Coast AQMD for changes in information specified in subparagraph (d)(3).

Rule / Statute	Source	Emission Reductions / Limits	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods	Notification Requirements
403.1	Active operations in Coachella Valley	None	Fugitive Dust Control Plan with BACM (operations >5000 sq ft)[21]	Windspeed recording Daily recordkeeping	None
404	Any source	Prohibits discharge of particulate matter in excess of certain rates.[22]	Based on grains per cubic foot of air stream.	None specified.	None
405	Any source	Prohibits discharge of particulate matter weight in excess of specified rates.[23]	Establishes maximum discharge rate (lbs./hr.) based on process weight per hour.	None specified.	None
1157	Aggregate and related operation[24]	No visible plumes extending > 100 ft / no greater than 20 percent opacity	Opacity Test Method No. 9B (12 reading avg) Work practice control measures	Recordkeeping of work practice controls implemented	None

[21] Rule 403.1 only applies to the Coachella Valley and requires a fugitive dust control plan with control measures, signage, and a dust control supervisor consistent with and supplemental to Rule 403. PR 1460 would impose signage to enable community members to directly contact the facility or South Coast AQMD for air quality concerns.

[22] This Rule is used in conjunction with the South Coast AQMD's permitting system. Metal recycling operations such as unloading, loading, sorting, shearing, and baling that are subject to PR 1460 requirements are not subject to South Coast AQMD permits. Metal Shredders used by Metal Shredding Facilities are subject to South Coast AQMD permits.

[23] This Rule is used in conjunction with South Coast AQMD's permitting system. Metal recycling operations such as unloading, loading, sorting, shearing, and baling that are subject to PR 1460 requirements are not subject to South Coast AQMD permits.

[24] PR 1460 minimizes fugitive dust emissions from metal recycling and metal shredding operations. Rule 1157 prohibition on emissions is focused on aggregate operations.

Rule / Statute	Source	Emission Reductions / Limits	Averaging Procedures (Units), Work Practices, Operating Provisions	Monitoring, Recordkeeping, Reporting, Test Methods	Notification Requirements
1466	Earth-moving activities of toxic soil	Reduce monitored PM_{10} concentrations 25 microgram/m^3 averaged over 30 minutes.	Fencing for on-site earth-moving activities, dust control measures, stockpiles, speed limits, signage.[25]	Monitor PM_{10} concentrations, recordkeeping of work practice controls implemented.	Notification to District at least 72 hours before conducting earth-moving activities
Health and Safety Code Section 41700	Any source	Prohibits public nuisance caused by emissions of air contaminants. [26]	None	None specified.	None
Health and Safety Code Section 41701	Any source.	Prohibits discharge of excessive visible emissions.[27]	40 percent opacity cannot be exceeded three minutes in any hour, cumulatively.	Test methods - Ringlemann chart or U.S. EPA Method 9.	None
Federal Regulation	No regulations identified.	No regulations identified.	No regulations identified.	No regulations identified.	No regulations identified.

REFERENCES

"Evaluation and Analysis of Metal Shredding Facilities and Metal Shredder Wastes", California Department of Toxic Substances Control, https://dtsc.ca.gov/wp-content/uploads/sites/31/2021/08/2021.08.09_Metal_Shredder_Analysis.pdf, accessed August 4, 2021.

[25] Rule 1466 regulates earth-moving activities and includes that these activities shall be adequately wet to prevent the generation of visible dust plumes and implementing a 15 mile per hour speed limit. PR 1460 will require facilities to apply water at sufficient quantities and also include a speed limit of 15 miles per hour.

[26] The statute is co-extensive with Rule 402. See footnote 9.

[27] The statute is co-extensive with Rule 401. See footnote 8.

APPENDIX A – RESPONSE TO COMMENTS

PUBLIC COMMENTS AND RESPONSES

A Public Workshop was held for PR 1460 on September 6, 2022. A Public Consultation meeting was held on September 21, 2022. The following section is a summary of individual verbal comments, followed by South Coast AQMD staff responses. In addition to the verbal comments at the public workshop, staff received written comment letters specific to PR 1460 during a comment period that closed on September 30, 2022. Copies of comment letters received and South Coast AQMD staff responses are provided following the below responses to individual verbal comments made at the Public Workshop.

Verbal Public Workshop and Public Consultation Meeting Comments

Comment 1: How does the PR 1460 definition of sensitive receptors compare to the State Office of Environmental Health Hazard Assessment (OEHHA).

Response: The PR 1460 sensitive receptor definition [included in paragraph (c)(18)] mirrors definitions used in recently amended/adopted South Coast AQMD toxics rules and generally includes residences, schools, day care centers and, health facilities (hospitals, retirement homes, etc.). For comparison, the OEHHA sensitive receptor definition also includes hospitals, schools, day care centers and residences.

Comment 2: The registration effort includes a requirement for facilities to provide facility identification (ID) numbers as provided the California Integrated Waste Management Board or the Local Enforcement Agency. It is not clear that those entities regulate metal recycling facilities and the suggestion is to request facilities to provide the assigned State Water Resources Control Board permit number.

Response: PR 1460 is a new regulation for the metal recycling industry and is intended to gather facility information. The proposed registration rule language has been amended to include a reference to the State Water Resources Control Board permit number and clarified to specify California Integrated Waste Management Board or the Local Enforcement Agency facility ID numbers, if applicable.

Comment 3: The PR 1460 registration program is appreciated to help communities understand the types of industrial facilities in their communities. How would the public obtain the results from the facility registration program and, if it is provided on the South Coast AQMD website, would it be possible to access the data by searching by the applicable NAICS (industry classification) code.

Response: As mentioned, the majority of the metal recycling facilities do not operate equipment that requires South Coast AQMD permits so under the PR 1460 facility registration program, facilities would be assigned a Facility ID number. The intent is to provide general facility information (facility name, address, hours of operation, etc.) on the South Coast AQMD (Facility INformation Detail) F.I.N.D. website and the public could search for

facilities in their community based on city name or zip code. It is not possible to search for facilities on the F.I.N.D. system using NAICS codes, but a comprehensive facility list could be obtained after July 1, 2023, through a public records request.

Comment 4: Under the proposed provisions that would allow the specified activities to continue at facilities near sensitive receptors during high wind conditions, the facility is required to apply water prior to unloading material. This can be accomplished for trucks, but many facilities receive metal from passenger vehicles where pre-watering prior to unloading is not feasible without vehicle damage.

Response: Staff acknowledges the many types of vehicles and unloading procedures and has clarified in updated rule language that pre-watering would not apply provided the metal scrap is unloaded by hand.

Comment 5: PR 1460 includes provisions that require a metal shredding facility that receives three NOVs for failing to maintain metal shredder residue within the boundaries of a three-sided enclosure [within five years] to install a building enclosure for metal shredder residue. What kind of enforcement tools can be implemented before a facility receives three NOVs.

Response: Upon adoption (in accordance with specific effective dates) metal recycling facilities would be subject to all PR 1460 provisions. Facilities would be required to comply with all rule requirements. Paragraph (f)(10) provisions are specifically to address a facility that receives multiple enforcement actions within a set period. Paragraph (f)(10) provisions do not impact the South Coast AQMD ability to implement supplemental enforcement actions, including NOVs, Notice of Compliance (NCs), and abatement orders.

Written Comments

Letters Received

1. California Metals Coalition (9/6/22)
2. Institute of Scrap Metal Recycling (9/6/22)
3. Kramar's Iron & Metal (9/7/22)
4. FMC Metals (9/8/22)
5. Communities for a Better Environment (9/20/22)
6. Department of Toxic Substances Control (9/20/22)
7. California Metals Coalition (9/21/22)

Comment Letter #1:

California Metals Coalitions Email Correspondence, submitted 09/6/22

CALIFORNIA METALS COALITION

Main Office and Mailing Address: 2971 Warren Lane, El Dorado Hills, CA 95762
Lobbying Office: 1215 K Street, 17th Floor, Sacramento, CA 95762
P. 916.933.3075 | F. 916.933-3072 | http://www.metalscoalition.com

September 6, 2022

Heather Farr, Manager
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, California 91765

Dear Ms. Farr:

The California Metals Coalition ("CMC") appreciates the opportunity to comment to the South Coast Air Quality Management District ("District" or "SCAQMD") on the September 6, 2022 public workshop proceedings for SCAQMD Proposed Rule (PR) 1460.

SUMMARY

This comment letter addresses the preliminary draft rule language and preliminary staff report released on August 19, 2022 for *Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations*. It may also reference the three working group meetings on March 22, 2022, May 18, 2022, or July 13, 2022.

ABOUT METAL RECYCLNG AND ADVANCED METALS INDUSTRY IN CALIFORNIA:

California metal manufacturers are heavily dependent on metal recyclers and metal shredders and utilize recycled metal (ex: aluminum, brass, iron, steel) to manufacture new metal parts installed in clean energy technologies, electric cars, medical devices, agriculture, infrastructure, aerospace, defense, food processing, movement of water, and millions of other products demanded by Californians. 1-1

Statistics about the state's metal and metal recycling sector:

- Metalworking jobs in California pay $80,000/year, on average, in wages and benefits.
- Metalworking jobs benefit working class communities and continue to be the only path to the middle-class for many disadvantaged Californians.
- The metals industry in California is comprised of approximately 4,000 businesses, most of which are family-owned small businesses.
- The metals industry in California generates over 350,000 total jobs.

- The metals industry in California accounts for $87 billion in total annual economic activity.
- The metals industry in California generates $28 billion in total annual wages.
- The metals industry in California accounts for $8.6 billion in total annual state and federal taxes.

ENVIRONMENTAL BENEFITS OF METAL RECYCLING AND MANUFACTURING METAL PRODUCTS IN CALIFORNIA:

Californians generate more recyclable metal than any other state in the US. In fact, Californians generate enough aluminum scrap each day to build 5 commercial aircrafts. Fortunately, recycled metal is the choice material consumed by California's metals industry.

As metal can be recycled and reused indefinitely without losing its physical properties, metal recycling allows us to preserve the finite resources we have on earth. The Institute of Scrap Recycling Industries (ISRI) reports that recycling one ton of aluminum saves up to 8 tons of bauxite; and recycling one ton of steel conserves 1,115 kg of iron ore, 625kg of coal and 25kg of limestone. In addition, using scrap metal instead of virgin ore generates 97 percent less mining waste and reduces 40% water pollution. In total, the process of recycling discarded metal and manufacturing new metal parts can cut greenhouse gas emissions by 300 million to 500 million tons. 1-1

A healthy metals sector also has a big impact on energy conservation. Recycling metal into new metal parts requires drastically less energy than manufacturing new metal parts from virgin material. The estimated yield in energy saving by using recycled metals is: 95% for aluminum; 85% for copper and 75% for iron and steel.

Finally, the environmental footprint of the metal products we all consume starts with manufacturing. Local metal recycling and manufacturing reduces overall emissions as California's metals industry adheres to the world's most stringent environmental standards.

COMMENTS ON PRELIMINARY DRAFT LANGUAGE

Comment #1: Revising Definition for (c)(6) Homogenous Metal Pile:

The current draft definition reads "(c)(6) HOMOGENOUS METAL PILE means a Scrap Metal pile, intended for reprocessing or resale, that is free of visible paints, oils, greases, coatings, rubber, and plastics and is composed solely of one metal which can be either aluminum or aluminum alloys, steel, or copper."

The stated purpose of PR 1460 is to minimize fugitive dust from metal recycling and metal shredding facilities. The stated goal is to reduce fugitive particulate matter (PM) emissions and lower community exposure to these pollutants. 1-2

On a daily—and hourly—basis, scrap recyclers purchase and receive individual loads of recyclable metal. Some of the individual loads arrive with minimal or no soil or fine debris that could impact the surrounding community. This material may have visible amounts of paint, oil, grease, coatings,

rubber or plastics. It also may be a mixture of metals, but overall is a high value recyclable material due to its content. Please see the following pictures in "Exhibits A" as a demonstration:

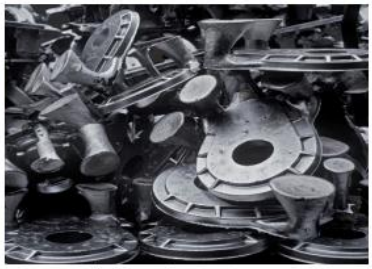
EXHIBITS A:


Insulated Scrap Wire (Copper or Aluminum)


Scrap bullet cases (Copper alloys)


Scrap shavings (multiple metals)


Loose Stampings (multiple metals)


Casting w/ risers (multiple metals)


Wheels (aluminum)


Scrap turnings (multiple metals)


Scrap stampings (multiple metals)


Scrap CNC Turnings (multiple metals)

Scrap window frames (aluminum)


Ferrous Scrap (multiple metals)


Non-Ferrous Scrap (multiple metals)

1-2

3

CMC suggests a more accurate definition for Homogenous Metal Pile that still addresses the goal of minimizing fugitive dust. The definition would be: "(c)(6) HIGH VALUE GRADE METAL PILE means a Scrap Metal pile, intended for processing or resale, that contains minimal soil or debris, is not stored on dirt, and is not mixed with material that contains visible soil or debris."

Comment #2: Revising Section (f)(3)(A)(B) and (C) to Replace Homogenous Metal Piles:

Sections (f)(3)(A)(B) and (C) include the definition "Homogenous Metal Piles." CMC suggests replacing these sections with the new definition of "High Value Grade Metal Pile"—which can be found at the end of Comment #1 of this letter.

Comment #3: Revising Section (f)(3) for a pile that remains at the facility for more than a week:

Section (f)(3) currently states "For any Homogenous Metal Pile that remains at the facility for more than a week…"

1-2

CMC suggests amending the language to state, "For any High Value Grade Metal Pile that remains at the facility undisturbed for more than 30 consecutive days and is located within 100 meters (328 feet) from a Sensitive Receptor…"

As stated in Comment #1, the "High Value Grade Metal Pile" arrives free of visible soil or debris, is not stored on dirt, and is not mixed with material that contains visible soil or debris. With the stated goal of reducing fugitive particulate matter (PM) emissions and lowering community exposure to these pollutants, specifying a distance to a sensitive receptor is a critical element for this section.

Comment #4: Revising Section (f)(3) and Adding a New Option (f)(3)(D) for Water to Reduce Dust:

Section (f)(3) provides options (A)(B) an (C) for "High Value Grade Metal Piles."

CMC suggests adding a section (f)(3)(D) that states "(D) Apply water, except on days where there is 0.1 inches or more of precipitation, at sufficient quantities and frequencies." We don't anticipate needing to use water on these piles since they are free of visible soil and debris, but it is good to have the option to reduce fugitive dust with water if a unique issue arises.

Comment #5: Updating Definitions for (8) Metal Shredder, (16) Prescribed Cleaning Method, (17) Scrap Metal, and (18) Soil to better align with metal recycling and metal shredding industry practices:

Current SCAQMD proposed definition is "(8) METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts and crushes metallic items into smaller pieces."

1-3

CMC proposed definition is: "(8) METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears or crushes metallic items into smaller pieces."

Current SCAQMD proposed definition is "(16) PRESCRIBED CLEANING METHOD means a process to remove or collect debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, wet vacuum, dry vacuum with dust suppression, or a combination of the above methods which minimizes Fugitive Dust emissions."

CMC proposed definition is "(16) PRESCRIBED CLEANING METHOD means a process to remove or collect debris using a wet mop, damp cloth, wet wash, low-pressure spray nozzle, wet vacuum, dry vacuum with dust suppression, broom sweeping with dust suppression, or a combination of the above methods which minimizes Fugitive Dust emissions."

Current SCAQMD proposed definition is "(17) SCRAP METAL means any metal or items comprising of multiple materials including metal, that have been discarded or removed from the use for which it was produced or manufactured for and is intended for reprocessing or resale."

CMC proposed definition is: "(17) SCRAP METAL means any metal or metal containing object that is no longer used for the purpose for which it was produced or manufactured and is intended for recycling."

Current SCAQMD proposed definition is "(18) SOIL means dirt, sand, gravel, clay, and aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter remaining from the metal recycling and metal shredding process."

CMC proposed definition is: "(18) SOIL means dirt, sand, gravel, clay, and aggregate non-metal material less than two inches in length or diameter, and other organic or inorganic particulate matter."

1-3

Comment #6: Revising Section (f)(3)(A) in Reference to Plastic Sheeting:

Section (f)(3)(A) states "Cover with 10 mil thick intact plastic sheeting, free of tears and holes…"

Since the requirement is for plastic sheeting that is "intact", CMC suggests striking "free of tears and holes." SCAQMD should acknowledge that the material being covered is inherently sharp and can cause some tears and holes in the plastic when it comes in contact with the material.

1-4

Comment #7: Revising Section (f)(5)(B) in Reference to Ceasing Operations:

Section (f)(5)(B) states "Cease Scrap Metal unloading and loading, sorting, shearing, baling, torch cutting, and shredding activities for a period of at least 30 minutes following an instantaneous wind speed exceedance of 25 miles per hour."

The SCAQMD jurisdiction covers all, or portions, of the four counties of Los Angeles, Orange, San Bernardino and Riverside. Areas of this jurisdiction can experience instantaneous wind speed exceedance of 25 miles per hour for multiple consecutive days effectively shutting down the facility.

1-5

The focus of PR 1460 and section (f)(5)(B) is to reduce fugitive particulate matter (PM) emissions and lower community exposure to these pollutants. As such, the requirements in (f)(5)(B) should reflect the impact of higher wind speeds on materials that may have fugitive dust.

It is also important to note that scrap recycling facilities can receive material from numerous individual dealers in a single day. Forcing the dealers to line up around the street and wait for 30 minutes each time the wind speed hits 25 mph can lead to hours of idle street traffic near a sensitive receptor.

CMC suggests revising section (f)(5)(B) to state "Cease Scrap Metal unloading and loading, sorting, guillotine shearing, baling, torch cutting, and shredding activities for a period of at least 7 minutes following a sustained wind speed exceedance of 25 miles per hour. This section excludes High Value Grade Metal Piles, unloading High Value Grade Metal Piles, activities done within a Building Enclosure, and materials where water has been applied at a sufficient quantity."

1-5

Comment #8: Revising Definition for (c)(16) Sensitive Receptor:

The current draft definition reads: "(c)(16) SENSITIVE RECEPTOR means a residence including private homes, condominiums, apartments, and living quarters, schools, preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing. School or school grounds means any public or private school, including juvenile detention facilities and schools serving as the students' place of residence (e.g., boarding schools), used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. School or school grounds includes any building or structure, playground, athletic field, or other areas of school property, but does not include unimproved school property."

"Living Quarters" is generally defined as "a dwelling available for people to live in." As such, living quarters could include a tent, abandoned car, RV, trailer, or makeshift cover. CMC suggests removing "living quarters" from (c)(16).

1-6

CMC also suggests adding "legal" to this section by stating: "(c)(16) SENSITIVE RECEPTOR means a legal residence….." Some of the individuals residing in a building around a metal recycler or metal shredder may be living there illegally. Or the building may be used as a nursing home or school without proper registration or permit. The addition of "legal" makes it clear that the building is being occupied for its proper and intended use.

Comment #9: Revising Section (d)(1)(H) regarding business registration of sensitive receptors:

Section (d)(1)(H) states: "On or before January 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall register with the South Coast AQMD by submitting the following information in a format approved by the Executive Officer… whether a Sensitive Receptor is within 100 meters (328 feet) of facility boundary."

To further clarify this section, the draft staff report states on Page 19 that "When identifying a Sensitive Receptor, facilities can utilize an online mapping system (e.g., Google Maps, Apple Maps, etc.) to identify building uses nearby."

CMC suggests the following amendment to (d)(3)(H) that states "Facilities shall use a publicly available online mapping system to identify whether a Sensitive Receptor is within 100 meters (328 feet) of facility boundary."

If it is not explicit in the rule that the facility can use a publicly available online mapping system, then the facility could be expected to designate an employee to canvass the community and physically identify all building uses within 100 meters (328 feet) of the facility boundary. Moreover, since the buildings may or may not clearly describe the activity within the building (ex: a former marijuana dispensary which was converted to an apartment), the employee would need to knock on each door, inquire about the activities within the building, and then let them know the information is being declared to a local government agency.

CMC believes that the activity of canvassing a neighborhood is not safe for an employee. Some residents are fearful of unexpected visitors, may be concerned about their status (ex: refusal of census takers), or do not want to declare the type of business they are conducting. Amending (d)(1)(H) will resolve this problem. 1-6

Comment #10: Revising Sections (d)(3)(F) and (G) regarding business registration of sensitive receptors:

Sections (d)(3)(F) and (G) states that "No later than January 15, 2024, and no later than January 15 of every year thereafter, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall submit, the information required by paragraph (d)(1) if there are changes in the previous year to any of the following information included in a prior registration…..(F) Whether new or additional Sensitive Receptor(s) is located within 100 meters (328 feet) of facility boundary; or (G) Whether a Sensitive Receptor(s) previously located within 100 meters (328 feet) of the facility boundary closes or relocates beyond 100 meters (328 feet) of the facility boundary."

Similar to the previous comment #7, CMC suggests the following:

1. Add language in section (d)(3)(F) that states "Facilities shall use a publicly available online mapping system to identify whether new or additional……"
2. Add language in section (d)(3)(G) that states "Facilities shall use a publicly available online mapping system to identify whether a Sensitive Receptor(s) previously located…."

Comment #11: Clarification on Section (g)(1)(B) regarding location of the sign:

Section (g)(1)(B) states "Beginning July 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall install and maintain signage. Unless otherwise approved in writing by the Executive Officer pursuant to provisions of paragraph (g)(3), signage shall…. Be located between 6 and 8 feet above grade from the bottom of the sign." 1-7

CMC is not suggesting any alternative language, but would like clarification on this topic. Does it mean that the sign has to be above the ground 6-8 feet? And what if the object (ex: fence) to which the sign is adhered, is less than 6 feet high? 1-7

Comment #12: Striking Section (j)(4):

Section (j)(4) reads "Invoices for Homogeneous Metal Plie that demonstrate the delivery of Scrap Metal was solely aluminum or aluminum alloys, steel, or copper;" 1-8

Since the new definition of "High Value Grade Metal Pile" has changed, this section should be removed.

Comment #13: Preliminary Staff Report declares Rule 403 Fugitive Dust Applies to Scrap Yards and Metal Shredders; Adds language to (b) Applicability:

Page 5 of the preliminary staff report declares that SCAQMD "Rule 403 was adopted on May 7, 1976….and metal recycling facilities and metal shredding facilities are subject to Rule 403 and these facilities should be complying with the rule requirements."

Moreover, staff has included in the August 19, 2022 draft that "(b) Applicability: This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility. The provisions of this rule are supplemental to the requirements of Rule 403."

CMC suggests striking the language in (b) Applicability and clarifying the staff report. The new definition would read, "(b) Applicability: This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility."

There are considerable procedural, legal, notification, and practical problems with amending Rule 403 into the current draft rule 1460 on August 19, 2022. They include, but are not limited to: 1-9

1. Rulemaking for PR 1460 formally began on March 22, 2022, and continued with working group meetings on May 18, 2022, and July 13, 2022. There has not been mention of Rule 403 in any of the SCAQMD staff presentations.
2. On April 16, 2021, SCAQMD staff briefed the Stationary Source Committee on the SCAQMD rules impacting the metals industry. Rule 403 was not included in the presentation as a point of reference, nor discussed as an area of enforcement or inspections.
3. Also on April 16, 2021, SCAQMD staff first mentioned the concept for PR 1460. Rule 403 was not included in these discussions.
4. Rule 403 was adopted 46 years ago, on May 7, 1976. The California Metals Coalition (CMC) does not recall receiving any notification of public workshops, public discussion or public feedback. Is there a list of metal recyclers or metal shredders that received this information?
5. Over the last 46 years, there has been six amendments to Rule 403. The California Metals Coalition (CMC) does not recall receiving any notification of public workshops, public discussion or public feedback by SCAQMD during any of the six rulemaking amendment processes. Is there a list of metal recyclers or metal shredders that received this information?

6. The intent and discussions around Rule 403 for the last 46 years—and six rulemaking amendments—have been industries (ex: agriculture) and processes (ex: demolition) not specifically connected to metal recyclers and metal shredders.
7. Lastly, there are four pages of exemptions in Rule 403, and no mention of metal recycling or metal shredding operations.

CMC recognizes that there might be useful parts of Rule 403 that may be considered in PR 1460. In fact, some parts of Rule 403 (ex: definitions, wind speeds, driving speeds, tracking, cleaning, etc) are already included—directly and indirectly—in PR 1460. 1-9

But to trigger the 75-day notice for PR 1460 with an announcement of Rule 403 is not acceptable. Again, CMC suggests striking the language in (b) Applicability and clarifying the staff report. The new definition would read, "(b) Applicability: This rule shall apply to an owner or operator of a Metal Recycling Facility or Metal Shredding Facility."

Comment #14: Including Exemption in (m) for Repair and Maintenance that may create fugitive dust:

CMC suggests adding section "(m)(3) Metal cutting, welding, and metal grinding performed for maintenance and repair activities." 1-10

Comment #15: Amending Section (f)(11) with a Time Frame of One Calendar Year for 3+ Violations:

Section (f)(11) currently reads "If the owner or operator of a Metal Shredding Facility receives three or more Notices of Violation for failing to comply with paragraph (f)(9), the owner or operator of a Metal Shredding Facility shall store the Metal Shredder Residue within a Building Enclosure within 180 days after receiving the third Notice of Violation."

CMC suggests adding section "If the owner or operator of a Metal Shredding Facility receives three or more Notices of Violation within a calendar year…." 1-11

An open-ended timeframe for accumulation of violations is not realistic. Including "within a calendar year" allows the rule to have a trigger for a building enclosure, but provides a realistic timeframe for when the three or more violations would occur.

Comment #16: Clarifying Section (f)(8) Regarding Distance/Length of Vehicle Egress:

Section (f)(8) currently reads "Beginning July 1, 2023, the owner or operator of a Metal Recycling Facility or Metal Shredding Facility shall utilize at least one of the following at each vehicle egress: (A) A wheel shaker or wheel spreading device consisting of raised dividers (rails, pipe, or grates) at least 24 feet long and 10 feet wide; (B) A wheel washing system that is installed, operated, and maintained in accordance with the manufacturer's specifications; or (C) A paved surface at least 30 feet wide that extends at least 100 feet in length from the egress into the facility." 1-12

The entry/exit driveway length and width at a scrap recycling facility will vary. Factors impacting the driveway size includes the overall lot dimensions of the business, the size of vehicles entering the facility, the distance from a driveway to the public street, whether or not the driveway crosses a public sidewalk, and whether or not the facility has a scale at the entrance of the facility.

In short, Sections (f)(8)(A)(B) or (C) include length and width dimensions that will not fit on all scrap recycling facilities subject to this rule.

1-12

As an example, a scrap facility may have a scale less than 10 feet from the driveway entrance, which would preclude them from installing a "24 feet long" wheel shaker or wheel spreading device. It would preclude them from paving "at least 100 feet" from the vehicle egress. It would also preclude them from having an effective wheel washing system that is typically the length of a large vehicle/truck.

CMC suggests amending Section (f)(8) to better accommodate the various dimensions of impacted facilities.

CONCLUSION

Thank you for your time, and for allowing CMC to participate and comment on SCAQMD's Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations. Please do not hesitate to contact me with questions: *james@metalscoalition.com*.

Sincerely,

James Simonelli
Executive Director

cc: Michael Krause, SCAQMD Assistant Deputy Executive Director
Michael Laybourn, Program Supervisor
Tiffani To, Air Quality Specialist

Members of the Stationary Source Committee:
Mayor Ben Benoit, Chair
Supervisor Sheila Kuehl, Vice Chair
Senator (Ret.) Vanessa Delgado
Board Member Veronica Padilla-Campos
Vice Mayor Rex Richardson
Supervisor Janice Rutherford

Responses to California Metals Coalition Email Correspondence, submitted 09/6/22

1-1 Response: Thank you for providing background information about metal recycling and metal shredding facilities.

1-2 Response: South Coast AQMD acknowledges that the definition Homogenous Metal Pile may not accurately portray the types of scrap metal that is considered to contain little to no debris and has low fugitive emission potential. The definition Homogenous Metal Pile is being removed and replaced with the definition High Value Grade Metal as defined below:

HIGH VALUE GRADE METAL means Scrap Metal, intended for processing or resale, that contains minimal Debris, is not stored on unpaved surfaces, and is not mixed with material that contains Debris.

For continuity, provisions that previously mentioned Homogenous Metal Piles will now be referred to as High Value Grade Metal. Based on the suggestion to allow High Value Grade Metal onsite for 30 days before controls are required, paragraph (f)(3) has been revised to require facilities with a High Value Grade Metal pile that is onsite for 15 consecutive days be required to implement controls to minimize Fugitive Dust emissions. Staff has also incorporated the suggestion to include applying water as a control option.

1-3 Response: Based on the suggestions, staff has revised the following definitions as defined below:

METAL SHREDDER means a piece of equipment using machinery driven by rotors that spin hammers that cuts, tears, or crushes metallic items into smaller pieces.

SCRAP METAL means any metal or metal containing object that is no longer used for the purpose it was produced or manufactured for and is intended for recycling.

The definition for Soil has been removed and replaced with Debris as defined below:

DEBRIS means soil, dirt, sand, gravel, clay, and other organic or inorganic particulate matter.

The definition of Prescribed Cleaning Method remains the same due to implementation concerns for broom sweeping with dust suppression.

1-4 Response: Staff acknowledges that metal material is sharp and can cause tears and holes in the plastic sheeting. The rule language clarifies that plastic sheeting for covering High Value Grade Metal shall be intact.

1-5 Response: Staff acknowledges that halting metal unloading activities can result in truck idling if a line forms due to people waiting to unload material. The rule language has been revised to clarify that facilities shall cease specific activities for 15 minutes following a high wind event. Subdivision (m) also includes the following activities that do not need to be halted during a high wind event: (1) scrap metal unloading where water is sprayed to minimize Fugitive Dust emissions, (2) scrap metal unloading by hand, and (3) metal recycling and processing activities for High Value Grade Metal.

1-6 Response: For consistency with recent South Coast AQMD rules, the definitions for Sensitive Receptor and School will be defined separately. In addition, staff acknowledges that "living quarters" such as a tent, car, RV, trailer, or makeshift cover may appear which is outside of the facility's control and not able to be determined using online mapping tools as required by the rule.

Staff acknowledges that it may be onerous or unsafe for facility employees to canvass the local community to identify building activities. The rule language for registration requirements in subdivision (d) has been revised to clarify that facilities can identify a Sensitive Receptor through online mapping systems and the Draft Staff Report further states that facilities can utilize an online mapping system (e.g., Google Maps, Apple Maps, etc.) to identify building uses nearby.

1-7 Response: Paragraph (g) specifies that signs are to be installed between 6 and 8 feet above grade. If a facility has a 6-foot-tall perimeter wall or fence, the sign with need to be installed above the perimeter wall or fence. For example, the sign can be installed on a post. Posting a sign between 6 and 8 feet above grade can help ensure the sign remains visible and won't be obscured by other objects.

1-8 Response: Although the definition Homogenous Metal Piles has been removed, High Value Grade Metal is required to be documented to track when the material arrived at the facility. Paragraph (j)(4) clarifies that facilities requesting different controls for High Value Grade Metal will need to develop a system to document material arrival date.

1-9 Response: Staff acknowledges the concerns about the applicability of Rule 403 – Fugitive Dust. Rule 403 is applicable to any anthropogenic source of Fugitive Dust. Staff is removing Rule 403 from the applicability of PR 1460 but the Draft Staff Report clarifies that Rule 403 is still applicable to metal recycling and metal shredding facilities.

1-10 Response: Staff has incorporated this suggestion into the rule language to exempt metal cutting, welding, and metal grinding activities conducted as maintenance and repair from the requirements of this rule.

1-11 Response: Staff acknowledges a timeframe should be established for the metal shredding residue storage provision if a facility receives three of more NOVs. The rule language has been amended to include a timeframe of five consecutive years, so if a facility receives three of more NOVs within five consecutive years, they have 180 days to store Metal Shredder Residue within a Building Enclosure. The Draft Staff Report clarifies that NOVs from previous owner or operators do not apply to the current owner or operator.

1-12 Response: Staff acknowledges that facilities vary greatly in size and there may be facilities that are very small. To accommodate for facilities of various sizes, the requirements for control options are more descriptive. Facilities also have three different options to choose from if it is found that one option is not suitable due to facility layout and vehicle egress point dimensions.

Comment Letter #2:

Institute of Scrap Metal Recycling Email Correspondence, submitted 09/6/22

September 6, 2022

Heather Farr, Manager
South Coast Air Quality Management District
21865 East Copley Drive
Diamond Bar, California 91765
hfarr@aqmd.gov

Re: **Proposed Rule 1460** – Control of Particulate Emissions from Metal Recycling and Shredding Operations.

Dear Ms. Farr:

I am the President of the West Coast Chapter of the Institute of Scrap Recycling Industries (ISRI). ISRI is a trade association representing approximately 1,200 for-profit companies nationwide, 100 of which are located in California. ISRI members process, broker, and consume recycled commodities. They are experts in the handling, processing, shipping, and/or recycling of recyclable commodities.

ISRI West Coast Chapter supports the written comments submitted via email by the California Metals Coalition (CMC) on September 6, 2022. Chapter leadership will be meeting prior to the September 16, 2022 SCAQMD Stationary Source Committee meeting to review the progress of these issues. It is our goal to work within the PR 1460 timeline established by staff, which includes a Board Hearing date of November 4, 2022. 2-1

Sincerely,

Anthony Bonilla
General Manager / Sales
Universal Service Recycling Inc.
3200 South El Dorado Street
Stockton, Ca 95206
☎ Voice: 209.944.9555
☎ Fax: 209.944.5552
✉ E-mail: mabonilla@usrscrap.com

President, ISRI West Coast Chapter

1 | Page

Response to Institute of Scrap Metal Recycling Email Correspondence, submitted 09/6/22

2-1 Response: Thank you for providing this letter in support of the comment letter submitted by the California Metals Coalition (CMC) on September 6, 2022. The Institute of Scrap Recycling Industries participation during development of PR 1460 is appreciated and responses to CMC comments are provided in 1-1 to 1-12.

Comment Letter #3:

Kramar's Iron & Metal Email Correspondence, submitted 9/7/2022

From: Mitchell Kramar <mitch@kramarmetals.com>
Sent on: Wednesday, September 7, 2022 1:56:35 PM
To: Tiffani To <tto@aqmd.gov>
CC: Michael Laybourn <MLaybourn@aqmd.gov>
Subject: PR 1460 comment

Tiffani
I have a concern regarding the proposed rule section F-8. Many facilities do not have the space to meet the required dimensions for the wheel shaker and may not have the space to install a wheel washing system. A lot of facilities have their scales right next to the entrance/exit which would make it impossible to install such devices without putting them on public property such as the sidewalk or street. My facility already has several wheel shaker devices but we had to customize them to fit on our property so that they would not extend past our property line. I suggest that this section allows for any "size system" put in place that helps to minimize tracking onto the street as each facility has site specific dimensions. I think with adequate sweeping daily this section may not even be necessary.
Regards
Mitch Kramar
Kramar's Iron and Metal

3-1

Response to Kramar's Iron & Metal Email Correspondence, submitted 09/7/22

3-1 Response: Thank you for providing your comment about dimensional requirements in the control options for minimizing Track Out. Please refer to Response 1-12.

Comment Letter #4:

FMC Metals Email Correspondence, submitted 9/9/22

From: kevin armstrong <kevin@fmcmet.com>
Sent on: Thursday, September 8, 2022 1:26:29 PM
To: Tiffani To <tto@aqmd.gov>
Subject: PR 1460 comment

Tiffani,

After learning about the proposed rule section F-8 I wanted to express my concerns. A big portion of all facilities do not have the space to put a rumble track in place and or a wheel washing system. Also a wheel washing system will result in waste water discharge issues. An other issues is the rumble tracks causes damage to expensive truck tires at facilities like mine where trucks would need to turn when going over a rumble track. I know this because we had one in place many years ago. My customers threatened to not sell to me if we didn't remove it and my trucks were burning through tires at a rapid pace. Our facilities entrance and street along the front of my business is swept daily so adding one of the proposed requirements would be an incredible waste of time and money not resulting in any improvements to the environment but actually doing the opposite creating more unusable tires and wasting water. 4-1

Take care,

Kevin Armstrong
FMC Metals
323.394.9824 Cell
323.234.7708 Office

Response to FMC Metals Email Correspondence, submitted 9/8/22

4-1 Response: Thank you for your comment about the potential challenges of implementing a wheel washing system or rumble tracks. Staff acknowledges the difficulties of installing and utilizing these systems under certain circumstances. Under paragraph (f)(8), facilities have three options and can pick the one that works best for them. For additional information, please refer to Response 1-12.

Comment Letter #5:

Communities for a Better Environment Email Correspondence submitted 9/20/2022

COMMUNITIES FOR A BETTER ENVIRONMENT
40 years | established 1978

September 20, 2022

Tiffani To
Planning, Rule Development, and Implementation
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: Comments on Proposed Rule 1460 – Control of Particulate Emissions from Metal Recycling and Shredding Operations

Dear Ms. To:

Communities for a Better Environment ("CBE") submits these comments on Proposed Rule 1460 ("Proposed Rule"). We appreciate staff's continued work on Rule 1460, but we remain concerned that the current language will not meaningfully regulate an industry that has been polluting our communities for years. We have numerous concerns that remain unresolved by the Proposed Rule and it is critical that the South Coast Air Quality Management District ("AQMD") do everything in authority to control pollution from Metal Shredding and Recycling Operations and Facilities ("facilities"). We understand that other agencies must do their part (ie. the State Water Board and the Department of Toxic Substances Control), but we also need our local air district to do everything it can to ameliorate the air quality concerns for AB 617 communities in its jurisdiction. 5-1

CBE participates in the Southeast Los Angeles AB 617 Steering Committee. We have also participated in workshops and met with staff working on this Rule over the past several months. Our membership includes youth and adult members who live, work, learn, and play in homes and schools, at times, directly adjacent to metal recycling facilities. For decades, our community members have described the taste of metals in their mouths because of the unregulated air emissions from these facilities. They also see dust and scraps of metal flying from these facilities onto their homes and schools, and at times, have resulted in explosions and fugitive air emissions that harm nearby students, workers, and residents. Stronger requirements under Rule 1460 could help address excessive air emissions and provide critical safety measures.

Many of the requirements under Rule 1460 have been long overdue for communities near the former Central Metal Inc. facility in the Walnut Park and Florence-Firestone area. Until 2016, the Central Metal Inc. site was used for recycling industrial scrap metal and manufacturing metal tanks. The site stored metals in open piles, which were found to have hazardous levels of lead and arsenic and present on the site since the early 2000s.[1] The U.S EPA is currently investigating

[1] EPA (2022, August). *Central Metal Site Investigation*. https://www.epa.gov/ca/central-metal-site-investigation.

Norcal Regional Office
340 Marina Way
Richmond, CA 94801

South East LA Office
6325 Pacific Blvd, Suite 300
Huntington Park, CA 90255
323.826.9771

Wilmington Office
113 E. Anaheim St.
Wilmington, CA 90744
323.826.9771

whether nearby residential properties were contaminated from Central Metal's operations and evaluate whether the site qualifies for Superfund listing under the National Priorities List.

Image 1: Photo inside the Central Metal Inc. facility. Provided by U.S. EPA.

5-1

Additionally, CBE's Youth for Environmental Justice members attending Huntington Park High School play and exercise across the street from Kramer Metals, Inc. Kramer maintains enormous, uncovered piles of metal, which are, at times, higher than the surrounding building heights and can be seen from the across the street. The dust and particulate matter released from Kramer contributes to the already high rates of asthma and other respiratory illnesses among students.

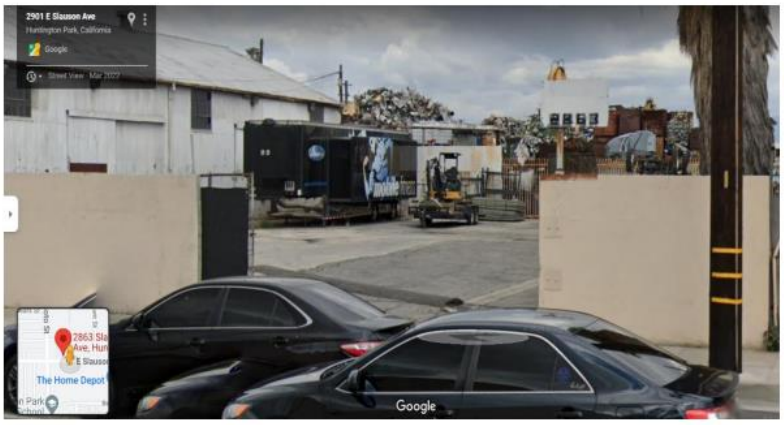


Image 2: Google Image of Kramer Metals, Inc.

It is our hope that the final rule adopted by AQMD will help reduce the health impacts of these facilities on the surrounding communities by, among other things:

1. Implementing more stringent best management practices that limit pile heights, require four wall enclosures, reducing speed limits inside facilities.

2. Using the full extent of its authority to identify additional violations that address issues environmental justice communities have identified.
3. Requiring fenceline air monitoring, in addition to wind monitoring, to provide communities critical information on a facility's emissions.

5-1

I. Definitions

We are concerned that the Proposed Rule does not adequately define Fugitive Emissions and Sensitive Receptors.

As currently written, the definition for Sensitive Receptors does not provide the Air District the discretion to identify additional sensitive receptors as needed. The Proposed Rule should mirror the definition in the Health and Safety Code section 42705.5(a)(5) to ensure uniformity.[2] Furthermore, the definition in the Proposed Rule should also include public parks and green spaces as sensitive receptors to protect places where children and young people play and exercise.

5-2

AQMD should reevaluate the Fugitive Dust definition due to its limited and obscure applicability for metal recycling and shredding facilities.

As it currently stands, AQMD's definition of Fugitive Dust overlooks natural activities such as wind erosion as well as specific sources such as, but not limited to, paved and unpaved roads, material handling, metal processing, unenclosed storage piles, site maintenance, track out from truck traffic, loading and off-loading at the facility. U.S. EPA's definition of Fugitive Emissions includes both solid particles and liquid droplets emitted in the air.[3] If AQMD allows wet suppression to minimize Fugitive Dust emissions as a Best Management Practice ("BMP"), the definition should include liquid droplets given that small liquid particles can become air-emitted contaminants as well.[4]

In other words, AQMD should expand the Fugitive Dust definition to reflect metal recycling and shredding facilities and account for all fugitive particulate matter that can reasonably be controlled.[5] By strengthening the Fugitive Dust definition, facilities will need preventative

[2] Health and Safety Code section 42705.5(a)(5) reads: "Sensitive receptors" includes hospitals, schools and day care centers, *and such other locations as the district or state board may determine*." (emphasis added).
[3] EPA. (2022, April). *Controlling Air Emissions Under the FARR*. USEPA. https://www.epa.gov/farr/controlling-air-emissions-under-farr#fugitive-particulate-matter
[4] Pollock, D., Organiscak, J. (2007) *Airborne Dust Capture and Induced Airflow of Various Spray Nozzle Designs*. NIOSH, Respiratory Hazards Control Branch, Pittsburgh, Pennsylvania, USA. https://www.cdc.gov/niosh/mining/userfiles/works/pdfs/adcai.pdf
[5] EPA. (2022, January). *South Carolina Air Pollution Control - REGULATION NO. 62.6 - Control of Fugitive Particulate Matter.* USEPA. https://www.epa.gov/farr/controlling-air-emissions-under-farr#fugitive-particulate-matter

systems for all possible fugitive dust emissions at the site, minimizing air pollution from harming frontline communities.

II. Registration Requirements

In addition to the information under Paragraph (d)(1)(A)-(M), we recommend the inclusion of planimetric and topographic maps and aerial images of the facility in the registration. These images should be publicly available in order to provide an understanding of the layout at facilities, including but not limited to:

- Location of piles and their proximity to property boundaries, sensitive receptors, and natural features (water, streams, etc)
- Location of air/wind monitors and specifications such as height placement
- Direction of wind patterns that facilities experience
- Location and descriptions of features such as facility perimeter type, enclosure type, pavement type, storm drains, where entrances/exits are located, and the distance and type of sensitive receptors near the facility.

5-3

As currently written, Paragraph (3) requires the "…owner or operator of a Metal Recycling Facility or Metal Shredding Facility [to submit information] required under Paragraph (d)(1) *if* there are changes in the previous year to any of the following information included in a prior registration." (emphasis added). We recommend that updates under Paragraph (3) be required every year, regardless of whether facilities undergo changes listed in (3)(A)-(G). Furthermore, owners and operators of facilities should be required to publish wind monitoring data under Paragraph (l) in annual updates. We request the inclusion of this information in all future annual updates required under the Rule.

Owners and operators should also be required to update information any time a facility has modifications such as facility expansion, downsizing, or reconstruction. This information should be submitted within 30 days of completion to ensure transparency and accountability.

III. Housekeeping Requirements

We urge AQMD to revisit Paragraph (e)(1)(A) and include, *"and all pavement/asphalt at facility"* when referring to prescribed cleaning methods. Dust loadings on a paved road surface build up by being tracked out from unpaved areas or inactive areas that collect debris, which can contribute to higher fugitive emissions.[6]

5-4

[6] Watson, J. G. (2010, January). *Measurement system evaluation for fugitive dust emissions detection and quantification*. ResearchGate. Retrieved September 2022, from https://www.researchgate.net/profile/John-Watson-27/publication/235341860_Measurement_system_evaluation_for_fugitive_dust_emissions_detection_and_quantification/links/0912f51192a6011512000000/Measurement-system-evaluation-for-fugitive-dust-emissions-detection-and-quantification.pdf, at page 2-3 & 2-4

AQMD should revisit the language in Paragraph (e)(2) and ensure that the containers used to store all materials collected from the housekeeping requirements pursuant to Paragraph (e)(1) be safe, fireproof and weatherproof so that no debris or material becomes airborne, and both workers and sensitive receptors are safe. 5-4

IV. Best Management Practice

Enclosures

The enclosures used to Store Scrap Metal storage piles should be fireproof and weatherproof to prevent any combustion, smell, or metal swarf. We also recommend that enclosures have four walls–instead of three–to prevent any metal shards or debris from becoming airborne and impacting already heavily burdened communities. 5-5

Plastic Sheeting for Homogenous Piles

AQMD has suggested using 10 mil thick intact plastic sheeting to cover Homogenous Metal Piles as a measure to minimize Fugitive Dust emissions. While commercial plastic sheeting is durable against tears and does not rip easily, the thickness of the intact plastic sheeting should be 12-14 mil instead of 10 mil.[7] Given the nature of metal piles and their physical properties, increased thickness can provide additional protective measures and lower potential health risks especially facilities near sensitive receptors.

Height Limits for Storage Piles

AQMD should use its authority as a stationary air pollution regulator to add height requirements for storage piles in order to minimize Fugitive Dust emissions. Frontline communities have strongly voiced how unsafe these high storage piles are, either from flying metal scrap, dust emissions, or smells coming from the facility.[8] AQMD should implement a height requirement that will minimize Fugitive Dust emissions and any high risk to surrounding communities and sensitive receptors. We urge AQMD to follow rules like Chicago's Rule for Large Recycling Facilities on "Storage Stockpiles" in which piles within the facility shall not exceed 20 feet in height.[9]

Speed Limits

Regarding speed limits as a BMP, we recommend that AQMD change the speed limit of 15 miles per hour to 10 miles per hour on paved roads and 5 miles per hour on unpaved roads to 5-6

[7] Mil Thickness Chart | Plastic Sheeting (https://www.globalplasticsheeting.com/mil-thickness-chart-plastic-sheeting)
[8] Villafana, Janette. (2022, September). 'We Want Our Families To Live A Healthy Long Life:' Students In Watts Protest Metal Company Contaminating Their Community. *L.A. TACO*. https://www.lataco.com/watts-jordan-high-school-contamination/
[9] City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*. https://www.chicago.gov/content/dam/city/depts/cdph/InspectionsandPermitting/CDPH-Rules-for-LargeRecycling-Facility_Effective.6_5_20-Corrected-June.19.2020.pdf, at page 40

minimize Fugitive Dust emissions.[10] EPA recommends limiting vehicles speeds to 5 miles per hour in unpaved roads to minimize fugitive dust due to wind erosion and mechanical forces.[11] Paragraph (f)(6) give existing facilities until January 1, 2025 to pave the facility with concrete or asphalt in good operating condition. Unless AQMD shortens the date for this requirement, the speed limit should be reduced, especially if facilities have unpaved roads up until 2025. Fugitive Dust emissions from high vehicle traffic speed can aggravate heart and lung conditions in already heavily burdened AB 617 communities.[12]

5-6

Concrete Requirements

AQMD should revisit Paragraph (f)(6) and shorten the timeline of January 1, 2025 to December 31, 2023. This time frame should be shortened given that unpaved roads produce fugitive dust emissions due to the force of the wheels on the road surface which can cause the pulverization of surface material and particle distribution being both lifted[13] and exposed to air currents that can travel up to hundreds of miles.[14]

Violations

As it currently stands, AQMD will issue Notice of Violation (NOV) when facilities fail to comply with Paragraph (f)(10)(A)& (B) but this overlooks whether a facility is complying with other Paragraphs in Rule 1460. Focusing on only Metal Shredder Residue for compliance is weak, ineffective, and harmful to frontline communities who already face a disproportionate amount of pollution. Instead, NOVs should be issued when facilities aren't adhering to housekeeping requirements and any of the best management practices that are part of Rule 1460.

5-7

Additionally, the time frame to address violation should not exceed more than 30 days. Long time frames such as 180 days can be detrimental and unhealthy for frontline communities given that Fugitive Dust emissions can worsen especially if facilities continue to operate while they resolve violations. Facilities should resolve issues quickly and efficiently, so that Fugitive Dust emissions are not exacerbated.

Water Application Issues

Rule 1460 allows water to be used as a measure to minimize Fugitive Dust emissions from unloading/loading, handling and processing of scrap metals and storage piles. While wet

5-8

[10] EPA. (2022, January). *Fugitive Dust Control Measures and Best Practices*
[11] EPA. (2022, January). *Fugitive Dust Control Measures and Best Practices*.
[12] SCAQMD. (2022). *Working Group Meeting #1: Proposed 1460 – Control of Particulate Emissions From Metal Recycling and Shredding Operations* [PowerPoint]. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/proposed-rule-1460-wgm-1-03162022.pdf?sfvrsn=8, at page 6
[13] Williams, D. S., Shukla, M. K., & Jim Ross. (2008). *Particulate matter emission by a vehicle running on unpaved road*. Atmospheric Environment, 42(16), 3899–3905. Retrieved from https://www.sciencedirect.com/science/article/pii/S1352231008001295
[14] EPA. (2022, July). *What is Particle Pollution?* USEPA. https://www.epa.gov/pmcourse/what-particle-pollution

suppression can be effective in minimizing dust emissions, there are several issues with this BMP measure. First, AQMD does not specify the amount of water facilities can use to minimize dust emissions except "at sufficient quantities and frequencies." Given that California is currently suffering from a drought, it is imperative that AQMD set standards of water usage for all facilities and avoid water waste.

Secondly, we are concerned with listing water suppression as a measure to minimize Fugitive Dust emissions given that some metals and metal piles can become corrosive, hazardous and dangerous to human health when mixed with water.[15] AQMD should remove or limit water use (with clear specifications) at all facilities.

Lastly, AQMD should work with the State Water Board to ensure that facilities with a stormwater permit are following water regulations whereas if they fail to comply, cease operations until issues are resolved. Additionally, all facilities should be required to have Stormwater Pollution Prevention Plans, regardless of facilities using wet suppression as a measure to minimize Fugitive Dust emissions or not.

5-8

Opacity Monitoring

In addition to air and wind monitoring, AQMD should require facilities to monitor opacity levels so no visible Fugitive Dust extends beyond the boundaries of the site location.[16] Facilities should prohibit emissions of any Fugitive Dust within the facility from exceeding an opacity of 20% (as determined by the appropriate test method included in the Rule 403 Implementation Handbook).[17] This additional monitoring requirement will only enhance the safety and protection of frontline communities from air pollution and potential health risks.

Wind Monitoring

While we appreciate AQMD's addition of Paragraph (l) Wind Monitoring Requirements, we are concerned the requirements are not stringent enough and suggest adding additional guidelines for wind monitoring:

- AQMD has stated that wind monitoring requirements are for facilities within 100 meters (328 feet) from a Sensitive Receptor (f)(5)(A). Having wind monitoring at facilities near concentrated and disproportionately low-income residents and communities of color would correct years of weak emissions controls, which has caused people in the region to suffer unnecessarily from long-term air pollution. But we recommend AQMD require all facilities to conduct wind monitoring at their site given that smaller particles can travel

5-9

[15] Jaishankar, M., Tseten, T., Anbalagan, N., Mathew, Blessy B., (2014, June). *Toxicity, mechanism and health effects of some heavy metals*. 7(2). Interdisciplinary Toxicology. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4427717/

[16] City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*.

[17] Rule 403, Fugitive Dust (2005). https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4

longer distances especially if metal piles are stacked high and uncovered.[18] Requiring all facilities to install wind monitoring will protect workers, surrounding communities and environments.

- In addition to requiring all facilities to install wind monitoring sensors, AQMD should require larger facilities with a Throughput of 50,000 tons or more to install more than one stationary anemometer or wind sensor at the site considering the size of facility and seasonal variations in wind direction and speed.[19]
- Lastly, AQMD should revisit the language in Paragraph (l)(1) when discussing site locations for anemometer or wind sensors. The Chicago Ruling for Large Recycling Facilities offers a stronger language for wind monitoring that AQMD should adopt such as, "Such readings shall be taken at an unobstructed, unsheltered area, centrally positioned in relation to the Storage or Staging piles and dust-causing activities, and at a minimum height of 10 meters (32 ft) above ground level, unless another height is appropriate pursuant to applicable US Environmental Protection Agency protocols and guidance."[20]

5-9

Particulate Matter Monitoring

While we strongly support AQMD's addition of wind monitoring, we are still very concerned about the absence of air monitoring at metal recycling and shredding facilities. AQMD should require existing and new facilities to install continuous PM_{10} monitoring at the facility perimeter and near shredders. Air monitoring should be synonymous with the requirements of wind monitoring, with the addition that operations should cease when high levels of PM_{10} are detected so that Fugitive Dust emissions are not traveling beyond the facility and into sensitive receptors. The Rule is about minimizing Fugitive Dust emissions and controlling particulate matter from metal recycling and shredding facilities yet does not include an instrumental tool to mitigate air pollution.

V. Prohibition

In reviewing the Prohibition section, CBE recommends that AQMD not only ensure that a Metal Shredder be located within a Building Enclosure when operational, but an air monitor be installed as well. Metal Shredders can pose a carcinogenic risk to human health[21] and sometimes be radioactive if small amounts of radioactive materials are disposed of improperly.[22] Therefore,

[18] Briffa, Jennifer., Sinagra, Emmaneul., Blundell, Renald. (2020). Heavy metal pollution in the environment and their toxicological effects on humans. *CellPress (2020)*, 6(9). https://www.sciencedirect.com/science/article/pii/S2405844020315346
[19] City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*.
[20] City of Chicago. (2020, June 5). *Rules for Large Recycling Facilities*.
[21] Han, I., Richner, D., An Han, H., Hopkins, L., James, D., & Symanski, E. (2020). Evaluation of metal aerosols in four communities adjacent to metal recyclers in Houston, Texas, USA. *Journal of the Air & Waste Management Association (1995)*, *70*(5), 568–579. https://doi.org/10.1080/10962247.2020.1755385
[22] EPA. (2022, July). *Radioactive Material in Scrap Metal*. USEPA. https://www.epa.gov/radtown/radioactive-material-scrap-metal

Metal Shredders should be prohibited from being operational until there is both an air monitor and building enclosure.

VI. Recordkeeping

In addition to daily housekeeping activities, BMP should also be recorded on a monthly basis. This means providing information on the types of measures facilities have chosen to enact from Paragraph (f)(1)-(3) and (f)(8). These records should also be publicly available to ensure transparency and accessibility for the public to access.

5-10

AQMD should publish facilities registration and housekeeping requirements, the BMP measures a facility has chosen, and recordkeeping details such as air and wind monitoring on AQMD's F.I.N.D portal. Currently, most facilities are not required to register with AQMD which has resulted in a disproportionate number of facilities in environmental justice communities. Publishing this information in an accessible way will allow communities to monitor businesses that contribute to air pollution, strong odors, and high noise levels in frontline communities.

VII. Additional Recommendations for Proposed Rule 1460

We urge AQMD to endorse a stronger Rule 1460 by adding additional requirements that provide the following:

Air/Wind Monitors

The facility should submit additional information any time wind monitors are replaced, broken, or relocated at the facility. Facilities should notify AQMD any time an air monitor fails to operate and cease operations immediately until the monitor is functional. This information should be available every 30 days from said action.

5-11

Noise Monitoring

AQMD should implement noise monitoring [2324] To eliminate community exposure to noise, existing and new facilities should install, operate, and maintain noise monitors within or around the perimeter of the facility. A data logger should be attached to all noise monitors to record sound pressure levels in decibels (dB) and not to exceed noise zoning regulations. Noise monitoring data logging should be reported monthly and available to the public.

Buffers

To combat Fugitive Dust emissions, AQMD should implement a buffer requirement between a facilities' perimeters and areas such as, but not limited to, storage piles, material handling, metal processing and shredding, and truck traffic. According to the U.S. Department of Agriculture, having a vegetation buffer not only helps prevent air pollutant transfer but can act as a barrier for

[23] Villafana, Janette. (2022, September). 'We Want Our Families To Live A Healthy Long Life:' Students In Watts Protest Metal Company Contaminating Their Community. *L.A. TACO*. https://www.lataco.com/watts-jordan-high-school-contamination/

[24] CDC. (2020, January). *Too Loud! For Too Long!* CDC: Centers for Disease Control and Prevention. https://www.cdc.gov/vitalsigns/hearingloss/index.html

noise and a windbreak for odor control as well.[25] Having a buffer provides additional safety to frontline communities from fly away metal scraps, odor and noise nuisances, and dangerous air pollutants. 5-11

Effective and Productive Interagency Coordination

AQMD should begin a process for enhancing interagency coordination in regulatory oversight for the purpose of interdependent problem solving that protects public health and the environment, engaging an on-going relationship with frontline communities, and holding agencies accountable where there is a specific problem or need. For example, AQMD has specified that maximum heights for material piles is currently beyond the scope of PR 1460[26] since the Green Zone Ordinance[27] already establishes requirements for facilities. On the other hand, AQMD commented in their PR 1460 Working Group #4[28] that they don't write water rules under the air rule since stormwater permit requirements are regulated by the State Water Board. If a facility were to violate any regulations from one agency, a notice of violation alert should be sent to all agencies and the facility should cease operations until the issue is resolved. In addition, the agencies should host interagency community workshops that foster inclusion, engaging facilitation and outreach that is accessible to the community. 5-12

Alone, each agency protects public health under their own regulations and requirements, but with interagency coordination, they can achieve environmental justice together. Therefore, the LA County Department of Regional Planning, the State Water Board, DTSC and SCAQMD should regularly communicate on facilities compliance to zoning, water, and stationary air pollution regulations.

Cumulative Impacts Analysis

Lastly, AQMD should also add a section to the Proposed Rule to fully address the cumulative impacts of new and existing metal recycling and shredding facilities. Furthermore, the lack of violations under this Proposed Rule does little to address the cumulative impacts these facilities have on communities. As currently written, a metal shredding facility must receive *three or more* 5-13

[25] Bentrup, G. (2008) *Conservation Buffers: Design Guidelines for Buffers, Corridors, and Greenways* (Report SRS-109). United States Department of Agriculture. https://www.fs.usda.gov/nac/buffers/docs/conservation_buffers.pdf

[26] SCAQMD. (2022, July). *Working Group Meeting #3: Proposed 1460 – Control of Particulate Emissions From Metal Recycling and Shredding Operations* [PowerPoint]. HYPERLINK "http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/proposed-rule-1460-wgm-1-03162022.pdf?sfvrsn=8,"http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/proposed-rule-1460-wgm-1-03162022.pdf?sfvrsn=8, at page 7

[27] LA County Department of Regional Planning. *Green Zones Program.* LA County. https://planning.lacounty.gov/greenzones

[28] SCAQMD. (2022, July). *Working Group Meeting #3: Proposed 1460 – Control of Particulate Emissions From Metal Recycling and Shredding Operations* [PowerPoint]. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1460/pr1460_pw_090222.pdf, Michael Krause response during public comments

Notices of Violation for failing to store waste material in a closed container, before it is required to store Metal Shredding Residue in a Building Enclosure.[29] The Rule should add specific requirements and penalties for a first and second Notice of Violation to require facilities to comply with the Rule on a faster pace (as previously mentioned 180 days is too long) and provide communities relief before a facility receives a third Notice of Violation.

5-13

The Rule should also include additional public noticing requirements for facilities that receive Notices of Violation(s). AQMD should immediately provide the public email notices when a facility receives a Notice of Violation in AB 617 or other environmental justice communities. The Rule should also include stricter enforcement and frequent inspections of facilities in AB 617 communities.

VIII. Conclusion

We appreciate the opportunity to comment on Proposed Rule 1460. Please contact us if you have any questions or comments. We welcome the opportunity to meet to discuss these matters.

Sincerely,

Ambar Rivera
Southeast Los Angeles Staff Researcher

Idalmis Vaquero
Legal Fellow

[29] Proposed Rule 1460, Paragraph (f)(11).

Responses to Communities for a Better Environment Email Correspondence, submitted 09/20/22

5-1 Response: Thank you for taking the time to share the concerns expressed by community members. Staff will monitor the U.S EPA's investigation and will monitor the impact PR 1460 has to reduce fugitive dust from metal recycling and metal shredding facilities

Staff appreciates the participation and collaborative efforts of CBE members and community members to provide comments and suggestions, many of which staff has incorporated into PR 1460to ensure it is enforceable and provides emission reductions for the health and safety of the public. Based on a prior meeting with CBE representatives, staff included additional requirements in the preliminary draft rule language presented at the September 6, 2022 Public Workshop when compared to the initial preliminary draft rule language presented at Working Group meeting # 3 on July 13, 2022. Examples include adding a requirement to remove tracked out material at the conclusion of each workday or evening shift, clarification on the areas required to be paved on site as well a standard to maintain pavement such that fugitive dust is minimized. Establishment of additional enclosure requirements for new metal shredder facilities and concrete surfaces required at new metal recycling facilities. Removal of the option for open storage of waste material, instead requiring all waste material to be placed in a container that is covered. Requirements for a specific speed limit and installation of speed limit signage. Enhanced enclosure requirements for facilities that receive three enforcement actions within five years. Additionally, requiring facilities near sensitive receptors to install and maintain anemometers to measure wind speed.

5-2 Response: Staff appreciates the comment; however, for definitions that are included in in many different South Coast AQMD rules, staff strives for consistency. Staff is not proposing to align the definition with Health and Safety Code section 42705.5(a)(5) but is proposing to amend the rule to define Sensitive Receptor and School separately. Both definitions are consistent with other South Coast AQMD toxics rules and are defined below:

SENSITIVE RECEPTOR means a residence including private homes, condominiums, apartments, and living quarters, schools as defined in paragraph (c)(18), preschools, daycare centers and health facilities such as hospitals or retirement and nursing homes. A sensitive receptor includes long term care hospitals, hospices, prisons, and dormitories or similar live-in housing.

SCHOOL means any public or private school, including juvenile detention facilities with classrooms, used for the education of more than 12 children

at the school in kindergarten through grade 12. School also means an Early Learning and Developmental Program by the U.S. Department of Education or any state or local early learning and development programs such as preschools, Early Head Start, Head Start, First Five, and Child Development Centers. A school does not include any private school in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property

South Coast AQMD's definition of Sensitive Receptor is more stringent than the definition under the California Health and Safety Code § 42705.5(a)(5)), which states that Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine.

Staff acknowledges the definition of Fugitive Dust by the U.S. EPA. However, the definition of Fugitive Dust under PR 1460 is consistent with other existing South Coast AQMD rules. The definition of fugitive dust represents any source of man-made fugitive dust emissions and includes paved and unpaved road travel, metal recycling activities and wind erosion of sources at metal recycling facilities. Staff will monitor future enforcement activities and public complaints to assess if the rule requirements need to be strengthened, possibly by expanding the definition of fugitive dust.

5-3 Response: Thank you for the suggestion regarding the registration requirements, including to add planimetric and topographic maps and aerials of the facility. Topographic maps and aerials images can be accessed through public online mapping systems such as Google Maps. In California, metal recycling and metal shredding facilities are required to have an Industrial General Permit which is a National Pollutant Discharge Elimination System (NPDES) permit that regulates stormwater discharges. Facilities under the Santa Ana Regional Water Quality Control Board have a sector specific general permit in lieu of the Industrial General Permit. Both the Industrial General Permit and sector specific general permit require facilities to develop a Stormwater Pollution Prevention Plan (SWPPP). Under the SWPPP, one of the requirements is to develop site maps. These site maps can depict planned construction activities, nearby waterbodies, storm drains, and a number of features related to the facilities activities (material storage areas, maintenance areas, etc.). The general public can access Stormwater Pollution Prevention Plans through the State Water Resources Control Board's website by using the Stormwater Multiple Application and Report Tracking System[28] (SMARTS).

[28] State Water Resources Control Board – Stormwater Multiple Application and Report Tracking System https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml

Staff acknowledges the importance of having up to date facility information for transparency. Due to costs for updating registration information, the intent of the rule was to require resubmission of information only if there was a change or update.

Wind monitoring data may be difficult to publish depending on how the data is compiled from the data logger; however, South Coast AQMD has wind monitoring data available that the public can view at: https://xappp.aqmd.gov/aqdetail/AirQuality.

5-4 Response: Staff agrees that dust build up can lead to fugitive emissions on site as well as Track Out offsite; however, staff feels the proposed provisions address this potential source of fugitive dust. Paragraph (f)(6) requires facilities to pave surfaces used for metal recycling activities, including vehicle travel areas onsite. Paragraph (e)(1) specifies all the metal recycling areas, including traffic areas used by vehicles are subject to daily cleaning using prescribed cleaning methods. Paragraph (e)(2) specifies that material collected from housekeeping activities must be in covered containers to further prevent fugitive emissions, and material from becoming airborne. Requirements to minimize offsite Track Out are included in paragraphs (f)(7) and (f)(8).

5-5 Response: Staff's understanding of scrap metal storage piles is that these piles are being added to or removed from throughout the day. A three-sided enclosure will help minimize fugitive emissions and provide a side for facilities to access the material.

Staff acknowledges that commercial plastic sheeting can tear or rip when covering metal material due to the nature of the material. Staff has incorporated the suggestion to specify 12 mil plastic sheeting for facilities electing this control option.

Under the provisions of PR 1460, the three-sided enclosures are required to be at least two feet above the height of the scrap pile. This may incentivize facilities to minimize the height of the scrap metal storage piles to prevent building very high enclosures. The suggestion to limit the height of the scrap metal pile could be considered in a future rule amendment; however, staff would like to monitor the current proposal to assess if further requirements are needed.

5-6 Response: Based on a previous suggestion by CBE, staff has incorporated a speed limit of 15 miles per hour to minimize fugitive emissions. This speed limit is consistent with other South Coast AQMD rules, so staff is not proposing a change at this time. If upon rule implementation, staff determines the 15 mph speed limit is not effective, staff will revisit this requirement.

Regarding the timeline to pave a facility, it is staff's understanding that the majority of facilities are paved. As described in the staff report, facilities within State Water Resources Control Board – Region 8 (generally Orange, Riverside and San Bernardino Counties) are currently subject regulations which require paving. The intent of the January 1, 2025, timeframe is to allow facilities sufficient time to comply with PR 1460 provisions. As discussed, facilities will be required to ensure that pavement is maintained in good condition to prevent the generation of fugitive dust.

5-7 Response: An NOV can be issued if an inspector finds that a facility is in violation of any of the requirements in PR 1460. It is not limited to violations specified in paragraph (f)(11). When a facility is found to be in violation of a rule requirement, the inspector may issue a Notice to Comply (NC) or an NOV and the facility has a limited amount of time to resolve the issue before further enforcement action is taken. The intent of paragraph (f)(11) is to enforce stricter requirements if a facility is not complying to minimize fugitive emissions.

5-8 Response: Staff acknowledges the difficulties in not specifying the amount of water facilities need to spray. Due to the nature of facility operations, the amount of water needed for each load of scrap metal will vary making it difficult to specify a specific amount. Staff agrees with the concerns about water usage as California is currently suffering from a drought. The use of water suppression is one of the most effective known methods for minimizing fugitive dust and facilities are highly encouraged to recycle all water used if possible. Facilities are required to comply with requirements in their Industrial General Permit and as part of the permit, they are required to have a Stormwater Pollution Prevention Plan.

5-9 Response: Staff appreciates the suggestion to include opacity monitoring. Metal recycling and metal shredding facilities are subject to Rule 403 which requires that no visible fugitive dust extends beyond the boundaries of the site location. PR 1460, paragraph (l)(1) provisions include specifications for locating wind monitors. These provisions are consistent with other South Coast AQMD regulations.

Staff appreciates the suggestion to incorporate particle matter monitoring. PR 1460 is focused on minimizing fugitive dust emissions through housekeeping and best management practices. As the rule is implemented, staff will monitor the rule impacts and may consider amending the rule to include further requirements, if needed.

5-10 Response: Staff acknowledges the importance of transparency when it comes to facility operation and appreciates the suggestions on what type of facility information should be made public. However, the suggestion of requiring monthly reporting requirements that will be posted online would be both

onerous and costly. Many of the facilities that will be subject to PR 1460 are small businesses with no permitted equipment. Staff does not recommend including reporting requirements that are more frequent than those required for large, permitted facilities. Further, staff is not sure what value that information would provide.

In regard to the F.I.N.D portal, that system is designed for permitted facilities. Staff agreed with the community member's suggestion to include the PR 1460 facilities in the F.I.N.D. system; however, the suggested comment would require the program to be, redesigned and reprogramed. If a member of the community would like further information on the PR 1460 registered facilities, they can submit a public records request.

5-11 Response: Staff appreciates the suggestions for air monitoring, noise monitoring, and buffers. PR 1460 is focused on minimizing fugitive dust emissions through housekeeping and best management practices. As the rule is implemented, staff will monitor the rule impacts and may consider implementing additional requirements in the future if needed.

5-12 Response: Staff acknowledges that interagency coordination can lead to more effective enforcement of regulations. During the rule development process, staff has been in communication with the State and Regional Water Quality Control Boards and the Department of Toxic Substances Control.

5-13 Response: Any NOVs issued from the South Coast AQMD will result in action. Each day or part of a day that a facility is in violation is considered a separate violation and may be subject to substantial civil penalties. According to the California Health and Safety Code, penalties in the most egregious cases can be assessed against individuals in an amount up to $250,000 per day per violation, and against corporations in an amount up to $1,000,000 per day per violation. Criminal sanctions may also be involved. Actual penalties tend to be far less, depending on the circumstances, such as how bad the violation was, whether the business owner knew the law was being violated, and whether anyone was injured. There is a rigorous process in place and therefore staff is not recommending additional requirements be included in individual source specific rules. Any NOV or NC will be searchable in the F.I.N.D. system, and staff has committed to including these facilities in that portal.

Please also refer to Response 5-7.

Comment Letter #6:

Department of Toxic Substances Control Email Correspondence, submitted 9/20/2022

Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
5796 Corporate Avenue
Cypress, California 90630

Yana Garcia
Secretary for
Environmental Protection

Gavin Newsom
Governor

September 20, 2022

Tiffani To
Planning, Rule Development, and Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765

RE: SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT PROPOSED RULE 1460, "CONTROL OF PARTICULATE EMISSIONS FROM METAL RECYCLING AND SHREDDING OPERATIONS"

Dear Ms. To,

The Department of Toxic Substances Control (DTSC) would like to submit the following comments on the South Coast Air Quality Management District's (the "Air District") Proposed Rule 1460:

1. As pertains to section (d) Registration Requirements:

    a. Please consider adding a requirement that upon registration, the facility(ies) include the CalEnviroscreen Score for the facility location, using the most current version of CalEnviroscreen (may be found at: https://oehha.ca.gov/calenviroscreen). 6-1

    b. Please consider a requirement that, if the facility updates their registration for any reason, they also update the CalEnviroscreen score, if applicable.

2. As pertains to section (e) Housekeeping Requirements:

    a. Please consider requiring that all metal processing activities be conducted in an enclosure or building. This would greatly reduce the release of fugitive emissions and the amount of housekeeping necessary. 6-2

3. As pertains to section (f) Best Management Practices Requirements:

a. The rule makes a distinction between metal shredder residues and scrap metal, and how each is managed, however they leave out what we call aggregate, or the mixture of metal shredder residues and shredded scrap metal (or the mixture of the nonferrous and the metal shredder residues). We recommend that the aggregate be required to be stored in an enclosed structure similar to what this rule is requiring for storage of the metal shredder residues. 6-3

b. Please consider requiring that existing and new facilities identify sources and potential sources of fugitive emissions and use administrative or engineering controls to stop the emissions/potential emissions. 6-4

c. Please consider requiring that shredding facilities conduct monthly inspections for off-site releases of accumulated particulate matter and require that they report all releases to the Air District along with the cause of the release and the solution for preventing future releases. 6-5

d. Please consider including a requirement for annual fence-line air monitoring to monitor for off-site releases of particulates. 6-6

e. Please consider requiring that the shredder report ALL fires and explosions of any size or duration to the Air District on a quarterly basis. 6-7

f. Please consider requiring periodic sampling of air and/or associated soil onsite for California-regulated volatile metals, volatiles/semi-volatiles (VOCs/SVOCs) and poly-chlorinated biphenyls (PCBs) to be submitted to the Air District. If releases above hazardous waste toxicity criteria are identified, require the facility to submit a report on measures taken to abate and remove such contaminants. 6-8

g. As pertains to Item (6) (requirement for pavement where processing activities occur): Any engineered cover, design and operation and maintenance shall be installed and designed to create a barrier from shredder residue, aggregate or contaminant migration in the event treatment or removal is not practicable and should identify toxicity, mobility and permeability and other factors needed to operate and maintain the cover for its intended use. 6-9

    i. The areas where such operational activities occur shall have a containment system that is designed, installed, operated and maintained to prevent any migration of wastes or accumulated liquids containing hazardous constituents that have the potential to be volatilized out of the system to the soil, groundwater or surface water at any time. Incorporate performance standards equivalent to regulatory specifications analogous to the containment

requirements in California Code of Regulations, title 22, section 66264.193.

ii. Containment system shall be designed, installed, and **operated** to prevent any migration of wastes or accumulated liquid wastes containing hazardous constituents that have the potential to be volatilized out of the system to the soil, groundwater or surface water **at any time during facility operations**.

iii. Concrete pavement shall include an engineering design in accordance with performance specifications identified in containment standards in California Code of Regulations, title 22, section 66264.193(b). The system shall be capable of detecting and collecting releases and accumulated liquids containing hazardous constituents that have the potential to be volatilized until collected material is removed and to prevent run on and run off. The system shall be constructed of, or lined with, materials that are compatible with performance characteristics for the waste(s) containing hazardous constituents that have the potential to be volatilized to be placed in the system and shall have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrogeologic forces). 6-9

iv. Primary containment shall be sloped or otherwise designed or operated to drain and remove liquids containing hazardous constituents that have the potential to be volatilized resulting from leaks, spills or precipitation. Spilled or leaked waste containing hazardous constituents that have the potential to be volatilized, and accumulated precipitation shall be removed from the system in a timely manner as is necessary to prevent overflow.

h. If releases of shredder wastes containing hazardous constituents that have the potential to be volatilized at hazardous levels are identified by the shredding facility, the shredding facility shall notify the Air District as soon as possible, at which time the Air District will refer the site to DTSC for hazardous waste determination, investigation, and potential cleanup, if necessary. DTSC shall be notified and referral to DTSC shall be recorded in the records maintained by the facility for continued operations and maintenance. 6-10

DTSC appreciates the leadership role the Air District has taken with regard to metal recycler and shredding facility activities and appreciates the opportunity to comment.

Please feel free to contact us if you have any questions.

Sincerely,

Antonia Becker

Antonia Becker
Environmental Program Manager I (Sup)
Office of Criminal Investigations
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Javier Hinojosa
Environmental Program Manager I (Sup)
Site Mitigation and Remediation Program
Department of Toxic Substances Control
9211 Oakdale Avenue
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cc: Yolanda Garza
Supervising Hazardous Substance Engineer I
Site Mitigation and Remediation Program
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732

Responses to Department of Toxic Substances Control Email Correspondence, submitted 09/20/22

6-1 Response South Coast AQMD staff appreciates the assistance of Department of Toxics Substances Control (DTSC) staff in obtaining background information on metal recycling facilities during development of PR 1460. Interagency cooperation is seen as a mechanism whereby agencies implementing individual regulations and requirements can work cooperatively, with the assistance of local community groups, to protect public health. Some of the described suggestions could be implemented through improved interagency coordination instead of specific PR 1460 requirements. Additionally, PR 1460 is a new regulation for metal recycling facilities and staff will review collected facility registration data, including location of sensitive receptors, and will monitor rule implementation and evaluate if additional requirements are necessary.

South Coast AQMD concurs that the State Office of Environmental Health Hazard Assessment (OEHHA) CalEnviroScreen model is an effective tool that can be used to help identify communities that are disproportionately burdened by multiple sources of pollution. The model also includes population characteristics (e.g., average of sensitive populations and socioeconomic factors) to further evaluate conditions experienced in individual communities. The PR 1460 registration program is an effort for the South Coast AQMD to obtain metal recycling facility operational data as the vast majority of these facilities are not subject to South Coast AQMD permits. It is believed that the suggestion to require facilities to report the current CalEnviroScreen score as part of the PR 1460 registration (or update) process could be better implemented as part of an outreach program instead of a rule provision. An outreach program could help communities better understand the development and meaning of a CalEnviroScreen score as a comprehensive evaluation of many environmental and population characteristics in a community instead of assigning the value to the metal recycling facility.

6-2 Response: Staff concurs that enclosures for metal recycling activities can be effective to reduce fugitive emissions from metal recycling facilities; however, due to the size and operation of many of these facilities, requiring all activities to be conducted in an enclosure or building would not be feasible. PR 1460 includes specific enclosure requirements for waste material and material (e.g., soil and debris) collected by sweepers during housekeeping activities. PR 1460 also includes provisions that encourage the enclosure of metal recycling activities through an exemption from work cessation requirements for metal recycling activities near sensitive receptors. PR 1460 also includes enclosure requirements for metal shredders and metal shredder residue storage areas at new metal shredder facilities.

6-3 Response: PR 1460 includes requirements to minimize emissions from scrap metal storage piles. Scrap metal is defined in definition (c)(17) as "…metal or items comprising of multiple materials including metal, that have been discarded or removed from the use for which it was produced or manufactured for and is intended for reprocessing or resale." Metal aggregate (i.e., the mixture of shredded scrap metal and metal shredder residue) would be subject to paragraph (d)(2) requirements, which include enclosure options.

6-4 Response: The purpose of PR 1460 is to specify requirements to reduce fugitive emissions from metal recycling facilities. The suggestion to require each existing and new facility to identify fugitive sources and list administrative and/or engineering controls would require facilities to submit information for South Coast AQMD staff to review and evaluate. Staff believes fugitive sources at metal recycling facilities can be addressed by establishing a series of PR 1460 requirements that apply to all facilities.

6-5 Response: PR 1460 includes a signage requirement that will provide the community with facility contacts and, as a back-up, South Coast AQMD contacts to identify and resolve fugitive emission concerns. The suggestion to add a monthly inspection element under PR 1460 for metal shredder facilities to identify off-site releases would require establishment of a methodology to determine the source of off-site material and procedures to specify the types of off-site releases that would warrant a notification. Due to the complexity of identifying the source of fugitive emissions, especially in a high density, industrial complex, staff does not think that this suggestion is feasible.

6-6 Response: PR 1460 is a new rule for metal recycling facilities that, as described in the Draft Staff Report, include very small facilities that receive and process several hundred tons of material to very large shredding facilities that can process over 200,000 tons of scrap metal per year. As also mentioned, the metal shredding facilities are subject to South Coast AQMD permits which require facilities to monitor and ensure air pollution control equipment is operating property. The suggestion for PR 1460 to require perimeter fence monitoring for all facilities does not appear warranted at the present time.

6-7 Response: Staff's understanding is Certified Unified Program Agencies (CUPA), which in many cases includes fire departments, monitor fires at industrial facilities. Staff is not aware that there is an issue with frequent fires or explosions at metal shredder facilities and would not be the agency responsible for reporting such incidents. Staff is not recommending adding specific 1460 requirements for reporting fires or explosions.

6-8 Response: The suggestion is to consider a PR 1460 requirement for metal recyclers to conduct periodic sampling of air and/or associated soil on-site California-regulated volatile metals, volatiles/semi-volatiles and poly-chlorinated

biphenyls (PCB) and require facilities to report to South Coast AQMD on corrective actions taken to abate such contaminates. These suggestions will be considered as part of an interagency coordination effort but are not proposed to be included in PR 1460. See also response to comments 6-6 and 6-7.

6-9 Response: PR 1460 includes requirements that metal recycling activities be conducted on paved surfaces. Paved surfaces have been identified in State Water Resources Control Board and South Coast AQMD regulations as an effective means to reduce fugitive emissions. PR 1460 also includes requirements for ongoing housekeeping activities to be conducted on paved surface so that vehicular travel does not resuspend any material that accumulates on paved surfaces. A series of suggestions are made for PR 1460 to include containment system and other requirements to prevent accumulated liquid wastes containing hazardous constituents from being volatilized out of the system and into the soil, groundwater, or surface water. Staff concurs on the importance of containing hazardous wastes; however, the suggested requirements are more appropriately addressed by State Water Resources Control board and CUPA requirements. Please refer also to response to comments 6-6 and 6-7.

6-10 Response: Please refer to response to comments 6-1 and 6-8 for a discussion of a notification program and possible development of an interagency coordination effort.

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Comment Letter #7:

California Metals Coalition Email Correspondence, submitted 9/21/22

From: <james@metalscoalition.com>
Sent on: Wednesday, September 21, 2022 5:48:25 PM
To: Michael Laybourn <MLaybourn@aqmd.gov>; Tiffani To <TTo@aqmd.gov>
CC: Michael Krause <MKrause@aqmd.gov>; Heather Farr <HFarr@aqmd.gov>
Subject: [EXTERNAL]General Comments for Sept 21 Public Consultation

Good morning: Here are a few of my general comments for the afternoon Zoom.

1. Slide 9: Could "living quarters" be a car or tent? 7-1
2. Slide 11: Can you give a description of how to "label" the piles in (3)? Is recordkeeping acceptable if an inspector is looking at a particular pile (Slide 16, (j)(4)? Placing signs or placards all over the site would be a major challenge. 7-2
3. Slide 12: For the exemption on Slide 19, there is a reference to using water "prior to unloading." This is fine for commercial trucks, bins, etc. But what about a personal vehicle that just has items (ex: patio furniture, bbq, dishwasher) that are hand unloaded. Do we need to spray down items that arrive in a personal vehicle (keep in mind that some personal vehicles are minivans and we would be watering the interior) and are unloaded by hand by workers? 7-3

Thank you for the continued opportunity to work together. James

James Simonelli, Executive Director
California Metals Coalition
Main Office/Mail: 2971 Warren Lane, El Dorado Hills CA 95762
Lobbying: 1215 K Street, Sacramento, CA 95814
916-933-3075| www.metalscoalition.com

Responses to California Metals Coalition Email Correspondence, submitted 9/21/22

7-1 Response: Please refer to Response 1-6.

7-2 Response: Due to industry stakeholder concerns over a proposed requirement to apply water to control fugitive dust from specific scrap metal piles, PR 1460 includes a definition of, and separate requirements for high value grade metal. It is a compliance option for facilities to implement these separate requirements for high value grade metal. PR 1460 establishes a requirement for facilities to identify the high value grade metal piles to facilitate South Coast AQMD compliance inspections. Labeling such high value grade metal piles to coincide with a facilities' recordkeeping procedures does not represent an onerous requirement for facilities that seek to implement alternative compliance options.

7-3 Response: PR 1460 presently includes a provision that would allow specified metal unloading activities at facilities near sensitive receptors to continue during high wind conditions provided control actions are implemented to limit fugitive dust emissions. Staff acknowledges the variety in the types of vehicles that visit metal recycling facilities and is proposing to clarify that pre-watering prior to unloading metals does not apply to hand carried items.

APPENDIX B – DRAFT REGISTRATION FORM

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
(909) 396- 2000

REGISTRATION FOR NEW FACILITIES
FORM 1460

On or before July 1, 2023, the owner or operator of an Existing Metal Recycling Facility or Existing Metal Shredding Facility shall register with the South Coast AQMD by submitting the following information in a format approved by the Executive Office.

FACILITY INFORMATION			
Facility Name:		**Facility Owner Telephone #:**	
Facility Location:		**Facility Owner Email:**	
Facility Mailing Address:		**Facility Site Manager:**	
Facility Legal Owner(s):		**Facility Manager Telephone #:**	
Facility Owner Mailing Address:		**Facility Manager Email:**	
OPERATION INFORMATION			
Number of Employees:		**Facility ID given by SCAQMD, if applicable:**	
Hours of Operation:		**Identification ID and/or permit number[1]:**	
Facility Acreage:		**Is a Sensitive Receptor within 100 meter (328 feet) of facility boundary[2]?**	
Facility Throughput in tons per year for the preceding calendar year based on the following ranges:	**□<1,000** **□≥1,000 to <25,000** **□≥25,000 to <50,000**	**□≥50,000 to <75,000** **□≥100,000**	

DESCRIPTION OF EQUIPMENT
Any Equipment that requires a SCAQMD Permit to Operate, including torch cutting equipment, if applicable:

[1] Identification (ID) and/or permit numbers issued by the State Water Resources Control Boards, the California Integrated Waste Management Board, or the Local Enforcement Agency, if applicable

[2] as identified by facilities through measures that include an online mapping system