

# Coalition For A Safe Environment

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October 20, 2011

OSWER Docket  
Environmental Protection Agency  
Mailcode: 5305T  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Re: Docket ID No. EPA-HQ-RCRA-2010-0742 –  
Definition of Solid Waste Rulemaking for RCRA Hazardous Waste Regulation

Su: Submission of Public Comments

Assistant Administrator Stanislaus:

The Coalition For A Safe Environment and the undersigned organizations wish to submit these public comments requesting that the US EPA revise its proposed Definition of Solid Waste Rulemaking for RCRA Hazardous Waste Regulation to include our recommendations.

The Coalition For A Safe Environment (CFASE) is a non-profit Environmental Justice Community based organization with members in over 25 cities in California primarily residing in and near ports, freight transportation corridors, waste storage & recycling facilities, petroleum and energy industries communities.

## **A. Auto Dismantlers/Parts Recyclers/Junkyards Hazardous Solid Waste Materials**

1. Require city and county permitted Auto Dismantlers/Parts Recovery/Junkyards to require facilities lots grounds to be cement or equivalent materials with catch basins to prevent ground contamination and saturation with used petroleum hydrocarbons such as motor oil, brake fluid, power steering fluid, grease, and radiator fluid from stored and recycled vehicle engines, transmissions and other automotive parts.
2. Require city and county permitted Auto Dismantlers/Parts Recovery/Junkyards to require facilities to have an Explosion and Fire Prevention Program, a Public Emergency Response & Evacuation Plan, Air Quality Monitoring Plan, and Hazmat Cleanup & Disposal Plan. At the last Pick Your Part Junkyard in the City of Los Angeles Environmental Justice Community of Wilmington, California it took 32 hours to put the fire out with tons of black smoke, particulate matter, dioxins, furans and heavy metals contaminating the site, adjacent residential neighborhoods and being disbursed over 10 miles contaminating all land and water bodies. It also exposed over 50,000 residents and workers in four cities to high levels of toxic chemicals and substances. See attached photos.
3. Require city and county permitted Auto Dismantlers/Parts Recovery/Junkyards to require facilities to have fire department, hazmat and emergency vehicle access. There are numerous and regular explosions and fires at junkyards. At the last Pick

Your Part Junkyard in the City of Los Angeles Environmental Justice Community of Wilmington, California it took 32 hours to put the fire out with tons of black smoke, particulate matter, dioxins, furans and heavy metals contaminating the site, adjacent residential neighborhoods and being disbursed over 10 miles contaminating all land and water bodies. It also exposed over 50,000 residents and workers in four cities to high levels of toxic chemicals. No fire department vehicle could enter the facility due to no wide road/path vehicle access. See attached photos.

4. Require city and county permitted Auto Dismantlers/Parts Recovery/Junkyards to require facilities to have fire water hydrants on-site or adjacent to junkyard sites. At the last Pick Your Part Junkyard in the City of Los Angeles Environmental Justice Community of Wilmington, California it took 32 hours to put the fire out. There are no required fire hydrants at or adjacent to the junkyard. Fire truck water houses had to be connected three blocks away in the residential area. No foam fire department vehicle could enter the junkyard site thereby causing the fire to burn for over 32 hours.
5. Require city and county permitted Auto Dismantlers/Parts Recovery/Junkyards to have annual and periodic unannounced inspections and ground testing.

#### **B. Port Terminal Metal Recyclers/Exporters Hazardous Solid Waste Materials**

1. Require city, county and port authority permitted scrap metal recyclers and exporters facilities lots grounds to be cement or equivalent materials with catch basins to prevent ground and ocean water contamination and saturation with used petroleum hydrocarbons such as motor oil, brake fluid, power steering fluid, grease, and radiator fluid from stored and recycled vehicle engines, transmissions, other automotive parts and recycled scrap metal that is stored, processed and exported. SA Recycling Terminal at the Port of Los Angeles which is near Wilmington recently settled for their water contamination due to a major fire at their facility and their failure to have their air pollution control equipment operating. Charges were filed by the California Department of Substance Control and the Los Angeles County District Attorney. See attachment.
2. Require city, county and port authorities permitted scrap metal recyclers and exporters require facilities to have radiation detectors. Port metal recyclers/exporters store, process and ship scrap recycled metals contaminated with residual petroleum hydrocarbons such as motor oil, brake fluid, power steering fluid, grease, radiator fluid and other toxic and other hazardous solid waste substances. CFASE recently was given a tour of the SA Recycling Terminal facility at the Port of Los Angeles, California near Wilmington where it was revealed that radiation detectors discover radioactive scrap metal being sent to them at least 10 times a year. In most cases they were old X-Ray machines.
3. Require city, county and port authorities permitted metal recyclers and exporters facilities to have the Best Available Control Technology operating air pollution control equipment. SA Recycling uses a giant unenclosed metal shredder which generates extreme heat which is cooled with water. This creates a toxic water vapor which is released into the atmosphere and allows areal deposition onto land

and water. SA Recycling Terminal at the Port of Los Angeles recently settled for their water contamination due to a major fire at their facility and their failure to have their air pollution control equipment operating. Charges were filed by the California Department of Substance Control and the Los Angeles County District Attorney. See attachment.

4. Require city, county and port authorities permitted metal recyclers and exporters facilities to have the Best Available Control Technology operating contaminated water control equipment. SA Recycling at the Port of Los Angeles does have a water recycling and containment system. The only major problem is that when it rains it overflows.
5. Require city, county and port authorities permitted metal recyclers require facilities to have an Explosion, Fire & Radiation Prevention Program, Public Emergency Response & Evacuation Plan, Air Quality Monitoring Plan and Hazmat Cleanup & Disposal Plan.
6. Require city, county and port authorities permitted metal recyclers and exporters facilities to have annual and periodic unannounced inspections and ground and water testing.

### **C. Storage, Processing and Disposal of Radioactive Scrap & Recycled Metal**

1. Require cities, counties and states to establish policies, regulations, procedures, records of disposal, inspection and enforcement programs for the disposal of radioactive scrap and recycled metal. CFASE recently was given a tour of the SA Recycling Terminal facility at the Port of Los Angeles, California near Wilmington where it was revealed that radiation detectors discover radioactive scrap metal being sent to them at least 10 times a year. In most cases they were old X-Ray machines.

### **D. Storage, Processing & Recycling Usage of Hazardous Dredged/Excavated Hazardous Solid Waste Material**

1. Require cities, counties and ports to states to establish policies, regulations, procedures, records of disposal & usage, inspection and enforcement programs for the disposal and usage of dredged, excavated and recycled sentiments and land. Ports regularly dredge harbor bottoms and excavate land which contains contaminated solid waste sentiment. At the Port of Los Angeles the sentiment contains, PCB's, DDT, Lead, Arsenic, Heavy Metals and other toxic substances. Dredged sentiment soil is stored above ground in open lots and uncovered for years. Dredged material is often used in the construction of new terminals. There are numerous boat marinas which also have live-on-board residents who live adjacent to the hundreds of tons mounds. When it is windy the fugitive dust blows everywhere contaminating both land and water. The City of Los Angeles communities of Wilmington and San Pedro border the Port of Los Angeles.

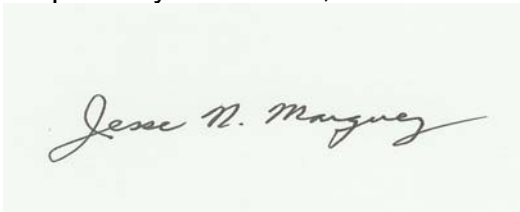
### **E. Abandoned Oil Wells, Storage Tanks & Pipelines Hazardous Solid Waste Material**

1. Require cities, counties and ports to states to establish policies, regulations, procedures, records of disposal & usage, inspection and enforcement programs for the removal and remediation of abandoned Oil Wells, Storage Tanks & Pipelines Land areas. In the cities of Los Angeles, Long Beach and numerous other cities are thousands of abandoned petroleum industry sites that have never been remediated and no plans or requirements for future remediation. In the City of Los Angeles Environmental Justice Community of Wilmington there are hundreds of abandoned sites throughout the residential community. Every year when it rains tons of contaminated run-off enters the community residents yards, sidewalks, gutters, sewer system and into the ocean.
2. Require city and county permitted petroleum Industry oil wells, storage tanks and pipelines lots, grounds and trenches to be cement or equivalent materials with catch basins to prevent ground contamination, saturation with used petroleum hydrocarbons and water run-off.

We commend the publication of the Environmental Justice Analysis of the Definition of Solid Waste June 30, 2011 and support its findings and additionally request the Following:

- a. That the definition of sensitive receptors be expanded to include: Pregnant Women and Preexisting Health Conditions.
- b. Exposure from Contaminated Air include dermal and oral.
- c. Contamination water include aquatic food sources.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jesse N. Marquez". The signature is written in black ink on a light green rectangular background.

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# KTLA 5

LOS ANGELES

## Scrap Yard Fire Extinguished After Burning 32 Hours



Fire at scrap yard in Wilmington (KTLA News)

KTLA News

*9:46 p.m. PDT, June 6, 2010*

WILMINGTON -- After 32 hours of burning, firefighters finally contained a huge fire at an auto scrap yard in Wilmington. Officials said the blaze at the Pick Your Part salvage yard in the 1900

block of North Blinn Avenue was put out at around 7:45 p.m. Sunday.

The fire in the 1900 block of North Blinn Avenue, near Pacific Coast Highway, was reported at 11:34 a.m. Saturday, according to Los Angeles city fire spokesman Devin Gales. Employees at the scrap yard were apparently moving salvaged metals when some flammable liquids ignited, sparking the blaze.

Sixteen fire companies and four rescue teams -- 103 firefighters in all -- were called to the scene. At its peak, the fire was said to be as long as a football field and 20- 25 feet high. Fire crews were having trouble with limited access to water in the area, a commander at the scene said.

Los Angeles Fire Department spokesperson Erik Scott says crews are using bulldozers Sunday to plow through burning tires and scrap metal. No adjacent structures were threatened, and no one has been hurt, Gales said.

The fire sent up a huge plume of smoke near the Port of Los Angeles. The smell of burnt rubber and metal could be detected as far away as Carson, ten miles to the north.

Health officials monitoring the air quality said they do not believe the smoke is hazardous, but urged people who could smell it to stay indoors.

## Terminal Island metal shredding firm agrees to settle pollution lawsuit

By Larry Altman Staff Writer  
Posted: 08/31/2011

The owner of a Terminal Island metal shredding facility agreed Wednesday to pay \$2.93 million to settle an environment lawsuit charging the company with spewing hazardous particles into the air for weeks, prosecutors said.

SA Recycling, an automobile and appliance shredding company, cannot operate its giant equipment in San Pedro, and Orange and Kern counties without fully functioning air pollution control systems, Deputy District Attorney Daniel Wright said.

"While we continue to deny that any violations occurred, we believe that a settlement is in the best interests of our company and the community," said Michael Bustamante, a spokesman for SA Recycling.

The settlement stems from May 2007, when the recycling facility was Sims Hugo Neu. A mega-shredder exploded, destroying its air pollution control equipment, Wright said.

"After that happened, Hugo Neu continued to run the mega-shredder without any air pollution control equipment," Wright said. "They didn't report it to the AQMD for weeks and they ran it without any pollution control equipment for weeks."

Volatile organic compounds and tiny pieces of metal and debris spewed into the air until someone tipped off the California Department of Toxic Substances Control, prosecutors said. Wright said a UCLA study has shown the particulates can directly affect cells.

In the months after the explosion, George Adams purchased Hugo Neu's portion of the company and merged with Sims, renaming the facility SA Recycling. The District Attorney's Office soon filed an environmental lawsuit against SA Recycling, which took responsibility for fixing the problem.

"They were cooperative as far as installing air pollution control equipment and talking to the residents in that area," Wright said. "They are a big improvement over the previous owners." It has taken years to install state-of-the-art equipment, Wright said.

"George Adams met with us and recognized the problem," Wright said. "They bought the company knowing about the problem and decided to cooperate and create a real-world solution."

According to the settlement, SA Recycling must also pay \$260,000 in civil penalties and investigative costs to the District Attorney's Office; \$430,000 to the Department of Toxic Substances Control for investigative expenses; \$100,000 to the College of Engineering at the University of California, Davis, to support aerosol studies; \$75,000 to the Coalition for a Safe Environment; and \$165,000 to 11 San Pedro marina owners and operators to target water and sediment pollution sources.

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NO FEE GOVT CODE SEC. 6183  
AMOUNT COVERABLE PURSUANT  
TO 6103.5 GC \$ 395  
PLUS A ONE TIME ADMINISTRATIVE FEE UPON JUDGEMENT  
IF THE PARTY BECOMES A JUDGEMENT CREDITOR  
[Exempt from fees pursuant  
to Government Code Section  
6103]

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Debra Katz  
went out

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**FILED**  
LOS ANGELES SUPERIOR COURT

APR 06 2011

John A. Clarke, Executive Officer/Clerk  
By RUGENA LOPEZ Deputy

6 *Attorneys for Plaintiff*  
7 *The People of the State of California*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 **BC458943**

11 PEOPLE OF THE STATE OF  
12 CALIFORNIA,

13 Plaintiff,

14 vs.

15 SA RECYCLING, LLC a  
16 Delaware Limited Liability Corporation  
and SIMSMETAL WEST, LLC, a  
17 Delaware Limited Liability  
Corporation,

18 Defendants.

CASE NO.

**COMPLAINT FOR PERMANENT  
INJUNCTION, CIVIL PENALTIES AND  
OTHER EQUITABLE RELIEF**

(Health & Saf. Code, Div. 20, Chapter 6.5;  
Div. 26 (§ 39000 *et seq.*); Veh. Code, Div.  
14.1; Bus. & Prof. Code, § 17200, *et seq.*)

19  
20 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, based on information  
and belief, allege as follows:

21 **PLAINTIFF**

22 1. Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA ("Plaintiff"), brings this  
23 action by and through Steve Cooley, District Attorney for the County of Los Angeles, and  
24 Daniel Wright, Deputy District Attorney.

25 2. Pursuant to Health and Safety Code sections 25145.4 and 25182, the District Attorney  
26 may bring a civil action in the name of the People of the State of California to enjoin any  
27 violation of the California Hazardous Waste Control Law ("HWCL"), Chapter 6.5 of Division  
28 20 of the California Health and Safety Code and to seek civil penalties for any violation of the

COMPLAINT FOR PERMANENT INJUNCTION,  
CIVIL PENALTIES AND OTHER EQUITABLE RELIEF

TT 98/149



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**FILED**  
LOS ANGELES SUPERIOR COURT

AUG 31 2011

JOHN A. CLARKE, CLERK

By: R. Castle  
R. CASTLE

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

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11 PEOPLE OF THE STATE OF  
CALIFORNIA,

12 Plaintiff,

13 vs.

14 SA RECYCLING, LLC a  
15 Delaware Limited Liability Corporation  
and SIMSMETAL WEST LLC, a  
16 Delaware Limited Liability  
Corporation,

17 Defendants.  
18

CASE NO. BC458943

~~RECEIVED~~ **STIPULATED  
JUDGMENT AND ORDER**

**PURSUANT TO TERMS OF  
STIPULATION FOR SETTLEMENT**

19  
20 This Stipulated Final Judgment ("Stipulated Judgment") is entered into by  
21 and between the People of the State of California and SA RECYCLING, LLC a Delaware  
22 Limited Liability Corporation and SIMSMETAL WEST LLC, a Delaware Limited  
23 Liability Corporation, Defendants. ("Parties") In a document entitled "First Amended  
24 Consent Agreement and Stipulation for Entry of Final Judgment," the People of the State of  
25 California and SA RECYCLING, LLC a Delaware Limited Liability Corporation and  
26 SIMSMETAL WEST LLC, a Delaware Limited Liability Corporation, Defendants.  
27 ("Parties"), the Parties have stipulated in a writing signed by the Parties for settlement of  
28 this matter. The Parties hereby stipulate that judgment enter pursuant to the terms of the

11/1/11