



Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
#2022-12 Issued: 12/20/2022

Division of Sustainable Waste Management **Regulatory Requirements for** **Scrap Metal Shredding Facilities**

This Advisory summarizes the New Jersey Department of Environmental Protection's (DEP) Division of Sustainable Waste Management's requirements that apply to scrap metal shredding facilities.

This advisory is intended to be a focused summary explanation. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Division of Sustainable Waste Management, as listed below in this Compliance Advisory.

Failure to comply with these requirements may result in enforcement action. DEP's administrative rules are periodically updated. Please monitor the NJ Register for any rule related announcements.

Who is affected by this Advisory?

Any owner/operator of a scrap metal shredding facility, defined in N.J.A.C. 7:26-1.4 as an industrial facility which:

1. Receives and stores motor vehicles, appliances, and other source separated, non-putrescible ferrous and non-ferrous metals;
2. By mechanical shredding, reduces such materials in volume and alters the physical characteristics of such materials; and
3. Transfers the ferrous and non-ferrous metals remaining after shredding of materials for reintroduction into the economic mainstream for sale or reuse.

Why is DEP issuing this Advisory?

The purpose of this Advisory is to emphasize existing requirements for scrap metal shredding facilities to ensure the facilities have 1) sufficient material acceptance protocols in place to reduce the presence of contaminants and other materials of concern, in both the raw scrap being sold for smelting, as well as the waste residues generated from the shredding operations; and 2) ensure that waste residues are sufficiently analyzed and classified for proper disposal.

The Mercury Switch Removal Act of 2005 (the "Act"), N.J.S.A. 13:1E-99.83, et seq., requires "scrap recycling facilities" to remove mercury switches from end-of-life vehicles prior to being shredded and forwarded to smelters to prevent mercury from entering high temperature processes, thus, reducing mercury emissions. While removal of these mercury switches is often done at vehicle salvage yards prior to the vehicles being forwarded to the shredding facilities, the scrap recycling facilities should have inspection protocols in place to ensure compliance.

Scrap recycling facilities that accept end-of-life vehicles are required to:

- Remove the mercury switches from the end-of-life vehicles;
- Maintain records documenting the number of mercury switches collected, the number of end-of-life vehicles containing mercury switches including vehicle identification numbers (VIN), and the number of end-of-life vehicles processed for recycling; and
- Handle all removed mercury switches in accordance with the Department's universal waste regulations.

To be exempted from the requirements of the Solid Waste Management Planning Regulations, N.J.A.C. 7:26-6.3(a)5 requires that scrap metal shredding facilities have Quality Control Plans and Sampling and Analytical Plans designed to minimize contaminants, thus ensuring waste residues meet non-hazardous classification criteria. The specific requirements are as follows.

1. Quality Control Plan

Submit and obtain Department approval of a quality control plan for the facility that ensures that before shredding materials the facility removes components that could affect the nonhazardous characteristics of the residue from the facility's operations and reject any motor vehicles, appliances, or other materials where inspection reveals components that could affect the non-hazardous characteristics of the residue.

Components required to be removed include:

- Batteries and cable ends
- Gas tanks
- Catalytic converters
- Unspent airbag canisters
- Transformers
- PCB capacitors
- Fluorescent lighting fixture

2. Sampling and Analytical Plan and Associated Reporting Requirements

Obtain Department approval of a sampling and analytical plan that ensures monitoring of the characteristics of the residue from the operations of the facility.

- Sampling and analytical plan must be consistent with the most recent edition of "Test Methods for Evaluating Solid Waste-Physical/Chemical Methods" (USEPA Publication SW-846), or other acceptable sampling and analysis methods as incorporated by reference in the Department's Hazardous Waste regulations at N.J.A.C. 7:26G-5.
- Sampling including the Toxicity Characteristic Leaching Procedure (TCLP) must be completed quarterly with analysis reports sent to the Department for classification on January 15, April 15, July 15, and October 15 of each calendar year.

3. Tonnage Reporting

Submit to the Department and to the Solid Waste District where the facility is located a report consistent with the Department's Annual Recycling Tonnage Reporting Manual by February 15th and August 1st of each calendar year. The report must include:

- Total amount of each type of materials which the facility received in the six-month reporting period;

- Total amount of residue disposed of by the facility; and
- Total amount of ferrous and non-ferrous metal remaining after shredding.

4. Residue Disposal Weight Monitoring

Monitor the weight of the dry industrial waste residue by either:

- Maintaining a scale certified under N.J.A.C. 13:47B-1 and provide specific truck load weigh data to the district in which the facility is located; or
- Transporting the residue through the district's weighing facilities to be weighed before the residue is transported for disposal.

What should I do?

Immediately ensure that protocols are in place to verify mercury switches have been removed from vehicles prior to shredding and that you have submitted and obtained Department approval of the required quality control and sampling analytical plans and are complying with those plans. Additionally, immediately verify that you have met the reporting requirements and have been monitoring the weight of dry industrial waste residue generated.

Otherwise, immediately develop and submit for Department approval the required quality control and sampling and analytical plans, modifying operations as needed to comply with plan requirements on approval. Additionally, immediately begin maintaining records required to meet reporting requirements and begin monitoring the weight of dry industrial waste residue generated.

How do I verify the information above? Where do I submit plans listed above?

Who should I contact with questions?

DEP Division of Sustainable Waste Management

Email: depwastesubmissions@dep.nj.gov

Mail Code 401-02C, P.O. Box 420

401 East State St, Trenton, NJ 08625-0420

609-984-3438

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