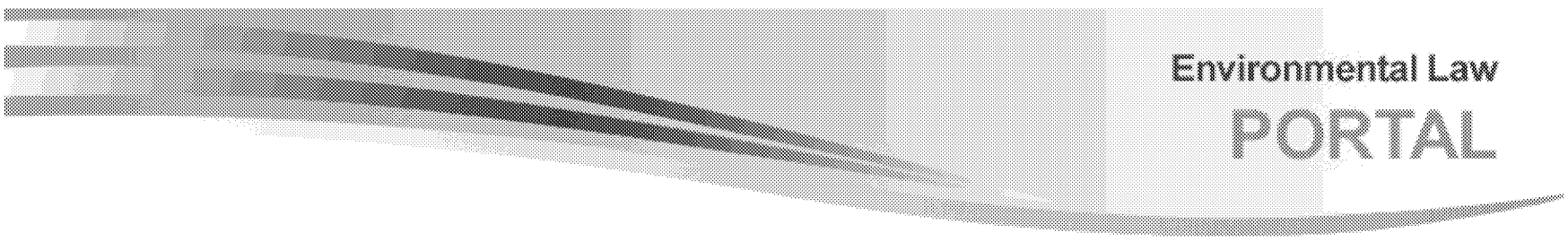
Auto and Appliance Shredding and Recycling Companies Settle with Mass AG over Allegations of Air, Hazardous Waste, and Mercury Management Violations

Posted on November 12, 2015 by Jeanine L.G. Grachuk, Virginie K. Roveillo



Two shredding and metals recycling companies recently settled a complaint brought by the Massachusetts Attorney General (Mass AG) and the Massachusetts Department of Environmental Protection (MassDEP) for alleged violations of the laws and rules governing air emissions, hazardous and solid waste, and mercury management. The companies settling with the government, Prolerized New England Company, LLC (PNE) and Metals Recycling, LLC (Metals Recycling), both doing business as Schnitzer Northeast, operate three Massachusetts facilities located in Attleboro, Everett and Worcester.

The Consent Judgment was approved by the Superior Court on September 24, 2015, and incorporates a civil penalty assessment of up to $900,000, two Supplemental Environmental Projects, installation of best available control technology (BACT), sampling requirements for shredder residue destined for use as landfill cover material, and a control plan for particulate matter (PM).

The Mass AG and MassDEP alleged a panoply of violations at the Massachusetts facilities, including that PNE and Metals Recycling improperly

stored hazardous waste; improperly handled and disposed of mercury-containing components by failing to obtain proof that mercury-added vehicle switches were removed from vehicles prior to shredding; failed to register as a major source of air pollution prior to installing and using a shredder; failed to properly manage shredder residue, samples of which from one facility allegedly showed levels of lead and PCBs over permissible limits; improperly handled asbestos; and failed to control particulate matter (PM) and VOC emissions from the shredder.

The Consent Judgment requires an upfront civil penalty payment of $450,000, with the remaining $450,000 to be incrementally suspended upon PNE's achieving specified compliance milestones. With this settlement, Mass AG and MassDEP continue their efforts to use enforcement cases to fund specific projects that are languishing without public funds. As part of the settlement, PNE and Metals Recycling also agreed to complete a Tire Pile Removal project at a cost of $300,000, removing accumulated waste tires at three locations in Middleton, Massachusetts, and a Mercury reduction project at a cost of $50,000, providing funding for the Product Stewardship Institute to help improve the handling of mercury-containing consumer products.

The Consent Judgment's compliance requirements are significant. PNE must submit a detailed Particulate Matter Control Plan to the MassDEP, identifying in detail all sources of PM-generating activities at the company's Everett facility and describing the PM control measures to be implemented to control and mitigate PM emissions. The Plan must address the remediation of "dust nuisance conditions" at the facility, including a schedule specifying the actions and targeted completion dates of each action.

Further, PNE must submit to MassDEP an air permit application for the shredder, including installation of the following BACT emissions control technologies:

- A pollutant capture system enclosing the shredder;
- A regenerative thermal oxidizer, with a temperature monitoring system,

to control VOC emissions (98% destruction efficiency);
- A wet scrubber to control acid gases (98% destruction efficiency);
- A PM pre-treatment device and wet scrubber for PM emissions (99% destruction efficiency);
- A temporary continuing emissions monitoring system for VOCs during source testing;
- A gas flow monitoring system; and
- A data recording system.

Finally, the Consent Judgment imposes stricter testing and sampling protocols than previously required for shredder residue destined for use as landfill cover material. The sampling plan requires (1) bi-monthly sampling for lead, cadmium, and mercury; total PCBs; and Total Petroleum Hydrocarbons; and (2) annual sampling of a larger range of metals.

These settlements continue a lengthy history of compliance and enforcement negotiations with the metal shredding sector in Massachusetts, which began with the original conditional declassification of shredder residue and consent orders issued by MassDEP in 1989.

For further information on compliance with Massachusetts environmental regulations, please contact Jeanine Grachuk or Virginie Roveillo.

Tags: Air, Clean Air Act, Hazardous Waste/RCRA, Massachusetts Developments, Solid Waste and Resource Recovery