

Hazardous Waste
Facilities Operating Permit
Decision Status Report
For
Glencore Recycling LLC
July 2025



Department of
Toxic Substances
Control

Permitting Division

Table of Contents

Acronyms and Short Terms	2
Introduction	3
Background	3
Permitting Process	4
A. Pre-Application Phase	4
B. Administrative Review Phase	5
C. Technical Review Phase	5
D. Draft Permit Decision Phase	5
E. Final Permit Decision Phase	6
Permit Decision Status for Glencore Recycling LLC (Glencore)	6
A. Hazardous Waste Facility and Permit Background	6
B. Current Status of Work Completed (HSC 25200.25(a)(1))	7
C. Actions and Information Needed (HSC 25200.25(a)(2))	8
D. Reasons for Delay (HSC 25200.25(a))	9
E. Proposed Permit Decision Schedule (HSC25200.25(a)(2))	9
Conclusion	9

Acronyms and Short Terms

BES	Board of Environmental Safety
Cal. Code Regs., tit. 22, §	California Code of Regulations, title 22, section
CEQA	California Environmental Quality Act
DTSC	Department of Toxic Substances Control
Facility	Hazardous Waste Facility
Glencore	Glencore Recycling LLC
HSC	California Health and Safety Code
LSS	Lean Six Sigma
NOD	Notice of Deficiency
Permitting	DTSC's Permitting Division
Report	Hazardous Waste Facilities Operating Permit Decision Status Report for Glencore Recycling LLC
SB 158	Senate Bill 158
USEPA	United States Environmental Protection Agency
VSP	Violation Scoring Procedure

Introduction

Senate Bill 158 (SB 158), which Governor Newsom signed into law on July 12, 2021, imposed permit decision obligations on California's Department of Toxic Substances Control (DTSC) and the Board of Environmental Safety (BES). One of the obligations requires DTSC to issue a public report when an operating permit decision for a hazardous waste facility (facility) has not been issued by its statutory deadline. This *Hazardous Waste Facilities Operating Permit Decision Status Report for Glencore Recycling LLC* (Report) was prepared to meet this obligation pursuant to California Health and Safety Code, section 25200.25 (HSC 25200.25).¹ Specifically, this Report explains why Glencore Recycling LLC's (Glencore) operating permit decision was not issued by the three-year timelines set forth in HSC 25200(c)(1)(C)(iii). The Report addresses the current status of work completed, actions and information still needed, and DTSC's proposed schedule for issuing the final operating permit decisions.

Background

DTSC Permitting embarked on a journey to process improvement in 2013 when a third party consultant conducted an analysis of the Permitting process. As an initial response to the analysis, Permitting developed and implemented the extensive Permitting Enhancement Workplan. The result of the Workplan included increased staffing, implementation of standardized processes, and an improved management structure. In addition to that, Permitting invested into and developed Lean Six Sigma (LSS) Green Belts and Black Belts within the Division. LSS is a methodical process in which data is collected, the most significant opportunity to improve is identified, and the improvements are implemented. The Permitting Division has developed 14 LSS Green Belts and one LSS Black Belt and has successfully completed 16 LSS improvement initiatives that have made significant impacts on the Permitting processes. The result of all of these efforts is a culture change in which the staff in the Permitting Division incorporate continuous improvement in the work that they do. The timeline for processing permit applications has been significantly reduced and improvements are ongoing. These permits are associated with facilities that have very complex operations. This reduction means that the majority of the most complex facilities now have stronger, more enforceable permits that incorporate the latest technologies and are more protective of human health and the environment. It is crucial that we continue our progress toward addressing all continued permits so that all communities with permitted facilities experience improved protection of their health and environment.

¹ Pursuant to HSC 25200.25(c), this reporting requirement does not apply to the post-closure permit decisions, or to the Class 2 and Class 3 permit modification decisions.

Permitting Process

DTSC's Permitting Division (Permitting) focuses on making permit decisions that are technically sound, legally defensible, and transparent to protect Californians from hazardous waste storage, treatment and disposal. Over the past several years, Permitting has implemented significant improvements in the permitting process to increase the quality of permit application reviews and protections in permit conditions. Permitting also focuses on making timely permit decisions to keep communities protected by considering the latest compliance issues from permitted facilities, and modern advances in technologies from industries. Most recently, Permitting is proposing revisions to its process to enhance earlier community engagement, consider community vulnerabilities and develop science-based setback distances for communities. Permitting is exploring new ways to encourage hazardous waste management practices that are more sustainable and supportive of a circular economy. To provide background on how permit decisions are made, this section provides an overview of the permitting process.

The permitting process consists of five different phases: pre-application, administrative review, technical review, draft permit decision, and final permit decision. Each of these phases has different objectives and deliverables.



A. Pre-Application Phase

The **pre-application phase** of the permitting process initiates direct communication between Permitting and the applicant before the permit application is submitted. During this phase, a reminder letter is issued to the facility (if due for renewal) and a pre-application meeting is held, where the applicant is informed of the current permitting process, estimated costs, and applicable statutory and regulatory requirements. At this time, Permitting and the applicant also discuss the hazardous waste management units (units) at the facility, as defined in California Code of Regulations, title 22, section 66260.10 (Cal. Code Regs., tit. 22, § 66260.10). Facility operations are organized into units (e.g. tank systems, container storage areas) to clearly define the applicable regulatory requirements for each area of a facility. The intent of this phase is to minimize potential deficiencies in the permit application that may lead to processing delays, extra costs, and/or permit denial.

B. Administrative Review Phase

The **administrative review phase** of the permitting process begins upon receipt of the facility's permit application and advance payment (for costs to process the permit application). During this phase, Permitting issues a public notice to notify the public and other agencies about the receipt and completed initial review of the permit application and specifies where the public can access the permit application. For applicants applying for permit renewals, their existing permits remain effective until a new permit decision is issued if the renewal application is timely filed pursuant to Cal. Code Regs., tit. 22, § 66271.51(a)(1).

C. Technical Review Phase

The **technical review phase** is the most resource and time intensive phase of the permitting process. The completion of this phase heavily relies on the applicant's submittal of a permit application that meets all applicable statutory and regulatory requirements in a timely manner. Permitting determines whether the permit application meets the applicable regulatory requirements set forth in Cal. Code Regs., tit. 22, §§ 66270.13 through 66270.27 as part of its technical review process. Permitting notifies the facility of any permit application deficiencies found. It is the applicant's responsibility to address any deficiencies.

In addition to the technical review process, the California Environmental Quality Act (CEQA) process and community outreach efforts occur in parallel. The CEQA process is used to evaluate whether DTSC's decision will result in any significant impacts to the environment. It also can specify measures to avoid or reduce environmental impacts.

Throughout this technical review phase, DTSC sends community outreach documents such as community surveys, community updates, and public notices to the public. The intent of these documents is to further encourage public involvement in the permitting process.

D. Draft Permit Decision Phase

The **draft permit decision phase** of the permitting process is when Permitting issues its draft permit decision for public review. This includes draft permit decisions to either issue a (new or renewal) permit, revoke a permit, or deny the permit application. During this phase, a public notice of the draft permit decision is circulated for public review. Depending on the community's level of interest, a public meeting and hearing may be held, where DTSC provides a presentation on the draft permit decision and provides opportunity for oral comments. Translation services are provided for both the public notice and public meeting or hearing, as needed. The public and applicant can submit oral comments during the public hearing or written comments at any time during the public comment period.

E. Final Permit Decision Phase

The **final permit decision phase** is the last phase of the permitting process. During this phase, DTSC reviews and considers all public comments and prepares a written Response to Comments document. DTSC releases a final permit decision and finalizes the CEQA document(s). Appeals of permit decisions are administrated by the Board of Environmental Safety (BES).

This same permitting process is used for all permit applications reviewed. The timing to complete each phase may vary depending on the permit, but the same five phases of the permitting process still apply. The completion of each phase is highly dependent on the complexity of the facility's operations, the applicant's responsiveness, community engagement needs, and other factors.

Permit Decision Status for Glencore Recycling LLC (Glencore)

For operating permits expiring before January 1, 2025, DTSC is required to issue permit decisions for those applying for permit renewals either: (1) within three years after the end of the permit's fixed term, or (2) within three years of the effective date of the statute (i.e., July 12, 2024), whichever is later, pursuant to HSC 25200(c)(1)(C)(iii). On May 6, 2025, the statutory deadline to issue Glencore's permit decision within three years after the end of the permit's fixed term was missed. The information below addresses the status reporting requirements pursuant to HSC 25200.25 including DTSC's proposed permit decision schedule for BES to accept or modify. Schedules are estimates and subject to change.

A. Hazardous Waste Facility and Permit Background

- Glencore is an existing, permitted hazardous waste storage and treatment facility at 1695 Monterey Highway, San Jose, in Santa Clara County, California. The Facility is located in an urban, industrial/ commercial/ residential area and occupies approximately 2.2 acres of land. The Facility is located in a 100-year floodplain.
- The CalEnviroScreen percentile score is 65-70%. The linguistic isolation percentile score is 76%.
- Glencore is a metals recovery facility that accepts solid and liquid waste and performs various treatment processes to recover metals and precious metals. Treatment includes evaporation, pH adjustments, chemical stripping, refining, filtration, electroplating and/or precipitation, neutralization, melting, shredding/grinding/milling, screening, blending, and sampling. The final materials are prepared, packaged, and transported off-site for recovery at a primary smelter.

- The operating permit was originally issued on November 1, 1994, and renewed on May 6, 2012. The 2012 permit expired on May 6, 2022. However, the permit renewal application was administratively approved by DTSC on May 5, 2022, which allows the facility to operate on a continued status under the current permit.
- The pending permit decision is Glencore’s second permit renewal for continued storage and treatment operations at the facility. No operational changes are requested in the renewal application except for authorization to perform container triple rinsing. A variance from the setback requirement specified in Cal. Code Regs., tit. 22, §66264.176 was also submitted as part of the permit application.
- Since the inception of the Violation Scoring Procedure (VSP) in 2019, Glencore’s VSP score has been “0.00” and within the “acceptable” compliance tier. As of the latest VSP assignment in 2024, there were a total of 8 inspections in the previous 10 years with no Class 1 violations.
- Documents related to this are available at [Glencore Recycling LLC EnviroStor](#).

B. Current Status of Work Completed (HSC 25200.25(a)(1))

- DTSC has completed the administrative review and technical review phases.
- The permitting review process is currently in the draft permit decision phase.

The following table provides a summary of the permitting process work completed to date:

Phase	Event	Completed Date
Administrative Review	Application Part A Received	11/08/2021
	Application Part B Received	11/08/2021
	Administrative Review Approved	05/05/2022
Technical Review	1st NOD Issued	08/02/2022
	Response to 1st NOD Received	10/13/2022
	2nd NOD Issued	02/15/2023
	Response to 2nd NOD Received	05/03/2024
	3rd NOD Issued	06/20/2024
	Response to 3rd NOD Received	09/20/2024 to 12/18/2024
	4th NOD Issued	02/10/2025

	Response to 4th NOD Received	03/14/2025 to 04/08/2025
	Community Survey Mailed Out	07/27/2022
	Community Profile	December 2022
	Draft CEQA Document	May 6, 2025

C. Actions and Information Needed (HSC 25200.25(a)(2))

The following actions and information are needed to complete the remaining phases of the permitting process:

- Draft Permit Decision Phase
 - Draft Permit Decision and Statement of Basis to be issued.
 - Public Notice, Community Update, and Radio Ad documents to be issued.
 - Public Comment Period

- Final Permit Decision Phase
 - Consideration of all public comments and associated revision of documents
 - Response to Public Comments document to be issued
 - Final Permit Decision document to be issued
 - Final CEQA documents to be filed
 - Financial assurance mechanism for closure to be established
 - Notice of Final Permit Decision to be issued
 - Final Permit Decision to be issued

The following table provides a summary of the remaining permitting process work to be completed with estimated dates of completion:

Phase	Event	Estimated Completion Date
Draft Permit Decision	Draft Decision Issued and Public Comment Begin	September 2025
	Public Comment (End)	November 2025
Final Permit Decision	Response to Public Comments document	January 2026
	Final Permit Decision (tentative)	January 2026

D. Reasons for Delay (HSC 25200.25(a))

- The original permit renewal application was administratively incomplete. The health risk assessment, tank assessments, 100-year floodplain analysis, and CEQA environmental information form were missing or inadequate. This caused a delay in achieving an administratively complete application.
- DTSC issued a total of four NODs to Glencore. Multiple NODs were necessary because as new information was received, further permit application revisions and clarifications were required to meet the regulatory requirements. This process caused a prolonged technical review phase.
- The Permittee requested multiple lengthy extensions during the technical review phase. DTSC accepted the extension requests due in part to Glencore's high staff turnover and the need for international coordination with the primary smelter. Additionally, the Facility hired new third party engineers during the NOD process to draft new tank assessment reports, structural reports for a miscellaneous unit, secondary containment certifications, and 100-year floodplain analysis report. Responses to NOD comments regarding the aforementioned reports were mostly absent or inadequate prior to the hiring of the new engineers. Therefore, the new engineers required a significant amount of time to perform all the required engineering work identified in the first NOD and ensure all NOD comments are adequately addressed.

E. Proposed Permit Decision Schedule (HSC25200.25(a)(2))

The figure below indicates the estimated date for completion of the remaining phases of the permitting process. DTSC's proposed schedule for issuing the final hazardous waste facilities permit decision for Glencore's operating permit is January 2026.



Conclusion

Today, DTSC's permits are more protective, more enforceable, and include more of the neighboring community's perspective. Although timing is a significant factor for permit decisions, Permitting recognizes that these other factors cannot be sacrificed at the expense of time. Nevertheless, there are opportunities to improve the timing

associated with all permit decisions. Delays associated generally with permit decisions that have not been completed in 3 years or less can be categorized as listed below:

- Complex facility operations
- Enhanced community outreach
- Coordination with other public agencies
- CEQA analysis
- Enforcement issues
- Timing of responses to Notice of Deficiencies
- Permit modifications
- Violations Scoring Procedure process
- Technical review of revised designs and plans

To work through these, Permitting has resolved timing obstacles by implementing several strategies including short-term fixes to specific delays and long-term solutions for recurring delays. For example, a permit modification request submitted during review of a permit application can delay a permit decision. For some modification requests, Permitting assigns additional staff to work with the project manager on the modification request to minimize the delay. For other requests, the permit decision is prioritized over the modification request. Another example of a short-term fix is the delay associated with late responses to Notice of Deficiencies. Permitting works directly with enforcement when deadlines for responses are missed by applicants.

For long-term solutions, Permitting has implemented various initiatives designed to improve our processes. Permitting now works more closely with our enforcement colleagues to work through compliance issues including permit denials and responsive permit conditions. Permitting established and regularly updates a library of guidance documents for project managers working on complex facility operations. Permitting has developed an automated tracking system for all pending permit decisions with internal timing metrics. Permitting has changed the ways permits are written to include more permit conditions that protect communities, and Permitting now engages with other public agencies and communities earlier in the process, as much as resources allow.

This reduction means that the majority of the most complex hazardous waste facilities now have stronger, more enforceable permits that incorporate the latest technologies and are more protective of human health and the environment. DTSC is committed to continuing its progress toward addressing all continued permits so that all communities with permitted facilities experience improved protection of their health and environment.