



## Department of Toxic Substances Control



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(via e-mail)

### REQUIREMENTS FOR DOOR-TO-DOOR HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAMS UNDER SENATE BILL (SB) 456 (STATS. 2011, CH. 602)

Dear Ms. Mulé,

Prior to our on December 20, 2011 meeting with you and Mr. Bill Anderson, you provided DTSC with a document containing a number of comments and questions regarding the new household hazardous waste (HHW) transportation law (Senate Bill 456, stats. 2011, ch. 602), which took effect on January 1, 2012. I apologize for the delayed response. We have restated (or paraphrased) each of your questions below, followed by our response.

**Q1. Section 25160 (b)(1)(D) states: "...within 30 days from the date of transport ... each generator of that hazardous waste shall submit to the department a legible copy of each manifest used."**

**You ask that DTSC confirm that "transport to" (in statute) means transported to a TSDF for processing, and not the transportation from the home to the hazardous waste facility (10 day). WM further states – "This is important because while most containers are full and shipped well before the end of a month, one or more may be shipped when full e.g. six weeks."**

**DTSC Response:** The subparagraph you reference in section 25160 of the Health and Safety Code<sup>1</sup> is a requirement for hazardous waste transporters using Uniform Hazardous Waste manifesting procedures. A door-to-door program operating under

<sup>1</sup> All subsequent citations, unless otherwise noted, are to the Health and Safety Code, chapter 6.5.

section 25160.8 is exempt from the manifesting procedures found in section 25160 if they follow the conditions in section 25160.8. Therefore the requirement you cite does not apply to a door-to-door HHW collection program operating pursuant to section 25160.8. However, subsection (c)(6) of section 25160.8 requires the hazardous waste transporter to "submit a generator copy of the manifest to the department within 30 days of each shipment." The start date for this process begins the day the shipment is initiated (i.e., when the waste is picked up from the household). A 10-day transfer facility is not a hazardous waste facility, therefore the shipment does not begin nor end there. Instead, a 10-day transfer facility is a site where the waste is held "...for short periods of time during the 'normal' course of transportation."

For a transfer facility to be exempt from permitting requirements it must at all times be operated in accordance with the requirements of section 25163.18. The clock starts when any amount of hazardous waste on a specific manifest arrives at the exempt transfer station no matter how many times the truck enters and leaves the facility. So the manifested load may have to be moved to the destination facility before any given container is full.

If WM would like to store hazardous waste at a transfer facility, the facility would need to be permitted by DTSC under a hazardous waste facility permit. Alternatively, WM could contract with a public agency to operate the facility as a permanent HHW collection facility under permit-by-rule (PBR) authorization from the local CUPA. For more information on exempt transfer facility requirements:

[http://www.dtsc.ca.gov/HazardousWaste/Transporters/upload/Transportation\\_FS\\_Transfer\\_Facilities.pdf](http://www.dtsc.ca.gov/HazardousWaste/Transporters/upload/Transportation_FS_Transfer_Facilities.pdf)

**Q2. You state that Waste Management's "...current practice is to create a manifest when the first item for a public agency goes into a container. The manifest is dated and signed on this date. If the waste is moved from one truck to another the manifest goes with the container. When the container is removed from the vehicle at the transfer facility or TSDf, the manifest goes with the container... The vehicle is designated a permanent facility (Page 15 (3)(B)(2) and a permanent facility is not required to change manifests each day. How would this change under the new law?"**

**DTSC Response:** A vehicle cannot be considered a facility while it is under transport with hazardous waste on board. However, under the new law, a public agency that elects to contract with WM to collect HHW may operate a door-to-door program to collect of hazardous waste from residences. Such a program must be authorized by the CUPA prior to operation.

A door-to-door program that does not deliver HHW to an authorized HHW facility is subject to the requirements in section 25160.8. Section 25160.8 requires that a new manifest be initiated each calendar day and that the manifest be closed out at the end

of each day. The transporter must complete the generator's and transporter's sections of the manifest prior to each day's residential pick-ups. Every time HHW is picked up from a residence, a receipt must be issued by the transporter. A copy of the receipt from each pick-up must be attached to the day's manifest. Used oil, antifreeze and latex paint may be consolidated (i.e., bulked) at the truck while it is parked at the residence; other compatible hazardous wastes (e.g., flammables) may be lab packed at the truck (i.e., unopened smaller containers may be put into a larger container). At the end of each day, the amount and type of each waste collected from residences in a jurisdiction must be totaled and recorded on the day's manifest for that jurisdiction. The manifest must be fully completed, including designating the facility to which the HHW will be shipped.

**Q3. Section 25160.8 (c)(2)(B) states "in completing the transporter's section of the manifest, the transporter shall use the transporter's own name, identification number, terminal address, and telephone number."**

**You state: "Block 6 of the Uniform Hazardous Waste Manifest requires the name and ID number only. There is no space for a terminal address. Will there be a new form?"**

**DTSC Response:** No. The format of the Uniform Hazardous Waste Manifest is defined by federal law. A Uniform Hazardous Waste Manifest must be used by all door to door programs operating under 25160.8. Since there is not a dedicated space on the manifest form for the transporter's terminal address, writing it next to the transporters name (in Box 6) when completing the manifest will fulfill this requirement.

**Q4. WM has a receipt form we intend to use. Receipts contain multiple items. Each hazard category on a receipt requires a manifest. Please explain how we might attach a consolidated receipt to separate manifests?**

**DTSC Response:** Under the new law, Waste Management may use any form of receipt (see A2 above), that conforms with requirements in subdivision (c)(3) of section 25160.8. A separate receipt form must be used for each residence from which HHW is collected; the receipt may include multiple waste streams. Unless they are collected from different jurisdictions, each "hazard category" (or waste stream) does not require a separate manifest when using the consolidated manifesting procedures in section 25160.8. The receipt must specify the waste type (e.g., used oil) and the quantity (e.g., "5 gallons"). The quantities from all receipts for a given waste type collected on a given day should be added together on the day's manifest. For example, if a transporter collects five gallons of used oil and five gallons of antifreeze from five different residences, the total quantity on the manifest for each waste stream would be 25 gallons. The entry on the manifest should also include the DOT shipping description, type of container, and the waste code (e.g., for used oil, 221). For more information on manifesting: <http://www.dtsc.ca.gov/IDManifest/Manifests.cfm>

**Q5: Subdivision (c)(5) of section 25160.8 states: "The transporter shall enter the total volume or quantity of each type of household hazardous waste transported on the manifest at the change of each date, change of driver, or change of transport vehicle. The total volume or quantity shall be the cumulative amount of each type of household hazardous waste collected from the generators listed on the individual receipts."**

**You state: "Each item and the approximate volume of the item are listed on the receipt form (see attached). The waste is placed into larger containers and except for the manifest number being indicated on the bottom of the receipt form, there is no perfect correlation with the quantity listed on the manifest. For example, four bottles of pesticide of various sizes but equaling about five gallons are placed into a 14 gallon container from one jurisdiction. If by the time the drum is full three jurisdictions have contributed to the container, an estimate of the quantity collected in each jurisdiction is listed on the individual manifest and all three manifests will equal the contents of the drum. In this case two other jurisdictions would add 9 gallons for a total of 14 gallons."**

**DTSC Response:** As stated previously (see A4 above), a separate receipt must be prepared for each residence, which must include the volume or quantity of each type of HHW accepted from that residence. At the end of the day, these quantities are added up and the total quantity of each type of waste is recorded on the day's manifest. The transporter must follow EPA's rules for entering quantities on the manifest: "(1) Round partial units to the nearest whole unit, and do not enter decimals or fractions, (2) To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision, (3) Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped, and (4) Container capacities are not acceptable as estimates."<sup>2</sup>

Again, quantities are specific to each day's activity, which may or may not correspond with the total quantity in any given container. For example, a drum that has been used multiple days to collect and consolidate used oil would have multiple manifests. The quantities or volumes on any one manifest would not equal the actual amount in the drum, however the sum of the quantities of used oil from all of the manifests for that drum would.

Because WM is transporting hazardous waste, it must at all times conform to all applicable hazardous waste and materials transportation laws and regulations. The DOT rules for completing the Uniform Hazardous Waste Manifest must be followed. The amount of hazardous waste in each transport container must be recorded on the manifest. Any deviation in the amount of waste on the manifest and the amount of

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<sup>2</sup> U.S. EPA Guidance Document "Instructions for Completing the Hazardous Waste Manifest"

waste in the containers must be reported by the TSDf to DTSC in a Manifest Discrepancy Report.

**Q6: Section 25160.8 (d)(2)(B) states: "A transporter collecting household hazardous wastes from multiple jurisdictions may consolidate those wastes at the time they are collected only if there is a written agreement among all of the jurisdictions and the transporter that wastes from multiple jurisdictions may be consolidated."**

**You state: "It is our intention to notify each jurisdiction by email that their waste will continue to be consolidated with waste from other jurisdictions and request response by email that this is acceptable. These emails will be consolidated by CUPA jurisdiction and made available upon request. Would this be an acceptable practice?"**

**DTSC Response:** The law specifically requires "a written agreement" among all jurisdictions involved, authorizing HHW from each jurisdiction's door-to-door program to be commingled that from the others. An email from WM to each jurisdiction notifying that their waste will be commingled would not satisfy this requirement. A written agreement, signed by an appropriate representative from each public agency would be required in order for HHW from multiple jurisdictions to be consolidated. (Please note: only used oil, antifreeze and latex paint may be consolidated on the truck of a door-to-door program.)

**Q7: Subsection (e)(1) of section 25160.8 states: "A transporter operating a door-to-door household hazardous waste collection program service using the manifesting procedure specified in this section shall submit quarterly reports to the department 30 days after the end of each quarter. The transporter shall submit the first quarterly report on October 31, 2012, covering the July to September 2012 period, and the transporter shall submit a report every three months thereafter. Except as otherwise specified in paragraph (2), the quarterly report shall be submitted in an electronic format provided by the department."**

**You state: "The sample report attached is intended to comply with this section and will be submitted each quarter. Please review and comment."**

**DTSC Response:** A sample report has not been received by DTSC therefore we cannot answer this question at this time.

**Q8: You state: "A permit is required for the Door-to-door program. Can a CUPA create its own form and permit or is the PBR form required? Consider that the current PBR form was not designed for the new regulations."**

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**DTSC Response:** No. No person in California may accept hazardous waste from offsite without a permit or other grant of authorization. Other than a Standardized Permit from DTSC, PBR is the only type of authorization available for a public agency to operate a door-to-door HHW collection program and the PBR form is the only appropriate form for obtaining such authorization.

Once again, we apologize for the delayed response to your questions and I hope this information is helpful. If you need further clarification on any of the information provided please feel free to contact me or Kevin Sanchez of my staff at (916) 324-6564 or by e-mail at [ksanchez@dtsc.ca.gov](mailto:ksanchez@dtsc.ca.gov).

Sincerely,



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Multimedia and Consumer Products Section  
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cc: Mr. Kevin Sanchez  
Hazardous Substances Scientist  
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