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2 Filter Recycling Services, Inc. ("FRS") and Wade Riddering respectfully submit
3 this Brief on Appeal addressing the issues granted review by Department of Toxic
4 Substances Control ("Agency" or "DTSC") Order of August 25, 2014, pertaining to the
5 Class 2 Permit Modification issued April 21, 2014, and initiated on February 24, 2008. FRS
6 respectfully requests that the Permit Appeal Office make the revisions requested herein.
7 FRS also respectfully requests an informal appeal conference upon the close of the briefing
8 period.
9

10 For ease of reference, substantive material included in the Petition for Review is
11 restated herein, and references to exhibits 1-17 refer to exhibits submitted therewith.
12

13 **I. Introduction to Filter Recycling Services**

14 Filter Recycling Services, Inc., is a long experienced, highly reputable company in
15 the hazardous waste disposal industry, in operation at its current location since early 1990,
16 and prior to the July 17, 1991, establishment of the California Environmental Protection
17 Agency or of the Department of Toxic Substances Control.

18 FRS has worked with the State of California in drafting regulation for used oil
19 filter recycling, keeping an estimated 10 million gallons a year of oil out of landfills. It was
20 the innovator of curb side collection of household hazardous substances. FRS was
21 instrumental in encouraging the recycling of aerosol cans, by educating the DTSC on federal
22 waste minimization standards, and encouraging California to follow the same. It was the
23 first California company permitted to recycle household appliances (for example, those with
24 refrigeration freon), computer boards, and electronics. FRS conducted the pilot study and
25 program on behalf of the California Integrated Waste Management Board in 17 Southern
26 California cities for door-to-door used oil recycling.
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1 Filter Recycling provides important services as the largest disposal facility in the
2 surrounding Southern California area. It is a necessary operating facility for government
3 and manufacturing disposal. For example, it has been awarded the sole source vendor
4 contract for the U.S. Military's oily scrap, shredding of drums and containers. In fact, it is
5 the only permitted shredder for decontamination and destruction of various manufacturing
6 by-products, such as oil scrap metal and plastic.

7
8 Having started in 1990, prior to the creation of Department of Toxic Substances
9 Control, FRS received its operating permit at a time when the Agency was in its nascence.
10 Filter Recycling's founder Jon Bennett worked closely with Agency staff on the wording
11 of its operational permit to broadly encompass all recycling and servicing activities which
12 Filter Recycling was already undertaking. In 1993, The United States Environmental
13 Protection Agency acknowledged Filter Recycling Services' authorization to handle
14 hazardous waste under its EPA ID number CAD982444481, including activity as a "Large
15 Quantity Generator Transporter Treatment, Storage or Disposal" handling D001, D008
16 and D018 waste codes (see attached as Exh. 18).

17
18 The appeal of the conditions herein is undertaken to allow Filter Recycling to more
19 safely and efficiently conduct its business, and to further effectuate the mission statement
20 of the Department in protection of human health and the environment, by enabling safe
21 and efficient transfer and disposal of hazardous waste.

22
23 **I. Request for Immediate Vacation of Stay on Uncontested Permit**

24 **Conditions**

25 It is requested that stay imposed pending decision after briefing of appeal
26 comments be immediately vacated.

1 The Department has granted review of 5 conditions of FRS' modified Permit dated
2 April 21, 2014. These conditions are readily severable from the remaining permit, and the
3 uncontested permit conditions pursuant to 22 CCR §66271.15.

4 Notably, FRS initiated the permit modification process *six and a half years ago*,
5 on February 24, 2008 (Exh. 1 to Petition for Review). Although the DTSC has chosen to
6 characterize the application as having been submitted in March of 2010, the Department
7 confirmed the February 24, 2008 application date, and accepted payment of fees. (Exh. 3
8 to Petition for Review). The stay pending completion of the appeal process is (a) not
9 authorized by regulation inasmuch as the contested conditions are readily severable and
10 (b) will hamper business operation and delay FRS from providing beneficial services to
11 the State of California in the form of streamlined processing and acceptance of additional
12 waste streams.
13

14 The simple modifications requested pursuant to the February 24, 2008, application
15 initially arose as a result of Agency assertion that the practice of connecting hose from one
16 truck to another to transfer waste was outside the scope of existing permit. At the same
17 time, a few other minor requests were added such as to erect a canopy to shelter trucks
18 from rainwater, which otherwise could result in hazardous runoff.
19

20 While pending, it was brought to FRS attention that the DTSC was taking the
21 position that the waste stream "water contaminated with gasoline" was not specified with
22 clarity in Filter Recycling's permit, although as indicated above, Filter had been operating
23 as early as 1990 under a U.S. EPA authorization to accept this waste, and the Standardized
24 Series A permit authorizes Filter "oily water," and moreover contains the waste code
25 "D001". Nonetheless, "water contaminated with gasoline" was included in the
26

1 modification as a specified waste stream.

2 Agency description of the requested permit changes underscores their simplicity,
3 and severability from the conditions imposed:

- 4
- 5 1. Allow FRS to manage new waste streams and allow FRS to use the
6 facility's existing permitted hazardous waste units to manage these new
7 wastes. The new waste stream are asbestos, catalyst, pharmaceuticals,
8 treated wood wastes, oily waters, and RCRA-exempted gasoline/ water
9 wastes which are collected only from conditionally exempt small quantity
10 generators (CESQG) operations and from household generators;
- 11 2. Allow cubic yard boxes and liquid totes to be stacked no more than two
12 high within the permitted units;
- 13 3. Consolidate two existing permitted storage units which will increase the
14 size of the new combined storage unit but will not increase the capacity of
15 the new combined unit;
- 16 4. Add a permitted storage unit by designating an additional area at the
17 facility for storage of hazardous waste;
- 18 5. Add truck-to-truck transfer as a permitted activity.

19 Community Notice. Exh "14" to Petition for Review.

20 On May 27, 2014, Filter Recycling Services and Wade Riddering submitted
21 Petition for Review which was granted as to additional requirements that,

- 22 (1) restriction on location of trucks containing ignitable or reactive
23 waste to be located entirely within the designated IWSA except
24 when moving to or from the IWSA (giving rise to concern about
25 whether this restriction does/does not extend to mere unloading);
- 26 (2) requirement of emptying of containers to the extent practicable
27 before processing;
- 28 (3) prohibition on treatment by gravity separation as defined in H&S
Section 25123.5 of used oil and oily wastewaters;
- (4) restriction on wastestreams that can be accepted;
- (5) restriction on hazardous waste transfer to be directly from one

1 container to another container.

2 It is respectfully requested that the Agency identify which, if any,
3 “uncontested conditions” are not severable from the contested conditions, and therefore
4 justify imposition of stay pursuant to 22 CCR §66271.15. The contested conditions are
5 those which *add* requirements to the permit ie. requirement of location of trucks, hand
6 emptying of containers, etc. It is unclear how or why these conditions are not easily
7 severable from the condition, for example, that “truck to truck bulk liquid transfer
8 activities may take place between multiple vehicles in Unite #9 or between multiple
9 vehicles located in Unit #9 and Unit #11” (Final Modified Permit page 30 of 71), and why
10 a stay should be placed on FRS specific authorization to conduct this activity.
11

12 Given the narrow issues presented by these 5 conditions, it is hard to understand
13 how or why the Agency “determined as a whole that the five (5) appeal comments granted
14 review are not separable from the permit modification decision. Therefore, the stay of the
15 permit modification decision shall remain in effect.” Under Agency guidelines review can
16 take 9 months - resulting in a simple permit modification that will have effectively taken 7
17 ½ years to take effect, absent a vacation of the stay.
18

19 **III. Special Conditions Subject of Appeal.**
20

21 1. **COMMENT 1:** Petition for Review Section III.1., pages 4 and 5

22 Special Condition #14 on Page 10 of 71 of the Final Modified Permit.
23 Raised by Riddering Comments to Draft Permit Comment 1-18.
24 Raised by FRS Comments to Draft Permit; Comment 5-3.

25 This condition was commented upon, but some language within this condition was
26 newly inserted by DTSC, after the receipt of Public Comments and close of Public
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1 Comment Period, and therefore without prior opportunity for objection to be stated.

2 The Draft Permit released for Public Comment stated:

3 “All ignitable and reactive wastes shall be stored in the designated
4 Ignitable Waste Storage Areas (IWSA) within Unit #8,, #9, and #11 as
5 identified in the Facility Plot Plan (Attachment 1, Figure 1). The IWSA
6 shall be delineated with a 6" red painted border.”

7 The newly revised special condition in the Final Modified Permit states:

8 “Except when moving to or from the IWSA, all containers (including
9 transport vehicles) holding ignitable or reactive wastes shall be located
10 entirely within the designated IWSA, as identified in the Facility Plot Plan
11 (Attachment 1, Figure 2), pursuant to California Code of Regulations,
12 section 66264.176. The IWSA shall be delineated with a 6" red painted
13 border.”

14 The change in special condition suggests a new condition that trucks holding
15 ignitable or reactive waste be in the IWSA even when simply unloading a container for
16 transport to the IWSA, and if so interpreted, is based upon an erroneous conclusion of
17 law. The application of CCR Title 22 §66264.176 refers to the management of
18 containers at a permitted facility, stating, “Containers holding ignitable or reactive waste
19 shall be located at least 15 meters (50 feet) from the facility's property line.” This
20 Regulation should be read consistently with H&S Code §25200.19(c)(1), that allows for
21 the unloading and loading activities for the incidental period of time that is necessary to
22 safety and effectively move waste from the transport vehicle to the authorized unit or from
23 the authorized unit to the transport vehicle. The Code states in pertinent part: “The
24 hazardous waste shall be moved directly between the authorized unit and the transport
25 vehicle and shall not be held for any time off the transport vehicle outside of the
26 authorized unit, *except for that incidental period of time that is necessary to safely and
27 effectively move the waste* from the transport vehicle to the authorized unit or from the
28 authorized unit to the transport vehicle.” (Emphasis added).

1 DTSC has erroneously failed to read the Regulation and Code section together,
2 and in a manner in which they are consistent. In doing so, it becomes clear that ignitable
3 or reactive waste should be located within the IWSA, except for the incidental period of
4 time necessary to safely and effectively move the waste from the transport vehicle to the
5 authorized unit or from the authorized unit to the transport vehicle.
6

7 The requirement is unduly burdensome on the facility. Even with the best
8 planning, given the vagaries of traffic congestion in the region, it may occur that there is
9 not sufficient room for an additional truck in the IWSA, when one arrives with a shipment
10 of ignitable or reactive waste. As a practical matter, the facility needs to be able to unload
11 the truck and place the containers of ignitable or reactive waste within the IWSA, rather
12 than keep a truck waiting until such time as there is sufficient space for it within the
13 IWSA.
14

15 DTSC's Response demonstrates that the condition is based upon a finding of fact
16 or conclusion of law that is clearly erroneous. In responding to Riddering's Public
17 Comment, Comment 1-18, DTSC concurs that it is only the "storage" of ignitable or
18 reactive waste, and not the incidental period of time necessary to safely and effectively
19 move the waste from the transport vehicle (including the unloading and loading) that
20 must be within the IWSA, that is its concern. DTSC states: "DTSC developed this
21 condition to ensure all ignitable wastes are *stored* in the IWSA in compliance with
22 regulatory requirements." (Emphasis Added). FRS agrees with DTSC stated purpose of
23 ensuring that all ignitable wastes are *stored* within the IWSA, and believes that this
24 purpose is effectuated by maintaining the condition, but deleting the parenthetical
25 language: "(including transport vehicles)".
26

1 2. **COMMENT 2:** Petition for Review Section III.2, pages 5 and 6

2 Special Condition #1 on page 14 of 71 of the Final Modified permit.
3 Raised by Riddering Comments to Draft Permit Comment 1-23;
4 Raised by FRS Comment 5-12; Comment 6-5; Comment 7-10

5 The Special Condition states:

6 “The Permittee shall ensure that all containers to be processed are to be
7 emptied to the extent practicable before processing.”

8 FRS Commented at 5-12 that:

9 “This condition is deleted because it is a waste of time. The machine
10 separates the waste, so there is no need for hand emptying. There is no
11 legitimate reason for this restriction. This was not required in the 2010
12 Draft Permit.”

13 By 2010 draft permit, FRS is referencing a 2010 version of the permit as
14 modified, which was transmitted to FRS by DTSC as the permit which it intended
15 to take to Public Comment as of that date, and before the Permitting Department
16 transmitted it to Enforcement, who then revised and inserted their own, onerous
17 restrictions.

18 Riddering Commented at 1-23 that:

19 “Why are these limitations being placed on FRS? These special
20 conditions did not exist in the original permit, and they were not a
21 part of the permit modification.”

22 This condition of hand emptying is based upon a finding of fact that is clearly
23 erroneous. DTSC Response at 1-23 indicates that that “DTSC does not consider this
24 condition to be a limit as it requires the containers to be emptied to the extent ‘practicable’
25 which is consistent with FRS’s operating practices.” In fact, DTSC is incorrect that
26 emptying is consistent with FRS operating practices. In FRS’ submittal of Redlined Draft
27 Permit, FRS corrected the misconception of its practices that it routinely emptied
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1 containers before shredding them by redlining and deleting the proposed language “The
2 containers are emptied or only have a residual amount of material in them.” (See, FRS
3 Redlined Draft Permit at page 13 of 69 submitted concurrently with Petition for Review).
4 DTSC acknowledged that this language was inconsistent with FRS practice by agreeing
5 to, and deleting, that language in the Final Modified Permit, which now omits that
6 language. (See, Final Permit Modification at 13 of 71).

7
8 This condition is based upon an additional finding of fact that is clearly erroneous.
9 DTSC states that the intended purpose of the condition was to “prevent splashing of
10 hazardous waste liquids during the shredder operation.” (See, Response to Comment 5-
11 12). However, as a practical matter, the requirement of pre-emptying the containers
12 increases the likelihood of splashing during the pre-emptying process. The machine is
13 designed to, and historically has routinely been used, to shred containers containing
14 liquids. In the course of so doing, it avoids the need for human contact as part of the
15 process. While there is no splashing as a result of the machine shredding process,
16 assuming for the sake of discussion that there were any, such splashing would not be on a
17 human in the emptying process. Conversely, hand emptying of containers containing
18 liquids increases the likelihood of splashing.

19
20 FRS proposes that the condition be deleted entirely, or alternatively be restated as
21 follows: “The Permittee shall ensure that all containers *over 5 gallons* to be processed are
22 emptied to the extent practicable before processing.”
23

- 24
25 3. **COMMENT 3:** Petition for Review Section III.3, pages 6 and 7
26 Special Condition #18 on Page 11 of 71 of the Final Modified permit
27 Raised by Riddering Comments to Draft Permit Comment 1-16;
28 Raised by FRS Comments to Draft Permit 5-6

1 This Special Condition states that,

2 “The Permittee shall not treat, as defined in H&SC section 25123.5 and CCR section
3 66260.10, used oil and oily wastewaters. Prohibited treatment for these wastes include,
4 but are not limited to, gravity separation of Used Oil (WS-A), Waste Oil (WE-B) and Oily
5 Water (WE-C) or blending/mixing of different weights of these waste streams for
6 recycling purposes.”

7 This special condition is based upon a finding of fact or conclusion of law that is
8 clearly erroneous. The condition as worded is contradictory and inconsistent with H&S
9 Code §25123.5 and CCR Title 22 §66260.10 as phase separation, sieving, and/or filtering,
10 as long as heat or chemicals are not used in the process, are specifically defined as *not*
11 being treatment. Gravity separation is a type of phase separation. See, 22 CCR
12 66450.11(a)(2)(C). Therefore, gravity separation is excluded from definition of
13 “treatment” under the Regulations.

14 Further, this Special Condition is inconsistent with the activity description of Unit #9
15 on Page 30 of 71 that states “The liquid wastes will pass through a filter and after gravity
16 separation.....”.

17 By CEQA Initial Study in regard to FRS’ Permit Renewal Application, the study
18 determined that there is “No Impact” of any nature, from “Addition of gravity separation
19 of oily waters in the permitted roll-off containers Unit#6, to remove solids and remove
20 water layer from waste oil with no treatment.”¹

21 FRS clearly cannot stop gravity, nor gravity separation from occurring. FRS is being
22 disparately treated because it is the only TSDF in California that is prohibited from
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25
26 ¹ [Exhibit 5 CEQA Initial Study, At Bate Stamp 008669]

1 conducting gravity separation. Therefore, it is an important policy consideration that this
2 condition be deleted.

3 This special condition should be deleted, or alternatively, the second sentence, which
4 defines treatment inconsistently with the Regulation should be deleted.

5
6 4. **COMMENT 4:** Petition for Review Sections III.4 and III.5, pages 7 to 11

7 Special Condition #15 on page 10 of 71 of the Final Modified permit.
8 Raised by Riddering Comments to Draft Permit 1-14;
9 Raised by FRS Comments to Draft Permit 5-4.

10 This Special Condition states:

11 “The Permittee is authorized to receive, transfer, store or treat only the
12 hazardous wastestreams specified in Table 1 of this Permit. A wastestream
13 must meet the conditions specified in Table 1 that are applicable to that
14 wastestream to be authorized. The wastestream must meet the applicable
15 common name, waste codes (US EPA and/or California Waste Code) and
16 be consistent with the description of waste, (referred to as “Description of
17 Waste” in Table 1) to be authorized.”

18 DTSC has responded by stating in pertinent part that “Table 1 does not eliminate
19 authorized waste streams.”

20 Incorporated herein are the remarks in Par. 5 of the Petition which reflect the Table
21 1 waste streams on Pages 46-51 of 71 of the Final Modified permit. See, Comments to
22 Draft permit; Comment 1-14.

23 FRS has been faced with an unworkable conundrum between what FRS is told by
24 permitting staff of the Agency and the various enforcement staff. For most of the
25 operational history of FRS the Agency focus on what waste streams are authorized by
26 FRS Interim Status Document, Consent order, and Permit, has been the authority of State
27 Waste Codes. Recently some in the Enforcement Branch of the Agency have changed the
28 focus to the Common Name of wastes. When Enforcement, Permitting and FRS have

1 been at one table discussing this issue, it became apparent that Permitting views the Table
2 1 Waste Streams Description as not a limiting list but rather as examples of waste
3 descriptions. During this discussion Enforcement staff still viewed Table 1 as limiting and
4 if a common name is not listed then it is not authorized.

5 How can FRS know how it is to operate when the different branches of the Agency
6 view the same document in two different ways? For this reason this issue must be
7 resolved.
8

9 A clear example is waste stream C[3] Oily Water in Table 1. At the time of
10 drafting of the FRS Standardized permit the Agency itself was newly created. Hazardous
11 Waste Facilities that had been operating prior to the existence of the Agency were
12 required to apply for a permit. FRS was one of these facilities. Another facility that was
13 required to apply for a permit at the same time was Demmeno-Kerdoon in Compton.
14 Demmeno-Kerdoon's Permit shows more clearly the mind-set of the Agency in dealing
15 with common names of wastes, and can be seen in Special Conditions 17, 18 and 19 of
16 their Permit:
17

18
19 17. "Oily Waste" Oily Waste means Recovered Oil or any liquid, semi-solid, or
20 solid waste, other than RCRA listed waste, that contains used oil, unrefined
21 petroleum, or any one or more of the following fractions of petroleum: gasoline,
22 naphtha, kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if
the original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
solvent. Oily waste includes Light Distillate, Light Naphtha and Recovered Oil.
Oily waste does not include any mixture containing Listed Wastes.

23 18. "Oily Water" Oily Water means a mixture of water and any of the following:
24 suspended and settled solids, Oil, Used Oil, Waste Oil, Characteristic Waste,
25 caustics and contaminated petroleum products that can be successfully pretreated
26 in the Wastewater Treatment Plant (WTP) for removal of suspended solids, oil &
grease, metals, and dissolved organics prior to discharge to the Los Angeles
County Sanitation District (LACSD) Publicly Owned Treatment Works (POTW).

1 Oily Water also includes any oily phase or sediment which may have separated in
2 a tank or container of Oily Water. Oily water does not include any mixture
3 containing Listed Wastes. Although Oily Water may not necessarily contain oil,
4 this term is used because this facility uses this term to describe the material that is
5 treated in the Wastewater Treatment Plant.

6 19. "Oily Solids" Oily Solids are any of the following: (1) soil, adsorbents,
7 personnel protective equipment, rags, used containers, used equipment, or debris
8 that has been contaminated with Oily Water, Waste Oil, or Used Antifreeze; (2)
9 tank bottoms and container residues from tanks and containers previously
10 containing Oily Water, Waste Oil, or Used Antifreeze; or (3) any solids filtered,
11 strained, decanted, or centrifuged from Oily Water, Waste Oil, or Used Antifreeze.
12 Oily Solids are also any mixture of two or more of the above listed materials.

13 These three waste streams clearly show that "Oily" includes fraction of petroleum.
14 Until the recent experiences with the Enforcement branch, this is how FRS has dealt with
15 Oily Wastes, Oily Waters, and Oily Solids received at its facility.

16 The recent suggestion by Enforcement branch to restrict to specified Common
17 Names would require the FRS permit to contain lists of hundreds of waste streams. Each
18 of the variations of Oily Water would require a new waste stream, for example:

19 Water and Oil
20 Water and Diesel Fuel
21 Water and Kerosene
22 Water and Grease
23 Water and Crude Oil
24 Water and Ink
25 Water and Solvent

26 And on and on, the list would continue for this category of wastes and all the others. This
27 is an unworkable requirement, and fails to reflect the scope of original intent of waste to
28 be received in the originally issued operating permit, how the Permitting branch continues
to view the FRS Permit, and how FRS has operated it's facility for well over 20 years.

To resolve the discrepancy between Enforcement and Permitting, and to have a
clear understanding for all who read the FRS Permit it is proposed that clearer definitions

1 of the waste streams be either placed into Table 1 or a Definitions section be added to the
2 Permit to clearly define the wastes streams that are authorized to be accepted by FRS.

3 If added to the permit, the Definitions of the waste streams in Table 1 as FRS has
4 been operating for over 20 years, and that will clearly define the wastes streams
5 authorized by the FRS Permit are:

6
7 A[1] Used Oil 221; 261; 612

8 On specification recyclable oil with PCB <2ppm, total halogens <1000ppm.
9 "Used Oil" Used Oil is as defined in Section 25250.1(a)(1) of the Health and
10 Safety Code. Used Oil does not include oils with a flash point <100°F, oils mixed
with hazardous waste, water with a small amount of oils, tank bottoms, edible
cooking oil, grease, oils with PCB > 5ppm.

11 B[2] Waste Oil 221, 222, 223, 261, 612

12 Off-specification waste oil, halogens >1000ppm and/or PCB >5ppm.
13 "Waste oil" means oily waste or contaminated petroleum product. Waste Oil also
14 means a mixture of Oily Waste or Contaminated Petroleum Products with Used
15 Oil or with one or more of the following incidental contaminants: debris, metals,
16 water, solids, Oily Water, or used Antifreeze. Waste Oil also includes any water
17 phase or sediment which may have separated in a tank of Waste Oil.
18 "Contaminated Petroleum Products" are as defined in Health and Safety Code
19 Section 25250.1(a)(7).
20 "Oily Wastes" is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
any one or more of the following fractions of petroleum: gasoline, naphtha,
kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
solvent.

21 C[3] Oily Water 221, 222, 223, 231, 232, 241, 123, 133, 134, 135, 342, 343, 451,
22 531, 541, 551, 612

23 Water mixtures with varied amounts of settling solids and may or may not be
24 contaminated with varying fractions of hydrocarbons.
25 "Oily Water" means a mixture of water and any of the following: suspended and
26 settled solids, Oil, Used Oil, Waste Oil, caustics and Contaminated Petroleum
27 Products. Oily Water also includes any oily phase or sediment which may have
28 separated in a tank or container of OilyWater. Oily water does not include any
contaminate causing the oily water to be a RCRA Waste. Although Oily Water

1 may not necessarily contain oil, this term is used because this facility uses this
2 term to describe the material.

3 “Contaminated Petroleum Products” are as defined in Health and Safety Code
4 Section 25250.1(a)(7).

5 D[4] Oily Debris 221, 222, 223, 232, 241, 343, 352, 551, 571, 581, 591, 612, 613
6 Debris including, but is not limited to, personal protective equipment, rags, metal
7 hoses, rubber hoses, plastic, wood, pads, socks, booms, clothing, paper, and
8 cardboard. Contaminated with Used Oil, Waste Oily, Oily Water, Oily Wastes,
9 Contaminated Petroleum Products, or any non-RCRA or non-hazardous liquids,
10 pastes, chemicals and products. Although Oily Debris may not necessarily contain
11 oil, this term is used because this facility uses this term to describe the material.
12 “Contaminated Petroleum Products” are as defined in Health and Safety Code
13 Section 25250.1(a)(7).

14 “Oily Wastes” is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
15 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
16 any one or more of the following fractions of petroleum: gasoline, naphtha,
17 kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
18 original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
19 solvent.

20 E[5] Oil Aerosol Cans D001 Exempt, D003 Exempt, 612, Universal Waste
21 Aerosol cans containing oil related products and residuals. Aerosol cans may have
22 any amounts of product remaining. May be handled as hazardous waste or may be
23 handled as Universal Waste.

24 F[6] Spent Oil Aerosol Cans 181, 223, 331, 513, Universal Waste
25 Spent aerosol cans previously containing oil related products. May be handled as
26 hazardous waste or may be handled as Universal Waste.

27 G[7] Used Oil Filters 221, 223, 352, 612
28 Oil Filters from internal combustion engines and equipment. Oil filters can be
handled as hazardous waste or per the requirements of health and Safety Code
§25250.22 and California Code of Regulations §66266.130. Gasoline and diesel
fuel filters may be handled in this waste stream per AB2254.

H[8] Oil Contaminated Containers 352, 223, 513, 612
Contaminated containers constructed of metal, plastic, rubber, glass, cardboard or
any other material.
Contaminated with Used Oil, Waste Oily, Oily Water, Oily Wastes, Contaminated
Petroleum Products, or any non-RCRA or non-hazardous liquids, pastes,
chemicals and products. Oil Contaminated Containers may have held or be
contaminated with RCRA materials as long as the containers meet the definition of
RCRA Empty. Although Oil Contaminated Containers may not necessarily contain
oil, this term is used because this facility uses this term to describe the material.

1 "Contaminated Containers" are defined in California Code of Regulation
2 §66261.7.

3 I[9] Hydrocarbon Contaminated Soil 223, 261, 321, 322, 352, 521, 611, 612

4 Soils contaminated with Used Oil, Waste Oily, Oily Water, Oily Wastes,
5 Contaminated Petroleum Products, or any non-RCRA or non-hazardous liquids,
6 pastes, chemicals and products. Although Hydrocarbon Contaminated Soil may
7 not necessarily contain hydrocarbons, this term is used because this facility uses
8 this term to describe the material.

9 "Contaminated Petroleum Products" are as defined in Health and Safety Code
10 Section 25250.1(a)(7).

11 "Oily Wastes" is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
12 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
13 any one or more of the following fractions of petroleum: gasoline, naphtha,
14 kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
15 original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
16 solvent.

17 J[10] Oil Contaminated Absorbents 221, 223, 352, 612

18 Cleanup of spills with granulated organic or inorganic absorbent materials, socks,
19 booms, pads. Absorbents contaminated with Used Oil, Waste Oily, Oily Water,
20 Oily Wastes, Contaminated Petroleum Products, or any liquids, solids, pastes,
21 chemicals and products. Although Oil Contaminated Absorbents may not
22 necessarily contain oils, this term is used because this facility uses this term to
23 describe the material.

24 "Contaminated Petroleum Products" are as defined in Health and Safety Code
25 Section 25250.1(a)(7).

26 "Oily Wastes" is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
27 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
28 any one or more of the following fractions of petroleum: gasoline, naphtha,
kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
solvent.

K[11] Solid Grease 223, 331, 352, 612

Spent, surplus, aged and contaminated lubricating grease.

L[12] Liquid Grease 221, 223, 331, 612

Spent, surplus, aged and contaminated lubricating grease.

M[13] Solidified Petroleum Tank Residuals 221, 222, 223, 241, 252, 343, 352,
571

1 Solidified or absorbents or dirt added to tank bottom residuals to solidify crude,
2 diesel, hydrocarbons, oil/water sediments, Oily Wastes, Contaminated Petroleum
3 Products.

4 "Contaminated Petroleum Products" are as defined in Health and Safety Code
5 Section 25250.1(a)(7).

6 "Oily Wastes" is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
7 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
8 any one or more of the following fractions of petroleum: gasoline, naphtha,
9 kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
10 original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
11 solvent.

12 2A[14] Paint Debris 352, 291, 612

13 Brushes, personal protective equipment, paint, hoses, rags, drop cloths, rollers,
14 wipes, trays, masking tape, visqueen, wood, cardboard and other paint related
15 debris contaminated with paint whether wet, solid or painted.

16 2B[15] Paint Filters 352, 291, 461, 612

17 Spent foam, cloth, cardboard, paper, plastic cartridge filters, fibre membrane filters
18 or any device used to filter paint, contaminated with paint whether wet, solid or
19 painted.

20 2C[16] Paint Contaminated Containers 352, 512, 513, 612

21 Empty paint containers, metal, plastic, fibre, cardboard, glass contaminated with
22 paint whether wet, solid or painted.

23 2D[17] Paints (Latex based) 291, 461, 612

24 Used and/or unused latex paint in metal, plastic, fibre, cardboard, glass containers
25 with paint whether liquid, solid or sludge.

26 2E[18] Paints (Oil Based) 211, 213, 214, 461, 612

27 Used and/or unused oil based paint in metal, plastic, fibre, cardboard, glass
28 containers with paint whether liquid, solid or sludge.

29 2F[19] Paint Aerosol Cans D001 Exempt, D003 Exempt, 612, Universal Waste

30 Aerosol cans containing paint related products and residuals. Aerosol cans may
31 have any amounts of product remaining. May be handled as hazardous waste or
32 may be handled as Universal Waste.

33 2G[20] Spent Paint Aerosol Cans 181, 291, 331, 513, Universal Waste

34 Spent aerosol cans previously containing paint related products. May be handled
35 as hazardous waste or may be handled as Universal Waste.

36 3A[21] Resin 271, 272, 352, 612

- 1 Used and/or unused resins in metal, plastic, fibre, cardboard, glass containers with
2 resin whether liquid, solid or sludge.
- 3 3B[22] Glues 281, 352, 612
4 Used and/or unused glues in metal, plastic, fibre, cardboard, glass containers with
5 glue whether liquid, solid or sludge.
- 6 3C[23] Soaps, Liquid 141, 331, 343, 561, 612
7 Used and/or unused liquid soaps in metal, plastic, fibre, cardboard, glass
8 containers. Consumer and industrial liquid soaps used in various cleaning and
9 degreasing operations with pH >2 <12.5.
- 10 3D[24] Soaps, Solid 141, 181, 331, 352, 561, 612
11 Used and/or unused solid soaps in metal, plastic, fibre, cardboard, glass containers.
12 Consumer and industrial solid soaps used in various cleaning and degreasing
13 operations. Solid soaps may meet the definition in California Code of Regulation
14 §66261.22(4).
- 15 3E[25] Oil Contaminated Asphalt Debris 352, 612
16 Used or unused roofing asphalt, asphalt composite waste material or asphalt road
17 debris. Asphalt contaminated with Used Oil, Waste Oily, Oily Water, Oily Wastes,
18 Contaminated Petroleum Products, or any liquids, solids, pastes, chemicals and
19 products. Although Oil Contaminated Asphalt Debris may not necessarily contain
20 oils, this term is used because this facility uses this term to describe the material.
21 "Contaminated Petroleum Products" are as defined in Health and Safety Code
22 Section 25250.1(a)(7).
23 "Oily Wastes" is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
24 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
25 any one or more of the following fractions of petroleum: gasoline, naphtha,
26 kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
27 original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
28 solvent.
- 3F[26] Sand and Bead Blasting Residue 181, 352
Surface cleaning residues from painted, oily, rusty surfaces. Materials used in
blasting operations include but not limited to, sand, metal beads, composites,
chemicals.
- 3G[27] Machining Grinding Residues 171, 172, 181, 223, 352
Metal, plastic or composite shavings, turning, parts or waste residues from
machine grinding/turning operations.
- 3H[28] Metal Polishing Debris 352

1 Used polishing rags, polishing and buffing wheels, debris and polish material
2 residue waste from polishing, buffing and cleaning of bare, painted, rusted or
3 anodized surfaces.

3 3I[29] Metal Polishing Compounds 352

4 Waste compounds from metal polishing, buffing and cleaning operations.

5 3J[30] Clarifier Sludge 135, 181, 222, 223, 241, 252, 321, 351, 411, 421, 431, 441,
6 471, 491, 521

6 Clarifier tank bottom sludge and solids from industrial, commercial, automotive
7 and waste water treatment operations. Clarifier sludge contaminated with Used
8 Oil, Waste Oily, Oily Water, Oily Wastes, Contaminated Petroleum Products, or
9 any liquids, solids, pastes, chemicals and products.

9 “Contaminated Petroleum Products” are as defined in Health and Safety Code
10 Section 25250.1(a)(7).

10 “Oily Wastes” is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
11 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
12 any one or more of the following fractions of petroleum: gasoline, naphtha,
13 kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
14 original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
15 solvent.

13 3K[31] Clarifier Filter Cake 222, 223, 241, 252, 352, 181, 411, 421, 431, 441, 471

14 Clarifier tank bottom filter cake from industrial, commercial, automotive and
15 waste water treatment operations. Clarifier Filter Cake contaminated with Used
16 Oil, Waste Oily, Oily Water, Oily Wastes, Contaminated Petroleum Products, or
17 any liquids, solids, pastes, chemicals and products.

17 “Contaminated Petroleum Products” are as defined in Health and Safety Code
18 Section 25250.1(a)(7).

18 “Oily Wastes” is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
19 waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
20 any one or more of the following fractions of petroleum: gasoline, naphtha,
21 kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
22 original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
23 solvent.

21 3L[32] Anti-Freeze 133, 134, 135, 343, 612

22 Spent propylene glycol and ethylene glycol waste solutions.

23 3M[33] Inks, Liquid 343, 331, 612

24 Used or unused liquid waste inks in plastic, glass or metal containers.

24 “Ink” is a liquid or paste that contains pigments or dyes and is used to color a
25 surface to produce an image, text, or design. Ink is used for drawing or writing
26 with a pen, brush, or quill. Thicker inks, in paste form, are used extensively in
27 letterpress and lithographic printing. Ink can be a complex medium, composed of

1 solvents, pigments, dyes, resins, lubricants, solubilizers, surfactants, particulate
2 matter, fluorescers, and other materials.

3 3N[34] Inks, Solid 352, 612

4 Used or unused solid waste inks in plastic, glass or metal containers.

5 “Ink” is a liquid or paste that contains pigments or dyes and is used to color a
6 surface to produce an image, text, or design. Ink is used for drawing or writing
7 with a pen, brush, or quill. Thicker inks, in paste form, are used extensively in
8 letterpress and lithographic printing. Ink can be a complex medium, composed of
9 solvents, pigments, dyes, resins, lubricants, solubilizers, surfactants,
10 particulate matter, fluorescers, and other materials.

11 3O[35] Asbestos 151, 612

12 Asbestos and asbestos containing wastes that have been properly contained and
13 packaged.

14 3P[36] Spent Catalyst 162, 181, 612

15 End-of-life and off-specification catalysts. A catalyst is a substance which causes
16 the process of catalysis.

17 3Q[37A] Water/Gasoline, Ignitable D001 Exempt, 133, 134, 135, 612

18 Ignitable water contaminated with gasoline that is not fully regulated by RCRA.

19 3R[38] Water/Gasoline, Non-Ignitable 133, 134, 135, 612

20 Water contaminated with gasoline.

21 3S[39] Treated Wood Waste 612, 614

22 Used and unused wood commonly used in ground or water contact applications.
23 This wood is typically treated with preserving chemicals that protect the wood
24 from insect attack and fungal decay during its use. Examples include fence posts,
25 sill plates, landscape timbers, pilings, guardrails, and decking.

26 4A[40] Off-Specification Waste Oil 221

27 Waste oils generated by the treatment and consolidation activities of the permittee.
28 Waste oils that do not meet the conditions of Specification Waste Oil including but
not limited to PCB >5ppm, total halogens >1000ppm.

4B-2[41] Specification Waste Oil 221

Waste oils generated by the treatment and consolidation activities of the permittee.
Waste oils that do meet the conditions of Specification Waste Oil including but not
limited to PCB <5ppm, total halogens <1000ppm.

4C1[42] Waste Water 223, 133, 134, 135

Waste waters generated by the treatment and consolidation activities of the
permittee.

1 4C2[43] Oily Water 133, 134, 135, 223

2 Oily Waters generated by the treatment and consolidation activities of the
3 permittee.

4 Water mixtures with varied amounts of settling solids and may or may not be
5 contaminated with varying fractions of hydrocarbons.

6 "Oily Water" means a mixture of water and any of the following: suspended and
7 settled solids, Oil, Used Oil, Waste Oil, caustics and Contaminated Petroleum
8 Products. Oily Water also includes any oily phase or sediment which may have
9 separated in a tank or container of OilyWater. Oily water does not include any
contaminate causing the oily water to be a RCRA Waste. Although Oily Water
may not necessarily contain oil, this term is used because this facility uses this
term to describe the material.

"Contaminated Petroleum Products" are as defined in Health and Safety Code
Section 25250.1(a)(7).

10 4D[44] Scrap Metal Recycled

11 Steel, aluminum, brass, copper and other metals generated by the treatment and
12 consolidation activities of the permittee.

13 4E[45] Paint Sludge D001 Exempt, 291, 461

14 Paint generated by the treatment and consolidation activities of the permittee.

15 4F[46] Oil contaminated Debris 352

16 Contaminated Solids generated by the treatment and consolidation activities of the
17 permittee. Debris including, but is not limited to, personal protective equipment,
18 rags, metal hoses, rubber hoses, plastic, wood, pads, socks, booms, clothing, paper,
19 and cardboard. Contaminated with Used Oil, Waste Oily, Oily Water, Oily
20 Wastes, Contaminated Petroleum Products, or any non-RCRA or non-hazardous
21 liquids, pastes, chemicals and products. Although Oily Debris may not necessarily
22 contain oil, this term is used because this facility uses this term to describe the
23 material.

"Contaminated Petroleum Products" are as defined in Health and Safety Code
Section 25250.1(a)(7).

"Oily Wastes" is defined as Used Oil, Waste Oil or any liquid, semi-solid, or solid
waste, other than RCRA waste, that contains used oil, unrefined petroleum, or
any one or more of the following fractions of petroleum: gasoline, naphtha,
kerosene, fuel oil, lubricating oil, wax, asphalt, coke, or hydrocarbon if the
original purpose of the hydrocarbon was fuel, lubricant, wax, asphalt, or
solvent.

24 4G[47] Paint Contaminated Debris 352

25 Paint contaminated debris generated by the treatment and consolidation activities
26 of the permittee.

- 1 4H[48] Carbon Filters D001, 352
Filters generated by the treatment activities of de-pressurizing aerosol cans.
- 2
- 3 4I[49] Aerosol Oil Residue D001, 223
Liquid residue generated by the treatment activities of de-pressurizing oil
4 containing aerosol cans.
- 5 4J[50] Aerosol Paint Residue D001, 343
Liquid residue generated by the treatment activities of de-pressurizing paint
6 containing aerosol cans.
- 7 4K[51] Lab Packs Any RCRA Code, 211, 212, 213, 343, 612
8 Non-treatable small containers generated by the treatment and consolidation
9 activities of the permittee. Processing wastes received from CESQG and HHW
generators.
- 10 52 Water/Gasoline D001 Exempt, 133, 134, 135, 612
11 Water contaminated with gasoline generated by the consolidation activities of the
permittee.
- 12 53 Recovered Gasoline D001 Exempt, 133, 134, 135, 612
13 Recovered gasoline generated by the exempt treatment and consolidation activities
14 of the permittee. Recovered gasoline is received from but not limited to recyclable
gasoline fuel filters, recyclable gasoline pump nozzles, CESQG and HHW wastes.
- 15 Though every waste category that is applicable has the state code for HHW, that is
16 612, available, a continuing disagreement between the Permitting branch and the
17 Enforcement branch of the Agency leads the permit to need an additional waste stream to
18 satisfy Enforcements 'common name' complaint.
- 19
- 20 This waste stream should be included just after number 39 as numbers 1-39 are
21 received wastes:
- 22 Household Hazardous Wastes RCRA Exempt, 612
23 Wastes received from households as defined in CCR §66260.10 and 40 CFR
24 §261.4(b)(1). Wastes not exhibiting RCRA characteristics or any listed wastes
25 may be processed with wastes streams 1-39 as applicable. Wastes that do exhibit a
RCRA characteristic or contain a RCRA listed waste will be consolidated into
26 waste stream 51.

28

1 Alternatively, to clarify Table 1 to reflect more examples of the categories of common
 2 names the following changes to Table 1 are proposed. BOLD lined out are deleted
 3 words, and red italics are additions.

Table 1. Waste Streams Description

Waste Stream	Common	U.S. EPA	California Waste	Description of Waste
A [Used Oil	None	221, 261, 612	On specification recyclable oil PCB <2 ppm
B [2]	Waste Oil	Exempt	221, 222, 223, 261, 612	Off specification waste oil >1000 ppm halogens PCB <50 ppm
C [3]	Oily Water	None	221, 222, 223, 231, 232, 241, 123, 133, 134, 135, 342, 343, 451, 531, 541, 551, 612	Oil and water mixtures with varied amounts of settling solids <i>and may or may not be contaminated with varying fractions of hydrocarbons.</i>
D [4]	Oily Debris	None	221, 222, 223, 232, 241, 343, 352, 551, 571, 581, 591, 612	Oil contaminated debris including personal protective equipment, rags, metal and rubber hoses, plastic, wood, pads, socks, booms, socks, clothing, paper and cardboard. <i>May or may not be contaminated with varying fractions of hydrocarbons.</i>
E [5]	Oil Aerosols	Exempt D001 /	612	Contaminated aerosol cans containing oil related products and residues. Universal Waste

F [6]	Spent Oil Aerosol	Exem pt	181, 223, 311, 513	Spent aerosol cans previously containing oil related products, Universal Waste
G [7]	Used Oil Filt ers	None	221, 223, 352, 612	Oil filters from internal combustion engines and equipment <i>oil filtering. Gasoline and diesel fuel filters may be included in this waste stream per AB2254, with oil filters or separately.</i>
H [8]	Oil Contami nated Containe rs	None	352, 223, 513, 612	Oil contaminated containers constructed of steel, plastic and cardboard consisting of sizes from quart to 110 gallon capacity. <i>May or may not be contaminated with varying fractions of hydrocarbons</i>
I [9]	Hydroca rbon Contami nated Soil	None	223, 261, 321, 322, 352, 521, 611, 612	Soils contaminated with oil diesel and oil <i>varying fractions of hydrocarbons and/or CA metals.</i>
J [1 0]	Oil Contami nated Absorbe nts	None	221, 223, 352, 612	Cleanup of diesel and/or oil spills with granulated organic and inorganic absorbent materials <i>may or may not be contaminated with varying fractions of hydrocarbons.</i>
K[11]	Solid Grease	None	223, 352, 331, 612	Spent, surplus and aged lubricating grease
L[12]	Liquid Grease	None	221, 223, 331, 612	Spent, surplus and aged lubricating grease
M[13]	Solidif ied Petrole um Tank	None	221, 222, 223, 241, 252, 343, 352, 571	Absorbents added to tank bottom petroleum residuals to solidify crude, diesel, hydrocarbons and oil/water sediments

1	2A[14]	Paint Debris	None	352, 291, 612	Brushes, personal protective equipment, paint, hoses, rags, drop cloths, rollers, wipes, trays, masking tape, visqueen, wood, cardboard, and other paint related debris with dry solid paint or paint stained
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6	2B[15]	Paint Filters	None	352, 291, 461, 612	Spent foam, cloth, cardboard, paper, plastic cartridge filters, fiber membrane filters
7					
8					
9	2C[16]	Paint Contaminated Containers	None	352, 512, 513, 612	Empty paint containers (steel, cardboard, plastic, fiber) with solidified paint waste residue
10					
11					
12	2D[17]	Paints (latex based)	None	291, 461, 612	Used and/or unused latex paint (solid, liquid or sludge) waste in steel, cardboard, plastic or fiber containers
13					
14					
15	2E[18]	Paints (oil based)	None	461, 612, 211, 213, 214	Used and/or unused oil based paint (solid, liquid or sludge) waste in steel, cardboard, plastic or fiber containers
16					
17	2F[19]	Paint Aerosol Cans	Exempt D001 /	612	Contaminated unused aerosol cans containing paint related products and residuals, Universal Waste
18					
19					
20	2G[20]	Spent Paint Aerosol Cans	None	513	Spent aerosol cans containing paint related products and residuals, Universal Waste
21					
22					
23	3A[21]	Resin	None	271, 272, 352, 612	Used and spent solidified reacted resin waste material
24					
25	3B[22]	Glues	None	281, 352, 612	Used or unused water based liquid sludge or solid glues in glass, steel, plastic containers
26					
27					
28					

1	3C[23]	Soaps	None	141, 331,	Spent or surplus liquid or sludge
2	3D[24]	Soaps (solid)	None	141, 181, 331, 252, 561	Spent or surplus solid detergent and soaps <i>corrosive solids</i>
3					
4	3E[25]	Oil Contaminated Asphalt	None	352, 612	Removed or unused solid roofing asphalt or asphalt composite waste material or excavated solid asphalt road base debris
5					
6					
7	3F[26]	Sand and Bead Blasting Residue	None	181, 352	Surface cleaning <u>residues from</u> painted, oily, rust coated surfaces, non RCRA used sand or bead blasting waste residue from metal parts
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9					
10					
11	3G[27]	Machining Grinding Residue (non-RCRA)	None	171, 172, 181, 223, 352	Non-RCRA metal shavings <i>turning, parts</i> or waste residue from metal machine grinding operations to include steel and/or other non RCRA metal parts (metal <u>and</u> & grit)
12					
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15	3H[28]	Metal Polishing Debris (non-RCRA)	None	352	Non-RCRA used polishing rags, polishing and buffing wheels debris and polish material residue waste from surface cleaning of painted rust coated anodized surfaces
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18					
19	3I[29]	Metal Polishing	None	352	Wax, dust, granular <u>waste</u>
20					
21	3J[30]	Clarifier Sludge (non-RCRA)	None	135, 181, 222, 223, 241, 252, 321, 352, 411, 421, 431, 441, 471, 491, 521	Non-RCRA clarifier tank bottom sludge and solids from industrial, commercial, automotive <u>and</u> waste water treatment solutions
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1	3K[31]	Clarifier Filter Cake (Non on- RCRA)	None	222, 223, 241, 252, 352, 181, 411, 421	Non- RCRA clarifier tank bottom solid filter cake from industrial, commercial, automotive <u>and</u> waste water treatment systems
2	3L[32]	Anti- freeze	None	133, 134, 135, 343, 612	Spent propylene and ethylene glycol waste solutions
3	3M[33]	Inks (liquid)	None	343, 331	Non- RCRA used or unused water based liquid waste inks in plastic, glass or metal containers
4	3N[34]	Inks (solid)	None	352	Non- RCRA used or unused water based solid waste inks in plastic, glass or metal containers
5	3O[35]	Asbestos	None	151, 612	Triple bagged asbestos and asbestos containing waste
6	3P[36]	Other Spent	None	162, 612	End-of-life and off- specification catalyst
7	3Q[37A]	Water/G asoline (ignitable)	Exempt D001	133, 134, 135, 612	Non-RCRA ignitable water contaminated with gasoline, <u>must be</u> received from CESQG and HHW generators.
8	3Q[37B]	Water/G asoline (non- ignitable)	None	133, 134, 135, 612	Non-RCRA non-ignitable water contaminated with gasoline
9	3R[38]	Pharmac eutical	None	311, 612	Off-specification, outdated, defective
10	3S[39]	Treated Wood	None	614, 612	Off-specification, used

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4A[40]	Off Specific ation Waste Oil	None	221	Waste oil mixtures with >1000 ppm halogens
4B-2[41]	Specific ation	None	221	Waste oil mixtures with <1000 ppm halogens
4C1[42]	Waste Water	None	223, 133, 134, 135	Non RCRA waste water contaminated with oil
4C2[43]	Oily Water	None	223, 133, 134, 135	Non RCRA waste water contaminated with oil <i>varying factions of hydrocarbons.</i>
4D[44]	Scrap Metal	None	Recycled	Shredded steel
4E[45]	Paint Sludge	Exem pt D00 1	461	Paint sludge from emptying containers generated by FRS <u>received</u> from HHW and CESQGs.
4F[46]	Oil Contami nated Debris	None	352	Contaminated solids
4G[47]	Paint contami nated debris	None	352	Paint contaminated solids
4H[48]	Carbon Filters	D001	352	Filters from depressurizing aerosol cans generated by FRS

1	4I[49]	Aerosol Oil Residue	D001	223	Liquid residues from puncturing oil aerosol cans generated by FRS.
2					
3	4J[50]	Aerosol Paint Residue	D001	343	Liquid residues from puncturing paint aerosol cans generated by FRS.
4					
5	4K[51]	Lab Pack	Any	343, 212, 213, 612, 211	Small containers of non- treatable waste from households or CESQG's
6					
7	5 2	Water/Gas oline	Exem pt D00 1	133, 134, 135, 612	Waste stream 52 is to <u>will</u> be shipped offsite and is generated from consolidating <u>only</u> waste stream 37A (<u>Non- RCRA ignitable</u> water/gasoline).
8					
9	5 3	Recover ed Gasoline	Exem pt D001	133, 134, 135, 612	Waste Stream 53 is generated by consolidating the residual liquids resulting from the processing of excluded recyclable fuel filters and pump nozzles. This waste will be shipped offsite.
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17 5. **COMMENT 5:** Petition for Review Section III.6, pages 11 to 15

18 Special Condition #12 on page 31 of 71 of the Final Modified Permit
 19 Raised by Riddering Comments to Draft Permit 1-13; Comment 1-29;
 20 Raised by FRS Comments to Draft Permit 5-2 and Comment 5-30;
 Comment 7-6.

21 Special Condition #12 on page 31 of 71 states:

22 “Any solid hazardous waste in this Unit must be in containers. All solid
 23 hazardous waste transfer shall occur directly from one container into
 24 another container. Dump trucks are containers. No solid waste transfer
 shall occur if visible emissions or clouds of dust are created that are likely
 25 to leave this Unit during the transfer of the waste.”

1 Transfer from one container to another container, that is, e.g. from drum to
2 drum or roll off bin to roll off bin, does not allow for inspection in between. The
3 very benefit to California is in the inspection allowing extraction of recyclable
4 material from the other material. This special condition #12 places a barrier on the
5 benefit, and makes it difficult to impossible to determine contents that may be
6 buried within, as well as contradicting FRS' WAP, which requires it to inspect
7 incoming waste.
8

9 Agency misinterpretation of Special Condition #2, "Hazardous Waste shall
10 not be land disposed at the Facility, whether temporarily or permanently" to
11 prevent open inspection and sorting and to justify imposition of Special Condition
12 #12 are based upon a clearly erroneous finding of fact and/or conclusion of law.
13 Agency Response to Comments state: "uncontainerized solid waste unloaded or
14 placed on the ground or on a concrete or asphalt slab would be a waste pile, and
15 thus land disposal. Special Condition 12 on page 30 of 69 of the Draft Modified
16 Permit was included to clarify that solid hazardous waste may not be unloaded or
17 placed directly on the ground (or concrete/asphalt slab) for any period of time in
18 Unit #9. Special Condition 12 requires that all solid hazardous waste transfer
19 occur directly from one container into another container to make certain that no
20 land disposal takes place." See, Response to Public Comments 1-29.
21
22

23 Agency misinterprets the definition of "waste pile" to conclude that
24 unloading uncontainerized solid waste onto a "concrete or asphalt slab" within a
25 fully regulated unit would automatically be a "waste pile". The Regulations define
26 "waste pile" as: "any noncontainerized accumulation of solid, nonflowing
27
28

1 hazardous waste that is used for treatment or storage and that is not [in] a
2 containment building.” 22 CCR §66260.10. Containment buildings are subject to
3 rigorous design standards. 22 CCR §66264.1101.

4 FRS’ 180 W. Monte building qualifies as a containment building pursuant
5 to CCR §66260.10 and its engineered, bermed, covered, security fenced,
6 sprinklered, paved containment units qualify as containment buildings as well.

7 FRS’ concern is with its ability to unload bulk solids within a paved, bermed, fully
8 contained and regulated unit for the purpose of sorting, with the objective of
9 recycling. There is no factual basis to prohibit FRS from doing so, nor any legal
10 premise requiring prohibition of this activity. The Agency mis-interprets the law,
11 imposing Condition # 12 with apparent purpose of restricting FRS ability to do so.
12

13 Over ten years ago, Enforcement branch addressed the issue of waste piles,
14 and instructed FRS that solid waste could be offloaded onto its permitted units for
15 the incidental time necessary to inspect, sort, separate and reload, and that this was
16 not, in fact, a “waste pile”. This interpretation is consistent with CCR §66260.10
17 and with Health & Safety Code §25200.19. H&S §25200.19(a) provides that “A
18 hazardous waste facility ...may conduct bulk, packaged, or containerized
19 hazardous waste unloading operations in accordance with the requirements of this
20 section” subject to exception not applicable herein. H&S §25200.19(d) defines
21 “unloading” as “activities associated with the receipt of bulk, packaged, or
22 containerized hazardous waste...” H&S §25200.19 requires that such “unloading
23 of bulk hazardous waste shall be conducted ...with a containment system capable
24 of collecting and containing leaks and spills that may reasonably be anticipated to
25
26

1 occur during loading and unloading operations until the leaked or spilled material
2 is removed...”

3 This is exactly the containment system developed and used by FRS, in its
4 fully engineered, bermed, covered, security fenced, sprinklered, paved
5 containment units.

6
7 Even assuming for the purpose of discussion that it were a waste pile, there
8 is no factual nor legal basis to prohibit FRS from inspecting and sorting incoming
9 material, to determine if it complies with the manifest, is material that FRS is
10 authorized to accept, and to sort recyclables, all of which would be desirable
11 objectives. While FRS vehemently disputes that the incidental time necessary to
12 unload, during which the material is inspected, constitutes “storage” the
13 Regulations provide that TSDFs that do store or treat hazardous waste in piles –
14 and that is inside or under a structure providing protection from precipitation - is
15 not subject to further regulation regarding lining requirements. 22 CCR
16 §66264.250(c). FRS’ fully enclosed unit meets or exceeds these requirements.

17
18 DTSC argument is legally incorrect because it is internally inconsistent,
19 and inconsistent with regulation. DTSC states that “any facility that engages in
20 any land disposal activity is ineligible for a standardized permit.” (Response to
21 Comment 1-29, citing H&S §25201.6(g)). If maintaining a waste pile is
22 automatically “land disposal” as DTSC also maintains, then no TSDF could ever
23 have a pile, or be permitted to have a pile, under any circumstance, pursuant to
24 H&S §25201.6(g). Yet, 22 CCR §66264.250, provides the requirements for a
25 TSDF to store or treat piles. Thus, it is apparent that neither the legislature, nor
26

1 California EPA in promulgating the Regulations, intended a waste pile, or pile, to
2 be automatically deemed a "land disposal" activity.

3 To be "land disposed," the material would in this circumstance need to be
4 placed in or on the bare ground ("land") which is not the case.

5 This correct conclusion of FRS is supported by CCR Title 22 §22260.10,
6 which defines "Land Disposal" as follows:
7

8 "Land disposal" means placement in or on the land, except in a corrective
9 action management unit, and includes, but is not limited to, placement in a
10 landfill, surface impoundment, waste pile, injection well, land treatment
11 facility, salt dome formation, salt bed formation, underground mine or
12 cave, or placement in a concrete vault or bunker intended for disposal
13 purposes."

14 Although not defined by Regulation, common meaning of the term "land"
15 as in "placement in or on the land" by Merriam Webster is the "solid part of the
16 surface of the Earth: an area of ground". FRS is not, and never has, proposed to
17 unload onto the bare ground.

18 The definition of "Land disposal method" sheds further clarity on the
19 meaning of "Land Disposal". Land Disposal Method is defined as; a) disposing of
20 hazardous waste, b) treatment of hazardous waste, c) storage of hazardous waste
21 for longer than one year. Disposal and treatment are also defined in §66260.10.
22 FRS does not dispose of hazardous waste, nor treat hazardous waste, nor does it
23 store hazardous waste for longer than one year.

24 FRS requests that Special Condition #12 be clarified to add the italicized
25 language, stating:

26 "All solid hazardous waste transfer shall occur directly from one
27 container into another container, *or into a containment unit.*"
28

1 FRS's concern is that it continue to employ the procedures in accordance with
2 its WAP in sorting and inspecting the bulk solids for incompatible materials, and
3 those materials that are inconsistent with the generator profile or the FRS permit,
4 and that it do so by sorting and inspecting bulk solids within a fully engineered,
5 bermed, covered, security fenced, sprinklered, paved, regulated unit.
6

7 The sorting process also allows for the removal of recyclables from the waste stream.
8 This allows FRS to comply with, and allows FRS to assist its customers and government
9 agencies to comply with AB939.
10

11 DTSC permit writer [project manager] Waqar Ahmad² concurred in deposition
12 testimony that there is no concern for human health or the environment by allowing FRS
13 to unload bulk solid hazardous waste directly into a paved, bermed, enclosed, regulated
14 unit:
15

16 Q: ...What concern, if any, is presented by unloading out of a container solid
17 hazardous waste onto a fully paved bermed enclosed regulated unit?"

18 A: The way you are packing the statement, it is already taken care of that no
19 dust would be generated, nothing would be coming out and there's no
20 chance of any vapors, as you already taking into consideration all the
21 impact coming into the atmosphere. *Under this situation, I would not have
any concern.*"³

22 Of course, Mr. Ahmad's concern regarding impact into the atmosphere is
23 addressed by the rest of the Special Condition itself, which requires that, "No solid waste
24

25 ² In Response to Comments, Comment 1-8, DTSC acknowledges that Mr. Ahmad
26 was assigned as the permit writer [project manager] and would be reviewing the Class 2
permit modification request.

27 ³ Deposition of Waqar Ahmad v. II p. 272 Ins 17- 273 Ins 5, previously lodged.
28

1 transfer shall occur if visible emissions or clouds of dust are created that are likely to
2 leave this Unit during the transfer of the waste.”

3 Moreover, Mr. Ahmad confirmed that it is not a violation of FRS’ existing permit, nor
4 California law, for it to unload solid hazardous waste not in containers and to off load
5 them in the receiving area for inspection, stating:
6

7 Q: ...”if FRS receives solid hazardous waste that are not in containers and
8 offloads them in the receiving shipping area for inspection, would that
activity description cause them to be in violation?”

9 A: I would say that it has to be unloaded in a regulated unit.⁴
10

11 Mr. Ahmad further confirmed that the Permit as drafted does not prohibit
12 unloading bulk solids directly into Unit 9.⁵

13 **IV. Relevant Background Regarding Enforcement Involvement.**

14 In Petition for Review, incorporated herein, FRS raised the impropriety of extent
15 of Enforcement’s involvement and delay in permit modification process. The conditions
16 contained within that Final Permit Modification are punitive rather than practical, and
17 believed to be contained within the Permit simply because Filter Recycling has disputed,
18 rather than capitulating, to Enforcement demands.
19

20 This issue of whether the Agency has mis-used its permitting authority by utilizing
21 it punitively and disparately is currently and properly before the courts. Filter Recycling
22 believes that the court is the proper forum for this issue, but has brought it to the attention
23 of the Permit Appeals Department to provide background context to the conditions
24 imposed. It is presumed that the Permit Appeals Department will decide the requested
25

26 ⁴ Deposition of Waqar Ahmad v. II p. 316 lns 15-22, previously lodged.

27 ⁵ Deposition of Waqar Ahmad v. II pg 316 ln 9- pg. 319 ln. 6, previously lodged .

1 revisions based upon the validity of arguments for their exclusion or inclusion, rather than
2 on the basis of this background context. Of course, should the Permit Appeals
3 Department believe otherwise, it may act accordingly.

4 **Conclusion**

5 For the foregoing reasons, FRS and Wade Riddering respectfully request that the
6 Permit Appeal Office of the Agency adopt the revisions to the Permit Modification
7 presented herein.
8

9 Thank you for your consideration of this matter.

10
11
12
13 // original signed by //

14 // original signed by //

15
16 _____
17 Wade Riddering
18 Environmental Compliance

19 _____
20 Deborah Perlman
21 Attorneys for Filter Recycling
22 Services, Inc.

EXHIBIT 18

U.S. ENVIRONMENTAL PROTECTION AGENCY
75 HAWTHORNE STREET, H-3-4
SAN FRANCISCO, CA. 94105

August 12, 1993

JON BENNETT JR PRESIDENT
FILTER RECYCLING SERVICES INC
180 W MONTE AVE
RIALTO, CA 92316

This is to acknowledge that the ENVIRONMENTAL PROTECTION AGENCY (EPA) has received a notification of hazardous waste activity (EPA FORM 8700-12) for the installation located at the address shown below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears below. The EPA Identification Number must appear on all: transport manifests, Annual Reports filed with EPA, applications for Federal Hazardous Waste Permits, and other hazardous waste management reports and documents required under Subtitle C of RCRA.

If any of the information on this letter is inaccurate, please resubmit a completed EPA Form 8700-12 containing the corrected information. EPA maintains a Notification Information Line to assist with questions.

NOTIFICATION INFORMATION LINE: (415) 496-6095

EPA ID NUMBER: CAD982444481

HANDLER NAME: FILTER RECYCLING SERVICES INC
LOCATION ADDRESS: 180 W MONTE AVE
RIALTO, CA 92316

WASTE ACTIVITY: LARGE QUANTITY GENERATOR
TRANSPORTER
TREATMENT, STORAGE OR DISPOSAL

HAZARDOUS WASTE CODES SUBMITTED ON THE NOTIFICATION:
D001 D006 D018