

**Department of Toxic Substances Control
HAZARDOUS WASTE MANAGEMENT PROGRAM
PUBLICATION RECISION DOCUMENT**

January 15, 2004

PUBLICATION TITLE: "Regulation of Ethylene Glycol Wastes in California"

AFFECTED PROGRAMS: All

STATEMENT OF RECISION: The document entitled: "Regulation of Ethylene Glycol Wastes in California" is hereby rescinded for the reasons provided below.

BACKGROUND

Ethylene glycol containing wastes are hazardous waste in California pursuant to Title 22, California Code of Regulations, division 4.5, (22 CCR), section 66261.24(a)(8). The "Regulation of Ethylene Glycol Wastes in California" was created in the early 1990's to aid generators in classifying their ethylene glycol containing wastes. Ethylene glycol wastes are regulated as hazardous waste in California because of the relatively low LD₅₀ of ethylene glycol in humans (1592 mg/Kg).

REASONS FOR RECISION

1. The document is misleading in that it cites ethylene glycol's high toxicity in cats as the basis for the regulation of ethylene glycol containing wastes as hazardous wastes in California.
2. The document uses the equation specified in 22 CCR 66261.24(c) in conjunction with 22CCR section 66261.24 (a)(8). That equation should only be used in conjunction with the referenced subsections, 66261.24(a)(3) and 66261.24(a)(4).
3. An argument could be made that the document may be an "underground regulation." The result of the above-discussed calculation provides an effective concentration (31.2 percent) below which the waste would not be identified as hazardous waste. This numerical standard has not been established in a regulation adopted pursuant to the California Administrative Procedure Act (APA). Not only is this numerical standard not explicitly found in regulation, but as explained in point 2 above, generators of ethylene glycol wastes would not

otherwise conclude that 22 CCR 66261.24(c) is applicable to their hazardous waste determinations.

Therefore, DTSC is hereby rescinding the “Regulation of Ethylene Glycol Wastes in California.”

WHAT IS THE IMPACT OF THE RESCISION OF THIS DOCUMENT?

All ethylene glycol-containing wastes remain potentially hazardous wastes in California regardless of their ethylene glycol concentration, pursuant to the characteristic of toxicity identified in 22 CCR 66261.24 (a)(8).

The department will evaluate the need to develop regulations to assist generators in classifying ethylene glycol wastes.

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