

Fact Sheet
January 2002

Loadchecking for Hazardous Waste at Municipal Landfills and Transfer Stations



DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

DTSC is one of six Boards and Departments within the California Environmental Protection Agency. DTSC's mission is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Background

Receipt of hazardous waste at transfer stations and landfills for municipal (i.e. solid, non-hazardous) waste is a significant environmental, worker safety and regulatory concern. Although municipal landfills (i.e. Class II and III landfills) and transfer stations are not allowed to receive hazardous wastes (California Code of Regulations [CCR] Title 27, section 20870(b)), hazardous wastes are sometimes found. Following are the three most common scenarios that can occur when a hazardous waste arrives at a municipal landfill or transfer station.

Rejected Waste: Hazardous waste contamination may be identified or suspected before an entire load is accepted. When a hazardous waste is rejected by a landfill/transfer station, the original producer of the load of waste retains the responsibility of being the generator. For amounts of hazardous waste totalling less than 50 pounds/5 gallons (see Health and Safety Code [HSC] section 25163(c) for restrictions), the original producer/generator may self-transport the waste to an authorized hazardous waste management facility. For hazardous wastes totaling greater than 50 pounds/5 gallons, the original generator must take the responsibility for assuring that the hazardous waste is manifested and transported by a registered transporter to an authorized hazardous waste management facility.



Accepted Waste, Identified Generator:

A municipal landfill or transfer station may accept a load of waste, and then, during loadchecking or landfilling, identify or suspect the presence of hazardous waste contamination in the load. It may or may not be possible to identify the original producer or generator of the waste. If the original generator of the hazardous waste can be identified, the owner/operator of the landfill/transfer station can require the identified generator to remove the hazardous waste, as explained in the Rejected Waste section, above.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web site at www.dtsc.ca.gov.

Accepted Waste, Generator Not Identified: If the original producer/generator of the hazardous waste cannot be identified, the owner/operator of the landfill/transfer station becomes the generator of the waste for regulatory purposes, as described below.

Municipal Landfills and Transfer Stations as Generators

CCR Title 22 section 66260.10 defines "generator" as any person whose act first causes a hazardous waste to become subject to regulation. The definition of "generator" will be applied to a municipal landfill or transfer station when: (a) it accepts a load of waste; (b) it identifies and separates the hazardous waste from the incoming municipal waste; and (c) the original producer can not be identified and/or does not take the responsibility for removing the waste.

Requirements for Municipal Landfills and Transfer Stations as Generators

The following standards apply to municipal landfills and transfer stations that function as generators:

- Each landfill/transfer station conducting municipal waste loadchecking or separation programs must apply to DTSC to obtain an identification number as a hazardous waste generator. Information and applications are available at 1-800-618-6942; (916) 255-1136; or the United States Environmental Protection Agency's Website at www.epa.gov/epaoswer/hazwaste/data/form8700/forms.htm. (CCR Title 22, section 66262.10)
- If hazardous waste will be accumulated for less than 90, 180 or 270 days, depending on the applicable circumstances, a hazardous waste facility permit is not required. The attachments to this Fact Sheet explain these circumstances. The landfill/transfer station must, however, comply with the requirements of Title 22 for hazardous waste generators. (CCR Title 22, section 66262.34)
- If hazardous waste will be stored for greater than 90, 180 or 270 days, depending on the

applicable circumstances, a hazardous waste facility permit or other form of authorization is required. The attachments to this Fact Sheet explain these circumstances. (CCR Title 22, section 66264.1) A Standardized Permit would be the most common form of authorization for this activity. The Standardized Permit Fact Sheet is available on DTSC's Website at www.dtsc.ca.gov.

- The beginning point for calculating the accumulation period is when the landfill/transfer station has, as a generator, accumulated an aggregate of 100 kilograms (220 pounds) of hazardous waste or one kilogram (2.2 pounds) of extremely hazardous waste. If experience indicates that the landfill/transfer station generates more than 100 kilograms of hazardous waste or one kilogram of extremely hazardous waste during any calendar month, the accumulation time period begins as soon as any amount of hazardous waste begins to accumulate. It is essential, therefore, that landfill/transfer station operators keep careful records of hazardous waste accumulation. (CCR Title 22, section 66262.34)
- If the hazardous waste generated by the landfill/transfer station totals greater than 50 pounds, or 5 gallons of liquids, the municipal landfill/transfer station must have the wastes removed by a registered hazardous waste transporter and comply with manifesting requirements. (HSC section 25163)



Enforcement

Placing hazardous wastes into a load of municipal wastes is illegal disposal on the part of the original generator. To discourage illegal disposal, municipal landfills and transfer stations must notify their local Certified Unified Program Agencies (CUPAs) or DTSC about commercial generators who are known to have contaminated their loads with hazardous waste. Appropriate enforcement action can then be taken. The original generator could be liable for illegal disposal, and could be prosecuted under HSC, Chapter 6.5, Article 8.

The CUPAs have enforcement authority for generator activities. If there is no CUPA with jurisdiction over the original generator, the owner/operator of the landfill/transfer station should contact the Duty Officer at the closest DTSC office. A list of CUPAs is available on the Cal/EPA Website at www.swrcb.ca.gov/cwphome/ust/contacts/liacntct.htm.

Fees

HSC section 25205.3 exempts loadchecking programs from hazardous waste facility and generator fees.

Other Relevant Documents

Municipal waste landfills and transfer stations are required to have load checking programs (California Integrated Waste Management Board [CIWMB] regulations Title 14, CCR, sections 17407.5, 17409.5 and 17414; Title 27, CCR, sections 20510, 20515 and 20870.) For additional information, contact the CIWMB at (916) 255-2200, or look on the CIWMB Website at www.ciwmb.ca.gov.

Attachments

For more information on managing hazardous waste in California, DTSC also has these related Fact Sheets available:

- Hazardous Waste Generator Guidance
- Accumulating Hazardous Waste at Generator Sites

Disclaimer

This Fact Sheet was prepared in January 2002 and is based on the statutes and regulations in effect at that time. Interested parties should always review the most current statutes and regulations.

The clarifications provided in this Fact Sheet do not change existing statutes or regulations under CCR Titles 22 or 27.

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If you have questions about waste accumulation that were not addressed in this fact sheet, please contact the DTSC office nearest you, or call the regional Public and Business Liaisons at (800) 72TOXIC (1-800-728-6942).

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